

January 11, 2019

CJ Mackey
VIA E-MAIL

RE: Golf Club Questions

Dear Mr. Mackey:

ISSUE: This office is in receipt of your e-mail dated October 29, 2018, wherein you ask a number of questions related to golf course operations. Your questions are answered in succession below.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Bradford Area Golf Association, Inc. holds Privately-Owned Public Golf Liquor License No. PGR-47 (LID 9136) for the premises located at 1401 West Warren Road, Bradford, Pennsylvania.

OPINION:

1. Can credits won through golf tournaments and events be used for alcohol?

Yes, credits or gift cards awarded as a prize may be redeemed for alcoholic beverage items, so long as these same credits and gift cards can be redeemed for non-alcoholic items.

2. Is it permissible to process non-alcohol purchases (such as green fees and cart rentals) in the bar?

If the pro shop is part of the licensed premises, then there is no requirement that a separate point-of-sale system be used to process those sales, as long as the recordkeeping requirements of section 493 are met. 47 P.S. § 4-493(12). This also assumes that the pro shop is not owned by a third party.

If the pro shop is *not* part of the licensed premises, see answer 3 below.

3. Can the partition between the pro shop and bar area be removed so that one employee can operate both areas? Alternatively, is it possible to keep the partition between the pro shop and bar but have all purchases made at the bar?

If the pro shop is not considered to be part of the licensed premises, then a partition of at least four feet in height must separate the licensed and unlicensed areas. 40 Pa. Code §3.54. There is nothing in the Liquor Code or the PLCB's Regulations that would prohibit having one employee operate both areas, as long as the PLCB has approved the interior connection as explained below.

The PLCB's Regulations require that a licensed premises may not have an inside passage or communication to or with any business conducted by the licensee or other persons except as approved by the PLCB. 40 Pa. Code § 3.52(b). In the event your current pro shop is not part of the licensed premises, it is assumed that the PLCB has granted approval for the existing interior connection. In this scenario, the sale of alcohol would need to be confined strictly to the premises covered by the license and the licensed area. 40 Pa. Code § 3.53. Thus, the bar's cash register would not be permitted to be used for pro shop purchases, as each business must be separate.

If not already licensed, it is possible to extend the licensed area to cover the pro shop area. An extension application can be completed on the PLCB's online licensing portal, PLCB+, which can be found at www.lcb.pa.gov under the "Licensing" tab.

Please do not hesitate to contact this office should you have additional questions.

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

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