

PENNSYLVANIA LIQUOR CONTROL BOARD
MEETING MINUTES

WEDNESDAY, DECEMBER 5, 2018

NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA

Tim Holden, Chairman
Mike Negra, Board Member
Michael Newsome, Board Member
Charlie Mooney, Executive Director
John Stark, Board Secretary

[Office of Chief Counsel](#)
[Bureau of Licensing](#)
[Bureau of Human Resources](#)
[Bureau of Accounting & Purchasing](#)

[Office of Retail Operations](#)
[Bureau of Product Selection](#)
[Financial Report](#)
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PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag – Athanasia Georgakopoulos – Chief Counsel’s Office

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the November 14, 2018 meeting.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to approve previous Board Minutes.

PUBLIC COMMENT ON AGENDA ITEMS

The Board has reserved 10 minutes for Public Comment on printed agenda items.

There was no public comment on the printed agenda items.

Board Member Negra noted that the Pennsylvania Liquor Control Board was established when Prohibition was repealed eighty-five years ago today.

NEW BUSINESS

From the Office of Chief Counsel *Rodrigo Diaz, Chief Counsel*

(1) **Sheetz, Inc.**
5515 Pottsville Pike
Leesport, Pennsylvania 19533
Distributor License No. R-12864
LID 91579

Request to Rescind Conditional
Licensing Agreement

Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Rescind the Conditional Licensing Agreement.

- (2) **Raider Consulting Company** Request to Rescind Conditional Licensing Agreement
1115 Powell Road
Chester, Pennsylvania 19015-2001
Restaurant Liquor License No. R-1491
LID 86641

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Rescind the Conditional Licensing Agreement.

- (3) **Momokawa MNYK, LLC** Request to Rescind Conditional Licensing Agreement
4311 Main Street
Philadelphia, Pennsylvania 19127-1538
Restaurant Liquor License No. R-12474
LID 92923

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Rescind the Conditional Licensing Agreement.

- (4) **Transferor: CCF & W, Inc.** Application for Conversion of Suspension to Fine
8 Brilliant Avenue & 6 Loop Street
Pittsburgh, Pennsylvania 15215-3118
Restaurant Liquor License No. R-17185
LID 46151

Transferee: Sheetz, Inc.
3457 William Penn Highway
Pittsburgh, Pennsylvania 15235
Restaurant Liquor License No. R-17185
LID 94658

Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the Conversion of the Fine into the Amount of \$1,000.

(5) **Transferor: Yianni, LLC** Application for Conversion of
915-917 North Plum Street Suspension to Fine
Lancaster, Pennsylvania 17602-1937
Restaurant Liquor License No. R-9472
LID 56782

Transferee: Joycat Ventures, LLC
438 North Queen Street
Lancaster, Pennsylvania 17603
Restaurant Liquor License No. R-9472
LID 94733

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the Conversion of the Fine into the Amount of \$2,000.

(6) **BG 1559, Inc.** Appeal of Adjudication and Order
1559 East Hunting Park Avenue of Administrative Law Judge
Philadelphia, PA 19124-4937
License No. R-1987/LID 73105
Citation No. 18-0237

There was a correction to the citation number; it should be 18-0237.

Attorney Michelle Fox explained that, in April, the Licensee was cited for not having at least 400 square feet of serving area. Ms. Fox noted that the Licensee only had 170 square feet of serving area available to the public.

After a hearing, the ALJ sustained the charge and fined the Licensee \$350.00. The Licensee filed a timely appeal and raised the same argument as in the other square-foot cases that were presented to the Board in August.

Ms. Fox concluded, for the same reasons as stated before in the previous square-foot cases, the Chief Counsel's Office recommends the Board affirm the ALJ's decision.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Affirm ALJ.

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(7) **DBK 88, Inc.**
5819 Rising Sun Avenue
Philadelphia, PA 19120-1125
License No. R-1850/LID 70108
Citation No. 17-0627

Appeal of Adjudication and Order
of Administrative Law Judge

Attorney Michelle Fox explained that, in May 2017, the Licensee was cited for selling liquor for consumption off premises and for not having 400 square feet of serving area. She noted that the Licensee only had 120 square feet of serving area available to the public.

