

Mailing Date: MAY 08 2014

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 13-1246C
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W05-461725
v.	:	
	:	
BLAIR ST. SUBS AND SIX PACKS, INC.	:	PLCB LID No.: 57301
T/A TKS SUBS AND SIX PACKS	:	
520 BLAIR ST.	:	
HOLLIDAYSBURG, PA 16648-1808	:	PLCB License No.: E-SS-4065

**ADJUDICATION**

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Emily L. Gustave, Esquire

LICENSEE: Robert L. Bilger, Operations Manager

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on June 19, 2013, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Blair St. Subs and Six Packs, Inc. (Licensee).

The citation charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that Licensee, by your servants, agents, or employees, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) minor, nineteen (19) years of age, on May 20, 2013.

I presided at an evidentiary hearing on March 27, 2014 at 180 Charlotte Drive, Altoona, Pennsylvania. The matter was submitted by way of agreement of facts. Licensee acknowledged that the Bureau complied with applicable investigatory and notice requirements of the Liquor Code as well as the Age Compliance Check Program.

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

**FINDINGS OF FACT:**

Pursuant to the Bureau's Age Compliance Check Program, a nineteen year old purchased a six-pack of beer at 5:00 p.m. on May 20, 2013. After setting the six-pack on the counter, the bartender asked the underage buyer for identification. He displayed his true and valid Pennsylvania photo driver's license and was nevertheless served. (N.T. 12-21)

**CONCLUSION(S) OF LAW:**

I sustain the violation as charged.

**PRIOR ADJUDICATION HISTORY:**

Licensee has been licensed since November 14, 2006, and has the following Adjudication history:

In Re Citation No.: 07-1297C. Fine \$1,250.00 and RAMP training mandated.

Sales to a minor on May 2, 2007.

In Re Citation No.: 08-0035. Fine \$250.00.

Failed to comply with the Order of the Administrative Law Judge mandating RAMP training from October 24 through November 29, 2007.

In Re Citation No.: 12-0667C. Fine \$1,400.00 and RAMP certification mandated.

Sales to a minor on April 2, 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 \$1,000.00, or more than \$5,000.00, or both for the violation found herein.

***Discretionary Component(s)***

Licensee defends by indicating that a transaction scan device was used but that the magnetic strip on the underage buyer's photo driver's license was defective thus leading to no reading from the transaction scan device. I remarked that this failure should have alerted the bartender not to serve the minor.

I impose a \$1,700.00 fine. I further order Licensee to remain compliant with the Responsible Alcohol Management Program (RAMP).

**ORDER:**

***Imposition of Fine***

Licensee must pay a \$1,700.00 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.

***RAMP Compliance***

I order Licensee to continue compliance with Liquor Code Section 471.1, pertaining to responsible alcohol management, for one year from the mailing date of this Order.

***Retaining Jurisdiction***

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 28<sup>TH</sup> day of April, 2014.



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. If you have not already done so, it may be prudent for you 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