

Mailing Date: NOV 07 2013

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

PENNSYLVANIA STATE : In re Citation No. 13-0510  
POLICE, BUREAU OF :  
LIQUOR CONTROL ENFORCEMENT : BLCE Incident No. W01-454487  
:  
v. : PLCB LID No. 61207  
:  
CLOTHESPIN ENTERPRISES, LLC : PLCB License No. R-AP-15415  
CENTRE SQUARE 1500 MARKET ST. STE C43 :  
PHILADELPHIA, PA 19102-2100 :

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 March 19, 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 September 19, 2013, 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 13, 2012, through February 8, 2013, and sent it written notice of the results on February 26, 2013 (N.T. 9-10, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on March 19, 2013 (N.T. 10, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on July 31, 2013.
4. A liquor enforcement officer purchased beer in the licensed premises at about 9:15 p.m. on December 20, 2012. She then identified herself and asked to see a current liquor license. One could not be produced. The officer instructed Licensee's staff to close, which they did. Licensee's member admitted to the officer that they had been open and operating every day since the license expired (N.T. 6-8)

5. Board records show that Licensee did not have authority to operate during the period November 1 through December 20, 2012 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since May 4, 2009, and has had prior violations as follows:

In re Citation No. 10-0834X. \$100.00 fine.

1. Bad checks in payment of malt or brewed beverages. September 15, 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, Clothespin Enterprises LLC, License No. R-AP-15415, 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 17<sup>TH</sup> day of OCTOBER, 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