

Mailing Date: JUL 20 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 15-1803
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W02-501962
	:	
v.	:	PLCB LID No. 33239
	:	
COCKEYED OSCAR AND HIS	:	PLCB License No. R-AP-SS-17461
MAD DOG BARTENDERS, INC.	:	
1234 MULBERRY ST.	:	
SCRANTON, PA 18510-2272	:	Lackawanna County

JUDGE SHENKLE
BLCE COUNSEL: Craig A. Strong, Esq.
LICENSEE: Antoinette Hamidian

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on October 16, 2015. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(12), and a Liquor Control Board regulation, 40 Pa. Code §5.52, during the period September 12, 2013, through September 12, 2015, by failing to maintain records in conformity therewith.

A hearing was held on Wednesday, June 8, 2016, in Scranton, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

1. On September 12, 2015, a uniformed liquor enforcement officer performed a routine inspection of Licensee's premises and found that its tap cleaning records indicated a cleaning only once every couple of months. Licensee's manager told the officer that he cleaned the taps himself once a week, but didn't keep a record of it. A vendor came in, once every couple of months to clean the entire system, he said (N.T. 6-7).

2. Licensee's taps are cleaned every week; the establishment has always been clean, free from rodents, bugs, clutter and grime. The Bureau did not contend otherwise, only that the dates weren't written down. If the officer had found the taps to be dirty, an additional count would have been added to the citation (N.T. 12-14).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since June 8, 1994, and has had prior violations as follows:

In re Citation No. 98-0084. 2 days suspension.

1. Sales to minors.

In re Citation No. 99-0586. 5 days suspension.

1. Sales to minors.
2. Minors frequenting.

In re Citation No. 07-0625. \$1,500.00 fine and RAMP training mandated.

1. Sales to minors.
2. Minors frequenting.

In re Citation No. 12-1737. \$1,000.00 fine and 3 days suspension.

1. Minors frequenting.

In re Citation No. 15-0571. \$200.00 fine.

1. Failed to require patrons to vacate after hours. February 22, 2015.
2. Permitted patrons to possess alcoholic beverages after 2:30 a.m. February 22, 2015.

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 \$50.00 to \$1,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Cockeyed Oscar and His Mad Dog Bartenders, Inc., License No. R-AP-SS-17461, shall pay a fine of one hundred dollars (\$100.00) 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 18TH day of JULY, 2016.



David L. Shenkle, 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.