

October 31, 2016

Robert L. Williams
VIA E-MAIL:

RE: Catering Clubs

Dear Mr. Williams:

ISSUE: Your e-mail of October 11, 2016 inquires, “What defines a self-sponsored catered event,” and “Can you explain how catering clubs selling alcohol to non-members between participants of the club’s membership and the participants from other licensed entities?” (sic).

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Westmoreland Club holds Catering Club Liquor License No. CC-267 (LID 2891) for use by it at premises located at 59 South Franklin Street & 49 South Franklin Street Rear, Wilkes-Barre, Pennsylvania.

OPINION: As to your first question, a catering club licensee may sell alcohol to a non-member in connection with a “catered event.” The Board’s Regulations define “catered events” as 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 by prior arrangement made at least twenty-four hours in advance of the time of the event and which are paid for by the third party. 40 Pa. Code § 5.83(a). Records must be kept by the club showing the date and time catering arrangements were made, the name of the person or the organization making the arrangements, and the approximate number of persons to be accommodated. 40 Pa. Code § 5.83(b). “Self-sponsored” means paid for and carried out by the licensee.

It is not clear what your second question specifically addresses. However, as indicated in the summary of Act 39 to which you refer, Act 39 permits catering club licensees to sell alcohol to non-members at events between participants of the club’s membership and the participants from any other licensed entity, provided that the following conditions are met:

1. The club sanctions the event;
2. The event is scheduled more than 24 hours in advance; and

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3. Non-member participants are listed on a roster or registration list provided by a league, organization, or licensed entity prior to the beginning of the event.

A club licensee must adhere to its constitution and by-laws. 40 Pa. Code § 5.81

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.

Very truly yours,



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

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