

Mailing Date: SEP 16 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 15-1024C
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W09-495753
	:	
v.	:	PLCB LID No. 57638
	:	
LA CASITA DE FAMILIA, LLC	:	PLCB License No. R-AP-SS-16255
8 E. CENTRE ST.	:	
SHENANDOAH, PA 17976-1779	:	Schuykill County

JUDGE SHENKLE
BLCE COUNSEL: Roy Harkavy, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 12, 2015. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(1), on May 7, 2015, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one minor, nineteen years of age.

At the hearing scheduled for Wednesday, August 17, 2016, in Allentown, Pennsylvania, there was no appearance for Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period May 7, 2015, through May 12, 2015, and sent it written notice of the results on May 26, 2015 (N.T. 4-6, Exhibit C-1).
2. A copy of this citation was mailed to Licensee on June 12, 2015 (N.T. 5, Exhibit C-2).
3. A Notice of Hearing was mailed to Licensee on June 29, 2016.
4. On May 7, 2015, a woman whose birth date was December 27, 1995, who was participating in the Bureau's age compliance program, entered the licensed premises at 8:00 p.m. She walked up to the bar and asked for a six-pack of beer. The bartender asked for ID. The woman displayed her valid Pennsylvania Junior Driver's License. The bartender looked at it and gave it back to her. The woman paid for the beer and left the establishment with it (N.T. 7-9).
5. After the woman brought the beer out of the premises, a liquor enforcement officer took it and obtained her description of the bartender who had sold it. The officer then entered the premises and informed the bartender and Licensee's manager of the violation (N.T. 10-11).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 2, 2007, and has had prior violations as follows:

In re Citation No. 09-2804. \$2,050.00 fine and R.A.M.P. – certification mandated.

1. Loudspeakers could be heard outside. June 27, July 24, 25, August 22, 2009.
2. Permitted smoking. May 30, June 5, 27, July 24, 25 and August 22, 2009.
3. No “no smoking” signs. May 30, June 27, July 24, 25 and August 22, 2009.
4. Sales to visibly intoxicated persons. June 27, 2009.
5. Failed to clean coils at least once every 7 days. July 7 through October 7, 2009.

In re Citation No. 10-0627. \$1,250.00 fine and R.A.M.P. – certification mandated.

1. Sales to minors. February 27, 2010.

In re Citation No. 11-1489. \$500.00 fine.

1. Loudspeakers could be heard outside. July 2, 2011.

In re Citation No. 13-1212. \$600.00 fine.

1. Loudspeakers could be heard outside. February 22, 2013.

In re Citation No. 13-1572. \$50.00 fine.

1. Smoking in a public place where prohibited. May 18, 2013.

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.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, La Casita De Familia, LLC, License No. R-AP-SS-16255, shall pay a fine of one thousand six hundred dollars (\$1,600.00) 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 14TH day of September, 2016.



David L. Shenle, J.

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

Credit/debit cards may be used: if you have already registered with PLCB+ you should be able to pay by Credit/Debit card; if you have not registered with PLCB+ you may obtain the information on how to register by sending an email message to:
RA-LBLICENSINGMOD@pa.gov.