

Mailing Date: MAY 02 2013

[Appeal](#)

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

PENNSYLVANIA STATE POLICE	:	In Re Citation No. 12-1253
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident Nos.: W03-448528
v.	:	
	:	
JHC OF YORK, INC.	:	PLCB LID No. 53065
T/A JAMIE'S COURTSIDE	:	
18 S. BELMONT ST.	:	
YORK, PA 17403-1915	:	PLCB License No.: R-AP-SS-18786

**ADJUDICATION**

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: John H. Pietrzak, Esquire

LICENSEE: Harry E. Craley, Secretary, Treasurer, Stockholder, and Manager

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on August 23, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against JHC of York, Inc. (Licensee).

The citation charges Licensee with a violation of Section 404 of the Liquor Code [47 P.S. §4-404]. The charge is that Licensee, by your servants, agents, or employees, failed to adhere to the conditions of the agreement entered into with the Board placing additional restrictions upon the subject license, on July 1, 2012.

I presided at an evidentiary hearing on February 27, 2013 at the Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

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

**FINDINGS OF FACT:**

1. The Bureau began its investigation on July 1, 2012 and completed it on July 9, 2012. (N.T. 130)
2. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on August 8, 2012. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 126)
3. Licensee entered into a renewal Conditional Licensing Agreement (CLA) with the Pennsylvania Liquor Control Board (PLCB), effective May 6, 2011, for the two years renewal periods ending February 28, 2010 and February 29, 2012.<sup>1</sup> (N.T. 20, Commonwealth Exhibit No. C-3)
4. A Bureau Enforcement Officer entered the premises at 1:07 a.m. in an undercover capacity on July 1, 2012. There was no one at the door checking identification. The Officer purchased alcoholic beverages without question. (N.T. 130-132)

**CONCLUSIONS OF LAW:**

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. A renewal CLA cannot extend beyond the period for which it was issued.

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<sup>1</sup> Although Paragraph 2 of the CLA could have been drafted with more precision, I conclude that Paragraph manifests the parties' intention for the renewal CLA to apply to two successive renewal cycles.

**DISCUSSION:**

This Adjudication, and its companion involving the same Licensee, (In Re Citation No.: 12-1308), follow quickly on the heels of **BLCE v. Derry Street Pub, Inc.**, In Re Citation No.: 12-1348 (URL yet to be established). Just as in Derry Street Pub, Inc., the Bureau attempts to apply a renewal CLA to dates beyond the renewal period for which the CLA was issued. Accordingly, I dismiss the citation. Because of this disposition, I need not address Licensee's argument which sounds in the attributes of equitable estoppel.

**ORDER:**

In Re Citation No.: 12-1253; Licensee, JHC of York, Inc.; PLCB LID No.: 53065;  
PLCB License No.: R-AP-SS-18786

*Dismissal*

I dismiss the citation.

Dated this 25<sup>TH</sup> day of April, 2013.

A handwritten signature in cursive script that reads "Felix Thau". The signature is written in black ink and is positioned above a horizontal line.

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

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Liquor Control Board (717-783-9454). For further information, visit [www.lcb.state.pa.us](http://www.lcb.state.pa.us). The full requirements for an appeal can be found in 47 P.S. §4-471.