

Mailing Date: SEP 29 2011

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

PENNSYLVANIA STATE :
POLICE, BUREAU OF : Citation No. 10-2707
LIQUOR CONTROL ENFORCEMENT :
 : Incident No. W01-417049
 :
 v. :
 : LID - 16537
 :
 TEE-PEE TAVERN INC :
 135 E GAY ST :
 WEST CHESTER PA 19380-3146 :
 :
 CHESTER COUNTY :
 LICENSE NO. R-AP-EHF-14119 :

JUDGE SHENKLE
BLCE COUNSEL: James E. Dailey, Esq.
LICENSEE: no appearance

ADJUDICATION

BACKGROUND:

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on December 28, 2010. The citation alleges that Licensee violated §5.32(a) of the Liquor Control Board Regulations, 40 Pa. Code §5.32(a), on September 11, 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.

At the hearing scheduled for Thursday, August 4, 2011, 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 August 2 through December 1, 2010, and sent it written notice of the results on December 9, 2010 (N.T. 7-8, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on December 28, 2010 (N.T. 7-8, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on June 21, 2011.
4. On September 11, 2010, a liquor enforcement officer entered the licensed premises at 10:00 p.m. and found it open, with one bartender serving three patrons. A disk jockey was

providing entertainment, using four or five loudspeakers. When the officer left the premises at 10:30 p.m., she heard the loudspeakers outside, at a distance of ten feet.

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since February 1, 1966, and has had prior violations since July 1, 1987, the date of establishment of the Office of Administrative Law Judge, as follows:

Citation No. 87-1801. \$500.00 fine.

1. Sales to minors.

Citation Nos. 93-0192 & 93-1031 (consolidated). \$800.00 fine.

1. Failed to require patrons to vacate the premises by the required time.
2. Permitted patrons to possess or remove alcoholic beverages after 2:30 a.m.

Citation No. 03-1047. \$150.00 fine.

1. Loudspeakers could be heard outside. April 12 and 13, 2003.

Citation No. 06-1408. \$1,250.00 fine plus mandatory R.A.M.P. compliance.

1. Sales to a minor. May 4, 2006.

Citation No. 06-3061. \$1,250.00 fine.

1. Sales to a minor. September 28, 2006.

Citation No. 08-1477X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. April 21, 2008.

Citation No. 08-2307X. \$200.00 fine.

1. Bad checks for malt or brewed beverages. May 16 and July 16, 2008.

Citation No. 10-2347C. \$1,800.00 fine, 1 day suspension, and R.A.M.P. – certification required.

1. Sales to a minor. September 23, 2010.

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, Tee-Pee Tavern, Inc., License No. R-AP-EHF-14119, shall pay a fine of fifty dollars (\$50.00) 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 21ST day of SEPTEMBER, 2011.



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.

WHETHER OR NOT RECONSIDERATION HAS BEEN REQUESTED, AGGRIEVED PERSONS MAY APPEAL TO THE PLCB, NORTHWEST OFFICE BUILDING, HARRISBURG, PA 17124 WITHIN 30 DAYS AFTER THE MAILING DATE OF THIS ORDER.

THE PLCB CHIEF COUNSEL'S TELEPHONE NUMBER IS 717-783-9454.

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