

Mailing Date: DEC 09 2010

[Appeal](#)

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-0957
LIQUOR CONTROL ENFORCEMENT	:	
	:	
	:	
v.	:	Incident No. W01-411553
	:	
	:	
7178 CFJ LTD.	:	
7178 N. 19 TH ST.	:	LID - 57615
PHILADELPHIA PA 19126-1510	:	
	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-SS-EHF-13624	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ERIK S. SHMUKLER, ESQ.

FOR THE LICENSEE:

EX PARTE

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

7178 CFJ, Ltd.

Citation No. 10-0957

This proceeding arises out of a citation that was issued on May 11, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against 7178 CFJ, Ltd., License Number R-SS-EHF-13624 (hereinafter "Licensee").

An Administrative hearing was held on Wednesday, September 1, 2010, pursuant to requisite and appropriate hearing notice. Despite notice of the hearing having been sent to the Licensee, the Licensee failed to appear. Therefore, the hearing proceeded *ex parte*.

The citation charges Licensee with violation of Section 493(12) of the Liquor Code, 47 P.S. §4-493(12), in that on April 17, 2010, Licensee, by its servants, agents or employes, failed to keep records on the licensed premises.

FINDINGS OF FACT:

1. The Bureau of Enforcement conducted an investigation of the licensed premises which began on April 17, 2010 and ended on April 18, 2010. A notice of violation letter dated April 27, 2010 was sent to the licensed premises by certified mail, return receipt requested. The mailing was returned to the sender unclaimed. A citation dated May 11, 2010 was sent to the licensed premises by certified mail, return receipt requested. The certified mailing was returned unclaimed. The Office of Administrative Law Judge sent a citation hearing notice to the licensed premises on July 19, 2010 by certified mail, return receipt requested, and by first class mail. That certified mailing was returned unclaimed (N.T. 4 and Exhibits B-1 and B-2).

2. An officer from the Bureau of Enforcement visited the licensed premises on April 17, 2010 as a part of Operation Pressure Point. He was accompanied by the Philadelphia Police Department and inspectors from Licensing and Inspection. They arrived at the premises at 11:30 p.m. (N.T. 5-6).

3. The officer identified himself to a female bartender and explained that they were there to conduct a routine inspection. Upon inspection, he found that the premises failed to keep records on the premises for a period of two years (N.T. 6-7).

4. The officer requested records and also looked for records, but none were available (N.T. 7).

5. When the officer entered the premises, it was open and operating. There were approximately twenty patrons on the premises (N.T. 7).

CONCLUSIONS OF LAW:

All statutory prerequisites for notice to the Licensee were satisfied.

7178 CFJ, Ltd.
Citation No. 10-0957

On April 17, 2010, Licensee, by its servants, agents or employes, failed to keep records on the licensed premises, in violation of Section 493(12) of the Liquor Code, 47 P.S. §4-493(12).

PRIOR RECORD:

Licensee has been licensed since May 25, 2007, and has a record of prior violations as follows:

Citation No. 09-1986. \$600.00 fine and Verification conditions corrected.

1. Operated the licensed establishment without a valid health permit or license. May 1, 2009.
2. Not a bona fide restaurant in that food items, eating utensils, dishes and seating were insufficient. May 1, 2009.
3. Insufficient illumination.
May 1, 2009.

DISCUSSION:

At the time of the inspection, the sole violation was that Licensee did not maintain records on the premises. Licensee has one prior unrelated violation. Under the circumstances, a \$200.00 monetary penalty shall be imposed.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. Section 4-471, prescribes a penalty of suspension or revocation of license or imposition of 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.

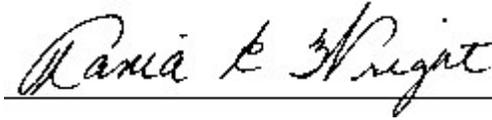
Accordingly, we issue the following

ORDER:

THEREFORE, it is hereby Ordered that Licensee, 7178 CFJ, Ltd., License Number RSS-EHF-13624, pay a fine of Two Hundred Dollars (\$200.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

In order to insure compliance with this Order, jurisdiction of this matter is retained.

Dated this 24TH day of November, 2010.



Tania E. Wright, J.

NOTE: MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.

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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, along with any required documentation, to:

PLCB - Office of Administrative Law Judge
Brandywine Plaza
2221 Paxton Church Road
Harrisburg, PA 17110-9661

Citation No. 10-0957 7178
CFJ, Ltd.