

March 20, 2014

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Herbert J. Borchert, Vice Commander  
Ex-Serviceman's Club, Inc.  
Post Office Box 754  
Valley View, PA 17983-0754  
**VIA REGULAR MAIL**

**RE: Club Officers**

Dear Mr. Borchert:

ISSUE: This is in response to your letter inquiry of January 14, 2014, in which you ask whether a person who is a member of two (2) different non-profit, unrelated entities may be listed on an application for each organization. It will be assumed for purposes of this response that you are referring to two (2) different entities licensed by the Pennsylvania Liquor Control Board ("Board") and having the same classification, such as club liquor license. It is further assumed that the person in question is not the Board-approved manager of either location and that this person is or will hold some other office within the organizational structures of each entity. Finally, it is assumed that the "applications" you reference are documents to be submitted to the Board for purposes of renewal and validation of liquor licenses, and/or transfer(s) of liquor licenses, or in some other manner related to the existence of Board-licensed premises.

Board records indicate that Ex-Serviceman's Club, Inc. holds Club Liquor License No. C-4522 (LID 66412) for use by it at premises located at 1025 West Main Street, Valley View, Pennsylvania.

OPINION: There is nothing in the Liquor Code or Board's Regulations that would prohibit a person from being an officer of two (2) different licensed clubs, as long as the person in question is not the Board-approved manager for either club, and as long as this situation is not prohibited by the bylaws or constitution of either of the clubs. [40 Pa. Code § 5.81].

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Section 493(11) of the Liquor Code 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. [47 P.S. § 4-493(11)]. 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, serves as an officer of the licensee, or who receives compensation for his/her work on behalf of the licensee. [Id.]. This is not the scenario that you have described, and so there is no compliance issue.

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. 14-095