

Mailing Date: OCT 1 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-1406
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-329558
v.	:	
	:	LID - 15054
BLONDIE'S INN, INC.	:	
49 W. HIGH ST.	:	
P.O. BOX 651	:	
CARLISLE, PA 17013-2921	:	
	:	
	:	
CUMBERLAND COUNTY	:	
LICENSE NO. R-AP-11607	:	

**BEFORE:** JUDGE FLAHERTY

APPEARANCES:

For Bureau of Enforcement  
Thomas M. Ballaron, Esquire

For Licensee  
NO APPEARANCE

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on June 15, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against BLONDIE'S INN, INC., License Number R-AP-11607 (hereinafter "Licensee").

The citation contains two counts.

The first count charges Licensee with violation of Section 15.62(a) of the Liquor Control Board Regulations [40 Pa. Code §15.62(a)] in that on April 24 and 25, 2006, Licensee, by its servants, agents or employes, failed to post in a conspicuous place on the outside of the licensed premises, or in a window plainly visible from the outside of the premises, a Notice of Suspension.

The second count charges Licensee with 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)] in that on April 24 and 25, 2006, Licensee, by its servants, agents or employes, sold, furnished and/or gave alcoholic beverages during a time when its Restaurant Liquor License was suspended at Citation No. 05-1466.

The investigation which gave rise to the citation began on March 20, 2006 and was completed on April 25, 2006; and notice of the violation was sent to Licensee by Certified Mail on May 22, 2006. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on December 12, 2006 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 49 W. High St., P.O. Box 651, Carlisle, PA 17013-2921 by certified mail, return receipt requested and by first class mail on October 27, 2006. The notice set forth the date and time of the hearing as December 12, 2006 at 9:30 a.m., and the place of hearing as Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

COUNTS 1 AND 2

1. The Office of Administrative Law Judge issued an Order at Citation No. 05-1466 suspending Licensee's liquor license for a period of two days beginning at 7:00 a.m. on Monday, April 24, 2006 and ending at 7:00 a.m. on Wednesday, April 26, 2006 (N.T. 12-13).

2. On Monday, April 24, 2006 an officer of the Bureau arrived in the area of the licensed premises. He noticed that there was not a placard in the window indicating that a suspension was in place. He walked into the licensed premises and saw that the Licensee was conducting business. He ordered a Miller Lite beer and noticed that the Licensee's principal, Wanda Loy was seated at the bar watching television. The officer completed the purchase and departed the licensed premises at 8:30 p.m. (N.T. 13).

3. The officer returned to the licensed premises on Tuesday, April 25, 2006 at 3:05 p.m. He again noticed there was no placard in the window. He entered the licensed premises and recognized that corporate principal Wanda Loy was tending bar. He observed two patrons seated at the bar and saw an empty bottle of Corona beer there that one of the patrons had drunk. He identified himself to Ms. Loy, the corporate principal and asked her why she was operating when she was in a period of suspension. Ms. Loy stated that she forgot that she was under suspension (N.T. 14).

CONCLUSIONS OF LAW:

Counts 1 and 2 of the citation are **sustained**.

PRIOR RECORD:

Licensee has been licensed since August 25, 1987, and has had six prior violations:

Citation No. 94-2588. Fine \$50.00.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 95-2952. Fine \$150.00.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 96-0640. 1 day suspension.

1. Failed to require patrons to vacate the premises not later than one-half hour after the required time.
2. Permitted patrons to possess and/or remove liquor or malt or brewed beverages after 2:30 a.m.

Citation No. 98-0285. 1 day suspension.

1. Operated the licensed establishment without a valid health permit or license.

Citation No. 98-1618. 2 days suspension.

1. Sold alcoholic beverages during a time when the restaurant liquor license was suspended.

Citation No. 05-1466. Fine \$1,300.00. Fine not paid and license suspended 2 days and thereafter until fine paid.

1. Sales to a minor. March 5, 2005.

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 1 of this case.

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 Count 2 of this case.

Under the circumstances of this case, the penalty imposed shall be as follows:

Count 1 - \$ 250.00 fine

Count 2 - \$1,250.00 fine and one day suspension

ORDER

THEREFORE, it is hereby ordered that Licensee BLONDIE'S INN, INC., pay a fine of \$1,500.00 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.

IT IS FURTHER ORDERED that the restaurant liquor license (including all permits) of BLONDIE'S INN, INC., License No. R-AP-11607 be suspended for a period of one day **BEGINNING** at 7:00 a.m. on Monday, November 5, 2007 and **ENDING** at 7:00 a.m. on Tuesday, November 6, 2007.

Licensee is directed on November 5, 2007 at 7:00 a.m. to place the enclosed 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 November 6, 2007 at 7:00 a.m. to remove the placard of suspension and return his license to its original wall location.

The fine must be paid by Treasurer's Check, Cashier's Check or Certified Check. **Personal checks, which includes business-use personal checks, are not acceptable.** Make 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

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 14th day of September, 2007.

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Daniel T. Flaherty, Jr., J.

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**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN 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.**