

Mailing Date: nov 24 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-2351
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-380838
v.	:	
	:	LID - 17106
CENTRE INN, LTD.	:	
311 NEWPORT ST.	:	
NANTICOKE, PA 18634-1306	:	
	:	
	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-SS-15052	:	

**BEFORE JUDGE FLAHERTY  
BUREAU COUNSEL STRONG  
LICENSEE: NO APPEARANCE**

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on October 8, 2008, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against CENTRE INN, LTD., License Number R-AP-SS-15052 (hereinafter "Licensee").

The citation charges Licensee with violation of Sections 491(1), 492(2) and 4-493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)] in that on September 5, 2008, Licensee, by its servants, agents or employes, sold alcoholic beverages after its Restaurant Liquor license expired on August 31, 2008, and had not been renewed and/or validated.

The investigation which gave rise to the citation began on September 5, 2008 and was completed on September 5, 2008; and notice of the violation was sent to Licensee by Certified Mail on September 15, 2008. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 22, 2009 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, 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, 311 Newport Street, Nanticoke PA 18634-1306, by certified mail, return receipt requested and by first class mail on September 8, 2009. The notice set forth the date and time of the hearing as October 22, 2009 at 1:00 p.m., and the place of hearing as Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, PA 18503.

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. Licensee's restaurant liquor license expired on August 31, 2008, and, as of September 5, 2008, it had not been renewed and/or validated (N.T. 7).
2. On September 5, 2008 at 8:30 p.m., an officer of the Bureau arrived at the licensed premises and found the premises to be open. The officer observed that the bar was open, but the dining room area was closed (N.T. 7).
3. The officer observed no patrons at the bar. The officer ordered and was served a Coors Light draft beer for which he paid \$1.50. The bartender rang up the sale on the cash register (N.T. 7).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since June 5, 1987, and has had four prior violation(s) since July 1, 1987, the date of establishment of the Office of Administrative Law Judge:

Citation No. 97-1897. Fine \$50.00.

1. Issued worthless checks in payment for malt or brewed beverages.

Citation No. 03-1682. Fine \$1,000.00.

1. Sales after the license expired and had not been renewed and/or validated. September 10, 2003.

Citation No. 07-2386. Fine \$1,500.00 Fine not paid and license suspended 2 days and thereafter until fine paid.

1. Sales after the license expired and had not been renewed and/or validated. September 1, 2007.

Citation No. 07-2603. Fine \$2,000.00 and 7 days suspension.

1. Sales after the license expired and had not been renewed and/or validated. October 5, 2007.

Citation No. 09-0841. Revocation.

1. Failed to return restaurant liquor license after its licensed establishment had not been in operation for a period of fifteen consecutive days. February 28 through March 14, 2009.

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. Further, Section 471(c) requires that the penalty imposed include license revocation or suspension where the violation in question is the third or subsequent violation of the offenses referred to in subsection 471(b) of the Liquor Code [47 P.S. §4-471(b)] and/or Crimes Code within a four year period. Therefore, license revocation or suspension must be included as part of the penalty.

This office takes notice that Licensee's license was revoked at Citation No. 09-0841 effective November 2, 2009.

Under the circumstances of this case, the penalty imposed shall be revocation.

ORDER

THEREFORE, IT IS HEREBY ORDERED that Liquor License No. R-AP-SS-15052, issued to CENTRE INN, LTD., be **REVOKED** effective at 7:00 a.m. on Monday, December 21, 2009. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby CANCELLED.

Since the license is already revoked there is no license to return; therefore, the Bureau of Licensing is hereby directed to mark their records that this license has been **REVOKED**. The Licensee's right to renew his license is hereby CANCELLED.

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 18<sup>th</sup> day of November, 2009.



Daniel T. Flaherty, Jr., J.

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**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 submit stub with payment**

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The fine must be paid by Cashier's Check, Certified Check or Money Order. **Personal and business checks are not acceptable unless bank certified.** Make 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. 08-2351  
Centre Inn, Ltd.