

# PENNSYLVANIA LIQUOR CONTROL BOARD

## MEETING MINUTES

WEDNESDAY, MAY 1, 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](#)  
[Other Issues](#)

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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 - Norina Foster – Office of Chief Counsel

**OLD BUSINESS**.....*Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the April 17, 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**

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

William Byrne, Esquire, spoke as legal representative for Nabil Abualburak, Inc. t/a Omnia Bar & Grill and Ali Baba Lounge. He stated that the Licensee has gone through the hearing process and believes that the liquor license should be renewed. Licensee would like the opportunity to negotiate a resolution, but without the Hearing Examiner’s Recommended Opinion, they are flying blind. Attorney Byrne further stated that Licensing has the recommendation, but counsel does not. He stated that, as the evidence was presented by police testimony, there is no causal link between the outside incidents and the Licensee.

Sergeant First Class Damien Pitters stated that he assists with the security of the establishment and has frequented this location for eleven years. He said that this is a safe location and he understands that the community has concerns, but Ali Baba Lounge makes sure that those concerns are met. He said the establishment is a benefit to the community and it is safe.

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Ali Abualburak identified himself as the manager of the establishment. He stated that the local police are hired as security at Licensee and that is the reason there are so many documented disturbances. He stated that he was advised in RAMP training to hire police officers to handle disturbances that may occur. Mr. Abualburak noted that the Licensee has a zero tolerance policy for disturbances. The Licensee brings the big names to the establishment like Cardi B and can accommodate 981 people. They have only had one citation; there have been no noise citations and no neighbors have voiced their concerns to them. He stated the biggest opposition to the Licensee has been Wilkes University, although students of the university go there. Wilkes-Barre has a high crime rate and problems are due to the nature of community demographics.

**NEW BUSINESS**

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

- (1) **COMMONWEALTH COURT – CATHERINE EIB V. PLCB** Appeal to Commonwealth Court  
Unemployment Compensation Board of Review  
Appeal No. B-19-09-C-0142

**Motion Made:** Board Member Negra

Chief Counsel Rodrigo Diaz explained that a Liquor Store General Manager was removed for workplace infractions because she accepted tips from licensees. Following the employee’s removal, unemployment compensation benefits were applied for and discrimination complaints were filed with the Equal Employment Opportunity Commission and the State Civil Service Commission citing allegations for disparate treatment. The Unemployment Compensation Board granted said unemployment compensation benefits. In June 2019, a hearing is scheduled to take place regarding the allegations for disparate treatment.

The Office of Chief Counsel believes the PLCB has a good likelihood of success if an appeal is filed and is, therefore, recommending that an appeal be pursued with the Commonwealth Court.

**Seconded:** Chairman Holden

**Board Decision:** Unanimously agreed (2-0 vote) to Approve the Pursuit of an Appeal to Commonwealth Court.

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

- (1) **Mountain View Vineyard, Inc.** Limited Winery Additional  
**t/a Mountain View Vineyard Winery & Brewery** Board-Approved Location &  
LK-272 (LID No. 60947) Request for Interior Connections  
2332 Walters Road with Another Business –  
Hamilton Township Limited Winery  
Stroudsburg, Monroe County

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**Motion Made:** Board Member Negra  
**Seconded:** Chairman Holden

**Board Decision:** Unanimously agreed (2-0 vote) to Approve Limited Winery Additional Board-Approved Location and Request for Interior Connections with Another Business.

- (2) **Olde Bedford Brewing Company, LLC** Additional Brewery Storage  
GS-40681 (LID No. 96425) Location & Request for Interior  
109 Railroad Street Connections with Another  
Pavia Township Business – Brewery Storage  
Bedford, Bedford County

**Motion Made:** Board Member Negra  
**Seconded:** Chairman Holden

**Board Decision:** Unanimously agreed (2-0 vote) to Approve Additional Brewery Storage Location and Request for Interior Connections with Another Business.

- (3) **Snappers Bar and Grill at the Lake, LLC** New – Economic Development  
**t/a Snappers Bar and Grill** Restaurant  
(LID No. 94650) Case No. 18-9126  
1085 State Route 307, P. O. Box 404  
Overfield Township  
Lake Winola, Wyoming County

**Motion Made:** Board Member Negra

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

**Seconded:** Chairman Holden

**Board Decision:** Unanimously agreed (2-0 vote) to Refuse New Application.

- (4) **Chueder Enterprises, Inc.** Renewal – District 10  
R-1622 (LID No. 91998) Case No. 2018-91998  
2004 North Front Street  
Philadelphia, Philadelphia County

