

January 14, 2016

Bill Wilson
VIA E-MAIL

RE: American Legion Officer Elections

Dear Mr. Wilson:

ISSUE: This is in response to your e-mail of January 3, 2016, wherein you inquire, as it pertains to an American Legion Post 501(c)(7) club, if there are laws which specify that members elect officers or if members are able to elect a board of directors that appoints officers from within the board.

It is assumed for the purpose of this response that the American Legion holds a Pennsylvania liquor license.

OPINION: The Liquor Code's definition of a "club," in part, requires that the club conduct its business through officers regularly elected [47 P.S. § 1-102]; it does not address the manner of such election. Section 5.81 of the Board's Regulations requires that a club licensee adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. Accordingly, if the club's constitution or bylaws direct procedures for the election of officers, those procedures must be followed.

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

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BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE
PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

RODRIGO J. DIAZ
EXECUTIVE DEPUTY CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director, Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 15-523