

Mailing Date: SEP 29 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-2349
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-348751
v.	:	
	:	LID - 56742
KNIGHT OUT II, INC.	:	
3 BRIDGE ST.	:	
TOWANDA, PA 18848-1621	:	
	:	
	:	
	:	
BRADFORD COUNTY	:	
LICENSE NO. H-AP-SS-435	:	

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL LOVETTE
FOR LICENSEE: ROBERT B. MCGUINNESS, ESQUIRE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on October 4, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against KNIGHT OUT II, INC., License Number H-AP-SS-435 (hereinafter "Licensee").

The citation contains five counts.

The first count charges Licensee with violation of Section 5.32(a) of the Liquor Control Board Regulations [40 Pa. Code §5.32(a)] in that on May 12, 13, 20 and July 21, 2007, Licensee, by its servants, agents or employes, used, or permitted to be used on the inside of the licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, could be heard outside.

The second count charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on July 21, 2007, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one male minor, nineteen years of age.

The third count charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on May 13, 19 and August 10, 2007, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to two visibly intoxicated male patrons and one visibly intoxicated female patron.

The fourth count charges Licensee with violation of Section 471 of the Liquor Code [47 P.S. §4-471] and Sections 2709 and 3304 of the Crimes Code [18 Pa. C.S. §§2709 and 3304] in that on August 5, 2007, Licensee, by its servants, agents or employes, committed criminal mischief and/or harassment.

The fifth count charges Licensee with violation of Section 471 of the Liquor Code [47 P.S. §4-471] in that on October 4, 2006, January 28, February 7, April 15, 25, 29, May 8, 9, 12, 13, 15, 19, 20, 25, June 6, 7, 9, 10, July 21, 22, August 5 and 10, 2007, the licensed establishment was operated in a noisy and/or disorderly manner.

The investigation which gave rise to the citation began on February 8, 2007 and was completed on September 4, 2007; and notice of the violation was sent to Licensee by Certified Mail on September 20, 2007. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 23, 2008 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

COUNT 1

1. On May 12, 2007 into May 13, 2007, Licensee was providing entertainment on the licensed premises in the form of a live band that was amplified over loudspeakers (Stipulation N.T. 8-9).
2. The amplified music was audible outside the licensed premises at distances up to 50 yards (Stipulation N.T. 8-9).
3. On May 20, 2007 Licensee provided entertainment on the licensed premises in the form of a live band called Identity Lost. The music played by the band was amplified over loudspeakers. The amplified music was audible outside the licensed premises at distances up to 50 yards (Stipulation N.T. 9-10).

4. On July 21, 2007, Licensee provided entertainment on the licensed premises in the form of a live band. The music played by the band was amplified over loudspeakers. The amplified music was audible outside the licensed premises at distances up to 50 yards (Stipulation N.T. 10).

COUNT 2

5. E.W.A. was born on March 17, 1988, and on July 21, 2007, he was 19 years old (N.T. Exhibit C-3).

6. On July 21, 2007 E.W.A. was observed on the licensed premises, in possession of and consuming from a bottle of Coors Light beer (N.T. 25).

COUNT 3

7. On May 13, 2007, an officer of the Bureau, while on the licensed premises, observed a male patron approaching the bar. This patron had a staggered gait and he had difficulty maintaining his balance as he walked. He had to lean on other patrons or pieces of furniture as he made his way to the bar counter. Once this patron reached the bar counter and was standing waiting to be served, he continued to have difficulty maintaining his balance and swayed from side to side as he tried to maintain his balance (Stipulation N.T. 11).

8. The aforementioned patron's eyes were bloodshot, and his eyes were half closed. His speech was slurred and garbled and difficult to understand (Stipulation N.T. 11-12).

9. Licensee's bartender, Lori Hart, approached the aforementioned patron and asked him what he wanted. The patron's response was difficult to understand, and the bartender repeated her question several times before she retrieved a bottle of Coors Light beer from behind the counter and served it to the patron (Stipulation N.T. 11-12).

10. On May 19, 2007 an officer of the Bureau, while on the licensed premises in an undercover capacity observed a male patron who staggered as he walked and had trouble maintaining his balance as he made his way to the bar counter. Once this patron arrived at the bar counter, he continued to have difficulty maintaining his balance. He swayed from side to side and from front to back as he stood at the bar counter and he had to grab onto the bar counter several times to keep from falling (Stipulation N.T. 13).

11. The officer attempted to speak to this patron, and observed that the bulk of his speech was so slurred and garbled that it could not be understood. The patron's eyes were half closed and red (Stipulation N.T. 13-14).

