

Mailing Date: SEP 09 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0536
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-426986
v.	:	
	:	LID - 40931
JOEYMAC INC	:	
3600-04 LANCASTER AVE	:	
PHILADELPHIA PA 19104-2604	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-3438	:	

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 April 12, 2011. 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 March 8, 2011, by selling alcoholic beverages after its Restaurant Liquor License expired on October 31, 2010, and had not been renewed and/or validated.

At the hearing scheduled for July 19, 2011, 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 February 24 through March 8, 2011, and sent it written notice of the results on March 15, 2011 (N.T. 7-8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on April 12, 2011 (N.T. 7-8, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on June 2, 2011.
4. On March 8, 2011, a liquor enforcement officer visited the licensed premises and found it open, with a bartender on duty. She purchased a bottle of beer, and then identified herself and asked to speak to the person in charge. A minute later Licensee's president arrived. He was unable to produce evidence that Licensee had authority to operate (N.T. 4-7).
5. This license expired on October 31, 2010, and Licensee did not have authority to operate on March 8, 2011 (Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since September 15, 1997, 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, Joeymac, Inc., License No. R-AP-SS-3438, 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 1<sup>ST</sup> day of SEPTEMBER, 2011.



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.**

**WHETHER OR NOT RECONSIDERATION HAS BEEN REQUESTED, AGGRIEVED PERSONS MAY APPEAL TO THE PLCB, NORTHWEST OFFICE BUILDING, HARRISBURG, PA 17124 WITHIN 30 DAYS AFTER THE MAILING DATE OF THIS ORDER.**

**THE PLCB CHIEF COUNSEL'S TELEPHONE NUMBER IS 717-783-9454.**

Detach Here and Return Stub with Payment

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**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