

October 22, 2014

VFW Post 844

RE: Membership

To Whom It May Concern:

ISSUE: This is in response to your e-mail of September 26, 2014, wherein you pose two (2) inquiries, specifically regarding:

1. The practice of permitting social members of related clubs within one charter to use their membership in a sister club, provided that it is delineated within the bylaws, and
2. Clarification as to the minimum amount won by a player of small games of chance that requires signatures.

Pennsylvania Liquor Control Board ("Board") records indicate that Veterans of Foreign Wars Inc. Howard W. Kahler Post 844 holds Catering Club ("CC") License No. CC-2985 (LID 3378), for the premises located at 1258-62 West Third Street, Williamsport, Pennsylvania.

OPINION: As to your inquiry regarding membership, please be advised section 406(a) (1) states that any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club. Further, any club licensee which is either an incorporated unit of a national veterans' organization or an affiliated organization as defined in section 461.1 shall be permitted to sell liquor or malt or brewed beverages to any active member of another unit which is chartered by the same national veterans' organization or to any member of a nationally chartered auxiliary associated with the same national veterans' organization. [47 P.S. § 4-406(a)(1)]. Additionally, Board Regulations require that a club adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. Therefore, if the club is in compliance with the aforementioned, the practice of membership exchange/usage is acceptable.

As to your inquiry regarding small games of chance, although the Pennsylvania State Police, Bureau of Liquor Control Enforcement enforces the Liquor Code as well as the Local Option Smalls Games of Chance Act ("SGOC"), please note that the Board

regulates only the Liquor Code, not the SGOC as it relates to clubs. The interpretation of the SGOC as it relates to clubs falls outside of the scope of the Board's authority. Therefore, you may wish to contact the Bureau at (800) 932-0602, or your County Treasurer's Office, and/or Revenue's Miscellaneous Tax Division, at (717) 787-8275 with your questions about SGOC and drawings. Also, please note that Revenue has information for club licensees on its website:

http://www.revenue.state.pa.us/portal/server.pt/community/eligible_organizations_and_club_licensees/21623.

Should you have any further questions or concerns, 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
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LCB Advisory Opinion No. 14-554