

Mailing Date: AUG 01 2012

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

| | | |
|----------------------------|---|-------------------------------|
| PENNSYLVANIA STATE POLICE, | : | In Re Citation No.: 12-0330X |
| BUREAU OF LIQUOR CONTROL | : | |
| ENFORCEMENT (BLCE) | : | |
| | : | BLCE Incident No.: W03-441476 |
| v. | : | |
| | : | |
| AAW DISTRIBUTOR, LLC | : | PLCB LID No.: 59925 |
| T/A CARLISLE BEVERAGE | : | |
| 770 S. WEST ST. | : | |
| CARLISLE, PA 17013-4116 | : | PLCB License No.: D-SS-3795 |

ADJUDICATION

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: John H. Pietrzak, Esquire

LICENSEE: Ex Parte

BACKGROUND:

This proceeding arises out of a citation, containing one count, that was issued on March 8, 2012, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against AAW Distributor, LLC (Licensee).

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 December 20, 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 June 18, 2012 at 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 April 20, 2012, 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 January 11, 2012 and completed it on January 31, 2012. (N.T. 7)
3. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on February 8, 2012. The notice alleged the 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 \$4,721.05 for the purchase of beer from an importing distributor. The check was dishonored due to insufficient funds. (N.T. 7-9)

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. I sustain the violation as charged.

PRIOR RECORD:

Licensee has been licensed since June 3, 2008, and has the following Adjudication history:

In Re Citation No.: 11-0996X. Fine \$150.00.
Issued worthless checks in payment for malt or brewed beverages dated April 19, 2011.

In Re Citation No.: 12-0145X. Fine \$200.00.
Issued worthless checks in payment for malt or brewed
beverages dated November 11, 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:

In Re Citation No.: 12-0330X; Licensee, AAW Distributor, LLC; PLCB LID No.: 59925;
PLCB License No.: D-SS-3795

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 26TH day of July, 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. 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