

Mailing Date: MAY 04 2006

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ADMINISTRATIVE LAW JUDGE
FOR THE PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 05-1525
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-313062
 :
 v. :
 : LID - 38217
 :
 CHICO'S BAR INC :
800 W WINGOHOCKING ST :
PHILADELPHIA PA 19140-1346 :
 :
PHILADELPHIA COUNTY :
LICENSE NO. R-SS-6147 : BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: James E. Dailey, Esq.

For Licensee: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on August 3, 2005. The citation alleges that Licensee violated §471 of the Liquor Code, 47 P.S. §4-471, and §5513 of the Crimes Code, 18 Pa. C.S. §5513, on June 8 and 15, 2005, by possessing or operating gambling devices or paraphernalia or permitting gambling or lotteries, poolselling and/or bookmaking on the licensed premises.

At the hearing scheduled for Tuesday, March 28, 2006, in Plymouth Meeting, Pennsylvania, there was no appearance by or on behalf of the Licensee; therefore, the matter proceeded *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period June 8 through June 17, 2005, and sent an amended written notice of the results of its investigation to the licensed premises by certified mail on July 13, 2005 (N.T. 19, Exhibit B-1).
2. A copy of this citation was mailed to the licensed establishment by certified mail on August 3, 2005 (N.T. 20-21, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on February 17, 2006.
4. Liquor Enforcement Officer Erick Gall inspected the licensed premises at 7:10 p.m. on June 8, 2005, and found three New Fruit Bonus 96 brand video slot machines (N.T. 4-8).

5. Officer Gall returned to the premises with Liquor Enforcement Officer Chris Holdeman on June 15, 2005, at 2:35 p.m. The same video slot machines were present. Officer Holdeman found that all three machines had the capability of reducing accumulated credits to zero instantly. The officers seized the machines and the \$214 they contained (N.T. 9-12).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 17, 1996, and has had prior violations as follows:

Citation No. 97-2266. \$200.00 fine.

1. Loudspeakers could be heard outside.

Citation No. 98-2123. \$200.00 fine and suspension with conditions (later vacated).

1. Operated the licensed establishment without a valid health permit or license.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$50.00 to \$1,000.00 range, or both, for violations of the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Chico's Bar, Inc., License No. R-SS-6147, pay a fine of four hundred dollars (\$400.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

The fine must be paid by treasurer's check, cashier's check, certified check or money order. **Personal checks, which include business-use personal checks, are not acceptable.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail to:

PLCB-Office of Administrative Law Judge
Brandywine Plaza
2221 Paxton Church Road
Harrisburg PA 17110-9661

Dated this 26th day of April, 2006.

jb

David L. Shenkle, J.

NOTICE: MOTIONS FOR RECONSIDERATION CANNOT BE ACTED UPON UNLESS THEY ARE IN WRITING AND RECEIVED BY THE OFFICE OF ADMINISTRATIVE LAW JUDGE WITHIN 15 DAYS AFTER THE MAILING DATE OF THIS ORDER, ACCOMPANIED BY A \$25.00 FILING FEE.