

April 1, 2016

**AMENDED**

Mary Weaver  
**VIA E-MAIL**

**RE: Nonprofit Hosting Event**

Dear Ms. Weaver:

ISSUE: Your e-mail of February 17, 2016 states that a nonprofit organization is interested in hosting a cornhole tournament on your licensed premises. The organization would also like to be able to sell raffle tickets and fish bowls. The organization would apply for a temporary permit to do so (your e-mail does not specify what type of permit is envisioned or who the issuing authority would be), and would be responsible for the sale and money collection of the tickets. You inquire whether this is permissible.

Records maintained by the Pennsylvania Liquor Control Board (“PLCB”) indicate that **Brian D. Mickey, t/a The Dawg House** holds Restaurant Liquor License No. **R-18108 (LID 44741)** for use by it at premises located at **6640 Buchanan Trail E, Waynesboro, Pennsylvania.**

OPINION: Section 5.32 of the PLCB’s Regulations, 40 Pa. Code § 5.32, allows retail licensees to hold self-sponsored events, tournaments or contests on their licensed premises. Events, tournaments and contests are defined as “a competitive endeavor involving skill, speed, strength or endurance,” and may involve physical attributes of contestants.” 40 Pa. Code § 5.30. Events, tournaments, and contests sponsored by the licensee are subject to the following rules: there may be no unlawful gambling directly or indirectly associated with the event, tournament, or contest; there may be no alcohol consumption as part of the event, tournament, or contest; the price of admission may not include, or entitle the participant to receive, an alcoholic beverage. 40 Pa. Code § 5.32(e). Alcohol may not be awarded as a prize or part of a prize for any event, tournament, or contest on licensed premises. 40 Pa. Code § 5.32(h).

Self-sponsored means paid for and carried out by the licensee. It would not be permissible for a third party to conduct such events, tournaments or contests.

However, retail licensees may permit events on the licensed premises sponsored by groups constituting a league, or events for the benefit of, and officially sponsored by, bona fide charitable organizations that are qualified, approved by and registered with the Department of State and operated under 49 Pa. Code Part I, Subpart B (relating to charitable organizations). 40 Pa. Code §§ 5.32(d)(3)-(4)(i). A charitable organization event must be operated in accordance with the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §§ 162.1-162.24, and, if applicable, the Local Option Small Games of Chance Act, 10 P.S. §§ 311-327, and the Bingo Law, 10 P.S. §§ 308-308.1. 40 Pa. Code § 5.32(d)(4)(ii).

It should be noted that gambling activities, while unlawful generally, may be considered to be lawful if conducted by an entity that holds a small games of chance permit pursuant to the Local Option Small Games of Act.

Please be advised that the PLCB is not authorized to interpret the Local Option Small Games Of Chance Act. 10 P.S. §§ 311-327. Therefore, it is recommended that you contact your County Treasurer's Office and/or the Department of Revenue, Miscellaneous Tax Division, at (717) 787-8275, with any small games of chance questions. You may also wish to contact the Bureau of Liquor Control Enforcement, at (800) 932-0602, as it enforces such laws and the Liquor Code.

In addition, please note that the Pennsylvania Department of Revenue publishes a "Small Games of Chance Overview" that may be helpful to you. This overview can be obtained through the Department of Revenue's website, located at [www.revenue.state.pa.us/SGOC](http://www.revenue.state.pa.us/SGOC). Select "Small Games of Chance Overview."

Please feel free to again contact this office if you have any further questions regarding this matter, the Liquor Code, or the PLCB's Regulations.

**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**

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

Sincerely,

RODRIGO J. DIAZ  
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. 16-075