

Mailing Date: SEP 29 2014

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

PENNSYLVANIA STATE	:	In re Citation No. 14-0315
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-473276
	:	
v.	:	PLCB LID No. 62159
	:	
1937 D&J, INC.	:	PLCB License No. D-SS-1250
1941 W. MACDADE BLVD.	:	
WOODLYN, PA 19094-2004	:	Delaware County

JUDGE SHENKLE  
BLCE COUNSEL: Andrew R. Britt, Esq.  
LICENSEE COUNSEL: John J. McCreesh, III, Esq.

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 4, 2014. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(1), on January 31, February 1, 2014, and on divers other occasions within the preceding year, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to two minors, eighteen and nineteen years of age.

A hearing was held on August 5, 2014, in Plymouth Meeting Allen, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

**FINDINGS OF FACT:**

1. On February 1, 2014, liquor enforcement officers visited the licensed premises at about 8:10 p.m. About three minutes after they arrived, the officers saw a vehicle with several youthful men inside it park in front of the licensed premises. They opened the trunk of the car and removed a beer barrel, which they brought into the licensed premises, using a hand truck. A few minutes later one of the youthful men came out of the premises with another barrel of beer. An officer stopped him and requested identification. The man admitted that he was 19 years old (N.T. 6-7).

2. The man who purchased the beer had been born on January 12, 1995, according to his driving record. His age was not questioned (Exhibit B-3, N.T. 10, 17).

3. While the officers were preparing a summons and discussing the matter with Licensee's employee, a man whose birth date was December 3, 1995, came into the premises, retrieved a 30-pack of beer, and brought it to the counter. His age was not questioned. After paying for the beer the minor was carrying it to his car when one of the officers stopped him. The man had purchased beer in the premises 15 to 20 times, most recently the day before, January 31, 2014 (N.T. 20-22).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 8, 2009, and has had no prior violations.

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 the type found in this case. Mandatory R.A.M.P. – certification is required by 47 P.S. §4-471(d) in these circumstances.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, 1937 D&J, Inc., License No. D-SS-1250, shall pay a fine of one thousand four hundred dollars (\$1,400.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

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. The Licensee is directed to contact the Bureau of Alcohol Education, Pennsylvania Liquor Control Board (toll free telephone: 1-866-275-8237; [www.lcb.state.pa.us](http://www.lcb.state.pa.us)) within thirty (30) days of the mailing date of this adjudication in order to receive assistance in the compliance process. Licensee must receive certification within ninety (90) days of the mailing date of this adjudication. Licensee must remain in compliance for a period of one year from the date such certification is issued. The Bureau of Liquor Control Enforcement is further directed to monitor compliance with this adjudication.

Failure to comply with this order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the Liquor Code, 47 P.S. Section 4-471(d).

Dated this 17<sup>TH</sup> day of SEPTEMBER, 2014.



David L. Shenkle, J.

**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.**

**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 a check drawn on the business or trust account of an attorney licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** If you are paying by guaranteed check, please make it 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](http://www.lcb.state.pa.us)  
and look under LEGAL/Office of ALJ for instructions.