

Mailing Date: OCT 19 2015

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 14-2503
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-486389
	:	
WOLF STREET PUB COMPANY	:	
2301 S. FRONT ST.	:	PLCB LID - 69160
PHILADELPHIA, PA 19148-4101	:	
	:	
	:	PLCB License No. R-SS-11509
	:	
PHILADELPHIA COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ANDREW R. BRITT, ESQ.

FOR THE LICENSEE:

**STEPHANIE EBERT
PRO SE**

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on December 30, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Wolf Street Pub Company, License Number R-SS-11509 (hereinafter "Licensee").

An Administrative hearing was held on Thursday, June 4, 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 471.1(g) of the Liquor Code, 47 P.S. Section 4-471.1(g), in that during the period September 17 through October 10, 2014, Licensee, by its servants, agents or employes, failed to have the Board approved manager complete RAMP training within 180 days of the Board's approval of the appointment.

FINDINGS OF FACT:

1. This investigation resulted from a complaint alleging that the Board-approved manager of the licensed premises failed to complete Responsible Alcohol Management Program (RAMP) training within 180 days of approval (N.T. 11).

2. On Thursday, October 23, 2014, an officer from the Bureau accessed the PLCB Imaging System and reviewed two letters sent to the licensed premises alerting them of the RAMP requirement for the Board-approved manager, Ronan Daly. The letters, dated March 20, and June 18, 2014, clearly stated that the deadline for the completion of RAMP training was September 16, 2014. He then accessed the RAMP database and verified that Mr. Daly had completed Owner/Manager training on October 11, 2014 (N.T. 11-12 and Exhibits B-3 and B-4).

3. On that same day, Thursday, October 23, 2014, the officer entered the licensed premises, which was open and operating. He identified himself to the bartender, Rich Arnold, and informed him that a routine inspection would be conducted. During the course of the inspection, the bartender contacted Stephanie Ebert, secretary, by phone. Ms. Ebert stated that she was not aware of the PLCB notification letters but stated that Mr. Daly had completed his RAMP training. The officer informed her that Mr. Daly had failed to complete his training by the mandated deadline and that the premises would receive a notice of violation letter. Mr. Arnold signed for and received a copy of the Routine Inspection Report prepared by the officer. The officer exited the premises at 1:30 p.m. (N.T. 12-14 and Exhibit B-5).

4. Certification/Attestation from the PLCB Bureau of Alcohol Education, dated December 2, 2014, states that the Board-approved manager of the licensed premises, Ronan Daly, had not completed mandated RAMP training between September 17, and October 10, 2014. It also states that Ronan Daly completed the training on October 11, 2014 (N.T. 19 and Exhibit B- 4).

5. On November 26, 2014, the officer sent a notice of violation letter, under the signature of Sergeant Daniel D. Steele, District Office Commander, to the Licensee. The notice was signed as received on November 29, 2014. A citation dated December 30, 2014 was mailed to the licensed premises on that same date, by certified mail, return receipt requested. The notice was signed as received on January 3, 2015 (N.T. 15-20 and Exhibits B-3 and B-4).

CONCLUSIONS OF LAW:

During the period September 17 through October 10, 2014, Licensee, by its servants, agents or employes, failed to have the Board approved manager complete RAMP training within 180 days of the Board's approval of the appointment, in violation of Section 471.1(g) of the Liquor Code, 47 P.S. Section 4-471.1(g).

PRIOR RECORD:

Licensee has been licensed since February 10, 2014, and has a record of prior violations as follows:

In Re:

Citation No. 14-2309C. One day suspension.

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

DISCUSSION:

It appears that Stephanie Ebert, the corporate secretary, attempted to remedy this situation by requesting that she be appointed as the board approved manager. Ms. Ebert completed owner/manager training on August 10, 2014. The PLCB acknowledged receipt of the application on September 12, 2014, which indicated that the present manager, Ronan Daly, was hospitalized and could not perform his duties as manager. However, on September 18, 2014 and again on October 20, 2014, the Board requested that Ms. Ebert send verification that she, the applicant, could in fact devote full time and attention as the manager of the premises. Ms. Ebert had a full time job and was ineligible to be appointed as manager. On October 23, 2014, Ms. Ebert responded to the Board, indicating that Ronan Daly had resumed his duties as manager and had completed his training on October 11, 2014.

Mr. Ronan Daly, at all times relevant to this complaint, was the Board approved manager of the licensed premises. No action was taken on the application for change of manager, in that the application was never completed. Despite efforts by Ms. Ebert to appoint an eligible manager, she was unable to hire another manager, during Mr. Ronan's hospitalization. No extension was granted relevant to the time for completion of training. Therefore, despite seemingly good cause, Mr. Ronan failed to complete owner/manager RAMP training by the September 16, 2014 deadline. The training was completed on October 11, 2014.

Under the circumstances, a minimum 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.

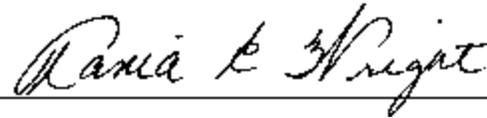
Accordingly, we issue the following:

ORDER

THEREFORE, it is hereby Ordered that Licensee, Wolf Street Pub Company, License Number R-SS-11509, pay a fine of Fifty Dollars (\$50.00) 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 16TH day of October, 2015.



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.

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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Wolf Street Pub Company
In Re: Citation No. 14-2503

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

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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