

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

WEDNESDAY, FEBRUARY 12, 2020
NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA

Tim Holden, Chairman
Mike Negra, Board Member
Mary Isenhour, 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 – Justin Blake – Office of Chief Counsel

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the January 29, 2020 meeting.

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comments 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 in the month of March 2020. This transfer will complete the PLCB's \$185.1 million obligation for 2019-20 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 19-026. The Finance team will coordinate with the Comptroller's Office for this transfer to occur in March 2020.

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

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

(1) **DB Commissary, LLC** Rescission of Conditional
600 Spring Garden Street Licensing Agreement
Philadelphia, Pennsylvania 19123
Restaurant Liquor License No. R-4510
LID 100738

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

(2) **201 Enola Enterprises, Inc.** Appeal of the Adjudication and
201 Enola Road Order of Administrative Law
Enola, Pennsylvania 17025-2414 Judge
License No. R-12781
LID 64809
Citation No. 19-1057

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Chief Counsel Rodrigo Diaz explained that Licensee had been cited primarily for utilizing a barter system through which alcohol was provided as compensation for services. He noted that Licensee waived the right to a hearing following the issuance of a citation by the Bureau of Liquor Control Enforcement for selling alcohol on credit and furnishing alcohol as compensation. The Administrative Law Judge determined that sales of alcohol on credit had not in fact been occurring since alcohol was only made available as a form of compensation after services had been provided. The Bureau of Liquor Control Enforcement, having acknowledged an issue with the citation’s verbiage, filed an appeal of the decision to partially dismiss the citation. Chief Counsel Diaz recommended sustaining the Administrative Law Judge’s decision since the activity which was the basis for the citation in question had been adequately summarized in Count Two.

Board Decision: Unanimously agreed (3-0 vote) to Affirm Administrative Law Judge.

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- (3) **Pick A Deli Six Packs to Go, LLC** Proposed Conditional Licensing Agreement to Allow for the Renewal of the Liquor License
419 South Centre Street
Pottsville, Pennsylvania 17901-3509
Restaurant Liquor License No. R-17721
LID 70053
Docket No. S-2286-19 (Schuylkill County)

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

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

- (1) **Dennis J. Barrett, Jr.** REQUEST FOR RECONSIDERATION
t/a Wildwood 2 Renewal – Restaurant
R-17179 (LID No. 72866) Case No. 19-9029
2489 Curwensville–Grampian Highway
Pike Township
Grampian, Clearfield County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Chairman Holden asked if there was anyone present from Dennis J. Barrett, Jr. There was no response.

Board Decision: Unanimously agreed (3-0 vote) to Refuse to Reconsider and Affirm Refusal.

- (2) **Boyd’s Cardinal Hollow Winery Corp.** Limited Winery Additional Board-Approved Location & Request for an Interior Connection with Another Business – Limited Winery
t/a Boyd’s Cardinal Hollow Winery
LK-219 (LID No. 56627)
1830 West Point Pike
Upper Gwynedd Township
Lansdale, Montgomery County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Limited Winery Additional Board-Approved Location & Request for an Interior Connection with Another Business.

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- (3) **Clarion River Forest Lodge, Inc.** New - Hotel
t/a Clarion River Forest Lodge
(LID No. 96919) Case No. 19-9079
159 Coleman Run Road
Barnett Township
Cooksburg, Forest County

Motion Made: Board Member Isenhour

Seconded: Chairman Holden

Board Decision: Hold for Conditional Licensing Agreement.

- (4) **Country Fair, Inc.** Double Transfer & Request for
R-6828 (LID No. 99744) Case No. 19-9087 Interior Connections with
1564 West 26th Street Another Business - Restaurant
Erie, Erie County

Motion Made: Board Member Isenhour

Seconded: Chairman Holden

Board Member Negra dissented from the motion made by Board Member Isenhour based on his opinion that the location of the proposed licensed premises is too close to a school as well as a church.

Board Decision: Agreed (2-1 vote) to Approve Transfer & Request for Interior Connections with Another Business.

- (5) **Deutsche Haus, Inc.** Renewal - Restaurant
t/a The Inn of Orwigsburg
R-15834 (LID No. 17621) Case No. 19-9065
200 West Market Street
Orwigsburg, Schuylkill County

Motion Made: Board Member Isenhour

Seconded: Board Member Negra

Chairman Holden asked if there was anyone present from Deutsche Haus, Inc. There was no response.

