

Mailing Date: MAY 22 2012

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 09-1752
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W03-395040
v.	:	
	:	LID - 54513
BRUNSWICK HOTEL &	:	
CONFERENCE CENTER, LLC	:	
151-171 N. QUEEN ST.	:	
LANCASTER, PA 17603-3508	:	
	:	
	:	
LANCASTER COUNTY	:	
LICENSE NO. H-AP-SS-EHF-5999	:	

**BEFORE JUDGE FLAHERTY  
BUREAU COUNSEL BALLARON  
LICENSEE: NO APPEARANCE**

**ADJUDICATION**

**BACKGROUND:**

This proceeding arises out of a citation that was issued on July 23, 2009, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against BRUNSWICK HOTEL & CONFERENCE CENTER, LLC, License Number H-AP-SS-EHF-5999 (hereinafter "Licensee").

The citation charges Licensee with violation of Section 5.32(a) of the Liquor Control Board Regulations [40 Pa. Code §5.32(a)] in that on May 23, 2009, Licensee, by its servants, agents or employees, used, or permitted to be used on the inside of the licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, could be heard outside.

The investigation which gave rise to the citation began on May 23, 2009 and was completed on June 17, 2009; and notice of the violation was sent to Licensee by Certified Mail on July 14, 2009. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on May 2, 2012 in the Office of Administrative Law Judge, Brandywine Plaza, 2221 Paxton Church Road, Harrisburg, Pennsylvania.

Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. On May 23, 2009 at 10:30 p.m., an officer of the Bureau entered the licensed premises and went to the bar area, referred to as the Ace of Clubs (N.T. 11).
2. At 11:00 p.m., the officer went into an outside doorway to go into another bar on the premises called the Rumba Nightclub. Before he entered the nightclub, he could hear amplified music outside. They had a door open and it was extremely loud (N.T. 11).
3. Once inside the Rumba Nightclub, the officer observed a DJ playing music that was being amplified through loudspeakers (N.T. 11).
4. At 11:40 p.m., the officer departed the premises and could hear the amplified music emanating from inside the premises at a distance of 176 feet north on North Queen Street (N.T. 11-12).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

PRIOR RECORD:

Licensee has been licensed since May 5, 2005, and has had four prior violations:

Citation No. 07-0419. Fine \$175.00 and 1 day suspension with thereafter conditions.

1. Not a bona fide hotel in that there was an insufficient supply of food. January 17, 2007.

Citation No. 07-1554. Fine \$500.00 and 1 day suspension with thereafter conditions.

1. Failed to maintain coil cleaning records. June 8, 2007.
2. Not a bona fide hotel where the public may obtain meals in hat there is an insufficient supply of food. June 8, 2007.

Citation No. 08-0121. Fine \$750.00.

1. Failed to keep records on the licensed premises. December 11 and 18, 2007.
2. Operated the licensed establishment without a valid health permit or license. November 1 through December 2, 2007.

Citation No. 08-0822. Fine \$150.00.

1. Paid for purchases of malt or brewed beverages with other than Licensee's checks. January 10, 2008.

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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$250.00.

ORDER

THEREFORE, it is hereby ordered that Licensee BRUNSWICK HOTEL & CONFERENCE CENTER, LLC, pay a fine of \$250.00 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.

Jurisdiction is retained.

Dated this 16<sup>TH</sup> day of May, 2012.



Daniel T. Flaherty, Jr., J.

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**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.**

**IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 717-783-9454.**

**Detach here and submit stub with payment**

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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

Citation No. 09-1752  
Brunswick Hotel & Conference  
Center, LLC