

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

PENNSYLVANIA STATE	:	
POLICE, BUREAU OF	:	Citation No. 11-0956
LIQUOR CONTROL ENFORCEMENT	:	
	:	Incident No. W01-428735
	:	
v.	:	
	:	LID - 57583
OLDE CITY GROUP LLC	:	
132 CHESTNUT ST	:	
PHILADELPHIA PA 19106-3009	:	
PHILADELPHIA COUNTY	:	
LICENSE NO. R-AP-SS-13599	:	

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 May 31, 2011. The citation alleges that Licensee violated §404 of the Liquor Code, 47 P.S. §4-404, on May 1, 2011, by failing to adhere to the conditions of an agreement with the Board putting additional restrictions on the license.

At the hearing scheduled for October 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 March 31 through May 4, 2011, and sent it written notice of the results on May 17, 2011 (N.T. 10-11, Exhibit B-1).
2. A copy of this citation was mailed to Licensee on May 31, 2011 (N.T. 11-12, Ex. B-2).
3. A Notice of Hearing was mailed to Licensee on August 16, 2011.
4. On February 22, 2007, two of Licensee’s members signed a “Conditional Licensing Agreement,” which was signed on behalf of the Board by its chief counsel on March 8, 2007. The agreement recites that Licensee is the applicant for a double transfer of this license to the address listed above and that State Senator Vincent Fumo, the Old City Civic Association (OCCA), and the

(b) OCG shall not permit amplified music at the Premises. Moreover, OCG shall not permit more than two (2) musicians to play acoustical music at one (1) time unless prior consent is obtained from OCCA and OCD. Further, OCG shall not permit or allow a disc jockey to play recorded music of any sort at the Premises;

(h) OCG shall close at 1:30 a.m. from Sunday to Wednesday. Further, OCG shall make a “last call” for drinks at 1:30 a.m. and close at 2:00 a.m. on Thursday, Friday and Saturday; . . .

(N.T. 12-14, Exhibit B-3).

5. On May 1, 2011, a liquor enforcement officer visited the licensed premises at 1:20 a.m. There were about 65 patrons attended by two bartenders. In the rear of the premises there was a disc jockey’s table, where a man with a microphone was “pumping up the crowd. Another man at the table was operating the DJ equipment. On either side of the table there were loudspeakers on tripods. At 1:37 a.m. the officer purchased beer. One of the bartenders announced “Last call” to the people at the bar at 1:45 or 1:50 a.m. At 2:00 a.m. the officer tried to buy a drink but was refused service. At 2:05 or 2:06 a.m. a bouncer began showing people to the door and told the officer that he needed to leave, that they were closed for the evening (N.T. 7-9).

CONCLUSIONS OF LAW:

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 18, 2007, and has had prior violations as follows:

Citation No. 10-1797. \$500.00 fine.

1. Loudspeakers could be heard outside. June 18, 2010.
2. Failed to adhere to the conditions of an agreement with the Board placing additional restrictions on the license (amplified music). June 18, 2010.

Citation No. 10-2217X. \$100.00 fine.

1. Bad checks for malt or brewed beverages. July 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.

The previous violation (No. 10-1797) for breach of the same Conditional Licensing Agreement included a loudspeaker violation (music heard outside the premises) as well. As there was no loudspeaker violation in this case, the penalty I am imposing represents an increase above the penalty previously imposed.

ORDER

THEREFORE, it is hereby ORDERED that Licensee, Olde City Group LLC, License No. RAP-SS-13599, shall pay a fine of five hundred dollars (\$500.00) 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 4TH day of NOVEMBER, 2011.



David L. Shenle, 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

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Olde City Group, LLC