

Mailing Date: JAN 16 2015

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

PENNSYLVANIA STATE : In re Citation No. 14-1163
POLICE, BUREAU OF :
LIQUOR CONTROL ENFORCEMENT : BLCE Incident No. W01-477353
:
v. : PLCB LID No. 65195
:
6527 ADF SPORTS ENTERTAINMENT, INC. : PLCB License No. R-AP-SS-8612
6527-31 ROOSEVELT BLVD. :
PHILADELPHIA, PA 19149-2918 : Philadelphia County

JUDGE SHENKLE
BLCE COUNSEL: Eric S. Shmukler, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 17, 2014. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16), on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30, December 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, 28, 2013; January 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31, February 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, March 1, 6, 7, 8, 13, 14, 15, 20, 21, 22, 27, 28, 29, April 3, 4, 5, 10, 11, 12, 17, 18, 19, 24 and 25, 2014, by selling alcoholic beverages after its restaurant liquor license expired on October 31, 2013, and had not been renewed and/or validated.

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 May 5, 2014, and sent it written notice of the results on May 14, 2014 (N.T. 10-11, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on June 17, 2014 (N.T. 11-12, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on October 1, 2014.

4. On April 25, 2014, a liquor enforcement officer visited the licensed premises at 11:00 p.m. and purchased beer. About ten minutes later, two other liquor enforcement officers entered the premises and informed the person in charge that this license had expired and Licensee did not have authority to dispense alcoholic beverages. The premises closed at 11:35 p.m. as a result (N.T. 6-8).

5. This license expired on October 31, 2013, and Licensee did not have authority to operate from November 1, 2013, through April 25, 2014 (Exhibit B-3).

6. Licensee's president later admitted that they had been open every Thursday through Sunday during the period November 1, 2013, through April 25, 2014, and Licensee's sales records confirmed this (N.T. 8-10).

CONCLUSIONS OF LAW:

Licensee violated the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16), every Thursday through Sunday during the period November 1, 2013, through April 25, 2014, by selling alcoholic beverages after its restaurant liquor license expired on October 31, 2013, and had not been renewed and/or validated.

PRIOR RECORD:

Licensee has been licensed since September 21, 2011, and has had one prior violation:

In re Citation No. 13-2114. \$1,300.00 fine.

1. Failed to require patrons to vacate the premises by the required time. September 14, 2013.
2. Permitted patrons to possess alcoholic beverages after 2:30 a.m. September 13-14, 2013.
3. Sales between 2:00 a.m. and 7:00 a.m. September 14, 2013.

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 this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, 6527 ADF Sports Entertainment, Inc., License No. R-AP-SS-8612, shall pay a fine of one thousand five hundred dollars (\$1,500.00) 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.

Dated this 24TH day of December, 2014.



David L. Shenkle, J.

jb

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.