

Mailing Date: JAN 28 2014

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

PENNSYLVANIA STATE : In re Citation No. 13-1005
POLICE, BUREAU OF :
LIQUOR CONTROL ENFORCEMENT : BLCE Incident No. W01-456403
 :
v. : PLCB LID No. 14730
 :
CONTRERAS BAR, INC. : PLCB License No. R-SS-11087
2870 N. LAWRENCE ST. :
PHILADELPHIA, PA 19133-2727 :

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 May 14, 2013. The citation alleges that Licensee violated §15.62(a) of the Liquor Control Board Regulations, 40 Pa. Code §15.62(a), on April 8, 2013, by failing to post a notice of suspension.

At the hearing scheduled for December 3, 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 January 29 through April 8, 2013, and sent it written notice of the results on April 15, 2013 (N.T. 7, Ex. B-1).
2. Copies of this citation were mailed to Licensee on May 14 and July 16, 2013 (Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on October 16, 2013.
4. In a supplemental order regarding Citation No. 12-1009, which was mailed on January 30, 2013, I ordered this license suspending indefinitely, for nonpayment of the fine imposed in that case, commencing at 7:00 a.m. on Monday, April 8, 2013. The order included the instruction to “place the enclosed notice of suspension placard in a conspicuous place on the outside of the licensed premises, or in a window plainly visible from the outside.”
5. On that date a liquor enforcement officer visited the licensed premises at 2:25 p.m. and found that it was closed and locked, but no suspension placard was visible (N.T. 6-7).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 6, 1972, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

In re Citation No. 91-0797. \$300.00 fine and verification of compliance.

1. Operated without a valid health permit.

In re Citation No. 92-1903. \$400.00 fine.

1. Not a *bona fide* restaurant (insufficient food and chairs at tables).
2. Gambling (machines).

In re Citation No. 99-1181. \$400.00 fine and verification of compliance. License suspended for late payment and noncompliance.

1. Failed to keep records on the licensed premises.
2. Not a *bona fide* restaurant (insufficient food and chairs at tables.)

In re Citation No. 00-1366. \$500.00 fine.

1. Not a *bona fide* restaurant (insufficient food).

In re Citation No. 12-1009. \$500.00 fine. License suspended for late payment.

1. Operated without a valid health permit. May 30, 2012

In re Citation No. 13-0079. \$1,400.00 fine. License suspended for late payment.

1. Sales after license expired. November 1 through December 20, 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, Contreras Bar, Inc., License No. R-SS-11087, 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 16TH day of JANUARY, 2014.



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