

October 19, 2016

Nick Statzer, Restaurant Supervisor
Pittsburgh Marriott North
100 Cranberry Woods Drive
Cranberry Township, PA 16066
VIA E-MAIL: nick.statzer@marriott.com

RE: Card Games in Bar Area

Dear Mr. Statzer:

ISSUE: This is in response to your e-mail of September 19, 2016, in which you inquire as to whether or not it is permissible to allow customers to play recreational card games in the bar area of your hotel. Your e-mail indicates that you do not permit gambling and inform guests that no gambling is permitted.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Pittsburgh North Marriott holds Hotel Liquor License No. H-6529 (LID 72944), for use at a premises located at 100 Cranberry Woods Drive, Cranberry Township, Pennsylvania.

OPINION: Section 5.32(e)(2) of the PLCB’s Regulations prohibits unlawful gambling directly or indirectly associated with an activity on the licensed premises. If there is, the licensee will be held strictly liable for such activity. Because unlawful gambling is a violation of the Pennsylvania Crimes Code, this office cannot provide you with a legal opinion regarding whether any particular card game constitutes unlawful gambling. Be aware, however, that unlawful gambling consists of the following elements: an entrance fee or charge to play, an element of chance, and a reward or prize. Pennsylvania Liquor Control Bd. v. PPC Circus Bar, Inc., 96 Pa. Cmwlth. 115, 506 A.2d 521 (1986). The Pennsylvania Commonwealth Court has held that poker playing for money on a licensed premises is gambling, within the definition cited above. Pennsylvania Liquor Control Bd. v. Kehler, 114 Pa. Cmwlth. 310, 538 A.2d 979 (1988).

You indicate that you do not permit patrons to gamble on the premises. Therefore, permitting patrons to play card games, as long as no fees, rewards, or prizes are

involved should not be considered a violation of 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 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. 16-414