

March 26, 2015

Amber Neefe-Fowler

RE: Running for Political Office

Dear Ms. Neefe-Fowler:

ISSUE: This office is in receipt of your email of February 22, 2015, wherein you advise that you are a Pennsylvania Liquor Control Board (“Board”) restaurant licensee. You wish to run for the position of Potter County Treasurer. You inquire if this is permitted. You have also included a description of the duties for the Potter County Treasurer.

Board records indicate that The Caer-Bannog Company Inc. holds Restaurant Liquor License No. R-17168 (LID 47167) for use by it at premises located at 1305 East Second Street, Coudersport, Pennsylvania. Board records also indicate that Amber Neefe-Fowler is the corporation President and Board-approved manager for the license.

OPINION: Please be advised that section 401(a) of the Liquor Code states that:

no person who holds any public office which involves the duty to enforce any of the penal laws of the United States, or of the Commonwealth of Pennsylvania, or any penal ordinance or resolution of any political subdivision of this Commonwealth, can be issued a restaurant license, nor may such a person have any interest, directly or indirectly, in any such license.

[47 P.S. § 4-401(a)].

From the documents you have provided, it does not appear that the Potter County Treasurer enforces any penal laws. Therefore, there would be no prohibition in the Liquor Code against your run for Treasurer.

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. 15-100