

July 1, 1999

Bernard H. Halvorsen, Jr., President
LEWISBURG SOCIAL CLUB
127-131 Buffalo Road
Lewisburg, PA 17837

Dear Mr. Halvorsen:

ISSUE: In your letter dated May 1, 1999, you inquired on behalf of Lewisburg Social Club, the holder of catering club liquor license No. CC-5651, as to whether a recent applicant for club membership would be permitted on the club's licensed premises in light of his criminal record. According to your letter, the new applicant was recently released from state prison.

OPINION: As you correctly stated in your letter, section 493(14) of the Liquor Code makes it unlawful for a club licensee to permit persons of ill repute or known criminals to frequent its licensed premises. [47 P.S. Section 4-493(14)]. While there is no specific definition of which crimes or the number of crimes, if committed, would make a person a 'known criminal' for purposes of the Liquor Code, a 'known criminal' has been defined by the courts as a person who consistently has violated criminal laws of a serious nature over a period of time. Several courts have also ruled that a known criminal is a person whose criminal behavior has been so notorious and of such a serious nature that the person is readily identifiable in the public mind as a persistent law violator or criminal. If the applicant has committed a serious crime or is renowned in the community as a persistent law violator, he should not be permitted to frequent the licensed premises.

Since this issue is ultimately one that will be decided by the Enforcement Bureau (i.e., Pennsylvania State Police, Bureau of Liquor Control Enforcement), it is suggested that you contact the Bureau to assist you in determining whether the applicant would be considered a known criminal. You may also wish to contact local law enforcement authorities to determine the extent of the applicant's criminal history.

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: Bureau of Liquor Control Enforcement,
Pennsylvania State Police

Refer to: (717) 783-9454
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Advisory Opinion No. 99-235