

Mailing Date: NOV 16 2016

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 15-2120
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W03-500469
v.	:	
	:	
CULHANES, INC.	:	PLCB LID No.: 65695
T/A CULHANE'S STEAKHOUSE	:	
1 LAUREL RD.	:	
NEW CUMBERLAND, PA 17070-3144	:	PLCB License No.: R-AP-SS-15995
	:	
YORK COUNTY	:	

ADJUDICATION

BEFORE: Ember S. Jandebour, Administrative Law Judge

FOR BLCE: John H. Pietrzak, Esquire

LICENSEE COUNSEL: James M. Petrascu, Esquire

BACKGROUND:

This proceeding arises out of a citation, containing one count that was issued on December 10, 2015, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Culhanes, Inc. (Licensee).

The citation charges Licensee with a violation of Section 471(d) of the Liquor Code [47 P.S. §4-471(d)]. The charge is that Licensee, by your servants, agents, or employees, failed to comply with the order of the Administrative Law Judge at Citation No. 15-0365C mandating responsible alcohol management training, during the period July 22 through October 27, 2015.

I presided at an evidentiary hearing on October 26, 2016 at 2221 Paxton Church Road, Harrisburg, Pennsylvania.

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

STIPULATED FINDINGS OF FACT:

1. Exhibit C-1 is a copy of the Notice of Violation letter. The Licensee received it. (N.T. 4)
2. Exhibit C-2 is a copy of the Citation. The Licensee received it. (N.T. 5)
3. Exhibit C-3 is a copy of the adjudication for a prior citation (15-0365C). (N.T. 5)
4. Pursuant to an adjudication in citation 15-0365C, the Office of the Administrative Law Judge ordered the Licensee to become compliant with the Board's Responsible Alcohol Management Program (RAMP) no later than July 21, 2015. (N.T. 5)
5. On October 14, 2015, a Liquor Control Enforcement Officer met with Tom Sagonas (Licensee's president and Board approved manager). As of October 14, 2015, the Licensee did not have any RAMP signs posted and had not submitted the affidavit required by the Board to complete the RAMP certification process. The Licensee had completed the required training. (N.T. 6)
6. The Bureau obtained the certification from the Board certifying that the Licensee was not RAMP certified from July 22, 2015 through October 27, 2015. (N.T. 7, Exhibit C-4)
7. The Licensee became RAMP certified on June 13, 2016. (N.T. 7)
8. Exhibit C-5 is a copy of Licensee's prior history. (N.T. 7)

FINDINGS OF FACT:

9. Thomas Sagonas testified for the Licensee.
10. Licensee procured RAMP signage but overlooked displaying them. (N.T. 10)
11. Licensee overlooked sending in the RAMP completion affidavit. (N.T. 10)
12. At the time of the hearing the RAMP signs had been displayed, and the RAMP affidavit sent in. (N.T. 11)

CONCLUSION(S) OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. I sustain the violation as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since December 28, 2011, and has the following Adjudication history:

In Re Citation No.: 15-0365C. Fine \$1,250.00 and RAMP certification mandated.
Sales to a minor on February 1, 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 \$50.00, or more than \$1,000.00, or both for the violation found herein.

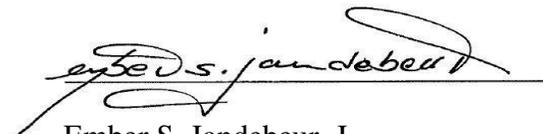
I impose a \$350.00 fine.

ORDER:

Licensee must pay a \$350.00 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.