

Mailing Date: SEP 23 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-0025
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-363815
v.	:	
	:	LID - 48128
SOLOMON ENTERPRISES INC	:	
3208-12 W YORK ST	:	
PHILADELPHIA PA 19132-3339	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-2926	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: James E. Dailey, Esq.

For Licensee: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on January 23, 2008. 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 November 8 and 29, 2007, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2007, and had not been renewed and/or validated.

At the hearing scheduled for July 22, 2008, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the matter proceeded *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period October 24 through November 30, 2007, and sent written notice of the results of its investigation to the licensed premises by certified mail on December 28, 2007 (N.T. 7-9, Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on January 23, 2008 (N.T. 8-9, Exhibit B-2).

3. A Notice of Hearing was mailed to the licensed establishment by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on June 6, 2008.

4. On November 8, 2007, Liquor Enforcement Officer Hamilton Ringgold entered the licensed premises and saw a bartender attending fifteen patrons. He purchased a shot of tequila, for which he paid \$3 (N.T. 12-13).

5. On November 29, 2007, Liquor Enforcement Officer Andre Brown entered the licensed premises and saw a bartender attending four patrons. He purchased two bottles of beer \$5; this sale was entered in a cash register (N.T. 13-15).

6. This license expired October 31, 2007, and licensee did not have authority to sell alcoholic beverages on November 8 and 29, 2007 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 5, 2001, and has had no prior violations.

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 this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Solomon Enterprises, Inc., License No. R-AP-2926, 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.

Dated this 17th day of September, 2008.



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.

Detach Here and Return Stub with Payment

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