

September 3, 1999

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Tom McCartin, Vice President
Trails Lake and Tennis Club, Inc.
P.O. Box 331
Albrightsville, PA 18210

Dear Mr. McCartin:

ISSUE: This is in response to your recent letter to this office in which you ask for our opinion concerning the membership of your club, holder of catering club license No. CC-6000. You have three membership categories: regular, social, and seasonal. Applications of regular and social members are investigated and discussed with the board of directors and members present at your monthly meetings, where presumably a vote is taken. Regular members have voting rights; social members do not. Seasonal memberships are for a three-month period, and they may be approved instantly upon receipt of the applications, provided a majority of the board of directors is present. All three types of memberships are defined in your club's bylaws. You ask whether these categories are acceptable.

OPINION: The Liquor Code is silent on the types of memberships that a club may have. The Code does, however, require that a club be a group of individuals associated not for profit which admits members upon written application, investigation, and ballot. [47 P.S. Section 1-102]. Section 5.81 of the Board's Regulations [40 Pa. Code Section 5.81] requires that a club licensee adhere to the provisions of its constitution and bylaws. Therefore, your club must adhere to any membership requirements that are set forth in its constitution and bylaws. As long as the three categories of memberships you mention are provided for or permitted under your constitution and/or bylaws, and you comply with the requirements of section 102 of the Code concerning the admission of members by written application, investigation, and ballot, your membership categories would be permissible. It appears from your description of your categories that the regular and social members comply, but it is unclear whether the seasonal members are admitted upon written application, investigation, and ballot. Assuming they are, your categories appear to comply with the liquor laws.

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

LCB Advisory Opinion No. 99-303