

Mailing Date: JUN 11 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0342C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-346917
v.	:	
	:	LID - 48642
JOHNNY MANANA'S LLC	:	
4201-03 RIDGE AVE	:	
PHILADELPHIA PA 19129-1730	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-4531	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: James Dailey, Esq.
For Licensee: John J. McCreesh, III, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 7, 2007. The citation alleges that Licensee violated §493(1) of the Liquor Code, 47 P.S. §4-493(1), on January 18, 2008, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one male minor, nineteen years of age.

A hearing was held on April 9, 2008, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

On January 18, 2008, a man whose birth date was birth date was January 31, 1987, purchased beer in the licensed premises. His age was not questioned (N.T. 14-16).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since February 20, 2002, and has had two prior violations:

Citation No. 05-0541. \$1,250.00 fine.

1. Sales after liquor license expired on October 31, 2004 and had not been renewed and/or validated. February 9 and 10, 2005.

Citation No. 05-1038. \$100.00 fine.

1. Bad checks for malt or brewed beverages. March 17, 2005.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$1,000.00 to \$5,000.00 range, or both, for violations of the type found in this case.

In an adjudication of Citation No. 06-0620C, mailed May 29, 2008, Judge Wright ordered licensee to comply with 47 P.S. §4-471.1. That order will not be repeated here.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Johnny Manana's LLC, License No. R-AP-SS-4531, shall pay a fine of one thousand four hundred dollars (\$1,400.00) 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.

Dated this 4th day of June, 2008.

David L. Shenkle, J.

jb

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.

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