



permitted patrons to possess and/or remove alcoholic beverages from that part of the premises habitually used for the service of alcoholic beverages after 2:30 a.m., on December 19, 2010.

The second count charges Licensee with a violation of Section 471 of the Liquor Code [47 P.S. §4-471] and Section 5514 of the Crimes Code [18 Pa. C.S. §5514]. The charge is that Licensee, by your servants, agents, or employees, possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on your licensed premises, on January 25, 2011.

I presided at an evidentiary hearing on October 5, 2011 at the Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. The Bureau began its investigation on December 19, 2010 and completed it on February 24, 2011. (N.T. 10)

2. The Bureau sent a notice of the alleged violations to Licensee at the licensed premises by certified mail, return receipt requested on, March 23, 2011. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, C-2, N.T. 7)

Count No. 1

3. On December 19, 2010, a Bureau Enforcement Officer drove past the premises at about 2:40 a.m. The Officer observed vehicles in the parking lot and lights inside the premises. The Officer drove where he exited his vehicle. Through several large glass windows and blinds which were open, the Officer saw four people seated or standing around the bar. One was Licensee's Sole Corporate Officer Mr. Stone. There was also a bartender behind the bar who appeared to be cleaning up. Mr. Stone had a bottle of beer in his hand. Another individual did as well. (N.T. 10, 11)

4. The Officer gained entry to the premises at about 2:57 a.m. He discussed his observations with Mr. Stone. At approximately 3:07 a.m., the Officer observed an individual entering the bar area of the premises from the kitchen. He was holding a bottle of beer. (N.T. 12-14)

Count No. 2

5. On Tuesday, January 25, 2011, two Bureau Enforcement Officers entered the premises at 10:20 a.m. to conduct an administrative inspection at a time when the premises was open and in operation, selling alcoholic beverages. After identifying themselves, the Officers

inspected the premises, finding a football pool on the back bar. (Commonwealth Exhibit No. C-5, N.T. 19-35)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. Sustained as charged.

ADJUDICATION HISTORY:

Licensee has been licensed since August 12, 2004, and has the following Adjudication history:

Docket No. 04-2322. Fine \$1,250.00.  
Sales to a minor.  
October 20, 2004.

Docket No. 07-2194C. Fine \$1,500.00 and R.A.M.P. training mandated.  
Sales to a minor.  
July 26, 2007.

Docket No. 08-1266. Fine \$300.00.  
Failed to comply with the order of the Administrative Law Judge mandating R.A.M.P. training.  
February 6 through April 21, 2008.

Docket No. 09-1760. Fine \$100.00.  
Failed to post signage as required by the Clean Indoor Air Act.  
June 6, 2009.

PENALTY ASSESSMENT CRITERIA:

**Mandatory Requirement(s)**

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 \$50.00 or more than \$1,000.00, or both for the violations found herein.

**Discretionary Component(s)**

I impose:

Count No. 1 - \$250.00 fine.

Count No. 2 - \$100.00 fine.

ORDER:

**Imposition of Fine**

Licensee must pay the \$350.00 fine within 20 days of the mailing date of this Order. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 14<sup>TH</sup> day of February, 2012.



Felix Thau, A.L.J.

bc

**General Information**

This Adjudication is a legal document. It affects your rights, privileges, and obligations. The information which follows is a general guide. Therefore, you may want to consult with an attorney.

### Applying for Reconsideration

If you want the Administrative Law Judge to reconsider this Adjudication, you must submit a written application and a nonrefundable \$25.00 filing fee. Both must be received by the Office of Administrative Law Judge, (PLCB - Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661) within fifteen days of this Adjudication's mailing date. Your application must describe the reasons for reconsideration. The full requirements for reconsideration can be found in Title 1 Pa. Code §35.241.

### Appeal Rights

If you wish to appeal this Adjudication, you must file an appeal within thirty days of the mailing date of this Adjudication by contacting the Office of Chief Counsel of the Pennsylvania Liquor Control Board (717-783-9454). For further information, visit [www.lcb.state.pa.us](http://www.lcb.state.pa.us). The full requirements for an appeal can be found in 47 P.S. §4-471.

### 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