

Mailing Date: MAY 06 2016

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 14-2453
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-488211
	:	
996 BALTIMORE, INC.	:	
996 BALTIMORE PIKE	:	PLCB LID - 37213
PO BOX 509	:	
CONCORD TWP.	:	
CONCORDVILLE, PA 19331	:	PLCB License No. R-AP-SS-15619
	:	
DELAWARE COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

**ANDREW R. BRITT, ESQ.**

FOR THE LICENSEE:

**JOHN J. McCREESH, III, ESQ.**

**BEFORE: JUDGE WRIGHT**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on December 16, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against 996 Baltimore, Inc., License Number R-AP-SS-15619 (hereinafter "Licensee").

An Administrative hearing was held on Wednesday, May 27, 2015, pursuant to requisite and appropriate hearing notice. The parties stipulated to the service and receipt of the notice letter and the citation.

The citation charges Licensee with violation of Section 493(1) of the Liquor Code, 47 P.S. §4-493(1), in that on November 25, 2014, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) minor, nineteen (19) years of age.

FINDINGS OF FACT:

1. On Tuesday, November 25, 2014 at 5:25 p.m., an officer from the Bureau entered the licensed premises in an undercover capacity and sat at the bar. He observed approximately twenty patrons on the premises. He determined that it was safe for the Underage Buyer to enter. At 5:28 p.m., the Underage Buyer entered the licensed premises and approached the bar. The Underage Buyer ordered and was served one twelve-ounce bottle of Bud Light beer by a female bartender, D. S. He placed a twenty dollar bill on the bar, and after some delay, the bartender took the bill and returned the change to him. The Underage Buyer picked up the beer, but left the beer on the bar and exited the licensed premises without consuming any alcohol (N.T. 6-11).

2. The Underage Buyer was nineteen years old at the time he purchased beer at the licensed premises. The Underage Buyer was a participant in the Bureau's Age Compliance Program and had undergone the required education and testing. The bartender did not ask the Underage Buyer for identification nor required him to sign a declaration of age card. After leaving the premises, the minor completed a report of the incident (N.T. 15-21).

3. Another Bureau officer went inside the premises and spoke with the bartender and Tim Slachta, the employee in charge on November 25, 2014, to notify them that they had sold an alcoholic beverage to a minor participating in the age compliance program (N.T. 22).

4. On December 1, 2014, a Notification of Non-Compliance was sent to the licensed premises (Exhibit B-3).

CONCLUSIONS OF LAW:

On November 25, 2014, Licensee, by its servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) minor, nineteen (19) years of age, in violation of Section 493(1) of the Liquor Code, 47 P.S. §4-493(1).

PRIOR RECORD:

Licensee has been licensed since December 22, 1995, and has a record of prior violations as follows:

In Re:

Citation No. 01-0047. \$600.00 fine.

1. Unlawfully possessed liquor obtained from a source other than a Pennsylvania State Store.
2. Failed to maintain complete and truthful records covering the operation of the licensed business for a period of two years immediately preceding December 1, 2000.
3. Permitted the price of alcoholic beverages to change within the designated discount pricing period.

Citation No. 01-1970. \$200.00 fine.

1. Used loudspeakers or devices whereby music could be heard outside.

Citation No. 01-2070. \$100.00 fine.

1. Purchased malt or brewed beverages on credit.

Citation No. 01-2382. \$300.00 fine.

1. Used loudspeakers or devices whereby music could be heard outside.
2. Maintained on the licensed premises a patio used by a band which entertainment produced thereon was visible from the outside.

Citation No. 11-0675. \$250.00 fine and Verification conditions corrected.

1. Operated the licensed establishment without a valid health permit or license.  
February 16, 2011.

Citation No. 14-1276. \$1,400.00 fine.

1. Sales to a minor.  
May 23, 2014.

DISCUSSION:

By way of mitigation, Mr. Francis Slachta testified that he has been in the liquor business for about fifty years, has had a total of six licensed establishments, and currently has three. Tim Slachta, with whom the Enforcement officer spoke, is his son and he has other children who worked in his establishments. Mr. Slachta brought a bag to Court with approximately 100 identification cards, which he confiscated at the premises. He pays twenty-five dollars to his employees for each identification which they confiscate. Unfortunately, in this case, the bartender failed to request identification and served a minor in the Age Compliance Program.

996 Baltimore, Inc.  
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Under the circumstances, a monetary penalty shall be imposed. In that the premises was RAMP certified on March 2, 2016, Licensee must remain in compliance for a period of one year from the mailing date of this Order.

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 \$1,000.00 or more than \$5,000.00, or both, for violations of the type found in this case.

Accordingly, we issue the following:

ORDER

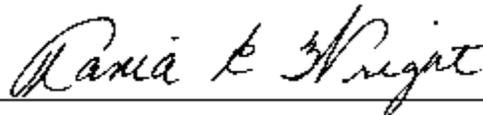
THEREFORE, it is hereby Ordered that Licensee, 996 Baltimore, Inc., License Number R-AP-SS-15619, pay a fine of One Thousand Four Hundred Dollars (\$1,400.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

IT IS FURTHER ORDERED that Licensee shall remain in compliance with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management for a period of one year from the mailing date of this Order.

Failure to comply with this Order will be grounds for modification of penalty in this case. Failure to comply may also constitute grounds for issuance of a new citation as authorized by Section 471(d) of the Liquor Code, 47 P.S. Section 4-471(d).

**Jurisdiction of this matter is retained.**

Dated this 4<sup>TH</sup> day of MAY, 2016.



Tania E. Wright, J.

**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.

996 Baltimore, Inc.  
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**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 business or trust 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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996 Baltimore, Inc.