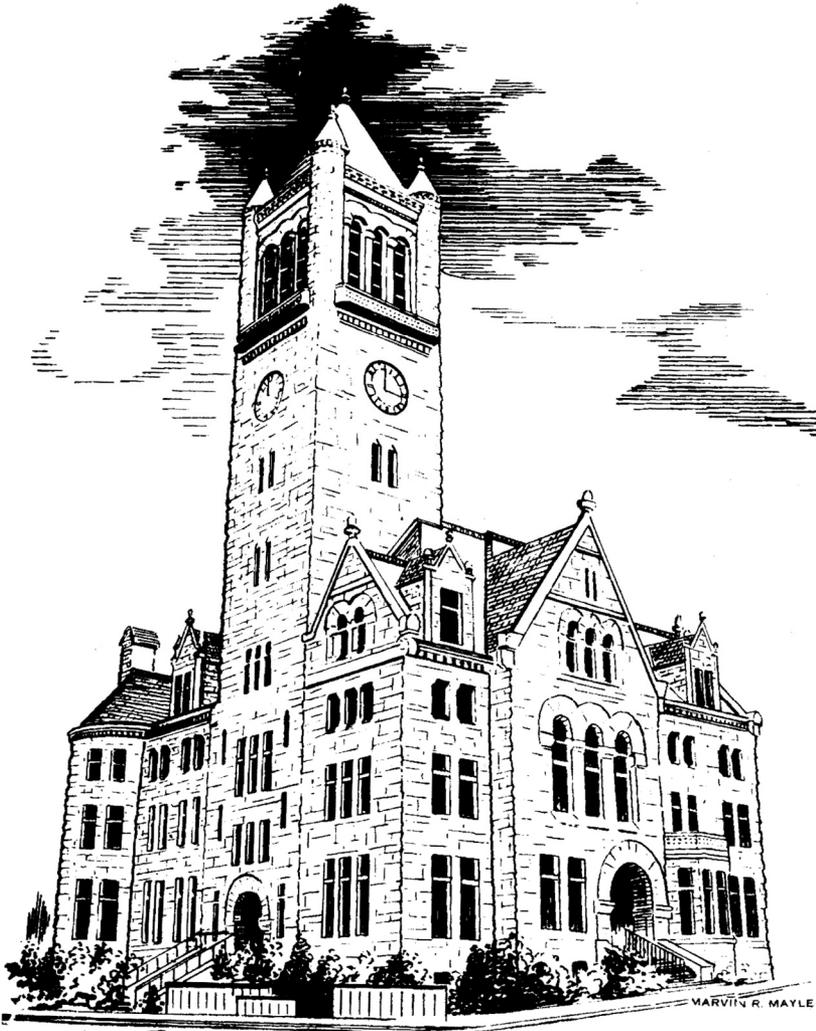


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

MARY A. BUBARTH, late of Connellsville,
Fayette County, PA (3)

Personal Representative: Robert J. Bubarth
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

THOMAS R. COLEMAN, a/k/a THOMAS COLEMAN, late of North Union Township,
Fayette County, PA (3)

Executor: Marshall Ray Coleman
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

MARVIN DILLON, late of Bullskin Township,
Fayette County, PA (3)

Personal Representative: Mark A. Dillon
c/o Watson Mundorff
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

EUGENE L. GAGGIANI, late of Redstone
Township, Fayette County, PA (3)

Personal Representative:
Diane M. Gaggiani
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

BERNADETTE HAMBORSKY, late of North
Union Township, Fayette County, PA (3)
Personal Representative: John T. Yohman
811 Center Avenue
Charleroi, PA 15022

WALTER KASIEWICZ, late of Bullskin
Township, Fayette County, PA (3)

Executrix: Diana Lynn Kasiewicz
165 Wiltrout Hollow Road
White, PA 15490
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

MARTHA E. LAMBERT, a/k/a MARTHA CRAMER ELLEN LAMBERT, late of
Bryantown, Fayette County, PA (3)

Executor: James D. Cramer
c/o Halbruner, Hatch & Guise, LLP
3435 Market Street
Camp Hill, PA 17011
Attorney: Craig A. Hatch

TOBY RAY MAYKUTH, late of Masontown,
Fayette County, PA (3)

Administratrix: Mary Maykuth
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Jeffrey Proden

MICHAEL MEYOKOVICH, a/k/a MIKE MARK MEYOKOVICH, SR., a/k/a MICHAEL M. MEYOKOVICH, SR., late of
South Union Township, Fayette County, PA (3)

Personal Representative:
Michael M. Meyokovich, Jr.
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

MILDRED J. STITH, late of German
Township, Fayette County, PA (3)

Executor: Kerry Stith
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

Second Publication

JUDY BALSLEY, a/k/a KAY JULIANNA BALSLEY, late of Stewart Township, Fayette County, PA (2)

Executrix: Kathryn Gordian
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

RONALD S. CASSIDY, late of Uniontown, Fayette County, PA (2)

Personal Representative: Patricia Cassidy-Honsaker, a/k/a Patricia Honsaker-Cassidy
200 Dixon Boulevard
Uniontown, PA 15401
c/o P.O. Box 310 902 First Street
Hiller, PA 15473
Attorney: Herbert G. Mitchell, Jr.

