



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 August 5, 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 January 31, 2012 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 December 19, 2011, by certified mail, return receipt requested. The notice was received and signed for the following day. (N.T. 4)
2. The Bureau began its investigation on August 23, 2011 and completed it on September 20, 2011. (N.T. 6)
3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested on, October 13, 2011. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 5)
4. On the date charged, Licensee issued a check in the amount of \$1,884.48 for the purchase of beer from an importing distributor. The check was dishonored due to insufficient funds. (Commonwealth Exhibit No. C-5, N.T. 6-11)

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 October 13, 2010, and has the following Adjudication history:

Docket No. 11-1503X. Fine \$100.00. Fine not paid and license suspended 1 day and thereafter until fine paid.

Issued worthless checks in payment for malt or brewed beverages dated July 8 and 15, 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 did not come to the hearing or obey other process, 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 28<sup>TH</sup> day of March, 2012.



Felix Thau, A.L.J.

bc

### 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](http://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**

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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.** 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