

Mailing Date: APR 25 2008

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

|                            |   |                         |
|----------------------------|---|-------------------------|
| PENNSYLVANIA STATE         | : |                         |
| POLICE, BUREAU OF          | : | Citation No. 07-2033    |
| LIQUOR CONTROL ENFORCEMENT | : |                         |
|                            | : | Incident No. W03-358042 |
| v.                         | : |                         |
|                            | : | LID - 53042             |
| RITNER HIGHWAY, INC.       | : |                         |
| T/A WEST END CAFE          | : |                         |
| 1590 RITNER HWY.           | : |                         |
| CARLISLE, PA 17013-9380    | : |                         |
|                            | : |                         |
|                            | : |                         |
| CUMBERLAND COUNTY          | : |                         |
| LICENSE NO. R-AP-SS-18763  | : |                         |

**BEFORE:** JUDGE THAU

APPEARANCES:

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

For Licensee  
Robin Jenkins, Manager

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on August 23, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Ritner Highway, Inc., t/a West End Cafe (Licensee), License Number R-AP-SS-18763.

The citation<sup>1</sup> charges Licensee with violations of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that from July 6 through 25, 2007, Licensee failed to comply with the Order of the Administrative Law Judge at Citation No. 06-2891C mandating Responsible Alcohol Management training.

An evidentiary hearing was conducted on March 18, 2008 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. Licensee was represented by its Manager, Robin Jenkins.

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 July 24, 2007 and completed it on July 25, 2007. (N.T. 11)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on August 15, 2007. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 8)
3. Pursuant to Adjudication No. 06-2891C, Licensee was ordered to comply with Liquor Code Section 471.1 [47 P.S. §4-471.1] pertaining to Responsible Alcohol Management Program by July 4, 2007. (N.T. 11-13)
4. Licensee did not comply. Licensee has received R.A.M.P. Certification, effective July 31, 2007.

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1. Commonwealth Exhibit No. C-2, 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.

PRIOR RECORD:

Licensee has been licensed since October 8, 2004, and has had one prior violation:

Adjudication No. 06-2891. Fine \$1,250.00 and R.A.M.P.  
Training mandated.  
Sales to a minor.  
November 4, 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.

I impose a \$300.00 fine.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$300.00 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 21st day of April, 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

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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. 07-2033