

March 17, 2016

Francis X. McCreight, President
Pottstown Quoit Club
204 South Hanover Street
Pottstown, Pa 19465-7022
VIA FIRST CLASS MAIL

Re: Club Officer Reinstatement

Dear Mr. McCreight:

ISSUE: This office is in receipt of your letter of February 2, 2016, where you advise that the Pottstown Quoit Club (“your club”) wishes to have Raymond Staska reinstated as club treasurer. You advise that Mr. Staska has finished counseling, community service and had his driver’s license suspended for a year. You indicate that your club will comply with whatever decision the Pennsylvania Liquor Control Board (“PLCB”) decides.

Please be advised that PLCB records indicate that Pottstown Quoit Club holds Club Liquor License No. C-3919 (LID 1800) for use by it at premises located at 204 South Hanover Street, South Pottstown, Pottstown, Chester County, Pennsylvania.

OPINION: Please be advised that a club’s change of officers shall be reported with the renewal of club’s license on forms furnished by the PLCB upon request. Change of club manager or steward shall be reported with the renewal of the club’s license and at license validation on forms furnished by the PLCB upon request. 40 Pa. Code § 5.91. Licenses for Chester County, Pennsylvania need to be renewed or validated (depending on the year) sixty days prior to April 1 or before February 1, 2016. A copy of your letter of February 2, 2016 will be submitted to the PLCB’s Bureau of Licensing (“Licensing”) to take whatever action that entity deems proper.

With regard to Mr. Staska’s current status, please be advised that the PLCB may consider criminal records of licensees and officers, directors, managers, or stockholders of licensees, because section 404 of the Liquor Code requires that

licensees be persons of good repute, and the PLCB's Regulations specify that criminal convictions impact a person's reputation. 47 P.S. § 4-404; 40 Pa. Code §§ 1.5, 5.23.

Upon submission of the above information, the Licensing conducts an investigation and recommends to the Board whether a person with a criminal record should be permitted to serve as an officer in the organization. If it is determined that a club officer could not serve in that capacity for a club, he or she may be required to divest himself or herself of any interest in the club. Said decision is made by the PLCB Board Members and not by this office.

Finally, 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. If the club's constitution or bylaws would prevent Mr. Staska from becoming an officer, he must resign or be removed forthwith.

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

Sincerely,

RODRIGO J. DIAZ
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. 16-074