

Mailing Date: AUG 31 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-0843X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-348787
v.	:	
	:	LID - 43866
RB ADHURIA INC	:	
701-719 E GIRARD AVE	:	
PHILADELPHIA PA 19125	:	
	:	
	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. D-SS-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 April 24, 2007. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated December 22, 2006, 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 July 19, 2007, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the matter was heard *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period February 16, 2007, through March 26, 2007, and sent written notice of the results of its investigation to the licensed premises by certified mail on March 28, 2007 (Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on April 24, 2007 (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 June 1, 2007.

4. Muller, Incorporated, a licensed importing distributor, sold malt or brewed beverages to Licensee on December 22, 2006, and accepted as payment Licensee's check number 2027 for the amount of the invoice, \$5,563.60 (N.T. 4-6).

5. The check was dishonored twice, due to insufficient funds, but it was honored after a second re-deposit, on January 24, 2007 (N.T. 6-7).

6. No warning letter was required because the check was not made good within ten days from the date of issuance.

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 19, 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.

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

Citation No. 05-1056. \$200.00 fine.

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

Citation No. 05-1345. \$400.00 fine.

1. Bad checks for malt or brewed beverages. April 14, 2005.

Citation No. 05-1809. \$600.00 fine.

1. Bad checks for malt or brewed beverages. June 24 and 26, 2005.

Citation No. 05-2494. \$600.00 fine.

1. Bad checks for malt or brewed beverages. July 29, 2005.

Citation No. 05-2760. \$700.00 fine.

1. Bad checks for malt or brewed beverages. October 14, 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-SS-925, shall pay a fine of eight hundred dollars (\$800.00) 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 24th day of August, 2007.

David L. Shenkle, J.

jb

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.