

Mailing Date: NOV 20 2019

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

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| PENNSYLVANIA STATE | : | In re Citation No. 19-0460 |
| POLICE, BUREAU OF | : | |
| LIQUOR CONTROL ENFORCEMENT | : | BLCE Incident No. PA 2019-230323 |
| | : | |
| v. | : | PLCB LID No. 72999 |
| | : | |
| HINGHAM AT THE PIAZZA , LLC | : | PLCB License No. R-SS-12131 |
| 1033 N. 2 nd ST., 1 st FL. | : | |
| PHILADELPHIA, PA 19123-1661 | : | Philadelphia County |

JUDGE SHENKLE
BLCE COUNSEL: Matthew K. Perks, Esq.
LICENSEE: no appearance

AMENDED ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on April 2, 2019. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-437, and the Liquor Control Board Regulations, 40 Pa. Code §5.41, during the period July 21, 2018, through February 21, 2019, by operating its licensed establishment without a valid health permit or license, which expired on July 20, 2018.

A hearing was held on August 29, 2019, in Plymouth Meeting, Pennsylvania. No appearance was made by or for the Licensee, so the matter was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee on February 21 and 22, 2019, and sent it written results of the investigation on March 8, 2019 (Exhibit B-1, N.T. 5-9).
2. This citation was filed on April 2, 2019, and a copy of it was received by Licensee on April 5, 2019 (Exhibit B-2, N.T. 10).
3. A liquor enforcement officer inspected the licensed premises on February 21, 2019, and found that there was no valid health permit on display. Records of the City of Philadelphia show that a Preparing/Serving Food License was issued to Licensee on July 21, 2016; that it expired on July 20, 2017; that the renewal bill was paid on August 18, 2017; and that as of March 21, 2019, the license has been expired since July 20, 2018 (Exhibit B-5, N.T. 10-11).
4. Licensee's general manager admitted to the officer that they had sold alcoholic beverages every day since the health license expired Exhibit B-3, N.T. 9-11).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since May 19, 2016, and has had no prior violations.

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, Hingham At The Piazza, License No. R-SS-12131, shall pay a fine of three hundred dollars (\$300.00) 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.

IT IS FURTHER ORDERED that Licensee shall submit a true copy of a current health permit to the address set forth below within 20 days of the mailing date of this order. In the event the copy is not provided within 20 days, this penalty will be modified to include an indefinite suspension.

Dated this _____ 19TH _____ day of _____ November _____, 2019.



David L. Shenkle, J.

jb

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 registered with PLCB+ you may pay by Credit/Debit card at www.lcb.pa.gov by following the PLCB+ link. 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.