

September 9, 2015

James Madden

VIA E-MAIL: JamesMadden@dswinc.com

RE: Wine Festival on Licensed Premises

Dear Mr. Madden:

ISSUE: This office is in receipt of your e-mail dated August 10, 2015, wherein you indicate that your catering club intends to host a wine festival at its banquet hall. You explain that after speaking with several wineries, it is your understanding that you will need to de-license the banquet hall area so that you may hold the wine festival in that area. You also believe that you will need to apply for a special license. You ask what specifically you are required to do so that you can hold the wine festival in the banquet hall.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that the Brady Fire Association No. 1 of Johnson City holds Catering Club Liquor License No. CC-2148 (LID 1180) for use by it at the premises located at 700 Maple Street, Ranshaw, Pennsylvania.

OPINION: What you will be required to do will depend upon whether limited wineries participating in the wine festival wish to sell their products at the festival. Limited wineries participating in the wine festival would not be permitted to sell their products at the event without first obtaining an “Alcoholic Cider, Wine and Food Exposition Permit.” These permits allow limited wineries to participate in wine and food expositions off their licensed premises, to sell wine by the bottle, and to sell or give away samples of up to one (1) ounce. [47 P.S. § 5-505.2].

Each permit can be used for only up to thirty (30) consecutive days and the total number of days for all of the special permits cannot exceed one hundred (100) days per calendar year. Wine and food expositions are defined as “affairs held indoors or outdoors with the primary intent of educating those in attendance of the availability, nature, and quality of Pennsylvania-produced wines in conjunction

with suitable food displays, demonstrations and sales,” and may include other activities such as arts and crafts, musical activities, cultural and agricultural exhibits, and similar activities. [47 P.S. § 5-505.2(a)(4)]. Further, be advised that it is the Board’s Bureau of Licensing (“Licensing”) which makes the decision as to whether an event meets the definition of a “Wine and Food Exposition.”

Assuming that this event would qualify as a “Wine and Food Exposition” and each winery obtained a permit, limited winery representatives must be located on an unlicensed portion of the premises. Since your banquet hall is part of the licensed premises, the limited wineries would not be able to sell their products there unless you de-license that portion of the premises. This can be accomplished by submitting to Licensing a letter clearly specifying the area to be de-licensed, including a map of the licensed premises that denotes said area, and the dates and times that the area should be delicensed. The remaining licensed area must be such that you continue to qualify for your license, if you intend to use your license during the time in question.

Another way for the limited wineries to sell alcohol is for your fire company to apply for and obtain a Special Occasion Permit (“SOP”). An SOP is a temporary permit that allows the holder to sell alcohol as a means of raising funds for its organization. Only an “eligible entity,” as that term is defined in the Liquor Code, may obtain an SOP. The Liquor Code provides that only one (1) SOP shall be issued to each eligible entity per year, and each SOP may only be used for six (6) consecutive or nonconsecutive days during a calendar year. [47 P.S. § 4-408.4(i)].

If your club were to obtain an SOP, it would allow the club to sell alcohol at the SOP location, which would be in addition to and separate from the club license. Your questions about transferring the club license back and forth, from one (1) location to another, are moot. The club license stays at the licensed premises; the SOP would apply to the specified location at the date and times indicated on the application form.

With regard to your question as to the hours of sale under an SOP, please note that the holder of an SOP may sell alcoholic beverages for consumption on or off the licensed premises during the hours of 7:00 a.m. until 2:00 a.m. of the following day. [47 P.S. § 4-408.4(k)]. The holder of an SOP is also required to give the local police department, or the Pennsylvania State Police if there is no local police department, written notice at least forty-eight (48) hours prior to each use of the special occasion permit. [47 P.S. § 4-408.4(j)]. Written notice consists of

notifying the police of the date, time and place of the impending sale of alcoholic beverages. [Id.].

Finally, please note that if the club obtains an SOP, it may sell alcohol to members and nonmembers only at the SOP location and only on those dates and during those times that the SOP is in effect.

Should you have any additional questions, 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. 15-390