

Mailing Date: DEC 07 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-1079
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-330662
v.	:	
	:	LID - 43538
4300 LNK, INC.	:	
4300 WALNUT ST.	:	
PHILADELPHIA, PA 19104-2936	:	
	:	
	:	
	:	
	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. D-SS-1725	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
James E. Dailey, Esquire
Pennsylvania State Police
6901 Woodland Avenue
Third Floor
Philadelphia, PA 19142

For Licensee
Souling Lim
Manager

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on May 2, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against 4300 LNK, Inc. (Licensee), License Number D-SS-1725.

The citation¹ charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that on April 5, 2006, 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, nineteen (19) years of age.

An evidentiary hearing was conducted on October 23, 2006 at the Philadelphia State Office Building, 1400 West Spring Garden Street, 13th Floor, Room #1, Philadelphia, Pennsylvania. Licensee was represented by its manager, Mr. Souling Lim.

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 and ended its investigation on April 5, 2006. (Commonwealth Exhibit No. B-1, N.T. 44)

2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on April 17, 2006. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. B-1, N.T. 44)

3. On April 5, 2006, several Bureau Enforcement Officers conducted a surveillance of the premises at approximately 8:10 p.m. At 8:30 p.m., the Officers' noticed an individual entering the premises with an empty dolly. She departed with three cases of beer on the dolly. (N.T. 16-19)

4. The customer was nineteen years old on that date, having been born December 24, 1982. She ordered and was served three cases of beer. The nineteen year old was asked for identification. She showed the employe a New York State Photo Driver's license (Commonwealth Exhibit No. B-3, N.T. 22) indicating that the bearer was over twenty-one. The identification was not the minor's. (N.T. 29-35)

1. Commonwealth Exhibit No. B-2, N.T. 44.

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.

DISCUSSION:

Licensee's representative acknowledged the sale but indicated he was busy. I advised Licensee's representative that busy is no excuse.

PRIOR RECORD:

Licensee has been licensed since March 2, 1999, and has had two prior violations:

Adjudication No. 00-0436. Fine \$1,000.00.

Sales to minors.
February 10, 2000.

Adjudication No. 01-0221. 2 days suspension.

Sales to minors.
December 9, 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.

I impose a \$1,200.00 fine. I further 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 \$1,200.00 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

R.A.M.P. 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; Email Address: 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 22nd day of November, 2006.

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.