

Adams County Legal Journal

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IN THIS ISSUE

AMERICAN LEGION CLUB OF GETTYSBURG VS.
BUREAU OF LIQUOR CONTROL ENFORCEMENT

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SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 08-S-1051 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 08-S-1051

BAC HOME LOANS SERVICING LP
vs.

ANNA M. LEISTER &
DANIEL SUMMERS

405 LUMBER STREET
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 006-0087-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$206,122.49

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEVER

SEIZED and taken into execution as the property of **Anna M. Leister & Daniel Summers** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-695 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-695

US BANK NATIONAL ASSOCIATION
vs.

DARRELL J. LITTLE &
ELIZABETH A. LITTLE

44 LOCUST DRIVE
LITTLESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15 117-0020A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$120,131.68

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Darrell J. Little & Elizabeth A. Little** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/15, 22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1905 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-1905

BAC HOME LOANS SERVICING LP
vs.

CHARLES G. MILLER &
REGINA MILLER

575 HOOKER DRIVE
GETTYSBURG, PA 17325
MOUNT PLEASANT TOWNSHIP

Parcel No.: 32 105-0064-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$237,484.74

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Charles G. Miller & Regina Miller** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/22, 29 & 11/5

AMERICAN LEGION CLUB OF GETTYSBURG VS. BUREAU OF LIQUOR CONTROL ENFORCEMENT

1. In a liquor enforcement appeal, the Court of Common Pleas is required to conduct a *de novo* review on questions of law, fact, administrative discretion and such other matters as are involved.
2. Based on its *de novo* review, the Court may sustain, alter, change, modify or amend the board's action whether or not it makes findings which are materially different from those found by the Board or the Administrative Law Judge.
3. In a liquor license case, the burden is on the Commonwealth to establish a violation by a clear preponderance of the evidence.
4. According to Section 313 of the Local Option Small Games of Chance Act, a law enforcement official is defined as a "municipal police officer, a member of the Pennsylvania State Police, the sheriff of a county or a deputy sheriff." Thus, as the Bureau of Liquor Control is a subdivision and member of the Pennsylvania State Police, it is a law enforcement official.
5. It is well established that violations of criminal laws other than the Liquor Code may constitute sufficient cause for revocation or suspension of a liquor license.
6. The court cannot reverse Liquor Code charges by declaring the violations to be de minimis. Furthermore, it is not necessary to show proof of intent to violate the Liquor Code.

In the Court of Common Pleas of Adams County, Pennsylvania,
Civil, No. 2010-S-1982, THE AMERICAN LEGION CLUB OF
GETTYSBURG, PENNSYLVANIA VS. PENNSYLVANIA STATE
POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT

William C. Kollas, Esq., for Petitioner

Thomas M. Ballaron, Esq., for Respondent

Kuhn, P.J., April 15, 2010

OPINION ON PETITIONER'S PETITION FOR REVIEW OF OPINION OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

Presently before the Court is the Petitioner's Petition For Review Of Opinion Of The Pennsylvania Liquor Control Board ["Petition"] filed January 19, 2010. For the reasons set forth herein, said Petition is denied.

BACKGROUND

Petitioner is a non-profit organization located at 528 E. Middle Street, Gettysburg, Adams County. Petitioner is licensed by the Liquor Control Board ("LCB") to operate under license number CC-4750. On July 2, 2009, the Bureau of Liquor Control Enforcement ("Bureau")¹ sent a notice of violation to Petitioner. On July 16, 2009,

¹The Bureau is a subdivision of the Pennsylvania State Police.

the Bureau issued citation number 09-1662 to Petitioner alleging violations of Section 471 of the Liquor Code (**47 P.S. § 4-471**). The citation alleged the following two counts:

1. From April 20 through 28 and May 8, 2009, and divers occasions during the previous year, Petitioner, by its servants, agents or employees, possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmarking on its licensed premises, in violation of Section 471 of the Liquor Code, 47 P.S. § 4-471, and Section 5512 and/or 5513 of the Crimes Code, 18 Pa.C.S. §§ 5512 and/or 5513.
2. During the periods March 26 through April 1, April 2 through 8, April 9 through 15, and April 30 through May 6, 2009, Petitioner, by its servants, agents or employees, offered and/or awarded more than \$5,000 in cash or merchandise in any seven-day period, in violation of Section 471 of the Liquor Code, 47 P.S. § 4-471, and Section 315(b) of the Local Option Small Games of Chance Act (“LOSGCA”), 10 P.S. § 315(b).

Petition, Ex. A.

On October 20, 2009, a hearing was held before the Administrative Law Judge (“ALJ”) of the LCB. The following Stipulation of Facts was agreed to by each party:

1. The Bureau began its investigation on April 30, 2009, and completed it on June 4, 2009.
2. The Bureau sent a notice of alleged violation to Petitioner at the licensed premises by certified mail-return receipt requested on July 2, 2009.
3. On May 8, 2009,² a Bureau Enforcement Officer conducted an administrative inspection of Petitioner’s records. The Officer discovered the Small Games of Chance permit expired on April 19, 2009, and was not reissued until April 29, 2009, and Petitioner was operating Small Games of Chance during that period.³

²There is a discrepancy in the record as to whether this date was April 28, 2009, or May 8, 2009. This discrepancy does not affect the disposition of this matter. The information in the record reveals this date was likely May 8th.

