

Mailing Date: JAN 31 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-1659C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-334211
v.	:	
	:	LID - 34072
ROUTE 115 RESTAURANT CO., INC.	:	
T/A THE VILLAGE SQUIRE	:	
RTE. 115 P.O. BOX 240	:	
BLAKESLEE, PA 18610	:	
	:	
MONROE COUNTY	:	
LICENSE NO. R-SS-10163	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Craig A. Strong, Esquire
Pennsylvania State Police
8320 Schantz Road, Second Floor
Breinigsville, PA 18031

For Licensee
Morgan Dale
Corporate Officer

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on July 11, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Route 115 Restaurant Co., Inc., t/a The Village Squire (Licensee), License Number R-SS-10163.

The citation¹ charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that on June 8, 2006, Licensee, by servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) male minor, nineteen (19) years of age.

An evidentiary hearing was conducted on December 15, 2006 at the Scranton State Office Building, PUC Hearing Room 318, Scranton, Pennsylvania. Licensee was represented by its Corporate Officer, Mr. Morgan Dale.

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 June 8, 2006 and completed it on June 13, 2006. (N.T. 10)

2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on June 19, 2006. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 10)

3. Pursuant to authority vested in the Bureau and the Pennsylvania Crimes Code (18 Pa. C.S. §6308), the Bureau engaged in an Age Compliance Check on June 8, 2006. A Bureau Enforcement Officer was present on the licensed premises at about 7:45 p.m., in an undercover capacity. (N.T. 7-14)

4. The Officer watched the underage purchaser enter the premises at about 8:00 p.m. The underage purchaser ordered a twelve ounce bottle of beer. The server requested identification. The underage buyer displayed his Pennsylvania Driver's license after which he was served beer. The underage buyer departed the premises. (N.T. 15-16)

5. A second Bureau Enforcement Officer entered the licensed premises and advised the barmaid that she was in non-compliance as she had served a minor. (N.T. 17-18)

6. Subsequently, a Notice of Non-Compliance was sent to Licensee at the licensed premises on June 13, 2006 (Commonwealth Exhibit No. C-3). (N.T. 18)

7. The underage purchaser was born on May 16, 1987, thus making him 19 years of age on the date in question. (N.T. 26-28)

1. Commonwealth Exhibit No. C-2, N.T. 12.

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.

PRIOR RECORD:

Licensee has been licensed since April 28, 1995, 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.

As this is Licensee's first violation in approximately eleven years, I impose a \$1,000.00 fine. I also order Licensee to comply with the requirements set forth in Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management, for a period of one year.

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

R.A.M.P. Requirements

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. Licensee is directed to initiate contact with The Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: www.lcb.state.pa.us; Email Address: LBEducation@state.pa.us), within 30 days of the mailing date of this Adjudication for assistance in the compliance process. Licensee must receive Certification within 90 days of the mailing date of this Adjudication. Licensee must remain in compliance for a period of one year from the date such Certification was issued.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 24th day of January, 2007.

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.