

Mailing Date: DEC 21 2012

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

PENNSYLVANIA STATE	:	In re Citation No. 12-1009
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-447297
	:	
v.	:	PLCB LID No. 14730
	:	
CONTRERAS BAR, INC.	:	PLCB License No. R-SS-11087
2870 N. LAWRENCE ST.	:	
PHILADELPHIA, PA 19133-2727	:	

JUDGE SHENKLE
BLCE COUNSEL: Erik S. Shmukler, Esq.
LICENSEE COUNSEL: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 10, 2012. The citation alleges that Licensee violated §437 of the Liquor Code, 47 P.S. §4-437, and §5.41 of the Liquor Control Board Regulations, 40 Pa. Code §5.41, on May 30, 2012, by operating the premises without a valid health permit, which expired on April 30, 2012.

At the hearing scheduled for November 29, 2012, in Plymouth Meeting, Pennsylvania, there was no appearance by for the Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period May 30 through June 4, 2012, and sent it written notice of the results on June 19, 2012 (N.T. 8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 10, 2012 (N.T. 8, Exhibit B-2).
2. A Notice of Hearing was mailed to Licensee on October 16, 2012.
3. On May 30, 2012, a liquor enforcement officer entered the licensed premises and saw a bartender serving alcoholic beverages to eight patrons. The health permit on display had expired on April 30, 2012, and there was no valid permit in force on May 30, 2012 (N.T. 5-7, Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 7, 1972, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

In re Citation No. 91-0797. \$300.00 fine and verification of compliance.

1. Operated without a valid health permit.

In re Citation No. 92-1903. \$400.00 fine.

1. Not a *bona fide* restaurant (insufficient food and chairs at tables).
2. Gambling (machines).

In re Citation No. 99-1181. \$400.00 fine and verification of compliance. License suspended for late payment and noncompliance.

1. Failed to keep records on the licensed premises.
2. Not a *bona fide* restaurant (insufficient food and chairs at tables.)

In re Citation No. 00-1366. \$500.00 fine.

1. Not a *bona fide* restaurant (insufficient food).

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$50.00 to \$1,000.00 range, or both, for violations of this type.

This license is presently inactive, and one of the issues delaying the renewal is the absence of a current health permit. Therefore it is unnecessary to impose additional conditions in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Contreras Bar, Inc., License No. R-SS-11087, shall pay a fine of five hundred dollars (\$500.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

Dated this 19TH day of DECEMBER, 2012.



David L. Shenke, J.

jb

NOTICE: 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.

WHETHER OR NOT RECONSIDERATION HAS BEEN REQUESTED, AGGRIEVED PERSONS MAY APPEAL TO THE PLCB, NORTHWEST OFFICE BUILDING, HARRISBURG, PA 17124 WITHIN 30 DAYS AFTER THE MAILING DATE OF THIS ORDER.

THE PLCB CHIEF COUNSEL'S TELEPHONE NUMBER IS 717-783-9454.

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 to:

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