³It is undisputed that an employee of Petitioner informed the Officer of the expiration of the license and was not provided *Miranda* warnings prior to the admission.

4. Petitioner modified an otherwise legally manufactured seal game.
5. For the seven-day period ending April 1, 2009, Petitioner paid out \$33,820.00 in Small Games of Chance prizes. For the similar period ending April 8, 2009, the payout was \$42,071.00. For the period ending April 15, 2009, the pay out was \$50,435.00. For the period ending May 6, 2009, the payout was \$60,320.00.

Petition, Ex. B.

The ALJ concluded that the notice requirements of Section 471 had been satisfied, and sustained the charges under Counts 1 and 2.

Petition, Ex. A. The ALJ also found that the Petitioner had two previous violations:

1. Adjudication No. 06-1510. May 16, 2006. Fine \$750
 - a. Offered and/or awarded more than \$5,000 in cash or merchandise in any 7-day period. April 3 through 9, 10 through 16, and 17 through 23, 2006.
 - b. Failed to maintain complete and truthful records covering the operation of Small Games of Chance for a period of two years.
2. Adjudication No. 08-2706. August 25, 2008. Fine \$1,000, and five-day suspension
 - a. Failed to maintain complete and truthful records covering the operation of Small Games of Chance for a period of two years.

The ALJ imposed a fine of \$750 on Count 1, and \$1,000 plus a five-day suspension on Count 2.

Petitioner filed a timely appeal to the LCB. The LCB sustained the ALJ's decision, holding:

1. Petitioner did not dispute the facts as stipulated.
2. By its own admission, Petitioner continued to operate small games of chance during the period when its license had expired.
3. By its own admission, Petitioner modified an otherwise legally manufactured seal game by overpaying the award.
4. By its own admission, Petitioner paid out more than \$5,000 in various 7-day periods.

5. That the Bureau does have jurisdiction to enforce the LOSGCA.
6. Petitioner clearly violated Sections 5512 and/or 5513 of the Crimes Code and Section 315(b) of the LOSGCA.

Petition, Ex. B.

This appeal followed on January 19, 2010. The Bureau responded on March 3, 2010. Petitioner filed a brief on or about March 5, 2010. A hearing was held March 5, 2010. At that hearing, Petitioner offered mitigating evidence to explain the charitable nature of the American Legion and how suspension would affect its charitable activity. Respondents did not offer any testimony. Respondent filed a brief on March 26, 2010. Petitioner filed a Reply Brief on April 6, 2010.

ISSUES PRESENTED

The following issues have been raised by Petitioner:

1. Whether the Bureau has authority to enforce the LOSGCA.
2. Whether the Bureau has authority to enforce the LOSGCA under the Revocation and Suspension of License Provisions of the Liquor Code, 47 P.S. 4-471.
3. Whether the Bureau officer complied with the requirements of the LOSGCA.
4. Whether Section 4-471 of the Liquor Code sets forth violations of the liquor code.
5. Whether the alleged violations of Section 5512 and/or 5513 of the Crimes Code are in the nature of de minimis infractions and must be dismissed.
6. Whether as a matter of public policy it is appropriate to “forgive” the alleged violations of the LOSGCA.

CONCLUSIONS OF LAW

1. The Bureau does have authority to enforce the LOSGCA.
2. The Bureau does have authority to enforce the LOSGCA under the Revocation and Suspension of License provisions of the Liquor Code, 47 P.S. 4-471.
3. The Bureau enforcement officer complied with the requirements of the LOSGCA.
4. Whether Section 4-471 sets forth violations of the liquor code is irrelevant because the Petitioner was properly cited.

5. The violations of Sections 5512 and 5513 of the Crimes Code are not de-minimis infractions and will not be dismissed.
6. It is not appropriate to “forgive” Petitioner for its violations of the LOSGCA.

DISCUSSION

In a liquor enforcement appeal, the Court of Common Pleas is required under Section 471 to conduct a *de novo* review on “questions of law, fact, administrative discretion and such other matters as are involved.” *Pa. State Police, Bureau of Liquor Enforcement v. Kelly’s Bar, Inc.*, 639 A.2d 440, 442 (Pa. 1994). “Based upon its *de novo* review, it may sustain, alter, change, modify or amend the board’s action whether or not it makes findings which are materially different from those found by the Board or the Administrative Law Judge.” *Id.* The trial court has the duty of receiving the record from the lower proceedings and making its own findings of fact, conclusions of law, and assess the appropriate penalty. *Id.* The Commonwealth may sustain its burden of proof by submitting the record from the lower proceedings. *Id.* “In a liquor license case, the burden is on the Commonwealth to establish a violation by a clear preponderance of the evidence.” *In re Omicron Enterprises*, 449 A.2d 857, 859 (Pa. Commw. 1982).