The Licensee waived both counts. The ALJ accepted the waiver for count one as a liquor-to-go, but dismissed count two. Attorney Fox stated that in August 2017, the BLCE appealed that dismissal. In December 2017, the PLCB remanded to the ALJ to have a hearing on count two.

In August 2018, the ALJ had a hearing, sustained count two and fined the Licensee \$150.00. Licensee appealed, raising the same argument as in the other square-foot cases.

Attorney Fox concluded that, for the same reasons as before, the Chief Counsel’s Office recommends affirming the ALJ’s decision.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Affirm ALJ.

*From the Bureau of LicensingTisha Albert, Director of Regulatory Affairs
Barbara Peifer, Director, Bureau of Licensing*

(1) **1747 Beer & Wine, LLC** Auction License – New &
(LID No. 92562) Case No. 18-9084 Request for Interior
Western Corner of PA Route 61 & Berks Products Drive Connections with Another
Ontelaunee Township Business – Restaurant
Reading, Berks County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Refuse New License and Request for Interior Connections with Another Business.

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- (2) **LL1, LLC** Person-to-Person Transfer –
H-3181 (LID No. 92772) Case No. 18-9085 Hotel
106-108 East 8th Avenue
Homestead, Allegheny County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Transfer.

- (3) **Mowa, Inc.** Appointment of Manager - Hotel
t/a Pints Bar & Grill
H-996 (LID No. 59113) Case No. 18-9086
25 South 4th Street
Harrisburg, Dauphin County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Refuse Appointment of Manager.

- (4) **PW Welsh II, Inc.** Person-to-Person Transfer,
t/a Paddy Whacks Notice of Change in Business
R-11481 (LID No. 66436) Case No. 16-9005 Structure & Request for Dual
9241-43 Roosevelt Boulevard Rear Employment - Restaurant
Philadelphia, Philadelphia County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Transfer, Notice of Change in Business Structure and Request for Dual Employment.

- (5) **Indian Café, Inc.** Renewal – District 4
E-1614 (LID No. 71294) Case No. 2018-71294
549 North 7th Street
Allentown, Lehigh County
HOLD – 9/26/18 SESSION
NO ACTION – 11/14/18
SESSION

Motion Made: Board Member Negra
This motion to Renew was not seconded and a subsequent Motion to Refuse was made by Member Newsome.

Motion Made: Board Member Newsome
Seconded: Chairman Holden

Board Decision: Majority agreed (2-1 vote) to Refuse Renewal.

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- (6) **L and K Beverages, LLC** Conditional Licensing Agreement
D-3624 (LID No. 58906) Case No. 2018-58906 Renewal – District 4
718 North 13th Street
Allentown, Lehigh County **HOLD 10/17/18 SESSION**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

- (7) **PMP Mann, Inc.** Conditional Licensing Agreement
t/a Main Street Bar Renewal – District 6
R-14642 (LID No. 50615) Case No. 2018-50615
1607 Main Street **HOLD – 10/17/18 SESSION**
Aliquippa, Beaver County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

- (8) **Pulaski Literary & Athletic Association** Conditional Licensing Agreement
CC-3246 (LID No. 1555) Case No. 2018-1555 Renewal – District 6
1180 Summerlea Avenue
Washington, Washington County **HOLD – 10/17/18 SESSION**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

- (9) **West Side Republican Club of Bethlehem, Inc.** Conditional Licensing Agreement
C-717 (LID No. 685) Case No. 2018-685 Renewal – District 4
1207 West Broad Street
Bethlehem, Lehigh County **HOLD – 10/31/18 SESSION**

Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

*From the Bureau of Human Resources Jason Lutcavage, Director of Administration
Jennifer Haas, Director, Bureau of Human Resources*

Personnel Actions

There were 17 personnel actions presented for consideration.

- (1) Misty Bradwell– Removal
- (2) Amina Carnegie – 5 Day Suspension
- (3) Ashley Copeland -Affirm Removal
- (4) Ezra Dixon – Affirm Removal
- (5) Catherine Eib – Removal
- (6) Jonathan Flynn – Affirm Removal
- (7) Jay Grant - Affirm Removal
- (8) Andrew Groninger - Affirm Removal
- (9) Jahil Hennigen – Affirm Removal
- (10) Avery Kramer – Affirm Removal
- (11) Dayna McCrewell – Removal
- (12) Daniel McKay –Removal
- (13) Jaron Nelson – Removal
- (14) Kim Oliver - Removal
- (15) Siena Parks – Affirm Removal
- (16) Teal Thompson – Affirm Removal
- (17) Lawrence Vanburen-Morgan – Affirm Removal

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Personnel Actions.

