

October 21, 1999

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Barb Newton, Manager

TOWANDA GUN CLUB

RR 2, Box 139C

Towanda, PA 18848

Dear Ms. Newton:

ISSUE: This is in response to your letter of September 24, 1999 to this office in which you request our opinion on two events that your licensed club would like to hold on your licensed premises. The first is a ham and turkey party to be held in November. You would have games of chance, such as spin the wheel, playing cards and paddles. Donations received at the door would be given to a charitable cause. The reward for the games would be a ham or turkey. The second event is a buck pool. This could run in two ways. A member who wants to participate would either pay \$5.00 to get into the pool and go hunting, whereupon the hunter who gets the most points on the rack of the deer will get all the money taken in; or a member would sign the list, go hunting, and the hunter with the most points would receive a prime rib dinner for two at your club. The buck pool would begin this fall. You are concerned about the gambling aspects of these events.

OPINION: Section 5.32 of the Board's Regulations [40 Pa. Code Section 5.32] permits a club to conduct self-sponsored events, tournaments and contests on licensed premises. As you indicate in your letter, very often unlawful gambling is of concern in these situations. Unlawful gambling consists of a payment or fee to play, an element of chance, and a prize or reward. Although inquiries concerning gambling laws should ultimately be addressed to the state or local police or your district attorney's office, generally, if one or more of those elements is not present in the particular activity, it is not considered to be unlawful gambling.

Turning to your proposed events, it appears from the facts you have told us that your ham and turkey party would not involve unlawful gambling because it does not request a payment or fee to enter. However, you need to obtain a small games of chance license from the Department of Revenue or your local issuing authority if you are not already in possession of one to conduct the games you proposed. The buck pool in either format seems on the surface to involve more skill than chance and therefore, probably would not be considered unlawful gambling either. However, you may wish to contact the police or district attorney's office for their opinion.

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

c.c. Pennsylvania State Police

Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 99-350