

Mailing Date: NOV 08 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0954
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-349093
v.	:	
	:	LID - 19071
BLUE MOUNTAIN GOLF CLUB, INC.	:	
511 LAKEWOOD DRIVE	:	
HARRISBURG, PA 17112-9633	:	
	:	
	:	
DAUPHIN COUNTY	:	
LICENSE NO. R-AP-SS-18013	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Andrew J. Lovette, Esquire
Pennsylvania State Police
3655 Vartan Way
Harrisburg, PA 17110

For Licensee
Steve C. Nicholas, Esquire
Northwood Office Center
2215 Forest Hills Drive
Suite 37
Harrisburg, PA 17112-1099

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on May 10, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Blue Mountain Golf Club, Inc. (Licensee), License Number R-AP-SS-18013.

The citation¹ charges Licensee with a violation of Section 474.1(a) of the Liquor Code [47 P.S. §4-474.1(a)]. The charge is that Licensee, by servants, agents or employes, failed to return its Restaurant Liquor License and Wholesale Liquor Purchase Permit Cards to the Board after Licensee's licensed establishment had not been in operation for a period of fifteen (15) consecutive days between November 12, 2006 and March 12, 2007.

An evidentiary hearing was conducted on October 9, 2007 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, 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 February 23, 2007 and completed it on March 26, 2007. (Commonwealth Exhibit No. B-1, N.T. 5)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on April 3, 2007. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. B-1, N.T. 5)
3. During the period charged, Licensee's restaurant operation was closed. Licensee failed to submit its license into safekeeping.

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 March 7, 1967, and has had no prior violations:

1. Commonwealth Exhibit No. B-2, N.T. 5.

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 this case.

I impose a \$200.00 fine.

ORDER:

Imposition of Fine

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

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

Citation No. 07-0954