

Mailing Date: AUG 17 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-0320
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-325136
v.	:	
	:	LID - 55676
JAKES TAVERN, INC.	:	
T/A JAKES	:	
80 S. MAIN ST.	:	
ARCHBALD, PA 18403-1783	:	
	:	
	:	
LACKAWANNA COUNTY	:	
LICENSE NO. R-AP-SS-928	:	

**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  
Stephen Krajewski  
President, Secretary,  
Treasurer, Director,  
Stockholder, Manager  
and Steward

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on February 28, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Jakes Tavern, Inc., t/a Jakes (Licensee), License Number R-AP-SS-928.

This citation<sup>1</sup> contains two counts.

The first count charges Licensee with a violation of Section 499(a) of the Liquor Code [47 P.S. §4-499(a)]. The charge is that on January 21, 2006, Licensee, by servants, agents or employes, failed to require patrons to vacate that part of the premises habitually used for the service of alcoholic beverages not later than one-half hour after the required time for the cessation of the service of alcoholic beverages.

The second count charges Licensee with a violation of Section 499(a) of the Liquor Code [47 P.S. §4-499(a)]. The charge is that on January 21, 2006, Licensee, by servants, agents or employes, permitted patrons to possess and/or remove alcoholic beverages from that part of the premises habitually used for the service of alcoholic beverages after 2:30 A.M.

An evidentiary hearing was conducted on July 18, 2006 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee's President/Secretary/Treasurer/Director/Stockholder/Manager and Steward appeared at the hearing without counsel.

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 January 7, 2006 and completed it on January 23, 2006. (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 January 30, 2006. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 9)

Count Nos. 1 and 2:

3. On Saturday, January 21, 2006, at approximately 3:10 a.m., a Bureau Enforcement Officer approached the premises. The door was open. There were three individuals playing inside. One was playing pool while the other two were sitting at the bar. In front of the two patrons at the bar were two bottles of beer. One was full while the other was partially full.

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1. Commonwealth Exhibit No. C-2, N.T. 9.

CONCLUSIONS OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since November 8, 2005, and has had no prior violations.

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 Count Nos. 1 and 2 in this case.

I merge Count Nos. 1 and 2 and adopt the recommended penalty of a \$250.00 fine.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$250.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

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, Pennsylvania 17110-9661

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 10<sup>th</sup> day of August, 2006.

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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.**