

Mailing Date: MAR 31 2015

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

PENNSYLVANIA STATE	:	In re Citation No. 14-1747
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-482974
	:	
v.	:	PLCB LID No. 66195
	:	
H. LOPEZ CORPORATION	:	PLCB License No. R-AP-SS-4972
458 EAST WYOMING AVE.	:	
PHILADELPHIA, PA 19120-4538	:	Philadelphia County

JUDGE SHENKLE  
BLCE COUNSEL: Andrew R. Britt, Esq.  
LICENSEE COUNSEL: Paul L. Herron, Esq.

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on September 9, 2014. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §1-102, on July 30, 2014, on the basis that the licensed premises was not a *bona fide* restaurant because there was insufficient food.

A hearing was held on February 12, 2015, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

**FINDINGS OF FACT:**

A liquor enforcement officer inspected the licensed premises on July 30, 2014, and found that there was no food present. The officer explained the requirements of the law to Licensee's president, who has since then maintained an adequate supply of food on the premises (N.T. 7-13).

**CONCLUSIONS OF LAW:**

Sustained as charged.

**PRIOR RECORD:**

Licensee has been licensed since December 13, 2012, and has had one prior violation:

In re Citation No.14-1065. \$650.00 fine.

1. Loudspeakers heard beyond property line. March 27, 2014.
2. Smoking in a public place where prohibited. March 27, April 25 and 26, 2014.
3. Failed to adhere to CLA. March 27, April 25 and 26, 2014.

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, H. Lopez Corporation, License No. R-AP-SS-4972, shall pay a fine of two hundred fifty dollars (\$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.

Dated this 16<sup>th</sup> day of MARCH, 2015.



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**

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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

In re Citation No. 14-1747  
H. Lopez Corporation