

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-2644
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-420449
v.	:	
	:	LID - 55581
CADEN INC T/A CADENS IRISH PUB	:	
6053-55 CASTOR AVE	:	
PHILADELPHIA PA 19149-3208	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-4865	:	

JUDGE SHENKLE  
BLCE COUNSEL: Erik S. Shmukler, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on December 21, 2010. The citation alleges that Licensee violated §493(12) of the Liquor Code, 47 P.S. §4-493(12), on October 25 and 30, 2010, by failing to keep on the licensed premises and/or provide an authorized employee of the Enforcement Bureau access to, or the opportunity to copy, complete and truthful records covering the operation its licensed business.

At the hearing scheduled for April 27, 2011, 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 September 15 through November 1, 2010, and sent it written notice of the results on November 24, 2010 (N.T. 9, Exhibit B-1).
2. This citation was mailed to Licensee on December 21, 2010 (N.T. 9-10, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on March 11, 2011.
4. A liquor enforcement officer inspected the licensed premises on October 25, 2010, and found no violations, except that most of the receipts for purchases of alcoholic beverages which were produced were beyond two years old, and within a two-year period only one purchase of alcohol could be verified with a receipt (N.T. 5-6).

5. The officer tried twice more to obtain Licensee's business records, but was never successful in doing so. On the last occasion he arrived at the premises on November 1, 2010, pursuant to appointment, but found the premises closed. This license had expired on October 31, 2010 (N.T. 7-9).

Caden, Inc., t/a Cadens Irish Pub  
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CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since January 31, 2006, and has had prior violations as follows:

Citation No. 06-1832. \$1,500.00 fine, 1 day suspension with conditions.

1. Sales to a minor. June 28, 2006.
2. Not a *bona fide* restaurant (insufficient food). June 28, 2006.

Citation No. 07-2472. \$600.00 fine and verification. Suspended 1 day for late payment.

1. Operated without a valid health permit. August 30 and September 6, 2007.
2. Failed to keep records on the licensed premises. August 30 and September 6, 2007.

Citation No. 09-2448. \$1,400.00 fine. License revoked for nonpayment.

1. Minor frequenting. August 14 and 15, 2009.
2. Gambling (cards). August 15, 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.

This license was revoked as of February 28, 2011. No appeal from that order was taken.

ORDER

THEREFORE, it is hereby ORDERED that the Restaurant Liquor License of Licensee, Caden, Inc., t/a Cadens Irish Pub, License No. R-AP-4865, is hereby REVOKED.

Dated this 20<sup>TH</sup> day of JUNE, 2011.



David L. Shenle, J.

**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.**

**WHETHER OR NOT RECONSIDERATION HAS BEEN REQUESTED, AGGRIEVED PERSONS MAY APPEAL TO THE PLCB, NORTHWEST OFFICE BUILDING, HARRISBURG, PA 17124 WITHIN 30 DAYS AFTER THE MAILING DATE OF THIS ORDER.**

**THE PLCB CHIEF COUNSEL'S TELEPHONE NUMBER IS 717-783-9454.**