

August 22, 2016

Tom Ciccarelli
VIA E-MAIL

RE: Proposed Country Club Purchase

Dear Mr. Ciccarelli:

ISSUE: This office is in receipt of your e-mail of July 8, 2016, as a follow up to an initial May 26, 2016 e-mail to this office wherein you advised you represent an individual who is considering purchasing a country club. You pose further questions which will be answered below.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Valley Country Club holds Catering Club Liquor License No. CC-2204 (LID 3268) for use by it at premises located at 79 Country Club Lane, Sugarloaf, Pennsylvania.

OPINION: The response to your questions are below.

- 1) Would a Privately-Owned Private Golf Course Catering Club Liquor License (“GCC”) permit the licensee to sell to non-members during a “catered event”?

Yes. A GCC license is considered a catering club license (“CC”). A catering club licensee may 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 hours in advance of the time of the function and which are paid for by the non-members. 40 Pa. Code § 5.83. A licensee may not self-sponsor a catered event¹.

- 2) What is the procedure for converting a CC license to a GCC?

¹ However, please be advised that Governor Tom Wolf recently signed Act 39 of 2016, which becomes effective on August 8, 2016. One of the provisions of the Act permits catering club licensees to hold a maximum of twelve self-sponsored catered events during its two-year licensing term, with no more than one event in any calendar month. 47 P.S. § 4-406(h).

A CC License cannot be converted or exchanged for a GCC license. Instead, an application for a new GCC license would need to be filed with the PLCB's Bureau of Licensing. The on-line application portal can be found at: <https://plcbplus.pa.gov/pub/Login.aspx>. The existing CC license would then need to be transferred for use at a new location, placed in safekeeping for up to two years or submitted for cancellation.

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. 16-314