PHYLLIS A. CIAMPANELLI, late of Menallen Township, Fayette County, PA (2)

Executor: Larry CiampANELLI
c/o 68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham

BARBARA HISSOM, late of Perry Township, Fayette County, PA (2)

Executor: Camellia Pato
c/o Long & Long, LLC
305 West Pittsburgh Street
Greensburg, PA 15601
Attorney: Nicole Pardus

MARK ANTHONY KELLEY, late of Georges Township, Fayette County, PA (2)

Administratrix: Korina Frey
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Sean M. Lementowski

NELLIE S. PILIPOVICH, late of Uniontown, Fayette County, PA (2)

Personal Representative: Lauren E. Cernuska, a/k/a Lauren E. Colbert-Rush
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

CATHERINE PYLE, a/k/a CATHERINE ANN PYLE, late of South Union Township, Fayette County, PA (2)

Executor: Michael E. Pyle
72 Emerson Street
Uniontown, PA 15401
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

MARY ANN TOWNSEND, a/k/a MARYANN TOWNSEND, late of Georges Township, Fayette County, PA (2)

Executrix: Tina Eberhart
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

First Publication

THOMAS JOSEPH BOYD, late of Wharton Township, Fayette County, PA (1)

Administrators: Michael Boyd and Melinda Boyd
c/o 815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Z. House

LINDA RAE CLINE, late of Markleysburg, Fayette County, PA (1)

Personal Representative:
James E. Higinbotham, Jr.
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

JAMES FINLAYSON, a/k/a JAMES W. FINLAYSON, late of Fairchance Borough, Fayette County, PA (1)

Executor: J. Ben Finlayson
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

DAVID A. HAYDEN, SR., late of Uniontown,
Fayette County, PA (1)

Executrix: Joanne M. Reno
108 Navy Street
Perryopolis, PA 15473
c/o Shire Law Firm
1711 Grand Boulevard
Park Centre
Monessen, PA 15062
Attorney: Mark J. Shire

JUNE MARIE KENNISON, a/k/a JUNE M. KENNISON, late of Connellsville, Fayette County, PA (1)

Personal Representatives: Larry Kennison, II and Patrick V. Kennison
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

LEGAL NOTICES

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 26, 2023, for a limited liability company known as Stephanie's Pottery Shop LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: making and selling hand made pottery and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

**IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' DIVISION
NO. 49 Adopt 2023**

IN RE: ADOPTION OF H.S.L.,

TO: CHELSEY RAE JORDAN

NOTICE is hereby given that on September 5, 2023, the Petition of Jason Nicklow and Billie Jo Nicklow was filed in the above-named Court, requesting the Involuntary Termination of Parental Rights of Randy Lytle and Chelsey Rae Jordan.

The Petition has been filed asking the Court to put an end to all rights you have to your child H.S.L. The Court has set a hearing to consider ending your rights to your child. Hearing thereon shall be held at the Fayette County Courthouse, in Courtroom No. #5, 61 East Main Street, Uniontown, Pennsylvania 15401, on Wednesday, December 13, 2023, at 11:00 o'clock A.M., as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the Petitioner should not be granted.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street, P.O. Box 186
Harrisburg, PA 17018
Telephone: 1-800-692-7375

**ADAM J. BELLETTI, Esquire,
POLLOCK MORRIS BELLETTI &
SIMMS LLC**
Attorney for Petitioner
54 S. Washington Street
Waynesburg, PA 15370
Phone: (724) 627-6156

**NOTICE OF INTENTION TO FILE
ARTICLES OF AMENDMENT**

NOTICE is hereby given that the Connellsville Municipal Authority intends to file Articles of Amendment to the Articles of Incorporation of the Connellsville Municipal Authority with the Secretary of the Commonwealth of Pennsylvania pursuant to the provisions of the Pennsylvania Consolidated Statutes Annotated Title 53, Chapter 56, as amended, known as the Municipality Authorities Act.

