

September 30, 2015

Mr. Ron Dowey
President
Union Hose Company of Annville
215 East Main Street
Annville, PA 17003
VIA U.S. MAIL

Mr. Mike Hughes
Cleona Fire Company
136 West Walnut Street
Cleona, PA 17042

RE: Merger of Fire Companies

Dear Mr. Dowey and Mr. Hughes:

ISSUE: This is in response to the letter received from the Pennsylvania Department of Community and Economic Development dated September 10, 2015 on your behalf. The letter, from D. Robert Brady, II, indicates that the Union Hose Company of Annville (“Union Hose”) and the Cleona Fire Company (“Cleona”) are working on a new partnership for the two organizations. Union Hose has inquired whether the following agreement would be acceptable.

Cleona would merge with Union Hose. Union Hose would continue to own all the assets of the Union Hose Company Social Club (“Social Club”) and continue to be the sole beneficiary of the Social Club. The newly merged organization would adopt a fictitious name for its fire-rescue operations and the newly merged organization would operate the social club with an operating committee to be identified in the newly merged organization’s bylaws. The social club would continue to operate as the Social Club.

Although not noted in the letter, the Union Hose Company of Annville, Inc. is the holder of the catering club license CC-4126 (LID 3602) for use by at 31 North Railroad Street, Annville, Pennsylvania 17003. It is unclear from the letter whether the Social Club and Union Hose are legally distinct entities.

OPINION: If, as indicated in the letter, the entity that holds the catering club license, the Union Hose Company of Annville, Inc., continues to exist, then there is no need to submit a transfer application. While it does not appear to be the case,

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if the name of the license holder were to change as a result of this proposed merger, the license holder should submit an application for correction of the license to notify the Board of the name change. Further, to the extent that this merger results in different individuals assuming leadership positions with the Union Hose Company of Annsville, Inc., these changes should be noted when the license submits its license renewal application.

If you have any additional questions, feel free to contact this office again.

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

cc: D. Robert Brady, II
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. 15-423