

Mailing Date: JUN 02 2015

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 14-1296
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-478507
v.	:	
	:	
PLAZA DINER & FAMILY	:	PLCB LID No.: 68625
RESTAURANT, LLC	:	
601 S. POPLAR ST.	:	
HAZLETON, PA 18201-7724	:	PLCB License No.: R-AP-SS-EHF-4454
	:	
LUZERNE COUNTY	:	

**ADJUDICATION**

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Ex Parte

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on July 11, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Plaza Diner & Family Restaurant, LLC (Licensee).

The citation charges Licensee with a violation of Section 471.1(g) of the Liquor Code [47 P.S. §4-471.1(g)]. The charge is that Licensee, by your servants, agents, or employees, failed to have your Board-approved manager complete RAMP training within 180 days of the Board's approval of the appointment, during the period April 24 through May 15, 2014.

I presided at an evidentiary hearing on April 15, 2015 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT:**

1. The Office of Administrative Law Judge sent a notice of hearing to Licensee at the address of record on February 25, 2015, by certified mail, return receipt requested and first class mail. Both notices were returned unclaimed.

2. The Bureau began its investigation on May 5, 2014 and completed it on June 4, 2014. (N.T. 6-7)

3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on June 12, 2014. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 7)

4. During the period charged, Licensee failed to have the Board-approved manager complete RAMP training within 180 days of appointment. (N.T. 7-11)

**CONCLUSION(S) OF LAW:**

I sustain the violation as charged.

**PRIOR ADJUDICATION HISTORY:**

Licensee has been licensed since October 7, 2013, and has no prior Adjudications.

**PENALTY ASSESSMENT CRITERIA:**

***Mandatory Requirement(s)***

Liquor Code Section 471 [47 P.S. §4-471] prescribes a penalty of license suspension, or revocation, or a fine of not less than \$50.00, or more than \$1,000.00, or both for the violation found herein.

***Discretionary Component(s)***

As Licensee has failed to obey process, to appear, or to offer any mitigation, I impose a \$1,000.00 fine.

**ORDER:**

***Imposition of Fine***

Licensee must pay a \$1,000.00 fine within twenty days of the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

***Retaining Jurisdiction***

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 19<sup>th</sup> day of May, 2015.

A handwritten signature in cursive script that reads "Felix Thau". The signature is written in black ink and is positioned above a horizontal line.

Felix Thau, A.L.J.

bc

General Information

This Adjudication is a legal document. It affects your rights, privileges, and obligations. The information which follows is a general guide. If you have not already done so, it may be prudent for you to consult with an attorney.

### Applying for Reconsideration

If you want the Administrative Law Judge to reconsider this Adjudication, you must submit a written application and a nonrefundable \$25.00 filing fee. Both must be received by the Office of Administrative Law Judge, (PLCB - Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661) within fifteen days of this Adjudication's mailing date. Your application must describe the reasons for reconsideration. The full requirements for reconsideration can be found in Title 1 Pa. Code §35.241.

### Appeal Rights

If you wish to appeal this Adjudication, you must file an appeal within thirty days of the mailing date of this Adjudication by contacting the Office of Chief Counsel of the Pennsylvania Liquor Control Board (717-783-9454). For further information, visit [www.lcb.state.pa.us](http://www.lcb.state.pa.us). The full requirements for an appeal can be found in 47 P.S. §4-471.

### **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 an attorney's check who is licensed to practice law 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

**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..