

Mailing Date: JAN 04 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0473X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W09-425067
v.	:	
	:	LID - 60106
CROWN CUISINE LLC	:	
366-368 E 10 <sup>th</sup> ST	:	
NORTHAMPTON PA 18067-1721	:	<b><u>MAIL ALSO TO SAFEKEEPING ADDRESS:</u></b>
	:	<b>JOHN CARUNO</b>
	:	<b>368 E 10TH ST</b>
NORTHAMPTON COUNTY	:	<b>NORTHAMPTON PA 18067-0000</b>
LICENSE NO. R-8049	:	

JUDGE SHENKLE  
BLCE COUNSEL: Roy Harkavy, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on March 25, 2011. 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 21, 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 Friday, November 4, 2011, in Allentown, 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 19 through February 24, 2011, and sent it written notice of the results on March 4, 2011 (N.T. 5-6, Exhibit C-1).
2. A copy of this citation was mailed to Licensee on March 25, 2011 (N.T. 5-6, Ex. C-2).
3. A Notice of Hearing was mailed to Licensee on September 21, 2011.
4. On December 21, 2010, Licensee purchased beer from Banko Beverage Company and paid the net amount due of \$310.74 with its check number 9944 of the same date. This check was returned twice for insufficient funds; the amount due was paid on January 27, 2011 (N.T. 8)

5. Licensee had previously during the same calendar year issued a check to the same distributor which was dishonored for the same reason. The Bureau issued a warning on that occasion (N.T. 6).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since June 25, 2008, and has had prior violations as follows:

Citation No. 09-2145. \$100.00 fine and 3 days suspension. One additional day for late payment.

1. Sales after license expired. May 1 through June 11, 2009.
2. Bad checks for malt or brewed beverages. May 29, 2009.

Citation No. 10-1113X. \$150.00 fine. License revoked for nonpayment, effective January 9, 2012, subject to reconsideration if payment made by then.

1. Bad checks for malt or brewed beverages. February 19, 2010.

Citation No. 10-2014. \$100.00. fine and 4 days suspension. License revoked for nonpayment, effective January 9, 2012, subject to reconsideration if payment made by then.

1. Sales after license expired. June 16, 2010.
2. Failed or refused to file sales tax returns. April 1, 2009 through March 31, 2010.

Citation No. 10-2790. 1 day suspension.

1. Failed to post notice of suspension. November 15, 2010.

Citation No. 11-0001X. \$150.00 fine. License revoked for nonpayment, effective January 9, 2012, subject to reconsideration if payment made by then.

1. Bad checks for malt or brewed beverages. October 28, 2010.

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, Crown Cuisine, LLC, License No. R-8049, 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 20<sup>TH</sup> day of December, 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.**

**WHETHER OR NOT RECONSIDERATION HAS BEEN REQUESTED, AGGRIEVED PERSONS MAY APPEAL TO THE PLCB, NORTHWEST OFFICE BUILDING, HARRISBURG, PA 17124 WITHIN 30 DAYS AFTER THE MAILING DATE OF THIS ORDER.**

**THE PLCB CHIEF COUNSEL'S TELEPHONE NUMBER IS 717-783-9454.**

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