

Mailing Date: NOV 18 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0528X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-426515
v.	:	
	:	LID - 60998
MICHAEL JOHN DREISCH	:	
T/A THE RED HOUSE BAKERY	:	
& DELI	:	
RR 1 BOX 15B	:	
STEVENSVILLE, PA 18845-9709	:	
	:	
BRADFORD COUNTY	:	
LICENSE NO. R-AP-SS-19405	:	

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

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on April 7, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against MICHAEL JOHN DREISCH, License Number R-AP-SS-19405 (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 his servants, agents or employees, issued checks or drafts dated February 4, 2011, in payment for purchases of malt or brewed beverages, when he 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 15, 2011 and was completed on March 9, 2011; and notice of the violation was sent to Licensee by Certified Mail on March 15, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on October 13, 2011 in the PA Department of Agriculture, 2130 County Farms Road, Montoursville, Pennsylvania.

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:

On February 4, 2011, Licensee purchased malt or brewed beverages from Flynn Beverage, Inc. In payment therefore, Licensee issued a check in the amount of \$199.60 which was dishonored by Licensee's bank for insufficient funds. The check was not made good in a timely manner (N.T. 8-11).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since June 12, 2009, and has had two prior violations:

Citation No. 10-0430X. Fine \$150.00.

1. Issued worthless checks in payment for malt or brewed beverages. January 22, 2010.

Citation No. 10-2107. Fine \$1,500.00. Fine not paid and license suspended 4 days and until fine paid.

1. Used loudspeakers or devices whereby the sound of music could be heard outside. September 4, 2010.
2. Sales to a visibly intoxicated person. September 4, 2010.

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 \$200.00.

ORDER

THEREFORE, it is hereby ordered that Licensee MICHAEL JOHN DREISCH, pay a fine of \$200.00 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 4TH day of November, 2011.



Daniel T. Flaherty, Jr., J.

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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. 11-0528X
Michael John Dreisch