

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES [LISTEN TO THE RECORDING](#)

WEDNESDAY, JULY 27, 2022

NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA TELEPHONE CONFERENCE MEETING

Tim Holden, Chairman
Mike Negra, Board Member
Mary Isenhour, Board Member
Michael Demko, Executive Director
Michael Vigoda, 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 Michael Vigoda indicated that a quorum of the Board was present, and Chairman Holden called the meeting to order.

Pledge of Allegiance to the Flag

OLD BUSINESS..... *Secretary Vigoda*

- A. Motion to approve previous Board Meeting Minutes of the July 13, 2022 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.

There were no public comments or questions on the printed agenda items.

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NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

(1) **Texas Roadhouse Holdings, LLC** Request for Rescission of Conditional Licensing Agreement
2803 Paper Mill Road
Wyomissing, Pennsylvania 19610
Restaurant Liquor License No. R-10255
LID 111258

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 upon approval of transfer.

*From the Bureau of LicensingTisha Albert, Director of Regulatory Affairs
Stephanie McGrath, Acting Director, Bureau of Licensing*

(1) **9Vines, LLC** New & Requests to Sell Other
(LID No. 111699) Items on the Licensed Premises
5475 Pinchtown Road & for Dual Employment –
Dover Township Limited Winery
Dover, York County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve new limited winery license and requests to sell other items on the licensed premises and dual employment.

(2) **By Pass Beverage, Inc.** Double Transfer & Request for
t/a Pittston Convenience Interior Connections with
D-1628 (LID No. 103594) Case No. 21-9015 Another Business – Distributor
325 Laurel Street
Pittston Township
Pittston, Luzerne County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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- (3) **Inspired by Spirits Distilling Company, LLC** New & Request to Sell Other
(LID No 111291) Items on the Licensed Premises –
753 East Warrington Avenue Limited Distillery
Pittsburgh, Allegheny County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to approve new limited distillery license and request to sell other items on the licensed premises.

- (4) **Apple Inn, Inc.** Renewal – District 5
t/a Apple Inn Conditional Licensing Agreement
R-7348 (LID No. 12688) Case No. 2021-12688
2895 West Liberty Avenue
Dormont
Pittsburgh, Allegheny County **HOLD – 5/18/22 SESSION**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (5) **Bosse Enterprises LLC** Renewal – District 2
t/a Bottoms Up Bar and Grill Conditional Licensing Agreement
H-246 (LID 96662) Case No. 2022-96662
340 Poplar Street
Hanover, York County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (6) **Bruco Ventures LLC** Renewal – District 6
R-12376 (LID No. 69858) Case No. 2022-69858 Conditional Licensing Agreement
2000 Commerce Loop
Suite 2102
North Huntingdon Township
North Huntingdon, Westmoreland County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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- (7) **Christopher Club** Renewal – District 7
CC-6037 (LID No. 4162) Case No. 2021-4162
331 Main Street
Ridgeway, Elk County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (8) **Elks Social Club** Renewal – District 7
t/a Elks Social Club (Benevolent Protective Order of Elks (BPOE & IBPOE))
CC-859 (LID No. 3042) Case No. 2021-3042
201 South Mill Avenue
P.O. Box 234
Ridgeway, Elk County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (9) **FH East, LLC** Renewal – District 2
R-18322 (LID No. 83505) Case No. 2022-83505
6197 Allentown Boulevard
Harrisburg, Dauphin County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

- (10) **Laurel Mill Golf Course, Inc.** Renewal – District 7
CC-2050 (LID No. 3244) Case No. 2021-3244
230 Bonifels Lane
P.O. Box 183
Ridgeway, Elk County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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- (11) **One Way, Inc.** Renewal – District 9
t/a The County Seat Rest. & Motor Inn
R-19047 (LID No. 53664) Case No. 2021- 53664
124 Maple Street
Montrose, Susquehanna County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to hold for conditional licensing agreement.

- (12) **Orion Restaurant Group III, Inc.** Renewal – District 4
t/a Tally Ho Tavern
R-8825 (LID No. 68341) Case No. 2018-68341 **HOLD – 6/22/22 SESSION**
205 W 4th Street
Bethlehem, Northampton County

After Board Member Negra made a motion to refuse license renewal, Chairman Holden asked if there was anyone on the line representing Orion Restaurant Group III, Inc. Attorney Anthony Brickta introduced himself as Licensee’s counsel and stated that he wished to further discuss his client’s matter, which had been addressed during a previous Board meeting. He indicated that the proposed conditional licensing agreement he received necessitated not only that the license be sold to a *bona fide* purchaser, but also that the license be transferred for use at a different location.