In accordance with the requirements of 53 Pa. C.S.A. Section 5605(d), the following information is provided:

1. The registered office of the Connellsville Municipal Authority is One Municipal Lane, Connellsville, PA 15425.

2. The Articles of Amendment to the Articles of Incorporation of the Connellsville Municipal Authority are filed in accordance with the provisions of Chapter 56 of Title 53 of the Pennsylvania Consolidated Statutes Annotated known as the Municipality Authorities Act.

3. The nature and character of the proposed Amendment to the Articles of Incorporation of the Connellsville Municipal Authority is to add to the powers or purposes of the Authority by adding powers related to the collection, removal or disposal of ashes, garbage, rubbish and other refuse materials.

4. The Articles of Amendment to the Articles of Incorporation of the Connellsville Municipal Authority will be filed with the Secretary of the Commonwealth of Pennsylvania no sooner than three (3) days after the publication of this Notice.

Connellsville Municipal Authority
Patrick Duncan, Chairman
(724) 626-1950

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY,
PENNSYLVANIA --CIVIL DIVISION
CIVIL ACTION – LAW
NO. 1676 of 2023, G.D.
JUDGE VERNON

MM REAL ESTATE, LLC,
Plaintiff
vs.
HANNAH NEWLAND, and her heirs, personal
representatives, successors and assigns
Defendants

LEGAL NOTICE AND ORDER OF COURT

TO THE DEFENDANTS, take notice that the named Plaintiff filed an Action to Quiet Title at No. 1676 of 2023, G.D. in the Court of Common Pleas of Fayette County, Pennsylvania, averring that Plaintiff is the owner in fee and in possession of real estate located in 212 Water Street, Footedale, German Township, Fayette County known as Tax Map No.15-17-0029 (reputedly owned by Hannah Newland), Plaintiff is asking the Court to enter a decree terminating any and all rights which Defendants may have in the said premises and to declare that Plaintiff has all ownership and possessory rights, and is asking the Court to release and forever discharge of any right, lien, title or interest of any Defendants herein.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court or commence an action in ejectment. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money, property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PENNSYLVANIA LAWYER
REFERRAL SERVICE

PENNSYLVANIA BAR ASSOCIATION
 100 South St.
 P.O. Box 186
 Harrisburg, PA 17108
 Phone: 1-800-692-7375

Sepic Law
 892 Vanderbilt Rd.
 Connellsville, PA 15425
 724-628-4625

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 No. 1814 of 2023
 JUDGE NANCY D. VERNON

IN RE: 2014 HYUNDAI SONATA
 VIN 5NPEC4AB0EH937865

TO: WHITNEY ANN WILSON,
 Her heirs, successors and assigns, generally,

You are hereby notified that Autoland Hyundai of Uniontown, the Petitioner has filed a Petition at the above number and term in the above-mentioned court in an action to involuntary transfer a vehicle title wherein it is alleged that he is in possession of a 2014 Hyundai Sonata having a VIN No: 5NPEC4AB0EH937865.

Said Petition sets forth that the Petitioner is in possession of the above-described vehicle. The Petition was filed for the purpose of barring all of your right, title, and interest, or claim in and to all or a portion of said vehicle and to transfer the title to Petitioner.

You are hereby notified that a hearing has been scheduled for **November 21, 2023 at 1:30 p.m. in Courtroom No. 4** of the Fayette County Courthouse in Uniontown, Fayette County, Pennsylvania to terminate your rights to the above captioned vehicle. If you do not attend, the hearing will go on without you and the Judge will render a final decision in your absence.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing in writing

with the court your defenses or objections to the claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may entered against you by the court without further notice or any money claimed in the complaint, or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GOT TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PENNSYLVANIA BAR ASSOCIATION
 PENNSYLVANIA LAWYER REFERRAL
 100 SOUTH STREET
 P.O. BOX 186
 HARRISBURG, PA 17108
 1-800-932-0311**

By Jason F. Adams, Esq.
 Adams Law Offices, PC
 55 E. Church Street
 Uniontown, PA 15401

NOTICE OF SHERIFF SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
 No. 1182 of 2023 G.D.

