

December 24, 2018

Ron Rook
VIA E-MAIL

RE: Selling of Tickets to a Drawing Event

Dear Mr. Rook:

ISSUE: This office is in receipt of your e-mail of November 7, 2018, wherein you inquire as to the legality of selling tickets for a fundraiser. In short, your lodge sells tickets and the winner claims a percentage amount of the money collected. You also have a second winner, which is the individual who sold the winning ticket. You advise that you have been informed by the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”) that this event is illegal.

Pennsylvania Liquor Control Board (“PLCB”) records indicate Ephrata Pennsylvania Lodge No. 1933 of the Benevolent and Protective Order of the Elks holds Catering Club Liquor License No. CC-5539 (LID 3973) for use by it at premises located at 170 Akron Road, Ephrata, Pennsylvania.

OPINION: As you are inquiring as to the legality of a particular gambling enterprise, please be advised that this office’s authority to issue Advisory Opinions is set forth in section 211.1 of the Liquor Code, which provides that “[u]pon written request by a licensee, the board or its counsel shall issue a legal opinion regarding any subject matter relating to *this act* or any regulation promulgated pursuant to it. This legal opinion shall be binding on the enforcement bureau.” 47 P.S. § 2-211.1 (emphasis added). Consequently, this office is only permitted to render legal opinions regarding the Liquor Code and the PLCB’s Regulations.

Although BLCE enforces the Liquor Code as well as the Local Option Small Games of Chance Act (“SGOC”), please note that the PLCB regulates only the Liquor Code, not the SGOC. As a result, the interpretation of the SGOC falls outside of the scope of the PLCB’s authority.

Therefore, you may wish to contact BLCE at (800) 932-0602, your county treasurer's office, and/or the Department of Revenue's ("Revenue") Miscellaneous Tax Division at (717) 783-9354 with your questions about SGOC and drawings.

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.18-455