

Mailing Date: AUG 14 2012

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 12-0075X
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-440042
v.	:	
	:	
THE VAULT NIGHTCLUB, LLC	:	PLCB LID No.: 59707
T/A THE COLLOSSEUM NIGHTCLUB	:	
AND LOUNGE	:	
120 ADAMS AVE.	:	PLCB License No.: R-AP-SS-11102
SCRANTON, PA 18503	:	

ADJUDICATION

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Ex Parte

BACKGROUND:

This proceeding arises out of a citation, containing one count, that was issued on January 25, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against The Vault Nightclub, LLC (Licensee).

The citation charges Licensee with a violation of Section 493(26) of the Liquor Code [47 P.S. §4-493(26)]. The charge is that Licensee, by your servants, agents, or employees, issued checks or drafts in payment for purchases of malt or brewed beverages, when you had insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks, dated October 31, 2011.

I presided at an evidentiary hearing on June 28, 2012 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

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

FINDINGS OF FACT:

1. The Office of Administrative Law Judge sent a notice of hearing on May 1, 2012, by certified mail, return receipt requested. The notice was received and signed for the following day.
2. The Bureau began its investigation on December 9, 2011 and completed it on December 20, 2011. (N.T. 6)
3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on December 27, 2011. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 5)
4. On the date charged, Licensee issued a check to purchase beer from an importing distributor. The check was returned due to insufficient funds. (Commonwealth Exhibit No. C-3-4)

CONCLUSIONS OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since March 10, 2008, and has the following Adjudication history:

In Re Citation No.: 08-2567. Fine \$1,250.00.
Sales after your license expired and had not been renewed and/or validated on October 2, 2008.

In Re Citation No.: 09-0377. Fine \$250.00.

Sold and/or served unlimited or indefinite amount of alcoholic beverages on December 31, 2008.

In Re Citation No.: 09-1569X. Fine \$150.00.

Issued worthless checks in payment for malt or brewed beverages on May 1, 2009.

In Re Citation No.: 09-2015X. Fine \$200.00.

Issued worthless checks in payment for malt or brewed beverages on June 12, 2009.

In Re Citation No.: 10-0122X. Fine \$250.00.

Issued worthless checks in payment for malt or brewed beverages on December 11, 2009.

In Re Citation No.: 10-1458. Fine \$3,300.00 and RAMP training mandated.

1. Sales to a visibly intoxicated person on March 27, 2010.
2. Sold and/or served unlimited or indefinite amount of alcoholic beverages on May 22, 2010.
3. Sales between 2:00 a.m. and 7:00 a.m. on June 4, 2010.
4. Failed to require patrons to vacate the premises not later than one-half hour after the required time on June 4, 2010.
5. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m. on June 4, 2010.
6. Sales to a minor on January 14, 2010.

In Re Citation No.: 11-1485. Fine \$500.00.

1. Failed to comply with the Order of the Administrative Law Judge mandating RAMP training from May 18 through July 30, 2011.
2. Failed to maintain complete and truthful records covering the operation of the licensed business for a period of 2 years immediately preceding July 30, 2011.
3. Fortified, adulterated and/or contaminated liquor on July 30, 2011.

PENALTY ASSESSMENT CRITERIA:

Mandatory Requirement(s)

Liquor Code Section 471 [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 violation found herein.

Discretionary Component(s)

As this license has already been revoked, pursuant to Adjudication, docketed at 11-1485, I revoke the license.

ORDER:

In Re Citation No.: 12-0075X; Licensee, The Vault Nightclub, LLC;
PLCB LID No.: 59707; PLCB License No.: PLCB License No.: R-AP-SS-11102

Imposition of Revocation

I revoke the license and any permit or other authority issued by the Pennsylvania Liquor Control Board attendant to the license, effective with the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner.

Retaining Jurisdiction

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 9TH day of August, 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. The full requirements for an appeal can be found in 47 P.S. §4-471.