

September 9, 1999

Telephone: 717-783-9454
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Al Mignogna, Owner
Hotel Belmar
1501 Fourth Avenue
Altoona, PA 16602

Dear Mr. Mignogna:

ISSUE: In your letter dated August 26, 1999, you asked whether a hotel licensee may conduct a Monday Night Football pool sponsored by the licensee with no charge to participate. Numbers would be randomly assigned to patrons who sign up for the game and \$25.00 would be awarded after each quarter to the patron whose name matches up to the scores of the teams playing that night.

OPINION: Section 5.32 of the Board's regulations permits retail licensees, such as yourself, to conduct self-sponsored events, tournaments or contests within certain guidelines. [40 Pa. Code Section 5.32]. There may be no lewd, immoral or improper conduct, no unlawful gambling and no consumption of alcohol as part of the tournament or contest. The total prize for any tournament or contest may not exceed \$500.00 per contest and \$5,000.00 in any seven-day period for multiple contests. The licensee must maintain, on the premises, records indicating the dates, prizes and prize winners for all such self-sponsored contests.

As long as no payment is required to participate in this tournament or contest as you have described, it most likely would not be considered unlawful gambling. However, you may wish to consult with the local police or district attorney's office for their opinions on this matter.

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. 99-308