

Mailing Date: APR 11 2007

[Appeal](#)

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-2734X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-341363
	:	
v.	:	LID - 51554
	:	
NORTHAMPTON ALEHOUSE	:	
INVESTORS, INC.	:	
475 E. NORTHAMPTON ST.	:	
WILKES-BARRE, PA 18702-6325	:	
	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-8462	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Craig A. Strong, Esquire
Pennsylvania State Police
8320 Schantz Road, Second Floor
Breinigsville, PA 18031

For Licensee
Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on December 6, 2006, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Northampton Alehouse Investors, Inc. (Licensee), License Number R-AP-8462.

The citation¹ charges Licensee with a violation of Section 493(26) of the Liquor Code [47 P.S. §4-493(26)]. The charge is that Licensee, by servants, agents or employees, issued checks or drafts dated September 15, 2006, in payment for purchases of malt or brewed beverages, when Licensee had insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks.

An evidentiary hearing was conducted on March 14, 2007 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear personally at the hearing nor have any representation.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. A citation hearing notice was mailed by the Office of Administrative Law Judge on January 26, 2007 to Licensee by both certified receipt-return mail and first-class mail to the licensed premises. The notice notified Licensee of the date, time and place of the hearing. On January 26, 2007, I issued a Pre-Hearing Order directing Licensee to submit its pre-hearing memorandum. That Order reiterated the date, time and place of hearing. (N.T. 4)
2. The Bureau began its investigation on October 11, 2006 and completed it on November 7, 2006. (N.T. 6)
3. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on November 8, 2006. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 8)
4. On the date charged, Licensee issued a check to an Importing Distributor in the amount of \$386.13, for payment of beer which was dishonored due to insufficient funds. (N.T. 10-13).

1. Commonwealth Exhibit No. C-2, N.T. 8.

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since August 4, 2003, and has had one prior violation:

Adjudication No. 06-1096. Fine \$150.00. Fine not paid and license revoked for failure to pay fine.

Issued a worthless check in payment for malt or brewed beverages.

January 13, 2006.

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 \$50.00 or more than \$1,000.00 or both for violations of the type found in this case.

As this license has already been revoked for failure to pay a fine, I impose revocation of the license.

ORDER:

Imposition of Revocation

THEREFORE, it is hereby ordered that the Restaurant liquor license (including all permits), issued to Northampton Alehouse Investors, Inc., License No. R-AP-8462, be **REVOKED**, effective at 7:00 a.m., on Monday, June 4, 2007. Any Wholesale Liquor Purchase Permit Card or discount card issued in connection with the aforementioned license is hereby **CANCELLED**.

As this license has already been revoked, there is no license to be returned. Accordingly, the Bureau of Licensing of the Pennsylvania Liquor Control Board is hereby directed to mark their records accordingly, that this license is revoked, effective at 7:00 a.m., Monday, June 4, 2007.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 3rd day of April, 2007.

Felix Thau, A.L.J.

pm

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.