

boards and commissions, within the several administrative departments, shall be constituted as follows:

\* \* \*

(f) The Advisory Health Board shall consist of the Secretary of Health, or in his place his duly authorized deputy, and [ten] twelve members, five of whom shall be [doctors of medicine] physicians licensed to practice medicine or osteopathy in Pennsylvania, one a dentist licensed to practice dentistry in Pennsylvania, one a pharmacist registered with the State Board of Pharmacy, one a registered nurse licensed by the State Board of Nurse Examiners, and one an engineer registered with the State Registration Board for Professional Engineers who is experienced in sanitary engineering. The Secretary of Health, or in his place his duly authorized deputy, shall be chairman of the board.

The term of office of each appointed member of the board shall be four years, measured from the third Tuesday of January of the year in which he takes office, or until his successor has been appointed and has qualified; except that in the initial appointment of the members of the board, one member shall be appointed for a term of one year, three members for a term of two years, three members for a term of three years, and three members for a term of four years.

Six members of the board, together with the Secretary of Health, or in his place his duly authorized deputy, shall constitute a quorum.

Each appointed member of the board shall receive actual traveling expenses and per diem compensation at the rate of \$25.00 a day for time actually devoted to the business of the board.

\* \* \*

Section 2. This act shall take effect immediately.

APPROVED—The 13th day of January, A. D. 1966.

WILLIAM W. SCRANTON

---

No. 518

AN ACT

SB 696

Amending the act of April 12, 1951 (P. L. 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining

the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," requiring notice of violations as a prerequisite to imposition of a penalty, suspension or revocation; providing for filing information with the board by persons having a pecuniary interest in licensed premises and further providing for suspensions, revocations and impositions of fines.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (d) of section 207, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," is amended to read:

Section 207. General Powers of Board.—Under this act, the board shall have the power and its duty shall be:

\* \* \*

(d) To grant, issue, suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board and impose fines on licensees licensed under this act.

\* \* \*

Section 2. Section 471 of the act amended September 15, 1961 (P. L. 1325), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.—

Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor, alcohol or malt or brewed beverages, or of any regulations of the board adopted pursuant to such laws, of any violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employes, or upon any other sufficient cause shown, the board may, within one year from the date of such violation or cause appearing, cite such licensee to appear before it or its examiner, not less than ten nor more than sixty days from the date of sending such licensee, by registered mail, a notice addressed to him at his licensed premises, to show cause why such license should not be suspended or revoked or a fine imposed. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the board shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), notifying the licensee

[thereof] by registered letter addressed to his licensed premises. In the event the fine is not paid within twenty days of the order the board shall suspend or revoke the license, notifying the licensee by registered mail addressed to his licensed premises. [Such suspensions] Suspensions and revocations shall not go into effect until twenty days have elapsed from the date of notice of issuance of the board's order, during which time the licensee may take an appeal as provided for in this act. When a license is revoked, the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In all such cases, the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person who was fined or whose license was suspended or revoked by the board shall feel aggrieved by the action of the board, he shall have the right to appeal to the court of quarter sessions or the county court of Allegheny County in the same manner as herein provided for appeals from refusals to grant licenses. Upon appeal, the court so appealed to shall, in the exercise of its discretion, sustain, reject, alter or modify the findings, conclusions and penalties of the board, based on the findings of fact and conclusions of law as found by the court. The aforesaid appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise. The licensee or the board may, within thirty days from the filing of the order or decree of said court, file an appeal therefrom to the Superior Court. [In those cases where the board shall suspend a license, the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension. In the case of a manufacturer of malt or brewed beverages, the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension; in the case of a liquor importer, sacramental wine licensee and a malt or brewed beverage importing distributor, thirty dollars (\$30);

in the case of a distributor of malt or brewed beverages, twenty dollars (\$20) for each day of suspension; and in the case of a hotel, restaurant and club liquor licensee, and a retail malt or brewed beverage dispenser, or transporter for hire, ten dollars (\$10) for each day of suspension. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days] No penalty provided by this section shall be imposed by the board or any court for any violations provided for in this act unless the enforcement officer or the board notifies the licensee of its nature and of the date of the alleged violation within ten days of the completion of the investigation which in no event shall exceed ninety days.

If the violation in question is a third or subsequent violation of this act or the act of June 24, 1939 (P. L. 872), known as "The Penal Code," occurring within a period of four years the board shall impose a suspension or revocation.

The jurisdiction of the county court of Allegheny County conferred hereby shall be exclusive within the territorial limits of its jurisdiction.

Section 3. The act is amended by adding after section 472.1, a new section to read:

Section 473. Public Record.—(a) Any person having a pecuniary interest in the conduct of business on licensed premises whether that interest is direct or indirect, legal or equitable, individual, corporate, or mutual shall file his name and address with the board on forms provided by the board. In the case of corporate ownership, the secretary of the corporation shall file with the board the names and addresses of all persons having such a corporate pecuniary interest.

(b) The names and addresses required by this section shall be recorded by the board and made available to the public as a public record.

APPROVED—The 13th day of January, A. D. 1966.

WILLIAM W. SCRANTON