

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

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WEDNESDAY, MARCH 10, 2021
TELEPHONE CONFERENCE MEETING

Tim Holden, Chairman
Mike Negra, Board Member
Mary Isenhour, Board Member
Michael Demko, 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

CALL TO ORDER *Chairman Holden*

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

Pledge of Allegiance to the Flag

Chairman Holden made an opening statement thanking everyone for their continued cooperation and understanding for this past year as the PLCB is dealing with COVID-19 and the need to meet in this telephonic fashion. He reiterated the need for caution and suggested that Board meetings will likely continue to be conducted telephonically for the foreseeable future.

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve previous Board Meeting Minutes of the February 24, 2021 meeting.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

PUBLIC COMMENT ON AGENDA ITEMS

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

The teleconference moderator confirmed that there was one caller. Kyle Schaeffer asked about the PLCB's cancellation of the RFP for a distribution center provider for the Central region. Specifically, Mr. Schaeffer asked for information about the PLCB's plan moving forward such as whether there will be a new RFP and how the PLCB intends to serve the region.

Chairman Holden yielded to Chief Counsel Rod Diaz for response. Mr. Diaz stated that it was not in the Commonwealth's best interest to further pursue this RFP. Since the decision was only recently made, Mr. Diaz declined to be more specific, advising that the Board is evaluating whether it makes

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sense to utilize existing facilities or if there are other options. He reiterated that the RFP was cancelled in compliance with the Procurement Code. Chairman Holden stated he is confident we will be able to serve the entire Commonwealth.

NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

(1) **The Coal Mine Tap Room, LLC** Request for Rescission of
2 North 3rd Street Conditional Licensing Agreement
P.O. Box 222
St. Clair, Pennsylvania 17970-1036
Restaurant Liquor License No. R-9277
LID 63104

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve request for rescission of conditional licensing agreement.

(2) **Bruce’s Pub & Grub, Inc.** Appeal of Adjudication and Order
1002 W. 8th Street of Administrative Law Judge
Erie, Pennsylvania 16502
Restaurant Liquor License No. R-6326
LID 68283
Citation No. 20-0710C

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

At Member Negra’s request, Chief Counsel Rodrigo Diaz explained that this was a citation case in which the licensee had provided alcohol to a minor and, on a different date, had also provided alcohol to a visible intoxicated individual. While the matter was being litigated, the licensee signed a waiver admitting to the charges and agreeing not to take an appeal. Nonetheless, after the ALJ imposed a penalty and fine, licensee filed an appeal to the Board.

Chief Counsel Diaz advised that even if the Board were to consider the appeal on its merits, the Board’s authority is limited to determining whether the fine imposed was within the ALJ’s discretion. It is Chief Counsel Diaz’s opinion that the fine does comply with the legal parameters that the ALJ has and so his recommendation is that the Board affirm the ALJ’s decision.

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Board Member Negra asked if the waiver signed by the license would preclude licensee from appealing to the Commonwealth Court or the applicable Court of Common Pleas. Chief Counsel Diaz responded that the waiver should preclude further appeals; however, that would be a matter for determination by the Common Pleas judge.

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

(3) **Lower Allen Township**
Case No. 21-NE-01

Municipal Petition for Exemption
from Liquor Code Statute
Regarding Amplified Sound

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve noise exemption from April 30, 2021 through April 30, 2026.

(4) **614 Blue Moon Inc.**
614 South 55th Street
Philadelphia, Pennsylvania 19143-2504
Restaurant Liquor License No. R-13735
LID 52019
Docket No. 190903364 (Philadelphia County)

Appeal to Commonwealth Court in
Application Appeal

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

At Member Negra’s request, Chief Counsel Rod Diaz explained that this matter involves a decision that the Board previously took regarding the renewal of the license, to which Licensing had objected on the basis of two citations dealing with the failure of the licensee to meet the 400 square feet requirement to qualify as a licensee. This factor is part of the compliance check authority granted to the Board under the Fiscal Code a few years ago.

