

Mailing Date: FEB 11 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-2494X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-381420
v.	:	
	:	LID - 56275
MURRAY BROTHERS	:	
DISTRIBUTOR LLC	:	
10000 SANDMEYER LANE	:	
PHILADELPHIA PA 19116	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. D-SS-2306	:	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 October 21, 2008. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated September 2, 2008, 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 January 14, 2008, 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 from September 18 through 30, 2008, and mailed written notice of the results to the premises on October 8, 2008 (N.T. 8-9, Exhibit B-1).

2. A copy of this citation served on a member of this licensed company on December 13, 2008 (N.T. 9, Exhibit B-2).

3. A Notice of Hearing was mailed to the licensed premises by the Office of Administrative Law Judge, Harrisburg, PA, on December 2, 2008.

4. Licensee issued a check to the order of Origlio, a licensed distributor, for \$2,813.80, on September 2, 2008, in payment for purchases of malt or brewed beverages. The check was dishonored for insufficient funds, but paid after it was redeposited (N.T. 4-6, Exhibit B-3).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since September 12, 2006, and has had no prior violations.

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, Murray Brothers Distributor, LLC, License No. D-SS-2306, shall pay a fine of one hundred dollars (\$100.00) 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.

Dated this 9th day of February, 2009.



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.

Detach Here and Return Stub with Payment

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