

December 21, 1998

William Susinski, Jr.

Quartermaster VFW Post 5286

1233 Idaho Street

Farrell, PA 16121

Dear Mr. Susinski:

ISSUE: In your fax dated December 8, 1998, you ask whether a club licensee may permanently bar members for misconduct.

OPINION: The regulations of the Liquor Control Board require a club licensee to adhere to the provisions of its constitution and bylaws at all times. [40 Pa. Code Section 5.81]. Discipline of club members is apparently at the discretion of the board of directors of the club according to the rules which you have submitted. If the board of directors have acted properly in barring the members involved in misconduct, it would be permissible under the rules. However, you should consult the club's constitution, bylaws and any other requirements that the club has to determine if all the club's rules have been followed.

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

cc: Pennsylvania State Police-

Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454

LCB Advisory Opinion No. 98-412 FAX: (717) 787-8820