

Mailing Date: MAY 16 2011

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 10-2158  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-415897  
 :  
 v. :  
 : LID - 60186  
 :  
 OFF THE CLOCK LLC :  
 201 LINTON ST :  
 PHILADELPHIA PA 19120-1801 :  
 :  
 PHILADELPHIA COUNTY :  
 LICENSE NO. R-AP-SS-8516 :

JUDGE SHENKLE  
BLCE COUNSEL: James E. Dailey, Esq.  
LICENSEE: Gary A. Friedberg, Esq.

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on October 12, 2010. The citation alleges that Licensee violated §437 of the Liquor Code, 47 P.S. §4-437, and §5.41 of the Liquor Control Board Regulations, 40 Pa. Code §5.41, on July 10 and 11, 2010, by operating the licensed premises without a valid health permit or license, which expired on April 30, 2009.

At the hearing scheduled for April 13, 2011, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the matter proceeded *ex parte*. Counsel for the proposed transferee in a pending application to transfer this license learned of the citation and entered his appearance for Licensee on April 14, 2011.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period July 10 through September 8, 2010, and sent a written notice of the results on September 24, 2010 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on October 12, 2010 (N.T. 9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on February 22, 2011.
4. Liquor enforcement officers entered the licensed premises at 11:40 p.m. on July 10, 2010. The establishment was open, with two bartenders serving alcoholic beverages to about 30 patrons. No health permit was displayed on the licensed premises. The officers left at approximately 12:30 a.m. on July 11, 2010, while the establishment was still open (N.T. 5-7).

5. Licensee did not have a valid Preparing/Serving Food License on these dates (Ex. B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since August 15, 2008, and has had no prior violations.

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.

In light of the pending transfer, there is no need to require verification of compliance.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Off The Clock, LLC, License No. R-AP-SS-8516, shall pay a fine of two hundred dollars (\$200.00) 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 13<sup>TH</sup> day of MAY, 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

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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