

Mailing Date: October 1, 2008

PENNSYLVANIA LIQUOR CONTROL BOARD  
HARRISBURG, PA 17124-0001

PENNSYLVANIA STATE POLICE, : Citation No. 07-2991C  
BUREAU OF LIQUOR CONTROL :  
ENFORCEMENT :

vs. :

PIZZA ROMA CORP. : License No. R-19240  
8360 Perry Highway :  
McCandless :  
Pittsburgh, PA 15237-5218 :

Counsel for Licensee: Stanley J. Wolowski, Esquire  
610 Smithfield Street  
Pittsburgh, PA 15222

Counsel for Bureau: Michael C. Nickles, Esquire  
Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
313 Mount Nebo Road  
Pittsburgh, PA 15237

OPINION

Whereas, by adjudication with a mailing date of August 26, 2008, the Office of Administrative Law Judge ("ALJ") imposed a fine of one thousand seven hundred fifty dollars (\$1,750.00) and a one-day license suspension upon Restaurant Liquor License No. R-19240;

Whereas the suspension imposed was scheduled by the ALJ to run from September 8, 2008 until September 9, 2008;

Whereas the date of the suspension was thirteen (13) days from the mailing date of the adjudication and section 471(b) of the Liquor Code [47 P.S. 4-471(b)] provides in part: "Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take an appeal as provided for in this act...";

Whereas Licensee did not receive timely notice of the suspension date so as to be able to serve said suspension;

Whereas Licensee has filed an appeal to the Pennsylvania Liquor Control Board's Office of Chief Counsel requesting the Board to grant its appeal and re-impose the one-day suspension; and

Whereas the Pennsylvania State Police Bureau of Liquor Control Enforcement does not oppose the request for a rescheduling of the suspension so long as the rest of the penalty remains;

Therefore, the Board issues the following order:

ORDER

The appeal of Licensee to reschedule the date of suspension is hereby granted.

The appeal is otherwise denied.

It is hereby ordered that Licensee's Restaurant Liquor License No. R-19240 be suspended for a period of one (1) day beginning on Monday, November 10, 2008 and ending at 7:00 a.m. on Tuesday, November 11, 2008.

Licensee must adhere to all conditions set forth in the ALJ's Order issued August 26, 2008.

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Board Secretary