

Mailing Date: DEC 21 2009

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 09-1751  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No.W01-394426  
v. :  
 : LID - 38561  
SUPER SUPREME CORP :  
5708-10 GERMANTOWN AVE :  
2<sup>nd</sup> FLOOR :  
PHILADELPHIA PA 19144-2137 :  
 :  
PHILADELPHIA COUNTY :  
LICENSE NO. R-AP-SS-EHF-7747 :  
 :

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

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 28, 2009. There are two counts in the citation.

The first count 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 May 16, 2009, by operating the licensed premises without a valid health permit or license, which expired on April 30, 2007.

The second count alleges that Licensee violated §§403(h) and 471 of the Liquor Code, 47 P.S. §§4-403(h) and 4-471, on December 15, 2008, by supplying false information on its application for Restaurant Liquor License for the term expiring October 31, 2010.

At the hearing scheduled for November 4, 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 16 through June 10, 2009, and sent written notice of the results of its investigation to the licensed premises by certified mail on July 9, 2009 (N.T. 8-9, Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on July 28, 2009 (N.T. 9, 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 September 18, 2009.

4. On May 16, 2009, a liquor enforcement officer inspected the licensed premises and found that there was no health permit on display. The last valid permit had expired on April 30, 2007. The permit was renewed on May 20, 2009 (N.T. 5-7, Exhibit B-3).

5. On December 15, 2008, the Board received a renewal application from Licensee which represented that there was a current valid health license posted on the premises, with an expiration date of April 30, 2009 (Exhibit B-4).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 1, 1996, and has had prior violations as follows:

Citation No. 99-1911. \$1,500.00 fine.

1. Loudspeakers could be heard outside. March 1 and April 2, 1999.
2. Permitted lewd, immoral or improper entertainment. April 2, 1999.
3. Permitted entertainers to contact or associate with patrons. April 2, 1999.

Citation No. 01-0731. \$3,000.00 fine and 3 days suspension.

1. Aided, abetted or engaged in the traffic in, or sale of, a controlled substance on the licensed premises and/or permitted the use of your licensed premises in the furtherance of the traffic in, or use of, a controlled substance. March 10, 2001.
2. Loudspeakers could be heard outside. March 10, 2001.
3. Insufficient illumination. March 10, 2001.

Citation No. 03-0191. \$500.00 fine.

1. Failed to post a notice of suspension. January 13 and 15, 2003.

Citation No. 04-2011. \$1,500.00 fine.

1. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m. September 18, 2004.
2. Sales between 2:00 a.m. and 7:00 a.m. September 18, 2004.

Citation No. 05-0748. \$2,000.00 fine.

1. Sales between 2:00 a.m. and 7:00 a.m. March 5, 2005.

Citation No. 06-0326. 1 day suspension.

1. Failed to post notice of suspension. January 9, 2006.

Citation No. 06-2705. \$200.00 fine.

1. Failed to post notice of suspension. October 23, 2006.

Citation No. 08-2301. \$2,800.00 fine and 1 day suspension.

1. Sales on Sunday between 2:00 a.m. and 11:00 a.m. August 17, 2008.
2. Failed to require patrons to vacate the premises by the required time. August 17, 2008.
3. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m. August 17, 2008.

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. Penalties are assessed as follows:

- Count 1 – a fine of \$300.00.
- Count 2 – a fine of \$300.00.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Super Supreme Corp., License No. R-AP-SS-EHF-7747, shall pay a fine of six hundred dollars (\$600.00) 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 8<sup>TH</sup> day of December, 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

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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

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Super Supreme Corp.