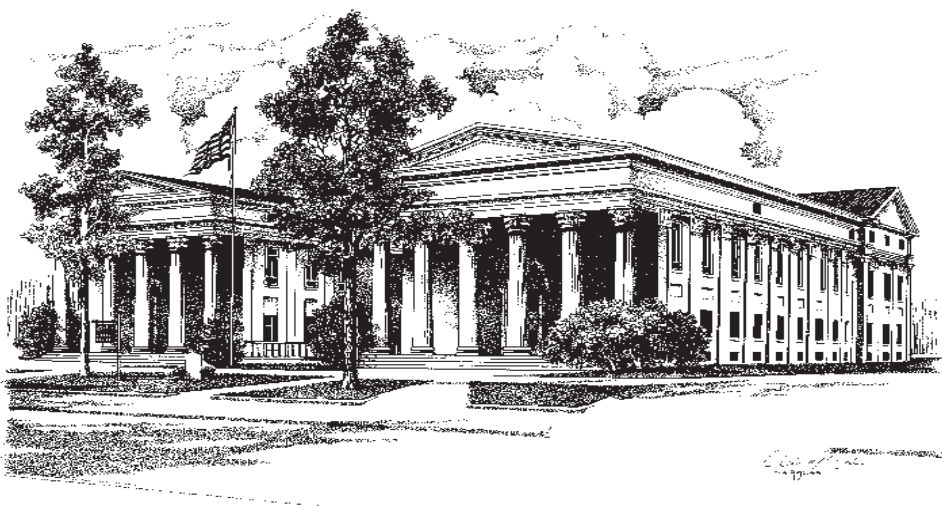


*Erie  
County  
Legal  
Journal*

September 2, 2016

Vol. 99 No. 36



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99 ERIE 159 - 175

Lombo, Inc. (License No. R-4221) Lombardo's Tavern v. Pennsylvania Liquor Control Board

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# Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County  
The Sixth Judicial District of Pennsylvania*

Administrator of Publications: Paula J. Gregory

**PLEASE NOTE: NOTICES MUST BE RECEIVED AT THE ERIE COUNTY BAR ASSOCIATION OFFICE BY 3:00 P.M. THE FRIDAY PRECEDING THE DATE OF PUBLICATION.**

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2016©) 302 West 9th St., Erie, PA 16502 (814/459-3111). POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

# Erie County Bar Association Calendar of Events and Seminars

## MONDAY, SEPTEMBER 5, 2016

Labor Day  
ECBA Office Closed

## THURSDAY, SEPTEMBER 8, 2016

Solo/Small Firm Division Meeting  
Erie County Bar Association Headquarters  
Noon

## THURSDAY, SEPTEMBER 8, 2016

Young Lawyers Division Event  
with the ECBA Board of Directors  
Parade of Tall Ships  
Sheraton Hotel  
4:00 p.m.

## MONDAY, SEPTEMBER 12, 2016

ECBA Live Seminar  
*Buying and Selling Real Estate in Bankruptcy: What Attorneys and Realtors Need to Know*  
Bayfront Convention Center  
3:00 p.m. - 4:00 p.m.  
Cocktail hour to follow seminar  
\$45 (ECBA member/non-attorney staff)  
\$58 (nonmember) \$30 (member judge not needing CLE)  
1 hour substantive

## THURSDAY, SEPTEMBER 15, 2016

ECBA Live Seminar  
*WCAIS Training Program for Attorneys and their Staff*  
OVR Conference Room - 13th and Holland Streets  
1:00 p.m. - 3:00 p.m. (registration - 12:45)  
\$90 (ECBA member) \$116 (nonmember)  
\$60 (member judge not needing CLE)  
\$25 (member non-attorney staff)  
2 hours substantive

## THURSDAY, SEPTEMBER 15, 2016

Criminal Defense Meeting  
Erie County Bar Association Headquarters  
4:00 p.m.

## MONDAY, SEPTEMBER 19, 2016

Senior Lawyers Division Event  
Erie Insurance Technical Training Center Tour  
10:30 a.m.

## FRIDAY, SEPTEMBER 23, 2016

ECBA Live Lunch-n-Learn Seminar  
*Involuntary Commitments: The Safety of the Patient and the Community*  
Bayfront Convention Center  
12:15 p.m. - 1:45 p.m.  
\$67 (ECBA member/non-attorney staff)  
\$87 (nonmember) \$47 (member judge not needing CLE)  
\$20 (Erie County Mental Health Delegates)  
1.5 hours substantive

To view PBI seminars visit the events calendar on the ECBA website  
<http://www.eriebar.com/public-calendar>



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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MOTION COURT DATES FOR JUDGE THOMAS P. AGRESTI  
ERIE AND PITTSBURGH DIVISION CASES  
SEPTEMBER 2016 NOTICE

The following is a list of *September 2016, October 2016 and November 2016* motion court dates and times to be used for the scheduling of motions pursuant to *Local Rule 9013-5(a)* before **Judge Thomas P. Agresti** in the Erie and Pittsburgh Divisions of the Court. The use of these dates for scheduling motions consistent with the requirements of *Local Rule 9013-5(a)* and Judge Agresti's *Procedure B(1)-(3)* summarized below and on Judge Agresti's webpage at: [www.pawb.uscourts.gov](http://www.pawb.uscourts.gov). ***The motions will be heard in the Erie Bankruptcy Courtroom, U.S. Courthouse, 17 South Park Row, Erie, PA 16501 and Courtroom C, 54th Floor, U.S. Steel Building, 600 Grant Street, Pittsburgh, PA 15219.***

Counsel for a moving party shall select one of the following dates and times for matters subject to the "self-scheduling" provisions of the *Local Bankruptcy Rules* and the Judge's procedures, insert same on the notice of hearing for the motion, and serve the notice on all respondents, trustee(s) and parties in interest. Where a particular type of motion is listed at a designated time, filers shall utilize that time, *only*, for the indicated motions(s) *unless*: (a) special arrangements have been approved in advance by the Court, or, (b) another motion in the same bankruptcy case has already been set for hearing at a different time and the moving party chooses to use the same date and time as the previously scheduled matter.

**SCHEDULE CHAPTERS 13 & 12 MOTIONS ON:**

Select the following times, EXCEPT for the specific matters to be scheduled at 11:30 a.m.:

Wednesday, September 14, 2016	9:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Tuesday, October 11, 2016	10:00 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
Tuesday, November 8, 2016	10:30 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
	11:00 a.m.:	Open for all Erie and Pittsburgh Ch. 13 matters
	11:30 a.m.:	Ch. 13 Sale, Financing and Extended/Impose Stay and all Ch. 12 matters at this time, only

**SCHEDULE CHAPTERS 11 & 7 MOTIONS ON:**

Select the following times, EXCEPT for Ch. 7 Motions to Extend/Impose Stay scheduled only at 11:00 am and all sale motions which are only to be scheduled at 11:30 a.m.:

Thursday, September 1, 2016	9:30 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, September 15, 2016*	10:00 a.m.:	Open for all Erie & Pittsburgh Ch. 11 matters
Thursday, October 6, 2016	10:30 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters
Thursday, October 20, 2016	11:00 a.m.:	Open for all Erie & Pittsburgh Ch. 7 matters,
Thursday, November 3, 2016		including all Ch. 7 Motions to Extend/Impose Stay
Thursday, November 17, 2016	11:30 a.m.:	Ch. 11 and 7 Sale Motions at this time, only

\* **NOTE:** for **September 15th ONLY**, select the following times:

- 9:00 a.m.: Open for all Erie & Pittsburgh Ch. 11 matters
- 9:30 a.m.: Open for all Erie & Pittsburgh Ch. 11 matters
- 10:00 a.m.: Open for all Erie & Pittsburgh Ch. 7 matters
- 1:30 p.m.: Open for all Erie & Pittsburgh Ch. 7 matters,  
including all Ch. 7 Motions to Extend/Impose Stay
- 2:00 p.m.: Ch. 11 and 7 Sale Motions at this time, only

**ALL OF THE ABOVE DATES ARE SUBJECT TO REVISION. Please check each month for any changes in the dates that have been published previously. THIS SCHEDULE CAN BE VIEWED ON PACER** (Public Access to Court Electronic Records) and on the Court's Web Site ([www.pawb.uscourts.gov](http://www.pawb.uscourts.gov)).

Michael R. Rhodes  
Clerk of Court

Sept. 2

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# CALLING ALL VOLUNTEERS FOR



**Saturday, September 24, from 12:00 - 4:00 p.m.**  
**Erie County Public Safety Building, 2880 Flower Road**

Wills for Heroes (WFH) is a national program that was created after the September 11, 2001 terrorist attacks to provide free basic estate planning documents (a basic will, power of attorney, and living will) to military veterans and first responders such as police, fire and emergency medical personnel. This year's WFH will return to the Erie County Public Safety Building on Flower Road.

We are requesting that attorneys from the ECBA donate their time to meet with WFH registrants to prepare their basic estate planning documents. It takes about an hour to complete the estate planning documents for each participant. First responders and veterans are not eligible to participate in this event if their estate exceeds \$500,000.

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*Please note that you do not need to be an expert or practice primarily in the estates and trusts area to volunteer.*

*There will be training sessions Wednesday, September 21 from 8:30-9:30 a.m. and Thursday, September 22 from 12:00-1:00 p.m. at the Erie County Bar Association for volunteers to learn the simple software that is used specifically for Wills for Heroes.*

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Notary and paralegal assistance will be provided at the event to assist the volunteer attorneys. We are also encouraging the notaries and estate paralegals employed in your firms to volunteer for this event as well. Please pass this announcement on to them or forward their contact information on to the ECBA so that a member of the Wills for Heroes committee can speak with them about this event.

## BECOME A VOLUNTEER TODAY!

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**LOMBO, INC. (License No. R-4221) LOMBARDO'S TAVERN, Appellant**  
**v.**  
**PENNSYLVANIA LIQUOR CONTROL BOARD, Appellee**

*LIQUOR CODE / PRELIMINARY PROVISIONS*

Title 47 of the Pennsylvania Consolidated Statutes, also known as the Pennsylvania Liquor Code, governs the manufacturing, sale, and transportation of liquor, alcohol, and malt or brewed beverages in the Commonwealth of Pennsylvania.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

Renewal of a licensee's liquor license is not an automatic procedure.

*LIQUOR CODE / LICENSE & REGULATIONS / LIQUOR, ALCOHOL AND MALT AND  
 BREWED BEVERAGES / GENERAL PROVISIONS*

The Pennsylvania Liquor Control Board has the authority to refuse to renew a liquor license pursuant to Section 4-470(a.1) under these circumstances: (1) if the licensee, its shareholders, directors, officers, association members, servants, agents or employees 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 employees 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 employees 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.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

When an appeal is taken from a Board decision, pursuant to 47 Pa. C. S. §4-464, a trial court hears the matter *de novo* and fashions its own Trial Court Findings of Fact and Conclusions of Law. A trial court must receive the record of the proceedings below, if offered, and may hear new evidence. A trial court may make its own Findings of Fact and reach its own Conclusions of Law based on those Findings of Fact, even when the evidence it hears is substantially the same as the evidence presented to the Board. A trial court may reverse the Board's decision to deny a license renewal where the trial court's findings are supported by substantial evidence in the record as a whole.

*LIQUOR CODE / LICENSE & REGULATIONS / LIQUOR, ALCOHOL AND MALT AND  
 BREWED BEVERAGES / GENERAL PROVISIONS*

The Board may deny renewal of a liquor license if the licensee, its shareholders, directors, officers, association members, servants, agents or employees have one or more adjudicated citations. Even a single past citation is sufficient to support the Board's decision to deny renewal of a liquor license, and the Board may consider a licensee's entire citation history



to determine whether a pattern emerges and may consider all past Liquor Code violations, no matter when they occurred,

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

A trial court is permitted to consider the corrective measures a licensee took in response to its citations, and to substitute its discretion for that of the Board in determining whether those corrective measures warranted the renewal of Licensee's license.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

Although a citation for a single violation of the Liquor Code can authorize the non-renewal of a license, the typical non-renewal involves multiple violations of the Liquor Code and a string of violent disturbances inside or near the licensed premises.

*LIQUOR CODE / LICENSE & REGULATIONS / LIQUOR, ALCOHOL AND MALT AND BREWED BEVERAGES / GENERAL PROVISIONS*

The Board, in deciding whether to renew a liquor license, may consider activity that occurred on or about the licensed premises or in areas under the licensee's control.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

A trial court, similar to the Board, can consider whether any substantial steps were taken to address the activity occurring on or about the premises.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

Although a licensee is required to take substantial affirmative measures to prevent misconduct, a licensee is not required to do everything possible to prevent criminal activity on the premises, act as its own police force or close its business.

