PENNSYLVANIA LIQUOR CONTROL BOARD MEETING MINUTES

WEDNESDAY, NOVEMBER 14, 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 Other Issues

PUBLIC MEETING - 11:00 A.M

Chairman Holden announced that Member Newsome would not be present at the meeting.

Pledge of Allegiance to the Flag - Patrice Bratcher, Executive Secretary

A. Motion to approve the previous Board Meeting Minutes of the October 31, 2018 meeting.

Motion Made:	Board Member Negra	
Seconded:	Chairman Holden	
Board Decision:	Unanimously agreed (2-0 vote) to approve previous Board Minutes.	

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment on the printed agenda items.

NEW BUSINESS

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

(1) Ben's Beer Emporium, LLC 11187 Perry Highway Meadville, Pennsylvania 16335-6557 Distributor License No. D-2849 LID 92984 Request to Rescind Conditional Licensing Agreement

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

(2) Broad & Locust Events, LLC 227-31 South Broad Street Philadelphia, Pennsylvania 19107 Restaurant Liquor License No. R-15564 LID 94731		reet ania 19107	Request to Rescind Conditional Licensing Agreement
	Motion Made: Seconded:	Board Member Negra Chairman Holden	

Board Decision:	Unanimously agreed (2-0 vote) to Approve Request to Rescind Conditional		
	Licensing Agreement upon Approval of Transfer.		

(3)	Como Enterprises, Inc.	Request to Rescind Conditional
	468 Pottstown Avenue	Licensing Agreement
	Pennsburg, Pennsylvania 18073-1415	
	Restaurant Liquor License No. R-20848	
	LID 40135	

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

(4) Steven L. Harris v. PLCB State Civil Service Commission Appeal No. 29698 Appeal to Commonwealth Court

Rodrigo Diaz, Chief Counsel, was asked to explain this proposed action.

Mr. Diaz explained that Retail Wine Specialist, Steven Harris ("Harris"), was issued a three-day Alternative Discipline in Lieu of Suspension ("ADLS") for various workplace infractions he committed. Harris filed a timely appeal with the State Civil Service Commission ("SCSC). The SCSC overruled the disciplinary action taken by the Board ("PLCB") and directed the three-day ADLS be expunged from Harris's record.

Chief Counsel's office believes it will be unlikely to prevail on appeal even if we disagree with the SCSC decision.

Therefore, it is the recommendation of the Office of Chief Counsel that no appeal be filed with the Commonwealth Court.

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Not Appeal to Commonwealth Court.

(5) Wendell K. Booher, Jr. v. PLCB Unemployment Compensation Board of Review Appeal No. B-18-09-C-1465 Appeal to Commonwealth Court

Rodrigo Diaz, Chief Counsel, was again asked to explain this proposed action.

Mr. Diaz explained that Liquor Store Clerk, Wendell Booher, Jr. ("Booher") was removed from his position due to various workplace infractions. Following his removal, Booher filed for unemployment compensation benefits. Initially, the Department of Labor and Industry ("Department") denied these benefits. However, Booher filed an appeal and an evidentiary hearing was held before a Referee. The Referee issued a reversal of the Department's decision. Thereafter, the PLCB filed an appeal with the Unemployment Compensation Board of Review ("UC Board"). The UC Board affirmed the Referee's decision and granted benefits.

Chief Counsel's office believes this was a credibility determination and as such, it will be unlikely to prevail on appeal.

Therefore, it is the recommendation of the Office of Chief Counsel that no appeal be filed with the Commonwealth Court.

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Not Appeal to Commonwealth Court.

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

 Jo Jo's Pizza & Pasta Company t/a Jo Jo's Pizza & Pasta (LID No. 92149) Case No. 18-9074 2210 Aspen Drive Upper Allen Township Mechanicsburg, Cumberland County New – Economic Development Eating Place Malt Beverage Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made:	Board Member Negra
Chairman Holden asked if there was anyone present for the Licensee, but there was no resp	
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Refuse Renewal New Economic Development Eating Place Malt Beverage License.

