

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-1372
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-372884
v.	:	
	:	LID - 23858
SIAM LOTUS COMPANY	:	
931 SPRING GARDEN ST	:	
PHILADELPHIA PA 19123-2611	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-SS-8166	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esq.  
For Licensee: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 10, 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 May 6, 2008, 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 November 4, 2008, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period April 10 through May 6, 2008, and sent written notice of the results of its investigation to the licensed premises by certified mail on May 27, 2008 (N.T. 7-8, Exhibit B-1).

2. This citation was filed on June 10, 2008, and a copy of it was mailed to Licensee on the same date (N.T. 8-9, Exhibit B-2).

Siam Lotus Company  
Citation No. 08-1372

Page 2

3. A Notice of Hearing was mailed to Licensee by the Office of Administrative Law Judge, Harrisburg, PA, on September 18, 2008.

4. Liquor Enforcement Officer Julie Kohler entered the licensed premises at about 12:05 p.m. on May 6, 2008. There were no other patrons. Officer Kohler asked an employee if they were open for lunch. The woman said they were, and seated Officer Kohler at a table. She ordered a green Thai curry and a Grey Goose brand vodka and tonic. The server was confused about the order, so Officer Kohler went to the bar and directed the server's attention to the Grey Goose, explained how to mix the drink, and then took it back to the table with her. She was charged eight dollars for the drink and nine dollars for the curry. The officer paid with a twenty dollar bill and left the change as a tip (N.T. 10-12).

5. This license expired on October 31, 2007, and Licensee did not have authority to operate on May 6, 2008 (Exhibit B-3).

#### CONCLUSIONS OF LAW:

Licensee violated §§491(1) and 493(16) of the Liquor Code, 47 P.S. §§4-491(1) and 4493(16), on May 6, 2008, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2007, and had not been renewed and/or validated.

#### PRIOR RECORD:

Licensee has been licensed since August 15, 1989, and has had two prior violations:

Citation No. 06-2827X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. October 4 and 18, 2006.

Citation No. 07-0866X. \$200.00 fine.

1. Bad checks for malt or brewed beverages.

October 17, November 29, December 13 and 26, 2006.

#### 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.

Siam Lotus Company  
Citation No. 08-1372

Page 3

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Siam Lotus Company, License No. R-SS-8166, 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 18th day of December, 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

Citation No. 08-1372  
Siam Lotus Company