

Mailing Date: MAY 11 2010

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

PENNSYLVANIA STATE :  
POLICE, BUREAU OF : Citation No. 09-2738  
LIQUOR CONTROL ENFORCEMENT :  
 : Incident No. W01-401007  
 :  
 v. :  
 : LID - 59510  
 :  
 PAPI CLAUDIOS INC :  
1020 E HUNTING PARK AVE :  
STORE NO 2 :  
PHILADELPHIA PA 19124 :  
 :  
 :  
PHILADELPHIA COUNTY :  
LICENSE NO. R-AP-SS-87 :

JUDGE SHENKLE  
BLCE COUNSEL: Erik S. Shmukler, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on December 1, 2009. The citation alleges that Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on October 17 and 18, 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.

At the hearing scheduled for March 9, 2010, in Plymouth Meeting, Pennsylvania, there was no appearance for the Licensee; therefore, the case was heard *ex parte*.

**FINDINGS OF FACT:**

1. The Bureau investigated Licensee during the period September 22 through November 2, 2009, and sent written notice of the results of its investigation to the licensed premises by certified mail on November 10, 2009 (N.T. 8, Exhibit B-1).

2. A copy of this citation was mailed to the licensed establishment by certified mail on December 1, 2009 (N.T. 8-9, Exhibit B-2).

3. A Notice of Hearing was mailed to the licensed establishment by the Office of Administrative Law Judge, Harrisburg, PA, by certified and first class mail on January 21, 2010.

4. Liquor enforcement officers arrived in the area of the licensed premises at about 11:20 p.m. on October 17, 2009. They heard loud music coming from the premises, as far as 138 feet

from it. Entering, they saw that the source of the music was a juke box inside, using at least nine loudspeakers (N.T. 5-7).

5. When the officers left the premises at 12:20 a.m. on October 18, 2009, they again heard the loudspeakers outside, at the same distance as before (N.T. 7-8).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since February 27, 2008, 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 this type.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Papi Claudios, Inc., License No. R-AP-SS-87, shall 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.

Dated this 26<sup>TH</sup> day of APRIL, 2010.



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