

Mailing Date: FEB 20 2020

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

PENNSYLVANIA STATE POLICE,	:	
BUREAU OF LIQUOR CONTROL	:	IN RE: CITATION NO. 19-1292
ENFORCEMENT	:	
	:	
	:	BLCE Incident No. PA 2019-145480
	:	
v.	:	
	:	PLCB LID - 89907
	:	
CLIFF'S RESTAURANT GROUP, INC.	:	
T/A CLIFF'S TAVERN	:	PLCB License No. R-AP-SS-EHF-19986
1104 CARLISLE RD.	:	
CEDAR CLIFF MALL	:	
CAMP HILL, PA 17011-6203	:	
	:	
CUMBERLAND COUNTY	:	

ADJUDICATION

BEFORE: John H. Pietrzak, ALJ
FOR BLCE: Jessica H. Lathrop, Esquire
LICENSEE: No Appearance

BACKGROUND:

This proceeding arises out of a citation that was issued on August 22, 2019, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (BLCE) against CLIFF'S RESTAURANT GROUP, INC. (Licensee).

The citation charges Licensee with violation of Sections 491(1), 492(2) and 493(16) of the Liquor Code [47 P.S. §§4-491(1), 4-492(2) and 4-493(16)] in that during the period February 1 through 3, 2019, Licensee, by its servants, agents or employees, sold alcoholic beverages after its restaurant liquor license expired on January 31, 2019, and had not been renewed and/or validated.

An evidentiary hearing was held on this matter on January 29, 2020, in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

Upon review of the transcript of this hearing, I make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. The investigation which gave rise to the citation began on February 1, 2019 and was completed on June 24, 2019; and notice of the violation was sent to Licensee by Certified Mail on July 16, 2019. (N.T. 5 and Exhibit C-1)
2. The Licensee's liquor license expired on January 31, 2019. (N.T. 9)
3. The Licensee received temporary authority to operate on February 8, 2019. The Licensee did not have authority to sell or furnish alcohol during the period February 1 through 7, 2019. (Exhibit C-1)
4. A BLCE officer made several undercover visits to the licensed establishment during February, March and April 2019. (N.T. 15)
5. On June 24, 2019, a BLCE officer conducted a routine inspection of the licensed establishment. He met with Licensee's Board approved manager, Barry Swidler. (N.T. 8-9)
6. The officer reviewed Licensee's sales records which showed that Licensee sold alcoholic beverages each day from February 1 through 3, 2019. Bradley Swidler confirmed sales of alcohol on those dates. Licensee did not sell alcohol from February 4 through 7, 2019. (N.T. 11-13, Exhibit C-8).

CONCLUSION(S) OF LAW:

1. The Bureau satisfied all investigatory and notice requirements of Section 471 of the Liquor Code [47 P.S. §4-471].
2. The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since February 27, 2018 and has one (1) prior violation:

IN RE:

Citation No. 18-1284. Fine \$500.00.

1. Failed to adhere to the conditions of the agreement entered into with the Board placing additional restrictions on the license. May 29 through July 25, 2018.

PENALTY:

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 violations of the type found in this case.

The penalty imposed shall be a fine of \$1,500.00.

ORDER

THEREFORE, it is hereby ordered that Licensee CLIFF'S RESTAURANT GROUP, INC., pay a fine of \$1,500.00 within 20 days of the mailing date of this Order. In the event the fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

Jurisdiction is retained.

Dated this 18TH day of February, 2020.



John H. Pietrzak, ALJ

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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.

IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 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.** 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 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.

In re: Citation No. 19-1292
Cliff's Restaurant Group, Inc.