

Mailing Date: NOV 24 2015

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 14-1729
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-481806
	:	
9241 PW WELSH, LLC	:	
T/A PADDY WHACKS	:	PLCB LID - 58087
9241-43 ROOSEVELT BLVD. REAR	:	
PHILADELPHIA, PA 19114-2205	:	
	:	PLCB License No. R-AP-SS-EHF-11481
	:	
PHILADELPHIA COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

**ANDREW R. BRITT, ESQ.**

FOR THE LICENSEE:

**EDWARD B. McHUGH, ESQ.**

**BEFORE: JUDGE WRIGHT**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on September 2, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against 9241 PW Welsh, LLC, t/a Paddy Whacks, License Number R-AP-SS-EHF-11481 (hereinafter "Licensee").

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t/a Paddy Whacks  
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An Administrative hearing was held on Thursday, February 26, 2015, pursuant to requisite and appropriate hearing notice. The parties stipulated to the service and receipt of the notice letter and the citation. There were no objections as to jurisdiction or jurisdictional documents.

The citation charges Licensee with violation of Section 471(d) of the Liquor Code, 47 P.S. §4-471(d), in that during the period June 4 through July 10, 2014, Licensee, by its servants, agents or employes, failed to comply with the order of the Administrative Law Judge at Citation No. 12-1634C mandating responsible alcohol management training.

FINDINGS OF FACT:

1. In Citation No. 12-1634C with a mailing date of March 5, 2014, the Office of Administrative Law Judge issued an Adjudication with an Order requiring that Licensee comply with the requirements set forth in Liquor Code §471.1 pertaining to Responsible Alcohol Management. The Licensee was to receive certification within ninety days of the mailing date of the Adjudication and remain compliant for a period of one year from the date that the certification was issued. The Bureau was directed to monitor compliance with the Adjudication (N.T. 11-17 and Exhibit B-3).

2. An officer from the Bureau conducted an investigation of the licensed premises with regard to the RAMP which was mandated by the Office of Administrative Law Judge. The officer checked the LCB database and determined that three letters had been sent to the licensed premises by the Liquor Control Board. The first letter notified them of the RAMP requirement; the second letter indicated that they had forty-five days remaining to complete RAMP; and the third letter notified them that they were RAMP certified, however, the compliance date was July 11, 2014, which was past the June 3, 2014 deadline (N.T. 3-8 and Exhibits B-1 and B-2).

3. The officer visited the premises on July 17, 2014 and asked to speak to a manager or someone in charge. The bartender contacted the responsible party, who agreed to meet with the officers on July 21, 2014. On July 21, 2014, the officers met with Donald Jones at the licensed premises. At that time, the officers conducted a routine inspection and notified Donald Jones of the RAMP mandate. At that time, they showed him the letters that had been sent and notified him that they had not come into compliance until after the June 3, 2014 deadline (N.T. 8-9).

4. The Bureau sent the Licensee a notice of violation dated August 4, 2014. It was signed by the licensed premises. A citation was issued dated September 2, 2014, which was also signed at the licensed premises (N.T. 11-17 and Exhibits B-1 and B-2).

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5. Walt Lafty is employed by the Pennsylvania Liquor Control Board, Bureau of Alcohol Education in the RAMP division and has been so employed for over fifteen years. Mr. Lafty indicated that the Licensee filed for RAMP certification for LID Number 58087. But, based on a pending transfer, a new LID number was assigned. A certification was issued on July 5, 2012 and would expire two years from that date under LID 66436. The application for transfer was never approved, therefore, the certification was reissued on July 11, 2014 (N.T. 20-23 and Exhibit L-1).

CONCLUSIONS OF LAW:

During the period July 5 through July 10, 2014, Licensee, by its servants, agents or employees, failed to comply with the order of the Administrative Law Judge at Citation No. 12-1634C mandating responsible alcohol management training, in violation of Section 471(d) of the Liquor Code, 47 P.S. §4-471(d).

PRIOR RECORD:

Licensee has been licensed since October 3, 2008, and has a record of prior violations as follows:

In Re:

Citation No. 09-2967. \$1,250.00 fine.

1. Sales on Sunday between 2:00 a.m. and 11:00 a.m.  
November 22, 2009.
2. Failed to require patrons to vacate the premises not later than one-half hour after the required time.  
November 22, 2009.
3. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m.  
November 22, 2009.

Citation No. 11-0299C. \$500.00 fine.

1. Sales to a minor.  
January 20, 2011.

Citation No. 12-0395. \$300.00 fine.

1. Sold and/or served an unlimited or indefinite amount of alcoholic beverages.  
December 31, 2011.

Citation No. 12-1634C. One day suspension.

1. Sales to a minor.  
October 24, 2012.

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Citation No. 13-0493. Two days suspension.

1. Sales to a minor.  
January 3, 2013.

DISCUSSION:

According to the records of the RAMP, because of a pending transfer, the certification was issued under a different LID number to expire July 5, 2014. The transfer was never approved, so in actuality Licensee's RAMP certification expired July 5, 2014 and not June 4, 2014. Nevertheless, they were not recertified until July 11, 2014. So, rather than thirty days plus, they were a few days late.

Under the circumstances, a moderate monetary penalty shall be imposed.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. Section 4-471, prescribes a penalty of suspension or revocation of license or imposition of a fine of not less than \$50.00 or more than \$1,000.00, or both, for violations of the type found in this case.

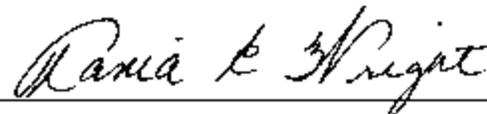
Accordingly, we issue the following:

ORDER

THEREFORE, it is hereby Ordered that Licensee, 9241 PW Welsh, LLC, t/a Paddy Whacks, License Number R-AP-SS-EHF-11481, pay a fine of One Hundred Fifty Dollars (\$150.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

**Jurisdiction of this matter is retained.**

Dated this 3<sup>RD</sup> day of November, 2015.



Tania E. Wright, J.

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**NOTE:** MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.

**If you wish to appeal the decision of the Administrative Law Judge's Order, the appeal must be filed within 30 days of the mailing date of the Order. Please contact the Office of the Chief Counsel of the Pennsylvania Liquor Control Board at 717-783-9454.**

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**Detach Here and Return Stub with Payment - Note Citation Number on Check**

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The fine must be paid by Treasurer's Check, Cashier's Check, Money Order or a check drawn on the account of an attorney, who must be licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless they are certified by your bank.** If you are paying by guaranteed check, please make it payable to the Commonwealth of Pennsylvania and mail, along with any required documentation, to:

PLCB - Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg, PA 17110-9661

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