

August 5, 1999

Telephone: 717-783-9454
FAX: 717-787-8820

Ms. Eimear O'Sullivan
Special Events Coordinator
Strand-Capitol Performing Arts Center
50 North George Street
York, PA 17401-1264

Dear Ms. O'Sullivan:

ISSUE: This is in response to your faxed letter of July 16, 1999, in which you request our opinion concerning several fundraising ideas for your performing arts center. In celebration of its 20th anniversary season, the Center is presenting an art show and auction on September 18, 1999 at the Strand Theatre, which is part of your Center. The preview and cocktail hour will start at 6:00 p.m. The art show and auction will begin at 7:45 p.m. You want to know if the following three things are possible in connection with this event. You would like to 1) auction Strand-Capitol 20th anniversary wine that you would purchase from a winery; 2) offer complimentary wine at the preview hour; and 3) sell cases of Strand-Capitol wine. The Center holds a performing arts facility license (PAR-00001), which covers the theatre area involved.

OPINION: Your license allows you to have on-premises consumption of alcohol during the hours the performance or event is being held and up to two hours before the scheduled opening and one hour after the scheduled closing, not to exceed the hours allowed for restaurant licensees. Sunday sales are permitted between 1:00 p.m. and 10:00 p.m., irrespective of the volume of food. In addition, food may be catered from off the premises and sales of food or alcohol may be limited to patrons of the events. [47 P.S. Section 4-408.6].

With regard to your question regarding complimentary wine at the preview hour, that would be permissible. Complimentary wine, however, should be limited to one standard-sized glass per adult patron. Licensees are limited by Liquor Control Board Advisory Notice No. 10 (4th Revision) to offering one free alcoholic beverage per patron, and that free drink cannot be contingent upon the purchase of any other alcoholic beverage. With regard to the sale of cases of your specially-made anniversary wine, or the auctioning of that wine, a patron could not buy a case of wine there and take it with him or her when leaving since your license only allows you to sell alcohol for on-premise consumption. The same problem arises in the context of an auction. Therefore, your auction and case sales are not permitted. In addition, your organization does not

qualify under the provisions of Liquor Code section 408.12 [47 P.S. Section 4-408.12] for a wine auction permit, which is needed to auction wine for off premises consumption.

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. 99-285