At the hearing, the licensee established that it does now meet the 400 square foot requirement and in fact Licensing had revoked licensee’s authority but then did restore it once the requirement was met. Because of past violation history, the Board had refused the license renewal and so licensee took an appeal to the Court of Common Pleas. That Court, which has de novo review authority, reversed the Board’s prior decision. Chief Counsel Diaz advised that the Court of Common Pleas has not yet issued a formal Opinion, but presumably the Court will likely state that two citations for not having met the 400 square feet requirement, which deficiency the licensee subsequently rectified, are insufficient to take away the license forever.

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Chief Counsel Diaz further advised that this is the first of the cases that the Board has looked at very closely where licensees have not complied with requirements in the Liquor Code such as health permits, seating and square footage. If the Board would take an appeal, Chief Counsel Diaz’s opinion is that the Board would be unlikely to prevail as the Commonwealth Court would defer to the decision of the Court of Common Pleas, finding that there was no abuse of discretion. Chief Counsel Diaz recommends against taking an appeal of this decision, noting that it is likely the Board will have other cases with different facts that the Commonwealth Court might look at to determine the proper remedy where a licensee has not met these statutory requirements.

Board Member Negra then commented about the years over which these “Stop-N-Go” operations have been on the Board’s radar and the difficulty of the decisions. He expressed hope that an agreement can be reached to address this serious issue through legislative action or the Board’s own action, as the problem is prevalent in Philadelphia in particular and also across the state.

Chairman Holden and Board Member Isenhour stated their agreement with Board Member Negra.

Board Decision: Unanimously agreed (3-0 vote) not to appeal to the Commonwealth Court.

(5) **Request to Administer Vaccines** Request to Engage in Another
Flaherty & O’Hara Business

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Chief Counsel Diaz advised that the Board received a request from a law firm that represents a lot of licensees that are grocery stores. In response to the COVID emergency, some of these licensees who have pharmacies are providing the vaccine and the concern is that the vaccine process could spill over into the licensed areas. This might be for customers filling out vaccine paperwork, the taking of temperatures or also actually giving the vaccines. These actions on licensed premises require Board approval. Chief Counsel Diaz recommended that the Board may want to grant this approval but with an end date such as December 31, 2021.

Board Decision: Unanimously agreed (3-0 vote) to grant approval to retail licensees to administer vaccines until December 31, 2021.

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

(1) **AIL Hospitality, LLC** Appointment of Manager - Hotel
t/a Days Inn Warren
H-6412 (LID No. 80580) Case No. 20-9054
210 Ludlow Street
Warren, Warren County

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Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that she would not offer a second on this motion and that should a second be offered, she would cast a negative vote.

Board Decision: Agreed (2-1 vote) to approve appointment of manager.

- (2) **AVS7, Inc.** Double Transfer & Request to
t/a Smoke and Vape Sell Other Items on the Licensed
D-3618 (LID No. 103597) Premises - Distributor
2550 Perkiomen Avenue
Reading, Berks County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve transfer & request to sell other items on the licensed premises.

- (3) **James Leo Brennan, Jr.** New & Request for Dual
t/a Limerick Hive Employment – Brewery &
(LID Nos. 98670 and 98759) Case No. 20-9019 Brewery Pub
548 Main Street
Honesdale, Wayne County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Hold for amended conditional licensing agreement.

- (4) **Burnham Beer Super Store, LLC** Extension of License &
D-35587 (LID No. 86152) Request for Interior
207 West Freedom Avenue Connections with Another
Burnham, Mifflin County Business - Distributor

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve extension of license & request for interior connections with another business.

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- (5) **Dandy Mini Marts, Inc.** “Intermunicipal” Double
R-14917 (LID No. 103116) Case No. 20-9043 Transfer & Request for Interior
Routes 706 & 409 Connections with Another
Wyalusing Township Business – Restaurant
Camptown, Bradford County

HOLD – 2/24/21 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve transfer & request for interior connections with another business.

- (6) **Farr Management, LLC** Double Transfer - Restaurant
t/a Farr Street Tavern
R-10937 (LID No. 99841) Case No. 20-9049
1601-1603 Farr Street
Scranton, Lackawanna County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (7) **Gerrity’s Supermarket, Inc.** Extension of License &
R-2663 (LID No. 65371) Case No. 20-9050 Request for Interior
1782 North Keyser Avenue Connections with Another
Scranton, Lackawanna County Business – Restaurant

HOLD – 2/24/21 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve extension of license & request for interior connections with another business.

