

Mailing Date: FEB 03 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0797X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-425567
v.	:	
	:	LID - 56904
LRBS COUNTRY ROADHOUSE LLC	:	
140 MILLER AVE.	:	
MONTGOMERY, PA 17752-1420	:	
	:	
	:	
	:	
	:	
LYCOMING COUNTY	:	
LICENSE NO. R-AP-SS-EHF-10689	:	

**BEFORE JUDGE FLAHERTY
BUREAU COUNSEL PIETRZAK
LICENSEE: LOMON R. BRUNSON, PRO SE**

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on May 5, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against LRBS COUNTRY ROADHOUSE, LLC, License Number R-AP-SS-EHF-10689 (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 employees, issued checks or drafts dated March 18, 2011, 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 January 31, 2011 and was completed on April 18, 2011; and notice of the violation was sent to Licensee by Certified Mail on April 21, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on November 16, 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:

1. On March 18, 2011 Licensee purchased malt and/or brewed beverages from Mid State Beverage Co. In payment therefore, Licensee issued its check in the amount of \$125.56. The check was dishonored for insufficient funds (N.T. 12-14 and Exhibit C-3)

2. Licensee was warned concerning the issuance of dishonored checks to Mid State Beverage Co. in the 2011 calendar year by letter dated April 21, 2011. The letter was sent relative to Check No. 2777 dated January 24, 2011 in the amount of \$281.96. The check was issued in payment for malt and/or brewed beverages and was dishonored due to insufficient funds. This check was made good in a timely manner (N.T. 14 and Exhibit C-4).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since January 11, 2007, and has had no prior violations. Licensee is, therefore, entitled to be treated as a first time offender.

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 LRBS COUNTRY ROADHOUSE, LLC, 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 31ST day of January, 2012.



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

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LRBS Country Roadhouse LLC