(2)Sheetz, Inc.
t/a Sheetz #293"Intermunicipal" Double
Transfer & Request for Interior
Connections with Another
Business - Restaurant(2)Sheetz, Inc.
t/a Sheetz #293"Intermunicipal" Double
Transfer & Request for Interior
Connections with Another
Business - Restaurant

Motion Made:	Board Member Negra
Seconded:	Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

(3)	Smokin Joe's Tobacco Shop, Inc.	Extension of License & Request
	t/a Smokin Joe's – Honesdale	to
	R-2731 (LID No. 83724) Case No. 18-9078	Conduct Another Business on the
	263 Willow Avenue	Licensed Premises – Restaurant
	Honesdale, Wayne County	
		HOLD – 10/31/18 SESSION

Motion Made: Board Member Negra

Chairman Holden asked if there was anyone present for the Licensee. There was no response.

Seconded: Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Refuse Extension and Request to Conduct Another Business on the Licensed Premises.

 (4) Smokin Joe's Tobacco Shop, Inc. t/a Smokin Joe's R-20530 (LID No. 88186) Case No. 18-9079 2447 Elmira Street Athens Township Sayre, Bradford County Place-to-Place Transfer & Request to Conduct Another Business on the Licensed Premises – Restaurant

HOLD - 10/31/18 SESSION

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

Motion Made:	Board Member Negra
Chairman Holden ask	red if there was anyone present for the Licensee. There was no response.
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Refuse Extension and Request to Conduct Another Business on the Licensed Premises.

(5)	Valent Group t/a Pittsburgh Car Cla CC-983 (LID No. 7021 206 Fernleaf Street Pittsburgh, Allegheny C	3) Case No. 18-9042	Place-to-Place Transfer – Catering Club
	Motion Made: Seconded:	Board Member Negra Chairman Holden	
	Board Decision:	Unanimously agreed (2-0 vote) to A	pprove Transfer.
(6)	Blairsville V.F.W. Ch CC-5042 (LID No. 232 9626 Route 22 West, R Derry Township Blairsville, Westmorela	25) Case No. 2018-2325 R.D. 4, P.O. Box 82	Conditional Licensing Agreement Renewal – District 6 HOLD – 9/12/18 SESSION
	Motion Made: Seconded:	Board Member Negra Chairman Holden	
	Board Decision:	Unanimously agreed (2-0 vote) to A Licensing Agreement.	pprove Renewal with Conditional
(7)	Indian Café, Inc. E-1614 (LID No. 7129	4) Case No. 2018-71294	Renewal – District 4
	549 North 7 th Street Allentown, Lehigh Cou		HOLD – 9/26/18 SESSION
	Motion Made:	Board Member Negra made a motio	n to approve the renewal.

Chairman Holden did not second the motion made by Member Negra. He stated that no action will be taken and this will be addressed at the next Board meeting.

Board Decision: No action.

Seconded:

(8)	JJE Murphy, LLC R-15110 (LID No. 5742) 347 Slocum Street Swoyersville Kingston, Luzerne Cour	Renewal – District 8 26) Case No. 2018-57426
	Motion Made: Seconded:	Board Member Negra
	Board Decision:	Hold by Member Negra for a Conditional Licensing Agreement.
(9)	KKAT Enterprises, Ll t/a Whiskey Rhythm R-13739 (LID No. 7100 1198 Pennsylvania Ave Monaca, Beaver County	04) Case No. 2018-71004 nue
	Motion Made: Seconded:	Board Member Negra
	Board Decision:	Hold by Board Member Negra for a Conditional Licensing Agreement.
(10)	United Gas, Inc. R-7223 (LID No. 86621 326 Ridge Avenue Washington, Washingto	
	Motion Made: Seconded:	Board Member Negra
	Board Decision:	Hold by Member Negra
	eau of Human Resources	sJason Lutcavage, Director of Administration Jennifer Haas, Director, Bureau of Human Resources
		s presented for consideration.

