

Mailing Date: SEP 29 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-0841
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-390127
v.	:	
	:	LID - 17106
CENTRE INN, LTD.	:	
311 NEWPORT ST.	:	
NANTICOKE, PA 18634-1306	:	
	:	
	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-SS-15052	:	

BEFORE: JUDGE THAU
BUREAU COUNSEL: Craig A. Strong, Esquire
LICENSEE: Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on April 10, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Centre Inn, Ltd. (Licensee), License Number R-AP-SS-15052.

The citation¹ charges Licensee with violations of Section 474.1(a) of the Liquor Code [47 P.S. §4-474.1(a)] and Section 7.31(a) of the Pennsylvania Liquor Control Board Regulations [40 Pa. Code §7.31(a)]. The charge is that Licensee, by servants, agents or employes, failed to return its Restaurant Liquor license and Wholesale Liquor Purchase Permit Cards to the Board after its licensed establishment had not been in operation for a period of fifteen (15) consecutive days between February 28 and March 14, 2009.

1. Commonwealth Exhibit No. C-2, N.T. 7.

An evidentiary hearing was conducted on August 28, 2009 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear personally or have any representation.

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

FINDINGS OF FACT:

1. A citation hearing notice was mailed by the Office of Administrative Law Judge on July 9, 2009 to Licensee by both certified receipt-return mail and first-class mail to the licensed premises. The notice notified Licensee of the date, time and place of the hearing. The Notice, sent by certified mail, was returned as being marked unclaimed. (N.T. 4)
2. On July 14, 2009, I issued a Pre-Hearing Order by first-class mail to the licensed premises, directing Licensee to submit its pre-hearing memorandum to this Office and to Bureau Counsel. That Order reiterated the date, time and place of hearing. (N.T. 4)
3. The Bureau began its investigation on February 28, 2009 and completed it on March 14, 2009. (N.T. 5)
4. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on March 24, 2009. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
5. Based on an article in a local newspaper which indicated the licensed premises was closing its operation due to economic difficulties, several Bureau Enforcement Officers conducted an inspection of the premises during the fifteen days period beginning February 28, 2009 and ending March 14, 2009. On each of the fifteen days, a Bureau Enforcement Officer visited the premises finding it to be closed. (N.T. 9-10; 12-13)

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.

PRIOR RECORD:

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

Adjudication No. 97-1897. Fine \$50.00.
Issued worthless checks in payment for malt or brewed beverages.

Adjudication No. 03-1682. Fine \$1,000.00.
Sales after your license expired and had not been renewed
and/or validated.
September 10, 2003.

Adjudication No. 07-2386. Fine \$1,500.00. Fine not paid
and license suspended 2 days and thereafter until fine paid.
Sales after your license expired and had not
been renewed and/or validated.
September 1, 2007.

Adjudication No. 07-2603. Fine \$2,000.00 and 7 days suspension.
Sales after your license expired and had not been
renewed and/or validated.
October 5, 2007.

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.

It appears as if Licensee has abandoned its license. Accordingly, I revoke the license.

ORDER:

Imposition of Revocation

THEREFORE, it is hereby ordered that the Restaurant liquor license (including all permits) No. R-AP-SS-15052, issued to Centre Inn, Ltd., be **REVOKED**, effective at 7:00 a.m., on Monday, November 2, 2009. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby **CANCELLED**.

Since Licensee's Restaurant liquor license is in an inactive status, there is no license to be returned. Accordingly, the Bureau of Licensing of the Pennsylvania Liquor Control Board is hereby notified that Licensee's Restaurant liquor license shall be REVOKED, effective at 7:00 a.m., Monday, November 2, 2009.

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 17TH day of September, 2009.



Felix Thau, A.L.J.

pm

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.