Because the parties have stipulated to the facts as presented to the ALJ and the LCB, it is appropriate for the Court to adopt the findings of fact as set forth in both decisions.

Jurisdiction

Court 2 of the citation alleged Petitioner violated Section 315(b) of the LOSGCA. That section provides:

(b) Weekly limit.—No more than \$5,000 in cash or merchandise shall be awarded by any eligible organization in any seven-day period.

10 P.S. § 315. It is undisputed that Petitioner did violate the plain language of this statute. The only issue is jurisdiction of the Bureau to enforce the LOSGCA.

The Bureau argues that it has authority to enforce the LOSGCA under the Revocation and Suspension of License provisions of the Liquor Code. That section provides, in relevant part,

Upon learning of any violation of this act or laws of this Commonwealth relating to liquor, alcohol or malt or

brewed beverages, or of any regulations of the board adopted pursuant to such laws, or any violation of any laws of this Commonwealth or of the Federal Government relating to the payment of taxes on liquor, alcohol or malt or brewed beverages by any licensee within the scope of this article, his officers, servants, agents or employees, **or upon any other sufficient cause shown**, the enforcement bureau may...cite such licensee...to show cause why such license should not be suspended or revoked or a fine imposed, or both.

47 P.S. § 4-471(a) (emphasis added). It is the Bureau's contention that its authority is vested in the "other sufficient cause shown" language of Section 4-471.

In its first allegation of error, the Petitioner argues that the authority to enforce the LOSGCA rests with the Department of Revenue, **10 P.S. §§ 313 & 319**, and that enforcement authority is vested with the district attorney and "law enforcement officials." **10 P.S. § 323.** A "law enforcement official" is defined in the act as "[a] municipal police officer, a member of the Pennsylvania State Police, the sheriff of a county or a deputy sheriff." **10 P.S. § 313.** Petitioner argues that a member of the Bureau does not qualify as a law enforcement officer. Petitioner further argues that Section 2-211 of the Liquor Code, which grants the Bureau authority to enforce enumerated violations of the Liquor Code as well as certain specific other acts, does not include the LOSGCA. In its second allegation of error, the Petitioner is also arguing that authority to enforce the LOSGCA is not provided to the Bureau under the "other sufficient cause shown" language of Liquor Code Section 4-471.

It is quite clear that Petitioner's arguments must fail. Both of these arguments were addressed in the recent Commonwealth Court Opinion in *Pa. State Police, Bureau of Liquor Control Enforcement v. Harrisburg Knights of Columbus Home Association*, 989 A.2d 39 (Pa. Commw. 2009). Regarding whether the Bureau qualifies as a "law enforcement official," the Court held:

Section 211 of the Liquor Code provides that the Bureau is a subdivision of the Pennsylvania State Police authorized to enforce the Liquor Code and its attendant regulations. *See* 47 P.S. § 2-211(a). Section 323(a) of LOSGCA

provides that “[n]othing in this act shall be interpreted to restrict the power of State, county or local law enforcement officials to conduct investigations and enforce the provisions of this act.” 10 P.S. § 323(b). Moreover, according to Section 313 of LOSGCA, a law enforcement official is defined as a “municipal police officer, a member of the Pennsylvania State Police, the sheriff of a county or a deputy sheriff.” 10 P.S. § 313. Thus, as the Bureau is a subdivision and member of the Pennsylvania State Police, it is a law enforcement official.

Id. at 43. Thus, because the Bureau is a “law enforcement official”, it is vested with authority to enforce the LOSGCA.

Petitioner, in its Reply Brief, urges this Court to ignore this decisive language in *Knights of Columbus*. First, Petitioner argues that the Commonwealth Court failed to properly analyze the issue and, therefore, there is “great doubt as to the validity of the *Knights of Columbus* decision.” [Reply Brief, Pg. 2]. Whether this is legally sound or not is not for this Court to decide. The Commonwealth Court has made its determination, that determination has not been overturned, and this Court is bound to follow appellate authority.⁴

⁴The Petitioner cites two cases in support of its claim that Bureau enforcement officers are not law enforcement officers. It is true that in *Fraternal Order of Police v. Pa. Labor Relations Board*, 454 A.2d 686 (Pa. Commw. 1983), the Court stated that Liquor Control Board Enforcement Officers were not “police” as the term is commonly understood. *Id.* at 688. (At the time of that decision, the Liquor Control Enforcement Officers were members of the LCB and charged with enforcing the Liquor Code. *Fraternal Order of Police*, 454 A.2d at 687. That authority was given to the Bureau in 1987. *Knights of Columbus*, 989 A.2d at 43.). However, as stated by the Court, “...the LCB Enforcement Officers are specifically vested with police powers and duties...LCB Enforcement Officers are only empowered to enforce the limited area of Pennsylvania liquor laws. Their powers and duties *do not* extend to enforcement of *all* the laws of the Commonwealth.” *Fraternal Order of Police*, 454 A.2d at 688. This same statement can be made in the instant matter. It is clear that the Bureau has police powers and duties, but those powers are limited to enforcement of limited areas, i.e. the LOSGCA, vis-à-vis, the Liquor Code. Both *Fraternal Order of Police*, and the other case cited by Petitioner, *Fraternal Order of Police, Conference of Pennsylvania Liquor Control Board Lodges v. Pennsylvania Labor Relations Board*, 751 A.2d 726 (Pa. Commw. 2000), dealt with situations where the Court did not consider Liquor Code enforcement officers to be “police officers” for purposes of bargaining agreements. That situation is completely different than the situation presently before the Court.

