

October 3, 2013

Telephone: (717) 783-9454

FAX: (717) 787-8820

John A. Kieffer, Commander
Alvin E. Long American Legion Post No. 504 Home Association
4092 State Route 147
Herndon, PA 17830

Re: American Legion Bylaws

Dear Mr. Kieffer:

ISSUE: This is in response to your e-mail dated September 18, 2013, in which you request the bylaws on file with the Pennsylvania Liquor Control Board (“Board”) for the Alvin E. Long American Legion Post No. 504 Home Association, where you are the new commander. You state that you received your Responsible Alcohol Management Program (“RAMP”) owner/manager training on September 17, 2013, and you want to make sure that records are current for Post No. 504.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Alvin E. Long American Legion Post No. 504 Home Association holds Catering Club Liquor License No. CC-4880 (LID 2237) for use by it at premises located at 4092 State Route 147, Herndon, Pennsylvania.

OPINION: Section 5.81 of the Board’s Regulations requires a club licensee to adhere to the provisions of its constitution and/or bylaws. [40 Pa. Code § 5.81]. Failure to adhere to the constitution and/or bylaws may result in the issuance of a citation by the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”), the entity that enforces the Liquor Code and the Board’s Regulations.

However, although a club or catering club licensee must adhere to the provisions of its constitution and/or bylaws, and may be required to make them available for inspection by the Board’s Bureau of Licensing (“Licensing”), Licensing does not normally maintain copies of any club or catering club’s constitution and/or bylaws.

If you have any further questions or concerns regarding the Liquor Code or the Board's Regulations, please feel free to again contact this office.

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: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-440