

Mailing Date: NOV 24 2009

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

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 09-1550
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-394895
v. :
 : LID - 56332
ATASHBEHARM CORPORATION :
834 CHESTNUT ST STE G 106 :
PHILADELPHIA PA 19107-5127 :
 :
PHILADELPHIA COUNTY :
LICENSE NO. R-SS-1319 :

JUDGE SHENKLE
BLCE COUNSEL: Erik S. Shmukler, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 7, 2009. The citation alleges that Licensee violated §15.62(a) of the Liquor Control Board Regulations, 40 Pa. Code §15.62(a), on June 2, 2009, by failing 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 of Suspension.

At the hearing scheduled for October 15, 2009, in 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 May 28 through June 2, 2009, and sent written notice of its findings to Licensee on June 12, 2009 (N.T. 9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 7, 2009 (N.T. 9-10, 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 28, 2009.
4. In a supplemental order mailed on May 1, 2009, the Honorable Tania E. Wright ordered this license suspended for one day, as of Monday, June 1, 2009, at 7:00 a.m., for failure to pay the fine for Citation No. 08-2493X. The order included the direction to place an enclosed suspension placard in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises.
5. On June 2, 2009, a liquor enforcement officer visited the premises at 1:10 a.m. and found that it was closed, but no notice of suspension was posted (N.T. 6-9).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since December 8, 2006, and has had prior violations, as follows:

Citation No. 08-2493X. \$100.00 fine. Suspended one day for late payment.

1. Bad checks for malt or brewed beverages. August 27, 2008.

Citation No. 09-0116. \$200.00 fine.

1. Discounted alcoholic beverages for a period or periods in excess of 2 hours in a business day. January 7, 2009.

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, Atashbeharm Corporation, License No. R-SS-1319, shall pay a fine of two hundred dollars (\$200.00) 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.

Dated this 18TH day of November, 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

Citation No. 09-1550
Atashbeharm Corporation