

Mailing Date: JAN 12 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 05-0951
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-305647
v.	:	
	:	LID - 32417
DENNIS R. WOLL	:	
651 MAIN ST.	:	
LYKENS, PA 17048-1310	:	
	:	
	:	
	:	
DAUPHIN COUNTY	:	
LICENSE NO. R-11620	:	

**BEFORE:** JUDGE THAU

APPEARANCES:

For Bureau of Enforcement  
Thomas M. Ballaron, Esquire  
Pennsylvania State Police  
3655 Vartan Way  
Harrisburg, PA 17110

For Licensee  
Dennis R. Woll  
Pro Se

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on May 19, 2005, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Dennis R. Woll (Licensee), License Number R-11620.

The citation<sup>1</sup> charges Licensee with violations of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that on February 2 and 3, 2005, Licensee, by servants, agents or employes, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to one (1) female minor, twenty (20) years of age.

An evidentiary hearing was conducted on December 6, 2005 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. Licensee represented himself at the hearing. I advised Mr. Woll of his right to counsel, to cross-examine witnesses and to present testimony. Mr. Woll acknowledged that he understood those rights and that he was prepared to go forward without an attorney. (N.T. 12)

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. The Bureau began its investigation on February 8, 2005 and completed it on April 12, 2005. (N.T. 15)
2. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on April 28, 2005. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 12)
3. On February 2 and 3, 2005, representing one visit extending past midnight, a twenty year old (born July 5, 1984) visited the subject premises. She arrived at approximately 10:30 p.m. and stayed until a little after midnight. She was served two beers during her visit. She also purchased a mixed drink. (N.T. 24-36)
4. The barmaid asked the twenty year old for identification. She produced an identification card showing her to be twenty-three years old. The barmaid served the minor. (N.T. 48-51)

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1. Commonwealth Exhibit No. C-2, N.T. 12.

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since July 5, 1993, and has had four prior violations: (Commonwealth Exhibit No. C-3, N.T. 54):

Adjudication No. 94-0284. Fine \$400.00.

Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries on the licensed premises (sports pools, sign up books, pool for money and tickets).  
January 15 and 25, 1994.

Adjudication No. 97-0720. Fine \$200.00 and 1 day suspension with thereafter conditions. Suspension vacated.

Not a bona fide restaurant in that, you failed to provide food upon request.  
February 7 and March 1, 1997.

Adjudication No. 99-2058. Fine \$250.00.

1. Failed to require patrons to vacate the premises not later than one-half hour after the required time.  
November 14, 1999.
2. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 A.M.  
November 14, 1999.

Adjudication No. 00-0498. 4 days suspension.

1. Sales between 2:00 A.M. and 7:00 A.M.  
March 4, 2000.
2. Failed to require patrons to vacate the premises  
not later than one-half hour after the  
required time.  
March 4, 2000.
3. Permitted patrons to possess and/or remove  
alcoholic beverages after 2:30 A.M.  
March 4, 2000.

PENALTY:

Section 471 of the Liquor Code [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.

Licensee has been laboring under the misconception and belief that asking for identification is a sufficient defense in Pennsylvania. I informed Licensee he was incorrect.

Because of Licensee's unfamiliarity with the law, I impose a \$1,000.00 fine. I also order Licensee to comply with the requirements set forth in Liquor Code Section 471.1 [47 P.S. §4-471.1], pertaining to Responsible Alcohol Management, for a period of one year.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

The fine must be paid by Treasurer's Check, Cashier's Check, Certified Check or Money Order. **Personal checks, which include business-use personal checks, are not acceptable.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail to:

PLCB - Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg, Pennsylvania 17110-9661

### **Imposition of RAMP Requirements**

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code Section 471.1 pertaining to Responsible Alcohol Management in the following manner. Licensee is directed to initiate contact with The Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: [www.lcb.state.pa.us](http://www.lcb.state.pa.us); Email Address: [LBEducation@state.pa.us](mailto:LBEducation@state.pa.us)), within 30 days of the mailing date of this Adjudication for assistance in the compliance process. Licensee must receive Certification within 90 days of the mailing date of this Adjudication. Licensee must remain in compliance for a period of one year from the date such Certification was issued. The Bureau of Liquor Control Enforcement is further directed to monitor compliance with this Adjudication.

### **Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 30<sup>th</sup> day of December, 2005.

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Felix Thau, A.L.J.

pm

**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.**