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

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- (6) **565 Enterprises, Inc.** Renewal – District 5
t/a 565
R-6626 (LID No. 71701) Case No. 2019-71701
565-567 Lincoln Avenue
Bellevue, Allegheny County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Negra
- Board Decision:** Hold for Amended Conditional Licensing Agreement.
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- (7) **Glassport Legion Home Association** Renewal – District 5
American Legion Post 443
C-550 (LID No. 623) Case No. 2019-623
411-417 Monongahela Avenue
Glassport, Allegheny County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Negra
- Board Decision:** Hold for Conditional Licensing Agreement.
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- (8) **IBPOE of the World** Conditional Licensing Agreement
BT Washington Lodge No. 218 Renewal – District 5
C-3466 (LID No. 1631) Case No. 2019-1631
1127 Walnut Street, P. O. Box 579
McKeesport, Allegheny County **HOLD – 10/9/19 SESSION**
- Motion Made:** Board Member Isenhour
Seconded: Board Member Negra
- Board Decision:** Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.
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- (9) **Lotus Oil, Inc.** Renewal – District 5
D-2195 (LID No. 57607) Case No. 2019-57607
303 East 6th Avenue
Tarentum, Allegheny County
- Motion Made:** Board Member Isenhour
Seconded: Chairman Holden
- Board Member Negra stated that he would not second the motion made by Board Member Isenhour. Chairman Holden asked if there was anyone present from Lotus Oil, Inc. There was no response.
- Board Decision:** Agreed (2-1 vote) to Refuse Renewal.

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- (10) **M & H West Side Tavern, Inc.** Renewal – District 3
R-15988 (LID No. 56133) Case No. 2017-56133
704 East Lincoln Highway
Coatesville, Chester County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Amended Conditional Licensing Agreement.

- (11) **Main Street Bar & Billiards, LLC** Conditional Licensing Agreement
R-10439 (LID No. 80802) Case No. 2019-80802
604 Main Street
Sharpsburg
Pittsburgh, Allegheny County
Renewal – District 5
HOLD – 12/4/19 SESSION

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

- (12) **Martina’s Castle, LLC** Conditional Licensing Agreement
R-9535 (LID No. 67261) Case No. 2019-67261
200 South 2nd Street
Saint Clair, Schuylkill County
Renewal – District 3
HOLD – 11/13/19 SESSION

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Chairman Holden recused himself based on his acquaintance with the applicant for renewal.

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

- (13) **Anne W. Scarpaci** Renewal – District 5
t/a Sonny’s Place
R-5953 (LID No. 12056) Case No. 2019-12056
307-309 Shiloh Street
Pittsburgh, Allegheny County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Conditional Licensing Agreement.

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- (14) The Spot Etc., LLC** Conditional Licensing Agreement
R-19953 (LID No. 68125) Case No. 2019-68125
11675-B Frankstown Road
Penn Hills Township
Penn Hills, Allegheny County
Renewal – District 5
HOLD – 12/18/19 SESSION

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

- (15) Waterford Beverage Company, Inc.** Renewal – District 7
D-2760 (LID No. 27312) Case No. 2019-27312
12001-R No. 19N
Waterford Township
Waterford, Erie County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Conditional Licensing Agreement.

- (16) William E. Zimmerman** Conditional Licensing Agreement
t/a Tiffany Lounge
R-9286 (LID No. 24990) Case No. 2019-24990
58-60 East Independence Street
Shamokin, Northumberland County
Renewal – District 3
**HOLD – 10/17/19 SESSION,
12/18/19 SESSION &
1/15/20 SESSION**

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

- (17) 1600 Bell Avenue, LLC** New Tavern Gaming License
t/a Molly Maguire's Pub
R-14761 (LID No. 90075)
1600 Bell Avenue
Altoona, Blair County

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

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve New Tavern Gaming License.

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

There were 20 personnel actions presented for consideration.

- (1) Vanessa Best – Removal
- (2) Medea Burton - Removal
- (3) Erica Chmill – 5 Day Suspension
- (4) John Clendenin – Removal
- (5) Tariq Hampton – Affirm Removal
- (6) Michael Miller-Cywinski - Demotion
- (7) Esai Mohamed-Jones – Affirm Removal
- (8) Shawn Moore - Removal
- (9) Kimberly Nguyen – Affirm Removal
- (10) Jennifer Owens – 5 Day Suspension
- (11) Serena Pike – Removal
- (12) Crystal Pope – Removal
- (13) Bridget Price – Removal
- (14) Shyheim Pride-Bey – Affirm Removal
- (15) Chandler Ramsey – Affirm Removal
- (16) Justin Rivera – Affirm Removal
- (17) Melanie Seward – Removal
- (18) Taleah Strong – Affirm Removal
- (19) Kamanee Torres - Removal
- (20) Joshua Weaver – Removal

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Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 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 Services** – 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 Two – VENDOR: **Thomas R. Miller, Esquire** – TERM: One year – **\$250,000.00 estimated cost.**

- (2) **Steel Shelving for Store #5170** – Steel shelving for premium Fine Wine & Good Spirits Store #5170 in Philadelphia.

Procured via DGS Contract #4400016767 – VENDOR: **Kent Fixtures Corp. - \$58,822.61 estimated cost.**

- (3) **Cisco Access Points with Three-Year SMARTnet Maintenance** – This procurement is for 140 Cisco 2802i Access Points (APs) to be used as replacements for the remaining Cisco 1262 AP's at the stores that are now two years past end of support. Replacing all end of support APs allows the networking team to upgrade the LCB Wireless Controller software past the current version.

