

Mailing Date: MAY 15 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-2560C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-341085
v.	:	
	:	LID - 20430
RICK PALLADINO'S, INC.	:	
305 VIRGINIA AVE.	:	
MILMONT PARK, PA 19033-3217	:	
	:	
	:	
	:	
DELAWARE COUNTY	:	
LICENSE NO. R-AP-19663	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
James E. Dailey, Esquire
Pennsylvania State Police
6901 Woodland Avenue
Philadelphia, PA 19142

For Licensee
Rita Palladino - Sole
Corporate Officer &
John Palladino - Manager

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on November 6, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Rick Palladino's, Inc. (Licensee), License Number R-AP-19663.

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 October 5, 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 April 9, 2007 at the Philadelphia State Office Building, 1400 West Spring Garden Street, 13th Floor, Room #1, Philadelphia, Pennsylvania. Licensee was represented by its Sole Corporate Officer Ms. Rita Palladino and its Manager, John Palladino. I advised both of them of Licensee's right to counsel, to cross-examine witnesses and to present testimony. Both of them acknowledged that they understood those rights and that they were prepared to go forward without an attorney. (N.T. 10-11)

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 October 5, 2006 and completed it on October 6, 2006. (Commonwealth Exhibit No. B-1, N.T. 15)
2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on October 20, 2006. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. B-1, N.T. 15)
3. Pursuant to the Bureau's Age Compliance Check Program, on October 5, 2006, an underage buyer entered the licensed premises at about 9:30 p.m. He purchased a bottle of beer without question as to age. (N.T. 39-42)
4. He was nineteen years old, having been born on November 28, 1986. (N.T. 43)

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.

1. Commonwealth Exhibit No. B-2, N.T. 15.

PRIOR RECORD:

Licensee has been licensed since August 29, 1966, and has had seven prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, (Commonwealth Exhibit No. B-3, N.T. 15):

Adjudication No. 94-0334. \$1,000.00 fine.
Sales to minors.

Adjudication No. 95-1630. 1 day suspension.
Sales during prohibited hours on an election day.

Adjudication No. 96-2353. 1 day suspension.
Sales to a minor.
October 5, 1996.

Adjudication No. 97-0532. 2 days suspension.
1. Sales to a minor.
February 14, 1997.
2. Minor frequenting.
February 14, 1997.

Adjudication No. 01-0761. \$2,000.00 fine.
1. Minors frequenting.
March 10, 2001.
2. Sales to minors.
March 10, 2001.

Adjudication No. 02-0263. \$300.00 fine.
Failed to require patrons to vacate the premises not later than one-half hour after the required time.
January 5, 2002.

Adjudication No. 03-1624. \$1,000.00 fine and 2 days suspension.
1. Sales to minors.
August 22, 2003.
2. Minors frequenting.
August 22, 2003.

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.

I impose a \$1,250.00 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 \$1,250.00 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 30th day of April, 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.