

Mailing Date: AUG 08 2014

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

PENNSYLVANIA STATE	:	In re Citation No. 13-2641
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-468071
	:	
v.	:	PLCB LID No. 36592
	:	
HALFTIME-GOODTIME, INC.	:	PLCB License No. R-AP-SS-2060
120 W. DIAMOND ST.	:	
PHILADELPHIA, PA 19122-1721	:	

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 January 14, 2014. There are two counts in the citation.

The citation alleges that Licensee violated §§491(1), 492(2) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2), and 4-493(16) on December 2, 2013, by selling, furnishing and/or giving alcoholic beverages while its liquor license was suspended at Citation No. 12-1759.

The second count alleges that Licensee violated §15.62(a) of the Liquor Control Board Regulations, 40 Pa. Code §15.62(a), on December 2, 2013, by failing to post a notice of suspension.

At the hearing scheduled for June 19, 2014, 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 September 25 through December 3, 2013, and sent it written notice of the results on December 19, 2013 (N.T. 7-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on January 14, 2014 (N.T. 7-8, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on May 8, 2014.
4. In an adjudication of Citation No. 12-1759 which was mailed on September 25, 2013, the Honorable Tania E. Wright suspended this license for one day, beginning at 7:00 a.m. on Monday, December 2, 2013. The order included the instruction to place an enclosed suspension placard in a conspicuous place on the outside of the licensed premises or in a window plainly visible from the outside.

5. On Monday, December 2, 2013, a liquor enforcement officer visited the licensed premises at 9:07 p.m. and found a bartender serving six patrons. He purchased a bottle of beer. There was no suspension placard posted anywhere on the premises, inside or outside (N.T. 5-7).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 9, 1996, and has had prior violations as follows:

In re Citation No. 12-0194. \$1,000.00 fine. License suspended 1 day for late payment.

1. Sales after license expired. January 17, 2012.

In re Citation No. 12-0864. 2 days suspension.

1. Sales after license expired. April 21, 2012.

In re Citation No. 12-1759. 1 day suspension.

1. Failed to post notice of suspension. December 3 and 4, 2012.

In re Citation No. 13-0055. 3 days suspension.

1. Sales while license suspended. December 17, 2012.
2. Failed to post notice of suspension. December 17, 2012.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine, or both, for violations of the type found in this case. For violations of the type found in the first count any fine must be in the \$1,000.00 to \$5,000.00 range. For violations of the type found in the second count any fine must be in the \$50.00 to \$1,000.00 range.

Since the violation found in the first count is the fourth violation in a four-year period of a provision mentioned in 47 P.S. §4-471(b), the law requires that the penalty include license suspension or revocation. Penalties are assessed as follows:

Count No. 1 – suspension of license for four (4) days.

Count No. 2 – suspension of license for two (2) days.

ORDER

THEREFORE, it is hereby ORDERED that the Restaurant Liquor License of Halftime-Goodtime, Inc., License No. R-AP-SS-2060, shall be suspended for a period of six (6) days (including all permits and Licensee Discount Card) BEGINNING at 7:00 a.m. on Monday, September 29, 2014, and ENDING at 11:00 a.m. on Sunday, October 5, 2014. Jurisdiction is retained.

Licensee is directed on Monday, September 29, 2014, at 7:00 a.m. to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised if replacement placards are needed for any reason they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the premises for compliance with this order.

Licensee is authorized on Sunday, October 5, 2014, at 11:00 a.m. to remove the placard of suspension and return the license to its original wall location.

Dated this 30TH day of JULY, 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.