

Mailing Date: MAR 18 2014

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

PENNSYLVANIA STATE	:	In re Citation No. 13-1244
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W02-460936
	:	
v.	:	PLCB LID No. 67395
	:	
TRTT, INC., T/A THIRST TS BAR AND GRILL	:	PLCB License No. R-AP-SS-EHF-3423
120 LINCOLN ST.	:	
OLYPHANT, PA 18447-1426	:	

JUDGE SHENKLE  
BLCE COUNSEL: Craig A. Strong, Esq.  
LICENSEE COUNSEL: Paul J. Walker, Esq.

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 17, 2013. The citation alleges that Licensee violated §493(34) of the Liquor Code, 47 P.S. §4-493(34), on May 3, 2013, 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 beyond licensee's property line.

A hearing was held on December 12, 2013 in Scranton, Pennsylvania. The parties stipulated to the timely service of the notice letter and citation.

**FINDINGS OF FACT:**

On May 3, 2013, a liquor enforcement officer arrived in the area of the licensed premises at about 11:00 p.m. and heard music emanating from it at a distance of 250 feet. He entered the premises and found that the source of the music was loudspeakers being used by a four-piece rock band (N.T. 66-67).

**CONCLUSIONS OF LAW:**

Sustained as charged.

**PRIOR RECORD:**

Licensee has been licensed since December 1, 2012, and has had no prior violations.

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, TRTT, Inc., t/a Thirst TS Bar and Grill, License No. R-AP-SS-EHF-3423, shall pay a fine of one hundred fifty dollars (\$150.00) 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 4<sup>TH</sup> day of MARCH, 2014.



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; Note Citation Number on Check**

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The fine must be paid by cashier's check, money order, or a check drawn on the business or trust account of an attorney licensed in Pennsylvania. **Personal and business checks are not acceptable unless bank certified.** Please make your guaranteed check payable to the Commonwealth of Pennsylvania and mail it, along with any required documentation, to:

PLCB-Office of Administrative Law Judge  
Brandywine Plaza  
2221 Paxton Church Road  
Harrisburg PA 17110-9661