

Mailing Date: JUN 27 2016

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 15-0959
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-493633
	:	
FINFREE ENTERPRISES, INC.	:	
T/A THE LITTLE INN	:	PLCB LID - 56996
9 OLD STATE RD.	:	
UPPER PROVIDENCE TWP.	:	
MEDIA, PA 19063-1544	:	PLCB License No. R-AP-SS-19934
	:	
DELAWARE COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ERIK S. SHMUKLER, ESQ.

FOR THE LICENSEE:

EX PARTE

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on June 2, 2015, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Finfree Enterprises, Inc, t/a The Little Inn, License Number R-AP-SS-19934 (hereinafter "Licensee").

An Administrative hearing was held on Tuesday, February 23, 2016, pursuant to requisite and appropriate hearing notice. Despite notice of the hearing having been sent to the Licensee, the Licensee failed to appear. Therefore, the hearing proceeded *ex parte*.¹

The citation charges Licensee with violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16), in that on March 25, 2015, Licensee, by its servants, agents or employees, sold alcoholic beverages after the Restaurant Liquor License expired on November 30, 2014 and had not been renewed and/or validated.

FINDINGS OF FACT:

1. The Bureau of Enforcement conducted an investigation of the licensed premises which began on March 20, 2015 and ended on May 11, 2015. A notice of violation letter dated May 14, 2015 was sent to the licensed premises by certified mail, return receipt requested. That mailing was returned as undeliverable. A citation dated June 2, 2015 was sent to the licensed premises by certified mail, return receipt requested. That mailing was returned as undeliverable. The Office of Administrative Law Judge sent a citation hearing notice to the licensed premises on January 6, 2016 by certified mail, return receipt requested, and by first class mail. That mailing was signed as received on January 8, 2016 (N.T. 12-15 and Exhibits B-1 and B-2).

2. An officer from the Bureau conducted an investigation the licensed premises, in that the records of the PLCB indicated that the premises had no current active license and therefore had no authority to sell alcohol. On Wednesday, March 25, 2015 at 3:27 p.m., two officers entered the licensed premises. The premises was open and operating with one female bartender, later identified as Jessica Vesty, on duty. The officer ordered and was served one sixteen-ounce Yuengling Lager draft beer for \$3.00 by the female bartender. When the transaction was complete, the investigating officer identified himself to the female bartender and asked to speak with the owner/manager. He was then introduced to Mihales Karasavas, the corporate president (N.T. 10-11).

3. The officer identified himself to Mr. Karasavas and asked him if he had a valid liquor license. Mr. Karasavas showed him the posted liquor license, which had expired on November 30, 2014. Mr. Karasavas checked the back but was unable to locate a valid liquor license. The Licensee did not want to give a written statement until he contacted his attorney, but did state that the premises was open and selling alcoholic beverages between December 1, 2014 and March 25, 2015 (N.T. 11-12).

4. A Certification/Attestation from the PLCB states that the premises' liquor license expired on November 30, 2014, and that the premises did not possess authority to operate between December 1, 2014 and March 25, 2015 (N.T. 15-17 and Exhibit B-3).

¹The Bureau attorney received documents indicating that the corporate president, Mihales Karasavas, had filed for personal bankruptcy and that the premises had been sold through foreclosure and a sheriff's sale. However, the bankruptcy filings do not reference the corporation under which the license was held nor the liquor license.

Finfree Enterprises, Inc.
t/a The Little Inn
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CONCLUSIONS OF LAW:

All statutory prerequisites for notice to the Licensee were satisfied.

On March 25, 2015, Licensee, by its servants, agents or employes, sold alcoholic beverages after the Restaurant Liquor License expired on November 30, 2014 and had not been renewed and/or validated, in violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16).

PRIOR RECORD:

Licensee has been licensed since August 23, 2006, and has a record of prior violations as follows:

In Re:

Citation No. 13-0259. \$1,000.00.

1. Sales after the license expired and had not been renewed and/or validated.
December 1, 2012 through January 16, 2013.

DISCUSSION:

Under the circumstances, a two day suspension 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 \$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

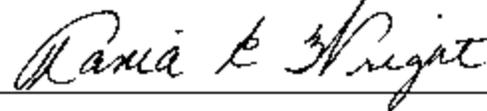
THEREFORE, it is hereby Ordered that the Restaurant Liquor License of Finfree Enterprises, Inc., t/a The Little Inn, License Number R-AP-SS-19934, be suspended for a period of two (2) days. However, the suspension period is deferred pending the renewal of Licensee's license, at which time the suspension period will be fixed by further Order.

The Bureau of Licensing is directed to notify the Office of Administrative Law Judge of the renewal of the license so that an Order may be entered fixing the dates of suspension.

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Jurisdiction of this matter is retained.

Dated this 21ST day of JUNE, 2016.

A handwritten signature in cursive script, reading "Tania E. Wright", is written over a horizontal line.

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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