

Mailing Date: OCT 18 2010

[Appeal](#)

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-0137
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-404119
	:	
v.	:	
	:	LID - 60326
	:	
GOAL LINE, LLC	:	
T/A THE GOAL LINE SPORTS BAR	:	
171 DUNDAFF ST.	:	
CARBONDALE, PA 18407-1554	:	
	:	
	:	
LACKAWANNA COUNTY	:	
LICENSE NO. R-AP-SS-EHF-11385	:	

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

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on February 1, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (hereinafter "Bureau") against GOAL LINE, LLC, License Number R-AP-SS-EHF-11385 (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 November 23 and 24, 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 November 23, 2009 and was completed on January 13, 2010; and notice of the violation was sent to Licensee by Certified Mail on January 15, 2010. The notice of violation was received by Licensee.

An evidentiary hearing was held on this matter on July 8, 2010 in the Scranton State Office Building, 100 Lackawanna Avenue, Scranton, Pennsylvania. No one appeared at the hearing on behalf of Licensee. A citation hearing notice was sent to Licensee(s) at its address of record, 171 Dundaff Street, Carbondale, PA 18407-1554, by certified mail, return receipt requested and by first class mail on May 7, 2010. The notice set forth the date and time of the hearing as July 8, 2010 at 3:00 p.m., and the place of hearing as Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, PA 18503.

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 November 23, 2009 at approximately 9:00 p.m., two detectives from the Lackawanna County District Attorney's office arrived at the licensed premises (N.T. 8-9).
2. The detectives parked about a block and a half from the licensed premises. Upon walking up to the establishment, they were able to hear music emanating from the licensed premises three quarters of a block from the establishment (N.T. 9).
3. The officers entered the licensed premises and determined that the music was emanating from a jukebox containing loudspeakers (N.T. 9-10).
4. The officers were inside the licensed premises until 1:00 a.m. on November 24, 2009. As they departed they could hear music still playing. They were able to continue to hear the music playing approximately one block from the licensed premises (N.T. 10).

CONCLUSION OF LAW:

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

PRIOR RECORD:

Licensee has been licensed since July 25, 2008, and has had two prior violations:

Citation No. 09-0935. Fine \$1,500.00.

1. Used loudspeakers or devices whereby music could be heard outside. February 27 and March 28, 2009.
2. Permitted patrons to possess and/or remove alcoholic beverages after 2:30 a.m. March 28, 2009.

3. Sales between 2:00 a.m. and 7:00 a.m. March 28, 2009.
4. Failed to require patrons to vacate the premises not later than one-half hour after the required time. March 28, 2009.

Citation No. 09-1232. Fine \$350.00.

1. Used loudspeakers or devices whereby music could be heard outside. May 8, 2009.

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 \$450.00.

ORDER

THEREFORE, it is hereby ordered that Licensee GOAL LINE, LLC, pay a fine of \$450.00 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 pending final resolution of the penalty in this matter.

Dated this 27TH day of September, 2010.



Daniel T. Flaherty, Jr., J. an

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 submit 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.** 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

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Goal Line, LLC