

Mailing Date: SEP 20 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-0949
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-322388
v.	:	
	:	LID - 50132
GORMAN'S TAVERN INC	:	
5601 WOODLAND AVE	:	
PHILADELPHIA PA 19143-5609	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-SS-OPS-2603	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esquire
For Licensee: John J. McCreesh, III, Esquire

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on April 25, 2006. The citation alleges that Licensee violated §493(1) of the Liquor Code, 47 P.S. §4-493(1), on February 3, 2006, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to five female minors, eighteen to twenty years of age.

A hearing was held on August 22, 2007 in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

1. Liquor Enforcement Officer Garry Ford and Liquor Enforcement Supervisor Frank Spera visited the licensed premises at about 11:45 p.m. on February 3, 2006 (N.T. 5-6, 14-15).
2. Officer Ford saw a young-looking woman in possession of an alcoholic beverage. He spoke to her and obtained her Pennsylvania Driver's License. The license, as well as the records of the Pennsylvania Department of Transportation, show that her birth date was March 27, 1985 (N.T. 7-9, 11-12, Exhibit B-3).

3. Supervisor Spera saw a young-looking woman in possession of an alcoholic beverage. He spoke to her and obtained her Pennsylvania Identification Card. The card, as well as the records of the Pennsylvania Department of Transportation, show that her birth date was March 28, 1987 (N.T. 15-16, Exhibit B-4).

CONCLUSIONS OF LAW:

Licensee violated §493(1) of the Liquor Code, 47 P.S. §4-493(1), on February 3, 2006, by permitting two female minors, eighteen and twenty years of age, to possess alcoholic beverages in the licensed premises.

PRIOR RECORD:

Licensee has been licensed since November 1, 2002, and has had one prior violation:

Citation No. 03-1827. \$1,000.00 fine.

1. Sales to minors. June 21, 2003.
2. Minor frequenting. June 21, 2003.

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 \$1,000.00 to \$5,000.00 range, or both, for violations of the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Gorman's Tavern, Inc., License No. R-SS-OPS-2603, shall pay a fine of one thousand two hundred fifty dollars (\$1,250.00) 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.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management, in the following manner. Within thirty (30) days after the mailing date of this adjudication, Licensee shall contact the Bureau of Alcohol Education, Pennsylvania Liquor Control Board (toll free telephone: 1-866-275-8237; Web Site: www.lcb.state.pa.us) in order to receive assistance in the compliance process. Licensee must receive certification within ninety (90) days after the mailing date of this adjudication. Licensee must remain in compliance for a period of one year from the date such certification is issued.

Failure to comply with this order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the Liquor Code, 47 P.S. Section 4-471(d).

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 12th day of September, 2007.

David L. Shenkle, J.

jb

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.