

July 23, 2015

Sheila Naus  
Second Mountain Rod and Gun Club  
156 North Greenview Road  
Schuylkill Haven, Pa 17972  
**VIA E-MAIL:** [aug0302@verizon.net](mailto:aug0302@verizon.net)

**RE: After Hours**

Dear Ms. Naus:

ISSUE: This office is in receipt of your email of June 25, 2015, wherein you indicate that you recently underwent training for the Pennsylvania Liquor Control Board's ("Board") Responsible Alcohol Management Program ("RAMP"). While attending, an instructor told you that if a bartender was on club premises after 3:30 a.m., his/her spouse/significant other could remain on the premises so long as the spouse/significant other was assisting in clean up procedures and was not consuming alcohol. However, you indicate that a different RAMP trainer has opined that this scenario is not permissible. You seek guidance as to the correct answer. Additionally, you inquire if club members may be present on the licensed premises of the club prior to 11:00 a.m. on Sundays. For purposes of this response, it is assumed that your husband is not an employee or club officer.

Board records indicate that Second Mountain Rod & Gun Club holds Catering Club Liquor License No. CC-4828 (LID 2211) for use by it at premises located at 156 North Greenview Road, Schuylkill Haven, Pennsylvania.

OPINION: Please be advised that patrons are required to leave that part of the premises habitually used for the serving of liquor or malt or brewed beverages not later than one-half (1/2) hour after the time the licensee is required to cease serving alcohol unless the licensee has acquired an extended hours food permit. [47 P.S. § 4-499(a), (b.1)]. Organizations which hold club liquor licenses may be open for the sale of liquor and malt or brewed beverages daily

from 7:00 a.m. until 3:00 a.m. the following day. [47 P.S. § 4-406(a)(4)]. No club licensee may sell or serve liquor or malt or brewed beverages between the hours of 3:00 a.m. and 7:00 a.m. on any day. [Id.].

A “patron” is defined as “an individual who purchases food, nonalcoholic beverages, liquor, alcohol or malt or brewed beverages for a consideration from a licensee or any person on the licensed premises *except those actually engaged in an employment related activity.*” [47 P.S. § 1-102 (emphasis added)]. Therefore, a licensee’s employees are not “patrons” as defined in the Liquor Code and may remain on a licensee’s premises after 3:30 a.m., as long as they are actively working. [47 P.S. § 1-102]. Likewise, a club’s manager and staff (including bartenders) may remain on the premises so long as they are actually engaging in an employment-related activity. Similarly, club officers may also remain on the premises after 3:30 a.m. to perform administrative, cleaning and/or restocking duties.

However, if your husband is not engaged in an employment related activity, he would not be permitted to remain on the licensed premises after 3:30 a.m.

Regarding your question on Sunday sales, please be advised that, as mentioned above, clubs may sell alcohol as early as 7:00 a.m. on Sunday. [47 P.S. § 4-406(a)(4)]. Thus, patrons would not be permitted in the club between the hours of 3:30 a.m. and 7:00 a.m.

Finally, as you are referring to a club license, please be advised that section 5.81 of the Board’s Regulations states that a club licensee shall adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. To the extent the club’s constitution and bylaws limit the club’s hours of operation or limit who may be on the licensed premises during the hours of 7:00 a.m. and 3:30 a.m., you must follow your constitution and bylaws.

**THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION**

IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE  
PENNSYLVANIA LIQUOR CONTROL BOARD

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

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