

Mailing Date: SEP 22 2006

COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
FOR  
PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 05-1650
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-314257
v.	:	
	:	LID - 37290
STAFFARONI, INC.	:	
T/A STAFF'S PLACE	:	
24 N. 3 <sup>RD</sup> STREET	:	
SUNBURY, PA 17801-2240	:	
	:	
	:	
NORTHUMBERLAND COUNTY	:	
LICENSE NO. R-AP-26	:	

**BEFORE:** JUDGE FLAHERTY

APPEARANCES:

For Bureau of Enforcement  
Andrew J. Lovette, Esquire

For Licensee  
NO APPEARANCE

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on August 18, 2005, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against STAFFARONI, INC., License Number R-AP-26 (hereinafter "Licensee").

The citation contains two counts.

The first count charges Licensee with violation of Sections 406(a)(2) and 493(16) of the Liquor Code [47 P.S. §§4-406(a)(2) and 4-493(16)] in that on July 2, 2005, Licensee, by its servants, agents or employees, sold, furnished and/or gave alcoholic beverages between 2:00 a.m. and 7:00 a.m.

The second count charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on July 2, 2005, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one visibly intoxicated female patron.

The investigation which gave rise to the citation began on July 2, 2005 and was completed on July 2, 2005; and notice of the violation was sent to Licensee by Certified Mail on July 27, 2005. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on May 25, 2006 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania. Licensee(s) did not appear at the hearing, nor did anyone appear on its behalf. A citation hearing notice was sent to Licensee(s) at its address of record, 24 North 3rd Street, Sunbury, PA 17801 by certified mail, return receipt requested and by first class mail on April 10, 2006. The notice set forth the date and time of the hearing as May 25, 2006 at 9:30 a.m., and the place of hearing as PA Department of Agriculture, 2130 County Farms Road, Montoursville, PA 17754-9685.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

COUNT 1

1. On July 2, 2005 at 1:45 a.m., an officer of the Bureau arrived in the vicinity of the licensed premises. He parked his vehicle outside the premises and entered shortly thereafter. Upon entry he observed approximately 110 patrons inside (N.T. 7-8).

2. At 2:05 a.m. the officer attempted to purchase an alcoholic beverage. The serving staff at the licensed premises turned him down (N.T. 8).

3. At 2:07 a.m. a female patron walked up to the bartender and requested two six packs of Miller Lite beer. The bartender took 12 bottles of Miller Lite beer out of the cooler, placed them in Corona paper containers and put them in front of the female patron that requested them (N.T. 8). The female patron gave money to the bartender who took the money and put it in the cash register and never gave the patron any change (N.T. 8).

COUNT 2

4. On July 2, 2005 at 12:10 a.m. a second officer of the Bureau entered the licensed premises (N.T. 14).

5. At approximately 1:05 a.m. on July 2, 2005 the officer observed a female patron approaching the bar. She walked with a staggered gait and had to maintain her balance by catching herself on patrons as she approached the bar. She had no coordination whatsoever. She approached the bar directly to the left of the officer who was standing at the bar. When she got to the bar she had to maintain balance by holding onto the bar and the stools (N.T. 14).

6. The officer observed that other patrons standing at the bar had to help the female patron maintain her balance while she stood at the bar (N.T. 15).

7. The officer observed as the aforementioned female patron approached the bar she tried to get the attention of the bartender by calling her name. She had a strong odor of alcohol on her breath. Her eyes were bloodshot, and her speech was very garbled and slurred.

8. After the bartender served the officer his drink, she asked the female patron if she would like another "Sex on the Beach" drink. The female patron attempted to respond by saying yes, but it was difficult to understand what she was saying. Her response was a mumble, and she shook her head yes (N.T. 15).

9. The bartender made the female patron a drink known as Sex on the Beach which contains vodka, peach schnapps, cranberry juice and pineapple juice. She then served the drink to the female patron (N.T. 15).

10. The female patron took a drink and turned around and started talking to male patron at the bar. The officer made a comment to the bartender about the female patron saying that it looked like she was having a real good night. The bartender responded, "Yeah she's pretty f...ed up, pretty trashed."

CONCLUSIONS OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since December 13, 1995, and has had one prior violation:

Citation No. 03-0887. Fine \$300.00.

1. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on the licensed premises (tickets). March 7 and 17, 2003.

PENALTY:

Section 471 of the Liquor Code [47 P.S. §4-471] prescribes a penalty of license suspension or revocation or a fine of not less than \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

Under the circumstances of this case, the penalty imposed shall be as follows:

Count 1 - \$1,250.00 fine

Count 2 - \$1,250.00 fine and mandatory RAMP training

ORDER

THEREFORE, it is hereby ordered that Licensee STAFFARONI, INC., pay a fine of \$2,500.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management in the following manner. Licensee is directed to initiate contact with The Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: [www.lcb.state.pa.us](http://www.lcb.state.pa.us); Email Address: [LBEducation@state.pa.us](mailto:LBEducation@state.pa.us)) within 30 days of the mailing date of this Adjudication. Licensee must receive Certification within 90 days of the mailing date of this Adjudication. Licensee must remain in compliance for a period of one year from the date such Certification was issued. The Bureau of Liquor Control Enforcement is further directed to monitor compliance with this Adjudication.

Failure to comply with this Order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the liquor Code [47 P.S. §4-471(d)].

The fine must be paid by Treasurer's Check, Cashier's Check or Certified Check. **Personal checks, which includes business-use personal checks, are not acceptable.** Make check payable to the Commonwealth of Pennsylvania and mail to:

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg PA 17110-9661

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 8<sup>th</sup> day of September, 2006.

---

Daniel T. Flaherty, Jr., J.

an

**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.**