12. The bartender, Lori Hart, approached this patron and asked what he wanted. The patron did not respond and merely stared at Hart and swayed back and forth. At that time Hart turned to the officer and asked him what the patron's problem was. The officer replied that the patron appeared to be drunk and should be cut off. Hart replied, "No, he's alright," and again attempted to ascertain what the patron wanted. Shortly thereafter she retrieved a bottle of Labatts Blue beer from a cooler and served it to the patron in return for currency (Stipulation N.T. 14-15).

13. On August 10, 2007 an officer of the Bureau, while on the licensed premises in an undercover capacity, observed a female patron sitting on a bar stool at the bar counter. This patron had difficulty maintaining her balance and exhibited a swaying motion as she sat there. During the course of the evening the female patron proceeded to the bathroom. As she walked, she exhibited a staggered gait, and had difficulty maintaining her balance. At 11:15 p.m. the bartender, Lori Hart, served the patron a bottle of Coors Light beer. At 11:35 p.m. Hart served the patron a second bottle of Coors Light beer; and at 11:55 p.m. a third service of Coors Light beer was made to this patron by Hart (Stipulation N.T. 15-16).

COUNTS 4 AND 5

14. On August 5, 2007 Amanda Talada lived at 7 Bridge Street, Apartment 2, Towanda, PA. Her apartment was in a building which is attached to the licensed premises (N.T. 52-53).

15. On August 5, 2007 in the late evening, Talada was watching television in her second floor apartment when she heard some women yelling outside. She looked out of her window and saw some women in a car, and one of them was throwing up. The other women pulled the woman who was throwing up out of the car. Talada saw her lying on the side of the road, and she appeared to be unconscious (N.T. 54-55).

16. Talada heard someone say that a woman lying on the side of the road was pregnant. At that point, because she didn't have a phone in her apartment, Talada went next door to her neighbor and asked if she would call "911." The neighbor made the call (N.T. 55).

17. Within five minutes, police officers and an ambulance arrived. At approximately 1:50 a.m. the ambulance personnel checked the woman. She refused treatment and the ambulance and the officers left (N.T. 55 and 78).

18. Within ten minutes after the ambulance and police officers left, Paula Bahr, principal of Licensee corporation appeared outside of Talada's apartment screaming up at her, "Hey bitch." (N.T. 55-56).

19. Bahr screamed up at Talada calling her a bitch and a whore and telling Talada she wanted her to come down so she could "kick her ass." (N.T. 57).

20. Because of the disturbance, Talada's neighbor in the next apartment called 911. The police responded at 2:01 a.m. (N.T. 58 and 80).

21. Talada informed the police from a window that Bahr had gone back into the licensed premises (N.T. 60-61 and 80-81).

22. The two police officers that had responded went to the front door of the licensed premises which they found to be locked (N.T. 81-82).

23. The officers knocked on the door of the licensed premises, which was opened by a bartender. The officers questioned the bartender as to whether Paula Bahr was present. The bartender said that she did not know (N.T. 82).

24. After 30 or 40 seconds, Ms. Bahr came forward from the back of the licensed premises (N.T. 83).

25. Ms. Bahr was very irate. She told the officers that she knew that they were there, "because of the fucking bitch next door." (N.T. 83).

26. One of the officers asked Bahr what happened. She replied that she was sick and tired of Ms. Talada calling every fifteen minutes of every day trying to get her in trouble. She said she was going to "kick her ass." (N.T. 83-84).

27. One of the officers asked Ms. Bahr, "What's going to happen from here on out?" Bahr said, "I am going to kick her ass." At that point the officers handcuffed Ms. Bahr who then said, "If this means going to jail it would be worth it." The officers then took her out of the establishment (N.T. 84).

28. As Ms. Bahr was being led to the patrol car by the officers from the licensed premises, she called the officers, "a bunch of fucking dicks." She also yelled as she was being placed in the patrol car, "This isn't over yet." (N.T. 84-85).

29. A crowd of between twelve and sixteen people followed the officers and Bahr out of the licensed premises. People in the crowd yelled obscenities at the officers. They also threatened to do physical harm to the officers and to kill them (N.T. 85 and 86).

30. Because of the action of the crowd the officers called for immediate backup. Two additional local police officers and two state troopers responded. As a result of the actions of the crowd, two additional people were arrested (N.T. 86).

31. On October 4, 2006 a local police officer responded to the licensed premises because of a complaint of noise. The officer found the front door of the premises propped open and amplified music was emanating from within and audible outside (N.T. 98-99).

