

May 28, 2014

Telephone: (717) 783-9454

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Mike Repasky

RE: Club Officers as Employees

Dear Mr. Repasky:

ISSUE: This is in response to your e-mail sent May 15, 2014, wherein you advise that a bartender at your establishment wishes to fill a vacant, paid position as Treasurer within your organization. You inquire whether this is permissible under the Liquor Code.

Records of the Pennsylvania Liquor Control Board ("Board") indicate that The Snow Shoe Fire Company of Snow Shoe, Pennsylvania, holds Club Liquor License No. C-5187 (LID 2399) for the premises located at 102 Railroad Street, Snow Shoe, Pennsylvania.

OPINION: As you seem to be aware, Section 493(11) of the Pennsylvania Liquor Code prohibits a club liquor licensee, employee or officer from also working directly or indirectly for a distributor or importing distributor, manufacturer, importer or vendor. [47 P.S. § 4-493(11)]. However, neither this provision, nor any other provision of the Liquor Code, prevents a person from being an officer of a club and also holding a paying job as a bartender at the same club.

Be advised, however, that a club licensee must adhere to the provisions of its constitution and bylaws. [40 Pa. Code § 5.81]. Thus, if there is such a prohibition in your club's constitution or bylaws, the club must adhere to that provision.

Please do not hesitate to contact this office if you have any additional questions.

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

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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. 14-237