

Mailing Date: OCT 07 2016

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE Citation No.: 16-0135
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE Incident No.: W04-495661
v.	:	
	:	
ZURAB ZAUTADZE	:	PLCB LID No.: 68251
T/A GENNAROS PIZZA & PASTA	:	
1728 E. CARSON ST.	:	PLCB License No.: R-AP-SS-2933
PITTSBURGH, PA 15203-1706	:	
	:	
ALLEGHENY COUNTY	:	
	:	
	:	

**BEFORE:** JUDGE RICHARD O'NEILL EARLEY

**APPEARANCES:**

**BLCE COUNSEL:** NADIA VARGO, ESQUIRE

**LICENSEE:** ZURAB ZAUTADZE, LICENSEE

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on January 29, 2016, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Zurab Zautadze, t/a Gennaros Pizza & Pasta, License Number R-AP-SS-2933, (Licensee).

The citation contains three counts.

Count one of the citation charges Licensee with violation of the Liquor Code at 47 P.S. §4-493(1), alleging that on March 17, 2015, and 10 to 15 other occasions during the period February 1 through April 30, 2015, Licensee, by its servants, agents or employees, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one minor, 18 years of age.

Count two of the citation charges Licensee with violation of the Liquor Code at 47 P.S. §4-493(1), alleging that on June 13, 2015, Licensee, by its servants, agents or employees, sold,

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furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one visibly intoxicated patron.

Count three of the citation charges Licensee with violation of the Liquor Code at 47 P.S. §§4-401(a) and 4-407(a), alleging that on June 13, 2015, Licensee, by its servants, agents or employees, sold malt or brewed beverages in excess of 192 fluid ounces in a single sale to one patron for consumption off premises.

An administrative hearing was conducted on Tuesday, August 30, 2016, at 2:30 p.m., at Two Parkway Center, 875 Greentree Road, Pittsburgh, Pennsylvania. The Bureau was represented by Nadia Vargo, Esquire. Licensee was represented by Zurab Zautadze.

I make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. The Bureau commenced its investigation of Licensee's premises on May 15, 2015, and completed its investigation on December 30, 2015. (N.T. p. 22)
2. The Bureau notified Licensee of the nature of the alleged violation(s) disclosed by its investigation by letter dated January 7, 2016, and amended letter dated January 25, 2016, which was sent by certified mail and received by Licensee on February 16, 2016. (N.T. pp. 19, 23, Exhibits C-2, C-3)
3. The citation was issued on January 29, 2016, and was sent by certified mail and received by Licensee on February 1, 2016. (N.T. p. 17, Exhibit C-1)

Count one:

4. An anonymous complainant notified the Bureau that a former employee of Licensee who is a minor was served alcoholic beverages on a regular basis after work. The complainant stated that minors were served all the time. (N.T. p. 26)
5. On May 13, 2015, a former employee, A.W., provided a written statement to a Liquor Enforcement Officer indicating that she is 18 years old. (N.T. p. 26)
6. A.W. was employed at Licensee's premises for approximately two months. (N.T. pp. 49-51) She worked on weekends on the dates charged by the Bureau. (N.T. p. 35)
7. A.W. possessed alcohol while at the premises during or after work (N.T. pp. 29, 31, 32, 35, 26-39, 41-43, 53-57), and she hid her drinks from customers behind the serving counter. (N.T. pp. 56-57)

Counts two and three:

8. Licensee stipulates that on June 13, 2015, one of its servers provided alcohol to a visibly intoxicated patron. (N.T. pp. 9-10) Licensee also stipulates that on that date it sold malt or brewed beverages in excess of 192 fluid ounces in a single sale to one patron for consumption off premises. Id.

CONCLUSIONS OF LAW:

1. The notice provisions as prescribed by the Liquor Code at 47 P.S. §4-471 have been satisfied.
2. Count one: Licensee violated the Liquor Code at 47 P.S. §4-493(1), on multiple occasions during the period February 1 through April 30, 2015, by its servants, agents or employees permitting, furnishing or giving of alcoholic beverages to one minor, 18 years of age.
3. Count two: Licensee violated the Liquor Code at 47 P.S. §4-493(1), alleging that on June 13, 2015, Licensee, by its servants, agents or employees, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one visibly intoxicated patron.
4. Count three: Licensee violated the Liquor Code at 47 P.S. §§4-401(a) and 4-407(a), alleging that on June 13, 2015, Licensee, by its servants, agents or employees, sold malt or brewed beverages in excess of 192 fluid ounces in a single sale to one patron for consumption off premises.

DISCUSSION:

The preponderance of the evidence establishes that Licensee's employee, A.W., was either served, or possibly took, alcohol while on the premises when working at the premises on weekends in the period of February 1 through April 30, 2015. Therefore, the Bureau has met its burden of proof. Accordingly, the citation is sustained.

PRIOR RECORD:

Licensee has been licensed since November 13, 2013, and has had no prior violations.

PENALTY:

For violations of the type found in count three of this case, the Liquor Code permits any of the following penalties: (1) a license revocation, (2) a fine in the range of \$50.00 to \$1,000.00, (3) a license suspension, or (4) any combination of a fine and suspension. For violations of the type found in counts one and two, the Liquor Code permits any of the following penalties: (1) a

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license revocation, (2) a fine in the range of \$1,000.00 to \$5,000.00, (3) a license suspension, or (4) any combination of a fine and suspension. (47 P.S. §4-471)

Moreover, the Liquor Code at 47 P.S. §4-471(d) provides for mandatory compliance with §4-471.1, pertaining to Responsible Alcohol Management when, as in this case, Licensee has been found to have violated §493(1) as a first offense as it relates to sales to minors or sales to a visibly intoxicated patron.

For the foregoing reasons, a penalty shall be imposed in the amount of \$3,000.00, and Licensee must remain in compliance with the requirements of §471.1 of the Liquor Code pertaining to responsible alcohol management for a period of one year from the mailing date of this Order. Accordingly, I impose a penalty of \$1,400.00 and mandatory RAMP compliance for one year from the mailing date of this order for count one, \$1,400.00 for count two, and \$200.00 for count three.

ORDER:

THEREFORE, it is hereby ordered that Zurab Zautadze, t/a Gennaros Pizza & Pasta, License Number R-AP-SS-2933, pay a fine of \$3,000.00 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.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in the Liquor Code at 47 P.S. §4-471.1, pertaining to Responsible Alcohol Management, and must remain in compliance for a period of one year from the mailing date of this Order.

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 the Liquor Code at 47 P.S. §§4-471(d) or (e).

Jurisdiction is retained.

Dated this 5<sup>TH</sup> day of October, 2016.

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Richard O'Neill Earley, J.

NOTE: 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.

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**IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.**

**Detach Here and Return Stub with Payment – Note Citation Number on Check**

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The fine must be paid by cashier's check, money order, or a check drawn on the account of an attorney licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation to:

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

**Credit/Debit Cards may be used:** If you have already registered with PLCB+ you should be able to pay by Credit/Debit card; if you have not registered with PLCB+ you may obtain the information on how to register by sending an email message to: [RA-LBLICENSINGMOD@pa.gov](mailto:RA-LBLICENSINGMOD@pa.gov).

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