

Mailing Date: SEP 12 2013

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

PENNSYLVANIA STATE	:	In re Citation No. 13-0163
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-454598
	:	
v.	:	PLCB LID No. 58044
	:	
LUCKY 19, LLC	:	PLCB License No. R-AP-SS-EHF-6866
1841-1843 POPLAR ST.	:	
PHILADELPHIA, PA 19130-1521	:	

JUDGE SHENKLE
BLCE COUNSEL: Andrew Britt, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on February 12, 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 27, 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 23, 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 14 through December 28, 2012, and sent it written notice of the results on January 16, 2013 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on February 12, 2013 (N.T. 9, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on May 31, 2013.
4. On December 27, 2012, a liquor enforcement officer entered the licensed premises and saw two bartenders serving alcoholic beverages to ten patrons. He purchased draft beer, and then identified himself and asked to speak to an owner or manager. Licensee's owner told the officer that he did not know the license was expired, and admitted they had been open every day since it did. Licensee obtained temporary authority from the Board the next day (N.T. 6-7).
5. This license expired on October 31, 2012, and Licensee did not have authority to dispense alcoholic beverages after that date, through December 27, 2012 (Exhibit B-4).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 16, 2007, and has had prior violations as follows:

In re Citation No.12-1024. \$400.00 fine.

1. Loudspeakers could be heard past property line. March 15, 16 and April 13, 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, Lucky 19, LLC, License No. R-AP-SS-EHF-6866, shall pay a fine of one thousand dollars (\$1,000.00) 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 28TH 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

The fine must be paid by cashier's check, certified 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