

Mailing Date: SEP 12 2013

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

PENNSYLVANIA STATE	:	In re Citation No. 13-0210
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W01-455841
	:	
v.	:	PLCB LID No. 47413
	:	
KOREA HOUSE L.L.C.	:	PLCB License No. R-5596
T/A KOREA HOUSE RESTAURANT	:	
4002-4004 SPRUCE ST. BSMT.	:	
PHILADELPHIA, PA 19104-4025	:	

JUDGE SHENKLE  
BLCE COUNSEL: Erik S. Shmukler, Esq.  
LICENSEE: Jung Hee Kim

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on February 12, 2013. There are two counts in the citation.

The first count alleges that Licensee violated §471(d) of the Liquor Code, 47 P.S. §4-471(d), during the period December 11, 2012 through January 16, 2013, by failing to comply with an order regarding Citation No. 12-1046 mandating responsible alcohol management training.

The second count alleges that Licensee violated §§493(12) and 471.1(f) of the Liquor Code, 47 P.S. §§4-493(12) and 4-471.1(f), by failing to maintain complete and truthful records covering the operation of the business for a period of two years immediately preceding January 16, 2013.

A hearing was held on July 23, 2013, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

**FINDINGS OF FACT:**

1. In an adjudication of Citation No. 12-1046 which was mailed on September 11, 2012, the Honorable Tania E. Wright ordered Licensee to comply with the requirements of 47 P.S. §4-471.1, pertaining to Responsible Alcohol Management. The order required Licensee to contact the Bureau of Alcohol Education within 30 days, and to obtain certification within 90 days.

2. On January 16, 2013, a liquor enforcement officer visited the licensed premise to conduct a routine inspection. The officer identified herself to Mr. Kim and showed him the letters from the Bureau of Alcohol Education reminding him of the obligation to become R.A.M.P. – certified by December 10, 2012. Mr. Kim said he would do this as soon as possible (N.T. 6-7).

3. The inspection revealed that, as a result of not having obtained R.A.M.P. – certification, Licensee was not maintaining as a business record on the licensed premises PLCB Form 2325, the Alcohol Service Staff Roster, which is required under the program.

4. As of this writing, Licensee has not obtained R.A.M.P. – certification.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 1, 2001, and has had prior violations as follows:

In re Citation No. 12-1046. \$1,250.00 fine and R.A.M.P. – certification mandated.

1. Sales to minors. May 31, 2012
2. Minors Frequenting. May 31, 2012.

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 \$50.00 to \$1,000.00 range, or both, for violations of this type. The two counts are merged for penalty purposes.

It is apparent that Mr. Kim did not understand correctly the obligation to complete the R.A.M.P. – certification process, since he spoke at the hearing of individual employees becoming certified. This is only a part of the process. Mr. Kim is encouraged to read the following order carefully, and to obtain help in understanding it if needed.

Continuing failure to obey the order of an administrative law judge might result in the revocation of this license.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Korea House L.L.C., t/a Korea House Restaurant, License No. R-5596, shall pay a fine of three hundred dollars (\$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.

IT IS FURTHER ORDERED that Licensee shall comply with the requirements set forth in Liquor Code §471.1, pertaining to Responsible Alcohol Management, in the following manner. Licensee is directed to contact the Bureau of Alcohol Education, Pennsylvania Liquor Control Board (Toll Free Telephone No.: 1-866-275-8237; Web Site: [www.lcb.state.pa.us](http://www.lcb.state.pa.us)) within ten (10) days of the mailing date of this adjudication in order to receive assistance in the compliance process. Licensee must receive certification within sixty (60) days of the mailing date of this adjudication. Licensee must remain in compliance for a period of one year from the date such certification is issued.

I will review the Board's records in seventy (70) days from the mailing date of this adjudication, and if they do not show compliance with this requirement I will modify the penalty in this case to include an indefinite suspension of the license, to continue until the delinquency is corrected.

Dated this 28<sup>TH</sup> day of AUGUST, 2013.



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; Note Citation Number on Check**

-----  
The fine must be paid by cashier's check, certified check, money order, or a check drawn on the business account of an attorney licensed in Pennsylvania. **Personal and business checks are not acceptable unless bank certified.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation, to:

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg PA 17110-9661