

Mailing Date: JUL 02 2014

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

PENNSYLVANIA STATE	:	In re Citation No. 13-2235
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-466841
	:	
v.	:	PLCB LID No. 59688
	:	
CONCORD TRACE, INC.	:	PLCB License No. H-AP-SS-3938
301-303 W. 3 rd ST.	:	
CHESTER, PA 19103-4307	:	

JUDGE SHENKLE
BLCE COUNSEL: Andrew R. Britt, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on November 12, 2013. The citation count alleges that Licensee violated §474.1(a) of the Liquor Code, 47 P.S. §4-474.1(a), and §7.31(a) of the Liquor Control Board Regulations, 40 Pa. Code §7.31(a), by failing to return its hotel liquor license and wholesale liquor purchase permit cards to the Board after the licensed establishment had not been in operation for a period of fifteen consecutive days between September 4 and September 22, 2013.

At the hearing scheduled for May 8, 2014, in Allentown, 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 August 31 through September 26, 2013, and sent it written notice of the results on October 9, 2013 (N.T. 9-11, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on November 22, 2013 (N.T. 10-11, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on April 7, 2014.
4. On September 5, 2013, a liquor enforcement officer visited the licensed premises at 4:18 p.m. and found it locked, with trash between the door and a gate in front of it which made it look like the door had not been opened in quite some time (N.T. 5-6).
5. The officer visited again and made the same observations on September 7, 9, 11, 12, 13, 17, 18, 20, 21, 22. On September 26, 2013, he spoke with Frank South, Licensee's owner, who

stated that the premises had not been open since before September. Other officers visited the premises and made the same observations on September 8, 14 and 16, 2013 (N.T. 6-17)

6. Board records show that this license was not received for safekeeping during the period September 4 through 22, 2013 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since March 20, 2008, and has had prior violations as follows:

In re Citation No. 10-1127. \$450.00 fine and verification of compliance.

License suspended one day for late payment.

1. Not a *bona fide* hotel (insufficient and/or inadequately equipped bedrooms).
March 13 and April 14, 2010.
2. Permitted smoking where prohibited. March 12, 13 and April 14, 2010.
3. Failed to post "no smoking" signs. March 12, 13 and April 14, 2010.

In re Citation No. 10-1852. \$400.00 fine and verification conditions corrected.

1. Not a *bona fide* hotel (insufficient and/or inadequately equipped bedrooms).
July 2, 8 and 14, 2010.

In re Citation No. 11-0542. \$1,000.00 fine.

1. Sales after license expired. February 23, 2011.

In re Citation No. 11-1725. \$800.00 fine and verification of compliance.

License suspended one day for late payment.

1. Not a *bona fide* hotel (insufficient bedrooms available). August 24 and 25, 2011.
2. Failed to keep records on the licensed premises. August 24, 2011.

In re Citation No. 12-1803. \$1,500.00 fine. License revoked for nonpayment.

1. Sales when license suspended. November 26, 2012.
2. Failed to post notice of suspension. November 26, 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.

The order in No. 12-1803 which revoked this license for nonpayment of the fine was mailed on January 17, 2014, and the revocation was effective on Monday, March 24, 2014. No appeal was taken from that order, which has therefore become final.

In light of that, the penalty in this case will be license revocation.

ORDER

THEREFORE, it is hereby ORDERED THAT the Hotel Liquor License of Concord Trace, Inc., License No. H-AP-SS-3938, is hereby REVOKED for the administrative purpose of permitting this citation case to be closed.

Dated this 25TH day of JUNE, 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.