- (1) Sarah Allen Affirm Removal
- (2) Susan Andrews Removal
- (3) Jarret Carl Affirm Removal
- (4) Michael Catagnano Affirm Removal
- (5) Syeeta Cooper Removal

- (6) Ravyn Curtis-Carroll Affirm Removal
- (7) Eric Gerome Removal
- (8) Jada Green Removal
- (9) Tatiyanna Hall Affirm Removal
- (10) Marckeith Hargraves Affirm Removal
- (11) Darnell Manning Affirm Removal
- (12) Denaya Mears Affirm Removal
- (13) Kenneth Norfleet Affirm Removal
- (14) Keyanda Pierce Affirm Removal
- (15) David Platt Removal
- (16) Connor Reynolds Affirm Removal
- (17) William Saulsgiver Affirm Removal
- (18) Nicholas Sinkavich Affirm Removal
- (19) Jeffrey Skipper Affirm Removal
- (20) Shanay Waters Affirm Removal
- (21) Jeffrey Wilson Removal

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Approve all Personnel Actions.

Procurement Actions:

(1) HP Standard ProBook 600 G4 Desktops with Monitors – Provide 78 HP ProBook 600 G4 Small Form Factor PC units and monitors including a four-year warranty in accordance with eight-year replacement policy. This hardware refresh replaces the remaining systems beyond that time frame in various training centers throughout the state that need to be replaced due to performance issues and increased maintenance costs.

Procured via DGS Contract #4400017908 – VENDOR: **HP Inc.** – \$ 788.00 per unit cost for a total **\$61,464.00 estimated cost.**

Motion Made:	Board Member Negra
Seconded:	Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Approve all Procurement Actions.

Inter-Agency Charges:

- (1) Office of Information Technology Enterprise Data Center (OIT-EDC) Service Proposal (SERP 4065) This billing for \$54,075.43 is for the cost of annual support for various PLCB applications hosted on the Commonwealth's data center servers. This includes costs for the PLCB's internet portal, LDP, RAMP and PLCB+ sites.
- (2) **Department of Auditor General** FY 2018-19 first quarter billing of \$718,734.63 from the Department of the Auditor General. The billing includes \$13,804.57 for the "true-up" of FY 2017-18 fourth quarter's estimated billing for services.

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:	Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Approve all Inter-Agency Charges.

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

- 1. #2804 9 South Main Street, Mercersburg Amendment
- 2. #5413 16 Tremont Road, Pine Grove Amendment
- 3. #37XX Union Square, 2505-09 West State Street, New Castle Relocation / Consolidation (Consolidating #3706 & #3707)
- 4. #51XX The Granary, 411 North 20th Street, Philadelphia New Store
- 5. #9717 William Penn Social Association Lot, 1206 North 3rd Street, Harrisburg Parking Agreement

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 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

BRAND NAME AND SIZE	REASON
Capital Wine and Spirits	
Seagram's Extra Smooth Vodka 375 ML	3
North Wales Wines	
Apothic Inferno 750 ML	3
E & J Apple Brandy 50 ML	3
E & J Peach Brandy 50 ML	3
E & J Vanilla Brandy 50 ML	3
New Amsterdam Apple Flavored Vodka 50 ML	3
New Amsterdam Peach Flavored Vodka 50 ML	3
New Amsterdam Pineapple Flavored Vodka 50 ML	3
Peter Vella Pink Moscato 5 L	3
Palm Bay International	
Bribon Tequila Reposado 750 ML	3
Park Street Imports	
Belle Isle 100 Proof Premium Moonshine Whiskey 750 ML	9
Belle Isle Cold Brew Coffee Premium Moonshine Whiskey 750 ML	9
Belle Isle Honey Habanero Premium Moonshine Whiskey 750 ML	9

RECOMMENDED ACTION: We recommend the Board approve this action .

2. Regular PA Spirits New Items

BRAND NAME AND SIZEREASONRoot Crafted Cocktail Mixers8Root Crafted Cocktail Mixers Au Pear 473 ML8Root Crafted Cocktail Mixers Hibi-Hibi 473 ML8

Root Crafted Cocktail Mixers Hibi-Hibi 473 ML Root Crafted Cocktail Mixers The Granada 473 ML

8

8

8

Root Crafted Cocktail Mixers The Hound 473 ML Root Crafted Cocktail Mixers The Lemongrass 473 ML

RECOMMENDED ACTION: We recommend the Board approve this action

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

3. Regular Recommended Delist

BRAND NAME AND SIZE	CODE
Palm Bay International	
Chamucos Tequila Blanco 80 Proof 750 ML	9498
Chamucos Tequila Reposado 80 Proof 750 ML	9499
<u>Paterno Imports LTD</u> II Poggione Brancato Rosato di Toscana Rose Wine 750 ML	2497
EFFECTIVE DATE: The transference to closeout will become effective December 14, 2018	

Motion Made:	Board Member Negra
Seconded:	Chairman Holden
Board Decision:	Unanimously agreed (2-0 vote) to Approve all Bureau of Product Selection/ Marketing Actions.

