

Mailing Date: FEB 26 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 14-1267
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-478367
	:	
v.	:	PLCB LID No. 25567
	:	
LENEGHAN'S PUB, INC.	:	PLCB License No. R-AP-SS-4424
10002 SANDMEYER LN.	:	
PHILADELPHIA, PA 19116-3502	:	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 July 1, 2014. The citation alleges that Licensee violated a Liquor Control Board regulation, 40 Pa. Code §15.62(a), on June 9, 2014, by failing to post a notice of suspension.

At the hearing scheduled for January 12, 2016, 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 May 2, 2014, through June 9, 2014, and sent it written notice of the results on June 11, 2014 (N.T. 7-8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 1, 2014 (N.T. 8-10, Exhibit B-2).
3. A notice of hearing was mailed to Licensee on January 12, 2016.
4. In a supplemental order regarding Citation No. 13-1176, which was mailed on April 25, 2014, I suspended this license indefinitely (including all permits and Licensee Discount Card), beginning at 7:00 a.m. on Monday, June 9, 2014. The order included the instruction "to place the enclosed placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location." A second supplemental order mailed on June 5, 2014, limited the suspension to one day.
5. On June 9, 2014, a liquor enforcement officer visited the licensed premises at 12:15 p.m. and found the front door locked, but no suspension placard was posted (N.T. 6-7).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since June 5, 1990, and has had prior violations as follows:

In re Citation No. 11-2163. \$1,000.00 fine.

1. Sales after license expired. November 1 and 9, 2011.

In re Citation No. 12-0870C. \$1,250.00 fine and R.A.M.P. – certification mandated.

1. Sales to a minor. April 26, 2012.

In re Citation No. 12-1461. \$400.00 fine. One day suspension for failure to pay.

1. Operated without a valid health permit. May 1, 2009 through September 14, 2012.

In re Citation No. 13-1176. \$1,600.00 fine, verification conditions corrected, and potential suspension held in abeyance pending compliance. Licensee still not in compliance and license suspended one day and thereafter.

1. Failed to comply with RAMP training order. March 18 through May 8, 2013.
2. Operated without a valid health permit. April 30, 2013.
3. False information on application for restaurant liquor license. October 21, 2012.
4. Failed to maintain business records. April 30, 2013.

In re Citation No. 13-1785. \$1,100.00 fine and 1 day suspension for late payment.

1. Operated without a valid health permit. May 29, 2013.
2. Failed to keep on the licensed premises and/or provide an authorized employee of the enforcement bureau access to, or the opportunity to copy, complete and truthful records covering the operation of the licensed business. June and 11, 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 \$50.00 to \$1,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Leneghan's Pub, Inc., License No. R-AP-SS-4424, shall pay a fine of two hundred dollars (\$200.00) 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 23RD day of February, 2016.



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

In re Citation No. 14-1267
Leneghan's Pub, Inc.