

Mailing Date: MAR 10 2020

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

PENNSYLVANIA STATE : In re Citation No. 19-0611
POLICE, BUREAU OF :
LIQUOR CONTROL ENFORCEMENT : BLCE Incident No. PA 2018-1503623
 :
v. : PLCB LID No. 61298
 :
JP TC, LLC, T/A PASQUALE'S : PLCB License No. R-AP-SS-19211
SPORTS BAR & PIZZERIA :
9078 MILL CREEK RD. : Bucks County
LEVITTOWN, PA 19054-4205

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

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on April 26, 2019. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §§4-491(1), 4-492(2), 4-492(3), and 4-493(16), during the periods December 1 through 24 and 26 through 28, 2018, by selling alcoholic beverages after its restaurant liquor license expired on November 30, 2018, and had not been renewed and/or validated

A hearing was held on January 14, 2020, in Plymouth Meeting, Pennsylvania. A representative of Licensee attempted to waive the hearing beforehand, but the necessary document was not received in time, so the matter was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period December 20, 2018, through February 11, 2019, and sent it written notice of the results on February 27, 2019 (N.T. 5-7, Exhibit B-1).
2. This citation was filed on April 26, 2019, and a copy of it was served on Licensee (N.T. 5-7, Exhibit B-2).
3. On December 28, 2018, undercover liquor enforcement officers investigated the licensed premises for drug activity and selling alcoholic beverages on an expired license. One of them purchased beer. A written statement from the bartender who sold it said that she was unaware the license had expired, and that they sold alcoholic beverages every day since December 1, 2018, except on December 25, 2018 (N.T. 9-10, Exhibit B-3).

4. The officers took a written statement from Licensee's sole member, Joseph A. Puchino, Jr., who stated that he thought the license expired on December 31, 2018, and that the reason the license was not renewed is that "I was paying my Sales Tax. I spoke to Lorraine of the Dept. of Rev. a week and a half ago and told her the sales tax will be paid last week, and it was. I thought the license was tied into sales tax." (N.T.10-11, Exhibit B-4).

5. Licensee supplied sales summaries which confirmed the fact that it sold alcoholic beverages every day since December 1, 2018, except on December 25, 2018 (N. T. 12-13, Exhibit B-5).

6. Board records show that Licensee did not have authority to dispense alcoholic beverages during the period December 1 through December 28, 2018 (Exhibit B-6).

CONCLUSIONS OF LAW:

Sustained as charged.

DISCUSSION:

Licensee's member is admonished to pay closer attention to the regulatory details one must heed to be successful in this highly regulated business. Further violations of this nature will be met with increasingly harsh penalties.

PRIOR RECORD:

Licensee has been licensed since April 10, 2009, and has had prior violations as follows:

In re Citation No. 10-2744. \$100.00 fine.

1. Discounted alcoholic beverages for a period or periods other than a consecutive period of time not to exceed two hours in a business day. November 17, 2010.

In re Citation No. 12-0548. \$500.00 fine.

1. Gambling (machine). December 10, 2011.

In re Citation No. 16-1574X. \$100.00 fine.

1. Bad checks for malt/brewed beverages. August 3, 2016.

In re Citation No. 18-1262. \$1,200.00 fine.

1. Bad checks for malt/brewed beverages. February 3 and May 18, 2018.
2. Paid for purchases of malt/brewed beverages with other than Licensee's checks, cashier's checks, or money orders. March 18 and 28, 2018.
3. Unlicensed transportation of malt/brewed beverages. March 13, 18, 20, 28 and 29, 2018.

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 \$1,000.00 to \$5,000.00 range, or both, for violations of this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, JP TC, LLC, t/a Pasquales Sports Bar & Pizzeria, License No. R-AP-SS-19211, shall pay a fine of one thousand dollars (\$1,000.00) 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.

Dated this 25TH day of February, 2020.



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.