

September 17, 2015

Bill Fleming
Knights of Columbus Council 869
Home Association
VIA E-MAIL: bsfleming@verizon.net

Re: Change of Name

Dear Mr. Fleming:

ISSUE: This is in response to your e-mail sent on August 20, 2015, wherein you advise that the Knights of Columbus Supreme Headquarters in Hartford, Connecticut, recently decided to disassociate itself with all councils that have, own, and operate home associations, such as your club, the Knights of Columbus Council 869 Home Association (“Club”). You advise that this decision is prompting the Club to change its name. You further advise that your membership will remain the same, as will the ownership of all buildings and property. You ask how you can go about changing the Club’s name with regard to the liquor license as well as your small games of chance (“SGOC”) license with the least amount of interruption to your daily operations.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that the Harrisburg Knights of Columbus Home Association holds Catering Club License No. CC-5300 (LID 3884) for the premises at 145 Peach Street, Harrisburg, Pennsylvania.

OPINION: 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. Instead, 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.

If the actual entity – or the legal form of the entity – that holds the license is changing, a person-to-person transfer application would need to be filed, and the license would have to be transferred to another club. Please note, however, that included in the definition of “club” is the requirement that if the club is incorporated, it shall have been in existence for

at least one (1) year, and if not incorporated, then it shall have been in existence for at least ten (10) years. Therefore, if the Club is changing its legal form, the soonest a transfer application could be filed is one (1) year after incorporation.

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. 15-403