Procured via DGS Contract #4400020304 – VENDOR: **ePlus - \$117,992.00 estimated cost.**

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

Inter-Agency Charges:

- 1) **Department of Auditor General** – FY 2019-20 second quarter billing of \$736,162.56 from the Department of the Auditor General for actual audit hours/services for October, November and December of 2019. The Auditor General's charges for the first half of FY 2019-20 amount to \$1,535,924 for a total increase of \$19,933 or +1.3% over last year.

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

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Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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

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

1. #0625 – 4300 N. 5th Street Highway, Temple, PA 19560
Lease Amendment
2. 6315-3929 S. Washington Rd., McMurray, PA
Lease Amendment
3. 6513- 214 Fifth Avenue, Avonmore PA
Lease Amendment

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

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*

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various
Various
Various

1. Regular New Items Accepted
2. Regular PA New Items Accepted
3. Regular Recommended Delist

1. Regular New Items Accepted

BRAND NAME AND SIZE

REASON

Cape Classic Inc

Jam Jar Sweet Shiraz 187 mL	3, 19
Jam Jar Sweet White 187 mL	3, 19

Constellation Brands Inc

Meiomi Chardonnay 375 mL	18
Meiomi Pinot Noir 375 mL	18

Fetzer Vineyards

Fetzer Anthony’s Hill Gewurztraminer 1.5 L	3
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Jim Beam Brands Co

Basil Hayden's Kentucky Straight Bourbon Whiskey 80 Proof 375 mL	3, 8
Knob Creek Kentucky Straight Bourbon Whiskey 100 Proof 50 mL	3, 8
Maker's Mark Kentucky Straight Bourbon Whiskey 90 Proof 50 mL	3, 8
Pinnacle Whipped Vodka 60 Proof 375 mL	3, 8
Pinnacle Whipped Vodka 60 Proof 50 mL	3, 8
Roku Gin 86 Proof 750 mL	10

Majestic Wine and Spirits

Fess Parker American Tradition Reserve Chardonnay 750 mL	18
Fess Parker American Tradition Reserve Pinot Noir 750 mL	18
Josh Cellars Cabernet Sauvignon 375 mL	18
Josh Cellars Chardonnay 375 mL	18
Layer Cake Creamy Chardonnay 750 mL	18

North Wales Wines

Barefoot Fruitscato Apple Moscato 750 mL	1, 2, 3
Barefoot Fruitscato Peach Moscato 750 mL	1, 2, 3

ViVino Selections

Bodegas Ego EL GORU 750 mL	18
Confidencial Reserva Rose 750 mL	18
Mas de Sainte Croix Tendresse d'un Climat 750 mL	18
Seaside Cellars Vinho Verde Rose 750 mL	18

RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular PA New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Hazard's Distillery Inc</u> Hazard's Distillery Vanilla Coffee Flavored Whiskey 70 Proof 750 mL	16
<u>MLH Distillery</u> Forefathers Vodka 80 Proof 750 mL	16
<u>Triple Nickel Distillery</u> Triple Nickel Distillery Apple Pie Moonshine 40 Proof 750 mL	16
Triple Nickel Distillery Blackberry Moonshine 80 Proof 750 mL	16
Triple Nickel Distillery Diamond Moonshine 80 Proof 750 mL	16
Triple Nickel Distillery Pickled Moonshine 60 Proof 750 mL	16

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Triple Nickel Distillery Salted Caramel Moonshine 60 Proof
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
19. Probationary listing

3. Regular Recommended Delist

BRAND NAME AND SIZE

CODE

Banfi Products Corp

Walnut Crest Cabernet Sauvignon Chile 1.5 L	5965
Walnut Crest Chardonnay Chile 1.5 L	4798
Walnut Crest Malbec Mendoza 1.5 L	3759
Walnut Crest Merlot Valle Central 1.5 L	4797
Walnut Crest Pinot Grigio Delle Venezie 1.5 L	6323

Jim Beam Brands Co

DeKuyper Pucker Grape Schnapps 30 Proof 750 mL	8356
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Diageo Americas Inc

Godiva White Chocolate Liqueur 30 Proof 50 mL	8525
Captain Morgan Rum Cannon Blast 70 Proof 750 mL	9917

North Wales Wines

Vin Vault Cabernet Sauvignon California 3 L	8796
Vin Vault Merlot California 3 L	8764
Vin Vault Red Blend 3 L	8554

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Southern Glazers Wine and Spirits of PA

Red Truck Merlot 750 mL 8066

The Wine Group Inc

7 Deadly Zins Zinfandel Lodi 375 mL 9912

EFFECTIVE DATE: The transference to closeout will become effective March 25, 2020

Motion Made: Board Member Isenhour

Seconded: Board Member Negra

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

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

None

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, February 26, 2020 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.

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ADJOURNMENT

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

The foregoing actions are hereby officially approved.

Chairman

Member

Member

ATTEST:

Secretary