

Mailing Date: MAY 14 2015

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 14-0617
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W07-474608
v.	:	
	:	
DEBORAH L. BOUCH	:	PLCB LID No.: 59259
T/A SPORTSMANS BAR	:	
9468 BURNSIDE MCGEE HWY.	:	
MAHAFFEY, PA 15757-7820	:	PLCB License No.: R-AP-12093
	:	
CLEARFIELD COUNTY	:	

ADJUDICATION

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Nadia L. Vargo, Esquire

LICENSEE: Deborah L. Bouch

BACKGROUND:

This proceeding arises out of a citation, containing one count, that was issued on April 7, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Deborah L. Bouch (Licensee).

The citation charges Licensee with violations of Sections 491(1), 492(2), 492(3) and 493(16) of the Liquor Code [§§4-491(1), 4-492(2), 4-492(3) 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 January 31, 2014, and had not been renewed and/or validated, on February 21 and 26, 2014.

I presided at an evidentiary hearing on April 8, 2015 at 180 Charlotte Drive, Altoona, Pennsylvania.

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

FINDINGS OF FACT:

1. The Bureau began its investigation on February 21, 2014 and completed it on March 10, 2014. (Commonwealth Exhibit No. C-3)
2. The Bureau sent a notice of the alleged violations to Licensee at the licensed premises by certified mail, return receipt requested, on March 12, 2014. The notice alleged the violations as charged in the citation. (Commonwealth Exhibit No. C-3, N.T. 13)
3. On February 21 and 26, 2014, Licensee was open and in operation, selling alcoholic beverages after its license expired on January 31, 2014. (N.T. 4-12)

CONCLUSION(S) OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. I sustain the violations as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since October 29, 2007, and has the following Adjudication history:

In Re Citation No.: 12-0128. Fine \$150.00.

Failed to maintain complete and truthful records covering the operation of the licensed business for a period of two years immediately preceding October 24, 2011.

In Re Citation No.: 13-0734. Fine \$1,400.00. Fine not paid and license suspended one day and thereafter until fine paid. Fine still not paid and license revoked.

Sales after the license expired and had not been renewed and/or validated on February 6, 9 and 13, 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 \$1,000.00, or more than \$5,000.00, or both for the violations found herein.

Discretionary Component(s)

As the license has already been revoked, I revoke the license.

ORDER:

Imposition of Revocation

I revoke the license for administrative purposes effective with the mailing date of this Adjudication.

Retaining Jurisdiction

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 12TH day of May, 2015.

A handwritten signature in cursive script that reads "Felix Thau". The signature is written in black ink and is positioned above a horizontal line.

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.