

Mailing Date: FEB 08 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-1232
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-328044
v.	:	
	:	LID - 29335
WILLIAM PENN CIVIC CLUB	:	
30 S 57 <sup>th</sup> ST	:	
PHILADELPHIA PA 19139-3219	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. C-2415	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esq.  
For Licensee: Edward B. McHugh, Esq.

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on May 24, 2006. There are four counts in the citation.

The first count alleges that Licensee violated §406(a)(1) of the Liquor Code, 47 P.S. §4-406(a)(1), on March 25, 26, 29 and April 23, 2006, by selling alcoholic beverages to nonmembers.

The second count alleges that Licensee violated §499(a) of the Liquor Code, 47 P.S. §4-499(a), on March 26 and April 23, 2006, by failing 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 third count alleges that Licensee violated §499(a) of the Liquor Code, 47 P.S. §4-499(a), on March 26 and April 23, 2006, by permitting patrons to possess and/or remove alcoholic beverages from that part of the premises habitually used for the service of alcoholic beverages after 3:30 a.m.

The fourth count alleges that Licensee violated §§406(a)(4) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(4) and 4-493(16), on March 26 and April 23, 2006, by selling, furnishing and/or giving alcoholic beverages between 3:00 a.m. and 7:00 a.m.

A hearing was held on Thursday, November 2, 2006, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and the citation, and to a summary of facts in support of the citation.

FINDINGS OF FACT:

1. On March 25, 2006, a liquor enforcement officer was allowed to purchase a bottle of beer in the licensed premises. The officer was not a member of this club, and was not questioned as to membership.

2. On March 26, 2006, the officer again purchased beer in the licensed premises. At 3:00 a.m., there were approximately twenty patrons in the premises still in possession of alcoholic beverages. At 3:15 a.m., the officer purchased another beer. When the officer left the premises at 4:00 a.m. there were approximately fifty patrons still there, and other patrons just entering the premises.

3. On March 29, 2006, the officer again purchased beer in the licensed premises.

4. On April 23, 2006, officers purchased beer in the licensed premises at 3:15 a.m. At 3:35 a.m. there were still about 30 patrons in the premises in possession of alcoholic beverages.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since August 15, 1934, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

Citation No. 96-1940. \$500.00 fine and 8 days suspension.

1. Sales to nonmembers.
2. Permitted entertainers to contact or associate with patrons.
3. Permitted lewd, immoral or improper entertainment.
4. Failed to require patrons to vacate the premises by the required time.
5. Permitted patrons to possess and/or remove alcoholic beverages after 3:30 a.m.
6. Sales between 3:00 a.m. and 7:00 a.m.

Citation No. 96-2790. 14 days suspension.

1. Sales to nonmembers.
2. Permitted entertainers to contact or associate with patrons.
3. Permitted lewd, immoral or improper entertainment.
4. Failed to require patrons to vacate the premises by the required time.
5. Permitted patrons to possess and/or remove alcoholic beverages after 3:30 a.m.
6. Sales between 3:00 a.m. and 7:00 a.m.

Citation No. 98-0928. \$500.00 fine and 2 days suspension.

1. Failed to post a notice of suspension.  
March 23, 26, 28, April 1 and 2, 1998.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine, or both, for violations of the type found in this case. For violations of the type found in Count Nos. 1, 2 and 3, any fine must be in the \$50.00 to \$1,000.00 range. For violations of the type found in Count No. 4, any fine must be in the \$1,000.00 to \$5,000.00 range. Penalties are assessed as follows:

Count No. 1 - \$300.00 fine.  
Count Nos. 2 and 3 (as merged) - \$500.00 fine.  
Count No. 4 - \$1,200.00 fine.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, William Penn Civic Club, License No. C-2415, shall pay a fine of two thousand dollars (\$2,000.00) 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.

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 31<sup>st</sup> day of January, 2007.

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David L. Shenkle, J.

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**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.**