

July 31, 2015

Steven Pichini

VIA E-MAIL: sapichini@gmail.com

RE: Online Club Applications

Dear Mr. Pichini:

ISSUE: This office is in receipt of your e-mail, dated July 17, 2015, wherein you indicate that you are a Board member at the Hershey Italian Lodge (“Lodge”). You explain that the Lodge is in the process of developing a new website. You want to make your applications available through your website, and ask if that is permissible.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Mens New Independent Italian Mutual Benefit Society holds Catering Club License No. CC-3436 (LID 3451) for use by it at the premises located at 128 Hillcrest Road, Hershey, Pennsylvania.

OPINION: Section 102 of the Liquor Code [47 P.S. § 1-102] provides that a club must “admit members by written application, investigation and ballot, and charge and collect dues from elected members.” Section 102 does not specify the manner in which applications are made available or the manner in which the application may be submitted. However, Board Regulations require that a club adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. Therefore, if the provisions of your club’s constitution or bylaws prohibit you from making your applications available online, then you would not be permitted to do so.

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

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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. 15-321