

May 14, 2014

Telephone: (717) 783-9454

FAX: (717) 787-8820

Michelle Sheaffer

REVISED

Re: Minor Manager & Agent

Dear Ms. Sheaffer:

ISSUE: This office is in receipt of your e-mail of March 25, 2014, in which you advise that you have an approved manager and authorized agent who is under the age of twenty-one (21). You ask whether this person may pick up liquor at state wine and spirits stores on behalf of your licensed establishment. You state that a worker at a state wine and spirits store told you that this practice was permissible.

Records maintained by the Pennsylvania Liquor Control Board ("Board") indicate that you are an officer of MS & BS, Inc., which holds Restaurant Liquor License No. R-20159 (LID 65842) for use by it at premises located at 1364 Susquehanna Trail, Liverpool, Pennsylvania.

OPINION: *Generally speaking, section 493 of the Liquor Code specifically prohibits licensees and the Board from selling, furnishing or giving alcohol, and from permitting the sale, furnishing or giving of alcohol, to minors or visibly intoxicated persons. [47 P.S. § 4-493(1)].*

Moreover, please note that section 493(13) of the Liquor Code prohibits a restaurant licensee to employ anyone under the age of eighteen (18) to sell, serve or furnish alcohol and to employ anyone under the age of sixteen (16) to provide any service whatsoever. Persons aged sixteen (16) and seventeen (17) may be employed on retail licensed premises only to serve food, clear tables, and perform other similar duties; they are not permitted to dispense or serve alcohol. Minors under sixteen (16) years of age cannot be employed on retail licensed premises, except under a narrow exception not relevant here.

In response to your specific question, nothing in the Liquor Code or the Board's Regulations would preclude your establishment from employing your manager. *However, neither section 493(13) nor section 493(1) would permit your minor manager to possess alcohol outside the licensed premises or transport alcohol from a state wine and spirits store to your licensed premises. Additionally, other sources of authority, such as the Crimes Code, may likewise prohibit or restrict such activity.*

If you have any further questions or concerns 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. 14-163