

Mailing Date: JAN 26 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-2006
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-375471
v.	:	
	:	LID - 50475
STEVE'S SPORTS LOUNGE INC	:	
5300-02 MARKET ST	:	
PHILADELPHIA PA 19139-3316	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-EHF-10383	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: James E. Dailey, Esq.
For Licensee: Lori J. Hahn Maslin, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on September 2, 2008. The citation alleges that Licensee violated §§406(a)(2) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(2) and 4-493(16), on July 19, 2008, by selling, furnishing and/or giving alcoholic beverages between 2:00 a.m. and 7:00 a.m.

A hearing was held on December 16, 2008, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and the citation.

FINDINGS OF FACT:

Liquor Enforcement Officers David Collins and Kareem Davis arrived in the area of the licensed premises at 1:50 a.m. on July 19, 2008. They maintained an outside surveillance, and saw numerous patrons coming into and going out of the premises. At 2:00 a.m. the officers entered the premises, where they were searched and required to pay a \$10 cover charge. There were numerous patrons, and the officers had to wait to be served at the bar. At 2:05 a.m. Officer Collins purchased a bottle of beer and a mixed drink. The drinks were provided to him, and his payment was deposited in Licensee's cash register (N.T. 5-22).

CONCLUSIONS OF LAW:

Licensee violated §§406(a)(2) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(2) and 4-493(16), on July 19, 2008, by selling alcoholic beverages between 2:00 a.m. and 7:00 a.m.

PRIOR RECORD:

Licensee has been licensed since August 20, 2003, and has had four prior violations:

Citation No. 04-1365. \$1,300.00 fine.

1. Sunday sales between 2:00 a.m. and 11:00 a.m. July 18, 2004.
2. Failed to require patrons to vacate the premises by the required time. July 18, 2004.
3. Permitted dancing on Sunday during prohibited hours. July 18, 2004.
4. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m. July 18, 2004.

Citation No. 04-1709X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. August 13, 2004.

Citation No. 04-1925. \$250.00 fine.

1. Operated without a valid health permit or license. September 25, 2004.

Citation No. 07-1612. \$3,200.00 fine.

1. Sales to minors. February 3, 2007.
2. Loudspeakers could be heard outside. February 3, 2007.
3. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m. October 1, 2006 and February 3, 2007.
4. Sales on Sunday between 2:00 a.m. and 11:00 a.m. October 1, 2006.
5. Sales between 2:00 a.m. and 7:00 a.m. February 3, 2007.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$1,000.00 to \$5,000.00 range, or both, for violations of the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Steve's Sports Lounge, Inc., License No. R-AP-SS-EHF-10383, shall pay a fine of three thousand dollars (\$3,000.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

Dated this 23rd day of January, 2009.


David L. Shenle, J.

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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.

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. 08-2006
Steve's Sports Lounge, Inc.