

Mailing Date: FEB 06 2015

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

PENNSYLVANIA STATE POLICE,	:	In Re Citation No.: 14-0544X
BUREAU OF LIQUOR CONTROL	:	
ENFORCEMENT (BLCE)	:	
	:	BLCE Incident No.: W02-474626
v.	:	
	:	
RED MANSION, LLC	:	PLCB LID No.: 67305
T/A XPRESSIONS BAR ON 390	:	
1076 ROUTE 390	:	
PO BOX 609	:	PLCB License No.: H-SS-6345
MOUNTAINHOME, PA 18342-0609	:	
	:	
MONROE COUNTY	:	

**ADJUDICATION**

BEFORE: Felix Thau, Administrative Law Judge

FOR BLCE: Craig A. Strong, Esquire

LICENSEE: Ex Parte

**BACKGROUND:**

This proceeding arises out of a citation, containing one count, that was issued on March 28, 2014, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Red Mansion, 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 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, dated October 31, 2013.

I presided at an evidentiary hearing on December 11, 2014 at 100 Lackawanna Avenue, Scranton, Pennsylvania.

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

**FINDINGS OF FACT:**

1. The Bureau began its investigation on February 21, 2014 and completed it on February 26, 2014. (Commonwealth Exhibit No. C-1, N.T. 6)
2. The Bureau sent a notice of the alleged violation to Licensee at the licensed premises by certified mail, return receipt requested, on March 6, 2014. The notice alleged the violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
3. On October 31, 2013, Licensee issued a check, to an importing distributor for the purchase of beer. The check was dishonored due to insufficient funds. (N.T. 9-12)

**CONCLUSION(S) 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 ADJUDICATION HISTORY:**

Licensee has been licensed since January 30, 2013, and has the following Adjudication history:

In Re Citation No.: 13-1707X. Fine \$100.00. Fine not paid and license suspend indefinitely for at least one day deferred. License revoked.

Issued worthless checks in payment for malt or brewed beverages dated May 2, 23, 30 and 31, 2013.

In Re Citation No.: 13-2213X. Fine \$100.00. Fine not paid and license suspend indefinitely for at least one day deferred. License revoked.

Issued worthless checks in payment for malt or brewed beverages dated July 11, 2013.

**PENALTY ASSESSMENT CRITERIA:**

***Mandatory Requirement(s)***

Liquor Code Section 471 [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 the license is already revoked, I revoke the license for administrative purposes.

**ORDER:**

***Imposition of Revocation***

I revoke the license and any permit or other authority issued by the Pennsylvania Liquor Control Board attendant to the license, for administrative purposes, effective with the mailing date of this Adjudication.

***Retaining Jurisdiction***

I retain Jurisdiction to ensure compliance with this Adjudication.

Dated this 22<sup>ND</sup> day of January, 2015.



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. If you have not already done so, it may be prudent for you 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.