

# PENNSYLVANIA LIQUOR CONTROL BOARD

## MEETING MINUTES

WEDNESDAY, MAY 13, 2020  
TELEPHONE CONFERENCE MEETING

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](#)

---

*Notice: Anyone who wishes to comment on a printed agenda item prior to official action being taken must make that known to the Chairman or the Board Secretary in advance.*

---

### PUBLIC MEETING – 11:00 A.M

**CALL TO ORDER** ..... *Chairman Holden*

Pledge of Allegiance to the Flag

Chairman Holden made an opening statement thanking everyone for their cooperation as the PLCB is dealing with COVID-19, a very serious public health crisis, and the need to meet in this telephonic fashion. As of today, there are 57,991 cases of COVID-19 in the Commonwealth of Pennsylvania, and 3,806 Pennsylvanians have passed away. Chairman Holden reminded the public that this is a very serious matter we are facing.

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

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

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve previous Board Meeting Minutes.

### **PUBLIC COMMENT ON AGENDA ITEMS**

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

Mr. Robert Pawlukovich stated that his son had been waiting for a transfer of a liquor license and questioned if the Board is currently working through license transfers.

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

Chairman Holden responded that the PLCB is currently transferring licenses and that this is one of the purposes of the Board meetings. Chairman Holden suggested that the PLCB obtain Mr. Pawlukovich’s contact information in order to contact him after the Board meeting as to the status of the transfer.

Mr. Pawlukovich agreed to give his contact information at the conclusion of the meeting and stated that he had been listening in on the last few meetings, including the last two telephonic Board meetings, and he thought there were not a lot of transfers being processed.

Chairman Holden explained that when the COVID-19 shut down first occurred, the PLCB did not have the opportunity to transfer licenses; however, the PLCB is now currently and steadily working on transfers.

Chairman Holden stated again that the PLCB will obtain Mr. Pawlukovich’s contact information after the meeting in order to let him know where the transfer is at in the process.

Tisha Albert, Director of Regulatory Affairs, asked Mr. Pawlukovich to provide his contact information after the Board Meeting so that the PLCB can be in touch with him regarding the status.

**NEW BUSINESS**

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

(1) **Transferor:2848 Snyder, Inc.**  
2846-48 Snyder Avenue  
Philadelphia, Pennsylvania 19145  
Restaurant Liquor License No. R-7486  
LID 12760

Conversion of  
Suspension to Fine

Transferee: Vetri Fiorella, LLC  
817 Christian Street  
Philadelphia, Pennsylvania 19147  
Restaurant Liquor Licensee No. R-7486  
LID 101099

Chief Counsel Rodrigo Diaz explained that the transferor had been cited and as a result of that citation the transferor had received a three-day license suspension. The transferor never had an opportunity to serve the suspension because the license had gone into safekeeping. Chief Counsel Diaz further explained that the license is now being transferred, and under the statute, the new licensee has the option of either serving the suspension or asking the Board to convert the suspension into a fine. The PLCB’s Regulations set forth what the formula is, and under that formula, this three-day suspension could be converted into a fine of \$7,000 if the Board is agreeable.

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

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the conversion of suspension to a fine of \$7,000.

**(2) Advisory Notice No. 9 (8<sup>th</sup> Revision)**

Revision of Advisory Notice

Chief Counsel Rodrigo Diaz explained that distributors and importing distributors can not engage in any other business or sell anything without explicit Board approval. The Board issued Advisory Notice No. 9 in order to let distributors and importing distributors know what they can and can not sell, both to the public and to other licensees. At the last Board meeting, the Board approved a request that would allow distributors and importing distributors to sell protective masks until the end of the year. Chief Counsel Diaz explained that this revision is to update Advisory Notice No. 9 to reflect that decision from the last Board meeting.

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to adopt Advisory Notice No. 9 as revised.

**(3) Advisory Notice No. 26 (Revised)**

Revision of Advisory Notice

Chief Counsel Rodrigo Diaz explained that when the Governor issued the COVID-19 Emergency Declaration, the Board issued Advisory Notice No. 26 in order to advise the licensed community as to what they can and can not do under the Emergency Declaration. Soon thereafter, the PLCB had issued another document because circumstances changed; specifically, golf courses were allowed to open.

Chief Counsel Diaz further explained that this revised Advisory Notice No. 26 is being issued because confusion has arisen as certain counties move from red to yellow status, in addition to certain local officials and the Governor disagreeing as to the status of certain counties.

