

Mailing Date: OCT 09 2008

[Appeal](#)

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-2499
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-353457
	:	
v.	:	LID - 34148
	:	
SAVICH ENTERPRISES, INC.	:	
T/A END ZONE TAVERN	:	
12 E. MAIN ST.	:	
RICHLAND, PA 17087-0602	:	
	:	
	:	
LEBANON COUNTY	:	
LICENSE NO. R-AP-SS-18549	:	

BEFORE: JUDGE FLAHERTY

APPEARANCES:

For Bureau of Enforcement
Thomas M. Ballaron, Esquire

For Licensee
George R. Savich, PRO SE

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on November 1, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against SAVICH ENTERPRISES, INC., License Number R-AP-SS-18549 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(28) of the Liquor Code [47 P.S. §4-493(28)] in that on May 17, 2007, George R. Savich, Sole Corporate Officer, consumed alcoholic beverages while tending bar or otherwise serving alcoholic beverages.

The investigation which gave rise to the citation began on May 4, 2007 and was completed on September 10, 2007; and notice of the violation was sent to Licensee by Certified Mail on October 5, 2007. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on April 24, 2008 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

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. On May 17, 2007, at 10:10 p.m. an officer of the Bureau entered the licensed premises (N.T. 12).
2. The officer observed approximately 50 patrons present and George Savich, Sr. tending bar (N.T. 12-14).
3. The officer ordered a beer and was served by Mr. Savich, Sr. (N.T. 14-15).
4. The officer also saw the Board approved manager, George Savich, III training two females (N.T. 15).
5. At one point the officer observed Mr. Savich, Sr., while behind the bar, walk to the end of the bar and take a drink from a bottle of Michelob Ultra beer. He stood there for a while and then continued waiting on other people (N.T. 15).
6. Subsequently, Mr. Savich, Sr. talked with Mr. Savich, III and decided that he would go on the other side of the bar. He came around to the patron side of the bar and took a seat next to the officer. While he was seated next to the officer he drank from the bottle of Michelob Ultra previously mentioned (N.T. 15-16).
7. At 10:30 p.m. Mr. Savich, Sr. got up from his seat and walked around the bar and got himself a Keystone Light draft beer. He came back and sat down and began drinking after he had finished the Michelob bottle (N.T. 16).
8. Later on in the evening, the females that were being trained by Mr. Savich, III were having difficulty. There were quite a few patrons who were waiting to get beer. They were holding

- up money trying to get service. Mr. Savich, Sr. was watching the TV and watching the new employees (N.T. 16).
9. At 10:35 p.m. Mr. Savich, Sr. got up, went around to the service side of the bar and waited on customers who were waiting to be served (N.T. 16).
 10. Mr. Savich then came back around to the patrons' side of the bar, finished his Keystone Light draft beer and asked one of the new trainees to pour him another one (N.T. 17).
 11. Subsequently a patron came in and stood next to Mr. Savich, Sr. at the bar counter and was trying to get beer for take-out. Mr. Savich, III was training the female employees and was too busy and did not realize that the patron was standing there. Mr. Savich, Sr. saw that no one was waiting on the patron, so he walked behind the bar over to the beer cooler, took out a quart of beer, handed it to the patron and yelled to Mr. Savich, III, "Ring this up. I got him a quart of beer" (N.T. 18).

CONCLUSION OF LAW:

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

DISCUSSION:

The record discloses that Mr. Savich, Sr., a principal of Licensee corporation consumed beer while serving alcoholic beverages to patrons. Consequently, the charge in the citation is sustained.

PRIOR RECORD:

Licensee has been licensed since June 1, 1994, and has had three prior violations:

Citation No. 05-0232. 3 days suspension.

1. Sales to visibly intoxicated persons. December 11 and 12, 2004.

Citation No. 06-0900. Fine \$200.00.

1. Used loudspeakers or devices whereby music could be heard outside. November 23, 2005 and March 4, 2006.

Citation No. 07-0874. Fine \$400.00.

1. Used loudspeakers or devices whereby music could be heard outside. January 27, 2007.

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.

ORDER

THEREFORE, it is hereby ordered that Licensee SAVICH ENTERPRISES, 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.

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

Dated this 1st day of October, 2008.

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.

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. 07-2499 Savich
Enterprises, Inc.