

Mailing Date: SEP 27 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 12-0194
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-441172
	:	
HALFTIME-GOODTIME INC.	:	
120 W. DIAMOND ST.	:	PLCB LID - 36592
PHILADELPHIA PA 19122-1721	:	
	:	
	:	PLCB License No. R-AP-SS-2060
	:	
PHILADELPHIA COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ERIK S. SHMUKLER, ESQ.

FOR THE LICENSEE:

EX PARTE

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on February 14, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Halftime-Goodtime, Inc., License Number R-AP-SS-2060 (hereinafter "Licensee").

An Administrative hearing was held on Thursday, July 12, 2012, pursuant to requisite and appropriate hearing notice. Despite notice of the hearing having been sent to the Licensee, the Licensee failed to appear. Therefore, the hearing proceeded *ex parte*.

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 January 17, 2012, Licensee, by its servants, agents or employes, sold alcoholic beverages after the Restaurant Liquor License expired on October 31, 2011 and had not been renewed and/or validated.

FINDINGS OF FACT:

1. The Bureau of Enforcement conducted an investigation of the licensed premises which began on January 4, 2012 and ended on January 17, 2012. A notice of violation letter dated January 27, 2012 was sent to the licensed premises by certified mail, return receipt requested. The mailing was returned unclaimed. A citation dated February 14, 2012 was sent to the licensed premises by certified mail, return receipt requested. That certified mailing was returned unclaimed. Subsequently, the mailing was resent by certified mail on March 15, 2012 to William Gonzalez at 2038 Amber Street, Philadelphia, PA 19125. That mailing was signed as received on March 20, 2012. The Office of Administrative Law Judge sent a citation hearing notice to the licensed premises on May 17, 2012 by certified mail, return receipt requested, and by first class mail. That certified mailing was returned unclaimed (N.T. 8-11 and Exhibits B-1 and B-2).

2. On January 17, 2012, an officer from the Bureau of Enforcement visited the licensed premises, along with a second officer from the Bureau. The officer noted a Hispanic female bartender. There were no patrons on the premises. The officer arrived at approximately 12:15 p.m. The bartender did inform the officers that the premises was open. The officer requested a twelve ounce Coors Light beer. The bartender indicated that the cost was \$1.50. The bartender gave the beer to the officer to which he gave her a twenty dollar bill. She returned the change to him (N.T. 6-7).

3. At this time, the officer identified himself as being from the Bureau of Enforcement and advised the bartender that their liquor license had expired and had not been renewed. The bartender was identified as Sonia Raez. She tried to contact the owner of the premises by phone but was unable to reach him (N.T. 7).

4. The bartender indicated that she would be closing the premises (N.T. 7).

5. Certified records from the Pennsylvania Liquor Control Board indicate that the license expired on October 31, 2011. The Licensee did not possess a valid license nor did they have temporary authority to operate on January 17, 2012 (N.T. 11-12 and Exhibit B-3).

CONCLUSIONS OF LAW:

All statutory prerequisites for notice to the Licensee were satisfied.

On January 17, 2012, Licensee, by its servants, agents or employes, sold alcoholic beverages after the Restaurant Liquor License expired on October 31, 2011 and had not been renewed and/or validated, in 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).

PRIOR RECORD:

Licensee has been licensed since July 9, 1996, and has no record of prior violations.

DISCUSSION:

Licensee failed to timely renew the license and continued to operate after the license had expired. Under the circumstances, a monetary penalty shall be imposed. In that the Licensee has no prior record, the minimum monetary penalty of \$1,000.00 shall be imposed.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. Section 4-471, prescribes a penalty of suspension or revocation of license or imposition of 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.

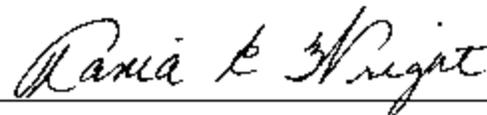
Accordingly, we issue the following

ORDER:

THEREFORE, it is hereby Ordered that Licensee, Halftime-Goodtime, Inc., License Number R-AP-SS-2060, pay a fine of One Thousand Dollars (\$1,000.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

Jurisdiction of this matter is retained.

Dated this 20TH day of September, 2012.



Tania E. Wright, J.

Halftime-Goodtime, Inc.
In Re: Citation No. 12-0194

NOTE: MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE 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 the Office of the Chief Counsel of the Pennsylvania Liquor Control Board at 717-783-9454.

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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, along with any required documentation, to:

PLCB - Office of Administrative Law Judge
Brandywine Plaza
2221 Paxton Church Road
Harrisburg, PA 17110-9661

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Halftime-Goodtime, Inc.