

PENNSYLVANIA LIQUOR CONTROL BOARD
MEETING MINUTES

WEDNESDAY, FEBRUARY 27, 2019
NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA

Tim Holden, Chairman
Mike Negra, 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

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 – EJ Lewis – Supply Chain Bureau

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the February 13, 2019 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 Executive Director *Charlie Mooney*

Transfer to General Fund:

The Office of Budget requests a transfer of \$85.1 million dollars (\$85,100,000) from the State Stores Fund to the General Fund. This transfer will complete the PLCB’s \$185.1 million obligation for 2018-19 Fiscal Year General Fund transfers.

The transfer of this prescribed amount of \$85,100,000 will be processed as authorized in Expenditure Symbol Notification Number 18-044.

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to the Transfer of \$85,100,000.

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From the Office of Chief CounselRodrigo Diaz, Chief Counsel

- (1) **Zee Gos Enterprises, Inc.** Proposed Conditional Licensing Agreement to Allow for the Renewal of the Liquor License
144 West 13th Street
Erie, Pennsylvania 16501-1716
Restaurant Liquor License No. R-7030
LID 44684
Docket No. 13585-2013 (Erie County)

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Approve Renewal with a Conditional Licensing Agreement.

- (2) **Zurab Zautadze** Request to Rescind Conditional Licensing Agreement
1728 East Carson Street
Pittsburgh, Pennsylvania 15203-1706
Restaurant Liquor License No. R-2933
LID 68251

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Rescind the Conditional Licensing Agreement.

- (3) **Jason Cold Beer, Inc.** Appeal of Adjudication and Order of Administrative Law Judge
1644 Wharton Street
Philadelphia, Pennsylvania 19146-4762
Restaurant Liquor License No. R-13491
LID 65029
Citation No. 17-1322

Motion Made: Board Member Negra
Seconded: Chairman Holden

Executive Deputy Chief Counsel Fox spoke about this ALJ appeal. Licensee was charged with not being a bona fide restaurant and not having at least 400 square feet of serving area. Following a hearing, the ALJ sustained both charges and issued a fine of \$300.00. Licensee timely appealed on the 400 square-foot issue, although it had only 144 square feet. For the same reasons as provided in the prior 26 cases on this issue, Chief Counsel recommends affirming the ALJ's decision.

Board Decision: Unanimously agreed (2-0 vote) to Affirm the Administrative Law Judge.

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(4) LEO Foods, Inc.
4501 N. Broad Street
Philadelphia, Pennsylvania 19140-1215
Restaurant Liquor License No. R-1318
LID 63302
Citation No. 17-0130

Appeal of Adjudication and Order
of Administrative Law Judge

Motion Made: Board Member Negra
Seconded: Chairman Holden

Executive Deputy Chief Counsel Fox described the factual situation behind the charges in this ALJ appeal. In late 2016, a Bureau of Liquor Control Enforcement (BLCE) officer in full uniform; her boss, also in full uniform; their boss; and about ten City of Philadelphia officials went to the licensed premises to conduct a routine inspection. It was mid-afternoon and Licensee was operating. Upon entry, the officer identified herself and advised the cashier that they were there to conduct a routine inspection. The cashier walked away, got a cell phone, and went to the back of the premises. After he returned, the BLCE officer showed her badge and repeated her request. The cashier did not respond or open the partition to let the officers inspect. However, the cashier did take two customer orders and serve those customers as they waited. Before they left, the BLCE officer saw three men seated inside the premises smoking, despite the lack of a smoking exemption.

Licensee was charged with refusing to let the BLCE inspect the premises and permitting smoking in a prohibited area. The ALJ sustained both charges and fined Licensee \$1,000.00 on count one and \$200.00 on count two. Licensee filed a timely appeal, claiming insufficient evidence. After reviewing the transcript, we find sufficient evidence to sustain both counts and recommend affirming the ALJ.

Board Decision: Unanimously agreed (2-0 vote) to Affirm the Administrative Law Judge.

