

Mailing Date: APR 12 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 15-1175C
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-496497
	:	
v.	:	PLCB LID No. 60140
	:	
4936 SSP, INC.	:	PLCB License No. R-AP-SS-15465
VALLEY VIEW SHOPPING CENTER	:	
4936 PENNELL RD.	:	Delaware County
ASTON, PA 19014-1867	:	

JUDGE SHENKLE  
BLCE COUNSEL: Erik S. Shmukler, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 7, 2015. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(1), on May 21, 2015, by selling, furnishing, and/or giving or permitting such sale, furnishing or giving of alcoholic beverages to one minor, twenty years of age.

At the hearing scheduled for Thursday, March 10, 2016, Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

**FINDINGS OF FACT:**

1. The Bureau investigated Licensee during the period May 21 through May 26, 2015, and sent it written notice of the results on June 16, 2015 (N.T. 13-14, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 7, 2015 (N.T. 14-15, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on January 22, 2016.

4. On May 21, 2015, a man whose birth date was December 3, 1994, who was participating in the Bureau's age compliance check program, entered the licensed premises at 6:24 p.m. and took a seat at the bar. The bartender asked what he was drinking. He ordered Coors Light. The bartender asked for identification. The man presented was his valid PA Junior Driver's License. The bartender looked at it, scanned it through a credit card scanner, returned it to the man, and then served the beer requested. The man paid for the beer and touched it, but did not drink any. Then he got a phone call and left the premises. A liquor enforcement officer then entered and informed the bartender of the violation (N.T. 5-7, 8-9, 13, 17-18).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 1, 2008, and has had prior violations as follows:

In re Citation No. 09-0010X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. October 20 and 31, 2008.

In re Citation No. 11-0129X. \$200.00 fine.

1. Bad checks for malt or brewed beverages. June 3 and October 14, 2010.

In re Citation No. 11-0342X. \$150.00 fine.

1. Bad checks for malt or brewed beverages. October 14, 2010.

In re Citation No. 11-0876X. \$250.00 fine.

1. Bad checks for malt or brewed beverages. March 25, 2011.

In re Citation No. 13-2065. \$1,400.00 fine and mandatory RAMP certification; license suspended, then revoked for late payment; revocation vacated on reconsideration.

1. Served visibly intoxicated patron. September 6, 2013.

In re Citation No. 14-0568. \$1,000.00 fine.

1. Sales after license expired. December 1, 2013, through January 27, 2014.

In re Citation No. 14-1667C. 1 day deferred suspension.

1. Sales to a minor. July 18, 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 this type. Since this is Licensee's third violation in a four-year period of a provision mentioned in 47 P.S. §4-471(b), the law requires that the penalty include license suspension or revocation. This license expired on November 30, 2015.

ORDER

THEREFORE, it is hereby ORDERED that the restaurant liquor license of Licensee, 4936 SSP, Inc., License No. R-AP-SS-15465, shall be suspended (including all permits and Licensee Discount Card) for a period of three (3) days on a date to be set by further order if this license is renewed. The Bureau of Licensing is requested to notify this Office of the reactivation of the license so that an appropriate order may be entered. Jurisdiction is retained.

Dated this 11<sup>TH</sup> day of APRIL, 2016.

  
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David L. Shenle, J.

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**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.**