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)

	September 30, 2018			September 30, 2017		
ASSETS	<u>3ep</u>	tember 30, 2018	<u>36</u>	ptember 30, 2017		
Current assets:						
Cash	\$	55,606,355	\$	54,900,142		
Investments - short term		238,790,425		213,306,133		
Accounts and claims receivable, net		894,104		1,403,145		
Due from other funds - Note 8		-		2,143		
Merchandise inventories, net		257,233,014		260,634,133		
Operating supplies		582,769		239,459		
Prepaid expenses		1,546,843		3,778,581		
Total current assets		554,653,510		534,263,736		
Non-current assets:						
Non-depreciable capital assets: Land		322,973		322,973		
Depreciable capital assets:		022,010		022,010		
Building		20,873,018		19,816,479		
Leasehold improvements		612,301		582,597		
Machinery and equipment		48,678,806		47,723,304		
Intangibles - internally generated software	26,846,657		29,587,200			
Less: accumulated depreciation		68,662,654		63,890,236		
Net depreciable capital assets		28,348,128		33,819,344		
Total non-current capital assets		28,671,101		34,142,317		
Total assets	\$	583,324,611	\$	568,406,053		
Total deferred outflows of resources - Note 4	\$	88,510,800	\$	132,888,773		
LIABILITIES						
Current liabilities:						
Trade accounts payable	\$	272,260,053	\$	265,329,827		
Other accounts payable		20,245,677		24,430,131		
Accrued expenses		20,779,057		21,121,869		
OPEB - Note 5		11,976,000		17,767,000		
Self-insurance, workers' compensation - Note 6		9,137,029		8,239,857		
Due to other funds - Note 8		3,885,446		3,781,535		
Due to fiduciary funds - Note 8		3,014,488		2,922,326		
Due to other governments - Note 8		782,838		757,741		
Total current liabilities		342,080,588		344,350,286		
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		448,657,473		484,943,490		
Compensated absences - Note 1		20,809,984		18,904,788		
Total non-current liabilities		1,298,795,905		1,387,186,824		
Total liabilities	\$	1,640,876,493	\$	1,731,537,110		
Total liabilities Total deferred inflows of resources - Note 4	\$	1,640,876,493 103,108,959	<u>\$</u> \$	1,731,537,110 20,177,976		
Total deferred inflows of resources - Note 4						
Total deferred inflows of resources - Note 4						
	\$	103,108,959	\$	20,177,976		

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board State Stores Fund Comparative Statements of Revenues, Expenses, and Changes in Net Position For the Month Ending September 30, 2018 and September 30, 2017 (Unaudited)

	2018-19			2017-18			
Sales net of taxes		\$	161,629,550		\$	164,673,198	
Cost of goods sold		•	(109,982,071)		•	(112,528,733)	
Gross profit from sales			51,647,479	-		52,144,465	
Operating (expenses):							
Retail operations	(31,106,481)			(32,011,387)			
Marketing & merchandising	(1,216,030)			(1,145,781)			
Supply chain	(291,237)			(926,124)			
Wholesale operations	(141,784)			(174,875)			
Information technology services	(3,410,706)			(2,316,860)			
Regulatory affairs	(1,619,813)			(1,538,379)			
Administration	(1,183,160)			(1,290,562)			
Finance	(273,583)			(303,223)			
Board & secretary	(273,212)			(596,565)			
Legal	(255,574)			(282,386)			
Commonwealth provided services - Note 2	(993,488)	_	<i></i>	(1,322,155)		<i></i>	
Total			(40,765,068)	-		(41,908,297)	
Operating profit			10,882,411			10,236,168	
Other operating revenues (expenses):							
Enforcement fines	80,050			183,261			
License fees	2,742,796			4,242,931			
Miscellaneous income	442,358			184,853			
Administrative law judge	(212,365)			(214,836)			
Total			3,052,839	-		4,396,209	
Total operating income			13,935,250			14,632,377	
Miscellaneous revenues (expenses):							
Interest income	462,895			269,211			
Other	-	-					
Total			462,895	-		269,211	
Income before operating transfers			14,398,145			14,901,588	
Operating transfers out: PSP enforcement - Note 3	(2 292 091)		(2.282.081)	(2,329,849)		(2,329,849)	
Net Income from operations	(2,283,081)		(2,283,081) 12,115,064	(2,329,649)		12,571,739	
Statutory Transfers:							
General fund - Note 3	-			-			
Drug and alcohol programs - Note 3 Total	-			-		-	
Change in net position			12,115,064			12,571,739	
Total net position - beginning			(1,084,265,105)	-		(1,062,991,999)	
Total net position - ending		\$	(1,072,150,041)		\$	(1,050,420,260)	
Liquor tax	29,127,578			29,542,518			
State Sales Tax	11,450,332			11,619,192			
Local Tax	727,078			732,214			
Taxes remitted to Dept.of Revenue YTD		\$	41,304,988		\$	41,893,924	

