

May 21, 1999

Mary Ellen Campbell  
3736 William Penn Avenue  
Johnstown, PA 15909

**RE: Dinner/Dance Sponsored by Auxiliary at Catering Club Licensed Premises**

Dear Ms. Campbell:

**ISSUE:** This is in response to your letter dated April 1, 1999 and follow-up conversation with this office requesting information regarding whether the auxiliary of the Loy A. Douglass Ex-Servicemens Club may provide alcohol to nonmembers during a dinner/dance event.

**OPINION:** Section 406(a)(1) of the Liquor Code [47 P.S. Section 4-406(a)(1)] permits catering club licensees to sell liquor or malt or brewed beverages to nonmembers at catered events. Catering is defined in section 5.83(a) of the Board's Regulations [40 Pa. Code Section 5.83(a)] as the furnishing of liquor or malt or brewed beverages, or both, to be served with food prepared on the premises or brought onto the premises already prepared, for the accommodation of groups of nonmembers who are using the facilities of the club by prior arrangement, made at least 24 hours in advance of the time for private meetings or functions, such as dances, card parties, banquets and the like; and which is paid for by the nonmembers. It is the opinion of this office that, as the auxiliary is not on the club's liquor license, it would be permitted to conduct an event on the licensed premises pursuant to section 5.83, even if individual members of the auxiliary are also individual members of the club.

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

cc: Bureau of Liquor Control Enforcement,  
Pennsylvania State Police  
Robert P. Kaskiel

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

Advisory Opinion No. 99-188