

Mailing Date: SEP 29 2011

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 11-0663  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-422442  
 :  
 v. :  
 : LID - 15558  
 :  
 CARMELLA M GRILL T/A GRILL'S BAR :  
 3847 TERRACE ST :  
 PHILADELPHIA PA 19128-5213 :  
 :  
 PHILADELPHIA COUNTY :  
 LICENSE NO. R-AP-SS-OPS-12474 :

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 April 19, 2011. There are two counts in the citation.

The first count alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated October 26, 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.

The second count alleges that Licensee violated §493(2) of the Liquor Code, 47 P.S. §4-493(2), on October 26 and 27, 2010, by paying for purchases of malt or brewed beverages with other than licensee's checks, cashier's checks or money orders.

At the hearing scheduled for August 4, 2011, 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 November 17, 2010 through March 30, 2011, and sent it written notice of the results on April 1, 2011 (N.T. 13-14, Exhibit B-1).

2. A copy of this citation was mailed to Licensee on April 19, 2011 (N.T. 13-14, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on June 21, 2011.
4. On October 26, 2010, Licensee issued a check on the account of Terrace Taproom, LLC, to the order of Antonio Origlio, Inc., a distributor licensee, in the amount of \$603.36, in payment for purchases of malt or brewed beverages. The check was dishonored due to insufficient funds (N.T. 5-10, Exhibit B-3).
5. On October 27, 2010, Licensee issued a check on the account of Terrace Taproom, LLC, to the order of Penn Beer Distributors, Inc., in the amount of \$462.21, in payment for the purchase of malt or brewed beverages. The check was dishonored due to insufficient funds (N.T. 10-12, Exhibit B-4).
6. On June 17, 2010, the Bureau issued a warning to Licensee on account of a dishonored check it had given Antonio Origlio, Inc., on May 10, 2010 (N.T. 12, Exhibit B-5).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since October 7, 1969, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

- Citation No. 92-1520. \$400.00 fine.
1. Gambling (poker machine).

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. For each count of the citation, the penalty will be a fine of \$100.00.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Carmella M. Grill, t/a Grill's Bar, License No. R-AP-SS-OPS-12474, 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 21<sup>ST</sup> day of September, 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

Citation No. 11-0663  
Carmella M. Grill