

PENNSYLVANIA LIQUOR CONTROL BOARD
MEETING MINUTES

WEDNESDAY, SEPTEMBER 26, 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

Board Secretary John K. Stark indicated that a quorum of the Board was present and Chairman Holden called the meeting to order.

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the September 12, 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

There was no public comment on the printed agenda items.

NEW BUSINESS

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

(1) **OALJ Mailbox Rule** Proposed Regulation Change

Member Negra asked Rodrigo Diaz, Chief Counsel, to explain the proposed regulation change. Mr. Diaz stated that this was an issue that had surfaced in previous appeal filings concerning the Office of Administrative Law Judge. Mr. Diaz explained that the Chief Counsel's Office records filings according to the drop off date of the filing or on the day it is put into the mailbox. The Office of Administrative Law Judge records its filings when they actual receive the filing. Member Negra

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asked what the time frame was in getting this regulation approved and Mr. Diaz stated that most likely it would be sometime next year.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the Proposed Regulation Change.

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

(1) **Anthony’s Pizza and Italian Restaurant II, Inc.** New – Economic Development
t/a Anthony’s Pizza and Italian Restaurant Restaurant
(LID No. 90960) Case No. 18-9029
127 West King Street
Malvern, Chester County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Chairman Holden asked if there was anyone from the licensee. There was no response.

Board Decision: Unanimously agreed (3-0 vote) to Refuse New Economic Development Restaurant Liquor License.

(2) **Giant Food Stores, LLC** “Intermunicipal” Double
R-13859 (LID No. 91324) Case No. 18-9031 Transfer & Requests for Interior
1540 Cowpath Road Connections with Another
Hatfield Township Business & to Conduct Another
Hatfield, Montgomery County Business on the Licensed
Premises – Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Transfer and Requests for Interior Connections with Another Business and to Conduct Another Business on the Licensed Premises.

(3) **Jo and Friends, Inc.** Request for Hearing After
t/a Polish Palace Revocation – Restaurant
R-5564 (LID No. 57911) Case No. 18-9047
125 East Broad Street
West Hazleton, Luzerne County

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Motion Made: Board Member Negra
Seconded: Board Member Newsome

Chairman Holden asked if there was anyone from the licensee. There was no response.

Board Decision: Unanimously agreed (3-0 vote) to Affirm Revocation of License.

- (4) **Salguero’s, Inc.** “Intermunicipal” Double
t/a Fratello’s Restaurant Transfer - Restaurant
R-13447 (LID No. 91016) Case No. 18-9058
702 North 8th Street, Suite A
Reading, Berks County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

- (5) **Sheetz, Inc.** Double Transfer & Requests for
t/a Sheetz #181 Interior Connections with
R-18310 (LID No. 93117) Case No. 18-9055 Another Business & to Conduct
820 South Eagle Valley Road Another Business on the
Boggs Township Licensed Premises - Restaurant
Bellefonte, Centre County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Chairman Holden asked if there was anyone from the licensee. There was no response.

Board Decision: Unanimously agreed (3-0 vote) to Refuse Transfer and Requests for Interior Connections with Another Business and to Conduct Another Business on the Licensed Premises.

- (6) **Indian Café, Inc.** Renewal – District 4
E-1614 (LID No. 71294) Case No. 2018-71294
549 North 7th Street
Allentown, Lehigh County

Motion Made: Board Member Negra
Seconded:

Board Decision: Hold for a Conditional Licensing Agreement.

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- (7) **Kaur’s Market, Inc.** Renewal – District 4
E-2173 (LID No. 72926) Case No. 2018-72926
450 North 7th Street
Allentown, Lehigh County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

- (8) **Liberty Lunch 450, Inc.** Renewal – District 4
t/a Liberty Lunch
E-1136 (LID No. 64458) Case No. 2018-64458
450 North 7th Street
Allentown, Lehigh County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

- (9) **PNK Head House, LLC** Conditional Licensing Agreement
R-1959 (LID No. 66919) Case No. 2016-66919 Renewal – District 10
421 South 2nd Street
Philadelphia, Philadelphia County

HOLD – 7/18/18 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

- (10) **Singh’s Bar & Grill, Inc.** Renewal – District 4
R-9241 (LID No. 65752) Case No. 2018-65752
448 North 9th Street
Allentown, Lehigh County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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

Personnel Actions

- (1) **Tonya Cameron – Removal**
- (2) **Lyric Carter – Removal**
- (3) **Howard Fletcher – Affirm Removal**
- (4) **Donna Gray – Removal**
- (5) **Daija Johnson – Affirm Removal**
- (6) **Chenelle McKinney – Removal**
- (7) **Ebony Nash – Affirm Removal**
- (8) **Theresa Ratliff – Removal**
- (9) **Richard Taylor – Removal**
- (10) **Jessica Tichy – Removal**
- (11) **Gerald Vanormer – Removal**
- (12) **Javon Wallace-Thompson - Removal**

There were 12 personnel actions presented for consideration.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Personnel Actions #1-8 and #10-12 as Submitted and to Adjust #9 to a Return from Suspension.

