

Mailing Date: NOV 03 2011

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 11-0986  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-430509  
 :  
 v. :  
 : LID - 46991  
 :  
HECKER'S DELI INC :  
2620-22 E VENANGO ST :  
PHILADELPHIA PA 19134-5527 :  
 :  
 :  
PHILADELPHIA COUNTY :  
LICENSE NO. E-SS-OPS-3002 :

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 June 7, 2011. The citation alleges that Licensee violated §437 of the Liquor Code, 47 P.S. §4-437, and §5.41 of the Liquor Control Board Regulations, 40 Pa. Code §5.41, on May 9, 2011, by operating the licensed premises without a valid health permit or license, which expired on April 30, 2011.

At the hearing scheduled for September 20, 2011, 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 May 9 through May 11, 2011, and sent it written notice of the results on May 23, 2011 (N.T. 7-8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on June 7, 2011 (N.T. 7-8, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on August 4, 2011.
4. On May 9, 2011, a liquor enforcement officer visited the licensed premises at 3:50 p.m. He saw that the health permit on display had expired on April 30, 2011. Before the officer left the premises a man came in and purchased a six-pack of beer (N.T. 4-6).
5. Licensee did not have a valid health permit on May 9, 2011, but renewed it the next day (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since June 20, 2001, 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 \$50.00 to \$1,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Hecker's Deli, Inc., License No. E-SS-OPS-3002, 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 14<sup>TH</sup> 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

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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