*GOVERNMENTS / STATE & TERRITORIAL GOVERNMENTS / LICENSES*

A trial court properly reverses the Board's decision denying renewal of liquor license upon finding that the criminal activity on or near the licensed premises was due to the location of the premises in a high-crime area rather than the fault of the licensee.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION NO. MD 31 OF 2016

Appearances: Robert M. Barbato Jr., Esq., appearing on behalf of Appellant, James J. Lombardo, Manager-of-Record of Lombo, Inc. t/a Lombardo's Tavern  
Michael J. Plank, Esq., appearing on behalf of Appellee, Pennsylvania Liquor Control Board, Bureau of Licensing

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Domitrovich, J., June 16th, 2016

After thorough consideration of the entire record regarding Appellant's Petition and the Pennsylvania Liquor Control Board's decision not to renew Appellant's liquor license, including, but not limited to, the testimony and evidence presented at the Administrative Hearing before the Hearing Examiner on October 6th, 2015 and the Civil *De Novo* Trial before this Trial Court on April 28th, 2016, as well as an independent review of the relevant statutory and case law and all counsels' submissions, including their proposed findings of fact and conclusions of law, this Trial Court hereby makes the following Findings of Fact

and Conclusions of Law in support of reversing the Pennsylvania Liquor Control Board's decision not to renew Appellant's liquor license:

### FINDINGS OF FACT

#### I. **Factual and Procedural History**<sup>1</sup>

1. Jason Lombardo is the manager-of-record for Lombo, Inc. t/a Lombardo's Tavern (hereafter referred to as "Appellant"), located at 915 West 21st Street, Erie, Pennsylvania 16502.

2. The Pennsylvania Liquor Control Board (hereafter referred to as "Board") is an agency and instrumentality of the Commonwealth of Pennsylvania, located at 401 Northwest Office Building, Harrisburg, Pennsylvania 17124.

3. On June 8th, 2015, Appellant, by and through Gary A. Lombardo, owner of Lombo, Inc. t/a Lombardo's Tavern, filed a timely application with the Board for renewal of Liquor License No. R-4221 (LID 23693) with all of the supporting documents and appropriate filing fees, for the licensing period of August 1st, 2015 through July 31st, 2017. *See PLCB's Exhibit B-1.*

4. By letter dated July 20th, 2015, the Board advised Appellant that "a preliminary review of the history of operation and/or citation may indicate abuse of the licensing privilege, and a hearing would be conducted to determine whether the following objections constitute egregious activity warranting non-renewal of [Appellant's] license." Specifically, the Board's letter states:

- a. 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:
  - i. Violations of the Liquor Code relative to Citation Number 14-0724, 13-0442, 12-1804, 12-1744, 06-1797, 06-0672 and 95-0649; and
  - ii. The improper conduct of your licensed establishment as there have been approximately nine (9) incidents of disturbances at or immediately adjacent to your licensed establishment during the time period August 1st, 2013 to present reported to the City of Erie Police Department. This activity includes, but is not limited to, shootings, homicide, stabbings, fights, drugs, visibly intoxicated patrons, and disorderly operations. (*See PLCB's Exhibit B-2*)

5. The following is the history of adjudicated citations for which Appellant filed a Statement of Waiver, Admission, and Authorization or a hearing was conducted and the charges were sustained:

- a. Citation No. 95-0649, which was issued on April 11th, 1995, contained two counts – one count of fortified, adulterated and/or contaminated liquor, in violation of 47 P.S. §4-491(10), and one count of selling alcoholic beverages on credit in contravention of the provisions of the Liquor Code and Title 40 of the Pennsylvania Code, in violation of 47 P.S. §4-493(2). Appellant executed a Statement of Waiver,

---

<sup>1</sup>Although this Trial Court requested the transcript of the April 28th, 2016 Civil *De Novo* Trial from the court stenographer, this Trial Court relied on its own notes as the court stenographer's notes were not transcribed and, therefore, were unavailable for this Trial Court to cite. This Trial Court has only cited to the October 6th, 2015 Administrative Hearing transcript, which is the only available written transcript.

- Admission and Authorization admitting to the charges. The Administrative Law Judge sustained the charges and Appellant was fined three hundred fifty dollars and 00/100 (\$350.00);
- b. Citation No. 06-0672, which was issued on March 29th, 2006, contained one count of sale, furnishing or providing alcoholic beverages to minors, in violation of 47 P.S. §4-493(1). Appellant executed a Statement of Waiver, Admission and Authorization admitting to the charge. The Administrative Law Judge sustained the charge and Appellant was fined one thousand, two hundred dollars and 00/100 (\$1,200.00);
  - c. Citation No. 06-1797, which was issued on August 2nd, 2006, contained one count of sale, furnishing or providing alcoholic beverages to minors, in violation of 47 P.S. §4-493(1). Appellant executed a Statement of Waiver, Admission and Authorization admitting to the charge. The Administrative Law Judge sustained the charge and Appellant was (1) fined one thousand, five hundred dollars and 00/100 (\$1,500.00) and (2) was directed to participate in mandatory Responsible Alcohol Management (R.A.M.P) training as set forth in §471.1 of the Liquor Code;
  - d. Citation No. 12-1744, which was issued on December 21st, 2012, contained two counts – one count of refilling empty liquor bottles, in violation of 47 P.S. §4 491(10) and one count of failing to break empty liquor bottles within twenty-four (24) hours, in violation of 47 P.S. §4-491(5). Appellant executed a Statement of Waiver, Admission and Authorization admitting to the charges. The Administrative Law Judge sustained the charges and Appellant was fined five hundred dollars and 00/100 (\$500.00);
  - e. Citation No. 12-1804, which was issued on January 9th, 2013, contained one count of failing to break empty liquor bottles within twenty-four (24) hours, in violation of 47 P.S. §4-491(5). Appellant executed a Statement of Waiver, Admission and Authorization admitting to the charge. The Administrative Law Judge sustained the charge and Appellant was fined two hundred fifty dollars and 00/100 (\$250.00);
  - f. Citation 13-0442, which was issued on March 11th, 2013, contained two counts – one count of permitting smoking in a public place where smoking is prohibited, in violation of 47 P.S. §4-471 and 35 P.S. §637.6(a)(2) (“the Clean Air Act”), and one count of sale, furnishing or providing alcoholic beverages to a visibly intoxicated patron, in violation of 47 P.S. 4-493(1). Appellant executed a Statement of Waiver, Admission and Authorization admitting to the charges. The Administrative Law Judge sustained the charges and Appellant was (1) fined one thousand, six hundred fifty dollars and 00/100 (\$1,650.00) and (2) directed to participate in mandatory Responsible Alcohol Management (R.A.M.P) training as set forth in §471.1 of the Liquor Code;
  - g. Citation No. 14-0724, which was issued on April 21st, 2014, contained two counts – one count of failing to comply with the Order of the Administrative Law Judge at Citation No. 13-0442 mandating responsible alcohol management training, in violation of 47 P.S. §4-471(d), and one count of failing to devote

full time and attention to the operation of the licensed business, in violation of 40 Pa. Code §5.23(a). An administrative hearing was conducted on May 13th, 2015. The Administrative Law Judge concluded Appellant violated the above references statutes and Appellant was fined five hundred fifty dollars and 00/100 (\$550.00). Appellant failed to pay the fine within twenty (20) days; therefore, a Supplemental Order was issued on July 29th, 2015, whereby Appellant's restaurant liquor license was suspended for at least one (1) day beginning at 7:00 a.m. on Tuesday, September 8th, 2015 and continuing until the fine in the amount of five hundred fifty dollars and 00/100 (\$550.00) was paid. (*See PLCB's Exhibit B-3*).

6. Thereafter, pursuant to 47 Pa. C. S. § 4-464, the Board scheduled a hearing to address Appellant's liquor license Renewal Application. Appellant received notice of that hearing by the Board's letter dated September 8th, 2015. (*See PLCB's Exhibit B-4*).

7. The scheduled license renewal hearing occurred at the Homewood Suites by Hilton, 2084 Interchange Road, Erie, Pennsylvania 16501, on October 6th, 2015 before Hearing Examiner Michele Santicola, Esq., who was appointed by the Board, at which Jason Lombardo, as manager-of-record of Appellant, appeared and was represented by his counsel, Richard A. Vendetti, Esq. The Board was represented by its counsel, Michael J. Plank, Esq. (*See Respondent's Exhibit 5*).

8. By letter and Order January 13th, 2016, the Board denied Appellant's application for renewal of its liquor license. (*See Respondent's Exhibit 1 and 2*).

9. Appellant filed an appeal of the Board's denial of its Application of Renewal on January 15th, 2016.

10. The Board filed an Opinion in support of its Order on March 7th, 2016.

11. A Civil *De Novo* trial was held on April 28th, 2016 in Courtroom G, Room 222, Erie County Courthouse, Erie, Pennsylvania, before the undersigned judge, at which several witnesses personally appeared to present live testimony on behalf of Appellant; transcripts were admitted regarding testimony by witnesses and other evidence and exhibits presented before Hearing Examiner Michele Santicola, Esq.; stipulations and exhibits were entered; and arguments were heard. Jason Lombardo, manager-of-record of Appellant, appeared and was represented by counsel, Robert M. Barbato Jr., Esq. The Board was represented by its counsel, Michael J. Plank, Esq.

12. Following the Civil *De Novo* Trial, this Trial Court entered an Order to permit the attorneys to file proposed Findings of Fact and Conclusions of Law. Both attorneys filed their proposed Findings of Fact and Conclusions of Law on June 10th, 2016.

## **II. Findings of Fact by this Trial Court from the Transcript of Testimony of Witnesses appearing before the Hearing Examiner at the Administrative Hearing, October 6th, 2015**

### **A. Jason Lombardo**

13. Jason Lombardo is the manager-of-record of Lombo, Inc. t/a Lombardo's Tavern, which was started by Jason's father and current owner, Gary A. Lombardo, who resides in Fort Lauderdale, Florida. *Notes of Testimony, Administrative Hearing, October 6th, 2015, pg. 10, lines 11-17.*

14. As of the date of the Administrative Hearing, Jason Lombardo had been involved in the operation of Lombardo's Tavern for thirteen (13) years, since January 1st, 2002. *Id.*, pg. 10, line 25 – pg. 11, line 2.

15. Jason Lombardo stated the trouble started in this neighborhood in the late summer of 2012 and has progressively worsened. *Id.*, pg. 11, lines 13-18.

16. Lombardo's Tavern is an older establishment, dating back to June 22nd, 1977. *Id.*, pg. 12, lines 2-9.

17. On June 12th, 2013, Jason Lombardo, an assistant track and field coach with the City of Erie School District at the time, was loading track equipment into his truck and had already given last call in the establishment around 1:30 when he heard three (3) gunshots. *Id.*, pg. 14, line 16 – pg. 15, line 11.

18. Jason Lombardo explained the victim was shot in retaliation or retribution as the victim had stolen some firearms earlier that evening and the other individuals were waiting for the victim outside of the establishment. *Id.*, pg. 15, lines 18-25.

19. Jason Lombardo asserted the incident on June 12th, 2013 had nothing to do with anything that happened inside his establishment or with his establishment in general. *Id.*, pg. 15, line 25 – pg. 16, line 2.

20. During an evening shift from 6:00 p.m. until closing, Jason Lombardo stated three people work the establishment – himself, a bartender and a general help individual, who works the kitchen, at the bar or in the back of the establishment. *Id.*, pg. 19, lines 5-10.

21. The establishment has a lengthy citation history with mostly minor citations. *See PLCB's Exhibit B-3.*

22. Jason Lombardo acknowledged the two enhanced underage citations in 2006, but asserted the second citation was due to his bartender, who was the niece of a primary candidate for the County Executive position, calling her underage friends for a party at the establishment while Jason Lombardo was away at a dart league event. Jason Lombardo said this incident was "washed under the rug until after election time." *Id.*, pg. 20, lines 6-20.

23. Jason Lombardo indicated, other than the visibly intoxicated person citation, no other enhanced citations were issued thereafter to the establishment. *Id.*, pg. 21, lines 23-25.

24. Jason Lombardo currently has five (5) internal video cameras and three (3) external video cameras, which record on a seven (7) day loop. *Id.*, pg. 22, lines 15-19.

25. Eight (8) video cameras cover one hundred percent (100%) of his bar and seating areas with very little blind or blank spots. *Id.*, pg. 24, lines 10-19.

26. As of the date of the Administrative Hearing, Jason Lombardo indicated the employees and servers/sellers are one hundred percent (100%) R.A.M.P. compliant, and he and his father, Gary A. Lombardo, have owner/manager R.A.M.P. certifications. *Id.*, pg. 24, line 24 – pg. 25, line 1.

27. Jason Lombardo stated he would have no problem closing early, if such a condition were imposed, except during dart leagues, which constitute sixty percent (60%) of his establishment's business. *Id.*, pg. 25, lines 13-23.

28. Jason Lombardo stated the establishment now has dart leagues on Monday, Tuesday, Wednesday, Thursday and Sunday, along with pool leagues on Tuesday. *Id.*, pg. 26, lines 1-10.