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

(1) Country Fair, Inc.
R-13425 (LID No. 94280) Case No. 18-9113
4526 Pine Avenue
Erie, Erie County

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 the Transfer and Request for Interior Connections with Another Business – Restaurant.

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- (2) **The New Alpine Club** Renewal – Catering Club
CC-4088 (LID No. 3587) Case No. 18-9115
1295 Grand Boulevard
Monessen, Westmoreland County

Motion Made: Board Member Negra
Seconded: Chairman Holden

Chairman Holden asked if there was anyone present from the Licensee. No response.

Board Decision: Unanimously agreed (2-0 vote) to Refuse Renewal.

- (3) **IBPOE of W. Valley Lodge 294** Renewal – District 6
C-1771 (LID No. 1067) Case No. 2018-1067
932 Third Avenue
New Kensington, Westmoreland County

Motion Made: Board Member Negra
Seconded: Chairman Holden

Chairman Holden asked if there was anyone present from the Licensee. No response.

Board Decision: Unanimously agreed (2-0 vote) to Refuse Renewal.

- (4) **Mami's Café & Bar, LLC** Renewal – District 8
t/a Mami's Café & Bar
R-8242 (LID No. 72623) Case No. 2018-72623
594-596 Alter Street
Hazleton, Luzerne County

Motion Made: Board Member Negra
Seconded:

Board Decision: Hold by Member Negra for a Conditional Licensing Agreement.

- (5) **William Penn Restaurant and Bar, Inc.** Renewal – District 2
t/a William Penn Restaurant
R-15132 (LID No. 17151) Case No. 2018-17151 **HOLD – 1/16/19 SESSION**
633-635 Cumberland Street
Lebanon, Lebanon County

Motion Made: Board Member Negra
Seconded: Chairman Holden

Chairman Holden asked if there was anyone present from the Licensee. No response.

Board Decision: Unanimously agreed (2-0 vote) to Refuse 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

There were 7 personnel actions presented for consideration.

- (1) **John Hawrylack – Removal**
- (2) **Peter Kopa – 10 – Day Suspension**
- (3) **Taylor Lewicki – Affirm Removal**
- (4) **Amy Rogalsky – Removal**
- (5) **Latoya Travis – Removal**
- (6) **Courtney Tyler – Affirm Removal**
- (7) **Annette Walls – Removal**

Motion Made: Board Member Negra
Seconded: Chairman Holden

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

*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) **Hearing Examiner Renewal** – Represent the Board in the capacity of a Hearing Examiner for administrative hearings conducted in the Commonwealth of Pennsylvania regarding matters which the Board shall adjudicate as required by law.

Procured via PO 63017459 Option Year One – **VENDOR: Thomas R. Miller, Esquire** – **TERM:** One year – **\$200,000.00 estimated cost.** Renewal cost remains the same as original contract amount.

- (2) **Hearing Examiner Renewal** – Represent the Board in the capacity of a Hearing Examiner for administrative hearings conducted in the Commonwealth of Pennsylvania regarding matters which the Board shall adjudicate as required by law.

Procured via PO 63016261 Option Year Two – **VENDOR: Charles M. Gibbs** – **TERM:** One year – **\$150,000.00 estimated cost.** Renewal cost remains the same as original contract amount.

- (3) **Senior Business Subject Matter Expert Staff Augmentation** – Provide an IBM Websphere Commerce support person to assist the PLCB with various changes to our E-Commerce site including any upgrades to web services used by the mobile application and other work prioritized by Marketing. These improvements will enable functionality similar to other internet-based retail web sites.

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Procured via DGS Contract #4400014660 – VENDOR: **OST, Inc.** – TERM: Four months for the period 3/4/19 through 6/30/2019 – **\$68,027.20 estimated cost.**

- (4) **Snow Removal Services** – Increase contract value for the NWOB’s parking lots snow plowing and removal contract. Three additional parking lots have been added to the contract since it was effective on November 1, 2016. This increase will cover approximately five more snow events for all 11 parking lots through October 31, 2019.

