

Mailing Date: SEP 16 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-2358
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	Incident No. W01-417208
	:	
GLIB2 INC.	:	
T/A NOVI	:	LID - 60335
2001 & 2031-2045 HAMILTON ST.	:	
PHILADELPHIA PA 19130	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-15495	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

**JAMES E. DAILEY, ESQ.**

FOR THE LICENSEE:

**EX PARTE**

**BEFORE: JUDGE WRIGHT**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on November 2, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Glib 2, Inc., t/a Novi, License Number R-AP-SS-15495 (hereinafter "Licensee").

Glib2, Inc.  
t/a Novi  
Citation No. 10-2358

An Administrative hearing was held on Wednesday, February 9, 2011, 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 Sections 406(a)(2) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(2) and 4-493(16), in that on September 9, 2010, Licensee, by its servants, agents or employes, sold, furnished and/or gave alcoholic beverages between 2:00 a.m. and 11:00 a.m.

FINDINGS OF FACT:

1. The Bureau of Enforcement conducted an investigation of the licensed premises which began on August 5, 2010 and ended on October 7, 2010. A notice of violation letter dated October 21, 2010 was sent to the licensed premises by certified mail, return receipt requested. The certified mailing was signed as received. A citation hearing notice dated November 2, 2010 was sent to the licensed premises by certified mail, return receipt requested. The certified mailing was signed as received on November 4, 2010. The Office of Administrative Law Judge sent a citation hearing notice to the licensed premises on December 23, 2010 by certified mail, return receipt requested, and by first class mail. That certified mailing was signed as received on December 28, 2010 (N.T. 11-12 and Exhibits B-1 and B-2).

2. An officer from the Bureau of Enforcement visited the licensed premises on September 9, 2010. He was accompanied by a second officer from the Bureau. The officers kept time by using his Verizon wireless cell phone (N.T. 5-6).

3. The officer entered through the front door. At that time, the premises appeared to be open and operating. When the officer entered the premises, there was a male bartender and a female employee counting money. There were also two female patrons in the bar and they were talking. When the officers walked in, the front doors were unlocked (N.T. 6-7).

4. The officers walked up to the bar and sat at the center. The officer ordered two Miller Lite beers, one for himself and one for the officer who accompanied him. The Miller Lites were served in twelve ounce bottles from a bartender (N.T. 7).

5. At approximately 2:25 p.m., the officer ordered two more Miller Lite beers (N.T. 8).

CONCLUSIONS OF LAW:

All statutory prerequisites for notice to the Licensee were satisfied.

On September 9, 2010, Licensee, by its servants, agents or employes, sold, furnished and/or gave alcoholic beverages between 2:00 a.m. and 11:00 a.m., in violation of Sections 406(a)(2) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(2) and 4-493(16).

Glib2, Inc.  
t/a Novi  
Citation No. 10-2358

PRIOR RECORD:

Licensee has been licensed since September 16, 2008, and has a record of prior violations as follows:

Citation No. 10-1937. \$100.00 fine.

1. Issued worthless checks in payment for purchases of malt or brewed beverages.  
April 6, 2010.

DISCUSSION:

The officers were told to leave at 2:40 a.m. and they paid for the alcoholic beverages at that time. In that this is a restaurant license, the Licensee is require to cease service of alcoholic beverages on or before 2:00 a.m. Under the circumstances, a 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 \$1,000.00 or more than \$5,000.00, or both, for violations of the type found in this case.

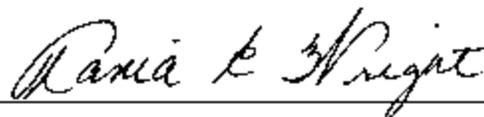
Accordingly, we issue the following

ORDER:

THEREFORE, it is hereby Ordered that Licensee, Glib2, Inc., t/a Novi, License Number R-AP-SS-15495, pay a fine of One Thousand Two Hundred Fifty Dollars (\$1,250.00) 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.

**Jurisdiction of this matter is retained.**

Dated this 12<sup>TH</sup> day of September, 2011.



Tania E. Wright, J.

Glib2, Inc.  
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**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.

**If you wish to appeal the decision of 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.**

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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, along with any required documentation, to:

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

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