

Mailing Date: FEB 24 2015

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

PENNSYLVANIA STATE	:	In re Citation No. 14-1318
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-477797
	:	
v.	:	PLCB LID No. 68398
	:	
SAINT DECLAN'S WELL, LLC,	:	PLCB License No. R-AP-SS-450
T/A SAINT DECLAN'S WELL	:	
3131 WALNUT ST.	:	Philadelphia County
PHILADELPHIA, PA 19104-3415	:	

JUDGE SHENKLE  
BLCE COUNSEL: Andrew R. Britt, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 8, 2014. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-471.1(g), during the period April 14 through 28, 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 January 14, 2015, in Plymouth Meeting, Pennsylvania, there was no appearance by or on behalf of the Licensee; therefore, the matter proceeded *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period April 18 through May 15, 2014, and sent it written notice of the results on June 12, 2014 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 8, 2014 (N.T. 8-9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on December 1, 2014.
4. The appointment of Martin F. Spellman to be Licensee's manager was approved by the Board on October 15, 2013, and therefore he was required to complete RAMP owner/manager training within 180 days; i.e., by April 13, 2014. This was not done until April 29, 2014, 16 days late (N.T. 5-11).

CONCLUSIONS OF LAW:

Sustained as charged.

DISCUSSION:

For future reference, I would like Licensee's management to understand that it is never a good idea simply to ignore notices from the governmental agencies which are empowered by law to regulate them or penalize them for infractions of the rules.

Conducting a hearing in this case was a complete waste of time and money made necessary by Licensee's ignorance or flouting of the duties which come with running a heavily regulated business. The failure to sit in front of a computer screen for an hour and a half – though warned several times about the requirement to do so – results in a minor citation. Blowing off the entire administrative process makes it worse.

Since the failure to meet the deadline is an unarguable fact, there is no situation in which a reasonable licensee could have required a hearing. Through Licensee's inaction, however, a hearing is what we had. The result is not what it would have been had Licensee's management simply owned up to this minor oversight in a timely manner.

PRIOR RECORD:

Licensee has been licensed since August 28, 2013, and has had no prior violations.

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, Saint Declan's Well, LLC, t/a Saint Declan's Well, License No. R-AP-SS-450, shall pay a fine of three hundred fifty dollars (\$350.00) 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 11<sup>TH</sup> day of FEBRUARY, 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**

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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](http://www.lcb.state.pa.us)  
and look under LEGAL/Office of ALJ for instructions.