32. On January 28, 2007 local police arrived at the licensed premises in response to a noise complaint. Upon arrival the officer found that a live band was performing at the licensed premises and that approximately 300 people were present. There was evidence that a verbal altercation had taken place outside the licensed premises (N.T. 132).

33. On February 7, 2007 local police responded to the licensed premises in response to a report of an altercation taking place outside of the licensed premises. Upon arrival the officer observed a bloodied individual sitting inside the premises (N.T. 116).

34. On April 25, 2007 local police responded to the licensed premises pursuant to a noise complaint. Upon arrival the officer observed that the doors to the premises were propped open and loud noise was emanating from inside (N.T. 118-119).

35. On May 8, 2007 local police officers were dispatched to the licensed premises in response to a noise complaint. Upon arrival the officer observed that the back door to the licensed premises was open. The officers advised the personnel on the premises to keep the doors closed (N.T. 134).

36. On May 9, 2007 at 5:45 p.m. a local police officer arrived at the licensed premises in response to a noise complaint. Upon arrival the officer observed three individuals on the back deck of the licensed premises. The officer heard some noise which he characterized as loud shouting and loud music (N.T. 108).

37. Finding No. 1 and No. 2 are incorporated herein by reference.

38. On January 28, 2007 a local police officer was dispatched to the licensed premises as the result of a disturbance. The officer observed that a live band had been playing at the licensed premises and there were a large number of people inside the licensed premises and small gathering outside the premises. There had been an argument between some of the people outside (N.T. 132-133).

39. Finding No. 3 is incorporated herein by reference.

40. On May 25, 2007 local police responded to the licensed premises in response to a loud noise complaint. The complaint specified that the noise was coming from the rear deck. The officer approached the rear deck and found six people on the deck who quickly vacated the deck as he approached. Upon reaching the deck, the officer smelled a strong odor of marijuana in the air (N.T. 19-20).

41. On June 6, 2007 local police responded to the licensed premises in response to a report of a fight in progress. Upon arrival the officers observed a verbal argument taking place outside the licensed premises. One of the officers attempting to investigate the incident was initially denied access to the interior of the licensed premises (N.T. 108-109, 127-129).

42. On June 9, 2007 at 10:10 p.m. and 11:15 p.m. local police arrived at the licensed premises in response to complaints of loud music. Upon arrival, the officers observed that a band was playing at the premises and that the music was audible outside (N.T. 99-100, 110).

43. On June 10, 2007 a local police officer arrived at the licensed premises in response to a complaint concerning a fight in front of the licensed premises. Upon arrival the officer found three people involved in a verbal altercation. One of these people had blood on his arm. All of the individuals were under the influence of alcohol (N.T. 101-102).

44. Findings No. 1 through 4 are incorporated herein by reference.

45. Findings 14-30 are incorporated herein by reference.

CONCLUSIONS OF LAW:

Counts 1, 2, 3, 4 and 5 of the citation are **sustained**.

DISCUSSION:

COUNT 1

The parties have stipulated to the facts which establish the violation in this case. On each of the dates charged, music which was amplified over loudspeakers could be heard outside the licensed premises. Consequently, Count 1 of the citation is sustained.

COUNT 2

The credible evidence in the record establishes that a nineteen year old male minor was observed on the licensed premises on March 17, 2008 in possession of and consuming from a bottle of Coors Light beer (See Findings 5-6).

Although the testimony of the observing officer was contested by the witness for Licensee, I find the officer's testimony to be clear and convincing and give it great weight. I, therefore, conclude that Count 2 of the citation is sustained.

COUNT 3

The parties have stipulated to facts which establish that on each of the dates charged, employees of Licensee served alcoholic beverages to patrons who exhibited clear signs of intoxication (See Findings 7 through 13). Count 3 of the citation is, therefore, sustained.

COUNT 4

The credible evidence establishes that Licensee violated Section 2709 of the Crimes Code [18 Pa. C.S. §2709] entitled “Harassment.” However the evidence submitted by the Bureau with respect to Section 3304 of the Crimes Code [18 Pa. C.S. §3304] is not credible and the charge in this Count as it pertains to that section will be dismissed.

It is well established that a violation of the Crimes Code committed in connection with the licensed premises will be considered “other sufficient cause” as that term is used in Section 471 of the Liquor Code [47 P.S. §4-471] provided that the necessary scienter is present *Pa. Liquor Control Board v. TLK*, 544 A.2d 931 (Pa. 1988).

