

Mailing Date: JAN 31 2011

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

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 10-1671X
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-404910
 :
 v. :
 : LID - 54367
 :
 LOGAN PUBLIC HOUSE LLC :
 2 LOGAN SQ 1st FL :
 100 N 18th ST :
 PHILADELPHIA PA 19103-2719 :
 :
 PHILADELPHIA COUNTY :
 LICENSE NO. R-AP-SS-1814 :

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 August 10, 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 December 2, 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 December 8, 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 December 9, 2009, through July 7, 2010, and sent it written notice of the results on July 30, 2010 (N.T. 8-9, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on August 10, 2010 (N.T. 9, Exhibit B-2).
3. A Notice of Hearing was mailed to Licensee on October 28, 2010.
4. On December 2, 2009, Licensee issued a check in the amount of \$109.48 to Muller, Inc., in payment for the purchase of malt beverages. The check was dishonored due to insufficient funds. Licensee had previously during 2009 issued a check to the same distributor which was dishonored for the same reason. The Bureau issued a warning on that occasion (N.T. 4-9, Exhibits B-3 and 4).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 14, 2005, 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 this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Logan Public House, LLC, License No. R-AP-SS-1814, 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 19TH day of January, 2011.



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

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Logan Public House, LLC