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board State Stores Fund Comparative Statements of Revenues, Expenses, and Changes in Net Position For the Three Months Ending September 30, 2018 and September 30, 2017 (Unaudited)

	2018-19			2017-18		
Sales net of taxes		¢ 1	05 002 044		¢	495 227 469
Cost of goods sold	·		95,902,944 38,127,883)		\$	485,327,468 (334,001,855)
Gross profit from sales	_		57,775,061	-		151,325,613
Operating (expenses):						
Retail operations	(97,176,807)			(98,127,286)		
Marketing & merchandising	(4,170,922)			(3,759,348)		
Supply chain	(1,491,706)			(2,708,845)		
Wholesale operations	(439,937)			(405,940)		
Information technology services	(8,582,487)			(7,499,780)		
Regulatory affairs	(5,397,453)			(5,145,213)		
Administration	(3,629,345)			(3,710,673)		
Finance	(886,094)			(941,531)		
Board & secretary	(977,455)			(1,600,587)		
Legal	(936,075)			(900,441)		
Commonwealth provided services - Note 2	(3,145,823)			(3,393,037)		
Total	_		26,834,104)	-		(128,192,681)
Operating profit			30,940,957			23,132,932
Other operating revenues (expenses):						
Enforcement fines	361,448			406,407		
License fees	9,767,586			10,235,818		
Miscellaneous income	832,679			573,221		
Administrative law judge	(707,729)			(681,615)		
Total	(101,120)		10,253,984	(001,010)		10,533,831
Total operating income	_		41,194,941	-		33,666,763
Miscellaneous revenues (expenses):						
Interest income	1,302,495			662,598		
Other	-			1,200		
Total			1,302,495			663,798
Income before operating transfers			42,497,436			34,330,561
Operating transfers out:						
PSP enforcement - Note 3	(7,340,578)		(7,340,578)	(6,795,934)		(6,795,934)
Net Income from operations			35,156,858			27,534,627
Statutory Transfers:						
General fund - Note 3 Drug and alcohol programs - Note 3	-			-		
Total	-			-		-
Change in net position			35,156,858			27,534,627
Total net position - beginning	_		07,306,899)	-		(1,077,954,887)
Total net position - ending		\$ (1,0	72,150,041)	=	\$	(1,050,420,260)
Liquor tax	89,015,916			87,490,803		
State Sales Tax	35,017,333			34,416,976		
Local Tax	2,220,057	¢ 4	26 252 200	2,171,823	¢	104 070 000
Taxes remitted to Dept.of Revenue YTD		\$1	26,253,306		\$	124,079,602

Member Negra asked Michael Freeman, Director of Bureau of Finanical Management and Analysis, for the September calendar shift and the effect on sales. Mr. Freeman reported the September calendar shift was a -5% drag on September sales. Mr. Freeman also noted that the November calendar shift will provide a +2.8% lift for November sales or +\$5 million in sales for November.

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 5, 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 Member Negra, seconded by Chairman Holden, the meeting was adjourned.

The foregoing actions are hereby officially approved.

Chairman

Member

Member

ATTEST:

Secretary