

January 25, 1999

Nick Kush, Secretary  
Gallitzin Fire Company  
210 Saint Thomas Street  
P. O. Box 41  
Gallitzin, PA 16641-0041

Dear Mr. Kush:

ISSUE: In your January 7, 1999 fax to this office, you inquired whether it is permissible for the Gallitzin Fire Company, which holds a special occasion permit, to conduct a NASCAR party and a firemen's festival. Your promotion would consist of providing a mug, alcoholic and nonalcoholic beverages and food for a set price.

OPINION: Holders of special occasion permits may use their permits as part of an activity designed to raise funds for itself. The permit allows the holder to sell liquor and/or malt or brewed beverages on the days for which the permit is valid. While permit holders may only sell during the hours in which a hotel or restaurant licensee may sell alcohol, they are not otherwise bound by the Board's regulations dealing with happy hours. Therefore, your proposed promotion would be permissible.

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,

FAITH S. DIEHL  
Chief Counsel

c.c. Pennsylvania State Police  
Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454  
FAX: (717) 787-8820

LCB Advisory Opinion No. 99-021