

December 24, 2018

Kerry Newmoyer
VIA E-MAIL

RE: Free Drinks for Veterans

Dear Ms. Newmoyer:

ISSUE: This office is in receipt of your e-mail dated November 9, 2018, wherein you ask whether a customer may leave “a quantity of cash (or credit card)” to buy drinks for veterans on Veterans Day.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that The Cocalico Tavern holds Restaurant Liquor License No. R-18692 (LID 45441) for the premises located at 1015 North Reading Road, Stevens, Pennsylvania.

OPINION: There is nothing in the Liquor Code or the PLCB’s Regulations that would preclude a patron from buying drinks for other patrons (e.g., veterans) at a licensed establishment. Therefore, it would have been permissible for a patron to buy drinks for patron-veterans at your establishment on Veterans Day. Please note that if the patron is an employee or have an ownership interest in the license, his or her actions may be construed as those of the licensee. If that is the case, he or she may offer one free standard-sized alcoholic beverage, so long as the free drink is not contingent upon the purchase of any other alcoholic beverages. 40 Pa. Code § 13.53. A standard-sized alcoholic beverage is twelve fluid ounces of a malt or brewed beverage, four fluid ounces of wine (including fortified wine), and one and one-half fluid ounces of liquor. Id.

Should you have any additional questions, please do not hesitate to 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.

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

LCB Advisory Opinion No. 18-454