

Mailing Date: SEP 26 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0349X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-425827
v.	:	
	:	LID - 51228
MARDANDI, INC.	:	
T/A DAN'S KEYSTONE GRILLE	:	
162 UNION ST.	:	
WILKES BARRE, PA 18715-7114	:	
	:	
	:	
LUZERNE COUNTY	:	
LICENSE NO. R-AP-SS-6069	:	

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL STRONG
LICENSEE: NO APPEARANCE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on March 2, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against MARDANDI, INC., License Number R-AP-SS-6069 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 493(26) of the Liquor Code [47 P.S. §4-493(26)] in that Licensee, by its servants, agents or employes, issued checks or drafts dated December 28, 30 and 31, 2010, in payment for purchases of malt or brewed beverages, when it had insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks.

The investigation which gave rise to the citation began on February 4, 2011 and was completed on February 14, 2011; and notice of the violation was sent to Licensee by Certified Mail on February 15, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on July 27, 2011 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 162 Union Street, Wilkes Barre, PA 17815-7114 by certified mail on June 9, 2011. The notice set forth the date and time of the hearing as July 27, 2011 at 11:45 a.m., and the place of hearing as Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, PA 18503.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. On December 28, 2010, Licensee purchased malt or brewed beverages from L.T. Verrastro, Inc. In payment therefore, Licensee issued its Check No. 4044 in the amount of \$182.00 which was dishonored by Licensee's bank for insufficient funds (N.T. 8-9 and Exhibit C-5).
2. On December 30, 2010, Licensee purchased malt or brewed beverages from L.T. Verrastro, Inc. In payment therefore, Licensee issued its Check No. 4047 in the amount of \$234.26 which was dishonored by Licensee's bank for insufficient funds (N.T. 9-10 and Exhibit C-6).
3. On December 31, 2010, Licensee purchased malt or brewed beverages from L.T. Verrastro, Inc. In payment therefore, Licensee issued its Check No. 4049 in the amount of \$181.42 which was dishonored by Licensee's bank for insufficient funds (N.T. 11 and Exhibit C-7).
4. On July 1, 2010, Licensee was sent a warning letter with regard to a previously issued NSF check to L.T. Verrastro, Inc. (N.T. 7).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since July 10, 2003, and has had one prior violation:

Citation No. 05-1567. Fine \$100.00.

1. Sold, furnished or gave liquor for consumption off premises. July 1, 2005.

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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$150.00.

ORDER

THEREFORE, it is hereby ordered that Licensee MARDANDI, INC., pay a fine of \$150.00 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.

Jurisdiction is retained.

Dated this 16TH day of September, 2011.

A handwritten signature in cursive script, reading "Daniel T. Flaherty, Jr.", written over a horizontal line.

Daniel T. Flaherty, Jr., J.

an

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.

IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.

Detach here and submit 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.** Make 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. 11-0349X
Mardandi, Inc.