Issued out of the Court of Common Please of Fayette County, Pennsylvania, and to me directed, I will expose the following described property at public sale at the Sheriff's Office in the City of Uniontown, County of Fayette, Commonwealth of Pennsylvania on **THURSDAY, MARCH 21, 2024 AT 2:00 P.M.**

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff's Office no later than thirty (30) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF JEFFERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA,

AS MORE FULLY DESCRIBED IN DEED BOOK VOLUME 1756, PAGE 112. BEING COMMONLY KNOWN AS 225 LOWBER ROAD, FAYETTE CITY, PA 15438. IMPROVEMENT THEREON: DWELLING. TAX PARCEL NUMBER: 17-02-0052. BEING THE SAME PREMISES GRANTED AND CONVEYED VIA A CERTAIN DEED DATED AUGUST 21, 1996, FROM MARK DEAN AND MARY E. DEAN, HIS WIFE, TO JEROME D. DEAN AND MARGARET C. DEAN, HIS WIFE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY, PA ON AUGUST 22, 1996 IN DEED BOOK VOLUME 1756, PAGE 112. MARGARET C. DEAN DIED ON OR ABOUT JULY 13, 2009. UPON HER DEATH TITLE TO THE MORTGAGED PREMISES VESTED IN JEROME D. DEAN BY OPERATION OF LAW. JEROME D. DEAN DIED ON SEPTEMBER 2, 2019. AFTER INVESTIGATION AND DUE DILIGENCE NO ESTATE OF RECORD COULD BE LOCATED FOR JEROME D. DEAN.

Seized and taken into execution to be sold as the property of All Unknown Heirs, Successors, Assigns and all Persons, Firms or Associations Claiming Right, Title or Interest, from or Under Jerome D. Dean a/k/a Jerome D. Dean, Sr., Deceased.

TERMS OF SALE: Full amount of bid plus poundage must be paid on the date of sale by 4:30 PM or the Deed will not be acknowledged.

The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representations or warranty regarding the condition of the premises.

Attorney for Plaintiff:
David W. Raphael, Esq., Corporate Counsel for
First National Bank of Pennsylvania
Pittsburgh, PA
(412) 465-9718

JAMES CUSTER, SHERIFF
FAYETTE COUNTY, PENNSYLVANIA

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

HART J. DISTRIBUTOR, INC. t/a :
 RJS BEER WAREHOUSE, :
 Appellant, :
 v. :
 PENNSYLVANIA LIQUOR :
 CONTROL BOARD, : No. 243 of 2023, M.D.
 Appellee : President Judge Steve P. Leskinen

OPINION AND ORDER

LESKINEN, P.J.

September 13, 2023

Before the Court is Hart J. Distributor, Inc. t/a/ RJS Beer Warehouse's ("Hart") appeal of the Order of the Pennsylvania Liquor Control Board ("LCB") dated June 28th, 2023, refusing the renewal of Distributor License No. D-277 for the licensing term effective July 1st, 2022. After consideration of the record in this matter and the evidence presented at a de novo trial held on August 22nd, 2023, pursuant to Section 464 of the Pennsylvania Liquor Code, 47 P.S. §4-464, the Court hereby issues the following Opinion and Order overruling the Order of the LCB and ordering the renewal of the license for the applicable term:

Background and Procedural History

Hart operates a retail store known as RJS Beer Warehouse at 611 Pittsburgh Road in Uniontown, Fayette County, Pennsylvania. In 2014, Hart purchased Distributor License No. D-277 from Connellsville Beverage and maintained that license for use at the Pittsburgh Road location until the Order of the LCB refusing the renewal of the license. {1} Robin Jamieson is the Owner, President, Treasurer, Director, Sole Stockholder, and Manager of Hart. On March 4th, 2022, Hart submitted an application for the renewal of License No. D-277 for the licensing term effective July 1st, 2022, (Trial Exhibit M-8.) and was initially issued a computer-generated license for that term. (Trial Exhibit M-9.)

On June 3rd, 2022, the LCB issued an Objection Letter indicating that a hearing would be held to consider whether three enumerated objections warranted the non-renewal of Hart's license for the licensing term effective July 1st, 2022. (Trial Exhibit AA - 10.) The LCB issued an Amended Objection Letter and Notice of Virtual Hearing dated July 25th, 2022, indicating that a virtual hearing would be held for the purpose of taking evidence on the four enumerated objections in the amended letter. (Certified Record Hearing Transcript Exhibit B4.) A Hearing Examiner appointed by the LCB conducted a virtual hearing on August 8th, 2022.

The Hearing Examiner issued a Recommended Opinion, including proposed findings of fact and conclusions of law. {2} (See Certified Record.) The Hearing Examiner found that Hart "took remedial measures at a time in which the violations of the liquor

{1} Under 47 P.S. §4-464, the appeal of the LCB's decision acts as a supersedeas of the non-renewal. Hart has continued to operate their retail location during the pendency of this appeal.

