

Mailing Date: APR 03 2014

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	In Re: Citation No. 13-1570
LIQUOR CONTROL ENFORCEMENT	:	
	:	
v.	:	BLCE Incident No. W01-463416
	:	
SEAK INC.	:	
604 W. YORK ST.	:	PLCB LID - 52363
PHILADELPHIA PA 19133-2117	:	
	:	
	:	PLCB License No. R-SS-EHF-11409
	:	
PHILADELPHIA COUNTY	:	

APPEARANCES:

FOR THE BUREAU OF ENFORCEMENT:

ERIK S. SHMUKLER, ESQ.

FOR THE LICENSEE:

**ENG SEAK
PRO SE**

BEFORE: JUDGE WRIGHT

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on August 13, 2013, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against Seak, Inc., License Number R-SS-EHF-11409 (hereinafter "Licensee").

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An Administrative hearing was held on Wednesday, February 12, 2014, pursuant to requisite and appropriate hearing notice. A Court interpreter was provided to translate at the request of the 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 June 26, 2013, Licensee, by its servants, agents or employees, sold, furnished or gave liquor for consumption off premises.

FINDINGS OF FACT:

1. On Wednesday, June 26, 2013 at 3:25 p.m., an officer from the Bureau of Enforcement entered the licensed premises. One male cashier was rendering service to one patron. The officer approached the counter and requested one shot of Jack Daniels Honey Whiskey to go. The cashier poured the liquor into a small white Styrofoam cup, placed a plastic lid on it, and requested \$3.00. After paying the cashier, the officer exited the premises in possession of the shot of whiskey (N.T. 10-11).

2. The officer returned to his vehicle and disposed of the liquor. The officer then reentered the licensed premises, identified himself to the cashier, and asked to speak with the premises' owner or manager. The cashier contacted Eng Seak, corporate president, who arrived at the premises a short time later. The officer identified himself to Ms. Seak and conducted a routine inspection of the premises (N.T. 12-13).

3. During the course of the inspection, the officer informed Ms. Seak that he had purchased a shot of whiskey and was permitted to exit the premises with it. She stated that she was doing whatever she could to pay her bills (N.T. 12-13).

4. On July 9, 2013, the officer sent, or caused to be sent, a notice of violation letter, under the signature of Sergeant Daniel D. Steele, District Office Commander, to the Licensee. The investigation by the Bureau began on June 24, 2013 and ended on June 26, 2013 (N.T. 14-15 and Exhibit B-1).

5. A citation dated August 13, 2013 was sent to the Licensee by certified mail and the mailing was signed as received (N.T. 15-18 and Exhibit B-2).

CONCLUSIONS OF LAW:

On June 26, 2013, Licensee, by its servants, agents or employees, sold, furnished or gave liquor for consumption off premises, in violation of Sections 401(a) and 406(a)(1) of the Liquor Code, 47 P.S. §§4-401(a) and 4-406(a)(1).

PRIOR RECORD:

Licensee has been licensed since January 2, 2004, and has no record of prior violations.

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DISCUSSION:

Licensees may not sell alcoholic beverages for consumption off premises. Licensee indicates that she is economically struggling to survive. While the Court is sympathetic to her situation, her sales practices will not be tolerated when it is in contradiction to the law.

PENALTY:

Section 471 of the Liquor Code, 47 P.S. Section 4-471, prescribes a penalty of suspension or revocation of license or imposition of 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.

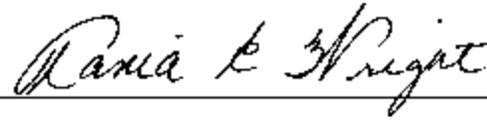
Accordingly, we issue the following

ORDER:

THEREFORE, it is hereby Ordered that Licensee, Seak, Inc., Inc., License Number R-SS-EHF-11409, pay a fine of Two Hundred Fifty Dollars (\$250.00) within twenty (20) days of the mailing date of this Order. In the event the aforementioned fine is not paid within twenty (20) days from the mailing date of this Order, licensee's license shall be suspended or revoked.

Jurisdiction of this matter is retained.

Dated this 20TH day of MARCH, 2014.



Tania E. Wright, J.

NOTE: 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.

If you wish to appeal the decision of the Administrative Law Judge's Order, the appeal must be filed within 30 days of the mailing date of the Order. Please contact the Office of the Chief Counsel of the Pennsylvania Liquor Control Board at 717-783-9454.

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Detach Here and Return Stub with Payment

The fine must be paid by a check drawn on the business or trust account of your attorney, who must be licensed in this Commonwealth, a Treasurer's Check, Cashier's Check or Money Order. **Personal and business checks are not acceptable unless they are certified by your bank.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail, along with any required documentation (please use the Return Stub when mailing payment or write your citation number on the check) to:

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

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