

Mailing Date: DEC 21 2007

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

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|------------------------------|---|-------------------------|
| PENNSYLVANIA STATE | : | |
| POLICE, BUREAU OF | : | Citation No. 07-0963 |
| LIQUOR CONTROL ENFORCEMENT | : | |
| | : | Incident No. W01-350310 |
| v. | : | |
| | : | LID – 51079 |
| WORLDWIDE BARTENDING | : | |
| INSTITUTE, INC. | : | |
| 5450 LARGE ST. | : | |
| PHILADELPHIA, PA 19124-1122 | : | |
| | : | |
| | : | |
| PHILADELPHIA COUNTY | : | |
| LICENSE NO. R-AP-SS-OPS-6939 | : | |

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Erik S. Shmukler, Esquire
Pennsylvania State Police
6901 Woodland Avenue
Philadelphia, PA 19142

For Licensee
John Klink
Manager

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on May 8, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Worldwide Bartending Institute, Inc. (Licensee), License Number R-AP-SS-OPS-6939.

The citation¹ charges Licensee with violations of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that from February 19 through March 22, 2007, Licensee failed to comply with the Order of the Administrative Law Judge at Citation No. 06-1045 mandating Responsible Alcohol Management training.

An evidentiary hearing was conducted on November 5, 2007 at the Philadelphia State Office Building, 1400 West Spring Garden Street, 13th Floor, 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 March 16, 2007 and completed it on March 26, 2007. (Commonwealth Exhibit No. B-1, N.T. 22)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on March 28, 2007. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. B-1, N.T. 22)
3. Pursuant to Adjudication No. 06-1045, issued by Administrative Law Judge Wright, Licensee was required to be in compliance with the Responsible Alcohol Management Program on or before February 18, 2007. During the period charged, Licensee did not comply with Administrative Law Judge Wright's Order. (N.T. 23-24)

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. 22.

PRIOR RECORD:

Licensee has been licensed since April 18, 2003, and has had four prior violations:

Adjudication No. 04-0080. \$1,000.00 fine.

Sold alcoholic beverages after the Restaurant Liquor License expired on October 31, 2003 and had not been renewed and/or validated.

November 15 and December 17, 2003.

Adjudication No. 04-0425. \$1,000.00 fine.

Sold alcoholic beverages after the Restaurant Liquor License expired on October 31, 2003 and had not been renewed and/or validated.

February 5, 2004.

Adjudication No. 05-2334. \$1,250.00 fine and one day suspension.

1. Sales between 2:00 a.m. and 7:00 a.m.

August 26, 2005.

2. Failed to require patrons to vacate the premises not later than one-half hour after the required time.

August 26, 2005.

3. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m.

August 26, 2005.

Adjudication No. 06-1045. Fine \$600.00 and 3 days suspension.

1. Sales between 2:00 A.M. and 7:00 A.M.

2. Permitted patrons to possess alcoholic beverages after 2:30 A.M.

March 18, 2006.

3. Failed to require patrons to vacate the premises not later than one-half hour after the required time.

March 18, 2006.

4. Used loudspeakers or devices whereby music could be heard outside.

March 30, 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 \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

As Licensee has received R.A.M.P. Certification, effective December 3, 2007, 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 11th day of December, 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 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