

Mailing Date: DEC 09 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0211C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-419826
v.	:	
	:	LID - 24584
NORTHERN VENTURES, INC.	:	
T/A HERNDON HOUSE RESTAURANT	:	
& BAR	:	
MAIN & FERRY STS.	:	
PO BOX 396	:	
HERNDON, PA 17830-0396	:	
	:	
NORTHUMBERLAND COUNTY	:	
LICENSE NO. R-AP-SS-20485	:	

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL PIETRZAK
LICENSEE: NO APPEARANCE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on February 10, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against NORTHERN VENTURES, INC., License Number R-AP-SS-20485 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on January 15, 2011, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one minor, nineteen years of age.

The investigation which gave rise to the citation began on September 24, 2010 and was completed on January 18, 2011; and notice of the violation was sent to Licensee by Certified Mail on January 27, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 13, 2011 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, Main & Ferry Sts., PO Box 396, Herndon, PA 17830-0396 by certified mail on August 26, 2011. The notice set forth the date and time of the hearing as October 13, 2011 at 11:30 am, and the place of hearing as PA Department of Agriculture, 2130 County Farms Road, Montoursville, PA 17754-9685.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. Underage Buyer #497 (hereinafter minor), was born on December 31, 1991, and on January 15, 2011 he was 19 years old (N.T. 18-19).
2. On January 15, 2011, as part of an Age Compliance Check, the minor entered the licensed premises through the side door and sat at the bar (N.T. 19).
3. When the bartender approached him, the minor asked for a Miller Lite draft beer. The minor was asked for his identification and he gave her his true and valid Pennsylvania Driver's license (N.T. 19-20 and Exhibit C-7).
4. The bartender looked at his license and asked him again what he wanted. The minor again said Miller Lite draft (N.T. 20).
5. The bartender asked for \$2.75. The minor gave her \$10.00 and the bartender gave him \$7.25 with his license. She then served the minor the Miller Lite draft (N.T. 20).
6. The minor picked up the glass of beer, moved it closer to him and put it down. He then left the licensed premises (N.T. 20).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since September 28, 1989, and has had four prior violations:

Citation No. 90-0328. Fine \$150.00.

1. Advertised on the outside of the licensed premises the price at which alcoholic beverages would be sold.

Citation No. 92-0870. Fine \$300.00.

1. Failed to require patrons to vacate the premises not later than one-half hour after the required time.
2. Permitted patrons to possess and/or remove liquor or malt or brewed beverages after 2:30 am

Citation No. 95-0373. Fine \$1,000.00.

1. Sunday sales after 2:00 am

Citation No. 02-1662. Fine \$150.00.

1. Engaged in unlawful discrimination in that you provided alcoholic beverages to female patrons at a reduced price while charging full price to male patrons.

Citation No. 08-0185. Fine \$300.00.

1. Discounted the price of alcoholic beverages for a period or periods in excess of 2 hours in a business day. January 3, 2008.

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 \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

That Section further provides for mandatory compliance with Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management when, as in this matter, Licensee has been found to have violated Section 493(1) as a first offense as it relates to sales to minors or sales to a visibly intoxicated patron.

Under the circumstances of this case, the penalty imposed shall be a fine of \$1,250.00 and mandatory RAMP training.

ORDER

THEREFORE, it is hereby ordered that Licensee NORTHERN VENTURES, INC., pay a fine of \$1,250.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management in the following manner. Licensee is directed to initiate contact with The Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: www.lcb.state.pa.us; Email Address: LBEducation@state.pa.us) within 30 days of the mailing date of this Adjudication. Licensee must receive Certification within 90 days of the mailing date of this Adjudication. Licensee must remain in compliance for a period of one year from the date such Certification is issued.

Failure to comply with this Order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the liquor Code [47 P.S. §4-471(d)].

Jurisdiction is retained.

Dated this 30TH day of November, 2011.



Daniel T. Flaherty, Jr., J.

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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 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.

Detach here and submit stub with payment

The fine must be paid by Cashier's Check, Certified Check or Money Order. **Personal and business checks are not acceptable unless bank certified.** Make 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

Citation No. 11-0211C
Northern Ventures, Inc.