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*From the Bureau of Accounting & Purchasing Michael Demko, Director of Finance
Koppolu Ravindraraj, Director, Bureau of Accounting & Purchasing
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Philadelphia Police Department Services Renewal** – Provide an overtime detail of four uniformed police officers in four distinctively marked Philadelphia Police Department patrol cars to perform unscheduled security checks at various Fine Wine & Good Spirit stores throughout Philadelphia.

Procured via PO 63013340 Option Year – **VENDOR: Philadelphia City Treasurer** – **TERM:** One year – **\$856,440.00 estimated cost.** Renewal cost remains the same.

- (2) **IBM Software Subscription and Support Renewal** – Provide IBM Websphere Commerce Developer Professional software subscription and support for E-Commerce platform allowing the PLCB to obtain patches and updates to software with the ability to open a ticket with support.

Procured via DGS Contract #4400016179 – **VENDOR: IBM Corporation** – **TERM:** One year – **\$220,230.00 estimated cost** which represents a 16.58% decrease over last year’s cost of \$264,000.00.

- (3) **Enterprise Contact Center System** – Provide services to analyze, design, provision, configure, and deploy a cloud-based enterprise contact center system for the PLCB areas including; Human Resources, Wholesale/LOOP, Special Order, ITS Help Desk, Consumer Relations, E-Commerce and Licensing.

Procured via DGS Contract #4400015717 – **VENDOR: Genesys Telecommunications Labs, Inc.** **TERM:** Six months – **\$71,925.00 estimated cost.**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Procurement Actions.

Inter-Agency Charges:

- (1) **Office of Administration – HR Shared Services (Job 73)** – Billing of \$170,611 for the second quarter of FY 2018-19 for OA’s HR-Enterprise Services (labor relations, employee benefits, training, etc). The PLCB’s share of the billing is based on our average count of filled benefit-eligible (salary and wage) positions.

The Bureau of Financial Management and Analysis has reviewed these charges and determined that they are reasonable based on billing methodology and previous experience.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Inter-Agency Charges.

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From the Office of Retail Operations..... Carl Jolly, Director of Retail Operations

- 1. #0263 – 418 East Ohio Street, Pittsburgh
Amendment
- 2. #0214 – The Water Works, 974 Freeport Road, Pittsburgh
Amendment
- 3. #02XX – 3080 McIntyre Drive, Pittsburgh
Relocation Store #0277 (Within Same Center)
- 4. #6711 – Hanover Crossings, 431 Eisenhower Drive, Hanover
Rebrand
- 5. #6711 – Hanover Crossings, 425 Eisenhower Drive, Hanover
Temporary Store (During Rebrand at #6711)

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Retail Operations Actions.

*From the Bureau of Product Selection Dale Horst, Director of Marketing & Merchandising
Tom Bowman, Director, Bureau of Product Selection*

1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
 <u>Brown Forman Corporation</u>	
Sonoma Cutrer Sonoma Coast Chardonnay 375 ML	3
 <u>The Wine Group Inc</u>	
Quail Oak Cabernet Sauvignon 750 ML	18
Quail Oak Chardonnay 750 ML	18
Quail Oak Merlot 750 ML	18
Quail Oak Moscato 750 ML	18
Quail Oak Pinot Grigio 750 ML	18
Quail Oak Rose 750 ML	18

RECOMMENDED ACTION: We recommend the Board approve this action

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New Items – Recommended Listings

Reason Codes

1. Strong marketing support
2. High brand recognition
3. Line/Size extension of successful brand
4. Trade up opportunity
5. Growing category
6. Growing segment
7. National rollout
8. Niche item / Limited distribution
9. High dollar profit potential
10. Trade out
11. High quality for the value
12. Innovative product/flavor
13. High sales through other PLCB channels (Luxury, Online, SLO)
14. Underrepresented category/segment
15. Hole in selection – consumer/store requests
16. PA Spirits
17. PA Wines
18. Licensee only

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Bureau of Product Selection/Marketing Actions.

