

October 22, 2013

Telephone: (717) 783-9454
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Pam Bixler

RE: Background Checks

Dear Ms. Bixler:

ISSUE: This is in response to your e-mail of September 17, 2013, in which you state that you are an officer of the Veterans of Foreign Wars ("VFW"). You state that you are resigning from your position with the club, and that another member on the license has already resigned. You ask whether the club must send the license to the Board since you and the other officer were the only officers who submitted a background check to the Board.

Pennsylvania Liquor Control Board ("Board") records indicate that The Veterans Home Association of Valley View holds Club Liquor License No. C-5440 (LID 2502) for the premises located at 125 West Main Street, Hegins, Pennsylvania.

OPINION: Please be advised that the Board may consider the criminal records of a club's officers, directors, etc. at the time of license renewal. [47 P.S. § 4-470(a)(i)]. A club licensee is required to file a Request for Criminal Record Check (PLCB Form E-2314) with the renewal and change of officers form, only if there are new officers, directors or manager/steward of the club listed since the last renewal was filed. [40 Pa. Code § 5.91]. There is no requirement to file the form if the club officers have just changed title or if there is no change of officers.

Therefore, the club is not required to send the license to the Board when you resign from your position with the club. The club will only be required to file a notice of change in officers at the time the license needs to be renewed if there are new officers, directors or manager/steward of the club listed since the last renewal was filed. [40 Pa. Code § 5.91]. In the meantime, you may contact the Board's Bureau of Licensing to inform them that you have resigned from your position with the club.

Pamela Bixler
October 22, 2013
Page 2

Please also be advised that should the club cease operating for a period of fifteen (15) consecutive days, the license must be returned to the Board to be placed into safekeeping, after which it can no longer operate or sell alcohol. [47 P.S. § 4-491(1); 40 Pa. Code § 7.31(a)].

Please do not hesitate to contact this office should you have further questions.

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. 13-464