

March 26, 2015

John R. Elms

**Re: Change VFW to AMVETS**

Dear Mr. Elms:

ISSUE: Your e-mail of February 15, 2015 states that the members of Clarendon Veterans of Foreign Wars (“VFW”) board of directors are considering changing the organization from a VFW to an American Veterans (“AMVETS”). You inquire whether you may transfer your current license under the VFW charter to an AMVETS charter, and if so, what steps you would need to take to make this happen.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Clarendon V.F.W. Home Assn. holds Catering Club Liquor License No. CC-5176 (LID 3838) use by it at the premises located at 22 Brown Avenue, Clarendon, Pennsylvania.

OPINION: It would be possible to transfer the license as described in your correspondence, provided that the transferee meets the definition of “club” in the Liquor Code.

The transfer of your current license from under the VFW charter to an AMVETS charter would require the filing of an application for a person-to-person transfer of the license. [47 P.S. § 4-403]. Forms for filing the application are available on the Board’s website, under the section regarding the Bureau of Licensing (“Licensing”).

In order for the transfer to be considered, transferee (i.e., the club under the AMVETS charter) would have to meet the definition of “club” in the Liquor Code:

[A]ny reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience, having some primary interest and activity to which the sale of liquor or malt and brewed beverages shall be only secondary, **which, if incorporated, has been in continuous existence and operation for at least one year**, and if first licensed after June sixteenth, one thousand nine hundred thirty-seven, shall have been incorporated in this Commonwealth, and, if unincorporated, for at least ten years,

immediately preceding the date of its application for a license under this act, and which regularly occupies, as owner or lessee, a clubhouse or quarters for the use of its members....

[47 P.S. § 1-102 (emphasis added)].

The license could be held in safekeeping until the AMVETS-chartered organization has been incorporated and in existence for at least one (1) year. Club licenses may be held in safekeeping for up to two (2) years, with no extension of time permitted. [47 PS § 4-474].

Should you have any other questions and/or issues related to the Liquor Code or the Board's Regulations, please feel free to once 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

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