

Mailing Date: AUG 18 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 05-2304
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-315171
v.	:	
	:	LID – 44650
BIG DADDY’S, INC.	:	
T/A COUSIN’S NORTH SIDE	:	
BAR & GRILL	:	
44-46 N. WYOMING ST.	:	
HAZLETON, PA 18201-6032	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-SS-2904	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Craig A. Strong, Esquire
Pennsylvania State Police
8320 Schantz Road, Second Floor
Breinigsville, PA 18031

For Licensee
Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on November 9, 2005, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Big Daddy’s, Inc., t/a Cousin’s North Side Bar & Grill (Licensee), License Number R-AP-SS-2904.

The citation¹ charges Licensee with violations of Section 15.62(a) of the Pennsylvania Liquor Control Board Regulations [40 Pa. Code §15.62(a)]. The charge is that on August 29, 30, 31, September 3, 7, 9, 12, 15, 23 and 30, 2005, Licensee, by servants, agents or employes, failed to post in a conspicuous place on the outside of the licensed premises, or in a window plainly visible from the outside of the premises, a Notice of Suspension.

An evidentiary hearing was conducted on July 17, 2006 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear personally or have representation.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on July 25, 2005 and completed it on October 4, 2005. (N.T. 6)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on October 17, 2005. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, 05-2304, N.T. 20)
3. Pursuant to Adjudication No. 05-0685X, a \$350.00 fine was imposed. The fine was not paid and Licensee's license was suspended for a period of one day, beginning at 7:00 a.m., Monday, August 29, 2005 and continuing thereafter until the fine was paid.
4. On the dates charged, Licensee was closed and not in operation but no suspension placard was posted. (N.T. 20-22)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

1. Commonwealth Exhibit No. C-2, 05-2304, N.T. 20.

PRIOR RECORD:

Licensee has been licensed since July 20, 1999, and has had seven prior violations:

Adjudication No. 99-1649. Fine \$100.00.

Sold and/or served an unlimited or indefinite amount of alcoholic beverages for a fixed price.

September 17, 1999.

Adjudication No. 02-1293. Fine \$50.00.

Issued worthless checks in payment for malt or brewed beverages.

April 19 and 20, 2002.

Adjudication No. 02-1804. Fine \$1,000.00.

Sales after the restaurant liquor license expired and had not been renewed and/or validated.

September 6, 2002.

Adjudication No. 02-2044. Fine \$75.00.

Issued worthless checks in payment for malt or brewed beverages.

September 13, 2002.

Adjudication No. 04-0669. Fine \$200.00.

Issued worthless checks in payment for malt or brewed beverages.

January 16 and February 13, 2004.

Adjudication No. 04-2169. Fine \$300.00.

Issued worthless checks in payment for malt or brewed beverages.

March 5, April 8, May 29, June 5, 11, July 28, October 29 and November 4, 2004.

Adjudication No. 05-0685. Fine \$350.00. Revocation of license for failure to pay fine.

Issued worthless checks in payment for malt or brewed beverages.

February 4 and 25, 2005.

PENALTY:

Section 471 of the Liquor Code [47 P.S. §4-471] prescribes a penalty of license suspension or revocation or a fine of not less than \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

I impose revocation of the license.

ORDER:

Imposition of Revocation

THEREFORE, it is hereby ordered that Restaurant liquor license No. R-AP-SS-2904, issued to Big Daddy's, Inc., t/a Cousin's North Side Bar & Grill, be **REVOKED**, effective at 7:00 a.m., on Monday, September 11, 2006. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby **CANCELLED**.

As this license has already been revoked, there is no license to be returned. Accordingly, the Bureau of Licensing of the Pennsylvania Liquor Control Board is hereby directed to mark their records accordingly, that this license is REVOKED effective at 7:00 a.m., Monday, September 11, 2006.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 31st day of July, 2006.

Felix Thau, A.L.J.

pm

MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.