

Mailing Date: JAN 14 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-1598
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-414208
v.	:	
	:	LID - 53252
411 MAJA LEAGUE INC	:	
411-13 E PENN ST	:	
PHILADELPHIA PA 19144-5803	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-13501	:	

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on August 3, 2010. The citation alleges that Licensee violated §15.62(a) of the Liquor Control Board Regulations, 40 Pa. Code §15.62(a), on June 28, 2010, 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 December 2, 2010, 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 June 7 through June 29, 2010, and sent written notice of the results of its investigation on July 19, 2010 (N.T. 9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on August 3, 2010 (N.T. 9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on October 20, 2010.

4. In a supplemental order concerning Citation No. 09-1413, which was mailed to Licensee on June 3, 2010, the Honorable Tania E. Wright ordered this license suspended as of Monday, June 28, 2010. The order included instructions “to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.”

5. Liquor enforcement officers visited the licensed premises on June 28, 2010, and found that it was closed. No notice of suspension was posted anywhere on the premises (N.T. 4-8).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 10, 2004, and has had prior violations, as follows:

Citation No. 05-1863. \$500.00 fine. License suspended 1 day for late verification.

1. Operated without a valid health permit. July 30, 2005.

Citation No. 07-3118. \$300.00 fine.

1. Sold a larger quantity of alcohol without a proportionate increase in price.
December 6, 2007.

Citation No. 09-1413. \$300.00 fine. License suspended 1 day for late payment.

1. Operated without a valid health permit. April 9 and May 2, 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, 411 Maja League, Inc., License No. R-AP-SS-13501, shall pay a fine of five hundred dollars (\$500.00) 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 5TH day of January, 2011.



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. 10-1598
411 Maja League, Inc.