Procured via BPA 63015768 Increase – VENDOR: **C and Z Construction** – TERM: Eight months – **\$100,000.00 estimated cost.** Unit pricing for all parking lots remain the same.

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 Comptroller Operations** – FY 2018-19 second quarter billing of \$1,349,774.60 from the Office of Comptroller Operation. The billing represents the LCB Comptroller Services actual personnel and operating expenses for October – December 2018.

- (2) **Civil Service Commission (SCSC - Job 46)** – Billing of \$527,761.67 for SCSC services for January – June 2019. The billing is based on the PLCB’s average filled salary and wage position headcount (5,089) for the six-month period of May through October 2018.

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. **#0211 – 354 Northtowne Square, 5600 Route 8, Gibsonia Amendment**
- 2. **#0935 – 2395 Old York Road, Jamison Amendment**
- 3. **#1009 – 240 Buffalo Plaza, Sarver Amendment**

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4. **#1515 – 23 Marchwood Road, Exton
Amendment**
5. **#5180 – 3521 Cottman Avenue, Philadelphia
Amendment**
6. **#2210 – 5070 Jonestown Road, Harrisburg
Premium Rebrand**
7. **#5157 – 1237 South Eleventh Street, Philadelphia
Premium Rebrand**

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 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>Brown Forman Corporation</u>	
Glendrohach 12 Year Scotch 750 ML	2
Old Forester Straight Bourbon 750 ML	2
<u>Constellation Brands Inc</u>	
Ruffino Prosecco 3 - 187 ML	1, 2, 3
Ruffino Sparkling Rose 3 - 187 ML	1, 2, 3
Svedka Cherry Vodka 1 L	18
Svedka Citron Vodka 1 L	18
Svedka Clementine Vodka 1 L	18
Svedka Vanilla Vodka 1 L	18
Svedka Vodka 1 L	18
<u>Jim Beam Brands Co</u>	
El Tesoro Reposado Tequila 750 ML	10
<u>North Wales Wines</u>	
Barefoot Cellars Moscato 500 ML	2, 3, 5, 7, 19
New Amsterdam Vodka 50 ML	3

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Reserva Wines LLC

Lobelia Organic Cabernet Sauvignon Oak Aged 750 ML 3, 9

Southern Wine Spirits PA

14 Hands Cabernet Sauvignon 750 ML 1, 2, 3

14 Hands Merlot 750 ML 1, 2, 3

14 Hands Rose 750 ML 1, 2, 3

Oyster Bay Chardonnay New Zealand 750 ML 2, 3, 11

Patz & Hall Sonoma Coast Chardonnay 750 ML 10

RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular PA Preferred New Items Accepted

BRAND NAME AND SIZE

REASON

Shadow Vineyard and Winery

Shadow Vineyard and Winery Catawba 750 ML 17

Shadow Vineyard and Winery Whistlepig Mist 750 ML 17

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
19. Probationary listing

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3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Diageo Americas Inc</u> Crown Royal Maple Canadian Whisky 750 ML	5841
<u>Majestic W S USA Inc</u> Chocovine 1.5 L Voga Rosa Italy 750 ML	3994 2238
<u>Southern Wine Spirits PA</u> Conn Creek Cabernet Sauvignon Napa Valley 750 ML	3981

EFFECTIVE DATE: The transference to closeout will become effective March 29, 2019

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Decision: Unanimously agreed (2-0 vote) to Approve all Bureau of Product Selection/Marketing Actions.

