

Mailing Date: MAR 19 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-1897
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-357088
v.	:	
	:	LID - 58407
GEORGIES POYNTELLE INN, INC.	:	
T/A GEORGIES	:	
700 CROSSTOWN HWY.	:	
POYNTELLE, PA 18454	:	
	:	
WAYNE COUNTY	:	
LICENSE NO. H-AP-SS-6096	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Craig A. Strong, Esquire
Pennsylvania State Police
7448 Industrial Parkway
Macungie, PA 18062

For Licensee
John J. Martin, Esquire
1022 Court Street
Honesdale, PA 18431

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on August 24, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Georgies Poyntelle Inn, Inc., t/a Georgies (Licensee), License Number H-AP-SS-6096.

This citation¹ contains two counts.

The first count charges Licensee with violations of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that on July 5, 2007, and divers unknown dates within the past year, Licensee, by servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to two (2) male minors and one (1) female minor, seventeen (17) to nineteen (19) years of age.

The second count charges Licensee with a violation of Section 493(14) of the Liquor Code [47 P.S. §4-493(14)]. The charge is that on July 5, 2007, Licensee, by servants, agents or employes, permitted three (3) male minors and two (2) female minors, seventeen (17) to nineteen (19) years of age, to frequent its licensed premises.

An evidentiary hearing was conducted on February 4, 2008 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. At this time Licensee submitted an Admission, Waiver and Authorization² in which Licensee: admits to the violations charged in the citation and that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the Administrative Law Judge to enter an Adjudication based on a summary of facts and prior citation history as provided by the Bureau, and waives the right to appeal this Adjudication.

The following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

Count No. 1:

1. On Thursday, July 5, 2007, three Bureau Enforcement Officers entered the premises at about 10:00 p.m. There were two minors, aged seventeen and one aged nineteen found on the premises who were consuming beer. They drank alcoholic beverages on other occasions.

Count No. 2:

2. Five minors were found to frequent the premises as charged.

1. Commonwealth Exhibit No. C-1, N.T. 7.
2. Judge's Exhibit No. J-1, N.T. 6.

CONCLUSIONS OF LAW:

Count Nos. 1 and 2 are **sustained** as charged.

DISCUSSION:

I am told all five minors, some of whom were juveniles, were employes of a summer camp, Camp Westmont. I am further advised the summer camps in the area, of which there are many, routinely allow their employes, both juvenile and minor alike, to visit the local "watering holes." Apparently some camps actually transport their underage staff to these establishments.

To the extent these assertions are true, I am at once appalled and amazed. I wonder what authority these summer camps have to transport juveniles anywhere without express, written parental permission. Certainly, if such written permission exists, it cannot include that which either promotes or constitutes unlawful activity. Moreover and as in this case, leaving juveniles at a licensed premises without legally authorized supervision is unconscionable and subjects the camp to serious liability.

I highly doubt whether these summer camps inform the parents of prospective underage employes of such practices. Having been so advised, responsible parents would surely limit the camp's authority or go elsewhere to seek summer employment for their children.

What of the campers who may be no more than a year or two younger than the juvenile staff? What truly concerned parents would permit their child to attend a summer camp that submits campers to the supervision and control of juveniles who themselves may not be properly supervised, albeit during nonworking hours?

I highly doubt whether any of the fancy literature and promotional material these summer camps provide to the public ever mentions how loosely they monitor underage staff. How disconcerting would it be for parents to discover the camp to which they have entrusted their child may very well allow their child to be supervised by a juvenile or underage individual with a hangover?

PRIOR RECORD:

Licensee has been licensed since June 8, 2007, and has had no prior violations.

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 Count Nos. 1 and 2 in this case.

That Section further provides for mandatory compliance with Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management when, as in this matter, Licensee has been found to have violated Section 493(1) as a first offense as it relates to sales to minors or sales to a visibly intoxicated patron.

As Licensee's policy is to refuse entry to any minor to the subject premises. I will merge Count Nos. 1 and 2 and impose a \$1,000.00 fine and a one day suspension.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 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.

Imposition of Suspension

IT IS FURTHER ORDERED that the Hotel liquor license (including all permits) of Georgies Poyntelle Inn, Inc., t/a Georgies, License No. H-AP-SS-6096, be suspended for a period of one day, **BEGINNING** at 7:00 a.m., on Monday, May 12, 2008, and **ENDING** at 7:00 a.m., on Tuesday, May 13, 2008.

Licensee is directed, on Monday, May 12, 2008 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, May 13, 2008, at 7:00 a.m., to remove the placard of suspension and return its license to its original wall location.

R.A.M.P. Requirements

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; Email Address: LBEducation@state.pa.us), within 30 days of the mailing date of this Adjudication for assistance in the compliance process. 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 is issued.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 6th day of March, 2008.

Felix Thau, A.L.J.

pm

Detach Here and Return Stub with Payment

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

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

Citation No. 07-1897