

July 19, 1999

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Edward A. Taraskus, Esquire  
Suite 603  
1530 Chestnut St.  
Philadelphia, PA 19102

**Re: 24<sup>th</sup> Ward Young Men's Association License No. CC-3069**

Dear Mr. Taraskus:

ISSUE: This is in response to your letter of June 24, 1999 in which you request our opinion concerning your client, the above-named licensed catering club. The club has been issued a limited extended hours food permit pursuant to section 499(b.1) of the Liquor Code, and you ask whether the club is eligible for a full (annual) extended hours food permit.

OPINION: While section 499(b.1) of the Liquor Code [47 P.S. Section 4-499(b.1)] permits club licensees to apply for an extended hours food permit for a period of six days during the term of its license, there is no comparable provision in the Liquor Code or Board's Regulations that allows a club to obtain a year-round extended hours food permit. Section 499(b) of the Liquor Code [47 P.S. Section 4-499(b)] permits a retail licensee to remain open between 2:00 a.m. - 7:00 a.m. for the purpose of serving food on any day, but only "if such licensee either possesses or is eligible to purchase a Sunday sales permit and receives an extended hours food license." Clubs are not one of the entities eligible for Sunday sales permits under section 406(a)(3) of the Liquor Code [47 P.S. Section 4-406(a)(3)], although, as you point out in your letter, a catering club may have catering events, including alcohol sales, on Sundays during the hours that the club is permitted to serve alcohol [47 P.S. Section 4-401(b)]. Thus, not having a Sunday sales permit, an extended hours food permit under section 499(b) is not an option for clubs, catering or otherwise. In recognition of this dilemma, the legislature added section 499(b.1) to allow clubs to apply for and obtain a temporary extended hours food permit for a period of six days during the term of its license. The fee for an application is \$50.00. For purposes of this section, the Bureau of Licensing considers a "term" to be one year, and the six days do not need to be consecutive. Absent a legislative change, it appears that a six-day extended hours food permit is the only option for a catering club such as your client.

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

LCB Advisory Opinion No. 99-253