

December 24, 2018

Daniel Cole
VIA E-MAIL

RE: Notice of Suspension

Dear Mr. Cole:

ISSUE: This office is in receipt of your e-mail dated October 24, 2018, in which you seek clarification regarding a notice of suspension. You ask if the requirement for “posting suspension notices” refers to when a member is suspended from the club or if it refers to suspension notices from “PLCB Enforcement.”

Initially, please be advised that it is the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”), and not the PLCB, that enforces the liquor laws in Pennsylvania. To the extent you refer to “PLCB Enforcement,” it is assumed you mean BLCE. Additionally, your e-mail does not provide sufficient information to identify the exact club license to which you are referring, but it is assumed for purposes of this Advisory Opinion that you are asking this question on behalf of a club liquor licensee. This office is authorized to issue legal opinions to licensees of the PLCB which are binding on the BLCE. In light of the foregoing, the following opinion is offered for your guidance and information.

OPINION: Section 15.62 of the PLCB's Regulations provides that when a license is under suspension, a notice of suspension shall be posted in a plainly visible location on the building during the period of the suspension. 40 Pa. Code §15.62. This only applies to a suspension of a license issued by the PLCB.

There is nothing in the Liquor Code or the PLCB's Regulations regarding the suspension of a club's individual members. However, section 5.81 of the PLCB's Regulations requires club licensees to adhere to the provisions of their constitutions and bylaws. Therefore, if your bylaws dictate that any such action against a suspended member is required, you must adhere to such requirements.

Should you have any other questions and/or issues related to the Liquor Code or the PLCB'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 BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Sincerely,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-456