29. Individuals involved with dart and pool leagues are of a better clientele than those

involved in the police incident reports. *Id.*, pg. 26, lines 19-22.

30. Jason Lombardo, in response to allegations he has not been cooperative during investigations, asserted there were no incidents inside his bar and he always has provided police with his security camera footage for incidents happening near his establishment, including a shooting and stabbing, and incidents happening down the block at the Country Fair nearby. *Id.*, pg. 27, line 20 – pg. 28, line 23.

31. In two major incidences, Jason Lombardo stated there was not even a loud voice spoken inside the establishment and nothing whatsoever happened inside his establishment at all. *Id.*, pg. 29, lines 3-10.

32. Jason Lombardo acknowledged crime in the vicinity of Lombardo's Tavern itself has increased thirty percent (30%) in the last five (5) years. *Id.*, pg. 29, lines 23-24.

33. As other bars have closed in the area, Jason Lombardo stated patrons all gravitate to Lombardo's Tavern, as well as to Luigi's Bar and Reno's Bar. *Id.*, pg. 30, line 22 – pg. 31, line 1.

34. Jason Lombardo acknowledged his establishment does not have doormen or bouncers, but indicated he is at the door checking ID's, even during leagues. *Id.*, pg. 31, lines 7-17.

35. Jason Lombardo stated his establishment does not have a transaction scan device, but he would gladly purchase a transaction scan device as a required condition. *Id.*, pg. 32, lines 1-8.

36. Jason Lombardo indicated although the victim of the shooting, Denairo Price, was drinking an undisclosed amount of alcohol prior to the shooting, nothing happened inside his establishment. *Id.*, pg. 33, line 25 – pg. 34, line 15.

37. Three individuals worked at his establishment on June 12th, 2013 – Nicole Torres, Lindsay Sloan and Josh Nientimp – and these individuals told police an argument or disturbance occurred inside his establishment, which Jason Lombardo claims “was a disagreement over a baseball game on television.” *Id.*, pg. 34, line 16 – pg. 35, line 22.

38. Jason Lombardo acknowledged Josh Nientimp, who was just helping out that evening, and Lindsay Sloan, an employee, were drinking that evening, but the bartender, Nicole Torres, was not drinking. *Id.*, pg. 35, line 23 – pg. 36, line 19.

39. Jason Lombardo stated the assailant who shot Denairo Price appeared from a shaded area in front of his building and shot forward, as if he was waiting for Mr. Price. *Id.*, pg. 40, lines 1-13.

40. Regarding exterior lighting, a large lit sign exists on the front of the building, a Lombardo's sign on the side and five (5) spotlights in the back of his building. *Id.*, pg. 42, lines 6-11.

41. Jason Lombardo indicated he was unaware of the April 27th, 2014 incident until Officer Mitchell contacted him, told him there was an incident outside and requested video recordings, which Jason Lombardo provided. *Id.*, pg. 44, lines 4-10.

42. The police report for the April 27th, 2014 incident indicates an altercation with pushing, shoving and arguing, which included the victim, Jesse Holmes, occurred inside the establishment, which Jason Lombardo could not agree or disagree with as he was not present. *Id.*, pg. 45, lines 7-15.

43. The police report for the April 27th, 2014 indicates an individual named either Lance Thompson or Lance Johnson was working as an employee or security, which Jason Lombardo

disagreed with. *Id.*, pg. 45, line 22 – pg. 46, line 7.

44. An individual named “Lance” and Nicole Torres informed the police a fight occurred inside the establishment, which included the victim and a group of unknown black males, and Lance and Nicole kicked the group out of the bar. *Id.*, pg. 46, lines 11-25.

45. Jason Lombardo stated he knows an individual named Jeremy McCall, who was listed in the police report for the April 27th, 2014 incident, and had no reason to dispute he was nineteen (19) years of age, but disputed Jeremy McCall was inside the bar due to the establishment’s policy, which prohibits anybody under 21 years of age to be in the establishment and individuals “who look under 30” are carded. *Id.*, pg. 47, line 9 – pg. 48, line 5.

46. Jason Lombardo indicated he has a metal detecting wand and generally wands patrons, especially on weekends. *Id.*, pg. 48, line 16 – pg. 49, line 12.

47. The metal detecting wand detects steel, nickel, cobalt, etc., and would indicate if a patron was carrying a firearm or knife. *Id.*, pg. 49, lines 20-24.

48. If the metal detecting wand detects a firearm or knife, the patron is asked to leave immediately. *Id.*, pg. 50, line 24 – pg. 51, line 2.

49. Jason Lombardo purchased the metal detecting wand in 2014 following the establishment’s last annual PLCB inspection, at which the PLCB officer **liked the improvement to the security cameras and suggested purchasing a metal detecting wand**. *Id.*, pg. 51, lines 5-11 [*emphasis added*].

50. Jason Lombardo stated he provides security and works nights seven (7) days per week, generally from 7:00 p.m. until 2:00 p.m., unless he leaves for league; then, he always returns by 10:00 p.m. *Id.*, pg. 51, lines 13-24.

51. When Jason Lombardo is not present, bartenders will card all patrons. His girlfriend, Amanda, would wand customers at the door. *Id.*, pg. 52, lines 11-17.

52. Jason Lombardo indicated he is willing to implement security when he is not there, but he has found through “trial and error” that security personnel cause more problems and he would rather diffuse the situation without causing a disturbance. *Id.*, pg. 53, lines 7-16.

53. Prior to working at Lombardo’s Tavern, Jason Lombardo was the manager-of-record for “Strandatta Corporation” in Allegheny County and the “Ivory Cum Latta,” a large night club that had fifty-seven (57) bouncers, and every problem that occurred at these bars were caused by bouncers ninety percent (90%) of the time. *Id.*, pg. 53, lines 17-24.

54. Jason Lombardo stated his intent was to limit the “problem crowd’s” access to the establishment. *Id.*, pg. 55, lines 10-12.

55. Jason Lombardo discussed earlier closing hours with his father prior to the administrative hearing. *Id.*, pg. 56, lines 5-8.

56. Jason Lombardo was told Lieutenant Stan Green of the Erie Nuisance Task Force wanted to meet with him about implementing additional items to make the establishment less of a nuisance problem, which Jason Lombardo and his father agreed to do. *Id.*, pg. 56, line 25 – pg. 57, line 15.

57. Jason Lombardo believed Jesse Holmes was stabbed five (5) or six (6) times on April 27th, 2014, but the case was *nolle prossed* because no one would testify. *Id.*, pg. 59, lines 9-22.

58. Regarding the April 27th, 2014 stabbing, Officer Mitchell came to see Jason Lombardo

the next day about the incident, and then both Officer Mitchell and Detective Suchi returned the day after that to download the video footage. *Id.*, pg. 62, lines 20-25.

59. Jason Lombardo acknowledged he was concerned that only one female employee was working by herself on April 27th, 2014 and that a fight occurred which resulted in a stabbing. *Id.*, pg. 64, lines 13-19.

60. The female bartender, who chose to leave shortly after the incident, was reprimanded harshly by Jason Lombardo, and Jason Lombardo fully cooperated with the police as to this April 27th, 2014 incident. *Id.*, pg. 64, line 22 – pg. 65, line 6.

### **III. Live Testimony heard before the Trial Judge at the Civil De Novo Trial, April 28th, 2016**

#### **A. Detective Dennis Obroski, City of Erie Police Department.**

61. Dennis Obroski is a police detective with the City of Erie Police Department, and has worked in that capacity for seventeen (17) years.

62. Detective Obroski aided the investigation of the June 12th, 2013 shooting, where a black male was shot outside of the establishment by an unknown shooter in the crowd due to prior “exchange of words” inside the establishment.

63. Detective Obroski met with Jason Lombardo and inquired as to the June 12th, 2013 incident, during which Jason Lombardo was “very cooperative” and provided video footage to the police.

64. Detective Obroski acknowledged he was not sure what Jason Lombardo could have done to avoid further shootings, as he indicated that anything below West 18th Street is a “high crime area” and Lombardo’s Tavern is located in close proximity to said “high crime area.”

65. Detective Obroski stated he did not see Jason Lombardo pass his metal detecting wand over patrons, but also stated he has not really noticed metal detecting wands being used in other bars in Erie.

66. Detective Obroski acknowledged he could not be sure if there was any security working on June 12th, 2013, but he was not sure if security inside the establishment would have prevented the shooting, since the shooting occurred outside of the establishment.

67. Detective Obroski recalled the shooting occurred near the stop sign, twelve (12) to fifteen (15) feet from the establishment, and the security cameras only captured what happened inside the establishment, not outside.

#### **B. Detective Michael Suchy, City of Erie Police Department**

68. Michael Suchy is a major crimes detective with the City of Erie Police Department, and has been working in this capacity for thirteen (13) years.

69. Jason Lombardo was cooperative with Detective Suchy during all investigations occurring at or near Lombardo’s tavern.

70. Detective Suchy recalled Jason Lombardo has five (5) to six (6) security cameras and outside lighting, and always provided discs of his establishment’s security footage following an incident.

71. Detective Suchy stated a stabbing occurred on April 27th, 2014 towards the rear of the establishment, and the victim, Jesse Holmes, had a punctured lung and other injuries. The assailants were eventually discovered and charged.

72. Detective Suchy acknowledged Jason Lombardo was cooperative throughout the



investigation and no altercation occurred inside the establishment.

73. Detective Suchy did not indicate the area around Lombardo's Tavern was a "high violence area;" in fact, Detective Suchy recalled he investigated only three (3) incidents in the area of this establishment.

### **C. Jason Lombardo**

74. Jason Lombardo is the manager-of-record for Lombardo's Tavern, where he is responsible for opening and closing the establishment, and has worked in that capacity for two (2) years; prior to working as manager-of-record, Jason Lombardo worked as the night manager of the establishment since 2002.

75. Jason Lombardo classified the area around the establishment as being "on the verge of a bad neighborhood," but not being a "warzone," and most of the crime (shootings, stabbings, drugs, prostitution, robberies, thefts, etc.) have occurred towards West 18th Street, which is further north of his establishment.

76. Initially, Lombardo's Tavern had a two (2) camera system, but now has an eight (8) camera system, with five (5) internal cameras and three (3) external cameras.

77. On June 12th, 2013, Jason Lombardo, an assistant track and field coach for the City of Erie School District, was loading track and field equipment into his vehicle when he heard three (3) gunshots; thereafter, the assailant left quickly in a vehicle which pulled up after the vehicle waited up the street.

78. Jason Lombardo provided information regarding this shooting to the police and downloaded video footage from his security cameras to assist the police.

79. Jason Lombardo indicated the August 29th, 2013 incident of "shots fired" did not happen and no police investigation ensued.

80. Jason Lombardo provided video footage of the April 27th, 2014 "stabbing" incident and stated nothing happened inside his establishment and that he was unaware of the incident until the next morning, when he was informed by Officer Peter Mitchell.

81. Jason Lombardo notified the police regarding the May 16th, 2014 "fight," provided video footage of the incident to the police and banned the patrons involved from the establishment.

82. Jason Lombardo took reasonable action by banning two (2) female and 1 (male) patrons, who were not "regulars," following a "fight" on November 11th, 2015.

83. Regarding the May 20th, 2015 incident, Jason Lombardo had denied a patron entrance into the establishment, so the individual pulled out a handgun, after which Jason Lombardo quickly closed the bar door, locked the door and called the police, who apprehended the individual shortly thereafter.

84. Jason Lombardo acknowledged two (2) "Disorderly House" violations – first, on May 26th, 2015, an argument occurred outside the establishment for which an individual, not Jason Lombardo, called the police for an "altercation;" and second, on May 30th, 2015, police officers arrived during a warrant sweep and found drug paraphernalia (cigarette wrappers only), after which the police conducted a thorough search of the establishment and found nothing else.

85. Jason Lombardo indicated Lombardo's Tavern has a capacity for forty-nine (49) patrons and he considered hiring security, but he could not afford security every night due to the high cost of between two hundred (\$200) to three hundred (\$300) dollars per night.

86. To prevent disturbing the neighbors with excessive noise, Jason Lombardo began closing his establishment at 1:00 a.m. on weekends, stopped carrying certain types of low quality alcohol and changed the music selections in the jukebox.

87. When Nicole Torres was bartending during some of the incidents and requested several patrons leave, she did not inform to Jason Lombardo of any issues inside the establishment.

88. Jason Lombardo stated Officer Steven De Luca was present during the May 30th, 2015 warrant sweep, but Officer De Luca was displeased with the amount of patrons inside the establishment (50-75). Officer De Luca also alleged Jason Lombardo was high on cocaine on May 30th, 2015; however, Jason Lombardo denied any drug use as he is an assistant track and field coach for the City of Erie School District and is randomly drug tested.

89. Officer De Luca's allegations that the officer smelled marijuana, saw marijuana smoke, and found plastic baggies and blunt shavings were heavily disputed by Jason Lombardo.