The Supreme Court of Pennsylvania has provided a two part test to determine whether the necessary scienter is present, to wit:

- a. Whether licensee knew or should have known of the illegal activity in question; and
- b. Whether licensee took substantial steps to prevent such illegal conduct.

TLK (supra).

With the foregoing principle in mind, I will discuss each of the sections of the Pennsylvania Crimes Code charged in this Count.

SECTION 2709 – HARASSMENT
[18 PA.C.S. §2709]

The actions of Paula Bahr on the evening of August 5, 2007 were in violation of this Section.

Section 2709 of the Crimes Code (supra) provides, in pertinent part, as follows:

...A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:
(1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;...(Emphasis supplied).

In this case, Bahr came from the licensed premises to the street below the second floor apartment window of Amanda Talada where she screamed up at Talada: “Hey Bitch” and further tried to get her to come down so she could, “kick your ass.” (See Findings 18-19). Bahr tacitly admitted to this language (See N.T. 149-150).

Since Bahr threatened physical contact with Talada, I conclude that the charge in Count 4 as it pertains to Harassment in violation of Section 2709 of the Crimes Code (supra) is sustained.

SECTION 3304 – CRIMINAL MISCHIEF
[18 PA. C.S. §3304]

Section 3304 of the Crimes Code-Criminal Mischief (supra) deals with the damage or destruction of personal property.

In a liquor license case, the burden is on the Commonwealth to establish a violation by a clear preponderance of the evidence. *In re Omicron Enterprises*, 449 A.2d 857 (Pa.CmwltH 1982).

The phrase “preponderance of evidence” has been defined as evidence which is of greater weight or more convincing than evidence which is in opposition to it. *Black’s Law Dictionary, Fifth Edition*, West Publishing Company, Copyright 1979, Page 1064.

It is within my province, and is part of my responsibility to determine the credibility of witnesses and the weight to be given to their testimony. *State Correctional Institute v. Robinson*, 561 A.2d 82 (Pa.CmwltH 1989). I may give testimony such consideration as it may deserve, and accept it or reject it in whole or in part. *McFarland Landscape Service v. Workmen’s Comp. Bd. Of Appeal*, 557 A.2d 816, 817-18 (Pa.CmwltH 1989); *Hollenbach v. North Wales Foundry Co.*, 136 A.2d 148, 150 (Pa.Super 1957).

There was testimony by Amanda Talada that Bahr, after screaming up at her from the street, climbed the stairs to Talada’s apartment and attempted to kick in the apartment door during which process she damaged and/or ruined several door decorations (See N.T. 57 through 65). I find this testimony not to be credible for two reasons. The first is that police officers had been in the area for another incident which preceded Bahr’s yelling. They left the area at 2:00 a.m. and returned at 2:01 at which time Bahr was already back in the licensed premises (See N.T. 91-92). Secondly, Talada has been convicted of offenses which are categorized as CRIMEN FALSI, by her own admission, and is therefore not believable (See N.T. 67-68).

For the reasons indicated above, I discount completely the testimony of Ms. Talada as it pertains to the charge of Criminal Mischief, and Count No. 4 as it pertains to that charge will be dismissed.

As to the requirement of scienter as required by *TLK* (supra) as it applies to the activities of Bahr in regard to the charge of Harassment [Section 2709 (supra)], since the actor was Ms. Bahr who is the principal of Licensee corporation it is clear that she knew what was going on, and clearly did nothing to prevent it. Thus the necessary scienter was clearly present.

COUNT 5

The pattern established by the events which occurred on the dates enumerated in Count 5 of the citation with that exception of April 15, 29, and May 19, 2007, constitutes noisy and disorderly operation of the licensed premises.

The appellate court decisions that deal with the concept of noisy and disorderly operation as “other sufficient cause” are *Appeal of Ciro’s Lounge, Inc.*, 358 A.2d 141 (Pa. Cmwlth 1976) and *In re: AJC, Inc.*, 401 A.2d 421 (Pa. Cmwlth 1979). These two seemingly contradictory decisions were analyzed by Administrative Law Judge Thau in *Wendell and Woolridge, Inc.*, Citation No. 88-0608 Vol IV, Sel.Op. Pg. 145. Judge Thau concluded that the test which has evolved from these cases is: “...whether, taking all of the circumstances into consideration the disturbance constitutes an invasion of the public welfare, peace and morals and is indicative of the way the licensee operates his business.” This test has been generally accepted in this office for more than 20 years.

The term “invasion of public welfare, peace and morals” is, in my opinion another way of saying disturbance of the neighborhood.

