

Mailing Date: JAN 27 2011

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 10-1653
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-415927
v.	:	
	:	LID - 44176
I-M SAMMY'S PLACE INC	:	
1449 N. 5 <sup>th</sup> ST	:	
PHILADELPHIA PA 19122-3601	:	
	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-224	:	

JUDGE SHENKLE  
BLCE COUNSEL: James E. Dailey, Esq.  
LICENSEE COUNSEL: Paul L. Herron, Esq.

**ADJUDICATION**

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on August 10, 2010. The citation alleges that Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on July 18, 2010, 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 December 8, 2010, in Plymouth Meeting, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

FINDINGS OF FACT:

On July 18, 2010, a liquor enforcement officer heard music emanating from the licensed premises as far as fifty feet away from it. The source of the music was loudspeakers inside the premises being used by a disc jockey (N.T. 5-15).

CONCLUSIONS OF LAW:

Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on July 18, 2010, by permitting the use on the inside of the licensed premises of a loudspeaker whereby the sound of music could be heard outside.

PRIOR RECORD:

Licensee has been licensed since July 16, 1999, and has had prior violations as follows:

Citation No. 04-1787. \$300.00 fine.

Not a *bona fide* restaurant (insufficient food). September 22, 2004.

Citation No. 05-2037. \$500.00 fine.

Not a *bona fide* restaurant (insufficient food). August 23 and September 6, 2005.

Citation No. 06-2147. \$2,000.00 fine plus restitution and 2 days suspension.

1. Obtained liquor from a source other than a State Store.  
January 27, February 3, 10, 15, 17, March 26, May 8, 12 and 23, 2006
2. Unlawfully possessed and/or transported liquor within the Commonwealth.  
January 27, February 3, 10, 15, 17, March 26, May 8, 12 and 23, 2006.
3. Purchased and/or transported beer into the Commonwealth without payment of Pennsylvania Malt Beverage Tax. February 3 and May 8, 2006

Citation No. 07-0168. \$1,000.00 fine.

1. Sales after license expired. January 8, 2007.

Citation No. 08-1594. \$450.00 fine.

1. Loudspeakers could be heard outside. June 6 and 7, 2008.

Citation No. 08-3073. \$500.00 fine.

1. Loudspeakers could be heard outside. September 6, 2008.

Citation No. 09-2319. \$600.00 fine. Suspended one day for late payment.

1. Loudspeakers could be heard outside. August 29, 2009.

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, I-M Sammy's Place, Inc., License No. R-AP-SS-224, shall pay a fine of seven hundred dollars (\$700.00) 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 14<sup>TH</sup> day of January, 2011.



David L. Shenke, 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

Citation No. 10-1653  
I-M Sammy's Place, Inc.