Mailing Date: DEC 02 2009

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

PENNSYLVANIA STATE POLICE, BUREAU OF LIQUOR CONTROL ENFORCEMENT	:	Citation No. 09-1260X Incident No. W01-392841
v.	:	LID - 9203
BOOKBINDER'S RESTAURANT INC T/A BOOKBINDER'S RESTAURANT 121-135 WALNUT ST PHILADELPHIA PA 19106-3011 PHILADELPHIA COUNTY LICENSE NO. R-SS-86	:	

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 9, 2009. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated March 10, 2009, 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 October 27, 2009, in Plymouth Meeting, Pennsylvania, there was no appearance by for the Licensee; therefore, the matter proceeded *ex parte*.

FINDINGS OF FACT:

1. The Bureau investigated Licensee during the period April 16 through May 11, 2009, and sent written notice of the results of its investigation to the licensed premises by certified mail on May 19, 2009 (N.T. 8-10, Exhibit B-1).

2. A copy of this citation was mailed to Licensee on June 9, 2009 (N.T. 9-10, Exhibit B-2).

3. A Notice of Hearing was mailed to Licensee by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on September 14, 2009.

4. Licensee issued a check to Penn Distributors, Inc. dated March 10, 2009, in the amount of $295.08, in payment for the purchase of malt or brewed beverages (N.T. 7-8, Exhibit B-3).

5. The check was dishonored due to insufficient funds. No warning letter was required because the check was not made good within ten days after issuance (N.T. 7).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 1, 1934, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

Citation No. 91-1323. $200.00 fine.
1. Operated without a valid health permit or license.

Citation No. 09-0130X. $100.00 fine. License suspended for nonpayment.
1. Bad checks in payment for malt or brewed beverages. November 23, 2008.

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 this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Bookbinder's Restaurant, Inc., t/a Bookbinder's Restaurant, License No. R-SS-86, shall pay a fine of two hundred dollars ($200.00) 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 20TH day of November, 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 cashier's check, certified check or money order. Personal and business checks are not acceptable unless bank certified. 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

Citation No. 09-1260X
Bookbinder's Restaurant, Inc.