

December 11, 2018

Jon Northup
Saint Boniface Craft Brewing Co.
VIA E-MAIL

RE: Trivia on Brewery Premises

Dear Mr. Northup:

ISSUE: Your e-mail of October 23, 2018, states that Saint Boniface Craft Brewing Co. (“Licensee”) is considering expanding Licensee’s brewery (“G”) premises to include the area currently licensed under Licensee’s brewery pub (“GP”) license. The GP license would then be allowed to expire. Licensee holds a “Trivia Tuesday” event once each month on the GP premises. You ask whether Licensee would be permitted to continue holding the Trivia Tuesday event on the G premises if it moves forward with the contemplated action and no longer holds a GP license.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Licensee holds Brewery License No. G-420 (LID 63866) and Brewery Pub License No. GP-420 (LID 68057) for use at premises located at 1701 West Main Street, Ephrata, Pennsylvania.

OPINION: As you may know, a GP licensee is subject to section 5.32 of the PLCB’s Regulations, which generally prohibits the holding of an “event, tournament or contest” on the licensed GP premises, with limited exceptions. 40 Pa. Code § 5.32(d). One exception is a self-sponsored event conducted in conformance with sections 5.30–5.36 of the PLCB’s Regulations, 40 Pa. Code §§ 5.30–5.36. Assuming Licensee’s Trivia Tuesday event meets the definition of an “event, tournament or contest” (*see* 40 Pa. Code § 5.30), then it would be subject to those conditions when conducted on the GP premises.

However, the general prohibition on holding an event, tournament or contest in section 5.32 of the PLCB’s Regulations does not apply to a premises covered by a G license. Therefore, if Licensee chooses to let its GP license expire, it would not be prohibited from holding an event, tournament or contest on the licensed G

premises. Please note, however, that the permissible hours of operation under a G license are different from those under a GP license.

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
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-440