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A.E.V., Inc. V Com., Liquor Control Bd.

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641 A.2d 30

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163 Pa.Cmwlth. 292
Commonwealth Court of Pennsylvania.

A.E.V., INC., a Pennsylvania corporation;
Busy Bee Beverage Co., Inc., a Pennsylvania
corporation; [Theodoratos Quality Imports, Inc.](#),
a Pennsylvania corporation, Case Beer and Soda
Outlet, Inc., a Pennsylvania corporation; [Case
Beer Outlet, Inc.](#), a Pennsylvania corporation;
[Beer and Pop Warehouse, Inc.](#), Petitioners,

v.

COMMONWEALTH of Pennsylvania, LIQUOR
CONTROL BOARD; Commonwealth of Pennsylvania,
Department of State Police, Bureau of Liquor Control
Enforcement; Office of Administrative Law Judge
of the Pennsylvania Liquor Control Board; Glenn
A. Walp, State Police Commissioner; James A.
Goodman, Chairman Liquor Control Board; Gerald
E. Ruth, Chief Judge, Office of Administrative
Law Judge of the Pennsylvania Liquor Control
Board; William A. Mericle, Director, Bureau
of Liquor Control Enforcement, Respondents.

Argued Feb. 28, 1994.

|

Decided April 8, 1994.

Synopsis

Holders of distributor's licenses filed petition seeking writ of prohibition restraining administrative law judge from proceeding on citations issued by Bureau of Liquor Control Enforcement (BLCE) and declaratory and injunctive relief regarding charges brought against licensees. The Commonwealth Court, No. 341 M.D. 1993, Newman, J., held that once BLCE withdrew citations against holders of distributor's licenses, there was no longer matter in controversy and licensees' petition for review would be dismissed absent support in record for claim that BLCE would bring citations regarding similar charges in future.

Petition dismissed.

West Headnotes (2)

[1] [Alcoholic Beverages](#) [Mootness](#)

[23H](#) Alcoholic Beverages
[23HII](#) Control and Regulation
[23HII\(J\)](#) Proceedings Concerning Control and
Regulation
[23HII\(J\)6](#) Judicial Review
[23Hk647](#) Decisions Reviewable
[23Hk651](#) Mootness

(Formerly 223k108.10(3) Intoxicating
Liquors)

Once Bureau of Liquor Control Enforcement (BLCE) withdrew citations against holders of distributor's licenses, there was no longer matter in controversy and licensees' petition for review would be dismissed absent support in record for claim that BLCE would bring citations regarding similar charges in future. [47 P.S. § 4-471](#) (1986).

[2] [Pleading](#) [Insufficiency of facts to constitute cause of action](#)

[302](#) Pleading
[302V](#) Demurrer or Exception
[302k193](#) Grounds for Demurrer to Declaration,
Complaint, Petition, or Statement
[302k193\(5\)](#) Insufficiency of facts to constitute
cause of action

A court, when ruling on preliminary objections in nature of demurrer, may sustain preliminary objections and dismiss complaint only in cases which are clear and free from doubt that law will not permit recovery by plaintiff.

[1](#) Cases that cite this headnote

All Citations

163 Pa.Cmwlth. 292, 641 A.2d 30