**Motion Made:** Board Member Negra  
**Seconded:**

**Board Decision:** Hold for Further Consideration.

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- (5) **DeJesus 624, Inc.** Renewal – District 10  
R-11225 (LID No. 73044) Case No. 2018-73044  
624 West Cumberland Street  
Philadelphia, Philadelphia County
- Motion Made:** Board Member Negra  
**Seconded:** Chairman Holden
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Renewal.
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- (6) **Mami’s Café & Bar, LLC** Conditional Licensing Agreement  
**t/a Mami’s Café & Bar** Renewal – District 8  
R-8242 (LID No. 72623) Case No. 2018-72623  
594-596 Alter Street  
Hazleton, Luzerne County
- Motion Made:** Board Member Negra  
**Seconded:** Chairman Holden
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Renewal with Conditional Licensing Agreement.
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- (7) **Nabil Abualburak, Inc.** Renewal – District 8  
**t/a Omnia Bar & Grill and Ali Baba Lounge**  
R-7002 (LID No. 63256) Case No. 2018-63256  
219-225 South Main Street  
Wilkes Barre, Luzerne County
- Motion Made:** Board Member Negra
- HOLD – 2/27/19 SESSION**
- HOLD – 3/13/19 SESSION & 4/17/19 SESSION**

Board Member Negra stated he wanted to thank everyone from the Licensee for coming to the meeting. He stated that he understands that this is a college town and he also knows what it is like to be a small business owner. Board Member Negra then asked Chief Counsel Rodrigo Diaz what course of action the Licensee can take if the Board refuses to renew the liquor license for this establishment. Mr. Diaz stated the Licensee has the right to appeal to the Court of Common Pleas as a *de novo* review. Mr. Negra then asked Mr. Diaz what does the Licensee do while the appeal is being decided by the court. Mr. Diaz said that the daily operation of the business would continue as usual because there is a *stay* during the appeal. Board Member Negra stated that based on the recommendations of the Hearing Examiner, Licensing Department, and Chief Counsel’s Office, he is making a motion to refuse the renewal of the license.

Chairman Holden asked if anyone from the Licensee would like to add anything. Attorney Byrne, counsel for Licensee, stated again that it is difficult to negotiate a conditional licensing agreement without being able to review the Hearing Examiner’s Recommendation, but that his client does welcome the opportunity to perhaps enter into a conditional licensing agreement and work with the Office of Chief Counsel toward that end. He stated that the establishment’s location is in a college town and Wilkes Barre

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has a high crime rate. He went on to state that the Licensee is doing the best that it can. He again stated that his client would be willing to cooperate and come up with a mutually acceptable agreement. Board Member Negra asked Chief Counsel Rodrigo Diaz if the Licensee's counsel had access to the Hearing Examiner's Recommendation. Mr. Diaz explained that the Hearing Examiner's Recommendation is not available to the Licensee's counsel, or any counsel, until after the Board makes its decision. He went on to say that after the refusal of the renewal of the liquor license, Licensee's counsel still has the opportunity to negotiate. Chairman Holden stated that he has to agree with Board Member Negra and refuse the renewal.

**Seconded:** Chairman Holden

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

- (8) **O'Neil's Bar & Grill, Inc.** Renewal & Amusement Permit –  
R-13309 (LID No. 69213) Case No. 2018-69213 District 6  
406 Deer Lane  
Rochester, Beaver County

**Motion Made:** Board Member Negra

**Seconded:**

**Board Decision:** Hold for a Conditional Licensing Agreement.

- (9) **Raul Ortiz** Renewal – District 3  
**t/a Silver Dollar Bar**  
R-10255 (LID No. 57313) Case No. 2017-57313 **HOLD – 3/13/19 SESSION**  
356 South 4<sup>th</sup> Street  
Reading, Berks County

**Motion Made:** Board Member Negra

**Seconded:**

**Board Decision:** Hold for Further Consideration.

- (10) **Taphouse 23, LLC** Renewal & Amusement Permit –  
R-1387 (LID No. 63350) Case No. 2018-63350 District 4  
266 East 4<sup>th</sup> Street  
Bridgeport, Montgomery County

**Motion Made:** Board Member Negra

**Seconded:**

**Board Decision:** Hold for a Conditional Licensing Agreement.

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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 11 personnel actions presented for consideration.

- (1) **James Black – Affirm Removal**
- (2) **Ashley Bohr – Affirm Removal**
- (3) **Genesis Culp – Affirm Removal**
- (4) **Larry Davis – Affirm Removal**
- (5) **Judy Graham – Demotion**
- (6) **Elaina Grant-Sykes – Affirm Removal**
- (7) **John Leith - Removal**
- (8) **Alice Person – Removal**
- (9) **Deamire Turner - Removal**
- (10) **Barbara Vogel – Affirm Removal**
- (11) **Keishine Williamson – Affirm 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) **Central Station Alarm Monitoring Service for Region #3** – Contractor will furnish, install, and maintain a leased 24-hour monitored Central Station Security Alarm System in approximately 84 Fine Wine and Good Spirits in Allegheny and surrounding counties.

