

Mailing Date: APR 10 2015

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

PENNSYLVANIA STATE	:	In re Citation No. 14-1196C
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-479150
	:	
v.	:	PLCB LID No. 64653
	:	
THE GRAINERY RESAURANT GROUP, LLC	:	PLCB License No. R-AP-SS-15545
1111-1113 WALNUT ST. UNITS 1&2	:	
PHILADELPHIA, PA 19107-4918	:	Philadelphia County

JUDGE SHENKLE
BLCE COUNSEL: Erik 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. §4-493(1), on May 15, 2014, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one minor, eighteen years of age.

At the hearing scheduled for February 24, 2015, 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 on May 15, 2014, and sent it written notice of the results on May 23, 2014 (N.T. 8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on June 17, 2014 (N.T. 8-9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on January 6, 2015.
4. On May 15, 2014, a man whose birth date was June 12, 1995, who was participating in the Bureau's underage buyer program, ordered a glass of stout in the licensed premises. It was served to him without question. After paying for the drink the minor left the premises without consuming any alcohol. A liquor enforcement officer then entered and informed Licensee's employee of the violation (N.T. 6-14).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since March 23, 2011, and has had prior violations as follows:

In re Citation No. 13-1442X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. February 26, 2013.

In re Citation No. 14-0243. \$2,500.00 fine. Fine not paid, one day deferred suspension.
License revoked May 18, 2015, due to failure to pay fine.

1. Sales after license expired. November 1 - 7 and 9 through December 18, 2013.
2. Forged temporary authority. November 27 through December 18, 2013.
3. No notice to board of change of manager. June 27, 2012 through December 18, 2013.
4. Illegal use of wholesale liquor purchase permit card. November 29, 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 the type found in this case. Mandatory R.A.M.P. – certification is required by 47 P.S. §4-471(d) in these circumstances, but since this license has expired, the requirement will be deferred.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, The Grainery Restaurant Group, LLC, License No. R-AP-SS-15545, shall pay a fine of one thousand two hundred fifty dollars (\$1,250.00) 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 shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management. However, the time for compliance is deferred because the license is currently inactive. The Bureau of Licensing is requested to notify this Office of the reactivation of this license so that an order may be entered setting forth the manner in which Licensee must comply and so that an order may be entered fixing the dates of compliance.

Dated this 7TH day of APRIL, 2015.



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.