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FINANCIAL REPORT..... Andrew Cameron, Comptroller Operations, Office of Budget

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

	<u>January 31, 2019</u>	<u>January 31, 2018</u>
<u>ASSETS</u>		
Current assets:		
Cash	\$ 36,401,627	\$ 49,512,020
Investments - short term	295,701,802	235,472,863
Accounts and claims receivable, net	3,143,912	1,710,905
Due from other funds - Note 8	-	-
Merchandise inventories, net	247,800,819	258,001,926
Operating supplies	330,111	130,234
Prepaid expenses	<u>777,153</u>	<u>2,252,730</u>
Total current assets	<u>584,155,424</u>	<u>547,080,678</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	612,301
Machinery and equipment	51,111,585	48,425,495
Intangibles - internally generated software	<u>28,551,172</u>	<u>29,600,100</u>
Less: accumulated depreciation	<u>70,947,457</u>	<u>66,912,503</u>
Net depreciable capital assets	<u>30,202,821</u>	<u>31,541,872</u>
Total non-current capital assets	<u>30,525,794</u>	<u>31,864,845</u>
Total assets	<u>\$ 614,681,218</u>	<u>\$ 578,945,523</u>
Total deferred outflows of resources - Note 4,5	\$ 88,350,800	\$ 134,048,773
<u>LIABILITIES</u>		
Current liabilities:		
Trade accounts payable	\$ 307,143,205	\$ 284,996,902
Other accounts payable	27,998,864	33,959,407
Accrued expenses	21,139,560	20,534,106
OPEB - Note 5	11,976,000	17,767,000
Self-insurance, workers' compensation - Note 6	11,137,029	10,239,857
Due to other funds - Note 8	4,848,024	5,053,929
Due to fiduciary funds - Note 8	3,024,515	2,822,181
Due to other governments - Note 8	<u>801,606</u>	<u>755,342</u>
Total current liabilities	<u>388,068,803</u>	<u>376,128,724</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	459,297,473	494,943,490
Compensated absences - Note 1	<u>20,809,984</u>	<u>18,904,788</u>
Total non-current liabilities	<u>1,309,435,905</u>	<u>1,397,186,824</u>
Total liabilities	<u>\$ 1,697,504,708</u>	<u>\$ 1,773,315,548</u>
Total deferred inflows of resources - Note 4,5	\$ 96,348,959	\$ 20,657,976
<u>NET POSITION</u>		
Net investment in capital assets	\$ 30,525,794	\$ 31,864,845
Deficit	<u>(1,121,347,443)</u>	<u>(1,112,844,073)</u>
Total net position	<u>\$ (1,090,821,649)</u>	<u>\$ (1,080,979,228)</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 January 31, 2019 and January 31, 2018
(Unaudited)

	<u>2018-19</u>	<u>2017-18</u>
Sales net of taxes	\$ 148,624,444	\$ 142,510,279
Cost of goods sold	<u>(102,978,258)</u>	<u>(98,287,754)</u>
Gross profit from sales	45,646,186	44,222,525
Operating (expenses):		
Retail operations	(34,550,906)	(34,632,138)
Marketing & merchandising	(552,261)	(1,919,255)
Supply chain	(1,061,251)	(58,697)
Wholesale operations	(154,444)	(150,998)
Information technology services	(3,329,264)	(2,478,411)
Regulatory affairs	(1,730,858)	(1,684,385)
Administration	(1,369,059)	(1,252,522)
Finance	(331,392)	(349,724)
Board & secretary	(414,594)	(511,921)
Legal	(308,006)	(301,977)
Commonwealth provided services - Note 2	<u>(1,127,995)</u>	<u>(1,267,723)</u>
Total	<u>(44,930,030)</u>	<u>(44,607,751)</u>
Operating profit	716,156	(385,226)
Other operating revenues (expenses):		
Enforcement fines	117,138	131,568
License fees	3,727,071	4,298,947
Miscellaneous income	1,281,821	94,994
Administrative law judge	<u>(292,319)</u>	<u>(251,095)</u>
Total	<u>4,833,711</u>	<u>4,274,414</u>
Total operating income	5,549,867	3,889,188
Miscellaneous revenues (expenses):		
Interest income	500,796	184,804
Other	<u>-</u>	<u>15,741</u>
Total	<u>500,796</u>	<u>200,545</u>
Income before operating transfers	6,050,663	4,089,733
Operating transfers out:		
PSP enforcement - Note 3	(2,167,572)	(2,398,212)
Net Income from operations	<u>3,883,091</u>	<u>1,691,521</u>
Statutory Transfers:		
General fund - Note 3	-	-
Drug and alcohol programs - Note 3	-	-
Total	<u>-</u>	<u>-</u>
Change in net position	3,883,091	1,691,521
Total net position - beginning	<u>(1,094,704,740)</u>	<u>(1,082,670,749)</u>
Total net position - ending	<u>\$ (1,090,821,649)</u>	<u>\$ (1,080,979,228)</u>
Liquor tax	27,251,317	25,357,240
State Sales Tax	10,729,273	9,975,138
Local Tax	740,749	703,763
Taxes remitted to Dept.of Revenue PTD	<u>\$ 38,721,339</u>	<u>\$ 36,036,141</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 Seven Months Ending January 31, 2019 and January 31, 2018
(Unaudited)**

