

Mailing Date: JAN 12 2015

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

PENNSYLVANIA STATE	:	In re Citation No. 14-1024
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-477368
	:	
v.	:	PLCB LID No. 65228
	:	
KINGS OAK LANE, LLC	:	PLCB License No. R-AP-SS-1211
1001 N. 2 nd ST. UNIT G	:	
PHILADELPHIA, PA 19123-1612	:	Philadelphia County

JUDGE SHENKLE
BLCE COUNSEL: Erik S. Shmukler, Esq.
LICENSEE: Pro Se

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on May 27, 2014. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-471.1(g), during the period April 7 through 20, 2014, because its manager failed to complete RAMP training within 180 days of the Board's approval of the appointment.

At the hearing scheduled for November 20, 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 April 13 through 20, 2014, and sent it written notice of the results on May 1, 2014 (N.T.10, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on May 27, 2014 (N.T. 11, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on October 1, 2014.
4. The appointment of Michelle J. Bozzi to be Licensee's manager was approved by the Board on October 8, 2013, and therefore she was required to complete RAMP owner/manager training within 180 days; i.e., by April 6, 2014. This still has not been done.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 3, 2011, and has had prior violations, as follows:

In re Citation No. 12-1633. \$300.00 fine.

1. Unlimited alcoholic beverages for a fixed price. September 29 and October 28, 2012.

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 \$50.00 to \$1,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Kings Oak Lane, LLC, License No. R-AP-SS-1211, shall pay a fine of three hundred dollars (\$300.00) 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's manager, Michelle J. Bozzi, shall complete Owner/Manager RAMP training forthwith, not later than 20 days after the mailing date of this order. I will examine Board records at that time, and if they do not show compliance with this order I will modify it to include an indefinite suspension of this license.

Dated this 24TH day of DECEMBER, 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

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.** 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
and look under LEGAL/Office of ALJ for instructions.