

Mailing Date: APR 26 2013

[Appeal](#)

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

PENNSYLVANIA STATE POLICE	:	In Re Citation No.: 12-1494
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-451056
v.	:	
	:	
LANSFORD AMVETS HOME ASSN., INC.	:	PLCB LID No.: 3763
201-203 W. RIDGE ST.	:	
LANSFORD, PA 18232-1113	:	
	:	PLCB License No.: CC-4855

ADJUDICATION

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Ex Parte

BACKGROUND:

This proceeding arises out of a citation, containing one count, that was issued on October 17, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Lansford Amvets Home Assn., Inc. (Licensee).

The citation charges Licensee with a 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)]. The charge is that Licensee, by

your servants, agents, or employees, sold alcoholic beverages after your catering club liquor license expired on August 31, 2012 and had not been renewed and/or validated, on September 5, 2012.

I presided at an evidentiary hearing on March 19, 2013 at 100 Lackawanna Ave., Scranton, Pennsylvania.

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

FINDINGS OF FACT:

1. The Office of Administrative Law Judge sent a notice of hearing to Licensee at the address of record on January 24, 2013, by certified mail, return receipt requested. The notice was received and signed for on January 26, 2013.

2. The Bureau began its investigation on September 5, 2012 and completed it on September 13, 2012. (N.T. 6)

3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on September 25, 2012. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)

4. On the date charged, Licensee was open, in operation, and selling alcoholic beverages after the license expired and had yet to be renewed. Licensee filed for renewal but never followed-up after the renewal documents were returned. (N.T. 5-13)

CONCLUSIONS OF LAW:

I sustain the violation as charged.

PRIOR RECORD:

Licensee has been licensed since April 28, 1948, and has had seven prior Adjudications since July 1, 1987, the date the Office of Administrative Law Judge was established.

In Re Citation No.: 90-2177. Fine \$1,400.00.

1. Sales to nonmembers without prior arrangement on August 8, 1990.
2. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries on the licensed premises (machine) on September 11 and 12, 1990.

In Re Citation No.: 93-1100. Fine \$200.00.

Sales to nonmembers without prior arrangement on April 30, 1993.

In Re Citation No.: 95-1087. 2 days suspension. Bureau's request for reconsideration vacated 2 days suspension and a \$250.00 fine was imposed.

Sales to nonmembers without prior arrangement on April 21, 1995.

In Re Citation No.: 00-0764. Fine \$650.00.

1. Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on the licensed premises (tickets and machines) on April 2, 2000.
2. Offered and/or gave alcoholic beverages as a prize on April 2, 2000.

In Re Citation No.: 03-1363. Fine \$400.00.

Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on the licensed premises (sports pools) on July 24, 2003.

In Re Citation No.: 06-1041. Fine \$800.00.

Possessed or operated gambling devices or permitted gambling on the licensed premises (machine) on March 23, 2006.

In Re Citation No.: 10-1682. Fine \$550.00.

Possessed or operated gambling devices or permitted gambling on the licensed premises (machines) on June 13, 2010.

PENALTY ASSESSMENT CRITERIA:

Mandatory Requirement(s)

Liquor Code Section 471 [47 P.S. §4-471] prescribes a penalty of license suspension, or revocation, or a fine of not less than \$1,000.00, or more than \$5,000.00, or both for the violation found herein.

Discretionary Component(s)

I adopt the Bureau's recommendation of a \$1,250.00 fine.

ORDER:

In Re Citation No.: 12-1494; Licensee, Lansford Amvets Home Assn., Inc.;
PLCB LID No.: 3763; PLCB License No.: CC-4855

Imposition of Fine

Licensee must pay a \$1,250.00 fine within twenty days of the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

Retaining Jurisdiction

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 22ND 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

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

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.** Make 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

Lansford Amvets Home Assn., Inc.
In Re Citation No.: 12-1494