

Mailing Date: JUL 08 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0532
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-346519
v.	:	
	:	LID - 37290
STAFFARONI, INC.	:	
T/A STAFF'S PLACE	:	
34 N. 3 RD ST.	:	
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 March 22, 2007, 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 charges Licensee with violation of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)] in that from December 22, 2006 to January 30, 2007, Licensee failed to comply with the order of the Administrative Law Judge at Citation No. 05-1650 mandating responsible alcohol management training.

The investigation which gave rise to the citation began on January 12, 2007 and was completed on February 8, 2007; and notice of the violation was sent to Licensee by Certified Mail on February 9, 2007. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 25, 2007 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania. No one appeared at the hearing on behalf of Licensee corporation. A citation hearing notice was sent to Licensee(s) at its address of record, 24 N. Third St., Sunbury, PA 17801-2240 by certified mail, return receipt requested and by first class mail on September 10, 2007. The notice set forth the date and time of the hearing as October 25, 2007 at 10:00 a.m., and the place of hearing as PA Department of Agriculture, 2130 County Farms Road, Montoursville, PA 17754-9685. The hearing began at 10:18 a.m.

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:

1. The Office of Administrative Law Judge issued an Adjudication at Citation No. 05-1650 in which the Licensee in this case was, among other things, required to obtain RAMP certification within 90 days of the mailing date of that Order. The mailing date of the Order at Citation No. 05-1650 was September 22, 2006 (N.T. 8-9 and Exhibit C-5).
2. On September 20, 2007 at 9:05 p.m. an officer of the Bureau entered the licensed premises to conduct a routine inspection (N.T. 9).
3. During the aforementioned inspection the officer ascertained that Licensee had only completed a portion of the RAMP certification process (N.T. 10-12 and Exhibit C-6).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since December 13, 1995, and has had two prior violations:

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.

Citation No. 05-1650. Fine \$2,500.00 and RAMP training mandated.

1. Sales between 2:00 a.m. and 7:00 a.m. July 2, 2005.
2. Sales to a visibly intoxicated person. July 2, 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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$250.00 and a one day suspension and continuing thereafter until Licensee becomes RAMP certified. The suspension is, however, deferred pending reactivation of Licensee's license.

ORDER

THEREFORE, it is hereby ordered that Licensee STAFFARONI, INC., pay a fine of \$250.00 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 the restaurant liquor license of STAFFARONI, INC., License No. R-AP-26 be suspended for a period of one day and continuing thereafter until Licensee becomes RAMP certified. However, the suspension period is deferred pending reactivation of Licensee's license at which time the suspension period will be fixed by further Order.

IT IS FURTHER ORDERED that RAMP training be deferred pending reactivation of Licensee's license at which time a new certification date will be issued.

IT IS FURTHER ORDERED that the Bureau of Licensing notify the Office of Administrative Law Judge of the reactivation of Licensee's license so an Order may be entered fixing the dates for suspension.

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

Dated this 19th day of June, 2008.

Daniel T. Flaherty, Jr., J.

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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.

Detach here and submit stub with payment

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

Citation No. 07-0532