

December 4, 1998

John L. Koehler, USN/RET.

PA Squadron Commander Navy Club USA

Black Diamond Ship No. 257

470 Sunbury Street

Minersville, PA 17954

Dear Mr. Koehler:

ISSUE: This is in response to your letter to John Reiley, Secretary of the Pennsylvania Liquor Control Board, on behalf of the Navy Club of Lebanon, Ship 91. In that letter and your follow-up conversation with this office, you indicated that the Navy Club of the United States of America, an incorporated veterans' organization, is contemplating amending its bylaws to allow for associate members. You explained in your telephone call that associate members are members who do not have any voting rights in the organization and function in a manner similar to social members in other national veterans' clubs such as the VFW and the American Legion. You had inquired whether a change in the bylaws to allow associate members would violate any of the provisions of the Liquor Code.

OPINION: The Liquor Code is silent on the issue of members and the types of memberships a club may have. The Liquor Code requires that a club be a group of individuals associated not for profit which admits members upon written application, investigation and ballot. The Liquor Code further requires clubs to follow their own bylaws and charters when operating. The Liquor Code does not concern itself with the types of members or classes of memberships a club wishes to have. Therefore, so long as the associate or social membership is consistent with the charter and bylaws of the Navy Club of the United States of America and all members to the club are admitted by written application, investigation and ballot, the proposed amendment to the bylaws would not violate the Liquor Code.

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

c.c. Pennsylvania State Police

Bureau of Liquor Control Enforcement

J. D. W. Reiley

Refer to: (717) 783-9454

FAX: (717) 787-8820

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