Therefore, this revised Advisory Notice No. 26 makes it clear that for retail licenses, being in yellow or red status does not affect what they can and can not do. In addition, the revision makes it clear that it is the Governor's Emergency Declaration. Therefore, it is the Governor's determination as to the status of a county which will guide the Board. Chief Counsel Diaz reminded the Board that licensees who do not follow the Emergency Declaration are putting their license at risk.

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

Motion Made: Chairman Holden  
Seconded: Board Member Isenhour

Board Member Negra disagreed and voted no. Board Member Negra stated that he did not find this revision necessary and added that he thought this revision made the issue more confusing.

Board Decision: Agreed (2-1 vote) to adopt the revision of Advisory Notice No. 26.

- (4) **MFW Wine Co., LLC, A6 Wine Company, and GECC2 LLC** Appeal to the  
**d/b/a Bloomsday Café** Pennsylvania  
v. Supreme Court  
**PLCB,**  
**No. 251 C.D. 2020**

Chief Counsel Rodrigo Diaz stated that the Board had received copies of the recently issued Commonwealth Court decision, and then explained that the PLCB was sued in Commonwealth Court under an Emergency Petition asking for a declaration that the law clearly requires the Board to set up a direct delivery system for special orders. The single judge in Commonwealth Court granted the request.

Normally, when the PLCB is considering an appeal to the Supreme Court, the likelihood of prevailing is remote because the Supreme Court is not required to take the case. Chief Counsel Diaz explained that is not the case here; in fact, the Supreme Court has to take this case due to the Commonwealth Court having original jurisdiction. The Board's attorneys respectfully disagree with the judge's interpretation, and therefore recommend pursuing an appeal. Chief Counsel Diaz stated that the PLCB is, and should continue, taking steps in order to come into compliance with the judge's order in case the Plaintiffs ultimately prevail.

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to pursue an Appeal to the Pennsylvania Supreme Court.

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

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

(1) **131 Shiloh, LLC** Double Transfer - Restaurant  
R-12835 (LID No. 98400) Case No. 19-9108  
131 Shiloh Street  
Pittsburgh, Allegheny County

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the double transfer.

(2) **Giant Food Stores, LLC** “Intermunicipal” Double  
E-2937 (LID No. 98570) Case No. 19-9094 Transfer & Request for Interior  
360 South 2<sup>nd</sup> Street Connections with Another  
Ayr Township Business – Eating Place Malt  
McConnellsburg, Fulton County Beverage

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the “intermunicipal” double transfer and request for interior connections with another business.

(3) **Tsankawi Corp.** Limited Winery Additional  
**t/a Freas Farm Winery** Board-Approved Location &  
LK-413 (LID No. 69423) Requests for an Interior  
130 Twin Church Road Connection with Another  
Berwick, Columbia County Business & to Sell Other  
Items on the Licensed Premises –  
Limited Winery

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the limited winery additional board-approved location and requests for interior connection with another business and to sell other items on the licensed premises.

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

- (4) **Willow Grove Lodge No. 1101** “Intermunicipal” Place-to-Place  
**Loyal Order of Moose** Transfer – Catering Club  
CC-408 (LID No. 2935) Case No. 19-9104  
18-20 East Moreland Avenue  
Hatboro, Montgomery County

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the “intermunicipal” place-to-place transfer.

- (5) **Jet-Set Restaurant, LLC** Renewal – District 3  
R-9220 (LID No. 62336) Case No. 2017-62336  
118 South 9<sup>th</sup> Street  
Reading, Berks County

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to hold for conditional licensing agreement and offer-in-compromise terms.

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

There were 4 Personnel Actions submitted for consideration.

- (1) **Christina Black – Affirm Removal**  
(2) **Le Ron Dudley – Affirm Removal**  
(3) **Amanda Moore – Removal**  
(4) **Danielle Wright – Affirm Removal**

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve the 4 personnel actions.

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

*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) **Microsoft Premier Support Renewal** – Provide support to deploy, manage, and support our on-premise and cloud-based Microsoft services including delivery management, problem resolution, advisory support, on-demand assessments, education and web casts. Also included are 40 onsite sessions for staff training and development.

Procured via DGS Contract #440000452 – VENDOR: **Microsoft Corp.** – TERM: One year for the period 6/01/2020 through 5/31/2021 – **\$300,177.70 estimated cost** which represents an approximate \$100,000.00 decrease over last year’s cost since consulting services are no longer offered as part of this contract.

Dennis Mayer, Acting Director of Information Technology Services, explained that this procurement action is for Premier Support Renewal. This is a current PLCB contract that allows the PLCB to obtain services from Microsoft on products that the PLCB uses, in addition to allowing for an education and onboarding training site for staff and development. Mr. Mayer stated that this cost is a reduction from last year in the amount of \$100,000.

