

Mailing Date: MAY 02 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-1504X
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W06-433660
v.	:	
	:	LID - 63567
SHOTHAVEN, LTD.	:	
T/A ANGELO'S	:	
4 N. HENDERSON ST.	:	
LOCK HAVEN, PA 17745-3517	:	
	:	
	:	
CLINTON COUNTY	:	
LICENSE NO. H-AP-SS-6229	:	

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

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on September 1, 2011, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against SHOTHAVEN, LTD., License Number H-AP-SS-6229 (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 employes, issued checks or drafts dated June 22, 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 July 15, 2011 and was completed on July 25, 2011; and notice of the violation was sent to Licensee by Certified Mail on July 28, 2011. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on February 7, 2012 in the Loyalsock Complex, 542 County Farm Road, Suite Two, Montoursville, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee at its address of record, 4 N. Henderson Street, Lock Haven, PA 17745-3517 by certified mail on December 23, 2011. The notice set forth the date and time of the hearing as February 7, 2012 at 9:30 a. m., and the place of hearing as The Loyalsock Complex, 542 County Farm Road, Suite Two, Montoursville, PA 17754-9865.

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 June 22, 2011 Licensee purchased malt or brewed beverages from Mid-State Beverage Company. In payment therefore, Licensee issued its check in the amount of \$199.66. The check was returned by Licensee's bank for insufficient funds (N.T. 8).
2. Licensee made the aforementioned check good with cash on July 7, 2011 (N.T. 10).
3. Licensee had written a previous check to Mid-State Beverage Company in the calendar year 2011 which was returned for insufficient funds. This former check was not made good within 20 days of the date that it was dishonored (N.T. 10).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since February 10, 2011, 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 SHOTHAVEN, LTD., 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 19<sup>TH</sup> day of April, 2012.



Daniel T. Flaherty, Jr., J.

an

**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. 11-1504X  
Shothaven, Ltd.