

Mailing Date: NOV 3 2010

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 10-1011X  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-407219  
 :  
 v. :  
 : LID - 38532  
 :  
 A DIFFERENT DRUMM LTD :  
 T/A UNION JACKS :  
 4801-03 UMBRIA ST :  
 PHILADELPHIA PA 19127-1916 :  
 :  
 PHILADELPHIA COUNTY :  
 LICENSE NO. R-AP-SS-EHF-OPS-426 :

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 May 11, 2010. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated February 13, 2010, 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 August 11, 2010, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

**FINDINGS OF FACT:**

1. The Bureau investigated Licensee during the period January 29 through April 27, 2010, and sent it written notice of the result of the investigation on April 28, 2010 (N.T. 10-11, Ex. B-1).
2. A copy of this citation was mailed to Licensee on May 11, 2010 (N.T. 11, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on June 28, 2010.
4. On February 13, 2010, Licensee issued a check for \$1527.43 to Origlio Beverage, in payment for the purchase of malt or brewed beverages. The check was dishonored due to insufficient funds, but it was later redeposited and paid. Licensee had previously in 2010 issued a check to the same distributor which was dishonored for the same reason; the Bureau issued a warning on that occasion (N.T. 4-11, Exhibits B-3 and B-4).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since July 10, 1996, and has had prior violations, as follows:

Citation No. 00-1359. \$500.00 fine.

1. Operated the licensed establishment without a valid health permit.

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, A Different Drumm, Ltd., t/a Union Jacks, License No. R-AP-SS-EHF-OPS-426, 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 15<sup>TH</sup> day of OCTOBER, 2010.

  
David L. Shenkle, J.

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**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

Citation No. 10-1011X  
A Different Drumm, Ltd.