

Mailing Date: OCT 30 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-1760
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	Incident No. W03-389571
	:	
ACE'S INN, INC.	:	
1241 GAP VIEW RD.	:	LID- 53114
DAUPHIN, PA 17018-9751	:	
	:	
	:	
DAUPHIN COUNTY	:	
LICENSE NO. R-AP-SS-EHF-16274	:	

ADJUDICATION

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL BALLARON
LICENSEE: PRO SE**

BACKGROUND:

This proceeding arises out of a citation that was issued on July 30, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against ACE'S INN, INC., License Number R-AP-SS-EHF-16274 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 471 of the Liquor Code [47 P.S. §4-471] and Section 637.6(a)(1) of the Clean Indoor Air Act [35 P.S. §637.6(a)(1)] in that on June 6, 2009, Licensee, by its servants, agents or employees, failed to post signage as required by the Clean Indoor Air Act.

Licensee has executed a Statement of Waiver, Admission and Authorization in which Licensee: admits to the violation(s) charged in the citation and that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the Administrative Law Judge to enter an Adjudication without a hearing based on a summary of facts as provided by the Bureau and prior citation history, and waives the right to appeal this Adjudication.

Based upon the admission(s) of Licensee and the summary of facts provided by the Bureau, I make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

On June 6, 2009 an officer of the Bureau entered the licensed premises and observed that the premises did not post Clean Indoor Air Act signage stating that smoking was permitted inside the premises.

CONCLUSION(S) OF LAW:

Counts 1 and 2 of the citation are **sustained**.

PRIOR RECORD:

Licensee has been licensed since August 12, 2004, and has had three prior violations:

Citation No. 04-2322. Fine \$1,250.00.

1. Sales to a minor. October 20, 2004.

Citation No. 07-2194C. Fine \$1,500.00 and RAMP training mandated.

1. Sales to a minor. July 26, 2007.

Citation No. 08-1266. Fine \$300.00.

1. Failed to comply with the order of the Administrative Law Judge mandating RAMP training. February 6 through April 21, 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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$100.00.

ORDER

THEREFORE, it is hereby ordered that Licensee ACE'S INN, INC., pay a fine of \$100.00 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.

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 23RD day of October, 2009.



Daniel T. Flaherty, Jr., 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.

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.** Make 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. 09-1760
Ace's Inn, Inc.