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Primanti Bros. fined \$3,000 for multiple violations, including accusations of sexual assault

Dan Dearth May 9, 2018 Updated May 9, 2018



Primanti Bros. restaurant at the Valley Mall in Hagerstown.

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Primanti Bros. at Valley Mall was fined \$3,000 and will be on probation for a year after it compiled at least 14 violations since July that included allegations of sexual assaults and overserving alcohol to drunken patrons.

The Board of License Commissioners for Washington County, known as the liquor board, imposed the fine Wednesday during a hearing that was attended by Primanti Bros. co-owners William Bowker and Scott Leya.

"We're sorry this happened," Leya said. "It was not our intent."

John Salvatore, the liquor board's attorney, said he worked with Primanti Bros. officials to pare down the violations to one charge — failing to promote the peace and safety of the community.

"We will not be proceeding on each individual charge," he said. "It will basically be one count."

The preliminary agreement between the two parties, Salvatore said, called for the \$3,000 fine and one year of probation. It includes an agreement to shorten the restaurant's closing time from 2 a.m. to midnight.

But after a request during the hearing from Leya and other Primanti Bros. representatives, who said closing early would take money from the pockets of the employees, the three-member liquor board agreed to allow the restaurant to close at 1 a.m.

"You understand, if you have another incident, we're going to revisit this whole thing again," liquor board member Rich Newman said.

Salvatore said the Washington County Sheriff's Office told him the problems have subsided since Primanti Bros. stopped using a disc jockey and fired a bartender who was making strong drinks and overserving customers.

But something still needed to be done, he said, because the problems started July 10 and continued unabated until Feb. 20.

Salvatore said that during that time, there were at least 14 violations, including two sexual offense allegations, eight DUIs and a fight that involved about 30 people.

Salvatore said the victim chose not to press charges in one of the sexual assault cases.

"She basically wanted to forget it — didn't want to assist the police," he said.

Andrew F. Wilkinson, the Washington County-based attorney who represented Primanti Bros. at the hearing, said neither of the cases involving sexual assault allegations happened inside the restaurant.

"They met at Primanti's," he said. "They drank at Primanti's, but it didn't happen at Primanti's."

Wilkinson also said a fight between two women on Feb. 17 occurred at the front door before the two even entered the restaurant.

"It's not like they were at Primanti's getting drunk and having a fight," he said.

Wilkinson said he admitted all of the incidents took up law enforcement's time and apologized for it.

Sgt. Robert Whittington of the Washington County Sheriff's Office told the liquor board that there were a number of other violations in addition to the 14 violations Salvatore specifically mentioned during the hearing.

He said the calls for service have dropped drastically over the past few months.

"Since the end of February, we haven't had problems," he said. "But it was a matter of two months that it was just constant."

Whittington said he checked three other Primanti Bros. restaurants in Pennsylvania to determine whether those businesses had a similar number of calls for police over the same time.

The three locations, he said, had a total of three calls.

Liquor board member Jeff Buczkowski said he was concerned after viewing some of the body-camera footage that deputies took when they responded to the restaurant.

He said the Primanti Bros. staff was disrespectful to deputies, and failed to turn off televisions when they were told to do so.

"They were way less than helpful," he said.

Leya said he would address Buczkowski's concerns about the staff.

Primanti Bros. opened at the mall in November 2015.

Charges laid out against Primanti Bros. at Valley Mall

Primanti Bros. restaurant at Valley Mall in Halfway was fined \$3,000 Wednesday for multiple liquor violations that occurred from July 10 to Feb. 20.

In addition to the fine, the Board of License Commissioners for Washington County, known as the liquor board, ordered the restaurant to serve one year of probation and moved its closing time an hour earlier, from 2 a.m. to 1 a.m.

Liquor board attorney John Salvatore said the violations included sexual offense allegations, DUIs, a large fight and overserving alcohol.

He said the following violations were reported:

- July 10, overserving that resulted in a DUI and a hit-and-run charge
- Sept. 9, overserving that resulted in a DUI and serving alcohol to a minor
- Dec. 10, overserving that resulted in a sexual offense allegation
- Jan. 6, overserving that resulted in a DUI
- Jan. 6, overserving and a fight involving four men
- Jan. 6, a fight involving 10 to 15 people. The exit doors were locked, which was a violation of the fire code.
- Jan. 17, overserving that resulted in a DUI.
- Jan. 26, overserving that resulted in a sexual offense allegation and serving a minor.
- Feb. 3, DUI and serving a minor
- Feb. 4, overserving and a fight involving about 30 people
- Feb. 4, overserving that resulted in a DUI

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- Feb. 17, an assault involving two women
- Feb. 18, overserving that resulted in a DUI
- Feb. 20, overserving that resulted in a DUI

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