

Mailing Date: FEB 13 2013

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 12-0842
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-445628
	:	
WEBB BROTHERS INC.	:	
1527-29 CECIL B. MOORE AVE.	:	PLCB LID - 58111
PHILADELPHIA PA 19121-3425	:	
	:	
	:	PLCB License No. R-AP-SS-EHF-14256
PHILADELPHIA COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

**ANDREW R. BRITT, ESQ.**

FOR THE LICENSEE:

**EDWARD TARASKUS, ESQ.**

**BEFORE: JUDGE WRIGHT**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on June 5, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Webb Brothers, Inc., License Number R-A P-SS-EHF-14256 (hereinafter "Licensee").

An Administrative hearing was held on Tuesday, January 15, 2013, pursuant to requisite and appropriate hearing notice. The parties stipulated to the service and receipt of the notice letter and the citation, and to a summary of the facts.

The citation contains two counts.

The first count charges Licensee with violation of Section 493(1) of the Liquor Code, 47 P.S. §4-493(1), in that on April 18, 2012, and divers other occasions in the past year, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to two (2) minors, nineteen (19) years of age.

The second count charges Licensee with violation of Section 493(14) of the Liquor Code, 47 P.S. §4-493(14), in that on April 18, 2012, and divers other occasions in the past year, Licensee, by its servants, agents or employes, permitted two (2) minors, nineteen (19) years of age, to frequent the licensed premises.

#### COUNT NOS. 1 AND 2

#### FINDINGS OF FACT:

1. On Wednesday, April 18, 2012 at approximately 11:15 p.m., an officer from the Bureau of Enforcement, assisted by three other officers, arrived in the vicinity of the licensed premises. The officer was greeted by two security guards. One guard requested identification and the other guard performed a "pat down" search. After clearing through security, the officer entered the premises. Inside, he observed one female bartender and one male bartender rendering service of alcoholic beverages to approximately 100 patrons. The officer observed a youthful appearing female patron consuming a draft beer at a table with multiple other alcoholic beverages on it (Exhibit B-3).

2. At 11:55 p.m., a detail of Enforcement officers entered the licensed premises to conduct an open inspection for minors. As a result of this inspection, two female patrons were determined to be minors under the age of twenty-one. Both minors were issued citations for violation of PCC 6308(A), underage drinking, and PCC 6310.3, possession of false identification, and patron questionnaires were completed. The officer departed the premises at 12:35 a.m., now Thursday, April 19, 2012 (Exhibit B-3).

3. On May 14, 2012, the officer sent, or caused to be sent, a notice of violation letter, under the signature of Sergeant William N. LaTorre, District Office Commander, to the Licensee (Exhibit B-3).

4. A female minor, born July 27, 1992, stated that on April 18, 2012, she was not yet twenty-one years of age. During the evening hours of that date, she was served and consumed alcoholic beverages inside the licensed premises. She ordered and was served two or three Yuengling draft beers for \$1.00 each by the female bartender and male bartender. When her age was questioned by the doorman upon entering, she presented a fictitious California driver's license. The minor was not required to sign a declaration of age card acknowledging her age to be twenty-one. She was not accompanied by a parent or legal guardian. The minor stated that she has been served alcoholic beverages on approximately twelve unknown dates within the past year. She has been inside the premises on two other occasions where she did not consume alcohol (Exhibit B-3).

5. A female minor, born April 7, 1993, stated that on April 18, 2012, she was not yet twenty-one years of age. During the evening hours of that date, she was served and consumed alcoholic beverages inside the licensed premises. She was served one draft beer which was ordered and paid for by her friend. When her age was questioned by the doorman upon entering, the minor presented a fictitious North Carolina identification card. She was not required to sign a declaration of age card acknowledging her age to be twenty-one. The minor was not accompanied by a parent or legal guardian (Exhibit B-3).

CONCLUSIONS OF LAW:

Count No. 1 - On April 18, 2012, and divers other occasions in the past year, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to two (2) minors, nineteen (19) years of age, in violation of Section 493(1) of the Liquor Code, 47 P.S. §4-493(1).

Count No. 2 - On April 18, 2012, and divers other occasions in the past year, Licensee, by its servants, agents or employes, permitted two (2) minors, nineteen (19) years of age, to frequent the licensed premises, in violation of Section 493(14) of the Liquor Code, 47 P.S. §4-493(14).

PRIOR RECORD:

Licensee has been licensed since April 7, 2008, and has a record of prior violations as follows:

In Re:

Citation No. 09-1718. \$200.00 fine.

1. Used loudspeakers or devices whereby the sound of music could be heard outside.  
May 30 and 31, 2009.

Citation No. 10-2428C. \$500.00 fine.

1. Sales to a minor.  
October 8, 2010.

Webb Brothers, Inc.  
In Re: Citation No. 12-0842

DISCUSSION:

Licensee was R.A.M.P. certified on June 25, 2010, so was seemingly R.A.M.P. certified at the time of this offense, but sold to minors on October 8, 2010. Licensee was again R.A.M.P. certified on September 19, 2012, after the date of this violation. In addition to a monetary penalty, Licensee must remain R.A.M.P. compliant for a period of at least one year.

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.

Therefore, penalties shall be assessed as follows:

Count No. 1 - \$1,250.00.  
Count No. 2 - \$1,000.00.

Accordingly, we issue the following

ORDER:

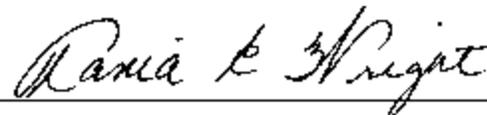
THEREFORE, it is hereby Ordered that Licensee, Webb Brothers, Inc., License Number R-AP-SS-EHF-14256, pay a fine of Two Thousand Two Hundred Fifty Dollars (\$2,250.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

IT IS FURTHER ORDERED that Licensee shall remain in compliance with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management for a period of one year from the mailing date of this Order.

Failure to comply with this Order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the Liquor Code, 47 P.S. Section 4-471(d).

**Jurisdiction of this matter is retained.**

Dated this 11<sup>TH</sup> day of February, 2013.



Tania E. Wright, J.

Webb Brothers, Inc.  
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**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 on 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

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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, 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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