

Mailing Date: AUG 11 2010

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-0734X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-409560
v.	:	
	:	LID - 55829
GINA'S PLACE OF ITALIAN	:	
CUISINE, INC.	:	
16 E. HANOVER ST.	:	
BONNEAUVILLE	:	
GETTYSBURG, PA 17325-7752	:	
	:	
ADAMS COUNTY	:	
LICENSE NO. R-AP-SS-17048	:	

**BEFORE:** JUDGE THAU  
**BUREAU COUNSEL:** Thomas M. Ballaron, Esquire  
**LICENSEE:** Ex-Parte

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on April 15, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Gina's Place of Italian Cuisine, Inc. (Licensee), License Number R-AP-SS-17048.

The citation<sup>1</sup> 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 employees, issued checks or drafts dated February 18, 2010, 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 22, 2010 at Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania. Licensee did not appear personally or have any representation.

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1. Commonwealth Exhibit No. C-3, N.T. 10.

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 March 15, 2010 and completed it on March 22, 2010. (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 March 30, 2010. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 9)
3. On February 18, 2010, Licensee issued a check in the amount of \$92.64 to Brewery Products Company for the purchase of beer which was dishonored due to insufficient funds. The check was not made good within ten days. (N.T. 10-12)

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 December 6, 2005, and has had one prior violation (Commonwealth Exhibit No. C-6, N.T. 12):

Adjudication No. 08-0021X. Fine \$150.00.  
Issued worthless checks in payment for malt or  
brewed beverages.  
November 14, 2007.

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.

As Licensee did not appear or obey process, I impose a \$1,000.00 fine.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 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 6<sup>TH</sup> day of August, 2010.



Felix Thau, A.L.J.

pm

**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

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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

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GINA'S PLACE OF ITALIAN CUISINE, INC.