

February 18, 1999

G. Barbara Cahoon
Law Department
AMERICAN HOSPITALITY CONCEPTS, INC.
35 Braintree Hill Office Park
P. O. Box 859078
Braintree, MA 02184-9078

In re: Pool Tables on Retail Licensed Premises

Dear Ms. Cahoon:

ISSUE: This office is in receipt of your February 4, 1999 letter in which you request an advisory opinion regarding whether licensees are permitted to have coin-operated, regulation-sized pool tables in the lounge areas of their licensed premises and, if so, what the Board's requirements are with regard to seating and tables. AHCI is Ground Round, Inc., which holds eighteen retail liquor licenses in the Commonwealth of Pennsylvania.

OPINION: There is nothing in the Liquor Code nor the Board's regulations which prohibits retail licensees from having coin-operated pool tables on their licensed premises. With regard to seating and tables, be advised that the Liquor Code requires restaurant ("R") license holders to have "an area within a building of not less than four hundred square feet, equipped with tables and chairs accommodating at least thirty persons at one time." [47 P.S. §1-102]. If placing pool tables in the lounge areas of your retail licensed establishments does not eliminate the required accommodations, then your proposed arrangement would be permissible.

Be aware, however, that licensees are not permitted to allow unlawful gambling to be directly or indirectly associated with an activity on the licensed premises. Unlawful gambling consists of the following three elements: (1) consideration or paying to play; (2) an element of chance; and (3) a prize or reward. If all of these elements exist, the activity could constitute unlawful gambling. However, since gambling is a Crimes Code provision, you should contact the local police or county district attorney's office for the areas in which your restaurants are located, or the Pennsylvania State Police, for an official opinion.

Please do not hesitate to contact this office if you have any further questions.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT

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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. 99-055