

Mailing Date: MAR 13 2014

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

PENNSYLVANIA STATE	:	In re Citation No. 13-0519C
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W09-456594
	:	
v.	:	PLCB LID No. 60610
	:	
CRISTINA'S CORP., T/A CRISTINA'S RESTAURANT	:	PLCB License No. R-AP-SS-8924
450 S. 7 th ST.	:	
READING, PA 19602-2413	:	

JUDGE SHENKLE
BLCE COUNSEL: Roy Harkavy, Esq.
LICENSEE: Agripina Hernandez, president

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 18, 2013. The citation alleges that Licensee violated §493(1) of the Liquor Code, 47 P.S. §4-493(1), on January 31, 2013, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one minor, nineteen years of age.

A hearing was held on December 19, 2013, in Allentown, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

1. On January 31, 2013, a man whose birth date was August 5, 1993, who was taking part in the Bureau's age compliance check program, entered the licensed premises at 7:06 p.m. He approached the bartender and asked for a Coors Light beer. The bartender asked for identification. The man presented his valid Pennsylvania Junior Driver's License. The bartender looked at it and handed it back. She then gave the man a 12-ounce bottle of Coors Light beer. He paid, and then left the premises without drinking any beer (N.T. 11-14, Exhibit C-3).

2. The man left the premises and spoke to a liquor enforcement officer who was waiting outside. The officer then entered the premises and informed Licensee's bartender and corporate officer of the violation (N.T. 14-15).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 25, 2008, and has had one prior violation:

In re Citation No. 12-0470. \$1,500.00 fine and R.A.M.P. – certification mandated.

1. Loudspeakers could be heard beyond property line. January 12 and February 10, 2012.
2. Sales to minors. February 24, 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, Cristina's Corp., t/a Cristina's Restaurant, License No. R-AP-SS-8924, 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 24TH day of February, 2014.



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, 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