



Upon review of the transcript of this hearing, we make the following Findings of Fact and reach the following Conclusions of Law:

FINDINGS OF FACT:

1. On August 14, 2013, an officer of the Bureau arrived at the licensed premises at approximately 10:56 p.m. Upon exiting his vehicle, the officer heard music emanating from the licensed premises (N.T. 11).

2. The officer conducted a sound check and could hear music emanating from the licensed premises at distances of 210 feet from Licensee's property line (N.T. 11-12).

3. The officer entered the licensed premises where he observed three males playing guitars which were electronically amplified. He also observed a female playing a keyboard. There were three microphones set up which the band members were singing into. Set up on either side of the band were 1 1/2 foot by 2 foot speakers mounted on the walls (N.T. 12).

CONCLUSION OF LAW:

The charge in the citation is **sustained**.

DISCUSSION:

The record clearly establishes that, on the evening in question, a band on the licensed premises was playing music which was amplified through loudspeakers. The music could be heard beyond the Licensee's property line. I therefore conclude that a violation of Section 493(34) of the Liquor Code [47 P.S. §4-493(34)] has been established, and the charge in the citation is sustained.

PRIOR RECORD:

Licensee has been licensed since April 12, 1989, and has had eight (8) prior violations:

IN RE:

Citation No. 91-0376. Fine \$200.00.

1. Loudspeakers.

Citation No. 92-0114. Fine \$400.00.

1. Loudspeakers.

Citation No. 95-2332. Fine \$1,700.00.

1. Gambling (machine).
2. Sales to a minor.

Citation No. 97-0883. Fine \$300.00.

1. Your corporate president was visibly intoxicated on the licensed premises.

Citation No. 03-1355. Fine \$1,000.00.

1. Sales to a visibly intoxicated person.

Citation No. 06-2042. Fine \$1,250.00 and RAMP training mandated. Fine not paid and license suspended 2 days and thereafter until fine paid.

1. Sales to a minor.

Citation No. 07-0608. Fine \$500.00.

1. Failed to comply with the order of the Administrative Law Judge mandating RAMP training. January 12 through 18, 2007.
2. Failed to notify the Board within 15 days of a change of manager. February 15, 2006.

Citation No. 08-0721. Fine \$2,000.00.

1. Sales to a visibly intoxicated person. January 18, 2008.

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.

Under the circumstances of this case, the penalty imposed shall be a fine of \$350.00.

ORDER

THEREFORE, it is hereby ordered that Licensee THE NEW HOLLAND PUB, INC., pay a fine of \$350.00 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.

Jurisdiction is retained.

Dated this 17<sup>TH</sup> day of November, 2014.



Daniel T. Flaherty, Jr., J.

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**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.**

**IF YOU WISH TO APPEAL THE DECISION OF THE ADMINISTRATIVE LAW JUDGE'S ORDER, THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE MAILING DATE OF THE ORDER. PLEASE CONTACT CHIEF COUNSEL'S OFFICE AT 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 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

IN RE: CITATION NO. 14-2019  
THE NEW HOLLAND PUB, INC.

**Credit/debit cards may be used:** visit [www.lcb.state.pa.us](http://www.lcb.state.pa.us) scroll over LEGAL and then click on Office of ALJ for instructions..