Mailing Date: OCT 24 2014

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

PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT (BLCE)	:	In Re Citation No.: 13-2569
	:	BLCE Incident No.: W02-467188
v.	:	
CONTINENTAL BAR GRILL, INC. T/A CONTINENTAL BAR & GRILL 317 MAIN ST. DUPONT, PA 18641-1433	:	PLCB LID No.: 68200
	:	PLCB License No.: R-AP-SS-921
LUZERNE COUNTY		

ADJUDICATION

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Ex Parte

BACKGROUND:

This proceeding arises out of a citation, containing one count, that was issued on December 27, 2013, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Continental Bar Grill, Inc. (Licensee).

The citation charges Licensee with a violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)]. The charge is that Licensee, by your servants, agents, or employees, sold alcoholic beverages after your restaurant liquor license expired on August 31, 2013, and had not been renewed and/or validated, on September 5, 2013.

I presided at an evidentiary hearing on September 16, 2014 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

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

FINDINGS OF FACT:

1. The Office of Administrative Law Judge sent a notice of hearing on July 29, 2014, by certified mail, return receipt requested. The notice was received and signed for on August 6, 2014.

2. The Bureau began its investigation on September 3, 2013 and completed it on November 12, 2013. (N.T. 8)

3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on December 6, 2013. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 10)

4. On September 5, 2013, an undercover Bureau Enforcement Officer verified that Licensee was open and in operation, selling alcoholic beverages after the license expired on August 31, 2013. (N.T. 11-14)

CONCLUSION(S) OF LAW:

I sustain the violation as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since June 24, 2013, and has no prior Adjudications.

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)

I impose a $1,400.00 fine.

ORDER:

Imposition of Fine

Licensee must pay a $1,400.00 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 17TH day of October, 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. The full requirements for an appeal can be found in 47 P.S. §4-471.

Detach Here and Return Stub with Payment – Note Citation Number on Check

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The fine must be paid by cashier's check, money order, or an attorney's check who is licensed to practice law 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

Credit/debit cards may be used: visit www.lcb.state.pa.us scroll over LEGAL and then click on Office of ALJ for instructions..

Continental Bar Grill, Inc.
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