

February 14, 2014

Telephone: (717) 783-9454
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Tami Beggs
Fitzies Pub

RE: Dual Employment of a Bartender

Dear Ms. Beggs:

ISSUE: This is in response to your e-mail of January 20, 2014, in which you state that you are the owner of Fitzies Pub. You inquire if your back-up bartender is permitted to bartend at your pub and at a local VFW.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that Fitzies Inc. holds Restaurant Liquor License No. R-16782 (LID 59545) for the premises located at 143 Village Road, Listie, Pennsylvania.

OPINION: It is possible for an individual to be employed by multiple licensees; however, such situations are specific to the types of licensees involved and the capacity of employment.

Section 493(11) of the Liquor Code [47 P.S. § 4-493(11)] prohibits a distributor or any officer, servant, agent or employee of a distributor, from, at the same time, being employed, directly or indirectly, by any other distributor, importing distributor, manufacturer, importer, vendor, out-of-state manufacturer, hotel, restaurant, or club liquor licensee; or malt or brewed beverage licensee. For purposes of this section, an officer, servant, agent, or employee of a licensee is someone who has either an ownership interest in the licensee or who receives compensation for his/her work on behalf of the licensee. [Id.].

There is no prohibition applicable to a bartender employed by other retail licensees. Your employment of a back-up bartender who is also employed as a

bartender in a VFW club is a permissible practice under the Liquor Code and Board's Regulations.

If you have any additional questions regarding the Liquor Code or the Board's Regulations, please feel free to again contact this office.

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
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 14-031