

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. 10-0824
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W02-409112
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 THAU
BUREAU COUNSEL: Craig A. Strong, Esquire
LICENSEE: Ex-Parte

ADJUDICATION

BACKGROUND:

This proceeding arises out of a citation that was issued on April 23, 2010, by the Bureau of Liquor Control Enforcement of the Pennsylvania State Police (Bureau) against Goal Line, LLC, t/a The Goal Line Sports Bar (Licensee), License Number R-AP-SS-EHF-11385.

The citation¹ charges Licensee with a violation of Section 5.32(a) of the Pennsylvania Liquor Control Board Regulations [40 Pa. Code §5.32(a)]. The charge is that on March 20, 2010, Licensee, by servants, agents or employees, 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 August 19, 2010 at the Scranton State Office Building, PUC Hearing Room 318, 100 Lackawanna Avenue, Scranton, Pennsylvania. Licensee did not appear personally or have any representation.

1. Commonwealth Exhibit No. C-2, N.T. 6.

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 July 1, 2010, 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. The Bureau began its investigation on March 8, 2010 and completed it on March 29, 2010. (N.T. 5)
3. The Bureau sent a notice of an alleged violation to Licensee at the licensed premises by certified mail-return receipt requested on April 6, 2010. The notice alleged a violation as charged in the citation. (Commonwealth Exhibit No. C-1, N.T. 6)
4. On Saturday, March 20, 2010, a Bureau Enforcement Officer arrived in the area of the premises at 9:40 p.m. Immediately upon exiting his vehicle, the Officer heard music coming from the premises. He paced 300 feet in a northerly direction, 230 feet to the South and 230 feet to the East. He entered the premises at 9:50 p.m. and determined the music was provided by a disc jockey who was playing compact discs through an electronic system. (N.T. 7-9)

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 July 25, 2008, and has had three prior violations:

Adjudication 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.

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

Used loudspeakers or devices whereby music could be heard outside.

May 8, 2009.

Adjudication No. 10-0434. Fine \$1,000.00.

Used loudspeakers or devices whereby music could be heard outside.

February 12, 2010.

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 or 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 27TH day of September, 2010.



Felix Thau, A.L.J.

pm

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

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