

Mailing Date: NOV 13 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-0771
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-385515
v.	:	
	:	LID - 55477
GROUP 801 S. FRONT ST., INC.	:	
T/A KOKOMO'S	:	
801 S. FRONT ST.	:	
P.O. BOX 7296	:	
STEELTON, PA 17113-7296	:	
	:	
DAUPHIN COUNTY	:	
LICENSE NO. R-AP-SS-11632	:	

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

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on April 2, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against GROUP 801 S. FRONT ST., INC., License Number R-AP-SS-11632 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 15.62(a) of the Liquor Control Board Regulations [40 Pa. Code §15.62(a)] in that on January 12, 2009, Licensee, by its servants, agents or employes, failed to post in a conspicuous place on the outside of the licensed premises, or in a window plainly visible from the outside of the premises, a Notice Suspension.

The investigation which gave rise to the citation began on December 5, 2008 and was completed on February 27, 2009; and notice of the violation was sent to Licensee by Certified Mail on March 26, 2009. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on September 22, 2009 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, 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, 801 S. Front St., PO Box 7296, Steelton, PA 17113-7296 by certified mail, return receipt requested and by first class mail on August 5, 2009. The notice set forth the date and time of the hearing as September 22, 2009 at 2:30 p.m., and the place of hearing as Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661.

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 December 3, 2008 this office mailed a Supplemental Order at Citation No. 07-3085 suspending the restaurant liquor license of Licensee for a period of one day beginning at 7:00 a.m. on Monday, January 12, 2009 and continuing thereafter until the fine in the amount of \$500.00 had been paid (N.T. 7-8 and Exhibit C-6).

2. On January 12, 2009 an officer of the Bureau arrived at the licensed premises. He found the premises to be closed. However, upon touring the entire outside of the licensed premises, he found that no Notice of Suspension Placard had been posted anywhere (N.T. 8-9).

3. The officer returned to the licensed premises on January 13, 2009 and found a suspension placard posted on one of the front entrance doorways to the licensed premises (N.T. 10).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since December 14, 2005, and has had four prior violations:

Citation No. 06-2235C. Fine \$1,250.00 and RAMP training mandated.

1. Sales to a minor. August 11, 2006.

Citation No. 07-3085X. Fine \$500.00. Fine not paid and license suspended 1 day and thereafter until fine paid.

1. Issued worthless checks in payment for malt or brewed beverages. September 17, 21, October 5, 9, 29 and November 9, 2007.

Citation No. 08-0890X. Fine \$600.00. Fine not paid and license suspended 2 days and thereafter until fine paid. Fine not paid and license revoked.

1. Issued worthless checks in payment for malt or brewed beverages. November 28, December 28, 31, 2007, January 11 and 18, 2008.

Citation No. 08-2841X. Fine \$700.00. Fine not paid and license revoked.

1. Issued worthless checks in payment for malt or brewed beverages. September 21, 2008.

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.

This office takes notice that Licensee's license was previously revoked at Citation No. 08-0890X and 08-2841X.

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

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Liquor License No. R-AP-SS-11632, issued to GROUP 801 S. FRONT ST., INC., be **REVOKED** effective at 7:00 a.m. on Monday, December 7, 2009. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby CANCELLED.

Since the license has already been 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 30<sup>TH</sup> day of October, 2009.

A handwritten signature in black ink, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

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.**