

Mailing Date: MAR 16 2012

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 11-1676X  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-434417  
 :  
 v. :  
 : LID - 50153  
 :  
 E V C INC T/A PARKWAY ROOM :  
2201 PENNSYLVANIA AVE :  
FIRST FLOOR WEST :  
PHILADELPHIA PA 19130-3509 :  
 :  
 :  
 PHILADELPHIA COUNTY :  
LICENSE NO. R-AP-SS-3784 :

JUDGE SHENKLE  
BLCE COUNSEL: Erik S. Shmukler, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on September 27, 2011. The citation alleges that Licensee violated §493(26) of the Liquor Code, 47 P.S. §4-493(26), by issuing checks or drafts dated June 30 and July 1, 2011, 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.

At the hearing scheduled for February 7, 2012, in 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 August 1 through August 19, 2011, and sent it written notice of the results on August 26, 2011 (N.T. 8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on September 27, 2011 (N.T. 9, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on December 22, 2011.

4. On June 30, 2011, Licensee issued a check to Penn Distributors, Inc., in the amount of \$2,526.00, in payment the purchase of malt or brewed beverages (N.T. 5-10).

5. On July 1, 2011, Licensee issued a check to Penn Distributors, Inc., in the amount of \$505.20, in payment the purchase of malt or brewed beverages (N.T. 5-10).

6. Both checks were dishonored on presentation because of insufficient funds. Neither check was made good within ten days (N.T. 5-10).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since November 8, 2002, and has had four prior violations:

Citation No. 08-2173. \$2,800.00 fine and R.A.M.P. – certification mandated.

1. Sales to a visibly intoxicated person. May 9, 2008.
2. Offered and/or gave alcoholic beverages as a prize. June 19, 2008.
3. Sales on Sunday between 2:00 a.m. and 11:00 a.m. August 3, 2008.
4. Failed to require patrons to vacate the premises by the required time. August 3, 2008.
5. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m. August 3, 2008.

Citation No. 09-2690X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. October 2, 2009.

Citation No. 09-2800X. \$150.00 fine.

1. Bad checks for malt or brewed beverages. October 21, 2009.

Citation No. 11-1038. \$1,250.00 fine.

1. Sales after license expired and had not been renewed or validated. April 28, 2011.

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.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, E.V.C, Inc., t/a Parkway Room, License No. R-AP-SS-3784, 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 8<sup>TH</sup> day of MARCH, 2012.



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. 11-1676X  
E.V.C., Inc.