

May 4, 2016

Drew McGwin  
Member, Manager  
Franklin County Beer & Beverage, LLC  
1758 Lincoln Way East, Suite 2  
Chambersburg, PA 17202  
**VIA E-MAIL**

**Re: Donating Beer for Nonprofit Golf Fundraiser**

Dear Mr. McGwin:

ISSUE: Your e-mail of March 15, 2016, states that a nonprofit organization plans to host a fundraising event in the form of a golf tournament at Greencastle Golf Course. The nonprofit has asked your business to donate beer to be served at the event. You inquire whether this is permissible and, if so, whether the beer must be donated to the nonprofit organization or to the golf course, which holds Privately-owned Public Golf Course Restaurant Liquor License No. PGR-379.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Franklin County Beer & Beverage, LLC, holds Distributor License No. D-3715 (LID 68719) for use by it at premises located at 1758 Lincoln Way East, Suite 2, Chambersburg, Pennsylvania.

OPINION: Section 13.51 of the PLCB’s Regulations prohibits licensees of one class from contributing to or accepting from another licensee of a different class anything of value such as contributions or donations, by any device, for any purpose. 40 Pa. Code § 13.51(a). As a distributor, your license is in a different class from the privately-owned public golf course restaurant liquor license held by the golf course. Therefore, it would be unlawful for you to donate beer to Greencastle Golf Course.

However, nothing in the Liquor Code or the PLCB’s Regulations prohibits a distributor from donating malt or brewed beverages to a nonprofit entity, assuming that the malt or brewed beverages have been properly procured in the

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Commonwealth. Therefore, you would be permitted to donate beer to the nonprofit organization. Please note, however, that the nonprofit organization cannot resell the beer you donate to it; this would include requiring the purchase of a ticket in order to access the donated beer. If a ticket is required for admission, then the beer in question must be provided by the golf course.

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.

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. 16-153