

Mailing Date: OCT 29 2009

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

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 09-1057
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-386767
v. :
 : LID - 51079
WORLDWIDE BARTENDING :
INSTITUTE INC :
5450 LARGE ST :
PHILADELPHIA PA 19124-1122 :
 :
PHILADELPHIA COUNTY :
LICENSE NO. R-AP-SS-OPS-6939 :

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on May 12, 2009. The citation alleges that Licensee violated §437 of the Liquor Code, 47 P.S. §4-437, and §5.41 of the Liquor Control Board Regulations, 40 Pa. Code §5.41, on February 14 and March 28, 2009, by operating the licensed premises without a valid health permit or license.

At the hearing scheduled for September 23, 2009, Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period December 23, 2008 through April 4, 2009, and sent written notice of the results of its investigation to the licensed premises by certified mail on April 23, 2009 (N.T. 10-11, Exhibit B-1).
2. A copy of this citation was mailed to Licensee (N.T. 10-11, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on August 6, 2009.
4. On February 14, 2009, at 8:45 p.m., a liquor enforcement officer entered the licensed premises and saw a bartender serving alcoholic beverages to two patrons (N.T. 5).

5. On March 28, 2009, at 1:10 p.m., the enforcement officer returned to the licensed premises and purchased a mixed alcoholic beverage (N.T. 7)

6. Licensee did not have a current health permit on these dates (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 18, 2003, and has had prior violations as follows:

Citation No. 04-0080. \$1,000.00 fine.

1. Sold alcoholic beverages after license expired.
November 15 and December 17, 2003.

Citation No. 04-0425. \$1,000.00 fine.

1. Sold alcoholic beverages after license expired. February 5, 2004.

Citation No. 05-2334. \$1,250.00 fine and one day suspension.

1. Sales between 2:00 a.m. and 7:00 a.m. August 26, 2005.
2. Failed to require patrons to vacate the premises by the required time.
August 26, 2005.
3. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m. August 26, 2005.

Citation No. 06-1045. \$600.00 fine, 3 day suspension, R.A.M.P. certification mandated.

1. Sales between 2:00 a.m. and 7:00 a.m. March 18, 2006.
2. Permitted patrons to possess alcoholic beverages after 2:30 a.m. March 18, 2006.
3. Failed to require patrons to vacate the premises by the required time.
March 18, 2006.
4. Loudspeakers could be heard outside. March 30, 2006.

Citation No. 06-2656. \$400.00 fine.

1. Failed to require patrons to vacate the premises by the required time. July 8, 2006.

Citation No. 07-0963. \$200.00 fine.

1. Failed to comply with the order mandating R.A.M.P. – certification.
February 19 through March 22, 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 \$50.00 to \$1,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Worldwide Bartending Institute, Inc., License No. R-AP-SS-OPS-6939, shall pay a fine of three hundred dollars (\$300.00) 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.

IT IS FURTHER ORDERED that Licensee shall, within 20 days of the mailing date of this order, submit a copy of a valid and current health permit. If Licensee fails to submit the health permit within the time allowed, the penalty in this case will be modified to include a suspension of license, and for that purpose jurisdiction is retained.

Dated this 19TH day of October, 2009.



David L. Shenkle, J.

jb

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 cashier's check, certified check or money order. Personal and business checks are not acceptable unless bank certified. 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