

Web of leases muddles case against Tijuana

By GRACE R. DOVE
Post Staff

No decision was rendered on a noise violation filed against concert promoter Thom Greco, operator of the Harveys Lake Amphitheater, Inc., at the completion of a hearing April 20.

Held before the Bureau of Liquor Control Enforcement's administrative law judge Robert Skwaryk, the hearing had been bifurcated (split) from its original scheduled date of March 9 after Greco's attorney, Michael Toole, filed required court documents 2 1/2 months late.

The noise violation citation stemmed from an investigation between August 18 and 24, 1993, in which agents found that music emanating from the Tijuana Bar was audible 450 feet away from the bar on Route 415 south and 150 feet away on Route 415 north, according to testimony given by bureau office Lynn Nyer.

Bureau regulations prohibit music or other noise from being audible outside of licensed establishments, Nyer said.

Adding a wrinkle to the case is a complicated series of leases to the establishment at the former Hanson's Amusement Park, with different corporate entities holding separate leases to the bar, the dance hall and another business, Chicky's Sports Bar and Coop, on the first floor of the building.

Chicky's had been cited August 24, 1993, for selling alcoholic beverages to patrons who took them away from the prem-

ises for consumption.

Thom Greco's brother, Robert Greco, operates Chicky's and leases it from Thom Greco, according to Thom Greco's secretary.

Greco was listed in LCB records as the president of Harveys Lake Amphitheatre, Inc., trading as Tijuana Liquor Stand, holder of the liquor license, Toole said.

He sublet the dance hall to LeState Productions, Toole said.

"Harveys Lake Amphitheater, Inc., has nothing to do with the music coming from the bar," Toole said. "The Liquor Control Board knew when the liquor license was approved that the establishment would be set up this way."

LCB license analyst Robert Kline, who had been unable to be at the March 9 hearing, described the configuration of the dance hall and live entertainment area, separated from the licensed bar area by a hallway.

The liquor control board was aware of the establishment's network of subleases, he said.

Skwaryk said that he would have to study legal briefs filed by both sides and the transcripts of both portions of the hearing before rendering a decision.

Skwaryk also didn't render a decision on the citation against Ironwings, trading as Chicky's Sports Bar and Coop, which had been waived at the March 9 hearing. A waiver is similar to a guilty plea, in which the defendant agrees to pay a fine.

Thom Greco wasn't present at the April 20 hearing.



Lions' highest honor

The Harveys Lake Lions Club is proud to announce that the recipients of the Melvin Jones Fellowship Award are Richard Williams, Sr., and Carl Schreiner.

This is the highest honor given by the Lions Club International Foundation to those members involved in many projects which benefit our community.

From left, are President Sidney May, Carl Schreiner, Richard Williams, Sr. and Past District Governor Lee Watson.

Harveys Lake will step up patrols, tag illegal parkers

Mayor Richard Boice announced at the regular April 20 council meeting that the police will increase patrols and enforce the speed limit on Route 415 and an ordinance prohibiting drivers from parking their cars along borough roads.

Several Lakeview Terrace residents had complained at the March meeting that people who have driveways were parking their cars on the road, blocking traffic and preventing garbage trucks and emergency vehicles from getting through.

Council voted to accept the Kovaeski and Gray subdivisions, with the provision that the Gray

family remove its dock within 45 days.

Ed Kelly announced that recycling containers are still available. Residents who need them may call the borough office.

Kelly was appointed to work on the beaver dam and flooding problems at the Outlet with the Game Commission and Department of Environmental Resources (DER). Robin Jones was appointed to the Environmental Advisory Council (EVAC).

Council president Martin Noon reminded residents that smoking will be prohibited in all borough-owned buildings as of June 1.

Six citations filed against amphitheater properties

Six citations for liquor law and Liquor Control Board violations have been prosecuted against businesses operating at the Harveys Lake amphitheater since it opened with a Kenny Loggins concert during Memorial Day weekend of 1992.

According to JoAnn Work, of the Bureau of Liquor Control Enforcement's Office of the Administrative Law Judge in Harrisburg, liquor license number E3711 was transferred to Greco sometime after May 26, 1993.

Pending corporate officers were listed as Thomas Greco, president; Patrick DiCesare, vice-president; Richard Engler, secretary/treasurer and Anthony Malatesta, steward.

Formerly, the license had been held by the estate of Donald Hanson, Shirley Hanson, executrix and manager/steward of the license as secretary/treasurer.

These citations were issued while Mrs. Hanson held the license:

- August 6, 1992: four signs were posted outside the establishment advertising Budweiser beer. Also beer was sold to persons who didn't consume it on the premises.
- August 24, 1992: loudspeakers were audible outside the premises - a violation of the Liquor Control Board's regulations, not a

liquor code violation.

A hearing held January 21, 1993 resulted in a \$200 fine.

• September 25, 1992: loudspeakers were again audible outside the premises.

A hearing held January 21, 1993 resulted in a \$250 fine.

• March 24, 1993: The establishment's management failed to maintain complete records for the past two years, received credits, loans or monies directly or indirectly from another licensee, similar to a loan, and the licensee wasn't the only one with monetary interest in the business.

A waiver was filed in April, 1993. A waiver is similar to a guilty plea, in which the defendant pays a fine, in this case, \$500.

After the liquor license was transferred to Greco, two citations were filed:

- August 24, 1993: alcoholic beverages were sold at Chicky's Sports Bar and Coop to people who carried them outside the establishment for consumption.
- Chicky's is operated by Thom Greco's brother, Robert, trading as Ironwings, who leases it from Thom Greco.

Attorney Toole filed a waiver March 9 in this case. The judge hasn't decided on a penalty yet.

• August 30, 1993: loudspeakers were audible outside the Tijuana Bar.

Hearings were held March 9 and April 20, but the judge won't render a decision until he reviews legal briefs from both sides and transcripts of both hearings.

by Grace R. Dove

Absentee ballot deadlines

Residents wishing to file absentee ballots in the May 10 primary election should note the following deadlines from the Luzerne County Election Bureau:

- May 3: all applications for absentee ballots must be in the Election Bureau's office by 4:30 p.m.
- May 6: all absentee ballots must be in the Election Bureau's office by 4:30 p.m.
- May 10: primary election.




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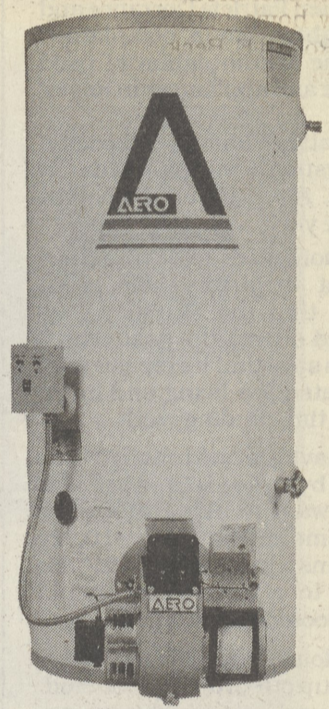
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