90. In his Police Report, Officer De Luca alleged he did not see anyone working security, did not see patrons being searched via a metal detecting wand and did not see anyone checking patron's ID's.

91. Animosity exists between Jason Lombardo and Officer De Luca, and Officer De Luca, indicated during the May 26th, 2015 incident, stated he [Officer De Luca] would "shut the bar down." Animosity stems from Jason Lombardo terminating his relationship with Officer De Luca's sister when they were in high school together.

92. Jason Lombardo properly took reasonable and appropriate steps by dismissing bartender Nicole Torres, as there were several incidents that occurred while she was bartending.

93. Jason Lombardo still patrols the perimeter of his establishment to pick up trash and bottles as well as to mow the lawns of surrounding neighbors to preserve the neighborhood and his relationship with the neighbors.

### CONCLUSIONS OF LAW

Title 47 of the Pennsylvania Consolidated Statutes, also known as the Pennsylvania Liquor Code, governs the manufacturing, sale, and transportation of liquor, alcohol, and malt or brewed beverages in the Commonwealth of Pennsylvania. *See 47 Pa. C. S. §1-104(c)*. Specifically, Article IV of the Pennsylvania Liquor Code governs licenses and regulations pertaining to liquor, alcohol, and malt and brewed beverages.

Renewal of a licensee's liquor license is not an automatic procedure. *See U.S.A. Deli, Inc. v. Pennsylvania Liquor Control Bd.*, 909 A.2d 24 (Pa. Commw. Ct. 2006). The Pennsylvania Liquor Control Board has the authority to refuse to renew a liquor license pursuant to Section 4-470(a.1) under these circumstances:

- 1) If the licensee, its shareholders, directors, officers, association members, servants, agents or employees 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 employees 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 licensees, its shareholders, directors, officers, association members, servants, agents or employees 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.

47 Pa. C. S. § 4-470(a.1) [emphasis added].

When an appeal is taken from a Board decision, pursuant to 47 Pa. C. S. §4-464, a trial court hears the matter *de novo* and fashions its own Trial Court Findings of Fact and Conclusions of Law. *See Goodfellas, Inc. v. Pennsylvania Liquor Control Board*, 921 A.2d 559, 565 (Pa. Commw. Ct. 2007) (citing *Two Sophia's, Inc. v. Pennsylvania Liquor Control Board*, 799 A.2d 917, 919 (Pa. Commw. Ct. 2002)). A trial court must receive the record of the proceedings below, if offered, and may hear new evidence. *See id.* A trial court may make its own Findings of Fact and reach its own Conclusions of Law based on those Findings of Fact, even when the evidence it hears is substantially the same as the evidence presented to the Board. *See Pennsylvania Liquor Control Board v. Bartosh*, 730 A.2d 1029, 1032 (Pa. Commw. Ct. 1999). A trial court may reverse the Board's decision to deny a license renewal where the trial court's findings are supported by substantial evidence in the record as a whole. *See BCLT, Inc. v. Pennsylvania Liquor Control Board*, 2015 Pa. Commw. LEXIS 281 (Pa. Commw. Ct. 2015) [emphasis added].

By its letter dated July 20th, 2015, the Board objected to the renewal of Appellant's liquor license and based its objections upon Appellant's adjudicated citation history and nine (9) reported incidents occurring on or near Appellant's premises. *See PLCB's Exhibit B-2*. In the instant case, this Trial Court finds and concludes the Board erred in refusing to renew Appellant's liquor license, in view of the following distinct bases:

### **1. Appellant's Citation History**

Between April 11th, 1995 and April 21st, 2014, Appellant has received seven (7) adjudicated citations:

- a. Citation No. 95-0649, which was issued on April 11th, 1995, contained two counts – one count of fortified, adulterated and/or contaminated liquor, in violation of 47 P.S. §4-491(10), and one count of selling alcoholic beverages on credit in contravention of the provisions of the Liquor Code and Title 40 of the Pennsylvania Code, in violation of 47 P.S. §4-493(2);
- b. Citation No. 06-0672, which was issued on March 29th, 2006, contained one count of sale, furnishing or providing alcoholic beverages to minors, in violation of 47 P.S. §4-493(1);
- c. Citation No. 06-1797, which was issued on August 2nd, 2006, contained one count of sale, furnishing or providing alcoholic beverages to minors, in violation of 47 P.S. §4-493(1);

- d. Citation No. 12-1744, which was issued on December 21st, 2012, contained two counts – one count of refilling empty liquor bottles, in violation of 47 P.S. §4 491(10) and one count of failing to break empty liquor bottles within twenty four (24) hours, in violation of 47 P.S. §4-491(5);
- e. Citation No. 12-1804, which was issued on January 9th, 2013, contained one count of failing to break empty liquor bottles within twenty-four (24) hours, in violation of 47 P.S. §4-491(5);
- f. Citation 13-0442, which was issued on March 11th, 2013, contained two counts – one count of permitting smoking in a public place where smoking is prohibited, in violation of 47 P.S. §4-471 and 35 P.S. §637.6(a)(2) (“the Clean Air Act”), and one count of sale, furnishing or providing alcoholic beverages to a visibly intoxicated patron, in violation of 47 P.S. 4-493(1);
- g. Citation No. 14-0724, which was issued on April 21st, 2014, contained two counts – one count of failing to comply with the Order of the Administrative Law Judge at Citation No. 13-0442 mandating responsible alcohol management training, in violation of 47 P.S. §4-471(d), and one count of failing to devote full time and attention to the operation of the licensed business, in violation of 40 Pa. Code §5.23(a)

*See PLCB’s Exhibit B-3.* These adjudicated citations, standing alone, can be reason enough for the Board to deny renewal of Appellant’s liquor license. *See 47 Pa. C. S. § 4-470(a.1)(2)* (the Board may deny renewal of a liquor license if the licensee, its shareholders, directors, officers, association members, servants, agents or employees have one or more adjudicated citations); *see also St. Nicholas Greek Catholic Russian Aid Society v. Pennsylvania Liquor Control Board*, 41 A.3d 953, 959 (Pa. Commw. Ct. 2012) (reinforcing the proposition that even a single past citation is sufficient to support the Board’s decision to deny renewal of a liquor license, and the Board may consider a licensee’s entire citation history to determine whether a pattern emerges and may consider all past Liquor Code violations, no matter when they occurred). However, a trial court is permitted to consider the corrective measures a licensee took in response to its citations, and to substitute its discretion for that of the Board in determining whether those corrective measures warranted the renewal of Licensee’s license. *See Goodfellas, Inc.*, 921 A.2d 559, 566 (Pa. Commw. Ct. 2007). Although a citation for a single violation of the Liquor Code can authorize the non-renewal of a license, the typical non-renewal involves multiple violations of the Liquor Code and a string of violent disturbances inside or near the licensed premises. *Allison v. Pennsylvania Liquor Control Board*, 131 A.3d 1075, 1081 (Pa. Commw. Ct. 2016).

First, this Trial Court notes that, in nineteen (19) years of operation, Appellant has only received three (3) enhanced citations – two counts of sale, furnishing or providing alcoholic beverages to minors, in violation of 47 P.S. §4-493(1) [Citation Nos. 06-0672 and 06-1797] and one count of sale, furnishing or providing alcoholic beverages to a visibly intoxicated patron, in violation of 47 P.S. 4-493(1) [Citation No. 13-0442]. Furthermore, none of the three (3) enhanced citations occurred during the most recent licensing period [August 1st, 2013 to July 31st, 2015], as Citation No. 13-0442 for sale of alcoholic beverages to a visibly intoxicated person occurred on March 11th, 2013, while Citation Nos. 06-0672 and 06-1797 for sale of alcoholic beverages to a minor occurred on March 29th, 2006 and

August 2nd, 2006 respectively. Finally, this Trial Court notes the Board granted renewal of Appellant's liquor license following adjudication of these "enhanced citations," which did not substantially warrant the Board to reject renewal of Appellant's liquor license.

Furthermore, this Trial Court finds and concludes the remaining violations, including fortified/adulterated/contaminated liquor, selling alcoholic beverages on credit, refilling empty liquor bottles, failing to break empty liquor bottles within twenty-four (24) hours, permitting smoking in a public place where smoking is prohibited, failing to comply with the Order of the Administrative Law Judge and failing to devote full time and attention to the operation of the licensed business, do not establish a pattern of violations requiring non-renewal of Appellant's liquor license. Appellant's manager-of-record, Jason Lombardo, has taken substantial remedial measures following receipt of these citations, including terminating employees involved in the citations, installing several security cameras to monitor the purchasing of alcoholic beverages and achieving R.A.M.P. certification for all of its employees. Jason Lombardo's steps to take action occurred without any formal Conditional Licensing Agreement in place to ensure Jason Lombardo would be responsible; in fact, no Conditional Licensing Agreement has ever existed at this establishment. Consideration of Appellant's less-than-egregious citation history, together with Jason Lombardo's credible testimony regarding his substantial and reasonable remedial measures to avoid further citations, supports this Trial Court's decision to renew Appellant's liquor license.

## **2. Incidents and/or Disturbances On or Near Appellant's Premises.**

Between June of 2013 and May of 2015, ten (10) reported incidents occurring on or near Appellant's premises as summarized by this Trial Court:

- a. On June 12th, 2013, several City of Erie police officers, including Detective Dennis Obroski, responded to a homicide (shooting) in the location of Lombardo's Tavern. Officer Obroski indicated Jason Lombardo, who was present during the shooting, was "very cooperative" and offered video footage from inside the establishment to aid the police in their investigation. *See PLCB Exhibit B-13*;
- b. On August 29th, 2013, several City of Erie Police officers responded to a report of "gunshots fired" near Lombardo's Tavern. Officer Theresa Anderson spoke with Joshua Nientimp, an alleged employee of Lombardo's Tavern, who stated he was inside the establishment and saw "a black male shooting a gun at a vehicle." The assailant, Anthony L. Lloyd, was apprehended. *See PLCB Exhibit B-14*;
- c. On April 27th, 2014, several City of Erie Police officers, including Detective Michael Suchy, responded to a report of a stabbing at Lombardo's Tavern. Police officers spoke with Jeremy McCall, who stated his friend, Jesse Holmes (victim), got into an altercation with several black males outside the establishment and was stabbed outside of the establishment after being kicked out. Police officers also spoke with an individual named "Lance," an alleged employee of Lombardo's Tavern, and Nicole Torres, a bartender, both of whom stated they kicked out a group of patrons prior to this stabbing. Detective Suchy stated Jason Lombardo was cooperative throughout the investigation and provided security footage of the incident. *See PLCB Exhibit B-15*;
- d. On May 16th, 2014, Detective Lorah and Patrolman Williams responded to a report of a fight at Lombardo's Tavern. The victim, Brian Edinger, was assaulted after

- confronting several males making racist remarks to a female patron. The case has been listed as “inactive” as the witnesses were not cooperating and video footage of the incident could not be obtained from “Josh.” See *PLCB Exhibit B-16*;
- e. On January 18th, 2015, Corporal Stoker and Patrolman McLellan responded to a report of a fight at Lombardo’s Tavern. Lindsay Sloan, a bartender, stated William Stewart, who was being loud and causing a disturbance, got into an altercation with Jim Baker, resulting in Stewart punching Baker in the face. Baker wanted nothing done and would not talk to the police. Stewart was advised by police he was not permitted to re-enter the establishment. See *PLCB Exhibit B-17*;
- f. On February 20th, 2015, Officers Steven and Goozdich responded to a report of a fight at Lombardo’s Tavern. Jason Lombardo stated two females and a male were fighting with another female and male couple. The black male (Akao Thompson) was very intoxicated and was charged with Public Drunkenness. See *PLCB Exhibit B-18*;
- g. On April 15th, 2015, several City of Erie Police officers responded to a report of a disturbance near Lombardo’s Tavern. As police officers arrived, a gunshot was heard. Two black males, Broom and Thorton (both standing on the porch at 914 West 21st Street), were detained and a black semi-automatic handgun and a spent shell casing were found near where the black males were standing. See *PLCB Exhibit B-19*;
- h. On May 20th, 2015, several City of Erie Police officers responded to a report of a patron waving a gun at Lombardo’s Tavern. Officer Theresa Anderson spoke with Jason Lombardo, who stated he saw a patron (Kamran Lopez Herbstritt) selling “little bags of white powder,” knocked the bags out of the patron’s hand, and pushed the patron out of the establishment. The patron then pulled out a silver handgun and began waving it around. Jason Lombardo called 9-1-1 and identified the patron with the ID left at the establishment. See *PLCB Exhibit B-20*;
- i. On May 26th, 2015, several City of Erie Police Officers, including Officer Steven De Luca, responded to a report of a disturbance at Lombardo’s Tavern. Police officers arrived at the scene and began dispersing a large crowd of between twenty (20 and thirty (30) people, who were arguing amongst each other. One male (Tyshaun Gunn) argued with the police and was detained due to his drunken state and disorderly conduct. In his Report, Officer De Luca did state “*Lombardo’s Tavern is an on-going problem for EPD units as there are dozens of calls for service related to unwanted guests, fights, drunks, shots fired, shootings and at least one unsolved homicide.*” Jason Lombardo was cited with a “Disorderly House” ordinance violation. See *PLCB Exhibit B-21*; and
- j. On May 30th, 2015, several City of Erie Police Officers, including Officers De Luca and Stadler, responded to a report of a fight at Lombardo’s Tavern. Police officers noticed a large group of males outside the establishment in front and on the side of the establishment. Thereafter, Officers De Luca and Stadler entered the establishment and noted fifty (50) to seventy-five (75) patrons inside the bar, smelled marijuana, saw marijuana clouds, and noticed plastic baggies and blunt shavings all over. In his Report, Officer De Luca stated “*Lombardo was approached and advised about the on-going problems and immediately stated that it has nothing to do with his bar and was argumentative. He was again advised about the nuisance bar issue and still*