	<u>2018-19</u>	<u>2017-18</u>
Sales net of taxes	\$ 1,282,520,569	\$ 1,237,906,701
Cost of goods sold	<u>(872,800,775)</u>	<u>(844,865,938)</u>
Gross profit from sales	409,719,794	393,040,763
Operating (expenses):		
Retail operations	(233,748,399)	(234,997,658)
Marketing & merchandising	(9,482,807)	(9,558,676)
Supply chain	(4,633,481)	(5,863,107)
Wholesale operations	(1,076,420)	(1,006,207)
Information technology services	(18,843,690)	(18,772,454)
Regulatory affairs	(12,408,201)	(12,308,259)
Administration	(8,390,466)	(8,729,919)
Finance	(2,091,739)	(2,291,185)
Board & secretary	(2,713,848)	(4,328,757)
Legal	(2,118,498)	(2,056,878)
Commonwealth provided services - Note 2	<u>(7,696,594)</u>	<u>(8,312,381)</u>
Total	<u>(303,204,143)</u>	<u>(308,225,481)</u>
Operating profit	106,515,651	84,815,282
Other operating revenues (expenses):		
Enforcement fines	1,040,393	939,503
License fees	22,460,180	27,109,484
Miscellaneous income	3,038,850	1,521,043
Administrative law judge	<u>(1,698,951)</u>	<u>(1,600,867)</u>
Total	<u>24,840,472</u>	<u>27,969,163</u>
Total operating income	131,356,123	112,784,445
Miscellaneous revenues (expenses):		
Interest income	3,186,726	1,485,031
Other	<u>-</u>	<u>30,031</u>
Total	<u>3,186,726</u>	<u>1,515,062</u>
Income before operating transfers	134,542,849	114,299,507
Operating transfers out:		
PSP enforcement - Note 3	(18,057,599)	(17,323,848)
Net Income from operations	<u>116,485,250</u>	<u>96,975,659</u>
Statutory Transfers:		
General fund - Note 3	(100,000,000)	(100,000,000)
Drug and alcohol programs - Note 3	-	-
Total	<u>(100,000,000)</u>	<u>(100,000,000)</u>
Change in net position	16,485,250	(3,024,341)
Total net position - beginning	<u>(1,107,306,899)</u>	<u>(1,077,954,887)</u>
Total net position - ending	<u>\$ (1,090,821,649)</u>	<u>\$ (1,080,979,228)</u>
Liquor tax	230,192,386	222,543,533
State Sales Tax	90,536,635	87,483,831
Local Tax	5,763,214	5,555,597
Taxes remitted to Dept.of Revenue YTD	<u>\$ 326,492,235</u>	<u>\$ 315,582,961</u>

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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, March 13, 2019, 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 Chairman Holden, the meeting was adjourned.

The foregoing actions are hereby officially approved.

Chairman

Member

ATTEST:

Secretary