

Mailing Date: OCT 23 2019

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

| | | |
|----------------------------|---|------------------------------------|
| PENNSYLVANIA STATE POLICE, | : | In Re Citation No.: 19-1408 |
| BUREAU OF LIQUOR CONTROL | : | |
| ENFORCEMENT (BLCE) | : | |
| | : | BLCE Incident No.: PA 2019-1090131 |
| v. | : | |
| | : | |
| RASEN FALCON COMPANY, LLC | : | PLCB LID No.: 70581 |
| 2228 OLD POST RD. | : | |
| COPLAY, PA 18037-2465 | : | |
| | : | PLCB License No.: R-AP-SS-WE-32347 |
| LEHIGH COUNTY | : | |

ADJUDICATION

BEFORE: Ember S. Jandebour, Administrative Law Judge

FOR BLCE: Roy Harkavy, Esquire

LICENSEE: Pro Se

BACKGROUND:

This proceeding arises out of a citation, containing three counts that was issued on September 13, 2019, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (BLCE) against Rasen Falcon Company, LLC (Licensee).

The first count charges Licensee with a violation of Section 493(12) of the Liquor Code [47 P.S. §4-493(12)] and Section 5.52 of the Liquor Control Board Regulations [40 Pa. Code §5.52]. The charge is that Licensee, by your servants, agents, or employees, failed to maintain records in conformity with the provisions of the Liquor Code and Title 40 of the Pennsylvania Code, during the period January 4 through August 16, 2019.

The second count charges Licensee with a violation of Sections 471.1(d)(3), 471.1(f) and 415(a)(6) of the Liquor Code [47 P.S. §§4-471.1(d)(3), 4-471.1(f) and 4-415(a)(6)]. The charge is that Licensee, by your servants, agents, or employees, failed to comply with the requirements of Section 471.1 of the Liquor Code regarding responsible alcohol management, during the period March 21 through August 16, 2019.

The third count charges Licensee with a violation of Section 11.103(b) of the Liquor Control Board Regulations [40 Pa. Code §11.103(b)]. The charge is that Licensee, by your servants, agents, or employees, failed to clean your wine dispensing system every thirty (30) days, during the periods June 9 through July 5 and August 4 through 16, 2019.

Licensee has executed a Statement of Waiver, Admission and Authorization in which Licensee: admits to the violations charged in the citation and that the BLCE complied with the applicable investigatory and notice requirements of law, authorizes the Administrative Law Judge to enter an Adjudication without a hearing based on a summary of facts as provided by the BLCE and prior Adjudication history, and waives the right to appeal this Adjudication.

Therefore, I make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. On August 16, 2019, two BLCE officers entered the licensed premises to conduct an administrative inspection. The officers found:

Count No. 1

2. Licensee's dispensing system cleaning records failed to include the method of cleaning the faucets, for the period charged.

Count No. 2

3. Licensee obtained RAMP certification on March 21, 2019. There were no new employee orientation forms completed and no staff roster was maintained.

Count No. 3

4. Licensee's cleaning records showed that Licensee failed to clean its wine dispensing system every thirty days, during the periods charged.

CONCLUSION(S) OF LAW:

I sustain the violations as charged.

PRIOR ADJUDICATION HISTORY:

Licensee has been licensed since February 25, 2015, 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 \$50.00, or more than \$1,000.00, or both for the violations found herein.

I adopt the jointly recommended penalty as follows:

Count No. 1 - \$400.00 fine.

Count No. 2 - \$300.00 fine.

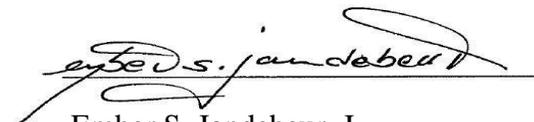
Count No. 3 - \$200.00 fine.

ORDER:

Licensee must pay a \$900.00 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 21ST day of October, 2019.


Ember S. Jandebeur, 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.

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 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.