

Mailing Date: AUG 31 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0074
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-344967
v.	:	
	:	LID - 55785
JKK RESTAURANT LLC T/A GOJI	:	
2001 & 2031-2045 HAMILTON ST	:	
PHILADELPHIA PA 19130	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-OPS-15495	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esq.
For Licensee: Jui-Chu Yeh, Member

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on January 30, 2007. The citation alleges that Licensee violated §§491(1), 492(2) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1), 4-492(2) and 4-493(16), on December 20, 2006, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2006, and had not been renewed and/or validated.

A hearing was held on Thursday, July 19, 2007, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and the citation.

FINDINGS OF FACT:

Liquor Enforcement Officers Brown and Woodman entered the licensed premises at 6:45 p.m. on December 20, 2006, and purchased beer. Licensee did not have authority to sell alcoholic beverages on that date (N.T. 6-7, Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

DISCUSSION:

Unlike other areas of the law where there may be some room for leniency, the sale of alcoholic beverages requires the current authority of the Liquor Control Board. It is not enough

to be able to say that renewal is "in process." One must actually have a piece of paper posted in the premises which proves that one has authority to operate.

PRIOR RECORD:

Licensee has been licensed since April 20, 2006, and has had no prior violations which have been finally adjudicated.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. §4-471, prescribes a penalty of license suspension or revocation or a fine in the \$1,000.00 to \$5,000.00 range, or both, for violations of the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, JKK Restaurant LLC, t/a Goji, License No. R-AP-OPS-15495, shall pay a fine of one thousand dollars (\$1,000.00) within 20 days of the mailing date of this order. In the event the fine is not paid within 20 days, Licensee's license will be suspended or revoked. Jurisdiction is retained.

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 PA 17110-9661

Dated this 24th day of August, 2007.

David L. Shenkle, J.

jb

NOTICE: 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.