

Mailing Date: MAY 29 2009

[Appeal](#)

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-1291
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-373972
	:	
v.	:	LID - 58487
	:	
TRAILSIDE INN, LLC	:	
RR 3 BOX 3249 AA	:	
FACTORYVILLE, PA 18419-9301	:	
	:	
	:	
	:	
WYOMING COUNTY	:	
LICENSE NO. R-AP-SS-EHF-13406	:	

**BEFORE:** JUDGE FLAHERTY

APPEARANCES:

For Bureau of Enforcement  
Craig A. Strong, Esquire

For Licensee  
Joseph Watkins, PRO SE

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on June 23, 2008, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against TRAILSIDE INN, LLC, License Number R-AP-SS-EHF-13406 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(28) of the Liquor Code [47 P.S. §4-493(28)] in that on May 4, 2008, Joseph P. Watkins, member, consumed alcoholic beverages while tending bar or otherwise serving alcoholic beverages.

The investigation which gave rise to the citation began on May 4, 2008 and was completed on May 4, 2008; and notice of the violation was sent to Licensee by Certified Mail on May 16, 2008. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on March 19, 2009 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. On May 4, 2008 at 9:30 p.m., an officer of the Bureau entered the licensed premises and observed Licensee, Joseph Watkins, sitting at the bar next to one patron (N.T. 6).
2. As the officer entered, the Licensee went behind the bar and asked the officer what he wanted to drink. The officer requested and was served a can of Coors Light beer for which he paid \$2.00. Licensee then returned to his bar stool where the officer observed him consuming some type of a liquor (N.T. 6).
3. At 9:50 p.m. Licensee again went behind the bar and served the officer another can of Coors Light beer, charging him \$2.00. The officer also observed Licensee fill his glass with an unknown shot of liquor and mix it with water (N.T. 6-7).
4. The officer then asked Licensee for a shot of what Licensee was drinking. The officer asked Licensee what it was and Licensee said whiskey (N.T. 7).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

DISCUSSION:

At the hearing in this matter, Licensee handed up a properly executed Waiver, Admission and Authorization form.

PRIOR RECORD:

Licensee has been licensed since July 9, 2007, and has had three prior violations:

Citation No. 07-2830X. Fine \$150.00. Fine not paid and license suspended one day and thereafter until fine paid.

1. Issued worthless checks in payment for malt or brewed beverages. September 26, 2007.

Citation No. 08-0329X. Fine \$150.00. Fine not paid and license suspended one day and thereafter until fine paid.

1. Issued worthless checks in payment for malt or brewed beverages. October 25, December 1 and 14, 2007.

Citation No. 08-0563X. Fine \$150.00. Fine not paid and license suspended one day and thereafter until fine paid.

1. Issued worthless checks in payment for malt or brewed beverages. January 28, 2008.

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 \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

Under the circumstances of this case, the penalty imposed shall be a fine of \$250.00.

ORDER

THEREFORE, it is hereby ordered that Licensee TRAILSIDE INN, LLC, pay a fine of \$250.00 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.

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 15<sup>TH</sup> day of May, 2009.



Daniel T. Flaherty, Jr., J. an

**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN 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.**

**Detach here and submit stub with payment**

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The fine must be paid by Treasurer's Check, Cashier's Check or Certified Check. **Personal checks, which includes business-use personal checks, are not acceptable.** Make 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

Citation No. 08-1291  
Trailside Inn, LLC