

Mailing Date: DEC 09 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-1093
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W07-389855
v.	:	
	:	LID - 56571
LICK R, INC.	:	
T/A PAPPYS PLACE	:	
340 N. MAIN ST.	:	
HOMER CITY, PA 15748-1228	:	
	:	
	:	
INDIANA COUNTY	:	
LICENSE NO. ID-SS-768	:	

**BEFORE JUDGE THAU
BUREAU COUNSEL VARGO
LICENSEE: NO APPEARANCE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on May 15, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against LICK R, INC., License Number ID-SS-768 (Licensee).

The citation charges Licensee with a violation of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that from February 3 to March 5, 2009, Licensee failed to comply with the order of the Administrative Law Judge at Citation No. 08-1179C mandating responsible alcohol management training.

An evidentiary hearing was conducted on July 13, 2011 in the Hampton Inn, Altoona, 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, 340 N. Main St., Homer City, PA 15748-1228 by certified mail on May 27, 2011. The notice set forth the date and time of the hearing as July 13, 2011 at 3:00 p.m., and the place of hearing as Hampton-Inn Altoona, 180 Charlotte Drive, Altoona, PA 16601.

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

FINDINGS OF FACT:

1. The Bureau began its investigation on February 25, 2009 and completed it on March 5, 2009 (N.T. 7).
2. The Bureau sent a notice of alleged violation to Licensee at the licensed premises by certified mail, return receipt requested on March 17, 2009. The notice alleged violations as charged in the citation (Commonwealth Exhibit No. C-1, N.T. 7).
3. Licensee failed to comply with Adjudication No. 08-1179C which required Licensee to become certified pursuant to the Responsible Alcohol management Program (N.T. 10-11).

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 13, 2006, and has had one prior violation:

Adjudication No. 08-1179C. Fine \$1,250.00 and RAMP training mandated. Fine not paid and license suspended 2 days and thereafter until fine paid.
Sales to a minor. April 26, 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.

As this license has been previously revoked, I impose a revocation of Licensee's license.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Liquor License No. ID-SS-768, issued to LICK R, INC., be **REVOKED** effective with the mailing date of this Order. 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.

Dated this 30TH day of November, 2011.



Felix Thau, A.L.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.

IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.