

Mailing Date: SEP 29 2014

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE: CITATION NO. 13-2585C
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE INCIDENT NO. W06-470152
	:	
	:	
v.	:	
	:	
	:	PLCB LID - 64202
DEPARASIS, LLC	:	
T/A BROADWAY HOTEL	:	PLCB LICENSE NO. H-AP-2774
118-120 S. BROAD ST.	:	
JERSEY SHORE, PA 17740-1802	:	
	:	
LYCOMING COUNTY	:	

ADJUDICATION

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL PIETRZAK
LICENSEE: GLORIA DEPARASIS, PARTNER**

BACKGROUND:

This proceeding arises out of a citation that was issued on January 2, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against DEPARASIS, LLC, License Number H-AP-2774 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)] in that on November 7, 2013, Licensee, by its servants, agents or employees, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to two minors, nineteen (19) and twenty (20) years of age.

The investigation which gave rise to the citation began on November 7, 2013 and was completed on November 13, 2013; and notice of the violation was sent to Licensee by Certified Mail on November 21, 2013. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on July 16, 2013 at The Lysock Complex, 542 County Farm Road, Montoursville, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. On November 7, 2013, the Bureau of Enforcement conducted a compliance check at the licensed premises (N.T. 21).
2. Underage Buyer No. 648 (UAB) was born on August 8, 1993, and, on November 7, 2013, he was 20 years old (N.T. 24-25).
3. On November 7, 2013, the UAB entered the licensed premises. He walked up to the counter and asked the bartender for a six pack of 16-ounce cans of Busch beer (N.T. 25).
4. The bartender went behind the counter, got the six pack of beer and brought it to the UAB. She did not ask the UAB how old he was, and she did not ask him to provide identification (N.T. 25-26).
5. The UAB paid the bartender \$10.00 for the beer and received \$3.00 in change. He then took the beer and exited the licensed premises (N.T. 26).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since January 14, 2011, and has had no prior violations. Licensee is, therefore, entitled to be treated as a first time offender.

PENALTY:

Section 471 of the Liquor Code [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 violations of the type found in this case.

That Section further provides for mandatory compliance with Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management when, as in this matter, Licensee has been found to have violated Section 493(1) as a first offense as it relates to sales to minors or sales to a visibly intoxicated patron.

This office takes notice that Licensee became RAMP certified effective July 16, 2014.

Under the circumstances of this case, the penalty imposed shall be a fine of \$1,400.00 and RAMP compliance.

ORDER

THEREFORE, it is hereby ordered that Licensee DEPARASIS, LLC, pay a fine of \$1,400.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1 pertaining to Responsible Alcohol Management in the following manner. Licensee must remain in compliance for a period of one year from the mailing date of the Order.

Jurisdiction is retained.

Dated this 17TH day of September, 2014.

A handwritten signature in cursive script, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

Daniel T. Flaherty, Jr., J.

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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.

IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 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 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

IN RE: CITATION NO. 13-2585
DEPARASIS, LLC

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