



Written by [Michael Tennant](#) on October 20, 2020

Restaurant Won't Have to Pay Fines for Opening During Shutdown, Judge Says

A Pennsylvania restaurant that was fined \$10,000 for violating Governor Tom Wolf's coronavirus executive orders was found not guilty and will not have to pay the fines.

Pennsylvania Magisterial District Court Judge Carl Garver ruled Friday that "the family business was unconstitutionally cited and the restaurant was found not guilty," reported Harrisburg's [WHP](#).

"The crux of the legal argument is that orders that have been issued by the governor and the Department of Health are legally unenforceable. Judge Garver agreed with that argument," said Eric Winter, attorney for siblings Michael Mangano and Christine Wartluft, owners of Taste of Sicily restaurant in Palmyra.

"We were absolutely ecstatic," Mangano said of the ruling. "You know a lot of people said a lot of different things about Taste of Sicily. We were selfish. All we cared about was business and money and it's like we need to make a living."

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Taste of Sicily closed during the initial phase of Wolf's shutdown but reopened in May, allowing customers to decide whether or not to wear masks or to social distance, despite the ongoing edicts of Wolf and state Health Secretary Rachel (née Richard) Levine, both Democrats. Lebanon County commissioners had voted to allow businesses to reopen, albeit with some restrictions, and the Lebanon County district attorney said she would not prosecute businesses that complied with these rules.

Such defiance rankled Wolf so much that he [withheld \\$13 million in federal relief from Lebanon County](#), making it the only county in the state to be denied its share of the funds.

Taste of Sicily's license was temporarily suspended, and the restaurant ultimately racked up \$10,000 worth of fines from the state. Nevertheless, the owners persisted.

"It really is about civil liberties and our freedoms, the right to be able to go to work, to make a living," Mangano told the [Daily Caller](#) in July. "We did what we had to do to comply and contribute to stopping the spread of COVID-19. We flattened the curve, we unfortunately were seeing what was happening in the nursing homes, the tragedies. It didn't stop there, we saw how this governor, Governor Wolf, was picking and choosing who was getting the business waivers to operate or not to operate their business."

"Some rob you with a gun, while others rob you with a pen," he [said](#). "We ain't paying crap."

Mangano also urged other business owners to defy Wolf's orders. "We don't care what the repercussions may be. We want the world to see how ridiculous it is for being penalized to go to work,"



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he said in a [June press conference](#). “Nobody’s asking business owners to take up arms or go to war. Open your doors already.”

Likewise, state Representative Russ Diamond, a Republican from Lebanon County, said, “Taste of Sicily is the first domino. Go, open your business! Go enjoy your life!”

When they finally got their day in court, Mangano and Wartluft were completely vindicated.

“The mask mandate, the plexiglass, the social distancing, all of those things that the governor and Levine were implementing are not an enforceable citation,” Mangano told the [Daily Caller](#). “In other words, they can’t legally enforce that. This says that any fine that you get from the state is legally non-enforceable.”

After his victory, he continues to encourage his fellow businessmen to ignore the orders and open their businesses.

“When you get these fines from these agents do not pay them,” he said. “Plead not guilty, and take them to court.”

Garver’s decision should not have come as a surprise to Wolf. Over a month ago, a federal judge found his coronavirus orders [unconstitutional](#). In light of that, the case against Taste of Sicily should have been dropped; but Wolf, desiring to retain the dictatorial powers he grabbed under the guise of combating COVID-19, has instead [vowed to appeal Garver’s decision](#).

“The issue in terms of the upsurge has been restaurants and bars, so I think looking at how we deal with those restaurants is an important policy tool and part of anybody trying to address the challenge with this pandemic,” he told WHP Monday.

Wolf, however, is fighting an uphill battle against a pair of scrappy Italian-Americans — and the Constitution.



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