Board Member Negra asked Mr. Mayer if the cost of \$300,177.70 for one year is correct.

Mr. Mayer stated that cost is correct.

- (2) **Microsoft Enterprise Agreement Renewal** – Microsoft Desktop, Server, and Cloud Services. Licensing provides collaboration tools for retail store, server and management infrastructure supporting PLCB central office, regional, and store applications. Cloud based solution to modernize delivery of technical services for the stores such as store phone automation, and remote access tools contributing towards business continuity.

Procured via DGS Contract #4400018548 – VENDOR: **CDW** – TERM: Three years for the period 6/01/2020 through 5/31/2023 – **\$2,324,270.10 estimated cost** for three years, payable in three yearly payments of \$774,756.70. This is a decrease of approximately 30% from the previous three year spend of \$3,339,757.72, accomplished by continually consolidating and reducing services which were no longer necessary for ongoing operations or known pending initiatives. It should be noted that there will be yearly true-ups and additions depending on the business requirements (full scale auto attendant).

Dennis Mayer, Acting Director of Information Technology Services, explained that this procurement is the PLCB’s Enterprise License Agreement with Microsoft for all of the PLCB’s Microsoft Office Suite products, which include Office 365 licenses, Skype, OneDrive, and Microsoft’s Business Suite. Mr. Mayer further explained that this is a three-year renewal totaling \$2,324,270.10. This total cost is broken down into payments over a three-year term. There is a cost reduction from the previous three-year spend of 30%. Mr. Mayer explained that the PLCB reduced and consolidated services that were no longer needed for the operations of the business.

Board Member Negra noted there could be True Ups on this service.

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

Mr. Mayer stated that Board Member Negra is correct, if the PLCB reduced the number of services, then costs would go down, and if the PLCB increased the number of services, costs would go up.

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve procurement actions.

Inter-Agency Charges:

- (1) **Office of Comptroller Operations** – Billing of \$1,526,015 for the third quarter (Q3) of FY 2019-20 from the Office of Comptroller Operations, for actual personnel and operational expenses incurred for January, February and March of 2020. The Q3 billing brings the year-to-date charges to \$3,982,932 for LCB Comptroller 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.

Michael Demko, Director of Finance, explained that this procurement agenda item is the Comptroller’s third quarter bill, with a total cost is \$1,526,015. Mr. Demko explained that, compared to last year, this year’s cost increased by \$310,000. This increase is due to an allocation from the Office of Administration to the Comptroller which will then get allocated back to the PLCB in the amount of \$321,000. Mr. Demko explained that last year this allocation fell within the second quarter and this year the allocation falls within the third quarter.

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve inter-agency charges.

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

None

*From the Bureau of Product Selection ..... Dale Horst, Director of Marketing & Merchandising  
Tom Bowman, Director, Bureau of Product Selection*

None



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

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

None

**OTHER ISSUES**

***Alcohol Education Grant Requests.....Tisha Albert, Director of Regulatory Affairs  
Corinne Dinoski, Director, Bureau of Alcohol Education***

The Board may award grants to various entities throughout the Commonwealth for the purpose of reducing underage and dangerous drinking. The Bureau of Alcohol Education is requesting the Board fund approximately \$1,000,000 for the 2020-2022 grant cycle.

Tisha Albert, Director of Regulatory Affairs, explained that the PLCB had opened the grant cycle for the 2020-2022 Fiscal Year. The PLCB is currently reviewing approximately 92 applications that have been submitted. Upon further review, Alcohol Education will provide their findings to the Board.

Board Member Negra asked for clarification regarding whether or not the Board is approving the approximate amount of \$1,000,000 and that the Board will have a chance to approve the individual grants at a future Board meeting.

Ms. Albert stated that Board Member Negra was correct. The Board is being asked to approve the program budget and will be asked to approve actual grants at a later public meeting.

Motion Made: Board Member Negra  
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve to fund the grants for various entities throughout the Commonwealth for the purpose of reducing underage and dangerous drinking in the amount of approximately \$1,000,000 for the 2020-2022 grant cycle.

**CITIZEN COMMENT/BUSINESS FROM THE FLOOR**

The teleconference moderator confirmed that there were no callers with additional questions or comments.

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

**NEXT BOARD MEETING**

**The next meeting of the PLCB will be a formal meeting on Wednesday, June 3, 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.**

**ADJOURNMENT**

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

The foregoing actions are hereby officially approved.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
Secretary