

Mailing Date: JAN 04 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-1250
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-431664
	:	
v.	:	LID - 58992
	:	
ED RESTAURANTS INC T/A WORK HORSE	:	
4201 MAIN ST	:	
PHILADELPHIA PA 19127-1602	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-1406	:	

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 July 19, 2011. The citation alleges that Licensee violated §§406(a)(3) and 493(16) of the Liquor Code, 47 P.S. §§4-406(a)(3) and 4-493(16), on June 5, 2011, by selling, furnishing and/or giving alcoholic beverages on Sunday between 2:00 a.m. and 11:00 a.m.

At the hearing scheduled for November 8, 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 on June 5, 2011, and sent it written notice of the results on June 24, 2011 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on July 19, 2011 (N.T. 8-9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on September 26, 2011.
4. On Sunday, June 5, 2011, a liquor enforcement officer purchased beer in the licensed premises at 10:41 a.m. (N.T. 5-6).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since December 27, 2007, and has had three prior violations:

Citation No. 09-1184X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. March 20, 2009.

Citation No. 09-2215X. \$150.00 fine.

1. Bad checks for malt or brewed beverages. June 2, 2009.

Citation No. 11-0195. \$1,250.00 fine.

1. Bad checks for malt or brewed beverages. September 4, 2010.
2. Purchased malt or brewed beverages with another's check. September 14, 2010.
3. Sales after license expired. December 2, 2010.

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, Ed Restaurants, Inc., t/a Work Horse, License No. R-AP-SS-1406, 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 20<sup>TH</sup> day of DECEMBER, 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