

December 2, 1999

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

Fiorelli Family Catering, Inc.
1501 Main Street
Peckville, PA 18452

Dear Sir or Madam:

ISSUE: This office is in receipt of your November 10, 1999 letter with which you include a brief description of your Christmas Party Package, together with a copy of the contract for the event, and you inquire whether the featured package is permissible under PLCB regulations for restaurant licensees. The package you presented features entertainment, a meal and four hours of open bar for a charge of \$35.00 per person. Licensing records indicate that you hold restaurant liquor license number R-10762.

OPINION: Section 13.102(a) of the Board's Regulations allows retail licensees to discount all alcoholic beverages for a consecutive period of time not to exceed two hours in a business day, so long as the discounting ceases no later than midnight. As you may or may not be aware, section 13.102 of the Board's Regulations was amended March 21, 1998 to eliminate the meal package exception. Retail licensees are no longer permitted to offer an indefinite or unlimited amount of alcohol for a fixed price with a meal, unless a third party has arranged twenty-four hours in advance to hold a private catered event on your licensed premises. Since you have several 'third parties' seeking to hold events on your premises together, you would be holding a catered event, and you would be permitted to offer the Christmas Party Package with an open bar as proposed, as long as each different party separately contracts with and pays you for its attendees. Keep in mind that all arrangements must be made at least 24 hours in advance. Thus, sales of tickets at the door would not be permissible. It is recommended that you keep complete and accurate records of these events.

Please do not hesitate to contact this office if you have further inquiries.

THIS OPINION APPLIES ONLY 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. 99-378