

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. 06-0667
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W05-327059
v.	:	
	:	LID - 4015
THE ELKS CLUB OF STATE	:	
COLLEGE	:	
100 ELKS CLUB ROAD	:	
P.O. BOX 8	:	
BOALSBURG, PA 16827-9801	:	
	:	
	:	
CENTRE COUNTY	:	
LICENSE NO. CC-5629	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Michael C. Nickles, Esquire
Pennsylvania State Police
313 Mt. Nebo Road
Pittsburgh, PA 15237-1305

For Licensee
Joseph L. Amendola, Esq
110 Regent Court
Ste. 202
State College, PA 16801

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on March 29, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against The Elks Club of State College (Licensee), License Number CC-5629.

The citation charges Licensee with a violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §4-491(1), §4-492(2) and §4-493(16)]. The charge is that on February 4, 2006, Licensee, by servants, agents or employees, sold alcoholic beverages after its Catering Club Liquor License expired on January 31, 2006, and had not been renewed and/or validated.

An evidentiary hearing was conducted on August 16, 2006 at the Hampton Inn, 180 Charlotte Drive, Altoona, Pennsylvania. Licensee submitted an Admission, Waiver and Authorization in which Licensee: admits to the violation charged in the citation and that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the Administrative Law Judge to enter an Adjudication without a hearing based on a summary of facts and prior citation history as provided by the Bureau, and waives the right to appeal this Adjudication. Licensee also waived the thirty day waiting period before the effective date of the suspension can be set.

The following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

On February 4, 2006, Licensee sold alcoholic beverages after its Catering Club liquor license expired on January 31, 2006.

CONCLUSIONS OF LAW:

The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since April 26, 1965, 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 this case.

Because Licensee has had no prior violations in 41 years, I impose a one day suspension.

ORDER:

Imposition of Suspension

THEREFORE, it is hereby ordered that the Catering Club liquor license of The Elks Club of State College, License No. CC-5629, be suspended for a period of one day, **BEGINNING** at 7:00 a.m., on Monday, September 18, 2006, and **ENDING** at 7:00 a.m., on Tuesday, September 19, 2006.

Licensee is directed on Monday, September 18, 2006, at 7:00 a.m., to place a placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised, if replacement placards are needed for any reason, they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the aforementioned licensed premises for compliance with this Order.

Licensee is authorized on Tuesday, September 19, 2006, at 7:00 a.m., to remove the placard of suspension and return its license to its original wall location.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 17th day of August, 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.