

Mailing Date: MAY 11 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-1872
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-436299
v.	:	
	:	LID - 64569
BART SPRINGER	:	
T/A ALBRIGHT MANSION REST.	:	
66 BROADWAY	:	
JIM THORPE, PA 18229-2029	:	
	:	
	:	
CARBON COUNTY	:	
LICENSE NO. R-AP-SS-4386	:	

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL STRONG
LICENSEE: BART SPRINGER, PRO SE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on November 9, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against BART SPRINGER, License Number R-AP-SS-4386 (hereinafter "Licensee").

The citation charges Licensee with violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)] in that on September 6, 2011, Licensee, by his servants, agents or employes, sold alcoholic beverages after his Restaurant Liquor license expired on August 31, 2011, and had not been renewed and/or validated.

The investigation which gave rise to the citation began on September 6, 2011 and was completed on September 29, 2011; and notice of the violation was sent to Licensee by Certified Mail on October 11, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on February 15, 2012 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. Licensee's restaurant liquor license expired on August 31, 2011, and, as of September 6, 2011, Licensee did not have the authority to dispense alcoholic beverages (N.T. Exhibit C-3).

2. On September 6, 2011, an officer of the Bureau entered the licensed premises at 1:20 p.m. He entered the first serving area where he saw people dining. He proceeded to a small bar where he took a seat. He was approached by a female serving person. He ordered a Carlsberg bottled beer (N.T. 9).

3. The beer was served to the officer, and he placed a \$5.00 bill on the bar. The officer drank a portion of the beer (N.T. 10-11).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since March 3, 2011, and has had no prior violations. Licensee is, therefore, entitled to be treated as a first time offender.

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.

Under the circumstances of this case, the penalty imposed shall be a one day suspension.

ORDER

IT IS HEREBY ORDERED that the restaurant liquor license (including all permits and Licensee Discount Card) of BART SPRINGER, License No. R-AP-SS-4386 be suspended for a period of one day **BEGINNING** at 7:00 a.m. on Wednesday, July 25, 2012 and **ENDING** at 7:00 a.m. on Thursday, July 26, 2012.

Licensee is directed on July 25, 2012 at 7:00 a.m. to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised if replacement placards are needed for any reason they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the aforementioned licensed premises for compliance with this Order.

Licensee is authorized on July 26, 2012 at 7:00 a.m. to remove the placard of suspension and return his license to its original wall location.

Jurisdiction is retained.

Dated this 8TH day of May, 2012.

A handwritten signature in black ink, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

Daniel T. Flaherty, Jr., 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.