

Mailing Date: AUG 23 2013

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

PENNSYLVANIA STATE : In re Citation No. 13-0079  
POLICE, BUREAU OF :  
LIQUOR CONTROL ENFORCEMENT : BLCE Incident No. W01-454501  
 :  
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: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on February 5, 2013. The citation alleges that Licensee violated §§491(1), 492(2) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16), during the period November 1 through December 20, 2012, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2012, and had not been renewed and/or validated.

At the hearing scheduled for July 10, 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 December 12, 2012, through January 9, 2013, and sent it written notice of the results on January 11, 2013 (N.T. 10-11, Ex. B-1).
2. A copy of this citation was mailed to Licensee on February 5, 2013 (N.T. 11-12, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on May 17, 2013.
4. A liquor enforcement officer visited the licensed premises at 11:31 p.m. on December 15, 2012, and found it open, with a bartender serving alcoholic beverages to 15 patrons. The officer purchased a bottle of beer for \$2.25 (N.T. 7).

5. The officer returned to the premises at 6:05 p.m. on December 20, 2012, and found it open, with two bartenders serving alcoholic beverages to 10 patrons. The officer identified himself and spoke to the employee in charge, who admitted that they had been open, serving alcoholic beverages, every day since October 31, 2012 (N.T. 8-9).

6. This license expired on October 31, 2012, and Licensee did not have authority to dispense alcoholic beverages during the period November 1 through December 20, 2012 (Ex. B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 6, 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).

In re Citation No. 12-1009. \$500.00 fine.

1. Operated without a valid health permit. May 30, 2012

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 \$1,000.00 to \$5,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Contreras Bar, Inc., License No. R-SS-11087, shall pay a fine of one thousand four hundred dollars (\$1,400.00) 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 15<sup>TH</sup> day of AUGUST, 2013.



David L. Shenkle, 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; Note Citation Number on Check**

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The fine must be paid by cashier's check, money order, or a check drawn on the business or trust account of an attorney licensed in Pennsylvania. **Personal and business checks are not acceptable unless bank certified.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation to:

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

In re Citation No. 13-0079  
Contreras Bar, Inc.