

Mailing Date: OCT 31 2019

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE Citation No.: 19-1240
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE Incident No.: PA 2019-832614
v.	:	
	:	
ARGENTO BROS INC	:	PLCB LID No.: 24306
272 CLAREMONT AVE	:	
RR #4	:	PLCB License No.: R-SS-16116
TAMAQUA PA 18252	:	
	:	
SCHUYLKILL COUNTY	:	
	:	
	:	

BEFORE: JUDGE RICHARD O'NEILL EARLEY
BLCE COUNSEL: ROY HARKAVY, ESQ.
LICENSEE: GIOVANNA CAMMAROTA, PRESIDENT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on August 12, 2019, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Argento Bros., Inc., License Number R-SS-16116, (Licensee).

The citation charges Licensee with violation of the Liquor Code at 47 P.S. §4-471(d), alleging that during the period June 13 through July 9, 2019, Licensee, by its servants, agents or employees, failed to comply with the order of the Administrative Law Judge at Citation No. 19-0091C, mandating responsible alcohol management training.¹

Licensee has executed a Statement of Admission, Waiver and Authorization in which Licensee: admits to the violation(s) charged in the citation, agrees that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the Administrative Law Judge to enter an Adjudication without a hearing based on a summary of facts

¹ The Bureau amended count one of the citation to include all days from June 13 to October 16, 2019, as violation dates. The Bureau's motion was granted on October 24, 2019.

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as provided by the Bureau and prior citation history, and waives the right to appeal this Adjudication.

Based upon the admission(s) of Licensee and the summary of facts provided by the Bureau, I make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. At Adjudication 19-0091C, this Court ordered Licensee to complete RAMP certification within 90 days, by June 12, 2019.
2. On July 8, 2019, a Liquor Enforcement Officer conducted a routine inspection of Licensee's premises and met with general manager Joseph Benny and shift manager Domenico Cammarota. Licensee failed to complete owner/manager training and did not conduct new employee orientation for any of the its employees. Licensee did not submit the affidavit request for RAMP certification to the Board. Licensee's premises was not RAMP certified.
3. The Board sent the Bureau an attestation certifying that Licensee was not RAMP certified during the period June 12 through July 9, 2019. Licensee became owner/manager certified on July 25, 2019. Licensee became RAMP certified on October 16, 2019.
4. On October 24, 2019, the Bureau filed a motion to amend the citation to include all days from June 13 to October 16, 2019, as violation dates. I granted the Bureau's motion the same day.

CONCLUSION OF LAW:

Licensee operated from June 13 to October 16, 2019, a period of 125 days, without securing RAMP certification as ordered at Adjudication 19-0091C. Sustained.

PRIOR RECORD:

Licensee has been licensed since July 11, 1989, and has had two prior violations:

IN RE:

Citation No. 90-2156. Fine \$150.00.

1. Employed a minor under 16 years of age.
2. No certified copy of birth certificate on premises of employee under 21.

Citation No. 19-0091C. Fine \$1,700.00 and RAMP certification mandated.

1. Sales to a minor.
November 23, 2018.

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PENALTY:

For violations of the type found in 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. (47 P.S. §4-471) In mitigation, some consideration shall be given to the fact that Licensee has admitted to the violations as charged in this citation, and has waived the right to a hearing and appeal.

For the foregoing reasons, a fine of \$400.00 shall be imposed as an appropriate penalty in this case.

ORDER:

THEREFORE, it is hereby ordered that Argento Bros., Inc., License Number R-SS-16116, pay a fine of \$400.00 within 20 days of the mailing date of this Order. In the event the 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.

Dated this 30TH day of October, 2019.



Richard O'Neill Earley, J.

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NOTE: IF YOU WANT THE ADMINISTRATIVE LAW JUDGE TO RECONSIDER THIS ADJUDICATION, YOU MUST SUBMIT A WRITTEN APPLICATION AND A NONREFUNDABLE \$25.00 FILING FEE. BOTH MUST BE RECEIVED BY THE OFFICE OF ADMINISTRATIVE LAW JUDGE, (PLCB - OFFICE OF ADMINISTRATIVE LAW JUDGE, BRANDYWINE PLAZA, 2221 PAXTON CHURCH ROAD, HARRISBURG, PA 17110-9661) WITHIN 15 DAYS OF THIS ADJUDICATION'S MAILING DATE. YOUR APPLICATION MUST DESCRIBE THE REASONS FOR RECONSIDERATION. THE FULL REQUIREMENTS FOR RECONSIDERATION CAN BE FOUND IN TITLE 1 PA. CODE §35.241.

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

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 registered with PLCB+ you may pay by Credit/Debit card at www.lcb.pa.gov by following the PLCB+ link. 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.

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Argento Bros., Inc.