

Mailing Date: FEB 08 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-2119C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W07-414320
v.	:	
	:	LID - 63304
BILDON, LLC	:	
109 E. MARKET ST.	:	
BLAIRSVILLE, PA 15717-1325	:	
	:	
INDIANA COUNTY	:	
LICENSE NO. R-AP-SS-4567	:	

**BEFORE:** JUDGE THAU  
**BUREAU COUNSEL:** NADIA L. VARGO, ESQ.  
**LICENSEE:** PRO SE

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on October 4, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Bildon, LLC (Licensee).

The citation charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that Licensee, by your servants, agents or employees, on July 28, 2010, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) male minor, nineteen (19) years of age.

I presided at an evidentiary hearing on October 24, 2011 at the Hampton Inn, 180 Charlotte Drive, Altoona, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. The Bureau began its investigation on June 9, 2010 and completed it on September 13, 2010. (N.T. 8)

2. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested on, September 22, 2010. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 9)

3. On July 28, 2010, the Bureau of Liquor Control Enforcement conducted an Age Compliance Check of the premises. One Officer entered the premises ahead of the 19 year old, Underage Buyer (UB), ensuring that the premises was safe. The UB entered the premises at 5:51 p.m., three minutes after the Officer's entry. The UB ordered a bottle of beer from the bartender. The bartender removed the beer from a cooler behind the bar and placed it on the bar counter for the UB. The UB paid for the beer. He departed the premises without the beer he purchased, making some excuse. (N.T. 10-13)

4. A second Officer then entered the premises. The second Officer was with the UB prior to his entry to the premises. The second Officer identified herself. She notified the bartender of the sale to the UB. The UB had no alcoholic beverages before or after he entered the premises. The UB also completed the required training. (N.T. 15-18)

5. The Bureau sent Licensee a notice of noncompliance on August 6, 2010. (Commonwealth Exhibit C-5, N.T. 18-20)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.

2. The violation is sustained as charged.

ADJUDICATION HISTORY:

Licensee has been licensed since April 2, 2010, and has no Adjudication history.

PENALTY ASSESSMENT CRITERIA:

**Mandatory Requirement(s)**

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 \$1,000.00 or more than \$5,000.00, or both for the violation found herein.

Further, Liquor Code Section 471.1 [47 P.S. §4-471.1], entitled, Responsible alcohol management, mandates that Licensee participate in the Pennsylvania Liquor Control Board's Responsible Alcohol Management Program (RAMP), since this is Licensee's first violation as herein found.

**Discretionary Component(s)**

I impose a \$1,250.00 fine.

ORDER:

**Fine Imposition**

Licensee must pay a \$1,250.00 fine within 20 days of the mailing date of this Order. The mailing date is located in this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires me to suspend or revoke the license.

**Mandatory RAMP Compliance**

Licensee must contact the Bureau of Alcohol Education (BAE) of the Pennsylvania Liquor Control Board (toll free telephone No.: 1-866-275-8237; Web Site: [www.lcb@pa.gov](http://www.lcb.pa.gov); email address: [LBEducation@pa.gov](mailto:LBEducation@pa.gov)) within 30 days of the mailing date of this Adjudication to effect full RAMP compliance. Licensee has 90 days from the mailing date of this Adjudication to be fully certified by the BAE. Licensee must maintain RAMP compliance for one year from the date of BAE certification.

A failure to comply may cause the Bureau to issue a citation alleging Licensee's noncompliance. Alternatively, the Bureau may request a modification of the penalty imposed in this Adjudication.

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 31<sup>ST</sup> day of January, 2012.



Felix Thau, A.L.J.

bc

**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.**

**IF YOU WISH TO APPEAL THE DECISION ON THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.**

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