

February 18, 2015

Anthony G. Urti, Esquire  
Geary & Loperfito, LLC  
158 Grant Avenue  
Vandergrift, PA 15690

**Re: Name Change of Club**

Dear Attorney Urti:

ISSUE: This is in response to your e-mail of February 10, 2015, wherein you advise that the Vandergrift Legion Home Association (“Vandergrift”) has changed its name and filed an article of organization with the Department of State. You advise that the new organization represents merely a name change, to the William Harley Davidson American Legion Home Association (“WHD”), and is incorporated by the person who is the responsible officer for the license. You note that, technically, by filing with the Department of State, the new organization has not been in existence for one year, as required by section 102 of the Liquor Code. You ask if the transfer of the liquor license, from Vandergrift to WHD, is prohibited because of the requirements of section 102, or is it permissible, since the only thing that has changed is the name of the licensed entity.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Vandergrift Legion Home Association holds Club Liquor License No. C-4695 (LID 2145) for the premises located at 304 Custer Avenue, in Vandergrift, Pennsylvania.

OPINION: A person-to-person transfer application would need to be filed if the actual entity – or the legal form of the entity – that holds the license is changing. Board records are unclear as to the legal form of Vandergrift. If Vandergrift is an unincorporated entity and is becoming an incorporated entity, then a transfer application would have to be filed.

You advise that the only thing that is changing is the name of the club. It is assumed that the legal form of the entity is not changing. If this assumption is correct, then the filing of a transfer application is not necessary. However, it will

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be necessary to change the licensee name. Please submit PLCB Form 959, Application for Correction to License, Permits or Agent's Registration, and the required fees to the Bureau of Licensing. The form can be found on PLCB's website under the section for Licensees, then Applications/Forms Overview, then Forms.

Should you have any additional questions, do not hesitate to 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. 15-052