Accordingly, a Bureau enforcement officer is a “law enforcement officer” for purposes of enforcement of the LOSGCA.

Petitioner’s second allegation of error, that the LOSGCA cannot be enforced through the “other sufficient cause shown” language of Section 4-471, must also fail. As the Court held in *Knights of Columbus*,

As to the Bureau’s authority to enforce LOSGCA and issue citations under the Liquor Code, Licensee is correct that there are no provisions of LOSGCA which provide the Bureau with such authority. It is well established that “violations of criminal laws other than the Liquor Code may constitute sufficient cause for revocation or suspension of a liquor license” pursuant to Section 471 of the Liquor Code. *TLK, Inc.*, 518 Pa. at 504, 544 A.2d at 933 (citations omitted). Courts have interpreted Section 471 of the Liquor Code as providing similar authority for the imposition of penalties for a variety of conduct not expressly prohibited by the Liquor Code, but reasonably related to the sale and use of alcoholic beverages, including gambling.

Knights of Columbus, 989 A.2d at 44. Accordingly, the Bureau does have the authority to enforce the LOSGCA through the “other sufficient cause shown” language in Section 4-471.

Compliance

Petitioner’s third assignment of error is that the Bureau officer did not comply with the requirements of the LOSGCA. As Petitioner argues, inspections of premises licensed under the LOSGCA must “[t]ake place only when a reasonable belief exists that a violation of the act or this part has occurred, is occurring or will occur.” **61 Pa. Code § 901.28(a)(2).**⁵ However, as Petitioner acknowledges, “[t]he inspection was a routine Liquor Code inspection.” [**Petitioner’s Brief, Pg. 7**]. Bureau enforcement officers are authorized to “investigate and issue citations for any violation of” the Liquor Code. **47 P.S. 2-211(a)(4)**. The officer may enter the licensee’s premises

⁵Petitioner also renews its argument that the inspection was done by an officer not authorized to conduct such inspection. That issue has been addressed above.

without a warrant to conduct a routine inspection. **47 P.S. 4-493(21).**⁶ The Bureau had authority to cite the Petitioner for its violation of the LOSGCA through the “other sufficient cause shown” language of the Liquor Code. Therefore, this inspection was conducted appropriately.

Language of the Citation

Petitioner next argues that because Section 4-471 merely authorizes revocation and suspension of licenses for violating the act or “any other sufficient cause shown,” a licensee cannot be cited for violating Section 4-471. Petitioner argues that because Section 4-471 does not lay out any violations of the Liquor Code, it cannot itself be violated by a licensee.

The two citations filed against Petitioner cite it for violations of Section 4-471 of the Liquor Code. The Court acknowledges that Section 4-471 does not appear to address any specific violation of the Liquor Code, and merely authorizes revocation or suspension if there is any violation of the act or other sufficient cause shown. However, it is also noted that those citations also charge Petitioner with violations of Sections 5512 and/or 5513 of the Crimes Code and Section 315(b) of the LOSGCA. As indicated above, the “other sufficient cause shown” language in Section 4-471 authorizes a citation to be issued for violations of the LOSGCA. It is also well established that “violations of criminal laws other than the Liquor Code may constitute sufficient cause for revocation or suspension of a liquor license.” *Pa. LCB v. TLK, Inc.*, 544 A.2d 931, 933 (Pa. 1988). In *Knights of Columbus*, the citation also accused the licensee of “violation of Sections 471...of the Liquor Code.” *Knights of Columbus*, 989 A.2d at 40. That nuance did not affect the Commonwealth Court’s

⁶This section provides that it is unlawful for a licensee to refuse to allow the Bureau the right to inspect at any time during normal business hours. Also see, *In re Catering Club Liquor License No. CC-4837*, 438 A.2d 662 (Pa. Commw. 1981) (holding that although gambling is not a specific violation of the Liquor Code or any law of the Commonwealth, a license can be revoked if gambling is conducted on licensed premises. A warrantless search of a liquor licensee’s premises by agents of the Liquor Control Board, who inspected the premises for gambling devices, was reasonable since it was made within context of a “carefully defined class,” the liquor industry); *Com. v. Runkle*, 430 A.2d 676 (Pa. Super. 1981) (holding that an agent of the LCB could search a licensee’s premises for gambling devices where the statute authorized the Board to inspect licensed premises at any time the premises were open for business, even though the agent did not have warrant).

decision. While I agree that perhaps the citations could have been artfully more drafted, the Court will not “toss out” the citations on this seemingly trivial question.

