

Mailing Date: AUG 31 2007

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 06-1449
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-327365
v.	:	
	:	LID - 50691
STATION LIQUOR LLC	:	
4401 CRESSON ST	:	
PHILADELPHIA PA 19127-1339	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-1095	:	BEFORE: JUDGE SHENKLE

APPEARANCES:

For Bureau of Enforcement: Erik S. Shmukler, Esq.
For Licensee: Edward B. McHugh, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 21, 2006. The citation alleges that Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on February 17, 25, March 3 and 25, 2006, by permitting the use on the inside of the licensed premises of a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, could be heard outside.

A hearing was held on February 13, 2007 in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and the citation.

FINDINGS OF FACT:

1. Liquor Enforcement Officer Julie Kohler visited the licensed premises on February 18, 19, 23, March 4, and April 1, 2006, on each occasion found it to be closed. On April 28, 2006, she inspected the premises and asked the manager for a schedule of events held during the period February through April, 2006. Officer Kohler saw the premises is fairly large, and equipped with loudspeakers in various sizes throughout (N.T. 6-8).

2. On February 17, 25, March 3 and 25, 2006, Licensee held events at its premises at which disk jockeys provided entertainment (N.T. 10-11, Exhibit B-3).

3. M.J. Czerpak-Paisley lived at 4411 Baker Street, near the licensed premises, during the period which includes February 17, 25, March 3 and 25, 2006. On each of those dates she heard loud music inside her home emanating from the licensed premises (N.T. 25-32).

4. In response to these complaints, Licensee installed soundproofing at the premises and engaged the services of an acoustic consultant to assist it in preventing any recurrence of these complaints (N.T. 45-48, Exhibits L-2 and L-3)

CONCLUSIONS OF LAW:

Sustained as charged.

DISCUSSION:

I find that Licensee's record of events held at the premises is admissible as the business record of a party, and that it was relevant to this case.

PRIOR RECORD:

Licensee has been licensed since May 7, 2003, and has had no prior violations.

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 the type found in this case.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Station Liquor, LLC, License No. R-AP-SS-1095, pay a fine of three hundred dollars (\$300.00) 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.

The fine must be paid by treasurer's check, cashier's check, certified check or money order. **Personal checks, which include business-use personal checks, are not acceptable.** 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

Dated this 24th day of August, 2007.

jb

David L. Shenkle, J.

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.