

April 15, 2015

Crystal Hartz  
Marketing Director  
Wilsbach Distributors, Inc.  
905 Katie Court  
Harrisburg, PA 17109

**Re: Employment Conflict**

Dear Ms. Hartz:

ISSUE: This is in response to your e-mail of March 20, 2015, wherein you seek an opinion as to whether it is permissible for an employee of an importing distributor (“ID”) licensee to be employed by another licensee at the same time.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Wilsbach Distributors, Inc. holds Importing Distributor-Malt Liquor License No. ID-178 (LID 8492) for the premises at 905 Katie Court, Harrisburg, Pennsylvania.

OPINION: Section 493 (11) provides, in pertinent part, that it shall be unlawful:

For any hotel, restaurant or club liquor license, or any malt or brewed beverage licensee, or any officer, servant, agent or employee of such licensee, to be at the same time employed, directly or indirectly, by any distributor or importing distributor, manufacturer, importer or vendor licensee or any out of state manufacturer. **It shall also be unlawful for any distributor or importing distributor, or any officer, servant, agent or employee of such licensee to be at the same time employed, directly or in-directly, by any other distributor, importing distributor, manufacturer, importer, vendor, out of state manufacturer, hotel restaurant, malt or brewed beverage licensee, or club liquor licensee....For the purposes of this subsection, an officer, servant, agent or employee of a licensee or manufacturer is an individual who has either an ownership interest in the licensee or manufacturer or who receives**

compensation for his or her work on behalf of the licensee or manufacturer.

[47 P.S. § 4-493(11) (emphasis added)].

Accordingly, it is not permissible for the employee of an ID to be employed by another licensee at the same time.

Should you have any other questions and/or issues related to the Liquor Code or the Board's Regulations, please feel free to once 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. 15-165