

Mailing Date: JUL 17 2009

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 08-3091X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-385965
v.	:	
	:	LID – 53603
MAMA MARIA’S PIZZA SHOP, INC.	:	
T/A MAMA MARIA’S	:	
INTERSECTION OF I-80 &	:	
PA RTE. 115	:	
P.O. BOX 258	:	
LONG POND, PA 18334	:	
	:	
MONROE COUNTY	:	
LICENSE NO. E-AM-SS-5154	:	

BEFORE: JUDGE THAU

APPEARANCES:

For Bureau of Enforcement
Craig A. Strong, Esquire
Pennsylvania State Police
7448 Industrial Parkway
Macungie, PA 18062

For Licensee
Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on January 7, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Mama Maria’s Pizza Shop, Inc., t/a Mama Maria’s (Licensee), License Number E-AM-SS-5154.

The citation 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 November 28, 2008, 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 July 1, 2009 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear or have any representation at the hearing.

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

FINDINGS OF FACT:

1. The Bureau began its investigation on December 15, 2008 and completed it on December 17, 2008. (N.T. 8)
2. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on December 23, 2008. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 8)
3. Licensee issued a check for the purchase of beer which was dishonored due to insufficient funds.

1. Commonwealth Exhibit No. C-2.

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 October 1, 2004, and has had four prior violations:

Adjudication No. 06-1661C. Fine \$1,400.00 and RAMP training mandated.

1. Sales to a minor.
June 8, 2006.
2. Sold malt or brewed beverages in excess of 192 fluid ounces for consumption off premises.
June 8, 2006.

Adjudication No. 08-2191X. Fine \$150.00.

Issued worthless checks in payment for purchases of malt or brewed beverages.
July 24, 2008.

Adjudication No. 08-2571. Fine \$1,450.00.

1. Issued worthless checks in payment for malt or brewed beverages.
July 24, 2008.
2. Sales after your license expired and had not been renewed and/or validated.
October 1, 2008.

Adjudication No. 08-2809X. Fine \$300.00.

Issued worthless checks in payment for purchases of malt or brewed beverages.
October 2, 2008.

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.

I impose a \$400.00 fine.

ORDER:

Imposition of Fine

THEREFORE, it is hereby ordered that Licensee pay a fine of \$400.00 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.

Retaining Jurisdiction

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 9th day of July, 2009.



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.

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

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MAMA MARIA'S PIZZA SHOP, INC.