

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

PENNSYLVANIA STATE	:	In re Citation No. 12-1558
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-447968
	:	
v.	:	PLCB LID No. 642
	:	
STAR SOCIAL CLUB	:	PLCB License No. C-601
212 E. MARKET ST.	:	
WEST CHESTER, PA 19380-6702	:	

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

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on October 31, 2012. There are three counts in the citation.

The first count alleges that Licensee violated §406(a)(1) of the Liquor Code, 47 P.S. §4406(a)(1), on September 8 and 15, 2012, by selling alcoholic beverages to nonmembers.

The second count alleges that Licensee violated §491(10) of the Liquor Code, 47 P.S. §4491(10), on September 8, 2012, by refilling liquor bottles.

The third count alleges that Licensee violated §102 of the Liquor Code, 47 P.S. §1-102, on September 8, 2012, by admitting members improperly.

At the hearing scheduled for July 16, 2013, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period June 18 through September 27, 2012, and sent it written notice of the results on October 15, 2013 (N.T.7, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on October 31, 2012 (N.T. 8, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on May 22, 2013.

4. On September 8, 2012, a liquor enforcement officer arrived at the licensed premises at 1:25 a.m. A man in the lobby asked the officer if he had a membership, and he said no. The man told him that it would be \$10 to enter without a membership. The officer paid \$10 to a woman, who wrote the name given on the officer's driver's license on a green card, which she signed and gave to the officer. After being patted down, the officer was allowed into the bar area. There were about fifty patrons, attended by two bartenders. The officer asked one of them for a beer, which was provided to him for a charge of \$4. The officer has never been a member of this club (N.T. 9-12).

5. While seated at the bar the officer saw an employee open a sealed 750 ml bottle of Ciroc brand vodka and pour some of its contents into an empty bottle of the same brand (N.T.13).

6. On September 15, 2012, the same officer arrived at the premises at 1:35 a.m. A man in the lobby asked if he had a membership, and the officer showed him the green card he had been given previously. The man said okay and charged the officer \$5 to enter. He purchased a bottle of beer, for which he paid \$4. He made the same purchase again at 2:15 a.m. (N.T. 14-16).

7. Apart from the transactions in the lobby of the licensed premises, no one in the premises questioned the officer's status as a member or his right to buy alcoholic beverages. At no time did the officer receive any communication from the club concerning his membership. The officer has never been a member of this club (N.T. 11-17).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since January 1, 1934, 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. 91-2014. \$350.00 fine.

1. Sales to nonmembers.

In re Citation No. 91-2892. \$350.00 fine and 3 days suspension.

1. Sales to nonmembers.

In re Citation No. 94-0819. \$500.00 fine and 3 days suspension.

1. Sales to nonmembers.

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

1. Purchased malt or brewed beverages on credit.

In re Citation No. 09-0058. \$1,100.00 fine.

1. Sales to nonmembers. July 17, 24, August 14 and September 11, 2008.
2. Gambling (machines and tickets). July 17, 24, August 15 and September 11, 2008.

In re Citation No. 10-0642. \$800.00 fine and 5 days suspension.

1. Sales to nonmembers. January 21, 2010.
2. Improper admission of members. January 29, 2010.
3. Loudspeakers could be heard outside. February 28, 2010.

In re Citation No. 10-0791. \$200.00 fine and 1 day suspension.

1. Improper admission of members. March 14, 2010.

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

1. Sales to nonmembers. August 1 and September 11, 2010.
2. Loudspeakers could be heard outside. August 1, 2010.
3. Noisy and/or disorderly operation. June 27, July 25, September 5 and October 5, 2010.

In re Citation No. 12-0936. \$1,000.00 fine and 7 days suspension.

1. Sales to nonmembers. April 22, 2010.

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.

A review of the prior record of Licensee convinces me that there is no penalty short of revocation which could reform its conduct. The three counts of this citation are merged for penalty purposes.

ORDER

THEREFORE, it is hereby ORDERED that the Club Liquor License of Licensee, Star Social Club, License No. C-601, is hereby REVOKED (including all permits and Licensee Discount Card), effective at 7:00 a.m. on Monday, October 28, 2013.

Dated this 4TH day of September, 2013.



David L. Shenkle, J.

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.