Code were taking place." (Recommended Opinion, p. 10.) The Hearing Examiner recommended the application for renewal be approved, subject to the condition that Hart purchase and begin using an electronic scanning device to assist in evaluating photo IDs. Id.

The LCB issued an Order dated June 28th, 2023, refusing the application for renewal of License No. D-277 for the licensing term effective July Pt, 2022. (See Certified Record.) Upon Hart's timely appeal (filed on June 29th, 2023), the LCB issued an Opinion in support of the Order, which is undated but was filed of record with the Fayette County Clerk of Courts on August 8th, 2023. On June 29th, 2023, this Court entered an Order scheduling the matter for a de nova trial, which was held as scheduled on August 22nd, 2023.

The four specific Objections raised in the LCB's Amended Objection Letter dated July 25th, 2022, were as follows: (Certified Record Hearing Transcript Exhibit 84.)

1. It is alleged that you have abused your licensing privilege, and pursuant to Section 470 of the Liquor Code (47 P.S. §4-470), you may no longer be eligible to hold a license based upon violations of the Liquor Code relative to Citation Numbers: 19-1783 and 19-0342.
2. The following officers are not responsible persons of good repute and/or have become persons of ill repute, pursuant to Sections 102 and 470 of the Liquor Code (47 P.S. §§ 1-102 and 4-470) {3}:
Robin Jamieson- President, Treasurer, Director, Stockholder & Manager
Tricia A Jamieson- Secretary
3. Tricia A Jamieson is listed as Secretary in Distributor License No. D-277 (LID No. 69728) and Member and Manager in Distributor License No. D-2342 (LID No. 71517), in violation of Section 438 of the Liquor Code (47 P.S. §4- 438(b)).
4. Based on the involvement of Tricia A Jamieson, Member and Manager in Distributor License No. D-2342 (LID No. 71515), including Citation No. 18- 1814.

The issues concerning Tricia A. Jamieson were resolved and not before this Court. {4} What remains are Objection #1, relating to the 2019 citations; and Objection #2 with respect to Robin Jamieson only, as not being a "responsible person of good repute," or as being a "person of ill repute.

{2} Hart indicates at ¶7 of their Appeal that they were not privy to the Hearing Examiner's Recommended Opinion. It was made available to this Court and to Hart as part of the Certified Record admitted at the trial.

{3} The phrases "responsible persons of good repute" and "persons of ill repute" are specialized regulatory jargon that do not mean what they are commonly understood to mean.

{4} Tricia A. Jamieson had been listed as the Secretary for Hart at the time of the initial license transfer in 2014. In 2016, Ms. Jamieson began the process of acquiring a retail business with its own license known as Tay Ray J, LLC. Ms. Jamieson, who had never owned stock or received any distributions or income from Hart, was informed by the LCB that under §4-438(b), she could not have an interest in two distributor licenses at the same time. Ms. Jamieson directed her legal and accounting firm to remove her as Secretary of Hart and believed the issue was resolved when the LCB approved the transfer of the Tay Ray J license. Counsel for the LCB candidly acknowledged that the involvement of Ms. Jamieson was completely resolved prior to the de novo hearing.

The two citations referenced in Objection #1 both occurred in 2019. Hart admitted to the violations charged in both citations and executed Statements of Waiver, Admission and Authorization for both citations. (See Certified Record.) Citation No. 19-0342 concerned an incident where a Hart employee sold beer to an underage (19 years old) buyer on January 13th, 2019, as part of the BLCE's Age Compliance Program. Hart was ordered to pay a \$1,700 fine and to maintain RAMP (Responsible Alcohol Management Program) certification for one year. Citation No. 19-1783 included two counts, the first count being the sale of alcohol to a 20 year old (through the same BLCE program) on October 1st, 2019, and the second being a violation of §4-471.1(h), wherein six Hart employees failed to complete the RAMP training required for new hires within 180 days of employment, as discovered by a routine inspection of records on October 15th, 2019. {5}

For this Citation, Hart was ordered to pay a \$2,700 fine and to maintain RAMP certification for one year from the mailing date of the Order.

Standard of Review

The control of the sale of alcoholic beverages is within the police powers of the Commonwealth. *Com., Liquor Control Bd. v. Starr*, 318 A.2d 763, 766 (Pa. Cmwlth. 1974). Obtaining, or in this case, renewing, a liquor license, is a privilege subject to the requirements of the Legislature. *Id.* The Liquor Code is to be construed liberally "for the protection of the public welfare, health, peace and morals of the people of the Commonwealth." *Id.* If the LCB refuses the renewal of a license after a hearing, the licensee has the right under §4-464 of the Liquor Code to a *de novo* trial before the Court of Common Pleas of the appropriate county. *I.B.P.O.E. of West Mount Vernon Lodge 151 c. Pennsylvania Liquor Control Bd.*, 969 A.2d 642,647 (Pa. Cmwlth. 2009).

