

August 27, 2015

Kelli Hawk

**RE: Events in Parking Lot**

Dear Ms. Hawk:

ISSUE: Your e-mail of July 15, 2015 states that your club has a very large parking lot adjacent to its building. You inquire whether the club may hold functions in this area; for example, blocking off the parking area and having picnics outside on the club's property.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Herminie Veterans of Foreign Wars Home Association holds Catering Club Liquor License No. CC-4981 (LID 2295) for use by it at the premises located at 501 Church Street, Herminie, Pennsylvania.

OPINION: Retail licensees, including catering club licensees, are permitted to serve alcoholic beverages only on the licensed portion of their premises. [47 P.S. § 4-406]. Board records indicate that the parking area of the subject licensee is not licensed; therefore, it would not be permissible to serve alcoholic beverages in that area.

Nothing in the Liquor Code or the Board's Regulations would prohibit your club from holding functions in an unlicensed area if those functions do not involve the service of alcoholic beverages. Accordingly, if the proposed functions would include the service of alcoholic beverages, authority for such service must first be obtained. The club may choose to seek an extension of the licensed premises for that area. [40 Pa. Code § 7.21 et seq.]. Information regarding extensions and the application process is set forth in the Board's Regulations, available online at [www.pacode.com](http://www.pacode.com). Alternatively, the club may, if it qualifies, choose to apply for a Special Occasion Permit ("SOP") which would allow for the service of alcoholic beverages on otherwise unlicensed premises on a limited number of occasions. Applications for both extensions and SOPs, along with additional information, are available on the Board's website under the heading for Licensing.

Section 5.81 of the Board's Regulations [40 Pa. Code § 5.81] requires a club licensee to adhere to the provisions of its constitution and/or bylaws. Failure to adhere to the constitution and/or bylaws may result in the issuance of a citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement, the entity that enforces the Liquor Code.

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. 15-376