

I presided at an evidentiary hearing on October 29, 2014 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

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

FINDINGS OF FACT:

1. The Bureau began its investigation on January 24, 2014 and completed it on March 3, 2014. (N.T. 14)
2. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on March 5, 2014. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 14)
3. During the period charged, Licensee failed to have the Board approved manager complete RAMP training within 180 days of appointment. (N.T. 5-11)

CONCLUSION(S) OF LAW:

I sustain the violation as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since February 8, 1977, and has had ten prior Adjudications since July 1, 1987, the date the Office of Administrative Law Judge was established.

In Re Citation No.: 88-2403. Fine \$150.00.
Sales to nonmembers.

In Re Citation No.: 93-2487. Fine \$200.00.
Sales to nonmembers on October 24, 1993.

In Re Citation No.: 96-1665. Fine \$250.00.
Failed to adhere to bylaws during the period August 1,
1995 through June 24, 1996.

In Re Citation No.: 01-1277. Fine \$100.00.
Sales to nonmembers on June 3, 2001.

In Re Citation No.: 01-2166. Fine \$150.00.
Sales to nonmembers on September 7, 2001.

In Re Citation No.: 04-0066. Fine \$700.00.
Possessed or operated gambling devices or permitted
gambling on the licensed premises (machines and sports
pools) on December 2, 2003.

In Re Citation No.: 10-1042. Fine \$800.00.

1. Possessed or operated gambling devices or permitted
gambling on the licensed premises (machines) on
August 7, September 20, October 15, 24, 29, November
15, 29, December 20, 31, 2009, January 1, 29, February
11, 27, March 27 and 28, 2010.
2. Failed to maintain complete and truthful records
covering the operation of small games of chance for a
period of 2 years immediately preceding April 8, 2010.

In Re Citation No.: 12-1478. Fine \$1,250.00.
Sales after the license expired and had not been renewed
and/or validated on September 5, 2012.

In Re Citation No.: 13-0132. Fine \$1,000.00 and 15 days suspension.
Possessed or operated gambling devices or permitted
gambling on the licensed premises (machines) on October
3, 2012.

In Re Citation No.: 13-0684. Fine \$1,000.00 and 3 days suspension.
Possessed or operated gambling devices or permitted
gambling on the licensed premises (machines) on February
28, 2013.

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 \$50.00, or more than \$1,000.00, or both for the violation found herein.

Discretionary Component(s)

I impose a \$50.00 fine.

ORDER:

Imposition of Fine

Licensee must pay a \$50.00 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 December, 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

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.