

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.: 15-2229
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W03-502531
v.	:	
	:	
BYPASS VENTURES, LP	:	PLCB LID No.: 60318
1300 CAMP HILL BYPASS	:	
CAMP HILL, PA 17011-3716	:	
	:	PLCB License No.: R-AP-SS-EHF-18619
CUMBERLAND COUNTY	:	

ADJUDICATION

BEFORE: Ember S. Jandebour, Administrative Law Judge

FOR BLCE: John H. Pietrzak, Esquire

LICENSEE COUNSEL: Steve C. Nicholas, Esquire

BACKGROUND:

This proceeding arises out of a citation, containing one count that was issued on December 24, 2015, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Bypass Ventures, LP (Licensee).

The citation charges Licensee with a violation of Section 5.23(c) of the Liquor Control Board Regulations [40 Pa. Code §5.23(c)]. The charge is that Licensee, by your servants, agents, or employees, failed to notify the Board within fifteen (15) days of a change of manager, during the period June 7 through November 6, 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. The Licensee received it. (N.T. 6)
2. Exhibit C-2 is a copy of the Citation 15-2229. The Licensee received it. (N.T. 7)
3. The investigation in this case was assigned on October 6, 2015, and completed on November 16, 2015. (N.T. 7)
4. The Liquor Control Board approved manager (for the Licensee) was Ryan Magill. (N.T. 7)
5. On October 29, 2015, an Officer conducted an inspection of the licensed establishment and was told Ryan Magill was no longer the manager as of May 22, 2015. (N.T. 7)
6. As of May 22, 2015 Tyler Thames took over as manager until July 8, 2015. (N.T. 7-8)
7. As of Mr. Thames departure, Casey Higgins became the manager. (N.T. 8)
8. The Bureau obtained certification from the Liquor Control Board that the licensed corporation did not notify the Board of a change of manager between June 7, 2015 through November 6, 2015. (N.T. 8, Exhibit C-3)
9. Exhibit C-4 is a copy of the Licensee's prior history. (N.T. 8)

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 September 25, 2008, and has the following Adjudication history:

In Re Citation No.: 14-1935. Fine \$200.00.

Failed to notify the Board within 15 days of a change of manager during the period October 2, 2013 through August 27, 2014.

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.

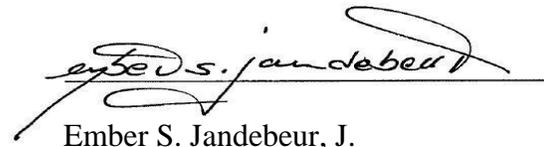
I impose a \$500.00 fine.

ORDER:

Licensee must pay a \$500.00 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.