De-minimis Infraction

Petitioner next argues that the first citation for violating Section 5512 and/or 5513 is a de-minimis infraction⁷ and, therefore, must be dismissed. Petitioner argues the enforcement officer would have not been aware of these infractions had the Petitioner’s employee not advised the officer, without the benefit of *Miranda* warnings, that the infraction had occurred and the lapse of the Small Games of Chance permit was an unintended mistake. Initially, I note that *Miranda* warnings are only required when the person is subject to a custodial interrogation. *Com. v. Housman*, 986 A.2d 822, 839 (Pa. 2009). There is no suggestion that this employee was subject to a custodial interrogation.

The “court cannot reverse Liquor Code charges by declaring the violations to be de minimis.”⁸ *Pa. LCB v. Dobrinoff*, 471 A.2d 941, 943 (Pa. Commw. 1984). Furthermore, it is not necessary to show proof of intent to violate the Liquor Code. *Id.* The Liquor Code authorizes an enforcement officer to arrest on view an individual he observes to be in violation of Sections 5512 and 5513 of the Crimes Code. **47 P.S. § 2-211(a)(1)**. Therefore, violations of these sections would in effect be violations of the Liquor Code, and, therefore, this Court cannot declare them to be de-minimis offenses.

Forgiveness

Finally, Petitioner⁹ argues that it should be forgiven for its violations because it is a charitable organization. The Court knows of no

⁷Petitioner cites to Section 312 of the Crimes Code to support its claim that these allegedly de-minimis infractions should be dismissed. This section applies to criminal prosecutions. **18 Pa.C.S. § 312(a)**. The matter presently before the Court does not involve a criminal prosecution. See *Mitchell v. Pa. LCB*, 476 A.2d 479, 480-81 (Pa. Commw. 1984) (“A Liquor Code citation proceeding is a civil case and therefore Section 312, concerning dismissals of criminal prosecutions, has no application”).

⁸While the Court acknowledges that it is to conduct a de-novo review and has wide authority to make its own findings and conclusions. The language in *Dobrinoff* has not been overturned and is, therefore, controlling.

⁹Petitioner has 2201 local members, of which 970 are members who served in the United State Military, 440 are Sons of American Legion, 518 are auxiliary, and 273 are social members. The Court lauds and deeply respects the patriotic service and pride of these members as demonstrated times past and present. This decision does not diminish in any manner the esteem with which we hold these generous persons.

statute that authorizes forgiveness for a charity. The Court acknowledges the importance of Petitioner's charitable work within the community, however, these good works do not diminish the fact that a violation has occurred. Furthermore, this is not the first time this licensee has been cited for the same violation. Moreover, at the March 5th hearing, Petitioner's agents testified that it makes very little of its money from the sale of alcohol and the suspension presently at issue only affects its liquor license. The exhibits offered into evidence at that hearing showed that a majority of the Petitioner's income is from small games of chance.¹⁰ However, the Small Games of Chance License, re-issued on April 29, 2009, is not being suspended.

Therefore, this Court will not "forgive" Petitioner for its violations.

Penalty

The penalties imposed by the ALJ and the Board are appropriate and affirmed. Section 4-471 of the Liquor Code provides for a fine of not less than \$50 nor more than \$1,000 and suspension or revocation. The fines of \$750 on Count 1, and \$1,000 plus 7-day suspension on Count 2, are within the statutory requirements.

Accordingly, the Petition is denied and the LCB decision is affirmed. The attached Order is entered.

ORDER

AND NOW, this 15th day of April, 2010, for the reasons set forth in the attached Opinion, Petitioner's Petition For Review Of Opinion Of The Pennsylvania Liquor Control Board filed January 19, 2010, is denied. The decision of the Liquor Control Board is affirmed.

¹⁰Curiously, Petitioner presented testimony that its decision to close operations during the period of previous suspensions caused substantial hardship. Why that decision was made is unclear. Only the license to sell alcohol was suspended and the manager testified that "we don't make money off of alcohol." Petitioner's right to sell food, non-alcoholic beverages, and small games of chance was unrestricted by the Liquor Control Board's actions. In other words, the charitable and community services benevolently provided by Petitioner could have continued uninterrupted. While the Court recognizes that a liquor license is an attractive amenity for this organization, I seriously doubt that the purpose for which this organization exists and its members devote their time, talent, energy, and resources would disappear absent such a license.

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-543 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-543

CHASE HOME FINANCE LLC

vs.

JAY R. MUTCHLER &
CYNTHIA D. MUTCHLER

240 KINDIG ROAD
LITTESTOWN, PA 17340
GERMANY TOWNSHIP

Parcel No.: 15-J17-0207-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$297,186.71

Attorneys for Plaintiff

GRENN & BIRSIC, P.C.

SEIZED and taken into execution as the property of **Jay R. Mutchler & Cynthia D. Mutchler** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-751 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-751

BENEFICIAL CONSUMER DISCOUNT
COMPANY

vs.

