

Mailing Date: NOV 08 2013

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

PENNSYLVANIA STATE	:	In re Citation No. 13-0617
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-456289
	:	
v.	:	PLCB LID No. 40476
	:	
3648 A & J CORP.	:	PLCB License No. R-AP-SS-3362
3648 NORTH BROAD ST.	:	
PHILADELPHIA, PA 19140-4135	:	

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 26, 2013. There are two counts in the citation.

The first count alleges that Licensee violated §5.91 of the Liquor Control Board Regulations, 40 Pa. Code §5.91, during the period October 11, 2012, through February 13, 2013, by failing to notify the Board within fifteen days of a change of officers, directors and/or stockholders.

The second count alleges that Licensee violated §5.23(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.23(a), during the period September 26, 2012, through February 13, 2013, by failing to appoint a Board-approved full-time manager.

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 January 25 through February 13, 2013, and sent it written notice of the results on March 12, 2013 (N.T. 9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on March 26, 2013 (N.T. 9-10, Ex. B-2).

3. A Notice of Hearing was mailed to Licensee on July 31, 2013.
4. During the period September 26, 2012, through February 13, 2013, Board records listed Edward V. Slater as Licensee's president, secretary, treasurer, director, and manager (Exhibit B-3).
5. On February 13, 2013, a liquor enforcement officer visited the licensed premises and asked to speak with Mr. Slater. The bartender said he had passed away, and called Johnny Moore, Licensee's sole shareholder. Mr. Moore arrived at the premises and told the officer that Mr. Slater had died on September 25, 2012, and that he had not yet appointed a new manager (N.T. 6-7).
6. The Board approved the appointment of a new manager on May 22, 2013. Prior to that date, Board records did not reflect the death of Mr. Slater.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since August 21, 1997, and has had no prior violations.

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 \$50.00 to \$1,000.00 range, or both, for violations of this type. The two counts are merged for penalty purposes.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, 3648 A & J Corp., License No. R-AP-SS-3362, shall pay a fine of two hundred dollars (\$200.00) 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 18TH day of OCTOBER, 2013.


David L. Shenkle, J.

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