Procured via Invitation to Bid #260341 – **VENDOR: SVB Associates** – **TERM:** Five years - **\$367,160.00 estimated cost.** Bid pricing includes: Monthly Monitoring - \$35.00; Initial Installs - \$580.00 each; and Additional Installs – Year 1-\$651.00; Year 2-\$714.00; Year 3-\$777.00; Year 4-\$840.00; and Year 5-\$903.00. No other bids were received.

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- (2) **Microsoft Azure Cloud Subscription Services** – True-up of usage of cloud services. These cloud hosted services provide advanced analytics infrastructure replacing our legacy end of life reporting components such as RDW, DevOps tools for project management, testing, and Go-Live.

Procured via DGS Contract #4400018548 – VENDOR: **CDW-G** – TERM: Three months – **\$73,074.67 estimated cost.**

- (3) **Steel Shelving for Store #9211** – Steel shelving for premium Fine Wine & Good Spirits Store #9211 in Bethel Park due to store refresh.

Procured via DGS Statewide Contract #4400016767 – VENDOR: **Kent Fixtures Corp.** – **\$60,587.39 estimated cost.**

- (4) **Retail Merchandising Suite Production Support and Enhancement Consulting Services Renewal** – To continue support, maintenance, and enhancement consulting services for PLCB’s Oracle retail environment that includes tools like inventory management, pricing, and promotions.

Procured via PO 63013717 Third Renewal to RFP Contract 20140325 – VENDOR: **Deloitte Consulting LLP** – TERM: One year for the period 6/22/2019 through 6/21/2020 - **\$2,010,006.40 estimated cost.** The renewal cost and six resources’ rates remain the same as last year’s and are not being escalated to year five contract rates at the request of PLCB.

- (5) **Value-Added Network (VAN) Communication Services** – Provide VAN services which support the PLCB’s Electronic Data Interchange (EDI) program to transact electronic documents for the purchase of wine and spirits.

Procured via Sole Source – VENDOR: **American Association of Motor Vehicle Administrators (AAMVA)** – TERM: Three years - **\$154,152.00 estimated cost.** Yearly cost of \$51,384.00 remains the same as current contract.

- (6) **IBM Websphere Commerce Services** – Provide services to set up and configure four Version 8 Websphere environments and the knowledge transfer of that effort to PLCB personnel. These environments are needed for our new E-Commerce site project.

Procured via PO 63018285 Amendment – VENDOR: **IBM Corporation** – TERM: Six weeks - **\$80,000.00 estimated cost.**

**Motion Made:** Board Member Negra  
**Seconded:** Chairman Holden

**Board Decision:** Unanimously agreed (2-0 vote) to Accept All Procurement Actions.

Inter-Agency Charges:

None.

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

1. **#1406 – Benner Pike Shops, 323 Benner Pike, State College  
Amendment**
2. **#4109 – 510 W. Southern Avenue, South Williamsport  
Amendment**
3. **#5904 – 126 West Main Street, Westfield  
Amendment**
4. **#36XX – Main Street Center, 763 East Main Street, Mt. Joy  
Relocation (to replace #3609 Mt. Joy)**
5. **#4619 – 24 East Fourth Street, Bridgeport  
Closing**

**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

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Constellation Brands Inc</u>	
Mi Campo Blanco Tequila 750 ML	10
Woodbridge By Robert Mondavi Cabernet Sauvignon Go Glass 187 ML	18
Woodbridge By Robert Mondavi Chardonnay Go Glass 187 ML	18
Woodbridge By Robert Mondavi Pinot Grigio Go Glass 187 ML	18
Woodbridge By Robert Mondavi Red Blend Go Glass 187 ML	18
<u>North Wales Wines</u>	
Exponential Cabernet Sauvignon 750 ML	18
Exponential Chardonnay 750 ML	18
Exponential Pinot Grigio 750 ML	18
Exponential Red Blend 750 ML	18
<u>The Wine Group</u>	
Cave and Cove Pink Moscato 750 ML	18



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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

**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*

None.

**OTHER ISSUES**

None.

**CITIZEN COMMENT/BUSINESS FROM THE FLOOR**

None.

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**NEXT BOARD MEETING**

**The next meeting of the PLCB will be a formal meeting on Wednesday, May 15, 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.

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Chairman

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Member

ATTEST:

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Secretary