*denied any problems. Lombardo had been advised by this officer on several occasions but continued to allow his patrons to run his bar.”* Jason Lombardo was cited with a “Disorderly House” ordinance violation. *See PLCB Exhibit B-22.*

These incidents on or near Appellant’s premises, standing alone, may be reason enough for the Board to deny renewal of Appellant’s liquor license. *See 47 P.S. §4-470(a.1)(4)* (the Board, in deciding whether to renew a liquor license, may consider activity that occurred on or about the licensed premises or in areas under the licensee’s control). However, a trial court, similar to the Board, can consider whether any substantial steps were taken to address the activity occurring on or about the premises. *See id.* Furthermore, although a licensee is required to take substantial affirmative measures to prevent misconduct, a licensee is not required to do everything possible to prevent criminal activity on the premises, act as its own police force or close its business. *See I.B.P.O.E. of West Mount Vernon Lodge 151 v. Pennsylvania Liquor Control Board*, 969 A.2d 642, 651 (Pa. Commw. Ct. 2009).

First, this Trial Court finds and concludes that, although the severity of these incidents cannot be downplayed, very few of the ten (10) incidents involved either intoxicated patrons or Appellant’s service of alcoholic beverages in general. In fact, the vast majority of the incidents occurred outside of the establishment and was simply altercations that continued outside of the establishment. The two (2) most severe incidents – the June 12th, 2013 shooting and the April 27th, 2014 stabbing – occurred outside of Lombardo’s Tavern and appeared to be premeditated by the assailants. According to Jason Lombardo, who was present during the June 12th, 2013 shooting, the assailant “came off of a shaded area in front of the building and shot forward, as if he was waiting for [the victim],” and fled in a vehicle shortly thereafter. *See N.T., pg. 40, lines 1-13.* Also, according to an individual named “Lance,” an alleged employee of Lombardo’s Tavern, and Nicole Torres, a bartender, both of whom were present during the April 27th, 2014 stabbing, the individuals who assaulted and stabbed the victim, Jesse Holmes, did so only after the victim left voluntarily and their group had been kicked out of the establishment. *See PLCB Exhibit B-15.*

Furthermore, Appellant has instituted substantial remedial measures in order to prevent further incidents and substantially cooperated with the police in their investigation to prevent further incidents occur. Following the June 12th, 2013 shooting, Jason Lombardo installed an eight (8) camera security system, which included five (5) interior cameras, to cover one hundred percent (100%) of the interior of the establishment, and three (3) external cameras. In the event an incident occurs and the police require Appellant’s security footage, several police officers, including Detectives Obroski and Suchy stated Jason Lombardo has always been cooperative in providing footage and even helping the police download the footage onto their system. In addition, Jason Lombardo personally works the door every evening, checking each patron’s identification and scanning each patron with a metal detecting wand. If Jason Lombardo is not present, the bartenders check patrons for identification. Jason Lombardo’s girlfriend, Amanda, scans each patron with the metal detecting wand. *N.T., pg. 52, lines 11-17.* Jason Lombardo has also ensured that he, his father, Gary A. Lombardo (owner) and all of Appellant’s employees have current R.A.M.P. certifications. Regarding security, Jason Lombardo has considered the idea of hiring security, but is hesitant for two (2) reasons. First, during the time Jason Lombardo was manager-of-record for the “Strandatta Corporation” in Allegheny County and the “Ivory Cum Latta,” every problem that occurred at these bars were caused by bouncers ninety percent (90%) of the time. *See id., pg. 53, lines*

17-24. Second, hiring security, which would cost between \$200 and \$300, would place a significant financial hardship on Appellant.

Finally, a major contributor to the incidents occurring on or near Appellant's premises is the increase in crime near the area of West 21st Street and Brown Avenue, unrelated to Lombardo's Tavern. According to the credible testimony of Jason Lombardo, crime in the area of Lombardo's Tavern has increased thirty percent (30%) in the last five (5) years. *Id.*, pg. 29, lines 23-24. Jason Lombardo further classified the area around the establishment as being "on the verge of a bad neighborhood," but not being a "warzone," and most of the crime (shootings, stabbings, drugs, prostitution, robberies, thefts, etc.) have occurred towards West 18th Street, further north of Lombardo's Tavern. Jason Lombardo stated several establishments have closed down over the years and the patrons who once occupied those establishments now patronize Lombardo's Tavern, bringing their problems with them. *See id.*, pg. 30, line 22 – pg. 31, line 1. In addition, Detective Obroski indicated "anything below 18th Street is a 'high crime area' and Lombardo's Tavern is located in close proximity to said 'high crime area.'" Appellant has also placed more emphasis on its dart and pool leagues, which bring in a "different clientele" far better than those involved in the police incident reports. *See id.*, pg. 26, lines 19-22. Appellant's location in a "high-crime area" is a major contributor to the incidents on or near the establishment; however, to place a majority of the blame on Appellant's alleged remedial deficiencies, which are no fault of Appellant, would be improper. *See Rosing, Inc. v. Pennsylvania Liquor Control Board*, 690 A.2d 758, 759 (Pa. Commw. Ct. 1997) (a trial court properly reversed the Board's decision denying renewal of liquor license, finding that the criminal activity on or near the licensed premises was due to **the location of the premises in a high-crime area** rather than the fault of the licensee). Considering the nature and circumstances of these incidents, all of the substantial and appropriate reasonable remedial measures implemented and enforced by Jason Lombardo, Appellant's manager-of-record, and the location of Appellant's establishment in a "high-crime area" supports this Trial Court's decision to renew Appellant's liquor license.

For all of the foregoing reasons, this Court enters the following Order and reserves to add further Findings of Fact and Conclusions of Law, if necessary in the future:

### **ORDER**

AND NOW, to wit, this 16th day of June, 2016, after thorough consideration of the entire record, including, but not limited to, the testimony and evidence presented at the Administrative Hearing before the Administrative Judge on October 6th, 2015 and the Civil De Novo Trial before this Trial Court on April 28th, 2016, as well as an independent review of the relevant statutory and case law and all counsels' submissions, including their proposed Findings of Fact and Conclusions of Law, as well as stipulations of Fact and Exhibits, it is hereby **ORDERED, ADJUDGED AND DECREED** that the instant appeal is **GRANTED** consistent with this Trial Court's Findings of Fact and Conclusions of Law set forth above. The Order of the Pennsylvania Liquor Control Board dated January 13th, 2016 denying Appellant's request to renew its liquor license is hereby **REVERSED**.

**BY THE COURT:**

/s/ **Stephanie Domitrovich, Judge**



**FICTITIOUS NAME NOTICE**

Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

**FICTITIOUS NAME NOTICE**

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 10, 2016 for LocalMotion.us located at 107 Norman Way, Erie, PA 16508. The name and address of each individual interested in the business is Joshua M. Layhue, 107 Norman Way, Erie, PA 16508. This was filed in accordance with 54 PaC.S. 311.

Sept. 2

**FICTITIOUS NAME NOTICE**

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on June 10, 2016 for Wondermints Roofing located at 914 Hilborn Avenue, Erie, PA 16505. The name and address of each individual interested in the business is Matthew David Hawley and Nichole Frontino, 914 Hilborn Avenue, Erie, PA 16505. This was filed in accordance with 54 PaC.S. 311.

Sept. 2

**LEGAL NOTICE**

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR SEMINOLE COUNTY, FLORIDA  
IN THE MATTER OF ADOPTION OF: SKYE ATKINSON, HUNTER ATKINSON, Adoptees.

CASE NO.: 2016-DR-1040-05A-W

**NOTICE OF ACTION**

**TO: BRANDON JOHNSON**  
**YOU ARE HEREBY NOTIFIED** that an action for stepparent adoption has been filed against you, and that you are required to serve a copy of

your written defenses, if any, to it on **Irene B. Pons, Esquire**, attorney for Petitioner, whose address is **60 South Semoran Boulevard, Orlando, Florida 32807** on or before **September 19, 2016**, and file the original with the **Seminole County Clerk of Court, 301 North Park Avenue, Sanford, Florida 32771**, before service on Petitioner or immediately thereafter.

**If you fail to do so, a default may be entered against you for the relief demanded in the petition. Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.**

**You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Notice of Current Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed to the address on record at the clerk's office.**

**WARNING: Rule 12.285, Florida Family Law Rules of Procedure, requires certain automatic disclosure of documents and information. Failure to comply can result in sanctions, including dismissal or striking of pleadings.**

DATED: August 10, 2016

Maryanne Morse  
CLERK OF THE CIRCUIT COURT  
By: /s/ Debra A. Wyker  
DEPUTY CLERK

Sept. 2, 9, 16, 23

**LEGAL NOTICE**

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No.: 11247-16

WILMINGTON SAVINGS FUND SOCIETY, FSB, D/B/A CHRISTIANA TRUST, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY IN ITS CAPACITY OF CERTIFICATE TRUSTEE FOR NNPL TRUST SERIES 2012-1 (Plaintiff) vs. ANTHONY E. ORSINI, IN HIS CAPACITY AS EXECUTOR OF THE ESTATE AND SURVIVING

HEIR OF DOMINIC ORSINI, DECEASED; FRANK ORSINI, IN HIS CAPACITY AS SURVIVING HEIR OF DOMINIC ORSINI, DECEASED; PATRICIA AZEVEDO, IN HER CAPACITY AS SURVIVING HEIR OF DOMINIC ORSINI, DECEASED; UNKNOWN SURVIVING HEIRS OF DOMINIC ORSINI, DECEASED (Defendants)

**NOTICE**

TO DEFENDANTS:

You are hereby notified the plaintiff, Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity of certificate trustee for NNPL Trust Series 2012-1, has filed a Complaint in Mortgage Foreclosure with regard to the premises situate at 1338 W 45th Street, Erie, PA 16509, endorsed with a Notice to Defend, against you at No. 11247-16 in the Civil Division of the Court of Common Pleas of Erie County, Pennsylvania, wherein the plaintiff seeks to foreclose on the mortgage encumbering said property, which foreclosure would lead to a public sale by the Erie County Sheriff.

YOU HAVE BEEN SUED. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. 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 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 PAPER

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.

LAWYER REFERRAL & INFORMATION SERVICE  
 PO BOX 1792  
 ERIE, PA 16507  
 (814) 459-4411

CONTACT ATTORNEY FOR PLAINTIFF: STEPHEN M. HLADIK, ESQUIRE AT 298 WISSAHICKON AVENUE, NORTH WALES, PA 19454

Sept. 2

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**SHERIFF SALES**

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

**SEPTEMBER 23, 2016  
at 10:00 AM**

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

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

John T. Loomis  
Sheriff of Erie County

Sept. 2, 9, 16

**SALE NO. 1**

**Ex. #10717 of 2016  
LSF8 Master Participation Trust,  
Plaintiff**

v.

**Joe R. Shoop, Jr.; Kimberly A. Shoop, a/k/a Kimberly Shoop,  
Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 2016-10717, LSF8 Master Participation Trust vs. Joe R. Shoop, Jr.; Kimberly A. Shoop, AKA Kimberly Shoop, owner(s) of property situated in The City of Erie, County of Erie, Commonwealth of Pennsylvania being 1758 East Grandview Boulevard, Erie, PA 16510  
0.2571

Assessment Map Number: 18052026011800  
Assessed Value figure: \$57,500.00  
Improvement thereon: Single Family Dwelling  
Kimberly J. Hong, Esquire  
Manley Deas Kochalski LLC  
P. O. Box 165028  
Columbus, OH 43216-5028  
614-220-5611

Sept. 2, 9, 16

**SALE NO. 2**

**Ex. #11122 of 2016  
NATIONSTAR MORTGAGE  
LLC, Plaintiff**

v.

