

April 7, 1999

Joseph D. Holston, Jr.
HOLSTON & ASSOCIATES
Suite 300
224 Pine Street
Harrisburg, PA 17101

RE: Events, Tournaments and Contests Conducted by Non-licensees During Catered Events on Retail Licensed Premises

Dear Mr. Holston:

ISSUE: In your letter dated March 21, 1999 you asked for a legal opinion about whether a non-licensee may conduct an event, tournament or contest at a catered event on a retail licensed premises.

OPINION: Section 5.32(e) of the Board's regulations [40 Pa. Code Section 5.32(e)] does not permit non-licensees to conduct events, tournaments, or contests on retail licensed premises. However, section 5.32(e)(5) permits retail licensees to conduct self-sponsored tournaments, events, or contests on their own licensed premises so long as the activities are in conformance with the applicable provisions of subchapter C of the Board's regulations, a copy of which is summarized in Advisory Notice No. 14. Please note that nothing in the Liquor Code or the Board's regulations would prohibit a retail licensee from conducting a self-sponsored event, tournament or contest for the benefit of a non-licensee at a catered event on retail licensed premises.

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

Enclosure

cc: Bureau of Liquor Control Enforcement,

Pennsylvania State Police

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

Advisory Opinion No. 99-115