BRIAN HOWARD MYER &
HEATHER A. MYER

67 SKI RUN TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-007-0112-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$273,091.30

Attorneys for Plaintiff

STERN AND EISENBERG, LLP

SEIZED and taken into execution as the property of **Brian Howard Myer & Heather A. Myer** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1869 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 09-S-1869

CHASE HOME FINANCE LLC

vs.

SEAN H. MYERS &

JESSICA A. HILL
1459 HANOVER ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38-G13-0069-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$102,558.37

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Sean Myers & Jessica A. Hill** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/22, 29 & 11/5

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-512 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-512

WELLSFARGO BANK NA

vs.

ANN H. BAILEY & KAREN B.

NEVEKER a/k/a KAREN BAILEY

NEVEKER & WALTER R. NEVEKER

133 REBA DRIVE

NEW OXFORD, PA 17350

OXFORD TOWNSHIP

Parcel No.: 35-J12-0222-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$298,616.44

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Ann H. Bailey & Karen B. Neveker a/k/a Karen Bailey Neveker & Walter R. Neveker** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-722 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-722

BANK OF NEW YORK

vs.

BARBARA A. PHILLIPS &

CHARLES E. PHILLIPS

70 BENDERS CHURCH ROAD

BIGLERVILLE, PA 17307

BUTLER TOWNSHIP

Parcel No.: 07 F08-0082-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$169,600.46

Attorneys for Plaintiff

GOLDBECK MCCAFFERTY &

MCKEEVER

SEIZED and taken into execution as the property of **Barbara A. Phillips & Charles E. Phillips** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-912 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution

No. 10-S-912

PNC MORTGAGE

vs.

PHOMMA PHANHHTY & TANIS A.

STUCKY a/k/a TANIS A. PHANHHTY

35 RIFE ROAD

EAST BERLIN, PA 17316

READING TOWNSHIP

Parcel No.: 36 L07-0023G-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$190,971.31

Attorneys for Plaintiff

VITTI & VITTI & ASSOCIATES, PC

SEIZED and taken into execution as the property of **Phomma Phanhthy & Tanis A. Stucky a/k/a Tania A. Phanhthy** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-450 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-450

BAC HOME LOANS SERVICING LP
vs.

RYAN PURCELL & TARA PURCELL
a/k/a TARA N. OLIVER

11 SMOKEHOUSE COURT
LITTLETOWN, PA 17340
LITTLETOWN TOWNSHIP

Parcel No.: 27 007-0149-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$219,871.91

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Ryan Purcell & Tara Purcell a/k/a Tara N. Oliver** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-NO-641 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-NO-641

PNC BANK NATIONAL ASSOCIATION
vs.

PUNJABI MANAGEMENT CORP.

1025 BIGLERVILLE ROAD
GETTYSBURG, PA 17325
CUMBERLAND TOWNSHIP

Parcel No.: 09 F12-0044-000

IMPROVEMENTS THEREON:
LAND AND BUILDING

JUDGMENT AMOUNT: \$169,135.98

Attorneys for Plaintiff

UNRUH TURNER BURKE & FREES

SEIZED and taken into execution as the property of **Punjabi Management Corp.** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-91 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-91

HSBC BANK USA NA
vs.

TIMOTHY RILL

41 COMMERCE STREET
NEW OXFORD, PA 17350
NEW OXFORD BOROUGH

Parcel No.: 34 005-0213-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$120,808.40

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Timothy Rill** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-825 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-825

CHASE HOME FINANCE LLC
vs.

TREVOR S. SHRINER a/k/a TREVOR
SCOTT SHRINER & BRIAN L. MARSH

17 RED BRIDGE ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38 021-0040-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$51,082.96

Attorneys for Plaintiff

MCCABE WEISBERG & CONWAY, PC

SEIZED and taken into execution as the property of **Trevor S. Shriner a/k/a Trevor Scott Shriner & Brian L. Marsh** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-618 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-618

CITIMORTGAGE INC.
vs.

PAUL N. SENSENIG &
NANCY J. SENSENIG

2251 YORK ROAD
GETTYSBURG, PA 17325
STRABAN TOWNSHIP

Parcel No.: 38 H12-0052-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$143,694.26

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Paul N. Sensenig & Nancy J. Sensenig** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-850 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-850

HSBC MORTGAGE CORPORATION
vs.

SHARON A SHAFFER
190 WIERMANS MILL ROAD
YORK SPRINGS, PA 17372
HUNTINGTON TOWNSHIP

Parcel No.: 22 105-0045-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$91,302.00

Attorneys for Plaintiff

MCCABE, WEISBERG & CONWAY,
P.C.

SEIZED and taken into execution as the property of **Sharon A. Shaffer** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-200 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-200

BANK OF NEW YORK TRUST
COMPANY

vs.

BETTY A. SHULL & BRIAN E. SHULL

140 BRICKYARD ROAD
NEW OXFORD, PA 17350
OXFORD TOWNSHIP

Parcel No.: 35 K12-0005-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$175,510.56

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Betty A. Shull & Brian E.
Shull** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 04-S-1094 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 04-S-1094

COUNTRYWIDE HOME LOANS
SERVICING LP

vs.

