February 12, 2014

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

Craig Dooley
City Hook and Ladder Company No. 4
317 Valley St.
Lewistown, PA 17044-1859

RE: Club Questions

Dear Mr. Dooley:

ISSUE: This is in response to your e-mail of February 5, 2014, in which you indicate that your club has some questions regarding the Pennsylvania Liquor Control Board's ("Board") Regulations. First, you explain that your club's bylaws do not specify the number of meetings that club officers must attend, and you ask whether there is anything in the Board's Regulations that addresses this issue. Second, you explain that, pursuant to your club's bylaws, there must be a unanimous vote of the board in order to dismiss an employee, but the bylaws do not specify whether this means a unanimous vote of only the board members who are present at the meeting or all board members. Accordingly, you ask how this would be interpreted.

Board Records indicate that City Hook and Ladder Company No. 4 holds Catering Club Liquor License No. CC-535 (LID 619) for the premises located at 317 Valley Street, Lewistown, Pennsylvania.

OPINION: With regard to your first question, please be advised that there is nothing in the Liquor Code or the Board's Regulations that specifically requires club officers to attend a certain number of meetings. As you already appear to be aware, the Board's Regulations do require club licensees to adhere to the provisions of their constitutions and bylaws. [40 Pa. Code § 5.81]. Thus, if your club's constitution and bylaws would require all officers to attend a certain number of meetings, then your club would be required to abide by that requirement. However, if, as you have indicated, your club's constitution and bylaws do not specify the number of meetings that officers must attend, then your club is free to resolve this issue as it sees fit.

As to your second question, please be advised that the interpretation of your club's bylaws is up to the discretion of your club, and neither the Board nor this office will become involved in reviewing a club's interpretation of its own bylaws outside the scope of an appeal in an enforcement action.

You may want to consider seeking the assistance of private counsel in resolving the issues described in your e-mail.

If you have any additional questions about this matter, the Liquor Code, or the Board's Regulations, please do not hesitate 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. 14-027