The events which occurred on the dates charged in Count 5 of the citation, with the exception of the dates of April 15, 29, May 13 and 19, 2007 establish a pattern which meets the test set forth in *Wendell and Woolridge* (supra).

The dates of April 15 and 29, 2007 are excluded because these dates were withdrawn from consideration by the Bureau (See N.T. 21-22).

The dates of May 13, 19 and August 10, 2007 are excluded. These three dates are the subject of Count No. 3 which involves the charge of serving alcohol to visibly intoxicated patrons. Such activity does not involve disturbance of the neighborhood, and involving such activity in this charge would be to render it a catchall charge with indeterminate parameters.

The date of June 7, 2007 is excluded because local police officers arriving at the licensed premises pursuant to a complaint, witnessed no disturbing activity (See N.T. 135-136).

The activities on the other dates which include threatening a neighbor at the top of her lungs and fomentous riotous behavior by patrons on the street in front of the licensed premises, causing the arrest of the principal of Licensee and a patron, loudspeaker violations and numerous noise complaints in which local police officers were called to the licensed premises and observed disturbing activities taking place, when taken together establishes a pattern of neighborhood disturbance.

Normally a few responses by local police to complaints of noise at the licensed premises when taken by themselves, without evidence that neighbors have been disturbed will not be sufficient to establish noisy and disorderly operation. However in this case there were eleven instances when local police were called to the licensed premises and either heard loud music or witnessed some sort of altercation taking place just outside the licensed premises. The date of June 7, 2007 has been excluded because the police observed no disturbance upon arrival.

The dates of May 12, 13, 20 and July 21, 2007 have been included. These dates are involved in the loudspeaker violation covered by Count 1. By their very nature these violations contribute to the pattern of neighborhood disturbances.

In summary, the activities described in Findings 14 through 45, when taken in the aggregate establish a pattern of neighborhood disturbance of sufficient degree to constitute noisy and disorderly operation. The charge in Count 5 is therefore sustained as to the dates of October 4, 2006, January 28, February 7, May 8, 9, 12, 13, 20, 21, 25, June 6, 9, 10, 21, July 21, 22 and August 5, 2007 and is dismissed as to April 15, 29, May 19, June 7 and August 10, 2007.

PRIOR RECORD:

Licensee has been licensed since August 15, 2006, and has had no prior violations. Licensee is, therefore, entitled to be treated as a first time offender.

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 Counts 1, 4 and 5 of this case.

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 Counts 2 and 3 of this case.

That Section further provides for mandatory compliance with Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management when, as in this matter, Licensee has been found to have violated Section 493(1) as a first offense as it relates to sales to minors or sales to a visibly intoxicated patron.

Under the circumstances of this case, the penalty imposed shall be as follows:

- Count 1 - \$500.00 fine
- Count 2 - \$1,250.00 fine and RAMP
- Count 3 - \$1,250.00 fine and RAMP
- Count 4 - \$1,000.00 fine and 5 days suspension
- Count 5 - \$1,000.00 fine and 5 days suspension

ORDER

THEREFORE, it is hereby ordered that Licensee KNIGHT OUT II, INC., pay a fine of \$5,000.00 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.

IT IS FURTHER ORDERED that Licensee's liquor license (including all permits) License No. H-AP-SS-435 be suspended for a period of ten days **BEGINNING** at 7:00 a.m. on Monday, November 30, 2009 and **ENDING** at 7:00 a.m. on Thursday, December 10, 2009.

Licensee is directed on November 30, 2009 at 7:00 a.m. to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised if replacement placards are needed for any reason they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the aforementioned licensed premises for compliance with this Order.

Licensee is authorized on December 10, 2009 at 7:00 a.m. to remove the placard of suspension and return his license to its original wall location.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management in the following manner. Licensee is directed to initiate contact with The Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: www.lcb.state.pa.us; Email Address: LBEducation@state.pa.us) within 30 days of the mailing date of this Adjudication. Licensee must receive Certification within 90 days of the mailing date of this Adjudication. Licensee must remain in compliance for a period of one year from the date such Certification is issued.

Failure to comply with this Order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the liquor Code [47 P.S. §4-471(d)].

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 18TH day of September, 2009.



Daniel T. Flaherty, Jr., J.

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MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN 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 submit stub with payment

The fine must be paid by Treasurer's Check, Cashier's Check or Certified Check. **Personal checks, which includes business-use personal checks, are not acceptable.** Make 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. 07-2349
Knight Out II, Inc.