

Mailing Date: NOV 18 2016

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 15-1955
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-502498
v.	:	
	:	
PUB 199, LLC	:	PLCB LID No.: 69831
T/A PUB 447	:	
65 INDEPENDENCE RD.	:	
EAST STROUDSBURG, PA 18301	:	PLCB License No.: R-SS-13027
	:	
MONROE COUNTY	:	

ADJUDICATION

BEFORE: Ember S. Jandebour, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Pro Se

BACKGROUND:

This proceeding arises out of a citation, containing one count that was issued on November 9, 2015, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Pub 199, LLC (Licensee).

The citation charges Licensee with a 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)]. The charge is that Licensee, by your servants, agents, or employees, sold alcoholic beverages after your restaurant liquor license expired on September 30, 2015, and had not been renewed and/or validated, during the period October 1 through 4, 2015.

I presided at an evidentiary hearing on October 27, 2016 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

STIPULATED FINDINGS OF FACT:

1. Licensee's liquor license expired on September 30, 2015 and the status was listed as inactive. (PHM¹)
2. On October 3, 2015 at 9:15 p.m. R. McFarland, an enforcement officer, entered the licensed premises and observed a bartender rendering service to approximately 45 patrons. (PHM)
3. Licensee was not granted temporary authority to operate from October 1 through October 4, 2015. (PHM)
4. On October 20, 2015, R. McFarland sent or caused to be sent a Notice of Violation letter to Licensee under the signature of Sergeant Michael T. Carroll. (PHM)
5. On October 4, 2015, J. Salva, an enforcement officer met with Licensee member Nick Gangemi. Mr. Gangemi was unaware that the liquor license expired. (PHM)
6. Mr. Gangemi stated that the premises was open and sold alcohol from October 1 through October 4, 2015. (PHM)
7. Exhibit C-1 is the Pre-Hearing Memorandum.
8. Exhibit C-2 is the Notice of Violation.
9. Exhibit C-3 is the Citation.
10. Exhibit C-4 is the Licensee's prior history.

CONCLUSION(S) OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.

¹ Pre-Hearing Memorandum

2. I sustain the violation as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since August 1, 2014, and has the following Adjudication history:

In Re Citation No.: 15-0268C. Fine \$1,250.00 and RAMP compliance mandated.
Sales to a minor on January 17, 2015.

PENALTY ASSESSMENT CRITERIA:

Liquor Code Section 471 [47 P.S. §4-471] prescribes a penalty of license suspension, or revocation, or a fine of not less than \$1,000.00, or more than \$5,000.00, or both for the violation found herein.

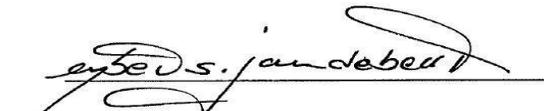
I impose a \$1,000.00 fine.

ORDER:

Licensee must pay a \$1,000.00 fine within twenty days of the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 9TH day of November, 2016.


Ember S. Jandebaur, J.

bc

If you want the Administrative Law Judge to reconsider this Adjudication, you must submit a written application and a nonrefundable \$25.00 filing fee. Both must be received by the Office of Administrative Law Judge, (PLCB - Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661) within fifteen days of this Adjudication's mailing date. Your application must describe the reasons for reconsideration. The full requirements for reconsideration can be found in Title 1 Pa. Code §35.241.

If you wish to appeal this Adjudication, you must file an appeal within thirty days of the mailing date of this Adjudication by contacting the Office of Chief Counsel of the Pennsylvania Liquor Control Board (717-783-9454). For further information, visit www.lcb.state.pa.us. The full requirements for an appeal can be found in 47 P.S. §4-471.

Detach Here and Return Stub with Payment – Note Citation Number on Check

The fine must be paid by cashier's check, money order, or an attorney's check who is licensed to practice law in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** Please make your guaranteed check 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.