

October 24, 2014

Amy Rorhbach, Treasurer
Alburtis Rod & Gun Club Inc.
3818 Gun Club Road
P.O. Box 333
Alburtis, PA 18011

RE: Questions regarding the Hiring of a New Steward

Dear Ms. Rohrbach:

ISSUE: This is in response to your e-mail of September 26, 2014 wherein you state that you are the treasurer of a small private gun club in the process of hiring a new steward/manager. You ask the following questions:

1. Can an individual become a steward if he/she had a DUI in the last six (6) years?
2. Can such an individual complete paperwork regarding the liquor laws?
3. Will a DUI prevent a steward from becoming Responsible Alcohol Management Program ("RAMP") certified?

Pennsylvania Liquor Control Board ("Board") records indicate that Alburtis Rod & Gun Club, holds Club ("C") License No. C-03584 (LID 1677), for the premises located at 3818 Gun Club Road, Alburtis, Pennsylvania.

OPINION: Section 5.23(c) of the Board Regulations stipulates among other things that the manager appointed by a licensee shall be a reputable person. In the situation you state, the regulation would not prevent a person convicted with a DUI from becoming a steward. However, the Board may consider the person's reputation upon notification of the new manager which takes place at the time of renewal.

Please also be aware of section 5.81 of the Board's Regulations that requires a club licensee adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. If the club's constitution or bylaws would prevent such an individual from becoming an officer or steward, the individual cannot attain the position.

Regarding your second question, if the steward/manager is approved by the Board, that individual would be able to undertake all the duties associated with managing the liquor license.

Finally, regarding RAMP training and certification, please note that a DUI conviction does not prevent a person from taking the proper training and the establishment receiving the proper certification. Furthermore, you are correct that a manager or steward has six (6) months from which to complete the RAMP training.

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
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. 14-559