

May 19, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Dolores Featherman
Macungie Fire Company

RE: Interpretation of Club Bylaws

Dear Ms. Featherman:

ISSUE: This is in response to your e-mail of April 10, 2014, in which you describe a settlement that was recently reached between the Macungie Fire Company No. 1 Board of Governors and the Macungie Fire Department, which agreement included recognition of certain individuals as lifetime club members at a specified buyout price. This buyout price is a different price than that set forth in the club bylaws as the lifetime membership annual dues. You indicate that, although there has been some discussion on the matter of buyouts, there has never been a vote or a bylaw amendment on the issue. You request confirmation from this office that your position is correct, i.e., that you cannot legally accept or grant these individuals lifetime memberships in your club.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Macungie Fire Co. No. 1 holds Catering Club Liquor License No. CC-4184 (LID 3611) for the premises located at 31 South Walnut Street, Macungie, Pennsylvania.

OPINION: The Board’s Regulations require a club to follow their constitution and bylaws. [40 Pa. Code § 5.82]. While section 102 of the Liquor Code requires a club to charge dues, it does not dictate that dues must be paid more than once. [47 P.S. § 1-102]. 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.

Finally, it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“Bureau”), and not the Board which enforces the liquor laws in Pennsylvania. If you would like to report suspected illegal activity by a licensee, you may contact

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the Bureau's toll-free tip line at (800) 932-0602. The Bureau investigates every complaint it receives.

If you have any additional questions about 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. 14-229