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FINANCIAL REPORT *Michael J. Burns, Comptroller Operations, Office of Budget*

**Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
State Stores Fund
Comparative Statement of Net Position
(Unaudited)**

	<u>October 31, 2018</u>	<u>October 31, 2017</u>
<u>ASSETS</u>		
Current assets:		
Cash	\$ 53,945,392	\$ 62,302,756
Investments - short term	267,843,556	216,868,226
Accounts and claims receivable, net	1,063,719	1,612,633
Due from other funds - Note 8	-	26,163
Merchandise inventories, net	286,683,219	279,520,011
Operating supplies	505,544	449,176
Prepaid expenses	<u>1,448,022</u>	<u>3,261,950</u>
Total current assets	<u>611,489,452</u>	<u>564,040,915</u>
Non-current assets:		
Non-depreciable capital assets:		
Land	322,973	322,973
Depreciable capital assets:		
Building	20,875,220	19,816,479
Leasehold improvements	612,301	582,597
Machinery and equipment	48,866,824	48,195,746
Intangibles - internally generated software	<u>26,867,582</u>	<u>29,587,200</u>
Less: accumulated depreciation	<u>69,252,376</u>	<u>64,754,103</u>
Net depreciable capital assets	<u>27,969,551</u>	<u>33,427,919</u>
Total non-current capital assets	<u>28,292,524</u>	<u>33,750,892</u>
Total assets	<u>\$ 639,781,976</u>	<u>\$ 597,791,807</u>
Total deferred outflows of resources - Note 4	\$ 88,470,800	\$ 133,178,773
<u>LIABILITIES</u>		
Current liabilities:		
Trade accounts payable	\$ 305,776,016	\$ 275,330,586
Other accounts payable	26,490,261	29,277,711
Accrued expenses	23,735,901	23,448,642
OPEB - Note 5	11,976,000	17,767,000
Self-insurance, workers' compensation - Note 6	9,637,029	8,739,857
Due to other funds - Note 8	4,672,830	4,008,654
Due to fiduciary funds - Note 8	3,538,013	3,347,455
Due to other governments - Note 8	922,725	862,194
Total current liabilities	<u>386,748,775</u>	<u>362,782,099</u>
Non-current liabilities:		
OPEB - Note 5	781,379,000	841,082,000
Self-insurance, workers' compensation - Note 6	47,949,448	42,256,546
Net pension liability - Note 4	451,317,474	487,443,490
Compensated absences - Note 1	<u>20,809,984</u>	<u>18,904,788</u>
Total non-current liabilities	<u>1,301,455,906</u>	<u>1,389,686,824</u>
Total liabilities	<u>\$ 1,688,204,681</u>	<u>\$ 1,752,468,923</u>
Total deferred inflows of resources - Note 4	\$ 101,418,959	\$ 20,297,976
<u>NET POSITION</u>		
Net investment in capital assets	\$ 28,292,524	\$ 33,750,892
Deficit	<u>(1,089,663,388)</u>	<u>(1,075,547,211)</u>
Total net position	<u>\$ (1,061,370,864)</u>	<u>\$ (1,041,796,319)</u>

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Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
State Stores Fund
Comparative Statements of Revenues, Expenses, and Changes in Net Position
For the Month Ending October 31, 2018 and October 31, 2017
(Unaudited)

