

June 10, 2015

Gwen Kovac  
Legion Home Association of Bolivar PA  
VIA E-MAIL: [legion128@comcast.net](mailto:legion128@comcast.net)

**RE: Dual Employment of Club Manager**

Dear Ms. Kovac:

ISSUE: This office is in receipt of your e-mail dated May 11, 2015 in which you ask whether you, as the approved manager/steward of a club licensee, may lawfully accept a part-time position as a marketer and/or sales associate at a local licensed beer distributor.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Legion Home Association of Bolivar PA holds Club Liquor License No. C-4980 (LID 2294) for use by it at the premises located at 507 Market Street, Bolivar, Pennsylvania. You are the Board-approved manager/steward.

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

**For any hotel, restaurant or club liquor licensee, 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)].

Furthermore, although Board-approved club managers are expected to devote full time and attention to the club licensee, [40 Pa. Code § 5.23(a)], section 5.23(i) of the Board's Regulations provides that a club manager may hold outside employment as long as that employment is not prohibited by the above-delineated Liquor Code section. [40 Pa. Code § 5.23(i)].

Accordingly, if your position as Steward/Board-approved manager of the licensed club is not compensated, then it is permissible for you to be a part-time employee of a distributor licensee. If you are compensated for your work at the licensed club, then it is not permissible for you to be an employee of the club licensee and an employee of a distributor licensee at the same time, regardless of the proposed duties to be performed for compensation at the distributor. The number of hours to be worked is also not relevant to this analysis since the noted prohibition constitutes a complete bar.

Should you have any additional questions regarding the Liquor Code or Board's Regulations, do not hesitate to 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- 248