**ARTHUR D. McCARTAN,  
Defendant**

**DESCRIPTION**

All that parcel of land situate in the Borough of Albion, County of Erie and Commonwealth of Pennsylvania, bounded, and described as follows, to-wit:

Beginning at an iron survey pin located on the West right of way of Collins Drive, at the Northeast corner of lands herein described, said point also being the Southeast corner of lands of P.E. and D. Dorr and also the original Northeast corner of lands of Norman H. and Natalie Rabell as described in Deed Book 1191, page 30, thence from said point of beginning the following courses: South 01 degree 02 minutes 00 seconds East along the West right of way line of Collins Drive, a distance of 100.00 feet to an iron survey pin, said point being the South East corner of lands herein described; thence South 88 degrees 58 minutes 00 seconds West, a distance of 150.00 feet to an iron survey pin located on the East line of lands of H.R. and L.M. Connors, said point being the Southwest corner of lands herein described; thence North 01 degree 02 minutes 00 seconds West, along said lands of Connors, a distance of 100.00 feet to an iron survey pin located at the Northwest corner of lands herein described, said point also being the Southwest corner of the aforementioned lands of Dorr; thence, North 88 degrees 58 minutes 00 seconds East, along said lands of Dorr, a distance of 150.00 feet to the

point of beginning.  
Being Known As Parcel Number: 01-008-037-0001-05  
PROPERTY ADDRESS: 20 Collins Drive, Albion, PA 16401  
KML Law Group, P.C.  
Attorney for Plaintiff  
Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106  
(215) 627-1322

Sept. 2, 9, 16

**SALE NO. 3**

**Ex. #11227 of 2016  
Nationstar Mortgage LLC,  
Plaintiff**

v.

**Darrell W. Shaffer and  
Shannon L. Shaffer, Defendants**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2016-11227, Nationstar Mortgage LLC vs. Darrell W. Shaffer and Shannon L. Shaffer, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2920 Hazel Street, Erie, PA 16508

.1152  
Assessment Map number: 19060044032000

Assessed Value figure: \$64,730.00  
Improvement thereon: a residential dwelling

Sarah K. McCaffery, Esquire  
Shapiro & DeNardo, LLC

Attorney for Movant/Applicant  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

Sept. 2, 9, 16

**SALE NO. 4**

**Ex. #10186 of 2016  
PNC BANK, NATIONAL  
ASSOCIATION, Plaintiff**

v.

**JOHN P. DONOFRIO, a/k/a  
JOHN P. D'ONOFRIO,  
Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10186-2016 PNC BANK, NATIONAL ASSOCIATION vs. JOHN P. DONOFRIO, a/k/a JOHN P. D'ONOFRIO  
JOHN P. DONOFRIO, a/k/a JOHN P. D'ONOFRIO, owner(s) of property situated in TOWNSHIP

OF MILLCREEK, Erie County, Pennsylvania being 2517 WEST 32 STREET, ERIE, PA 16506  
 1075 square feet  
 Assessment Map number: (33) 075-321.0-004.00  
 Assessed Value figure: \$81,200.00  
 Improvement thereon: single family dwelling  
 Brett A. Solomon, Esquire  
 Michael C. Mazack, Esquire  
 Tucker Arensberg, P.C.  
 1500 One PPG Place  
 Pittsburgh, PA 15222  
 (412) 566-1212

Sept. 2, 9, 16

**SALE NO. 5**

**Ex. #10174 of 2016**  
**PNC BANK, NATIONAL ASSOCIATION, Plaintiff**  
 v.  
**JOHN BENNETT, a/k/a JOHN A. BENNETT, Defendant**  
**LEGAL DESCRIPTION**

ALL that certain piece or parcel of land situate in Tract 338 of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:  
 BEING Lot No. Four (4) of HARMONY HILLS SUBDIVISION as the same is recorded in the Office of the Recorder of Deeds in and for Erie County, Pennsylvania in Map Book 7, page 60.  
 SAID premises having erected thereon a dwelling house commonly known as 1803 Norcross Road, Erie, Pennsylvania 16510, and being further identified by Erie County Tax Index No. (33) 112-491-19.  
 BEING the same premises granted and conveyed unto John Bennett, single, by Deed of Leo Bennett and Cora Bennett, his wife, dated February 18, 2003, and recorded in the Office of the Recorder of Deeds of Erie County, Pennsylvania on February 26, 2003 in Book 0980, page 0971.  
 ERIE COUNTY TAX PARCEL I.D. NO. 33-112-491-19.0-019.00  
 TUCKER ARENSBERG, P.C.  
 Brett A. Solomon, Esquire  
 Pa. I.D. No. 83746  
 Michael C. Mazack, Esquire  
 Pa. I.D. No. 205742  
 1500 One PPG Place

Pittsburgh, Pennsylvania 15222  
 (412) 566-1212  
 Attorneys for PNC Bank, National Association, Plaintiff  
 Sept. 2, 9, 16

**SALE NO. 7**

**Ex. #13531 of 2015**  
**CITIZENS BANK, N.A. F/K/A RBS CITIZENS, N.A., Plaintiff**  
 v.  
**Harold E. Corey, II**  
**Eileen A. Corey**  
**United States of America, Defendant**  
**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in Tract No. 196, Harborcreek Township, Erie County, Pennsylvania.  
 BEING KNOWN AS: 1865 Davison Road, Harborcreek, PA 16421  
 PARCEL #27-032-125.0-010.04  
 Improvements: Residential Dwelling, Gregory Javardian, Esquire  
 ID No. 55669  
 1310 Industrial Boulevard  
 1st Floor, Suite 101  
 Southampton, PA 18966  
 (215) 942-9690

Sept. 2, 9, 16

**SALE NO. 8**

**Ex. #10894 of 2016**  
**LSF9 MASTER PARTICIPATION TRUST, Plaintiff**  
 v.  
**CHERYL KENSINGER a/k/a CHERYL A. BARTOSEK, Defendant**  
**DESCRIPTION**

By virtue of a Writ of Execution filed to No. 10894-16, LSF9 Master Participation Trust v. Cheryl Kensinger a/k/a Cheryl A. Bartosek Cheryl Kensinger a/k/a Cheryl A. Bartosek, owners of property situated in the Township of Summit, Erie County, Pennsylvania being 1606 Robison Road, Erie, Pennsylvania 16509.  
 Tax I.D. No. 40028071000700  
 Assessment: \$ 75,854.95  
 Improvements: Residential Dwelling McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109  
 215-790-1010

Sept. 2, 9, 16

**SALE NO. 9**  
**Ex. #12217 of 2013**  
**U.S. Bank National Association, as Trustee for the Pennsylvania Housing Finance Agency, Plaintiff**  
 v.

**Julie D. Zielinski, Defendant**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution No. 2013-12217, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff VS. JULIE D. ZIELINSKI, Defendant Real Estate: 2713 WEST 13TH STREET, ERIE, PA 16505  
 Municipality: Township of Millcreek Erie County, Pennsylvania  
 See Instrument #2010-014096  
 Tax I.D. (33) 33-187-13  
 Assessment: \$21,900. (Land) \$70,560. (Bldg)  
 Improvement thereon: a residential dwelling house as identified above  
 Leon P. Haller, Esquire  
 Purcell, Krug & Haller  
 1719 North Front Street  
 Harrisburg, PA 17104  
 (717) 234-4178

Sept. 2, 9, 16

**SALE NO. 10**

**Ex. #10574 of 2010**  
**Deutsche Bank National Trust Company, as Trustee for, Argent Securities Inc. Asset-Backed Pass-Through Certificates, Series 2006-W3, Under The Pooling and Servicing Agreement Dated March 1, 2006, Plaintiff**  
 v.

**Gilbert N. Vasile Elena Raucci, Defendant(s)**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 2010-10574, Deutsche Bank National Trust Company, as Trustee for, Argent Securities Inc. Asset-Backed Pass-Through Certificates, Series 2006-W3, Under The Pooling and Servicing Agreement Dated March 1, 2006 vs. Gilbert N. Vasile, Elena Raucci  
 Amount Due: \$143,026.91  
 Gilbert N. Vasile, Elena Raucci, owner(s) of property situated in ERIE CITY, Erie County, Pennsylvania

being 4329 Pine Avenue, Erie, PA 16504-2337  
 Dimensions: 28 X 36  
 Acreage: 0.2816  
 Assessment Map number: 18052008020000  
 Assessed Value: \$115,790.00  
 Improvement thereon: residential Phelan Hallinan Diamond & Jones, LLP  
 One Penn Center at Suburban Station, Suite 1400  
 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814  
 (215) 563-7000

Sept. 2, 9, 16

**SALE NO. 11**

**Ex. #10043 of 2016**  
**CITIFINANCIAL SERVICING, LLC**  
 v.

**GWENDOLYN A. BOLYARD**  
**DESCRIPTION**

ALL THAT CERTAIN parcel of land situated in Waterford Township, Erie County, Commonwealth of Pennsylvania, as more fully described in Volume 1257, page 1469, ID #47-4-12-6.01, being known and designated as a metes and bounds property.  
 BEING KNOWN AS: 2282 STRONG ROAD, WATERFORD, PA 16441  
 PARCEL #47-4-12-6-01  
 Improvements: Residential Dwelling.  
 Powers Kim & Associates, LLC  
 Amanda L. Rauer, Esquire  
 Id. No. 307028  
 Attorneys for Plaintiff  
 Eight Neshaminy Interplex  
 Suite 215  
 Trevoise, PA 19053  
 (215) 942-2090

Sept. 2, 9, 16

**SALE NO. 12**

**Ex. #10016 of 2016**  
**U.S. BANK NATIONAL ASSOCIATION** as Trustee for the registered holders of **ABFC 2007-WMCI Trust Asset Backed Funding Corporation Asset Backed Certificates, Series 2007-WMCI c/o Ocwen Loan Servicing, LLC, Plaintiff**  
 v.  
**Jessica L. Edwards, Defendant(s)**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the City of Erie, County of Erie and State of Pennsylvania, being lots numbered one hundred eighty (180) and one hundred eighty one (181) on a Map or Plan of Erie Terrace, dated June 19, 1909, made by A. L. Eliot, Civil Engineer, and filed in the Recorder's Office of Erie County, Pennsylvania in Map Book, No. 1 at page 378, to which plot reference is hereby made for a further description of said property. Having erected thereon a one and one-half story frame dwelling and being commonly known as 3422 Lawrence Avenue, Erie, Pennsylvania, now known as 3422 Devoe Avenue, Erie, Pennsylvania.

BEING the same premises which George Lee Rose and Debra Lee Rose, husband and wife, by Deed dated January 26, 2007 and recorded on February 6, 2007 in the office of the recorder of deeds in and for Erie County at Instrument Number 2007-003578 granted and conveyed unto Chad A. Leuthold and Jessica L. Edwards, as joint tenants with the right of survivorship. Chas A. Leuthold has since departed this life on May 12, 2008.

PROPERTY ADDRESS: 3422 Devoe Avenue, Erie, PA 16508  
 PARCEL 19061063041200  
 ANDREW J. MARLEY ESQUIRE  
 STERN & EISENBERG PC  
 1581 Main St, Suite 200  
 The Shops at Valley Square  
 Warrington, PA 18976  
 (215) 572-8111

Sept. 2, 9, 16

**SALE NO. 13**

**Ex. #12910 of 2014**  
**Wells Fargo Bank, N.A., Plaintiff**  
 v.  
**Matthew J. Kemper; Dayus M. Kemper, Defendants**  
**SHERIFF'S SALE**

By virtue of a Writ of Execution file to No. 14-12910, Wells Fargo Bank, N.A. vs. Matthew J. Kemper; Dayus M. Kemper, owner(s) of property situated in The Borough of Lake City, County of Erie, Commonwealth of Pennsylvania being 2737 Arneman

Lane, Lake City, PA 16423  
 0.2755  
 Assessment Map Number: 28015021002206  
 Assessed Value figure: \$121,180.00  
 Improvement thereon: Single Family Dwelling  
 Kimberly J. Hong, Esquire  
 Manley Deas Kochalski LLC  
 P. O. Box 165028  
 Columbus, OH 43216-5028  
 614-220-5611

Sept. 2, 9, 16

**SALE NO. 14**

**Ex. #10804 of 2016**  
**CITIZENS BANK, N.A. f/k/a RBS CITIZENS, N.A., Plaintiff**  
 v.

**Eric M. McGraw, Defendant**  
**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the 5th Ward, City of Erie, and Commonwealth of Pennsylvania.  
 BEING KNOWN AS: 969 East 34th Street, Erie, PA 16504  
 PARCEL #18-053-095.0-203.00  
 Improvements: Residential Dwelling.  
 Gregory Javardian, Esquire  
 Id. No. 55669  
 1310 Industrial Boulevard  
 1st Floor, Suite 101  
 Southampton, PA 18966  
 (215) 942-9690

Sept. 2, 9, 16

**SALE NO. 15**

**Ex. #12665 of 2015**  
**Deutsche Bank National Trust Company, as Trustee for Ameriqwest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2002-4, Plaintiff**  
 v.

