

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. 11-0903
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-426509
 :
 v. :
 : LID - 55615
 :
7915 ENTERPRISES INC :
7915 BUSTLETON AVE :
PHILADELPHIA PA 19152-3302 :
 :
PHILADELPHIA COUNTY :
LICENSE NO. R-AP-SS-OPS-5300 :

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE COUNSEL: Stephen R. Murphy, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on May 24, 2011. There are two counts in the citation.

The first count alleges that Licensee violated §471 of the Liquor Code, 47 P.S. §4-471, and §10-602(3)(a.1)(iv) of the Clean Indoor Air Worker Protection Law, on April 14, 2011, by permitting smoking in a public place where smoking is prohibited.

The second count alleges that Licensee violated §471 of the Liquor Code, 47 P.S. §4-471, and §10-602(5)(a.1) of the Clean Indoor Air Worker Protection Law, on April 14, 2011, by failing to post signage as required.

Licensee has executed a Statement of Waiver, Admission and Authorization in which it admits to the violations charged in the citation and that the Bureau complied with the applicable investigatory and notice requirements of the Liquor Code, authorizes the administrative law judge to enter an adjudication without a hearing based on a summary of facts and prior citation history, and waives the right to appeal this adjudication.

FINDINGS OF FACT:

On April 14, 2011, a liquor enforcement officer visited the licensed premises and saw a patron smoking a cigarette, using an ashtray on the bar in front of him, within ten feet of the bartender. There were no "No Smoking" signs posted. Licensee was not exempt from the Clean Indoor Air Worker Protection Law on this date.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 1, 2005, and has had one prior violation:

Citation No. 09-0571. \$200.00 fine.

1. Loudspeakers could be heard outside. November 13, 2008 and February 15, 2009.

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. The two counts are merged for penalty purposes.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, 7915 Enterprises, Inc., License No. R-AP-SS-OPS-5300, 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.

Dated this 18TH 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.

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