

Mailing Date: SEP 09 2011

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 11-0518  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-426263  
 :  
 v. :  
 : LID - 44979  
 :  
 DOC'S UNION PUB INC :  
 1843 S 2<sup>nd</sup> ST :  
 PHILADELPHIA PA 19148-1946 :  
 :  
 PHILADELPHIA COUNTY :  
 LICENSE NO. R-AP-SS-EHF-8197 :

JUDGE SHENKLE  
BLCE COUNSEL: James E. Dailey, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on April 5, 2011. There are two counts in the citation.

The first count alleges that Licensee violated §471(d) of the Liquor Code, 47 P.S. §4-471(d), during the period of January 26 through March 4, 2011, by failing to comply with an order regarding Citation No. 10-0735 which mandated responsible alcohol management training.

The second count alleges that Licensee violated §493(12) of the Liquor Code, 47 P.S. §4-493(12), by failing to maintain complete and truthful records covering the operation of the licensed business for a period of two years immediately preceding February 24, 2011.

At the hearing scheduled for Tuesday, July 19, 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 February 9 through March 4, 2011, and sent it written notice of the results on March 11, 2011 (N.T. 10-12, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on April 5, 2011 (N.T. 11-13, Ex. B-2).

3. A Notice of Hearing was mailed to Licensee on June 2, 2011.
4. A liquor enforcement officer inspected the licensed premises on February 23, 2011, and found it open, with a bartender on duty. The officer asked for evidence that Licensee had obtained R.A.M.P. – certification, as required by Judge Wright's adjudication of Citation No. 10-0735, which was mailed on October 27, 2010. The employee was unable to comply (N.T. 5-7).
5. The officer asked the employee for Licensee's records of coil cleaning and for beer and liquor invoices for the previous two years. The employee was unable to comply (N.T. 5-7).
6. The officer returned the following day. Coil cleaning records were provided, but there was no proof of R.A.M.P. – certification, and the business records were for calendar years 2008 and 2009, whereas the officer needed to see records from 2010 and 2011 (N.T. 8-9).
7. Board records show that Licensee has still not obtained certification at this writing.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since December 23, 1999, and has had eight prior violations:

Citation No. 01-1545. \$400.00 fine.

1. Operated without a health permit. April 28, 2001.

Citation No. 03-0871. \$1,000.00 fine.

1. Sales to minors. February 8 and March 29, 2003.
2. Minors frequenting. February 8 and March 29, 2003.

Citation No. 06-2848C. \$1,500.00 fine.

1. Sales to a minor. September 21, 2006.

Citation No. 07-0778C. \$2,000.00 fine, mandatory R.A.M.P. – certification, 1 day suspension.

1. Sales to minors. November 17 and December 21, 2006.
2. Minors frequenting. November 17 and December 21, 2006.

Citation No. 09-2929. 3 days suspension.

1. Sales on Sunday between 2:00 a.m. and 11:00 a.m. November 29, 2009.
2. Failed to require patrons to vacate the premises by the required time. November 29, 2009.
3. Permitted patrons to possess alcoholic beverages after 2:30 a.m. November 29, 2009.

Citation No. 10-0735. \$250.00 fine, 4 days suspension, verification of compliance, and R.A.M.P. – certification mandated. License suspended an additional day for late payment.

1. Operated without a health permit. January 15, 22 and February 27, 2010.
2. Sales to a minor. January 22, 2010.
3. Minors frequenting. January 22, 2010.

Citation No. 10-2571C. \$3,000.00 fine and 5 days suspension. License suspended an additional day for late payment.

1. Sales to a minor. October 28, 2010.

Citation No. 11-0071. \$2,000.00 fine and 5 days suspension. License suspended an additional day for late payment.

1. Sales when license suspended. December 13 and 15, 2010.
2. Failed to post notice of suspension. December 13, 14, 15 and 16, 2010.
3. Loudspeakers could be heard outside. December 15, 2010.

#### 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. Penalties are assessed as follows:

- Count No. 1 – Suspension of license for one day; R.A.M.P. – certification mandated.  
Count No. 2 – A fine of \$200.00.

#### ORDER

THEREFORE, it is hereby ORDERED that Licensee, Doc's Union Pub, Inc., License No. R-AP-SS-EHF-8197, 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.

IT IS FURTHER ORDERED that the Restaurant Liquor License of Licensee, Doc's Union Pub, Inc., License No. R-AP-SS-EHF-8197, shall be suspended indefinitely, for at least one (1) day BEGINNING at 7:00 a.m. on Monday, January 9, 2012, and CONTINUING THEREAFTER UNTIL FURTHER ORDER, which will not be entered until proof of R.A.M.P. – certification has been submitted to this Office.

Licensee is directed on Monday, January 9, 2012, at 7:00 a.m. to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised if replacement placards are needed for any reason they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the premises for compliance with this order.

**LICENSEE MAY NOT RESUME OPERATIONS AFTER THE SUSPENSION COMMENCES UNTIL FURTHER ORDER.**

Dated this 1<sup>ST</sup> day of September, 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.**

**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.**

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