

Mailing Date: April 6, 1998

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 97-1586
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W9-166881
v.	:	
	:	LID - 34492
ROTHWELL BEVERAGE INC	:	
T/A ROTHWELLS SWEDE SQUARE	:	
BEVERAGES	:	
3 SWEDE SQ SHPG CTR	:	
GERMANTOWN PIKE & SWEDE RD	:	
NORRISTOWN PA 19401	:	
	:	
MONTGOMERY COUNTY	:	
LICENSE NO. D-3534	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Roy Harkavy, Esquire
8320 Schantz Road
Second Floor
Breinigsville, PA 18031

For Licensee
Dan Rothwell
President and Stockholder

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on August 6, 1997, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Rothwell Beverage, Inc., t/a Rothwell's Swede Square Beverages (Licensee), License Number D-3534.

The citation charges Licensee with a violation of Section 493(1) of the Liquor Code [47 P.S. §4-493(1)]. The charge is that Licensee, by servants, agents or employees, sold, furnished and/or gave or permitted such sale, furnishing or giving of alcoholic beverages to a nineteen (19) year old male minor, on June 27, 1997.

On September 22, 1997, an Adjudication was issued after Licensee submitted a Waiver, Admission and Authorization, imposing a \$1,000.00 fine. On October 15, 1997, an Opinion and Order upon Licensee's Application for Reconsideration was issued which: Granted Licensee's Application for Reconsideration; stayed the Adjudication of September 22, 1997, imposing a \$1,000.00 fine; and gave the Bureau 15 days to respond. On November 10, 1997, a Supplemental Opinion and Order was issued which rejected the Waiver, Admission and Authorization originally filed by Licensee and directed that a hearing be scheduled for this citation.

An evidentiary hearing was conducted on February 18, 1998 at 1080 North Delaware Avenue, Sixth Floor, Philadelphia, Pennsylvania based on Licensee's Application for Reconsideration.

Licensee admitted to the truths of the facts as asserted in the original Adjudication and I therefore make the following Findings of Fact and Conclusions of Law as follows:

FINDINGS OF FACT:

On the date charged, a nineteen year old entered the licensed premises and purchased two cases of beer from an employe. The minor was questioned regarding age and produced an altered driver's license.

CONCLUSIONS OF LAW:

The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since June 30, 1994 and has no prior violations (N.T. 18).

PENALTY:

Section 471 of the Liquor Code [47 P.S. §4-471] prescribes a penalty of license suspension or revocation or a fine of not less than \$1,000.00 or more than \$5,000.00 or both for violations of the type found in this case.

The Bureau has strongly recommended that I impose a one day suspension because the minor was questioned as to age and showed a falsified Pennsylvania Driver's license.

I impose a one day suspension.

ORDER:

THEREFORE, it is hereby ordered that the Distributor license of Rothwell Beverage, Inc., t/a Rothwell's Swede Square, License No. D-3534, be suspended for a period of one day, **BEGINNING** at 7:00 a.m., on Wednesday, May 6, 1998, and **ENDING** at 7:00 a.m., on Thursday, May 7, 1998.

Licensee is directed on Wednesday, May 6, 1998, at 7:00 a.m., to place a placard of notice of suspension (identified as Form No. PLCB-1925 and as printed with red and black ink) in a conspicuous place on the outside of the licensed premises or in a window plainly visible from outside the licensed premises and to remove said license from the wall and place it in a secure location.

Licensee is advised, if replacement placards are needed for any reason, they are available at all Pennsylvania Liquor Stores/Wine & Spirits Shoppes.

The Bureau is directed to visit and monitor the aforementioned licensed premises for compliance with this Order.

Licensee is authorized on Thursday, May 7, 1998, at 7:00 a.m., to remove the placard of suspension and return its license to its original wall location.

Dated this 31st day of March, 1998.

Felix Thau, A.L.J.

pm