

Mailing Date: JUN 06 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-3010X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-343800
v.	:	
	:	LID - 29970
MANOR SOCIAL CLUB	:	
34 BROADWAY ST.	:	
HANOVER, PA 17331-3104	:	
	:	
	:	
	:	
	:	
	:	
YORK COUNTY	:	
LICENSE NO. CC-2390	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Andrew J. Lovette, Esquire
Pennsylvania State Police
3655 Vartan Way
Harrisburg, PA 17110

For Licensee
Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on January 4, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Manor Social Club (Licensee), License Number CC-2390.

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 employes, issued checks or drafts dated October 28, 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 May 1, 2007 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. Licensee did not appear personally or 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 March 14, 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. The Notice, sent by certified mail, was returned as being marked: "Moved left no address, unable to forward."
2. On March 14, 2007, I issued a Pre-Hearing Order by first class mail directing Licensee to submit its pre-hearing memorandum. That Order reiterated the date, time and place of hearing.
3. The Bureau began its investigation on November 27, 2006 and completed it on December 11, 2006. (N.T. 8)
4. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on December 19, 2006. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
5. A Bureau Enforcement Officer spoke to a Club official who acknowledged Licensee issued a check on October 28, 2006, in the amount of \$266.59, to an Importing Distributor for the purchase of beer. The check was dishonored due to insufficient funds.

1. Commonwealth Exhibit No. C-2, N.T. 7.

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 19, 1992, and has had three prior violations (Commonwealth Exhibit No. C-4, N.T. 11):

Adjudication No. 96-0847. Fine \$2,200.00 and 15 days suspension.

1. Improper admission of members.
2. Sales to nonmembers without prior arrangement.
3. Permitted lewd, immoral or improper entertainment.
4. Permitted entertainers to contact or associate with patrons.

Adjudication No. 97-0114. Fine \$200.00.
Sales to nonmembers without prior arrangement.

Adjudication No. 05-0481. Fine \$700.00.
Possessed or operated gambling devices or paraphernalia or permitted gambling or lotteries, poolselling and/or bookmaking on your licensed premises (cards and machines).
February 5 and 6, 2005.

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.

Inasmuch as Licensee has failed to appear or obey process, I impose a \$1,000.00 fine.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

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, Pennsylvania 17110-9661

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 30th day of May, 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.