

Mailing Date: NOV 26 2013

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 13-0810
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-456446
v.	:	
	:	
T C BEER, INC.	:	PLCB LID No.: 66331
750 WYOMING AVE.	:	
KINGSTON, PA 18704-3829	:	
	:	PLCB License No.: R-SS-11470

**ADJUDICATION**

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Thomas Baseski, President and Stockholder

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on April 19, 2013, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against T C Beer, Inc. (Licensee).

The citation charges Licensee with a violation of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that Licensee, by your servants, agents, or employees, failed to comply with the order of the Administrative Law Judge at Citation No. 12-1153C mandating responsible alcohol management training, during the period January 11 through 27, 2013.

I presided at an evidentiary hearing on October 17, 2013 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. The Bureau began its investigation on January 30, 2013 and completed it on March 25, 2013. (N.T. 8)
2. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on March 26, 2013. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 5)
3. During the period charged, Licensee failed to comply with the requirements of an Adjudication docketed at, In Re Citation No.: 12-1153C, in which Licensee was required to comply with the Liquor Code Section 471.1, pertaining to responsible alcohol management, by January 10, 2013. (N.T. 6-21)

**CONCLUSION(S) OF LAW:**

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. I sustain the violation as charged.

**PRIOR ADJUDICATION HISTORY:**

Licensee has been licensed since May 30, 2012, and has the following Adjudication history:

In Re Citation No.: 12-1153C. Fine \$1,250.00 and RAMP training mandated.  
Sales to a minor on July 15, 2012.

**PENALTY ASSESSMENT CRITERIA:**

***Mandatory Requirement(s)***

Liquor Code Section 471 [47 P.S. §4-471] prescribes a penalty of license suspension, or revocation, or a fine of not less than \$50.00, or more than \$1,000.00, or both for the violation found herein.

***Discretionary Component(s)***

Mr. Baseski interposed several reasons for failing to make the deadline. He attempted to deflect responsibility. In the end, Mr. Baseski waited about six weeks or so before he began the process.

I impose a \$200.00 fine.

**ORDER:**

***Imposition of Fine***

Licensee must pay a \$200.00 fine within twenty days of the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

***Retaining Jurisdiction***

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 19<sup>TH</sup> day of November, 2013.



Felix Thau, A.L.J.

bc

### General Information

This Adjudication is a legal document. It affects your rights, privileges, and obligations. The information which follows is a general guide. Therefore, you may want to consult with an attorney.

### Applying for Reconsideration

If you want the Administrative Law Judge to reconsider this Adjudication, you must submit a written application and a nonrefundable \$25.00 filing fee. Both must be received by the Office of Administrative Law Judge, (PLCB - Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661) within fifteen days of this Adjudication's mailing date. Your application must describe the reasons for reconsideration. The full requirements for reconsideration can be found in Title 1 Pa. Code §35.241.

### Appeal Rights

If you wish to appeal this Adjudication, you must file an appeal within thirty days of the mailing date of this Adjudication by contacting the Office of Chief Counsel of the Pennsylvania Liquor Control Board (717-783-9454). For further information, visit [www.lcb.state.pa.us](http://www.lcb.state.pa.us). The full requirements for an appeal can be found in 47 P.S. §4-471.

### **Detach Here and Return Stub with Payment**

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The fine must be paid by a check drawn on the business or trust account of your attorney, who must be licensed in this Commonwealth, a treasurer's check, cashier's check, or money order. **Personal and business checks are not acceptable unless they are certified by your bank.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail, along with any required documentation (please use the Return Stub when mailing payment or write your citation number on the check).

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg, PA 17110-9661