

Mailing Date: OCT 20 2010

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 10-0530  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-407995  
 :  
 v. :  
 : LID - 59730  
 :  
STONEHOUSE PUB INC :  
2341 S 4<sup>th</sup> ST :  
PHILADELPHIA PA 19148-3947 :  
 :  
 :  
PHILADELPHIA COUNTY :  
LICENSE NO. R-AP-SS-1355 :

JUDGE SHENKLE  
BLCE COUNSEL: James E. Dailey, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 23, 2010. 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 February 3, 2010, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2009, and had not been renewed and/or validated.

At the hearing scheduled for Tuesday, July 20, 2010, 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 on February 3 and 4, 2010, and sent written notice of the results of its investigation to Licensee on February 25, 2010 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on March 23, 2010 (N.T. 8-9, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on May 19, 2010.
4. Liquor enforcement officers entered the licensed premises at 6:30 p.m. on February 3, 2010, and saw five patrons attended by one bartender. The officers purchased beer (N.T. 4-6).
5. This license had expired on October 31, 2009, and Licensee did not have authority to dispense alcoholic beverages on February 3, 2010 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since March 4, 2008, and has had prior violations, as follows:

Citation No. 09-1176C. \$3,000.00 fine and R.A.M.P. – certification mandated.

1. Sales to minors. April 23, 2009.
2. Minors frequenting. April 23, 2009.
3. Loudspeakers could be heard outside. April 19 and 23, 2009.

Citation No. 10-0216. \$200.00 fine.

1. Permitted smoking in a public place where prohibited. November 25, 2009.
2. Failed to post required “no smoking” signs. November 25, 2009.

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, Stonehouse Pub, Inc., License No. R-AP-SS-1355, shall pay a fine of thirteen hundred dollars (\$1,300.00) 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 1<sup>ST</sup> day of OCTOBER, 2010.



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 cashier’s check, certified check or money order. Personal and business checks are not acceptable unless bank certified. 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. 10-0530, Stonehouse Pub, Inc.