

An evidentiary hearing was held on this matter on November 5, 2008 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 300 Cameron Avenue, Milton, PA 17847-2002 by certified mail, return receipt requested and by first class mail on September 18, 2008. The notice set forth the date and time of the hearing as November 5, 2008 at 9:30 a.m., and the place of hearing as PA Dept. of Agriculture, 2130 County Farms Road, Montoursville, PA 17754-9685.

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. On March 4, 2008, a male patron whose date of birth was January 30, 1989 entered the licensed premises at 7:55 p.m. (N.T. 11-12).
2. The aforementioned minor walked up to the bar where the female bartender asked him what he would like (N.T. 12).
3. The aforementioned minor told the bartender that he wanted a bottle of Bud Light beer. The bartender asked for identification and the minor gave the bartender his Pennsylvania Driver's license showing his correct date of birth. The driver's license also indicated that Licensee was under 21 years of age until January 30, 2010 (N.T. 12 and 14).
4. The bartender retrieved a bottle of Budweiser beer and sat it on the bar. The aforementioned gave the bartender money and she gave him change (N.T. 12).
5. The aforementioned minor pulled the bottle of beer towards him and then walked out of the licensed premises (N.T. 12).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since November 2, 1978, and has had seven prior violation(s) since July 1, 1987, the date of establishment of the Office of Administrative Law Judge:

Citation No. 87-3337. Fine \$150.00.

1. Held or permitted a contest on the licensed premises without Board approval.

Citation No. 91-0549. Fine \$1,000.00.

1. Sunday sales after 2:00 a.m.

Citation No. 91-1417. Fine \$450.00.

1. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries on the licensed premises (poker machine).

Citation No. 95-0385. Fine \$1,000.00.

1. Sales to a minor.

Citation No. 98-0603. Fine \$450.00.

1. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on the licensed premises (machine).

Citation No. 00-2106. Fine \$750.00.

1. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on the licensed premises (machine).

Citation No. 01-0752. 3 days suspension.

1. Sales to a minor.

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.

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

ORDER

THEREFORE, it is hereby ordered that Licensee ARM BAR, 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 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 1ST day of December, 2008.



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. 08-0677C
Arm Bar, Inc.