

Mailing Date: MAR 27 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0124
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-344976
v.	:	
	:	LID - 27912
SANDRA'S 17 BAR, INC.	:	
2267 N. 17 TH ST.	:	
PHILADELPHIA, PA 19132	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-11261	:	

BEFORE: JUDGE THAU

APPEARANCES:

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

For Licensee
Lori J. Hahn Maslin, Esq.
One Belmont Avenue
Suite 626
Bala Cynwyd, PA 19004

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on January 30, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Sandra's 17 Bar, Inc. (Licensee), License Number R-AP-SS-11261.

The citation¹ charges Licensee with a 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)]. The charge is that on December 20, 2006, Licensee, by servants, agents or employees, sold alcoholic beverages after its Restaurant Liquor License expired on October 31, 2006, and had not been renewed and/or validated.

An evidentiary hearing was conducted on February 11, 2008 at the Philadelphia State Office Building, 1400 Spring Garden Street, 13th Floor, Room #2, Philadelphia, Pennsylvania.

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 December 14, 2006 and completed it on December 26, 2006. (Commonwealth Exhibit No. B-1, N.T. 8)

2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on January 11, 2007. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. B-1, N.T. 8)

3. On December 20, 2006, Licensee was open and in operation selling alcoholic beverages. The license expired on October 31, 2006 and had yet to be renewed. (N.T. 8)

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. 8.

PRIOR RECORD:

Licensee has been licensed since July 19, 1991, and has had four prior violations:

Adjudication No. 97-1968. Fine \$150.00.

Not a bona fide restaurant in that food items were insufficient.

Adjudication No. 98-1687. Fine \$250.00.

Not a bona fide restaurant in that chairs at tables were insufficient.

Adjudication No. 99-0731. 1 day suspension.

Not a bona fide restaurant in that chairs at tables were insufficient.

Adjudication No. 06-2371. Fine \$300.00.

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

August 15, 2006.

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 \$1,200.00 fine.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,200.00 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.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 13th day of March, 2008.

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.

Detach Here and Return Stub with Payment

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

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