**Jeanette Louise Dickson, in her capacity as Administrator d.b.n.c.t.a and Heir of the Estate of Julie Anne Green a/k/a Julie A. Green and Beneficiary of the Julie Anne Green a/k/a Julie A. Green Testamentary Residential Trust**  
**Nicholas William Edson, in his capacity as Heir of the Estate and Beneficiary of the Julie Anne Green a/k/a Julie A. Green Testamentary Residential Trust**

**Deborah Chandler a/k/a Debbie Chandler, in her capacity as Devisee of the Estate of Julie Anne Green a/k/a Julie A. Green and Possible Owner Unknown Heirs, Successors, Assigns, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Julie Anne Green a/k/a Julie A. Green, Deceased, Defendant(s)**

**DESCRIPTION**

ALL that certain piece or parcel of land situate in the Township of Washington, County of Erie and Commonwealth of Pennsylvania, being part of Tract 419, bounded and described as follows to-wit: BEGINNING at the southwesterly corner of the piece at an iron survey point in the centerline of State Road, leading from McLane Corner to Waterford distant thereon South 64 degrees 24 minutes East 232.53 feet from an iron survey point at the original southwesterly corner of the whole piece; thence North 07 degrees 45 minutes 20 seconds East, passing over an iron survey point at distance of 26.27 feet, three hundred twenty-nine and forty-eight hundredths (329.48) feet to an iron survey point; thence by the residue of the piece South 75 degrees 07 minutes 50 seconds East, two hundred thirty-three and seventy-one hundredths (233.71) feet to an iron survey point; thence by the same South 07 degrees 45 minutes 20 seconds West, passing over an iron survey point at distance of 243.48 feet, two hundred seventy (270.00) feet to an iron survey point in the centerline of the State Road aforesaid; thence South 78 degrees 14 minutes West, along the centerline of the State Road, one hundred sixty-five (165.00) feet to an iron survey point; thence by the same North 64 degrees 24 minutes West, eighty and twenty-five hundredths (80.25) feet to the place of beginning. Parcel ID No. 45-2-5-22 TITLE TO SAID PREMISES IS VESTED IN Julie Anne Green, by Deed from Dale M. Tshudy and Johnna D. Tshudy his wife, dated 07/29/1997, recorded 08/05/1997 in Book 0512, Page 1179. *The said Julie Anne Green died*

*on or about 04/11/2009 and upon information and belief her surviving heirs at law and next-of-kin are Jeanette Louise Dickson, Nicholas William Edson, Deborah Chandler, Father John Jacquel, Reverend Michael Kesick, Father Scott Stroupe and Unknown Heirs. Father John Jacquel, Reverend Michael Kesick and Father Scott Stroupe have waived their interest in the mortgage premises.*

Tax Parcel #: 45-2-5-22  
Premises being: 4600 Old State Road, McKean, PA 16426-2241  
Phelan Hallinan Diamond

& Jones, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

Sept. 2, 9, 16

**SALE NO. 16**

**Ex. #11784 of 2015  
VFS LENDING SERVICES VI, LLC, Plaintiff**

v.

**ROBERT L. MARSH A/K/A  
ROBERT LEE MARSH, JR.,  
Defendant**

**DESCRIPTION**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE CITY OF ERIE, COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA. BEING KNOWN AS: 1019 MARNE ROAD, ERIE, PA 16511  
PARCEL # 15021024050000  
Improvements: Residential Dwelling, Harry B. Reese, Esquire  
Id. No. 310501  
Eight Neshaminy Interplex  
Suite 215  
Trevoise, PA 19053  
(215) 942-2090

Sept. 2, 9, 16

**SALE NO. 17**

**Ex. #12177 of 2015  
Ocwen Loan Servicing, LLC,  
Plaintiff**

v.

**TERRY L. ENGLISH  
THERESA S. ENGLISH  
Defendant(s)**

**DESCRIPTION**

ALL THAT CERTAIN LOT OF

LAND SITUATE IN BOROUGH OF LAKE CITY, ERIE COUNTY, PENNSYLVANIA BEING KNOWN AS 10072 Smith Street, Lake City, PA 16423  
PARCEL NUMBER: 28-10-4-30  
IMPROVEMENTS: Residential Property  
UDREN LAW OFFICES, P.C.  
Nicole LaBletta, Esquire  
PA ID 202194  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
856-669-5400

Sept. 2, 9, 16

**SALE NO. 18**

**Ex. #12666 of 2015  
NATIONSTAR MORTGAGE  
LLC d/b/a CHAMPION  
MORTGAGE COMPANY,  
Plaintiff**

v.

**The Unknown Heirs of Ronald J. Erie, Deceased  
Daniel Erie Seoley in His  
Capacity as Heir of Ronald J. Erie, Deceased, Defendant**

**DESCRIPTION**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE FIRST WARD OF THE CITY OF ERIE, COUNTY OF ERIE AND STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT IN THE SOUTHERLY MARGIN OF EAST LAKE ROAD, ONE HUNDRED TWENTY-EIGHT (128) FEET EAST OF THE EAST LINE OF MARNE ROAD; THENCE SOUTHWARDLY AND PARALLEL WITH MARNE ROAD, ONE HUNDRED TEN (110) FEET TO THE NORTHERLY MARGIN OF AN ALLEY; THENCE WESTWARDLY ALONG SAID ALLEY AND PARALLEL WITH EAST LAKE ROAD, THIRTY-SEVEN (37) FEET TO A POINT; THENCE NORTHWARDLY AND PARALLEL WITH MARNE ROAD, ONE HUNDRED TEN (110) FEET TO THE SOUTH LINE OF THE EAST LAKE ROAD; THENCE EASTWARDLY AND ALONG THE SOUTH LINE OF THE EAST LAKE ROAD THIRTY-SEVEN (37) FEET

TO THE PLACE OF BEGINNING, HAVING ERECTED THEREON A TWO-STORY BRICK AND FRAME DWELLING KNOWN AS 1959 EAST LAKE ROAD, ERIE, PENNSYLVANIA. BEING THE SAME PROPERTY CONVEYED TO FIRST PARTY BY DEED RECORDED FEBRUARY 12, 1960 IN ERIE COUNTY DEED BOOK 815, PAGE 36.

Parcel No.: 14011016021500  
 PROPERTY ADDRESS: 1959 East Lake Road, Erie, PA 16511  
 KML Law Group, P.C.  
 Attorney for Plaintiff  
 Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Sept. 2, 9, 16

**SALE NO. 19**

**Ex. #11080 of 2016**  
**U.S. BANK NATIONAL ASSOCIATION, (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982), Plaintiff**

v.

**JEAN M. STEPNOWSKI, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 11080-2016, U.S. Bank National Association, et al vs. Jean M. Stepnowski, owner(s) of property situated in Union City, Erie County, Pennsylvania being 74 South Street, Union City, PA 16438.

Dimensions: 0.2841 acres.  
 1638 Sq Ft.  
 Assessment Map Number: 42009030000700  
 Assess Value figure: \$77,100.00  
 Improvement thereon: Dwelling  
 Lois M. Vitti, Esquire  
 Attorney for Plaintiff  
 215 Fourth Avenue  
 Pittsburgh, PA 15222  
 (412) 281-1725

Sept. 2, 9, 16

**SALE NO. 20**

**Ex. #10040 of 2016**  
**BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED**

**LIABILITY COMPANY, Plaintiff**

v.

**Janet Woods as Executrix of the Estate of Audree J. Paske, Deceased, Defendant**

**DESCRIPTION**

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF ERIE, 5TH WARD IN THE COUNTY OF ERIE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A FEE SIMPLE DEED DATED 06/16/1952 AND RECORDED 06/16/1952, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN VOLUME 625 PAGE 526.

PROPERTY ADDRESS: 2031 Fairmont Parkway, Erie, PA 16510  
 PARCEL NUMBER: 18-5131-412  
 KML Law Group, P.C.

Attorney for Plaintiff  
 Suite 5000 - BNY Independence Center, 701 Market Street Philadelphia, PA 19106  
 (215) 627-1322

Sept. 2, 9, 16

**SALE NO. 21**

**Ex. #11252 of 2016**  
**Plaza Home Mortgage, Inc., Plaintiff**

v.

**Juan A. Rodriguez and Sylvia Rodriguez, Defendant**

**DESCRIPTION**

PARCEL NO.: (19) 6038-127  
 ALL that certain piece or parcel of land situate in the City of Erie and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point in the East line of Raspberry Street, thirty (30) feet North of the North line of West 32nd Street;  
 THENCE, East parallel with West 32nd Street, eighty-nine and ninety-one hundredths (89.91) feet to a point;

THENCE, North parallel with Raspberry Street, thirty-six (36) feet to a point;

THENCE, West parallel with West 32nd Street, ninety and twenty hundredths (90.20) feet to a point in the East line of Raspberry Street;  
 THENCE, South along the East line

of Raspberry Street, thirty-six (36) feet to the place of beginning.  
 BEING further described as being part of Lots 125 and 126, Block 6, Rossi Addition, Tract 28. Having erected thereon a two story frame dwelling and one-car garage.

SAID premises are further identified by Erie County Assessment Index No. (19) 6038-127 and are commonly known as 3121 Raspberry Street, Erie, Pennsylvania.

PROPERTY ADDRESS: 3121 Raspberry Street, Erie, PA 16508  
 PARCEL: 19060038012700  
 Attorney for Plaintiff:  
 M. TROY FREEDMAN, ESQUIRE  
 STERN & EISENBERG, PC  
 1581 Main Street, Suite 200  
 The Shops at Valley Square  
 Warrington, PA 18976  
 (215) 572-8111

Sept. 2, 9, 16

**SALE NO. 23**

**Ex. #13323 of 2015**  
**Wells Fargo Bank, N.A., as Trustee for the Pooling and Servicing Agreement dated as of February 1, 2004 First Franklin Mortgage Loan Trust Mortgage Loan Asset-Backed Certificates, Series 2004-FF1 c/o Ocwen Loan Servicing, LLC, Plaintiff**

v.

**Marc Gold, solely as heir to Herbert Gold, deceased**  
**Mayer Gold, solely as heir to Herbert Gold, deceased, Defendant(s)**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situate in the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEING lot No. 58 of the ORTH FARM GARDENS SUBDIVISION, a plan of the same being recorded in Map Book 2 pages 178 and 179, and having erected thereon a dwelling house known and numbered 928 Potomac Avenue, Erie, PA.

SUBJECT to all valid and subsisting conditions, covenants, leases, including but not limited to oil and gas leases, restrictions, reservations, exceptions, set backs, rights-of-way

and easements of record and/or those that are visible to a physical inspection and all laws, regulations and restrictions, including building and zoning ordinances, of municipal or other governmental authorities applicable to and enforceable against the above-described property.

TOGETHER with all and singular the rights, liberties, privileges, hereditaments, improvements, and appurtenances, whatsoever thereto belonging, and the reversions and remainders, rents, issues and profits thereof; and also, all the estate and interest whatsoever of the said parties of the first part, in law or equity, of, in to or out of the same;

BEING the same premises which James A. Nelson and Betty L. Nelson, his wife, by Deed dated September 19, 2002 and recorded on September 19, 2002 in the office of the recorder of deeds in and for Erie County at Book 922 Page 831 granted and conveyed unto Herbert Gold and Jane Gold, his wife, as tenants by the entireties with right of survivorship. Herbert Gold has since departed this life on September 27, 2014 and Jane Gold departed this life on March 31, 2012.

PROPERTY ADDRESS: 928 Potomac Avenue, Erie, PA 16505  
 PARCEL 33018083002000  
 Attorney for Plaintiff:  
 ANDREW J. MARLEY, ESQUIRE  
 STERN & EISENBERG, PC  
 1581 Main St, Suite 200  
 The Shops at Valley Square  
 Warrington, PA 18976  
 (215) 572-8111

Sept. 2, 9, 16

**SALE NO. 24**

**Ex. #12932 of 2009**

**Citibank, National Association as Trustee for Wachovia Loan Trust 2005-SD1, Asset-Backed Certificates, Series 2005-SD1, Plaintiff**

v.

**Gordon J. Pruzenski Original Mortgagor and Real Owner and Stephanie A. Pruzenski, Original Mortgagor, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 12932-09, Citibank,

National Association as Trustee for Wachovia Loan Trust 2005-SD1, Asset-Backed Certificates, Series 2005-SD1 vs. Gordon J. Pruzenski Original Mortgagor and Real Owner and Stephanie A. Pruzenski, Original Mortgagor, owners of property situated in 5th Ward, Erie City, Erie County, Pennsylvania being 2914 Florence Avenue, Erie, PA 16504  
 Assessment Map number: 18-5105-207

Assessed Value figure: \$55,990.00  
 Improvement thereon: Residential Dwelling  
 Robert W. Williams, Esquire

1 E. Stow Road  
 Marlton, NJ 08053  
 (856) 482-1400

Sept. 2, 9, 16

**SALE NO. 25**

**Ex. #10449 of 2016**

**Bawld Guy Note Fund, LLC, Plaintiff**

v.

