

Mailing Date: NOV 22 2013

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

PENNSYLVANIA STATE	:	In r Citation No. 13-0353
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-454371
	:	
v.	:	PLCB LID No. 43389
	:	
A. Y. T., INC.	:	PLCB License No. R-15411
801 WEST LEHIGH AVE.	:	
PHILADELPHIA, PA 19133-1927	:	

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

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 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 periods November 1 through 3, 5 through 10, 12 through 17, 19 through 24, 26 through 30, December 1, 3 through 8, and 10 through 12, 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 October 15, 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 11 through December 31, 2012, and sent it written notice of the results on January 23, 2013. (N.T. 9-10, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on March 5, 2013 (N.T.10, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on August 23, 2013.
4. On December 12, 2012, a liquor enforcement officer purchased a bottle of beer in the licensed premises. Licensee's president later admitted to the officer that they had been open, selling alcoholic beverages, every day except Sunday since the license expired (N.T. 5-8).
5. Licensee did not have authority to operate during this period (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 27, 1999, and has had prior violations as follows:

In re Citation No. 09-2576. \$150.00 fine and verification of compliance.

1. Operated without a valid health permit or license. September 21, 2009.

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, A.Y.T., Inc., License No. R-15411, 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 14TH day of NOVEMBER, 2013.



David L. Shenle, 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, 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. 13-0353
A.Y.T., Inc.