

Mailing Date: DEC 12 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-0942
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-328728
	:	
v.	:	LID - 53047
	:	
BWCO JOINT VENTURE	:	
T/A COUNTRY OVEN RESTAURANT	:	
1245 HARRISBURG PIKE	:	
CARLISLE, PA 17013-1621	:	
	:	
	:	
CUMBERLAND COUNTY	:	
LICENSE NO. H-AP-SS-EHF-5910	:	

**BEFORE:** JUDGE THAU

APPEARANCES:

For Bureau of Enforcement  
Thomas M. Ballaron, Esquire  
Pennsylvania State Police  
3655 Vartan Way  
Harrisburg, PA 17110

For Licensee  
Frank C. Sluzis, Esquire  
2148 Deodate Road  
Elizabethtown, PA 17022

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on April 27, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against BWCO Joint Venture, t/a Country Oven Restaurant (Licensee), License Number H-AP-SS-EHF-5910.

The citation<sup>1</sup> charges Licensee with violations 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 during the period February 1 through March 1, 2006, Licensee, by servants, agents or employes, sold alcoholic beverages after its Hotel Liquor License expired on January 31, 2006, and had not been renewed and/or validated.

An evidentiary hearing was conducted on October 27, 2006 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

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 February 15, 2006 and completed it on March 1, 2006. (N.T. 5)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on March 22, 2006. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 4)
3. The license in question expired on January 31, 2006. Licensee was open and in operation selling alcoholic beverages during the period February 1 through March 1, 2006, at a time when the subject license was expired and had not been renewed.

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.

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1. Commonwealth Exhibit No. C-2, N.T. 5.

PRIOR RECORD:

Licensee has been licensed since July 12, 2004, 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 \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

Licensee is new to the business. The violation occurred by virtue of an oversight. Accordingly, I adopt the recommended penalty of a \$1,000.00 fine.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 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 5<sup>th</sup> day of December, 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.**