

November 2, 1999

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Albert M. Miscannon, Jr.
Recording Secretary
William Penn Fire Company
P.O. Box 162
Shenandoah, PA 17976

Dear Mr. Miscannon:

ISSUE: This office is in receipt of your letter, dated October 11, 1999, in which you inquire whether the Liquor Code or the Board's Regulations officially recognize a bar manager as an officer or an employee of a catering club licensee.

Your volunteer fire company holds catering club license #CC-3764. At your September monthly meeting, the question arose as to whether the bar manager was actually a company officer. Your club has always recognized the individual hold such a position as a company officer. Because these individuals are not compensated for their duties, you do not consider them employees of the club. Your club's bylaws list the duties of all other officers (i.e. president, vice-president, treasurer, etc.), including steward, which is the actual title given to your bar manager. The bylaws do not, however, use the word 'officer' for any of the positions.

OPINION: Every club licensed by the Pennsylvania Liquor Control Board is required to appoint a steward/manager. [40 Pa. Code Sections 5.16 and 5.91]. Section 5.81 of the Board's Regulations requires that a club licensee adhere to the provisions of its constitution and bylaws. [40 Pa. Code Section 5.81]. Neither the Board's Regulations or the Liquor Code define a bar manager as either an officer or employee. Therefore, it is the opinion of this office that, if your bylaws indicate that the club's officers include stewards, which is the actual title given to your bar manager, then you should follow your club bylaws and consider the bar manager an officer of your club.

Please do not hesitate to contact this office if you have any further 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 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

c.c. Pennsylvania State Police
Bureau of Liquor Control Enforcement

LCB Advisory Opinion No. 99-358