

COMMONWEALTH OF PENNSYLVANIA

OFFICE OF ADMINISTRATIVE LAW JUDGE

FOR THE PENNSYLVANIA LIQUOR CONTROL BOARD

PENNSYLVANIA STATE	:		
POLICE, BUREAU OF	:	Citation Nos.	08-1401
LIQUOR CONTROL ENFORCEMENT	:	&	08-1677
	:	(consolidated for adjudication only)	
v.	:		
	:	Incident Nos.	W01-368792
PLEASURE ENTERPRISES LLC	:		W01-376119
T/A PLEASURES	:		
6216 WOODLAND AVE	:	LID - 54268	
PHILADELPHIA PA 19142-2308	:		
	:		
PHILADELPHIA COUNTY	::		
LICENSE NO. R-AP-SS-OPS-15595		BEFORE: JUDGE SHENKLE	

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esq.

For Licensee: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued these citations on June 17 and July 22, 2008, respectively. The citations alleges as follows:

CITATION NO. 08-1401

This citation alleges that Licensee violated §437 of the Liquor Code, 47 P.S. §4-437, and §5.41 of the Liquor Control Board Regulations, 40 Pa. Code §5.41, on May 2, 12, 13 and May 16, 2008, by operating the licensed premises without a valid health permit or license, which expired on April 30, 2008.

CITATION NO. 08-1677

This citation alleges that Licensee violated §§491(1), 492(2), 492(3) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2), 4-492(3) and 4-493(16) on June 23, 2008, by selling, furnishing and/or giving alcoholic beverages during a time when its Restaurant Liquor License was suspended at Citation No. 06-2984.

At the hearing scheduled for November 13, 2008, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the cases were heard *ex parte*.

Pleasure Enterprises, LLC, t/a Pleasures

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Citation Nos. 08-1401 & 08-1677 (consolidated for adjudication only)

FINDINGS OF FACT:

CITATION NO. 08-1401

1. The Bureau investigated Licensee during the period January 28 through May 16, 2008, and sent written notice of the results of its investigation to the licensed premises by certified mail on May 28, 2008 (N.T. 12-13, Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on June 17, 2008 (N.T. 14, Exhibit B-2).

3. A Notice of Hearing was mailed to the licensed establishment by the Office of Administrative Law Judge, Harrisburg, PA, by certified mail on September 25, 2008.

4. Liquor Enforcement Officer Hamilton Ringgold visited the licensed premises on May 2, 12, 13 and May 16, 2008. On each occasion he found it to be open, with patrons in possession of alcoholic beverages (N.T. 4-6).

5. There was no valid food preparing/serving license issued to this establishment on these dates. A renewal bill for the license was paid on May 22, 2008 (Exhibit B-3).

CITATION NO. 08-1677

1. The Bureau investigated Licensee during the period June 12 through June 23, 2008, and sent written notice of the results of its investigation to the licensed premises by certified mail on July 1, 2008 (N.T. 20, Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on July 22, 2008 (N.T. 21, Exhibit B-2).

3. A Notice of Hearing was mailed to the licensed establishment by the Office of Administrative Law Judge, Harrisburg, PA, by certified mail on September 25, 2008.

4. In a supplemental order mailed on June 4, 2008, pertaining to Citation No. 06-2984, the Honorable Tania E. Wright, suspended this license, beginning at 7:00 a.m. on Monday, June 23, 2008, and continuing until further order.

5. Liquor Enforcement Officer Justin Clarke visited the licensed premises at 12:00 noon on June 23, 2008, and found it to be open and operating. He purchased beer (N.T. 17-19).

CONCLUSIONS OF LAW:

The citations are sustained as charged.
Pleasure Enterprises, LLC, t/a Pleasures
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PRIOR RECORD:

Licensee has been licensed since March 22, 2005, and has had two prior violations:

Citation No. 06-0206. \$650.00 fine.

1. Operated without a valid health permit or license. September 29, 2006.
2. Not a *bona fide* restaurant(insufficient food). September 29, 2006.
3. Failed to keep records on the licensed premises. September 29, 2006.
4. Loudspeakers could be heard outside. September 29, 2006.

Citation No. 06-2984C. \$1,400.00 fine plus mandatory R.A.M.P. – certification.

Fine not paid, license suspended indefinitely, then revoked effective October 6, 2008.

1. Sales to minors. November 30, 2006.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine, or both, for violations of the type found in this case. For violations of the type found in Citation No. 08-1401 any fine must be in the \$50.00 to \$1,000.00 range. For violations of the type found in Citation No. 08-1677 any fine must be in the \$1,000.00 to \$5,000.00 range.

In light of the fact that this license has already been revoked and there is no sign that any officer of this company has responded to any communication from this Office or the Bureau, the penalty for each of these citations will be license revocation.

ORDER

THEREFORE, it is hereby ordered that the Restaurant Liquor License of Pleasure Enterprises, LLC, t/a Pleasures, License No. R-AP-SS-OPS-15595, is hereby **REVOKED** effective at 7:00

a.m. on Monday, January 26, 2009. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with this license is hereby CANCELLED.

Dated this 2nd day of January, 2009.



David L. Shenle, J.

jb

NOTICE: 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.