

Mailing Date: JUN 20 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 05-2651
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-318525
v.	:	
	:	LID - 49442
GRENINA CORPORATION	:	
T/A LONG SHOTS SPORTS BAR	:	
723 E. LACKAWANNA AVE.	:	
OLYPHANT, PA 18447-1926	:	
	:	
	:	
LACKAWANNA COUNTY	:	
LICENSE NO. R-AP-SS-2454	:	

**BEFORE:** JUDGE THAU

APPEARANCES:

For Bureau of Enforcement  
Craig A. Strong, Esquire  
Pennsylvania State Police  
8320 Schantz Road, Second Floor  
Breinigsville, PA 18031

For Licensee  
Paul Green  
Corporate Officer

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on January 3, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Grenina Corporation, t/a Long Shots Sports Bar (Licensee), License Number R-AP-SS-2454.

The citation<sup>1</sup> charges Licensee with a violation of Section 471 of the Liquor Code [47 P.S. §4-471] and Section 5503 of the Crimes Code [18 Pa. C.S. §5503]. The charge is that on October 30, 2005, Licensee, by servants, agents or employes, engaged in disorderly conduct.

An evidentiary hearing was conducted on May 4, 2006 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee was represented by its President/Stockholder and Director, Mr. Paul Green. I advised Mr. Green of Licensee's right to counsel, to cross-examine witnesses and to present testimony. Mr. Green acknowledged that he understood those rights and that he was prepared to go forward without an attorney.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on September 17, 2005 and completed it on November 14, 2005. (N.T. 7)
2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on December 13, 2005, as amended. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)

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1. Commonwealth Exhibit No. C-2, N.T. 7.

3. On October 30, 2005, at approximately 6:44 p.m., a local Police Officer responded to a call to the Communication Center that patrons were throwing eggs. The Officer went to the complainant's residence and gathered some information regarding the call. The Officer went to the licensed premises which was not far from the complainant's residence. At approximately 7:00 p.m., the Officer was in full uniform. Licensee's Manager was present. The Officer was asking questions regarding the allegation that patrons had been throwing eggs. The Officer saw some evidence that eggs had been thrown outside the licensed premises on a deck. The local Police Officer departed the premises to return to the complainant's residence. The local Police Officer returned to the licensed premises with an individual who was able to identify the perpetrator. After the eyewitness pointed out the alleged perpetrator, the Officer began questioning that individual and asked him to step outside of the premises. While outside on the deck of the licensed premises, Licensee's Manager became uncooperative and disorderly. She was yelling that no one had been throwing eggs. The Officer told the Manager to keep her voice down numerous times and warned the Manager that if she continued with the same conduct, she would be arrested. The Manager placed her hands forward inches from the Officer's face and remarked: "Go ahead, arrest me." The Officer complied. (N.T. 9-21)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since May 30, 2002, and has had four prior violations:

Adjudication No. 03-0216. Fine \$150.00.

Used loudspeakers or devices whereby music could be heard outside.

January 24, 2003.

Adjudication No. 03-0909. Fine \$1,350.00.

1. Used loudspeakers or devices whereby music could be heard outside.

March 21, 22 and April 4, 2003.

2. Sales to a minor.

April 4, 2003.

3. Minor frequenting.

April 4, 2003 and three unknown dates.

Adjudication No. 05-1028. Fine \$650.00.

1. Cashed, received, handled or negotiated a payroll check.  
December 2, 2004.
2. Used loudspeakers or devices whereby music could be  
heard outside.  
March 18, 2005.

Adjudication No. 05-1450. Fine \$700.00.

Noisy and/or disorderly operation.  
June 5, 2005.

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 \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

Further, Section 471(c) of the Liquor Code [47 P.S. §4-471(c)] requires that the penalty imposed include license revocation or suspension where the violation in question is the third or subsequent violation of any of the offenses referred to in subsection 471(b) of the Liquor Code [47 P.S. §4-471(b)] and/or the Crimes Code within a four year period. The following Adjudications (03-0909 – Count Nos. 1 and 2 and 05-1450), in combination with the charge in this citation, requires that license revocation or suspension must be included as part of the penalty.

The Manager now recognizes her behavior was entirely inappropriate. I did indicate I would impose the recommended penalty of a \$200.00 fine. However the violation is the third violation of the Liquor Code and/or the Crimes Code within a four year period. I must impose a suspension. I regret I, as well as the parties, did not recognize that at the hearing. Accordingly, I impose a one day suspension.

ORDER:

**Imposition of Suspension**

THEREFORE, it is hereby ordered that the Restaurant liquor license of Grenina Corporation, t/a Long Shots Sports Bar, License No. R-AP-SS-2454, be suspended for a period of one day, **BEGINNING** at 7:00 a.m., on Monday, August 14, 2006, and **ENDING** at 7:00 a.m., on Tuesday, August 15, 2006.

Licensee is directed on Monday, August 14, 2006 at 7:00 a.m., to place a placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised, if replacement placards are needed for any reason, they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the aforementioned licensed premises for compliance with this Order.

Licensee is authorized on Tuesday, August 15, 2006, at 7:00 a.m., to remove the placard of suspension and return its license to its original wall location.

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 12<sup>th</sup> day of June, 2006.

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Felix Thau, A.L.J.

pm

**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO 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.**