MICHAEL J. SHUMBERGER

20 SHERMAN DRIVE
EAST BERLIN, PA 17316
READING TOWNSHIP

Parcel No.: 36 102-0038A-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$131,397.46

Attorneys for Plaintiff
GOLDBECK MCCAFFERTY &
MCKEEVER

SEIZED and taken into execution as
the property of **Michael J. Shumberger**
and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-551 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-551

BANK OF NEW YORK MELLON
vs.

KELLI ANN SMITH

54 CROUSE PARK
LITTLESTOWN, PA 17340
LITTLESTOWN BOROUGH

Parcel No.: 27 005-0139-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$145,250.77

Attorneys for Plaintiff
PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Kelli Ann Smith** and to
be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-564 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-564

CHASE HOME FINANCE LLC, S/B/M
TO CHASE MANHATTAN MORTGAGE
CORPORATION

vs.
RICK L. SWENSON &
BONNIE ALEXIS SWENSON

23 LEE TRAIL
FAIRFIELD, PA 17320
CARROLL VALLEY BOROUGH

Parcel No.: 43-028-0113-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$284,675.18

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Rick L. Swenson &
Bonnie Alexis Swenson** and to be sold
by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-2031 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 09-S-2031

DEUTSCHE BANK NATIONAL TRUST
COMPANY

vs.
JAMES J. THAMEZ &
JESSICA A. THAMEZ

240 COUNTRY CLUB ROAD
ABBOTTSTOWN, PA 17301
ABBOTTSTOWN BOROUGH

Parcel No.: 01 004-0122-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$255,345.97

Attorneys for Plaintiff

DANIEL MANCINI AND ASSOCIATES

SEIZED and taken into execution as
the property of **James J. Thamez &
Jessica A. Thamez** and to be sold by
me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-651 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-651

WELLSFARGO BANK NA
vs.

FRANKLIN E. THOMPSON &
CAROL M. THOMPSON

20 SECOND STREET
ORRTANNA, PA 17353
HAMILTONBAN TOWNSHIP

Parcel No.: 18 C12-0102-000

IMPROVEMENTS THEREON:

RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$107,102.59

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as
the property of **Franklin E. Thompson &
Carol M. Thompson** and to be sold by
me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND
CLAIMANTS: You are notified that a
schedule of distribution will be filed by the
Sheriff in his office on December 10,
2010, and distribution will be made in
accordance with said schedule, unless
exceptions are filed thereto within 20 days
after the filing thereof. Purchaser must
settle for property on or before filing date.

ALL claims to property must be filed
with Sheriff before sale date.

As soon as the property is declared
sold to the highest bidder, 20% of the
purchase price or all of the cost,
whichever may be the higher, shall be
paid forthwith to the Sheriff.

10/29, 11/5 & 12

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF VERA LEE CULVER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executors: Lee C. Knox Culver, 556 DeSoto Drive, Miami Springs, FL 33166; Raymond James Culver, 1050 Barlow Greenmount Road, Gettysburg, PA 17325

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF JUNE I. LANG, DEC'D

Late of the Borough of Hanover, York County, Pennsylvania

Executor: Floyd W. Lang, Jr., c/o Edward J. O'Donnell, IV, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

Attorney: Edward J. O'Donnell, IV, Esq., 141 Broadway, Suite 230, Hanover, PA 17331

ESTATE OF MICHAEL DEAN OBERLANDER, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Todd Oberlander, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF DIANA FUSS SKILES, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Gerald Lee Sturgill, 20 Liberty Street, P.O. Box 546, Westminster, MD 21158-0546

Attorney: Timothy J. Shultis, Esq., Miller & Shultis, P.C., 249 York Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF EUGENIA E. BUFFINGTON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executors: Bonnie J. Fritz, 774 Broadway, Hanover, PA 17331; Gloria J. Smith, 4606 Blue Hill Road, Glenville, PA 17329

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF BRIAN K. FLANARY, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executor: Joseph B. Flanary, 520 Cashman Road, New Oxford, PA 17350

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF PATRICIA ANN KING, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executrix: Jacqueline King, 95 White Church Road, Gettysburg, PA 17325

Attorney: Clayton R. Wilcox, Esq., P.O. Box 176, Littlestown, PA 17340

ESTATE OF MICHAEL J. NICHOLSON, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Administrator c.t.a.: Rita M. Weaver, 15 Faith Drive, New Oxford, PA 17350

Attorney: Donald W. Dorr, Esq., Buchen, Wise & Dorr, 846 Broadway, Hanover, PA 17331

THIRD PUBLICATION**ESTATE OF JOAN M. BLACK, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Betty J. Wagaman, 222 1/2 York Street, Gettysburg, PA 17325; Carolyn A. Myers, 90 Brickcrafters Road, New Oxford, PA 17350