In such appeals, the trial court may make its own findings and conclusions even when the evidence presented is substantially the same as that presented to the Board. *Id.* "While the trial court may modify, sustain, or reverse a Board decision to deny the license renewal even if there is substantial evidence to support the Board's findings, the trial court may do so only where its findings are supported by substantial evidence in the record as a whole." *Id.* at 648.

Renewals are not automatic. The LCB may refuse to renew a license for various reasons, including a history of one or more adjudicated citations. *Id.*, referencing §4-470(a.1)(2). "Although past adjudicated citations may be considered in a license renewal case, the trial court, reviewing the matter *de novo*, may make its own findings concerning the significance of the licensee's citation history." *Id.*

{5} The Court notes that this Citation includes a chart of the employees at issue, their hire dates, their RAMP Training completion dates, and the days exceeding the 180-day deadline. The six employees listed exceeded the 180-day deadline ranging from 70-324 days. However, the employees in question all completed their RAMP training between 1/15/2019 and 1/22/2019, within the two weeks immediately following the first incident of selling alcohol to an underage buyer. Thus, though the completion of the training was undeniably late, it appears that Hart addressed the problem immediately following the first citation and before the LCB learned of the late completions during the October 2019 inspection.

Findings of Fact

Based on the evidence presented at trial, including the Court's determination of the credibility of the testimony of the witnesses presented, the Court makes the following Findings of Fact:

1. The objections relating to Tricia Jamieson have been resolved and are not before this Court.
2. Hart, the licensee, with Robin Jamieson as the sole shareholder and Manager, has been operating under Distributor License No. D-277 since 2014.
3. Hart submitted a renewal application on March 4th, 2022, for the licensing period beginning July 1st, 2022, and ending June 30, 2023.
4. Hart's distributor license renews or validates on an annual cycle, with renewals in even numbered years and validations in odd numbered years, with expirations (as part of District 6) on June 30th of each year.⁶
5. Hart was initially issued a computer-generated license for the licensing period beginning July 1st, 2022. (Trial Exhibit AA-9)
6. On June 3rd, 2022, the LCB sent Hart an Objection Letter referring to three enumerated objections and indicating that a hearing would be held to determine whether non-renewal was warranted.
7. On July 25th, 2022, the LCB sent an Amended Objection Letter and Notice of Virtual Hearing containing four enumerated objections and setting a virtual hearing date of August 8th, 2022.
8. John Mulroy, Esq. as Hearing Examiner, conducted a virtual hearing on August 8th, 2022.
9. The Hearing Examiner issued an undated Recommended Opinion after the hearing.
10. The Hearing Examiner found that Robin Jamieson had not become a person of ill repute.
11. The Hearing Examiner recommended that the renewal of Hart's license should be approved subject to the condition that Hart obtain a scanning device.
12. The LCB refused the renewal of Hart's license by Order dated June 28th, 2023.
13. Hart was the subject of an adjudicated Citation No. 19-0342, to which Hart admitted and executed a Statement of Waiver, Admission and Authorization.
14. Citation No. 19-0342 included one count of selling alcohol to a minor based on a sale that occurred on January 13th, 2019.
15. Hart paid a \$1,700 fine for Citation No. 19-0342 and was ordered to maintain RAMP compliance for one year.
16. Hart was the subject of an adjudicated Citation No. 19-1783, to which Hart admitted and executed a Statement of Waiver, Admission and Authorization.

^{6} The parties disputed whether Hart's distributor license renews on an annual basis (alternating renewals and validations) or on a four-year basis. Counsel for the LCB at trial and the LCB's Opinion in this matter refer to a four-year cycle, while Hart presented testimony as to the annual cycle. Hart's trial exhibits, including the license effective 7/1/2020 (Exhibit AA-7) and the license effective 7/1/2022 (Exhibit AA-9) support the renewal and validation schedule published on the PLCB website (Exhibit AA-1): as a licensee located in District 6, the license renews on July 1st of even numbered years and validates effective July 1st of odd numbered years. The LCB presented no evidence of a four-year cycle, and thus the Court finds that the license renews or validates annually, though this issue is not dispositive.

