

September 19, 2016

Marge Dailey
VIA E-MAIL

Re: Act 39 Questions

Dear Ms. Dailey:

ISSUE: This is in response to your e-mail dated August 26, 2016, wherein you ask, on behalf of Eagles Mere Country Club (“the Club”), if the Club would be able to apply for a Wine Expanded Permit (“WEP”). You also asked for an explanation of what a “self-sponsored catered event” is, referencing the language in Act 39 of 2016 (“Act 39”) that allows a catering club licensee to hold a maximum of twelve self-sponsored catered events in a two year period, with a limit of only one event in any calendar month.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that the Club holds Catering Club License No. CC-5638 (LID 4021) for the premises located at One Country Club Road in Eagles Mere, Pennsylvania.

OPINION: Section 415(a)(1) of the Liquor Code provides that a WEP is available only to those possessing a valid restaurant liquor license or hotel liquor license. 47 P.S. § 4-415(a)(1). Therefore, a catering club may not obtain a WEP.

Section 406(h) of the Liquor Code provides that “a catering club licensee may cater a self-sponsored event no more than twelve occasions during its licensed term with no more than one event in any calendar month.” 47 P.S. § 4-406(h). Self-sponsored means paid for and carried out by the licensee.

Prior to Act 39, a catering club could only serve alcohol to non-members if they were attending a catered event, which had to be arranged at least twenty-four hours in advance and paid for by a third party. Act 39 amended the Liquor Code to allow an exception to that rule, as set forth above.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB’s Regulations, please feel free to once again 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.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 16-366