

Mailing Date: NOV 04 2011

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

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 11-0562
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-426611
 :
 v. :
 : LID - 61485
 :
 CHAMPA VENTURES LLC :
T/A NORTH PENN BEVERAGE CO :
2241 W CLEARFIELD ST :
2244 W LIPPINCOTT ST :
PHILADELPHIA PA 19132-1444 :
 :
 :
 PHILADELPHIA COUNTY :
LICENSE NO. D-SS-2625 :

JUDGE SHENKLE
BLCE COUNSEL: Erik S. Shmukler, Esq.
LICENSEE COUNSEL: Paul S. Peters, III, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on April 12, 2011. The citation alleges that Licensee violated §§492(3) and 493(16) of the Liquor Code, 47 P.S. §§4-492(3) and 4-493(16), on March 9, 2011, by selling alcoholic beverages after its Distributor License expired on October 31, 2010, and had not been renewed and/or validated.

At the hearing scheduled for September 22, 2011, Plymouth Meeting, Pennsylvania, there was no appearance by for the Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period February 15 through March 9, 2011, and sent it written notice of the results on March 22, 2011 (N.T. 8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on April 12, 2011 (N.T. 8, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee's counsel on August 8, 2011.
4. On March 9, 2011, a liquor enforcement officer purchased beer in the licensed premises. He then identified himself to the owner and asked to see a liquor license. The owner showed the officer the license on the wall, which had expired. He had no other evidence of authority to sell alcoholic beverages (N.T.5-7).

5. This license expired on October 31, 2010, and Licensee did not have authority to sell alcoholic beverages on March 9, 2011 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 27, 2009, 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 \$1,000.00 to \$5,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Champa Ventures, LLC, t/a North Penn Beverage Co., License No. D-SS-2625, shall pay a fine of one thousand dollars (\$1,000.00) 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 19TH day of OCTOBER, 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

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