

Mailing Date: JAN 19 2010

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-1308
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-383211
	:	
v.	:	LID - 52994
	:	
RIMBY'S, INC.	:	
T/A RIMBY'S	:	
1764 RT. 739	:	
PO BOX 396	:	
DINGMANS FERRY, PA 18328-0396	:	
	:	
PIKE COUNTY	:	
LICENSE NO. R-AP-SS-21199	:	

BEFORE: JUDGE THAU

BUREAU COUNSEL: Craig A. Strong, Esquire

LICENSEE: Lori Hines – President/Director/Stockholder

Douglas Hines – Secretary/Treasurer/Director/Stockholder

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on June 8, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Rimby's, Inc., t/a Rimby's (Licensee), License Number R-AP-SS-21199.

The citation¹ charges Licensee with violations of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that from September 23, 2008 through May 7, 2009, Licensee failed to comply with the Order of the Administrative Law Judge at Citation No. 08-0852C mandating Responsible Alcohol Management Training.

An evidentiary hearing was conducted on December 10, 2009 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee was represented by Ms. L.H., Licensee's President/Director and Stockholder and Mr. D.H., Licensee's Secretary/Treasurer/Director/Stockholder.

1. Commonwealth Exhibit No. C-2, N.T. 6.

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 October 20, 2008 and completed it on May 7, 2009. (N.T. 8)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on May 20, 2009, as amended. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
3. During the period charged, Licensee failed to comply with the Order of the Administrative Law Judge at Adjudication No. 08-0852C, mandating Responsible Alcohol Management training.

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 July 27, 2004, and has had one prior violation (Commonwealth Exhibit No. C-3):

Adjudication No. 08-0852C. Fine \$1,250.00 and R.A.M.P.
Training mandated.
Sales to a minor.
March 27, 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.

Licensee presented me with any number of excuses why it took Licensee about fifteen months to comply with Adjudication No. 08-0852C. The excuses might have had a bit of credence had the failure to comply been within days. I will adopt the recommended penalty of a \$600.00 fine, but do so with some reluctance.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$600.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 6TH day of January, 2010.


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.

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

Citation No. 09-1308
RIMBY'S, INC.