

September 23, 2016

Joe Waggle  
**VIA E-MAIL**

**RE: Private Parties**

Dear Mr. Waggle:

ISSUE: This office is in receipt of your e-mail dated August 14, 2016, wherein you advise that your club wishes to hold a one-time costume event during the club's regular business hours, for which the club intends to restrict admission to the club to those members who are dressed in costume. You ask if this is legal under the laws of the Pennsylvania Liquor Control Board ("PLCB"), or, if not, how such an event could be conducted to bring it into conformity with the law.

Records of the PLCB indicate that Twin Maples Hunt Club holds Club Liquor License No. C-5023 (LID 2311) for the premises located at 1201 Twin Maples Road, Derry, Pennsylvania.

OPINION: Limiting access to a club to certain members is generally permissible. Section 5.81 of the PLCB's Regulations requires a club licensee to adhere to the provisions of its constitution and/or bylaws. 40 Pa. Code § 5.81. Therefore, if your club's constitution and/or bylaws address restricting admission to the club, you must follow your constitution and/or bylaws. If you fail to do so, your club may be subject to citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

In addition, care should be taken to ensure that the limitations on admission do not run afoul of the Pennsylvania Human Relations Act ("PHRA"). This office is not authorized to opine as to whether any specific conduct definitively would or would not violate the PHRA. The Pennsylvania Human Relations Commission ("PHRC") has the authority to interpret the PHRA. You may wish to contact the PHRC for more information at [www.phrc.state.pa.us](http://www.phrc.state.pa.us) or at 717-787-4410.

Please do not hesitate to contact this office should you have additional questions.

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. 16-387