

Mailing Date: OCT 21 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0707C
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-428356
v.	:	
	:	LID - 63906
ROUTE 11 VENTURES, LP	:	
T/A AROOGA'S GRILLE HOUSE &	:	
SPORTS BAR	:	
4713 CARLISLE PK, STE. F	:	
MECHANICSBURG, PA 17050-7714	:	
	:	
CUMBERLAND COUNTY	:	
LICENSE NO. R-AP-SS-18829	:	

**BEFORE JUDGE THAU**  
**BUREAU COUNSEL PIETRZAK**  
**LICENSEE: STEVE C. NICHOLAS, ESQUIRE**

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on April 21, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against ROUTE 11 VENTURES, LP, License Number R-AP-SS-18829 (Licensee).

The citation charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that on March 24, 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.

An evidentiary hearing was conducted on September 7, 2011 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on March 24, 2011 and completed it on March 28, 2011.
2. The Bureau sent a notice of alleged violation to Licensee at the licensed premises by certified mail, return receipt requested on April 13, 2011. The notice alleged violations as charged in the citation. The Bureau complied with all the technical requirements of the Age Compliance Program. (Commonwealth Exhibit No. C-1, N.T. 9).
3. Pursuant to the Bureau's Age Compliance Program, on March 24, 2011, a nineteen year old ordered a bottle of beer. The bartender questioned the nineteen year old as to age. She displayed her true and valid Pennsylvania junior driver's license. She was nevertheless allowed to consummate the purchase. (N.T. 6-8)

CONCLUSIONS OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since August 30, 2010, 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 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.

I impose a \$1,250.00 fine and mandatory RAMP training.

ORDER

THEREFORE, it is hereby ordered that Licensee Route 11 Ventures, LP, T/A Arooga's Grille House & Sports Bar, 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](http://www.lcb.state.pa.us); Email Address: [LBEducation@state.pa.us](mailto: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 7<sup>TH</sup> day of October, 2011.



Felix Thau, A.L.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**

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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.** 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

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Route 11 Ventures, LP