17. Citation No. 19-1783 included two counts: count one for selling alcohol to a minor based on an incident that occurred on October pt, 2019, and count two as a violation of §4-471.1(h), wherein six employees had completed the RAMP new hire training more than 180 days of hire.
18. Hart paid a \$2,700 fine for Citation No. 19-1783 and was ordered to maintain RAMP compliance for one year.
19. Citation No. 19-0342 was adjudicated on May 15th, 2019, and Citation No. 19-1783 was adjudicated on January 21st, 2020.
20. Both citations were adjudicated prior to the Hart's application for the 2020 license renewal period.
21. Hart had no citations from the time it acquired its license in 2014 until the first citation January of 2019.
22. Hart had no further citations after the second citation in October of 2019 as of the date of the virtual hearing.
23. Hart passed a Compliance Check in November of 2021. {7}
24. Mr. Jamieson, by his own testimony, did not take the need for RAMP training and adequate safeguards to prevent service to minors as seriously as he should have before 2019.
25. Mr. Jamieson did not fire the two employees involved with the citations after the incidents, as he considered the sales that led to the citations a training and management issue rather than an issue with the individual employees.
26. At the time of the first citation on January 13th, 2019, six of Hart's employees had not completed the new hire RAMP training within 180 days of hire as required by §4-471.1(h).
27. All six of those employees then completed the new hire RAMP training between 1/15/19 and 1/22/19.
28. Hart implemented a prompt on the cash register reminding clerks to check identification before proceeding with the transaction.
29. This measure was in effect at the time of the sale that led to the second citation, and thus was insufficient on its own to prevent sales to minors.
30. Hart implemented a reward program offering a \$250 bonus to any employee who passes a compliance check.
31. Hart began conducting staff meetings where training and the need for compliance were stressed to employees.
32. After the citations, Mr. Jamieson consulted with the staff at the Pennsylvania Wine and Spirits store located in the same shopping plaza about their policies and procedures relating to identification verification and implemented a similar policy.
33. Hart had not purchased an identification scanner at the time of the virtual hearing on August 8th, 2022.
34. Hart has maintained RAMP certification for more than one year since the adjudication of the citations.
35. Both Mr. Jamieson as Manager and Hart as a Distributor were RAMP certified at the time of the virtual hearing on August 8th, 2022.
36. Mr. Jamieson maintains a good reputation in the Fayette County area on both a personal and professional level.

{7} Though counsel for the LCB objected to the admission of the Notification of Compliance dated November 12th, 2021, as evidence, the LCB references Hart's passing this Compliance Check on p.16 of its own Opinion.

Discussion

§4-470(a.1) of the Liquor Code grants the LCB the authority to refuse a properly filed application for renewal on any of the following grounds:

(1) if the licensee, its shareholders, directors, officers, association members, servants, agents or employes have violated any of the laws of this Commonwealth or any of the regulations of the board;

(2) if the licensee, its shareholders, directors, officers, association members, servants, agents or employes have one or more adjudicated citations under this

or any other license issued by the board or were involved in a license whose renewal was objected to by the Bureau of Licensing under this section;

(3) if the licensed premises no longer meets the requirements of this act or the board's regulations; or

(4) due to the manner in which this or another licensed premises was operated while the licensee, its shareholders, directors, officers, association members, servants, agents or employes were involved with that license. When considering the manner in which this or another licensed premises was being operated, the board may consider activity that occurred on or about the licensed premises or in areas under the licensee's control if the activity occurred when the premises was open for operation and if there was a relationship between the activity outside the premises and the manner in which the licensed premises was operated. The board may take into consideration whether any substantial steps were taken to address the activity occurring on or about the premises.

As all of the LCB's objections relating to Tricia Jamieson have been resolved and are not before this Court, there are just two objections remaining: Objection #1, relating to the two citations from 2019 under §4-470 and Objection #2, with respect to Robin Jamieson having become a person of ill repute under §1-102 and §4-470.

As to Objection #1, The LCB and the Court may consider past adjudicated citations when deciding whether to renew a license under §4-470. "The trial court, reviewing the matter de novo, may make its own findings concerning the significance of the licensee's citation history." I.B.P.O.E. at 648. A licensee can defend against a non-renewal by demonstrating that he took substantial affirmative steps to prevent future violations and such remedial measures must be taken at the time the licensee knows or should know that the violations have occurred. Id. at 649. {8} The trial court may consider any corrective measures taken in response to adjudicated citations to determine whether those measures were sufficient to warrant the renewal of a liquor license. Id.

{8} The Court in I.B.P.O.E. references *Liquor Control Board v. TLK, Inc.*, 518 Pa. 500 (1988) in the discussion of remedial measures, noting that TLK was an enforcement case, but the same enunciated standard applies to license renewal cases.

