

Mailing Date: APR 21 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-1968X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-356502
v.	:	
	:	LID - 57975
LA FAMIGLIA PIZZERIA &	:	
SPORTSBAR LLC	:	
625 MAIN RD.	:	
DALLAS, PA 18612-9001	:	
	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-SS-17494	:	

**BEFORE:** JUDGE FLAHERTY

APPEARANCES:

For Bureau of Enforcement  
Craig A. Strong, Esquire

For Licensee  
NO APPEARANCE

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on September 4, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against LA FAMIGLIA PIZZERIA & SPORTSBAR, LLC, License Number R-AP-SS-17494 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(26) of the Liquor Code [47 P.S. §4-493(26)] in that Licensee, by its servants, agents or employes, issued checks or drafts dated June 16, 2007, in payment for purchases of malt or brewed beverages, when it had insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks.

The investigation which gave rise to the citation began on June 26, 2007 and was completed on July 18, 2007; and notice of the violation was sent to Licensee by Certified Mail on July 31, 2007. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on January 30, 2008 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 625 Main Rd., Dallas, PA 18612-9001, by certified mail, return receipt requested and by first class mail on December 14, 2007. The notice set forth the date and time of the hearing as January 30, 2008 at 9:30 a.m. and the place of hearing as Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, PA.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

On June 16, 2007 Licensee purchased malt or brewed beverages from L.T. Verrastro, Inc. In payment therefore, Licensee issued its Check No. 152 in the amount of \$264.86 which was dishonored by Licensee's bank for insufficient funds. The aforementioned check was still outstanding as of July 16, 2007 (N.T. 5 and Exhibit C-5).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since June 14, 2007, and has had no prior violations. Licensee is, therefore, entitled to be treated as a first time offender.

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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$150.00.

ORDER

THEREFORE, it is hereby ordered that Licensee LA FAMIGLIA PIZZERIA & SPORTSBAR LLC, pay a fine of \$150.00 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.

Jurisdiction is retained pending final resolution of the penalty in this matter.

Dated this 15<sup>th</sup> day of April, 2008.

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Daniel T. Flaherty, Jr., J.

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**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER IN 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.**

**Detach here and submit stub with payment**

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The fine must be paid by Treasurer's Check, Cashier's Check or Certified Check. **Personal checks, which includes business-use personal checks, are not acceptable.** Make 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

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