

May 28, 1999
John M. Phillips
President
Berwick Elks Country Club
117 W. 2nd Street
Berwick, PA 18603

RE: Concurrent Employment at Two Licensed Clubs

Dear Mr. Phillips:

ISSUE: This is a response to your fax received in this office on May 11, 1999. You ask whether your club, a catering club licensee, may employ a person who is employed by another club licensee. You also ask whether a person who is employed as a waitress at another licensed club may bartend part-time at your club. In a telephone conversation with this office on May 17, 1999, you indicated that the employee is not the designated manager of either club, is of legal serving age, does not have a criminal record, and is not an employee, officer or owner of a distributor or manufacturing license.

OPINION: Nothing in the Liquor Code or the Board's regulations prohibits a person from being employed by two licensed clubs, subject to applicable liquor laws involving designated managers, proper age, known criminals, and interlocking business prohibitions, none of which apply to the employee you wish to employ. Therefore, employment of the above-described person at your club would be permissible even if said employee was concurrently employed by another licensed club.

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: Bureau of Liquor Control Enforcement,
Pennsylvania State Police
Robert P. Kaskiel

Refer to: (717) 783-9454
Fax: (717) 787-8820

Advisory Opinion No. 99-197