

Mailing Date: OCT 24 2016

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 16-0563
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W03-505779
v.	:	
	:	
JIGSY'S, INC.	:	Brewery LID No.: 69378
225 N. ENOLA RD.	:	Brewery Pub LID No.: 69386
ENOLA, PA 17025-2414	:	
	:	Brewery License No.: G-SS-532
CUMBERLAND COUNTY	:	Brewery Pub License No.: GP-SS-532

ADJUDICATION

BEFORE: Ember S. Jandebour, Administrative Law Judge

FOR BLCE: John H. Pietrzak, Esquire

LICENSEE: Pro Se

BACKGROUND:

This proceeding arises out of a citation, containing one count that was issued on April 28, 2016, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Jigsy's, Inc. (Licensee).

The citation charges Licensee with a violation of Sections 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-492(2) and 4-493(16)]. The charge is that, your brewery pub sold malt or brewed beverages after your brewery pub license expired on December 31, 2015, and had not been renewed and/or validated, on January 2, 2016.

I presided at an evidentiary hearing on September 21, 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. The Bureau began its investigation on January 4, 2016 and completed it on February 5, 2016. (Commonwealth Exhibit No. C-1, N.T. 5-6)
2. On February 18, 2016, the Bureau of Liquor Control Enforcement sent a notice of violation to Jigsy's, Inc. The Licensee received it. (Commonwealth Exhibit No. C-1)
3. On April 28, 2016, the Bureau of Liquor Control Enforcement sent a citation to Jigsy's, Inc. The Licensee received it. (Commonwealth Exhibit No. C-2)
4. Jigsy's, Inc. holds both a brewery license and a brewery pub license. Both licenses expired on December 31, 2015. Both licenses were granted temporary authority to operate effective January 4, 2016. The Licensee did not have authority to sell alcohol on January 2, 2016. On January 2, 2016, the Licensee sold alcohol. (N.T. 5-6)

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 as a brewery since October 6, 2014 and as a brewery pub since October 6, 2014, and has no prior Adjudications.

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.

Pursuant to 40 Pa. Code §3.92(f), this Adjudication against the brewery pub is also issued against the brewery license.

I impose a two days suspension.

ORDER:

I suspend the license, as well as all other permits or licenses issued by the Pennsylvania Liquor Control Board attendant to the license, for two days, beginning Wednesday, December 7, 2016, 7:00 a.m., and ending Friday, December 9, 2016, 7:00 a.m.

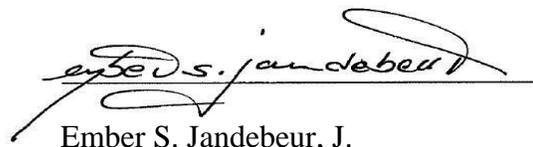
Licensee shall post a Notice of Suspension Placard (PLCB Form 1925) in a conspicuous place on the outside of the licensed premises, or in a window plainly visible from the outside of the licensed premises, on or before Wednesday, December 7, 2016, 7:00 a.m. The Suspension Placard may not be removed until Friday, December 9, 2016, 7:00 a.m.

Licensee is advised if replacement placards are needed for any reason they are available at all Pennsylvania Liquor Stores/Fine Wine and Good Spirits stores.

In addition to any other consequence at law, if Licensee does not comply with all conditions herein, the Bureau may issue an additional citation alleging Licensee has violated this Order. Alternatively, the Bureau may assert the same claim by requesting this Adjudication be reopened.

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 17TH day of October, 2016.



Ember S. Jandebaur, J.

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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.