

Mailing Date: SEP 16 2016

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

PENNSYLVANIA STATE	:	In re Citation No. 15-1022
POLICE, BUREAU OF	:	
LIQUOR CONTROL ENFORCEMENT	:	BLCE Incident No. W09-493632
	:	
v.	:	PLCB LID No. 57638
	:	
LA CASITA DE FAMILIA, LLC	:	PLCB License No. R-AP-SS-16255
8 E. CENTRE ST.	:	
SHENANDOAH, PA 17976-1779	:	Schuylkill County

JUDGE SHENKLE  
BLCE COUNSEL: Roy Harkavy, Esq.  
LICENSEE: no appearance

**ADJUDICATION**

**BACKGROUND:**

The Bureau of Liquor Control Enforcement of the Pennsylvania State Police issued this citation on June 12, 2015. The citation alleges that Licensee violated the Liquor Code, 47 P.S. §4-493(34), on April 12, 2015, by permitting the use on the inside and/or outside 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.

At the hearing scheduled for Wednesday, August 17, 2016, in Allentown, Pennsylvania, there was no appearance for Licensee; therefore, the case was heard *ex parte*.

**FINDINGS OF FACT:**

1. The Bureau investigated Licensee during the period March 23, 2015, through May 13, 2015, and sent it written notice of the results on May 26, 2015 (N.T. 4-5, Exhibit C-1).
2. A copy of this citation was mailed to Licensee on June 12, 2015 (N.T. 5, Exhibit C-2).
3. A Notice of Hearing was mailed to Licensee on June 29, 2016.
4. On April 12, 2015, liquor enforcement officers arrived at the licensed premises at about 12:00 midnight and heard loud music emanating from it at distances as great as 100 feet. They entered the premises and found that the source of the music was loudspeakers inside (N.T. 6-7).

**CONCLUSIONS OF LAW:**

Sustained as charged.

PRIOR RECORD:

Licensee has been licensed since April 2, 2007, and has had prior violations as follows:

In re Citation No. 09-2804. \$2,050.00 fine and R.A.M.P. – certification mandated.

1. Loudspeakers could be heard outside. June 27, July 24, 25, August 22, 2009.
2. Permitted smoking. May 30, June 5, 27, July 24, 25 and August 22, 2009.
3. No “no smoking” signs. May 30, June 27, July 24, 25 and August 22, 2009.
4. Sales to visibly intoxicated persons. June 27, 2009.
5. Failed to clean coils at least once every 7 days. July 7 through October 7, 2009.

In re Citation No. 10-0627. \$1,250.00 fine and R.A.M.P. – certification mandated.

1. Sales to minors. February 27, 2010.

In re Citation No. 11-1489. \$500.00 fine.

1. Loudspeakers could be heard outside. July 2, 2011.

In re Citation No. 13-1212. \$600.00 fine.

1. Loudspeakers could be heard outside. February 22, 2013.

In re Citation No. 13-1572. \$50.00 fine.

1. Smoking in a public place where prohibited. May 18, 2013.

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, La Casita De Familia, LLC, License No. R-AP-SS-16255, shall pay a fine of eight hundred dollars (\$800.00) 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 September, 2016.



David L. Shenkle, J.

**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 account of an attorney licensed in Pennsylvania. **Personal and business checks are NOT acceptable unless bank certified.** If you are paying by guaranteed check, please make it 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

**Credit/debit cards may be used:** if you have already registered with PLCB+ you should be able to pay by Credit/Debit card; if you have not registered with PLCB+ you may obtain the information on how to register by sending an email message to:  
[RA-LBLICENSINGMOD@pa.gov](mailto:RA-LBLICENSINGMOD@pa.gov).