

Mailing Date: APR 07 2010

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-2447
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-360671
v.	:	
	:	LID - 54540
GREAT DANE ENTERTAINMENT,	:	
INC.	:	
321 N. 2 <sup>ND</sup> ST.	:	
HARRISBURG, PA 17101-1305	:	
	:	
	:	
	:	
DAUPHIN COUNTY	:	
LICENSE NO. R-AP-SS-EHF-2573	:	

**BEFORE JUDGE FLAHERTY  
BUREAU COUNSEL BALLARON  
LICENSEE: BRAAM HATTINGH, PRO SE**

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on October 18, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against GREAT DANE ENTERTAINMENT, INC., License Number R-AP-SS-EHF-2573 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on September 1, 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, twenty years of age.

The investigation which gave rise to the citation began on September 1, 2007 and was completed on September 4, 2007; and notice of the violation was sent to Licensee by Certified Mail on September 28, 2007. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on February 23, 2010 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, 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:

1. L.E.S., III was born on July 3, 1987, and, on September 1, 2007, he was 20 years old (N.T. 15-17 and Exhibit C-4).

2. On September 1, 2007 officers of the Bureau together with Harrisburg City Police conducted an open inspection of the licensed premises looking for youthful appearing individuals consuming alcohol (N.T. 11-12).

3. While conducting the inspection, an officer of the Bureau discovered L.E.S., III in possession of a 12-ounce bottle of Heineken beer (N.T. 12).

4. As of September 1, 2007, Licensee did not maintain a Declaration of Age Card file (N.T. 20-21).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

DISCUSSION:

The record establishes that a 20 year old minor was discovered on the licensed premises in possession of a bottle of Heineken beer. Thus, the charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since May 25, 2005, 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 \$1,000.00 or more than \$5,000.00 or both for violations of the type found in 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.

This office takes notice that Licensee became RAMP certified effective November 16, 2009.

Under the circumstances of this case, the penalty imposed shall be a fine of \$1,250.00 and Licensee must remain RAMP compliant.

ORDER

THEREFORE, it is hereby ordered that Licensee GREAT DANE ENTERTAINMENT, INC., pay a fine of \$1,250.00 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 shall comply with the requirements set forth in Liquor Code Section 471.1 pertaining to Responsible Alcohol Management in the following manner. Licensee must remain in compliance until **March 26, 2011**.

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

Dated this 31<sup>ST</sup> day of March, 2010.

A handwritten signature in cursive script, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

Daniel T. Flaherty, Jr., J.

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**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 submit stub with payment**

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The fine must be paid by Cashier's Check, Certified Check or Money Order. **Personal and business checks are not acceptable unless bank certified.** Make 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

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Great Dane Entertainment, Inc.