

April 1, 2015

Meghan Moon

**RE: Dual Employment**

Dear Ms. Moon:

ISSUE: This office is in receipt of your e-mail dated March 5, 2015 wherein you indicate that you operate Huskies Beer Distributor but would like permission to work as a bartender at a bar in a different municipality. You indicate that you would only be working as a bartender during the hours that your business is closed.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Huskies Beer Distributor, LLC holds Distributor License No. D-2947 (LID 66867) for premises located at 6835 Buffalo Road, Harborcreek, Pennsylvania.

OPINION: As you have noted in your e-mail, section 492(12) prohibits a distributor, or his servants, agents or employees from engaging in any other business whatsoever, without Board approval. [47 P.S. § 4-492(12)].

However, please be advised that your requested dual employment is not permissible under the Liquor Code. 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 subsection, 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.]. Accordingly, you cannot lawfully hold a distributor license and be employed as a bartender at a licensed establishment.

If you wish to request dual employment with an unlicensed establishment, please complete PLCB-2384 “Dual Employment Affidavit” and return it to the Board’s

Meghan E. Moon

April 1, 2015

Page 2

Bureau of Licensing for presentation to the Board. The return address is on the form.

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. 15-137