

Mailing Date: SEP 9 2008

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 07-2448
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W05-354658
v.	:	
	:	LID - 57004
J & C TOGETHER, INC.	:	
2019 11 <sup>TH</sup> AVE.	:	
ALTOONA, PA 16601-2407	:	
	:	
	:	
	:	
	:	
	:	
BLAIR COUNTY	:	
LICENSE NO. R-AP-SS-12576	:	

**BEFORE:** JUDGE THAU

APPEARANCES:

For Bureau of Enforcement  
Nadia L. Vargo, Esquire  
Pennsylvania State Police  
313 Mt. Nebo Road  
Pittsburgh, PA 15237-1305

For Licensee  
Ex-Parte

**ADJUDICATION**

BACKGROUND:

This proceeding arises out of a citation that was issued on October 26, 2007, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against J & C Together, Inc. (Licensee), License Number R-AP-SS-12576.

The citation<sup>1</sup> charges Licensee with violations of Section 5.32(a) of the Pennsylvania Liquor Control Board Regulations [40 Pa. Code §5.32(a)]. The charge is that on June 30 and July 28, 2007, Licensee, by servants, agents or employes, used, or permitted to be used on the inside of its licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, could be heard outside.

An evidentiary hearing was conducted on July 10, 2008 at the Hampton Inn, 180 Charlotte Drive, Altoona, Pennsylvania. Licensee did not appear personally or have any representation.

After review of the transcript of that proceeding, the following Findings of Fact and Conclusions of Law are entered.

FINDINGS OF FACT:

1. A citation hearing notice was mailed by the Office of Administrative Law Judge on May 21, 2008 to Licensee by both certified receipt-return mail and first-class mail to the licensed premises. The notice notified Licensee of the date, time and place of the hearing. The Notice, sent by certified mail, was returned as being marked unclaimed.
2. On May 23, 2008, I issued a Pre-Hearing Order by first-class mail directing Licensee to submit its pre-hearing memorandum. That Order reiterated the date, time and place of hearing. (N.T. 4)
3. The Bureau began its investigation on May 25, 2007 and completed it on September 19, 2007. (N.T. 6)
4. The Bureau sent a notice of alleged violations to Licensee at the licensed premises by certified mail-return receipt requested on September 27, 2007. The notice alleged violations as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
5. On the dates charged, a Bureau Enforcement Officer heard amplified music escaping the premises as far away as 300 feet. (N.T. 8-12)

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1. Commonwealth Exhibit No. C-2, N.T. 8.

CONCLUSIONS OF LAW:

1. The notice requirements of Liquor Code Section 471 [47 P.S. §4-471] have been satisfied.
2. The citation is **sustained** as charged.

PRIOR RECORD:

Licensee has been licensed since October 6, 2006, and has had no prior violations. (N.T. 12).

PENALTY:

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 violations of the type found in this case.

As Licensee has failed to appear and obey process, I impose a \$1,000.00 fine.

ORDER:

**Imposition of Fine**

THEREFORE, it is hereby ordered that Licensee pay a fine of \$1,000.00 within 20 days of the mailing date of this Order. In the event the aforementioned fine is not paid within 20 days from the mailing date of this Order, Licensee's license shall be suspended or revoked.

**Retaining Jurisdiction**

Jurisdiction is retained to ensure compliance with this Adjudication.

Dated this 26th day of August, 2008.

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Felix Thau, A.L.J.

pm

**MOTIONS FOR RECONSIDERATION MUST BE RECEIVED WITHIN 15 DAYS OF THE MAILING DATE OF THIS ORDER TO THE OFFICE OF ADMINISTRATIVE LAW JUDGE AND REQUIRE A \$25.00 FILING FEE. A WRITTEN REQUEST FOR RECONSIDERATION MUST BE SUBMITTED WITH THE FILING FEE.**

Detach Here and Return Stub with Payment

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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

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J & C TOGETHER, INC.