

The citation charges Licensee with a violation of Section 493(26) of the Liquor Code [47 P.S. §4-493(26)]. The charge is that Licensee, by your servants, agents, or employees, issued checks or drafts dated June 14, 2011, in payment for purchases of malt or brewed beverages, when you had insufficient funds in, or credit with, the institution upon which drawn for the payment of such checks.

I presided at an evidentiary hearing on December 12, 2011 at the Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

Therefore, I make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT:

1. The Office of Administrative Law Judge mailed a notice of hearing on October 21, 2011, by certified mail, return receipt requested. The notice was received and signed for the following day.

2. The Bureau began its investigation on July 11, 2011 and completed it on July 28, 2011. (N.T. 9)

3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested on, August 2, 2011. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 7)

4. On the date charged, Licensee issued a check, in the amount of \$2,089.32 to an importing distributor, for the purchase of beer. The check was dishonored due to insufficient funds but made good within ten days. The Bureau issued a warning letter to Licensee for a check, earlier in the calendar year, that was issued for the purchase of beer from the same importing distributor. That check was also dishonored due to insufficient funds. (Commonwealth Exhibit No. C-5-6, N.T. 7-16)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.

2. The violation is sustained as charged.

ADJUDICATION HISTORY:

Licensee has been licensed since August 12, 2004, and has the following Adjudication history:

Docket No. 04-2322. Fine \$1,250.00.

Sales to a minor on October 20, 2004.

Docket No. 07-2194C. Fine \$1,500.00 and R.A.M.P. training mandated.

Sales to a minor on July 26, 2007.

Docket No. 08-1266. Fine \$300.00.

Failed to comply with the order of the Administrative Law Judge mandating R.A.M.P. training during the period of February 6 through April 21, 2008.

Docket No. 09-1760. Fine \$100.00.

Failed to post signage as required by the Clean Indoor Air Act on June 6, 2009.

Docket No. 11-0628. Fine \$350.00.

1. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m. on December 19, 2010
2. Possessed or operated gambling devices or permitted gambling on the licensed premises (sports pools), on January 25, 2011.

PENALTY ASSESSMENT CRITERIA:

Mandatory Requirement(s)

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 the violation found herein.

Discretionary Component(s)

As Licensee has failed to obey process and has further provided no mitigation, I impose a \$1,000.00 fine.

ORDER:

Imposition of Fine

Licensee must pay a \$1,000.00 fine within twenty days of the mailing date of this Adjudication. The mailing date is located on this Adjudication's first page, upper left corner. If Licensee fails to comply, the Liquor Code requires that I suspend or revoke the license.

Retaining Jurisdiction

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 29TH day of March, 2012.



Felix Thau, A.L.J.

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General Information

This Adjudication is a legal document. It affects your rights, privileges, and obligations. The information which follows is a general guide. Therefore, you may want to consult with an attorney.

Applying for Reconsideration

If you want the Administrative Law Judge to reconsider this Adjudication, you must submit a written application and a nonrefundable \$25.00 filing fee. Both must be received by the Office of Administrative Law Judge, (PLCB - Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, PA 17110-9661) within fifteen days of this Adjudication's mailing date. Your application must describe the reasons for reconsideration. The full requirements for reconsideration can be found in Title 1 Pa. Code §35.241.

Appeal Rights

If you wish to appeal this Adjudication, you must file an appeal within thirty days of the mailing date of this Adjudication by contacting the Office of Chief Counsel of the Pennsylvania Liquor Control Board (717-783-9454). For further information, visit www.lcb.state.pa.us. The full requirements for an appeal can be found in 47 P.S. §4-471.

Detach Here and Return 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