

Mailing Date: FEB 26 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 15-0941C
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-495493
	:	
v.	:	PLCB LID No. 52299
	:	
202 GIRARD, INC.	:	PLCB License No. R-AP-SS-337
202 E. GIRARD AVE.	:	
PHILADELPHIA, PA 19125-3917	:	Philadelphia County

JUDGE SHENKLE
BLCE COUNSEL: Erik S. Shmukler, Esq.
LICENSEE COUNSEL: John J. McCreesh, III, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 2, 2015. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(1), on April 30, 2015, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one minor, twenty years of age.

A hearing was held on December 8, 2015, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

On April 30, 2015, a man whose birth date was December 3, 1994, who was working with the Bureau's age compliance check program, purchased beer in the licensed premises. His age was not questioned. The man did not drink any beer, but left the premises. A liquor enforcement officer then entered and informed Licensee's employee of the violation (N.T. 13-15, 22-24).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since February 6, 2004, and has had prior violations as follows:

In re Citation No. 05-2067. \$700.00 fine.

1. Loudspeakers could be heard outside. June 24 and 25, 2005.
2. Permitted a one-piece band to vocalize without an amusement permit. June 24, 25 and July 22, 2005.
3. Gambling (machine). June 24, 25, July 22, August 7 and 18, 2005.

In re Citation No. 06-0039. \$200.00 fine.

1. Permitted guitarist to vocalize without amusement permit. November 17, 2005.

In re Citation No. 06-2955. \$1,500.00 fine.

1. Loudspeakers could be heard outside.
2. Sales on Sunday between 2:00 a.m. and 11:00 a.m.
3. Failed to require patrons to vacate the premises by the required time.
4. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m.

In re Citation No. 11-1371. \$1,450.00 fine.

1. Permitted patrons to possess or removed alcoholic beverages after 2:30 a.m.
2. Sales between 2:00 a.m. and 7:00 a.m.

In re Citation No. 14-1428. \$1,000.00 fine.

1. Gambling (machine). May 14, 2014.
2. Failed to require patrons to vacate after hours. April 20, 2014.
3. Permitted patrons to possess alcoholic beverages after hours. April 20, 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 \$1,000.00 to \$5,000.00 range, or both, for violations of the type found in this case. Mandatory R.A.M.P. – certification is required by 47 P.S. §4-471(d) in these circumstances.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, 202 Girard, Inc., License No. R-AP-SS-337, shall pay a fine of one thousand four hundred dollars (\$1,400.00) 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.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1, pertaining to Responsible Alcohol Management in the following manner. The Licensee is directed to contact the Bureau of Alcohol Education, Pennsylvania Liquor Control Board (toll free telephone: 1-866-275-8237; www.lcb.state.pa.us) within thirty (30) days of the mailing date of this adjudication in order to receive assistance in the compliance process.

Licensee must receive certification within ninety (90) days of the mailing date of this adjudication. Licensee must remain in compliance for a period of one year from the date such certification is issued. The Bureau of Liquor Control Enforcement is further directed to monitor compliance with this adjudication.

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).

Dated this 23RD day of February, 2016.



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

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