

Mailing Date: FEB 13 2015

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	IN RE: CITATION NO. 14-0939
LIQUOR CONTROL ENFORCEMENT	:	
	:	BLCE INCIDENT NO. W03-475163
	:	
v.	:	
	:	
	:	PLCB LID - 65121
JBSE ENTERPRISES, LLC	:	
T/A PUB DUNEGAL	:	PLCB LICENSE NO. R-AP-SS-19274
112 EAST MAIN STREET	:	
MOUNT JOY, PA 17552-1514	:	
	:	
LANCASTER COUNTY	:	

**ADJUDICATION**

**BEFORE JUDGE FLAHERTY  
BUREAU COUNSEL PIETRZAK  
LICENSEE: NO APPEARANCE**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on May 15, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against JBSE ENTERPRISES, LLC, License Number R-AP-SS-19274 (hereinafter "Licensee").

The citation charges Licensee with violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)] in that during the period March 1 through 11, 13, 14 and 17, 2014, Licensee, by its servants, agents or employees, sold alcoholic beverages after its restaurant liquor license expired on February 28, 2014, and had not been renewed and/or validated.

The investigation which gave rise to the citation began on March 2, 2014 and was completed on April 14, 2014; and notice of the violation was sent to Licensee by Certified Mail on April 22, 2014. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on December 10, 2014 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee at its address of record, 112 East Main Street, Mount Joy, PA 17552-1514 by certified mail on October 21, 2014. The notice set forth the date and time of the hearing as December 10, 2014 at 11:00 a.m., and the place of hearing as Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661.

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. Licensee did not possess a valid liquor license or authority to operate from March 1, 2014 through March 11, 2014; or March 13, 14 or 17, 2014 (N.T. Exhibit C-5).

2. On March 2, 2014, an officer of the Bureau entered the licensed premises in an undercover capacity. He observed a male bartender rendering service to seven (7) patrons. He approached the bar and ordered a Miller Lite draft for \$3.00 and paid \$3.00 for it (N.T. 8).

3. On March 7, 2014, the officer made another visit to the licensed premises in an undercover capacity. He observed a male bartender, identified as Dane Hagen. He approached Hagen and ordered a Coors Light beer for which he paid \$3.00. After making the purchase, he identified himself to Hagen and informed him that the premises did not have authority to sell alcohol on that date. Hagen then got John Haser, the Board approved manager on the phone. The officer informed Haser that he had to stop selling alcohol until he got authority from the Liquor Control Board to operate (N.T. 10-11).

4. On March 18, 2014, Licensee received temporary authority from the Liquor Control Board to operate (N.T. 11).

5. On March 19, 2014, the officer entered the licensed premises and identified himself to a person named Anton Sheeler. He informed Sheeler that he was there to conduct a full routine inspection and gave a request for records (N.T. 11).

6. On March 24, 2014, the officer returned to the licensed premises to complete the inspection. He met with the Board approved manager, John Haser. As part of that inspection, the officer found records showing alcohol sales were made from March 1 through March 11, March 13, 14 and 17, 2014 (N.T. 11).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since July 26, 2011, 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 of not less than \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

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

ORDER

THEREFORE, it is hereby ordered that Licensee JBSE ENTERPRISES, INC., 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.

Jurisdiction is retained.

Dated this 30<sup>th</sup> day of January, 2015.

A handwritten signature in black ink, 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**

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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. 14-0939  
JBSE ENTERPRISES, LLC

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