

Mailing Date: JUL 25 2013

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 12-0936
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-444978
	:	
STAR SOCIAL CLUB	:	
212 E. MARKET ST.	:	PLCB LID - 642
WEST CHESTER PA 19380-6702	:	
	:	
CHESTER COUNTY	:	PLCB License No. C-601

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ANDREW R. BRITT, ESQ.

FOR THE LICENSEE:

ALBERT P. MASSEY, JR., ESQ.

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on June 19, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Star Social Club, License Number C-601 (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.

The citation charges Licensee with violation of Section 406(a)(1) of the Liquor Code, 47 P.S. §406(a)(1), in that on April 22, 2012, Licensee, by its servants, agents or employes, sold alcoholic beverages to nonmembers.

FINDINGS OF FACT:

1. An officer from the Bureau of Enforcement conducted an investigation of the licensed premises making a visit to the premises on April 22, 2012 at 1:30 a.m. When the officer approached the premises through the front door, there was a door person sitting at the table who directed him to pay a five dollar cover charge. He handed the door person a ten dollar bill for which he gave him change and put the money in a tax box. At no time was the officer questioned about membership (N.T. 6-8).

2. The officer proceeded to a foyer area through a set of doors and entered the main bar. The officer observed approximately eighty patrons and three bartenders rendering service to them (N.T. 8).

3. When the officer approached the bar, he ordered a Coors Lite beer for which he paid three dollars. The money was rung up in the cash register. At no time did the bartender ask him about membership (N.T. 8).

4. The officer subsequently ordered another Coors Lite beer from a bartender which he paid three dollars. The bartender rang the money up in the cash register and returned his change. At no time did she ask him about whether he was a member of the club or ask for a membership card (N.T. 9-10).

5. The officer exited the premises at approximately 2:30 a.m. during the early morning hours of April 22, 2012. The officer indicated that he went to the area of the licensed premises twice, but only actually entered the premises on April 22, 2012 (N.T. 13).

6. The officer returned to the premises because the initial complaint was for minors as well as for serving nonmembers. He observed the premises to see if any of the people entering appeared to be youthful, meaning under the age of twenty-one (N.T. 14).

7. The officer made a third visit to the premises in conjunction with his current employment, but not as a Bureau officer (N.T. 16-17).

8. William Washington is the vice president of Star Social Club, who has administrative responsibilities for the operation of the club. He indicates that the bartenders who were working on April 22, 2012 are no longer employed by Star Social Club (N.T. 19).

9. Mr. Washington further indicated that there is a new manager, and that they are currently in compliance with all requirements (N.T. 19-21).

CONCLUSIONS OF LAW:

On April 22, 2012, Licensee, by its servants, agents or employes, sold alcoholic beverages to nonmembers, in violation of Section 406(a)(1) of the Liquor Code, 47 P.S. §406(a)(1).

PRIOR RECORD:

Licensee has been licensed since January 1, 1934, and since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, has a record of prior violations as follows:

In Re:

Citation No. 91-2014. \$350.00 fine.

1. Sales to nonmembers.

Citation No. 91-2892. \$350.00 fine and three days suspension.

1. Sales to nonmembers.

Citation No. 94-0819. \$500.00 fine and three days suspension.

1. Sales to nonmembers.

Citation No. 01-1271. \$150.00 fine.

1. Purchased malt or brewed beverages on credit.

Citation 09-0058. \$1,100.00 fine.

1. Sales to nonmembers.
July 17, 24, August 14 and September 11, 2008.
2. Aided, abetted or engaged in traffic in or sale of a controlled substance on the licensed premises.
(Dismissed by ALJ)
July 24, August 14 and September 11, 2008.
3. Possessed or operated gambling devices or permitted gambling on the licensed premises.
July 17, 24, August 14 and September 11, 2008.

Citation No. 10-0642. \$800.00 fine and five days suspension.

1. Sales to nonmembers.
January 21, 2010.
2. Improper admission of members.
January 29, 2010.
3. Used loudspeakers or devices whereby music could be heard outside.
February 28, 2010.

Citation No. 10-0791. \$200.00 fine and one day suspension.

1. Improper admission of members.
March 18, 2010.

Citation No. 11-0836. \$2,400.00 fine.

1. Sales to nonmembers.
August 1 and September 11, 2010.
2. Used loudspeakers or devices whereby the sound of music could be heard outside.
August 1, 2010
3. Noisy and/or disorderly operation
June 27, July 25, September 5 and October 5, 2010.

DISCUSSION:

On April 22, 2012, Licensee sold alcoholic beverages to a nonmember who was an undercover agent of the Bureau of Enforcement. The officer entered the premises in an undercover capacity after paying a cover charge. The officer ordered two drinks. The officer is not a member of the club and at no time was he questioned with regard to membership. Licensee has a substantial record of violations to include a nonmembers violation in 2009, multiple violations in 2010 and 2011. After repeated fines and penalties, the Licensee continues to be in violation. The Licensee stated that they have a new manager and that they are currently in compliance.

Under the circumstances, a \$1,000.00 penalty and a seven day suspension 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 \$50.00 or more than \$1,000.00, or both, for violations of the type found in this case.

Accordingly, we issue the following

Star Social Club
In Re: Citation No. 12-0936

ORDER:

THEREFORE, it is hereby Ordered that Licensee, Star Social Club, License Number C-601, 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.

IT IS FURTHER ORDERED that the Club Liquor License of Star Social Club, License Number C-601 (including all permits and Licensee Discount Card), be suspended for a period of seven (7) days **BEGINNING** at 7:00 a.m. on Monday, October 28, 2013 and **ENDING** at 7:00 a.m. on Monday, November 4, 2013.

Licensee is directed on Monday, October 28, 2013 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.

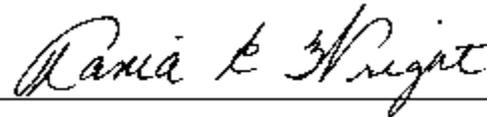
Licensee is advised if a replacement placard is needed for any reason they are available at all State Liquor Stores/Wine and Spirit Shoppes.

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

The Licensee is authorized on Monday, November 4, 2013 at 7:00 a.m. to remove the placard of suspension and return the license to its original wall location.

Jurisdiction of this matter is retained.

Dated this 22ND day of JULY, 2013.



Tania E. Wright, J.

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.

Star Social Club
In Re: Citation No. 12-0936

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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Star Social Club