Selling alcohol to minors-even responsible and mature looking college students-is a serious violation of the law. Before the first citation, Mr. Jamieson did not adequately recognize the need for training staff. Although he acted promptly, and in good faith, to implement corrective measures after that first citation, in retrospect, he did not go quite far enough. The LCB characterizes the two citations as a pattern, while Hart argues the two citations were aberrations from the larger pattern of compliance over the years and argues that the Court should consider the two citations in the context of Hart's entire licensing history. The Court agrees. Hart obtained the distributor license and began operating in 2014. From 2014 until the first citation in January of 2019, there were no known violations. There were no citations for the period after the second citation in October of 2019 until the time of the virtual hearing on August 8th, 2022. This latter period included an additional Compliance Check, which Hart passed. Two violations in the same calendar year can be characterized as a "pattern", but this Court instead finds that in the context of an eight-year history-the two violations were an aberration from an overall pattern of abiding with the law.

Jamieson did not implement identification card scanners despite a recommendation from the LCB. {9} However, he did not contest either citation, and he paid substantial fines totaling \$4,400. Jamieson took personal responsibility for the citations even though they were for the acts of his clerks, addressed the issue as a failure of training and management rather than simply firing the employees. He immediately required the RAMP training and implemented management measures to inform and motivate staff towards better compliance. .

As to Count 2 of Citation No. 19-1783, relating to the late completion of RAMP training, Hart had already taken remedial steps after the first citation to address the issue prior to the late completions being discovered later that year.

Considered in these contexts, this Court finds that Hart took appropriate and timely remedial actions to address the two 2019 citations. He acted reasonably and in good faith, and therefore, a non-renewal of the license is not warranted under this Objection.

{9} An identification card scanner could logically be made a statutory or regulatory requirement, but it was not required at the time. Hart was not advised that the failure to implement a scanner would result in non-renewal of the license. While the scanner can electronically confirm that the holder of the identification card is of age, the clerk still has to verify that the person presenting the identification is the person who is pictured. While verifying the picture, it was not unreasonable for Jamieson to believe that the clerk could and would be able to verify the age. The fact that it is now known that requiring an identification scan is significantly more effective than relying on employee training does not make Jamieson's earlier reluctance to implement the scanner proof of bad faith or negligence. He subjectively, but honestly, believed that the measures he took would be sufficient.

As to Objection #2, §4-470 permits the non-renewal of a license on the grounds that an "applicant has by his or her own act become a person of ill repute." In matters concerning the renewal of a license, the burden of showing that an applicant has become a person of ill repute is on the LCB and not on the applicant. *Todd's By the Bridge, Inc. v. Pennsylvania Liquor Control Bd.*, 74 A.3d 287, 297 (Pa. Cmwlth. 2013). The LCB presented the citations as grounds for a finding of ill repute. Mr. Jamieson presented the testimony of Attorney Gary Frankhouser, who has known Mr. Jamieson for more than twenty years in both a personal and professional capacity. Attorney Frankhouser offered credible testimony as to Mr. Jamieson's good standing and character as a businessman and member of the community. The two citations were both "sting" operations, and they do not outweigh the years of violation-free good management. Persons of good repute still make mistakes.

This Court finds that LCB has not met its burden of establishing that Mr. Jamieson has become a "person of ill repute." Mr. Jamieson took responsibility for the violations without appeal or argument, paid the appropriate fines, and effectuated several remedial measures to avoid further occurrences. The fact that there was a second citation is certainly problematic, and in some cases it could be a sufficient basis for non-renewal. However, under the circumstances of this case, the Court finds that the second citation was not willful or reckless, but occurred because the prudent corrective actions taken in good faith after the first citation were not quite enough to prevent the second citation. The two other objections originally lodged regarding the involvement of Tricia Jamieson could have been what tipped the scale in favor of non-renewal, but those objections were completely resolved before the de novo hearing.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 13th day of September, 2023, upon the consideration of the record and the evidence presented at a de novo hearing conducted pursuant to Section 464 of the Pennsylvania Liquor Code, 47 P.S. §4-464, on the appeal of Hart J. Distributor, Inc., Va RJS Beer Warehouse, the Order of the Pennsylvania Liquor Control Board dated June 28th, 2023, refusing the renewal of Distributor License No. D-277, for the licensing term effective July Pt, 2022, is hereby OVERRULED.

The Pennsylvania Liquor Control Board is hereby ORDERED to RENEW the license for the applicable licensing term within sixty (60) days of the date of this Order. The supersedeas effected by the appeal shall remain in effect until the license is renewed.

BY THE COURT:
STEVE P. LESKINEN,
PRESIDENT JUDGE

ATTEST:
Clerk of Courts

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