	<u>2018-19</u>	<u>2017-18</u>
Sales net of taxes	\$ 171,655,492	\$ 162,890,338
Cost of goods sold	<u>(117,907,512)</u>	<u>(112,480,044)</u>
Gross profit from sales	53,747,980	50,410,294
Operating (expenses):		
Retail operations	(33,264,388)	(33,342,965)
Marketing & merchandising	(1,023,042)	(1,660,770)
Supply chain	(2,069,257)	(931,665)
Wholesale operations	(155,595)	(123,261)
Information technology services	(2,064,669)	(3,298,537)
Regulatory affairs	(1,962,023)	(1,564,040)
Administration	(1,167,769)	(1,258,718)
Finance	(280,781)	(337,312)
Board & secretary	(706,201)	(451,444)
Legal	(299,411)	(278,013)
Commonwealth provided services - Note 2	<u>(1,102,635)</u>	<u>(1,130,832)</u>
Total	<u>(44,095,771)</u>	<u>(44,377,557)</u>
Operating profit	9,652,209	6,032,737
Other operating revenues (expenses):		
Enforcement fines	257,903	92,954
License fees	2,731,705	4,358,833
Miscellaneous income	371,516	363,146
Administrative law judge	<u>(242,543)</u>	<u>(228,404)</u>
Total	<u>3,118,581</u>	<u>4,586,529</u>
Total operating income	12,770,790	10,619,266
Miscellaneous revenues (expenses):		
Interest income	447,257	225,631
Other	<u>-</u>	<u>-</u>
Total	<u>447,257</u>	<u>225,631</u>
Income before operating transfers	13,218,047	10,844,897
Operating transfers out:		
PSP enforcement - Note 3	(2,438,870)	(2,220,956)
Net Income from operations	<u>10,779,177</u>	<u>8,623,941</u>
Statutory Transfers:		
General fund - Note 3	-	-
Drug and alcohol programs - Note 3	-	-
Total	<u>-</u>	<u>-</u>
Change in net position	10,779,177	8,623,941
Total net position - beginning	<u>(1,072,150,041)</u>	<u>(1,050,420,260)</u>
Total net position - ending	<u>\$ (1,061,370,864)</u>	<u>\$ (1,041,796,319)</u>
Liquor tax	30,468,985	29,458,780
State Sales Tax	11,972,796	11,585,690
Local Tax	811,921	744,218
Taxes remitted to Dept.of Revenue PTD	<u>\$ 43,253,702</u>	<u>\$ 41,788,688</u>

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Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
State Stores Fund
Comparative Statements of Revenues, Expenses, and Changes in Net Position
For the Four Months Ending October 31, 2018 and October 31, 2017
(Unaudited)

	<u>2018-19</u>	<u>2017-18</u>
Sales net of taxes	\$ 667,558,436	\$ 648,217,805
Cost of goods sold	(456,035,395)	(446,481,899)
Gross profit from sales	211,523,041	201,735,906
Operating (expenses):		
Retail operations	(130,441,194)	(131,488,131)
Marketing & merchandising	(5,193,964)	(5,402,238)
Supply chain	(3,560,963)	(3,640,510)
Wholesale operations	(595,532)	(529,200)
Information technology services	(10,647,155)	(10,798,316)
Regulatory affairs	(7,359,477)	(6,709,253)
Administration	(4,797,114)	(4,969,391)
Finance	(1,166,875)	(1,278,843)
Board & secretary	(1,683,657)	(2,052,031)
Legal	(1,235,486)	(1,178,454)
Commonwealth provided services - Note 2	(4,248,458)	(4,523,869)
Total	(170,929,875)	(172,570,236)
Operating profit	40,593,166	29,165,670
Other operating revenues (expenses):		
Enforcement fines	619,351	499,361
License fees	12,499,291	14,594,651
Miscellaneous income	1,204,196	936,367
Administrative law judge	(950,272)	(910,019)
Total	13,372,566	15,120,360
Total operating income	53,965,732	44,286,030
Miscellaneous revenues (expenses):		
Interest income	1,749,751	888,229
Other	-	1,200
Total	1,749,751	889,429
Income before operating transfers	55,715,483	45,175,459
Operating transfers out:		
PSP enforcement - Note 3	(9,779,448)	(9,016,891)
Net income from operations	45,936,035	36,158,568
Statutory Transfers:		
General fund - Note 3	-	-
Drug and alcohol programs - Note 3	-	-
Total	-	-
Change in net position	45,936,035	36,158,568
Total net position - beginning	(1,107,306,899)	(1,077,954,887)
Total net position - ending	<u>\$ (1,061,370,864)</u>	<u>\$ (1,041,796,319)</u>
Liquor tax	119,484,901	116,949,582
State Sales Tax	46,990,130	46,002,667
Local Tax	3,031,978	2,916,042
Taxes remitted to Dept.of Revenue YTD	\$ 169,507,009	\$ 165,868,291

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OTHER ISSUES

None.

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

None.

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, December 19, 2018, beginning at 11:00 A.M. Prior to the public meeting, there will be an Executive Session to discuss matters of personnel and to engage in non-deliberative informational discussions, some of which are regarding actions and matters which have been approved at previous public meetings.

ADJOURNMENT

On a motion by Board Member Negra, seconded by Board Member Newsome, the meeting was adjourned.

The foregoing actions are hereby officially approved.

Chairman

Member

Member

ATTEST:

Secretary