

Mailing Date: APR 3 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-2314
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	Incident No. W04-377864
	:	
MATTHEW ESTOK	:	
T/A RUDYS QUICK SIX	:	LID-57210
7197 SALTSBURG RD	:	
PENN HILLS TWP	:	
PITTSBURGH PA 15235-2252	:	
	:	
ALLEGHENY COUNTY	:	
LICENSE NO. R-SS-3901	:	

**BEFORE:** JUDGE ROBERT F. SKWARYK

APPEARANCES:

For Bureau of Enforcement:  
Emily L. Gustave, Esquire

For Licensee:  
Ex Parte

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on October 1, 2008, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter Bureau) against Matthew Estok, T/A Rudy Quick Six, License Number R-SS-3901 (hereinafter Licensee).

The citation charges Licensee with violation of Sections 401(a) and 406(a)(1) of the Liquor Code [47 P.S. §§4-401(a) and 4-406(a)(1)], in that on July 16, 2008, Licensee, by its servants, agents or employees, sold, furnished or gave liquor for consumption off premises.

The investigation which gave rise to the citation began on July 16, 2008 and was completed on August 26, 2008. The notice of violation letter was mailed to Licensee on September 16, 2008.

An evidentiary hearing was held on this matter on March 3, 2009, in Pittsburgh, Pennsylvania.

MATTHEW ESTOK  
T/A RUDYS QUICK SIX  
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Upon review of the transcript of the hearing and the Pre-Hearing Memorandum, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. Licensee is located in Allegheny County, Pennsylvania and holds Restaurant Liquor License Number R-SS-3901. (N.T. 4).
2. On Wednesday, July 16, 2008, at 9:10 p.m., an enforcement officer arrived at the licensed premises and found it open and operating with a bartender rendering service of alcoholic beverages to seven patrons. (N.T. 6)
3. The officer purchased a shot of Canadian Club whiskey and a 12-ounce bottle of Coors Light beer for \$5.50. (N.T. 7)
4. At 9:35 p.m., the officer purchased a 24-ounce can of Coors Light beer, which he obtained from a cooler in the premises, for \$2.15. (N.T.7)
5. The officer asked the bartender "Can I get a little one to go in a Styrofoam Cup?"
6. The bartender asked "You mean CC?" and sold the officer one shot of Canadian Club whiskey in a Styrofoam cup with a lid for \$3.50. (N.T. 7)
7. At 9:45 p.m., in plain view of the bartender, the officer exited the premises with the can of beer and the cup of Canadian Club whiskey. (N.T. 7-8)

CONCLUSION OF LAW:

Sustained as charged.

DISCUSSION:

At the hearing held on the matter, the enforcement officer testified in detail as to his purchasing alcoholic beverages at the licensed premises on

Licensee did not appear at the hearing although duly notified of the place and time.

I find the testimony of the witness to be credible, as such the citation is sustained as charged.

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PRIOR RECORD:

Licensee has been licensed since October 11, 2006, and has 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 of not less than \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

After due consideration of the circumstances giving rise to the citation and the Licensee's status as a first time offender, a fine of \$300.00 shall be imposed as the penalty in this case.

ORDER:

THEREFORE, it is hereby ordered that Licensee, Matthew Estok, T/A Rudys Quick Six, pay a fine of \$300.00 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 UNTIL CASE IS CLOSED.**

Dated this 1st day of April, 2009.



Robert F. Skwaryk, J.

**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.**

MATTHEW ESTOK  
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Detach Here and Return Stub with Payment

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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 17110-966

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