

Mailing Date: FEB 1 2006

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 05-1345X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-311101
v.	:	
	:	LID - 43866
RB ADHURIA INC	:	
701-719 E GIRARD AVE	:	
PHILADELPHIA PA 19125	:	
	:	
	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. D-925	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: James E. Dailey, Esq.  
For Licensee: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on July 11, 2005. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated April 14, 2005, in payment for purchases of malt or brewed beverages, when there were insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks.

At the hearing scheduled for Tuesday, October 11, 2005, in Plymouth Meeting, Pennsylvania, there was no appearance by or on behalf of the Licensee; therefore, the matter proceeded *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period May 11 through May 25, 2005, and sent written notice of the results of its investigation to the licensed premises by certified mail on June 13, 2005 (N.T. 6-7, Exhibit B-1).
2. A copy of this citation was mailed to the licensed establishment by certified mail on July 11, 2005 (N.T. 7, Exhibit B-2).
3. A Notice of Hearing was mailed to the licensed establishment by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on August 26, 2005.

4. On April 14, 2005, Licensee purchased malt or brewed beverages from Penn Distributors, Inc., and paid with a check for \$3,080. The check was dishonored on presentation because of insufficient funds. Licensee satisfied this obligation with cash on May 18, 2005 (N.T. 8-12).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 29, 1999, and has had prior violations as follows:

Citation No. 01-0412. \$50.00 fine.

1. Bad checks for malt or brewed beverages. November 22, 2000.

Citation No. 05-0285. \$150.00 fine.

1. Bad checks for malt or brewed beverages. March 5, 15 and April 9, 2004.

Citation No. 05-0304. \$200.00 fine.

1. Bad checks for malt or brewed beverages. November 5, 19, 24 and 26, 2004.

Citation No. 05-0423. \$1,300.00 fine.

1. Bad checks for malt or brewed beverages. December 17, 21, 22 and 23, 2004.
2. Purchased malt or brewed beverages after distributor license expired. November 5, 19, 22, 24, 26, December 17, 21, 22 and 23, 2004.
3. Sold malt or brewed beverages after distributor license expired. February 2, 2005.

Citation No. 05-0663. \$200.00 fine. One day suspension for failure to pay fine on time.

1. Purchased malt or brewed beverages after distributor license expired. January 28, 2005.

Citation No. 05-1056. \$200.00 fine. One day suspension for failure to pay fine on time.

1. Bad checks for malt or brewed beverages. February 11, March 4 and 18, 2005.

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 the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, RB Adhuria, Inc., License No. D-925, pay a fine of four hundred dollars (\$400.00) 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.

The fine must be paid by treasurer's check, cashier's check, certified check or money order. **Personal checks, which include business-use personal checks, are not acceptable.** 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

Dated this 26th day of January, 2006.

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David L. Shenkle, J.

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**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.**