

Mailing Date: APR 9 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-1893
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-373849
v.	:	
	:	LID – 2804
BLUE RIDGE SPORTSMEN’S	:	
ASSOCIATION, INC.	:	
3009 WAYNESBORO PIKE	:	
FAIRFIELD, PA 17320-9709	:	
	:	
	:	
ADAMS COUNTY	:	
LICENSE NO. CC-6194	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Andrew J. Lovette, Esquire
Pennsylvania State Police
3655 Vartan Way
Harrisburg, PA 17110

For Licensee
Frank C. Sluzis, Esquire
2000 Linglestown Road
Suite 106
Harrisburg, PA 17110

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on September 4, 2008, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Blue Ridge Sportsmen’s Association, Inc. (Licensee), License Number CC-6194.

The citation¹ charges Licensee with a violation of Section 5513 of the Crimes Code [18 Pa. C.S. §5513], which is incorporated by reference in Liquor Code Section 471 [47 P.S. §4-471] as "other sufficient cause." The charge is that on April 26, 2008, Licensee, by servants, agents or employes, possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on its licensed premises.

An evidentiary hearing was conducted on February 26, 2009 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on May 5, 2008 and completed it on July 14, 2008. (N.T. 96)
2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on July 31, 2008. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, 08-1893, N.T. 95)
3. On April 26, 2008, Licensee engaged in an "Oyster Feed." During the event, Licensee used a "Wheel of Fortune." Sixty tickets were sold at \$5.00 each. Ten winners were provided with a \$25.00 prize for a total of \$250.00. (N.T. 105)
4. The "wheel" was brought in from another Club in Maryland. Licensee is within one mile of the Maryland/Pennsylvania border. (N.T. 115-116)
5. Licensee has no intention of returning the "Wheel of Fortune" to the licensed premises. (N.T. 117-118)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

1. Commonwealth Exhibit No. C-2, 08-0646, N.T. 6.

PRIOR RECORD:

Licensee has been licensed since July 21, 1989, and has had four prior violations:

Adjudication No. 91-1720. Fine \$250.00.
Sales to nonmembers.

Adjudication No. 94-0247. Fine \$500.00.
Sales to nonmembers.

Adjudication No. 97-0104. Fine \$600.00.
Sales to nonmembers without prior arrangements.

Adjudication No. 06-2423. Fine \$1,250.00.

1. Awarded an individual prize exceeding the maximum cash value of \$500.00 for any single chance without a special permit.
June 3, 2006.
2. Failed to maintain complete and truthful records covering the operation of Small Games of Chance for a period of 2 years.
August 30, 2006.
3. Offered and/or awarded more than \$5,000.00 in cash or merchandise in any seven-day period.
August 6 through 12, 13 through 19 and 20 through 26, 2006.
4. Improper admission of members.
August 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 of not less than \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

I impose a \$100.00 fine.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$100.00 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.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 8th day of April, 2009.



Felix Thau, A.L.J.

pm

MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO 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 Return Stub with Payment

The fine must be paid by treasurer's check, cashier's check, certified check or money order. Personal Checks, which include business-use personal checks, are not acceptable. Please make your 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

Citation No. 08-1893
BLUE RIDGE SPORTSMEN'S
ASSOCIATION, INC.