

Mailing Date: JAN 07 2010

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-1387
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-391904
v.	:	
	:	LID - 47717
PJ RYAN'S, INC.	:	
124 W GAY ST	:	
WEST CHESTER PA 19380-2915	:	
	:	
CHESTER COUNTY	:	
LICENSE NO. R-AP-SS-12573	:	

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE COUNSEL: Joseph P. Ryan, Esq.

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 16, 2009. The citation alleges that Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on May 15, 2009, 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 November 18, 2009 in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

When a liquor enforcement officer left Licensee's premises at about 11:10 p.m. on May 15, 2009, he heard music emanating from the establishment at a distance of ninety feet. The music was coming from loudspeakers inside the premises (N.T. 5-13).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since August 3, 2001, and has had one prior violation:

Citation No. 06-1726. \$200.00 fine.

1. Loudspeakers could be heard outside. May 13 and June 14, 2006.

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 this type.

The description of the loudspeaker violation given by Judge Wright in the adjudication of Citation No. 06-1726 makes it clear to me that the violation proven in this case is less egregious than that observed previously.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, P.J. Ryan's, Inc., License No. R-AP-SS-12573, shall pay a fine of one hundred dollars (\$100.00) 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.

Dated this 21ST day of December, 2009



David L. Shenkle, J.

jb

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.

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. 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