- (8) **The Giant Company, LLC** Extension of License &
R-32568 (LID No. 81772) Case No. 20-9039 Request for Interior
255 Cumberland Parkway Connections with Another
Upper Allen Township Business – Restaurant
Mechanicsburg, Cumberland County

HOLD – 2/24/21 SESSION

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Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that she would not offer a second on this motion and that should a second be offered, she would cast a negative vote.

Board Decision: Agreed (2-1 vote) to approve extension of license & request for interior connections with another business.

- (9) **The Giant Company, LLC** Extension of License &
R-35594 (LID No. 86292) Case No. 20-9037 Request for Interior
700 Nutt Road Connections with Another
Phoenixville, Chester County Business – Restaurant

HOLD – 2/24/21 SESSION

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that she would not offer a second on this motion and that should a second be offered, she would cast a negative vote.

Board Decision: Agreed (2-1 vote) to approve extension of license & request for interior connections with another business.

- (10) **Jeffrey A. Miller Catering Co.** New & Requests for Interior
(LID No. 104153) Connections with Another
20 South Union Avenue Business & to Conduct Another
Lansdowne, Delaware County Business on the Licensed Premises
– Bailee for Hire

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that it was necessary for her to recuse herself from casting a vote with regard to this Board action due to a conflict of interest.

Board Decision: Unanimously agreed (2-0 vote) to approve new license & requests for interior connections with another business & to conduct another business on the licensed premises.

- (11) **PAD WC, LLC** “Intermunicipal” Double
t/a Sedona Taphouse Transfer - Restaurant
R-11623 (LID No. 101577) Case No. 20-9066
44 West Gay Street
West Chester, Chester County

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (12) **Rowan Asher Winery Warehouse, LLC** Place-to-Place Transfer &
t/a Rowan Asher Winery Request for an Interior
LK-430 (LID No. 81945) Connection with Another
70 South 8th Street Business – Limited Winery
Tatamy, Northampton County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve transfer & request for an interior connection with another business.

- (13) **Wegmans Food Markets, Inc.** Extension of License &
R-9258 (LID No. 67426) Case No. 20-9038 Request for Interior
500 Montgomery Mall Connections with Another
Montgomery Township Business – Restaurant
North Wales, Montgomery County
- HOLD – 2/24/21 SESSION**

Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that she would not offer a second on this motion and that should a second be offered, she would cast a negative vote.

Board Decision: Agreed (2-1 vote) to approve extension of license & request for interior connections with another business.

- (14) **Wegmans Food Markets, Inc.** Extension of License &
R-13797 (LID No. 60960) Case No. 20-9051 Request for Interior
3900 Tilghman Street Connections with Another
Allentown, Lehigh County Business – Restaurant
- HOLD – 2/24/21 SESSION**

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Motion Made: Board Member Negra
Seconded: Chairman Holden

Board Member Isenhour indicated that she would not offer a second on this motion and that should a second be offered, she would cast a negative vote.

Board Decision: Agreed (2-1 vote) to approve extension of license & request for interior connections with another business.

(15) **Rocky's Lounge, Inc.** Conditional Licensing Agreement
t/a Rocky's Lounge Renewal – District 9
R-9244 (LID No. 13681) Case No. 2019-13681
141-145 Jefferson Avenue
Scranton, Lackawanna County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve renewal with conditional licensing agreement.

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

Personnel Actions –. There were 10 personnel actions presented for consideration.

- (1) **Porschetta Bennett - Affirm Removal**
- (2) **Jessica Boop – Affirm Removal**
- (3) **Brandy Coles – Affirm Removal**
- (4) **Adrianna Duncan – Affirm Removal**
- (5) **Tricia Gajewski – Affirm Removal**
- (6) **Kaitlyn Kneece – Affirm Removal**
- (7) **Jayson Long – Affirm Removal**
- (8) **Lisa Paziienza – Affirm Removal**
- (9) **Ashley Yantz – Affirm Removal**
- (10) **Madison Yoh – Affirm Removal**

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve all Personnel Actions.

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

Procurement Actions:

- (1) **Point of Service (POS) Production Support and Enhancement Consulting Services Renewal** – To continue support, maintenance, and enhancement consulting services for PLCB’s specific Oracle POS and cash register environments.

