

August 21, 2015

Veterans of Foreign Wars Inc.  
Howard K. Kahler Post 844  
**VIA E-MAIL:** [yfw844@gmail.com](mailto:yfw844@gmail.com)

**RE: Catering Club Service to Non-Members**

Dear Licensee:

ISSUE: This is in response to your e-mail inquiry of July 15, 2015, in which you state that your club intends to rent out its social hall for an event where an employee of the club will serve as a bartender. You ask if it would be permissible for non-members of the club to be served alcohol at this event.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Veterans of Foreign Wars Inc., Howard K. Kahler Post 844 holds Catering Club License No. CC-2985 (LID 3378) for use by it at premises located at 1258-62 West 3<sup>rd</sup> Street, Williamsport, Pennsylvania.

OPINION: Please be advised that section 406 of the Liquor Code provides that no club liquor licensee, nor its officers, servants, agents or employees, other than one holding a catering club liquor license, shall sell any liquor or malt or brewed beverages to any person except a member of that club. [47 P.S. § 4-406(a)]. A catering club licensee may, however, sell alcohol to groups of non-members at catered events held on the licensed premises. [47 P.S. § 4-401(b)].

Catered events are those involving the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises, or brought onto the premises already prepared, for the accommodation of groups of non-members who are using the facilities at the club by prior arrangement made at least twenty-four (24) hours in advance of the time of the function and which are paid for by the non-members. [40 Pa. Code § 5.83]. Please note that a licensee may not self-sponsor a catered event. The catered event must be conducted by a third party, although the third party can be a member of the club.

During a catered event, non-members may purchase alcoholic beverages and consume them anywhere on the licensed premises. However, after the catered event has ended,

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non-members are no longer permitted to purchase alcoholic beverages, although members may purchase alcoholic drinks for non-members. Records must be kept showing the date and time catering arrangements were made, the name of the person or the organization making the arrangements, and the approximate number of persons to be accommodated. [40 Pa. Code § 5.83(b)].

Additionally, it is important to note that, section 5.81 of the Board's Regulations requires that a club licensee adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. If your club's constitution or bylaws have additional restrictions with regard to guests attending self-sponsored events, tournaments, and contests at the licensed premises, the club would also need to adhere to those restrictions.

Should you have any further questions or concerns regarding this matter, please do not hesitate to contact this office.

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

LCB Advisory Opinion No. 15-362