Attorney: Teeter, Teeter & Teeter, 108 W. Middle St., Gettysburg, PA 17325

ESTATE OF ETHEL T. FEESER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Margaret Kahlbaugh, 240 S. Jefferson St., Hanover, PA 17331

ESTATE OF DEAN R. HOFFMAN, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Executrix: Doris R. Hoffman, c/o Wm. D. Schrack, III, Esq., 124 West Harrisburg St., Dillsburg, PA 17019

Attorney: Wm. D. Schrack, III, Esq., 124 West Harrisburg St., Dillsburg, PA 17019

ESTATE OF DELORES A. PETERS, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Executor: Steve Peters, 1058 SW McCracken Avenue, Port Saint Lucie, FL 34953

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, Attorneys at Law, 126 Baltimore St., Gettysburg, PA 17325

ESTATE OF GLENN W. PHILLIPS, SR. a/k/a GLENN WALTER PHILLIPS, SR., DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executor: Glenn W. Phillips, Jr., 15 Sheridan Drive, Hanover, PA 17331

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

ESTATE OF ERNEST SILLIK, JR. a/k/a ERNEST VALENTINE SILLIK, JR., DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Executor: Donna Mae Sillik, 480 Old York Road, Wellsville, PA 17365

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

NOTICE BY THE ADAMS COUNTY
CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphan's Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Friday, November 5, 2010 at 8:30 a.m.

MOORE—Orphan's Court Action Number OC-133-2010. The First and Final Account of John C. Poplos, Executor for the Estate of Alice W. Moore, late of the Brethren Home Community, New Oxford, Adams County, Pennsylvania, deceased.

HARBACH—Orphan's Court Action Number OC-139-2010. The First and Final Account of Adams County National Bank, Executor of the Estate of Suzanne H. Harbach, late of Straban Township, Adams County, Pennsylvania, deceased.

Kelly A. Lawver
Clerk of Courts

10/22 & 29

IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA

CIVIL ACTION—LAW
NO.: 10-S-44

NOTICE OF SHERIFF SALE OF
REAL ESTATE PURSUANT TO
P.A.R.C.P. 3129

HSBC Bank USA, National Association, as trustee, on behalf of the holders of the Nomura Home Equity Loan, Inc. Asset-Backed Certificates Series 2005-HE1, Plaintiff

vs.

KEITH W. CARPENTER, JR.; MELISSA D. CARPENTER, Defendant(s)
TO: KEITH W. CARPENTER, JR.; MELISSA D. CARPENTER

That the Sheriff's Sale of Real Property (Real Estate) will be held at Adams County Courthouse Gettysburg, PA 17325 on 01/14/2011 at 10:00am prevailing local time.

THE PROPERTY TO BE SOLD is delineated in detail in a legal description consisting of a statement of the measured boundaries of the property, together with a brief mention of the buildings and any other major improvements erected on the land.

The LOCATION of your property to be sold is: 110 TRACY DRIVE, YORK SPRINGS, PA 17372

The JUDGMENT under or pursuant to which your property is being sold is docketed to: No.: 10-S-44

A complete copy of the Notice of Sheriff Sale will be sent to you upon request to the Attorney for the Plaintiff, Joel A. Ackerman, Esquire, Zucker, Goldberg & Ackerman, LLC, 200 Sheffield Street, Mountainside, NJ 07092, 908-233-8500

THIS PAPER IS A NOTICE OF THE TIME AND PLACE OF THE SALE OF YOUR PROPERTY.

IT HAS BEEN ISSUED BECAUSE THERE IS A JUDGMENT AGAINST YOU.

IT MAY CAUSE YOUR PROPERTY TO BE HELD, TO BE SOLD OR TAKEN TO PAY THE JUDGMENT.

You may have legal rights to prevent your property from being taken away. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, YOU MUST ACT PROMPTLY.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET FREE LEGAL ADVICE:

ADAMS COUNTY LAWYER
REFERRAL SERVICE
Pennsylvania Bar Association
P.O. Box 186, Harrisburg, PA 17108
Phone (800) 692-7375

10/29

IN THE COURT
OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION
NO. 2010-S-1580

IN RE: Sean Anthony Hudnell

NOTICE OF HEARING ON PETITION
FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on September 16, 2010, a Petition for Change of Name was filed on behalf of Sean Anthony Hudnell in the above-named Court praying for a decree to change his name from Sean Anthony Hudnell to Sean Anthony Higgins.

The Court has fixed November 5, 2010 at 8:30 a.m. in Courtroom No. 4, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325 as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Christine Higgins
311 Matthew Drive
New Oxford, PA 17350

10/22 & 29

SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 10-S-626 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of November, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 10-S-626

WELLSFARGO BANK NA
vs.

SHANNON E. BAIR & JANET E. SMITH

72 HEMLOCK DRIVE

HANOVER, PA 17331

CONEWAGO TOWNSHIP

Parcel No.: 08-021-0172-000

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$157,804.47

Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

SEIZED and taken into execution as the property of **Shannon E. Bair & Janet E. Smith** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on December 10, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

10/29, 11/5 & 12