Procured via PO 63013714 Renewal Option to RFP Contract 20143025 – **VENDOR: SkillNet Solutions, Inc.** – **TERM:** One year for period 5/18/2021 through 5/17/2022 - **\$1,509,300.00 estimated cost** which represents the same cost as last year’s renewal.

- (2) **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 Sole Source – **VENDOR: Thomas R. Miller, Esquire** – **TERM:** One year for period 4/1/21 through 3/31/22 – **\$250,000.00 estimated cost.**

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 Administration – IT Shared Services** – Billing of \$316,650.00 for the third quarter of FY 2020-21 for OA’s IT Enterprise Technology Essential Services. This billing is for enterprise-wide infrastructure, network, security, enterprise data center (EDC) and service desk costs. The PLCB’s charge represents 0.7% of the total \$43.1M OA- IT Shared Services billing and the YTD charges of \$973,350 are \$221,800 (+29.5%) higher than last year’s charges of \$751,550.

- (2) **Office of Administration – Enterprise Data Center (EDC)** – Billing of \$67,126.52 from OA’s Office of Information Technology. The billing is for the PLCB’s service request (#11560) for the 2020-21 annual renewal support cost for EDC to host the following applications: #148, #8015 & #10295 – eCommerce (FWGS), #8051 Enterprise SQL licensing, rack space and PAI SSL certificates. This billing increased by \$5,288.96 (+8.6%) from last year’s renewal billing.

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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 Isenhour

Board Member Negra stated that prior to making a motion he wished to express his desire that some type of credit be issued to the agency on account of the outage which occurred in 2020. After indicating that the inter-agency charges under consideration constituted substantial transactions with regard to dollar amounts, he cited the inconvenience and lost business experienced by the agency to support the legitimacy of a credit.

Board Decision: Unanimously agreed (3-0 vote) to approve Inter-Agency Charges.

From the Office of Retail Operations.....Michael Demko, Executive Director

- (1) #8295 – Region 3 Training Academy, 176 Purity Avenue, Pittsburgh Amendment
- (2) #9210 – Community Plaza, 1103 Milltown Road, Verona Amendment
- (3) #51XX – Great Northeast Plaza, Suite 106, Cottman Ave. at Bustleton Ave., Philadelphia New Store (relocation of #5165 and closed #5180)

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

From the Bureau of Product SelectionTom Bowman, Director 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

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1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Southern Glazers Wine and Spirits of PA</u>	
BuzzBallz Chillers Choco Chiller Wine Cocktail 187 mL	18
BuzzBallz Chillers Cranberry Chiller Wine Cocktail 187 mL	18
BuzzBallz Chillers Lime Rita Chiller Wine Cocktail 187 mL	18
BuzzBallz Chillers Pineapple Colada Chiller Wine Cocktail 187 mL	18
BuzzBallz Chillers Sour Apple Chiller Wine Cocktail 187 mL	18
BuzzBallz Chillers Strawberry Rita Chiller Wine Cocktail 187 mL	18
Rodney Strong Sonoma Vineyards Chardonnay Sonoma Coast 750 mL	18
Rodney Strong Sonoma Vineyards Red Blend Sonoma County 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>Eight Oaks Craft Distillery Co</u>	
Eight Oaks Farm Distillery Bourbon Whiskey 88 Proof 750 mL	16
Eight Oaks Farm Distillery Penna Rye Whiskey 88 Proof 750 mL	16
<u>City Distilling LLC</u>	
City Street Vodka 80 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

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- 16. PA Spirits
- 17. PA Wines
- 18. Licensee only
- 19. Probationary listing

3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Eight Oaks Craft Distillery Co</u>	
Eight Oaks Craft Distillers Bourbon 88 Proof 375 mL	1417
Eight Oaks Craft Distillers Penna Rye Whiskey 88 Proof 375 mL	1407
<u>Southern Glazers Wine and Spirits of PA</u>	
Seagram’s Escapes Wild Berries Wine Cooler 4x355 mL	6399

EFFECTIVE DATE: The transference to closeout will become effective April 9, 2021.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

The teleconference moderator confirmed that there were no callers.

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NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, March 24, 2021 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