**Dianna May Carr and Dale P. Carr, Defendant**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10449-16, Bawld Guy Note Fund, LLC vs. Dianna May Carr and Dale P. Carr

Dianna May Carr, owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 708 Rosedale Avenue, Erie, PA 16503  
 .0413 Acres 1200 square feet  
 Assessment Map number: 1401002202400

Assessed Value figure: 32,9800  
 Improvement thereon: residential dwelling

Stephen M. Hladik, Esq.  
 298 Wissahickon Avenue  
 North Wales, PA 19454  
 215-855-9521

Sept. 2, 9, 16

**SALE NO. 26**

**Ex. #10080 of 2015**

**The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., Alternative Loan Trust 2003-4CB, Mortgage Pass-Through Certificates, Series 2003-12, Plaintiff**

v.

**Martha E. Kocher and Goldie Kocher, Known Heir of Lucille L. Mook and Sandra Kocher, Known Heir of Lucille L. Mook and Lawrence Kocher, Known Heir of Lucille L. Mook and Timothy Kocher, Known Heir of Lucille L. Mook Unknown Heirs, Successors, Assigns, And All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Lucille L. Mook**

**SHERIFF'S SALE**

By virtue of a Writ of Execution filed to No. 10080-15, The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., Alternative Loan Trust 2003-4CB, Mortgage Pass-Through Certificates, Series 2003-12 vs. Martha E. Kocher and Goldie Kocher, Known Heir of Lucille L. Mook and Sandra Kocher, Known Heir of Lucille L. Mook and Timothy Kocher, Known Heir of Lucille L. Mook, Unknown Heirs, Successors, Assigns, or Associations Claiming Right, Title or Interest From or Under Lucille L. Mook and owner(s) of property situated in City of Erie, Erie County, Pennsylvania being 2922 Raspberry Street, Erie, PA 16508

0.0636  
 Assessment Map number: (19) 6219-301

Assessed Value figure: \$70,920.00  
 Improvement thereon: a residential dwelling

Sarah K. McCaffery, Esquire  
 Shapiro & DeNardo, LLC  
 3600 Horizon Drive, Suite 150  
 King of Prussia, PA 19406  
 (610) 278-6800

Sept. 2, 9, 16

**SALE NO. 27**

**Ex. #12348 of 2015**

**The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, as Trustee for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass Through Certificates**



**Series 2003-KS10 c/o Ocwen  
Loan Servicing, LLC, Plaintiff  
v.**

**Laurie Bankes, Defendant(s)  
DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land, being part of tract no. 411, situate in the township of Washington, County of Erie and state of Pennsylvania, bounded and described as follows, to-wit BEGINNING at a point in the centerline of the north road, also known as the Edison road, distant north 27° 29' west four hundred (400) feet from the intersection of the centerline of Edison road with the centerline of the old state road; thence north 89° 18' west three

hundred (300) feet to a point; thence north 27° 29' west thirty-six (36) feet to an iron pipe; thence south 89° 18' east three hundred (300) feet to an iron spike in the centerline of the Edison road; thence south 27° 29' east along the centerline of the Edison road thirty-six (36) feet to a point and the place of beginning. TOGETHER with all and singular the rights, liberties, privileges, Hereditaments, improvements, and appurtenances, whatsoever thereto belonging, and the reversions and remainders, rents, issues, and profits thereof and also, all the estate, interest whatsoever of the said party of the first part, in law or equity, of, in, to or out of the same.

BEING the same premises which Douglas E. Ryan, deceased and Pearl E. Ryan, by Deed dated August 29, 2003 and recorded on September 8, 2003 in the office of the recorder of deeds in and for Erie County at Book 1061 Page 1146 granted and conveyed unto Laurie Bankes. PROPERTY ADDRESS: 11950 Comer Road, Waterford, PA 16441 PARCEL 45003005001200 JESSICA N. MANIS, ESQUIRE STERN & EISENBERG, PC 1581 Main St, Suite 200 The Shops at Valley Square Warrington, PA 18976 (215) 572-8111

Sept. 2, 9, 16

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An A-Z discussion of the process of selling real estate in the United States Bankruptcy Court for the Western District of Pennsylvania, from employment of a realtor to closing.

**Monday, September 12, 2016 at Bayfront Convention Center**

**3:00 - 4:00 p.m. • 1 hour substantive CLE**

*Cocktail hour immediately following for all attendees*

**Cost:** \$45 - ECBA Member and Non-Attorney Staff • \$58 - Non-Member • \$30 - Member Judge not needing CLE

**Cost for Realtors:** Free (CE credit is NOT being provided for this seminar)

### **Seminar Speakers:**

**Kurt L. Sundberg, Esquire**

*Partner at Marsh, Spaeder, Baur,  
Spaeder & Schaaf*

Attorney Sundberg practices primarily in the areas of Mortgage Foreclosures, Creditor's Rights, Real Estate Law, Bankruptcy and Business Law.

**Greg Rubino, President**

*Passport Group*

Mr. Rubino is presently engaged in the Conneaut Lake Park reorganization which has thus far offered all of the twists and turns that a bankruptcy has to offer.



***Reservations due to the ECBA office by September 6***

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**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 their attorneys named below.

**FIRST PUBLICATION**

**ALLEGRETTO, THERESA F., deceased**

Late of the Township of Harborcreek,  
*Executor:* Daniel P. Allegretto  
*Attorney:* Steven E. George, Esq., Shapira, Hutzelman and Smith, 305 West Sixth Street, Erie, PA 16507

**ALLESSIE, SALVATORE M., deceased**

Late of Wesleyville Borough, Erie County, Pennsylvania  
*Executor:* Paul Alessie, c/o Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**BLAIR, DONALD P., deceased**

Late of the Township of Lawrence Park, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Denice J. Blair, 1161 Westbury Circle, #6, Lansing, MI 48917-8611  
*Attorney:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**DiTULLIO, GEORGIA A., deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Darlene J. Kendziora, 2636 Linwood Avenue, Erie, PA 16510-1530  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**ELLIS, EDWIN C., a/k/a EDWIN ELLIS, deceased**

Late of the Borough of Edinboro, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Cora M. Ellis, c/o 3210 West 32nd Street, Erie, Pennsylvania 16506-2702  
*Attorney:* Peter W. Bailey, Esquire, 3210 West 32nd Street, Erie, Pennsylvania 16506-2702

**KEMLING, EDWARD, a/k/a EDWARD WILLIAM KEMLING, deceased**

Late of Albion Boro, Erie County, PA  
*Administrator:* Laura L. Kemling, P.O. Box 3, Albion, PA 16401  
*Attorney:* Lisa Pepicelli Youngs, Esq., Pepicelli, Youngs and Youngs PC, 363 Chestnut Street, Meadville, PA 16335

**KERR, BERTHA L., a/k/a BERTHA KERR, a/k/a BERTHA LOUISE KERR, deceased**

Late of the Township of Millcreek  
*Executor:* Daniel E. Kerr  
*Attorney:* Michael G. Nelson, Esq., Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, 300 State Street, Suite 300, Erie, Pennsylvania 16507

**KINNEY, EDITH C., a/k/a EDITH KINNEY, deceased**

Late of the Township of Conneaut, County of Erie and State of Pennsylvania  
*Executrix:* Tammy L. Dunn, 12417 Route 6N, Albion, PA 16401  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**LOVE, MATTHEW C., deceased**

Late of the Borough of Waterford, Erie County  
*Administratrix:* Shelley L. Love  
*Attorney:* William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

**MATZ, ROBERT LEE, II, a/k/a ROBERT MATZ, a/k/a R. LEE MATZ, a/k/a ROBERT LEE MATZ, SR., deceased**

Late of the City of Erie, County of Erie and State Pennsylvania  
*Executrix:* Abigail M. Matz, 5676 Luna Lane, Erie, PA 16506  
*Attorney:* Anthony A. Logue, Esq., 2618 Parade Street, Erie, PA 16504

**NAWROCKI, DAVID J., deceased**

Late of the Millcreek Township, County of Erie, Pennsylvania  
*Executor:* Gregory L. Heidt, c/o 150 East 9th Street, Erie, PA 16501  
*Attorney:* Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**SHEARER, CAROLYN JEAN, a/k/a CAROLYN J. SHEARER, a/k/a C. JEAN SHEARER, deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania  
*Executor:* Russell D. Mollo, c/o 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**SMITH, VALERIE,  
deceased**

Late of Girard Township, Erie County, Pennsylvania  
*Administrator:* David W. Smith  
*Attorney:* Edward Leymarie, Jr., Esquire, Leymarie Clark Long, P.C., 423 Sixth Street, Ellwood City, PA 16117

**SECOND PUBLICATION**

**BRUNO, SOPHIE S., a/k/a  
SOPHIE BRUNO,  
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania  
*Executrix:* Kathryn A. Grisier, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* James J. Bruno, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**CHICHESTER, WARREN R.,  
a/k/a WARREN CHICHESTER,  
deceased**

Late of the Township of Harborcreek, County of Erie and State of Pennsylvania  
*Co-Administrators:* David Chichester, 1430 Blue Ridge Circle, Idaho Falls, ID 83402 and Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**CIOTTI, PATSY J., a/k/a PATSY  
CIOTTI, a/k/a PAT J. CIOTTI,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Edward J. Ciotti  
*Attorney:* Raymond A. Pagliari, Esq., 510 Cranberry St., Suite 301 Erie, Pennsylvania 16507

**HUTTEL, BRUNHILDE, a/k/a  
HILDE HUTTEL,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Frank P. Huttel, c/o The McDonald Group, L.L.P., Thomas J. Buseck, Esquire, 456 West Sixth Street, Erie, PA 16507  
*Attorney:* Thomas J. Buseck, Esq., The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507

**PRESUTTI, LAURA A.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Bridget E. Seth  
*Attorney:* Raymond A. Pagliari, Esq., 510 Cranberry St., Suite 301 Erie, Pennsylvania 16507

**WOODFORD, GLORIA,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* I. John Dunn, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**THIRD PUBLICATION**

**ADAMCZYK, ANN B.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Judith A. Williams, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**KEARNEY, EVELYN L.,  
deceased**

Late of Greene Township, Erie County, Pennsylvania  
*Executor:* David G. Kearney, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KOLODYCHAK, THOMAS,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executors:* Michael Thomas Kolodychak, Timothy Frank Kolodychak, Patrick John Kolodychak and Joseph Robert Kolodychak, c/o Michael A. Agresti, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Michael A. Agresti, Esquire, Marsh Spaeder Baur Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**KOVACH, LOUISE, a/k/a  
LOUISE M. KOVACH,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Dorothy Ann Larson, c/o Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Colleen R. Stumpf, Esq., Quinn Buseck Leemhuis Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LINSE, VIRGINIA R.,  
deceased**

Late of the Township of Lawrence Park, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Richard C. Linse, Jr., c/o William J. Schaaf, Esq., Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* William J. Schaaf, Esq., Marsh Spaeder Baur Spaeder & Schaaf, LLP, Attorneys-at-Law, Suite 300, 300 State Street, Erie, PA 16507

**PRUYN, KENNETH W.,  
deceased**

Late of the Township of Millcreek,  
County of Erie and Commonwealth  
of Pennsylvania  
*Executrix:* Darlene J. Pruyne, c/o  
Yochim Skiba & Nash, 345 West  
Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq.,  
Yochim, Skiba & Nash, 345 West  
Sixth Street, Erie, PA 16507

**VERNO, PAUL V.,  
deceased**

Late of Millcreek Township  
*Executrix:* Sallie Ann (Verno)  
DiPlacido  
*Attorney:* Andrew J. Sisinni,  
Esquire, 1314 Griswold Plaza,  
Erie, PA 16501

**WELSH, CHARLOTTE M., a/k/a  
CHARLOTTE MARIE WELSH,  
deceased**

Late of the City of Erie, Erie  
County, Commonwealth of  
Pennsylvania  
*Executor:* Thomas J. Welsh, 115  
Tory Road, Moon Township, PA  
15108  
*Attorney:* None

**WERNICKI, ANTHONY J.,  
deceased**

Late of the City of Erie, County  
of Erie and Commonwealth of  
Pennsylvania  
*Executrix:* Lori Wadman, c/o  
504 State Street, 3rd Floor, Erie,  
PA 16501  
*Attorney:* Michael J. Nies,  
Esquire, 504 State Street, 3rd  
Floor, Erie, PA 16501

**ZAGENCYK, ROSE J.,  
deceased**

Late of the City of Erie, Erie  
County, Pennsylvania  
*Administrators:* Thomas J.  
Zagenczyk and Gerald Zagenczyk,  
c/o Bruce W. Bernard, Esq., 234  
West 6th Street, Erie, PA 16507  
*Attorney:* Bruce W. Bernard, Esq.,  
Bernard Stuczynski & Barnett, 234  
West 6th Street, Erie, PA 16507

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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