

Mailing Date: MAR 23 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-1977
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-412585
v.	:	
	:	LID - 61222
P&DM, LLC	:	
T/A DOMINIQUE'S BISTRO	:	
233 E. DRINKER ST.	:	
DUNMORE, PA 18512-2433	:	
	:	
LACKAWANNA COUNTY	:	
LICENSE NO. R-AP-SS-8307	:	
	:	

**BEFORE:** JUDGE THAU  
**BUREAU COUNSEL:** Craig A. Strong, Esquire  
**LICENSEE:** Ex-Parte

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on September 17, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against P&DM, LLC, t/a Dominique's Bistro (Licensee), License Number R-AP-SS-8307.

The citation<sup>1</sup> charges Licensee with violations of Section 15.62(a) of the Liquor Code [40 Pa. Code §15.62(a)]. The charge is that on June 21, 22, 23, 24, 25, July 3, 5, 8, 11, 26, 28, August 2, 5, 8, 16, 21 and 29, 2010, Licensee, by servants, agents or employes, failed 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.

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1. Commonwealth Exhibit No. C-2, N.T. 10.

An evidentiary hearing was conducted on February 10, 2011 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear personally or have any representation.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on May 6, 2010 and completed it on August 30, 2010. (Commonwealth Exhibit No. C-1, N.T. 10)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on August 31, 2010. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 10)
3. Pursuant to Adjudication No. 10-0077X, the subject license was suspended for one day, June 21, 2010 and continuing thereafter until the fine of \$200.00 was paid in full. Subsequently, a Supplemental Order was issued on July 19, 2010, revoking the liquor license effective August 30, 2010 and ordering that the suspension with thereafter conditions remain in effect until the effective date of the revocation.
4. On the dates charged, the premises was closed and boarded up. At various times during the interval in question, there was no Suspension Placard posted. (N.T. 10-17)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since February 19, 2009, and has had three prior violations:

Adjudication No. 09-2181X. Fine \$150.00. Fine not paid  
and license suspended 1 day and thereafter until fine paid.  
Issued worthless checks in payment for malt  
or brewed beverages.  
July 10, 2009.

Adjudication No. 10-0077X. Fine \$200.00. Fine not paid and license suspended 1 day and thereafter until fine paid. Fine still not paid and license revoked.

Issued worthless checks in payment for malt or brewed beverages.  
November 25, 2009.

Adjudication No. 10-0574. License revocation. Failed to post in a conspicuous place on the outside of the licensed premises a Notice of Suspension.  
March 1, 2010.

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.

I impose revocation of the license.

ORDER:

**Imposition of Revocation**

THEREFORE, it is hereby ordered that the Restaurant Liquor license (including all permits) No. R-AP-SS-8307, issued to P&DM, LLC, t/a Dominique's Bistro, be **REVOKED**, effective at 7:00 a.m., on Monday, May 2, 2011. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby **CANCELLED**.

As this license has already been revoked under a previous citation, there is no license to be returned. Accordingly, the Licensing Bureau of the Pennsylvania Liquor Control Board is hereby directed to mark their records that this license is revoked, effective at 7:00 a.m., Monday, May 2, 2011.

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 9<sup>TH</sup> day of March, 2011.



Felix Thau, A.L.J.

pm

**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.**