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

Procurement Actions:

- (1) **Waste & Corrugated Cardboard Removal Renewal** – Provide hand pick-up service to remove waste & corrugated cardboard from approximately one hundred seventy (170) Fine Wine & Good Spirits stores in Philadelphia, Bucks, Chester, Delaware and Montgomery counties.

Procured via BPA 63014351 Option Year – VENDOR: **Modern Recycling Services** – TERM: One (1) year – **\$410,326.00 estimated cost.** (Renewal cost remains the same.)

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- (2) **Consolidation and Delivery Services for Mid-Atlantic Merchandise** – This is a continuation of consolidation services for beverage and alcohol related products transporting them from various vendors in the Mid-Atlantic region of the United States, primarily New York, New Jersey, and Pennsylvania, to the PLCB’s Distribution Centers.

Procured via Request for Proposal – **VENDOR: Oak Lodge Holdings, Inc. d/b/a Garden State Consolidating** – TERM: Forty-two (42) months – **FY 18: \$704,652.00; FY 19: \$1,245,847.00; FY 20: \$1,306,693.00; FY 21: \$1,219,808.00 – Total \$4,477,000.00 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) **Department of General Services (DGS) Employee Liability Insurance (Job 31)** – Billing of \$54,376.87 for FY 2018-19 to reimburse DGS for employee liability insurance “premiums” for the Commonwealth’s self-insurance program. Billing represents the PLCB’s share of the insurance fund costs based on personnel complements (25%) and 10-year claim loss experience (75%).

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.

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

- 1. **#0904 – 511 Constitution Ave., Perkasio Amendment**
- 2. **#2516 – 3702 Liberty St., Erie Amendment**
- 3. **#380x-01 – 831 Bowman St., Lebanon Temporary Store**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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*From the Bureau of Product SelectionDale 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>Constellation Brands Inc</u>	
La Terra Cabernet Sauvignon 1.5 L	18
La Terra Chardonnay 1.5 L	18
La Terra Merlot 1.5 L	18
La Terra White Zinfandel 1.5 L	18
<u>Jim Beam Brands Co</u>	
Dekuyper Blue Curacao 1 L	18
Dekuyper Red Apple Schnapps 1 L	18
<u>Majestic W S USA Inc</u>	
Nicolas Sauvignon Blanc 750 ML	3
<u>Southern Wine Spirits PA</u>	
Stella Rosa Pink 750 ML	3
<u>TGE LLC</u>	
Copa Di Vino Cabernet 187 ML	18
Copa Di Vino Chardonnay 187 ML	18
Copa Di Vino Merlot 187 ML	18
Copa Di Vino Moscato 187 ML	18
Copa Di Vino Pinot Grigio 187 ML	18
Copa Di Vino Pulpoloco Sangria 250 ML	18
Copa Di Vino Riesling 187 ML	18
Copa Di Vino White Zinfandel 187 ML	18
<u>The Wine Group Inc</u>	
Franzia Pinot Noir/Carmenere 5 L	3
World's Edge Cabernet Sauvignon 750 ML	18
World's Edge Chardonnay 750 ML	18
<u>Vintage Imports</u>	
Casal Garcia Vinho Verde 750 ML	18

RECOMMENDED ACTION: We recommend the Board approve this action

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2. Regular New Items Accepted Revision

BRAND NAME AND SIZE

REASON

RESCIND

Stoli Group USA LLC

Stoli Diet Ginger Beer Premium Mixer 4 - 355 ML

3

Note: “Discontinued by Supplier”

RECOMMENDED ACTION: We recommend the Board approve this action

3. Regular PA Spirits New Items

BRAND NAME AND SIZE

REASON

Millstone Spirits Group

New Liberty Dutch Malt Whiskey 750 ML

16

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

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4. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Majestic W S USA Inc</u> Siembra Valles Tequila Blanco 80 Proof 750 ML	34353

EFFECTIVE DATE: The transference to closeout will become effective October 26, 2018

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.

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

None

OTHER ISSUES

2019 Board Meeting Schedule.....*Secretary Stark*

The public meetings will be held in Harrisburg, PA, commence at 11:00 a.m. in the Northwest Office Building, Conference Room 117.

- Wednesday, January 16, 2019
- Wednesday, January 30, 2019
- Wednesday, February 13, 2019
- Wednesday, February 27, 2019
- Wednesday, March 13, 2019
- Wednesday, March 27, 2019
- Wednesday, April 17, 2019
- Wednesday, May 1, 2019
- Wednesday, May 15, 2019
- Wednesday, June 5, 2019
- Wednesday, June 26, 2019
- Wednesday, July 17, 2019
- Wednesday, July 31, 2019
- Wednesday, August 21, 2019
- Wednesday, September 11, 2019
- Wednesday, September 25, 2019
- Wednesday, October 9, 2019
- Wednesday, October 23, 2019
- Wednesday, November 13, 2019
- Wednesday, December 4, 2019
- Wednesday, December 18, 2019

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Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the 2019 Board Meetings Schedule.

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

None

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, October 17, 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