Mr. Brickta subsequently affirmed that his client is both a license holder and a real estate holder while alluding to the anticipated detriment which would result from the Board’s refusal to renew the license. He argued that, in light of the fact that the matter was before the Board due to a relatively minor technical violation and Licensee’s overarching history of compliance, the Board should consider renewing the license without conditions.

At Chairman Holden’s request, Chief Counsel Rodrigo Diaz explained that since Licensee was not willing to accept the terms of the proposed conditional licensing agreement, the Board was constrained to make a decision based on the underlying application. He also indicated that Licensee would have the right to appeal to the Court of Common Pleas for a *de novo* review.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (3-0 vote) to refuse renewal.

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- (13) **Pazza Co** Renewal – District 5
t/a Krazy Karen’s Café & Galleria
R-3498 (LID 92636) Case No. 2021-92636
1000-02 North Canal Street
Sharpsburg Township
Pittsburgh, Allegheny County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (3-0 vote) to approve renewal.
- (14) **Ralphies & DS Bar & Grill LLC** Renewal – District 11
H- 656 (LID 67819) Case No. 2021-67819 Conditional Licensing Agreement
2295 Second St Pike
Wrightstown Township
Newtown, Bucks County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (3-0 vote) to approve renewal with a conditional licensing agreement.
- (15) **The Royal Inn, Inc.** Renewal – District 7
H-5921 (LID No. 50977) Case No. 2021-50977
17089 Boot Jack Road
Ridgeway Township
Ridgeway, Elk County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (3-0 vote) to approve renewal.
- (16) **Rum Monkeys LLC** Renewal – District 5
t/a Rum Monkeys
H-139 (LID No. 97868) Case No. 2021-97868
1617 State Street
Jefferson Hills, Allegheny County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (3-0 vote) to approve renewal.

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(17) **Todd Swartz** Renewal – District 7
t/a Midtowne Sports Bar & Grill
R-10713 (LID No. 42310) Case No. 2021-42310
36 East 4th Street
Emporium, Cameron County **HOLD – 5/18/22 SESSION**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

(18) **Viva EL C LLC** Renewal – District 2
t/a Momo’s BBQ & Grille
R-10198 (LID No. 64234) Case No. 2022-64234
307 Market Street
Harrisburg, Dauphin County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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

Personnel Actions

There were 6 personnel actions presented for consideration.

- (1) **Dina Boyd - Removal**
- (2) **Tabitha Macon – Affirm Removal**
- (3) **Anthony Nixon - Removal**
- (4) **Erich Rumsey – Removal**
- (5) **Jaquan Saunders – Affirm Removal**
- (6) **Benjamin Thompson – Affirm Removal**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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From the Bureau of Accounting & Purchasing Michael Demko, Executive Director

*Koppolu Ravindraraj, Director, Bureau of Accounting & Purchasing
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Zebra DS9908 Scanners and Data Cables** – This request is for 1710 Zebra DS9908 corded hybrid hands-free scanners and data cables to be used with the new Toshiba TCX810 registers.

Procured via DGS Contract #4400017907 – VENDOR: **CDW-G - \$611,957.70 estimated cost.**

- (2) **IBM Security QRadar SW Subscription & Support** – The IBM QRadar Security Event and Incident Management (SEIM) comprises the core of PLCB IT Security operations and receives system log files from numerous devices; store servers, registers, routers, switches, firewall, etc., correlates and analyses events, and creates alerts of suspicious or abnormal behavior as an offense that security personnel investigate and resolve. This capability is essential to meet specific PCI assessment requirements as it provides insights that would not exist through other channels. This request is to cover the replacement of our all-in-one QRadar SEIM appliance with a virtual appliance to ensure the continued support of all agency log sources, both current and future, and provide continued threat detection, incident response, and reporting capabilities.

Procured via DGS Contract #4400016179 – VENDOR: **IBM Corporation** – TERM: One year for period 9/1/2022 through 8/31/2023 - **\$105,102.50 estimated cost.**

- (3) **Workforce Management Solution** – The PLCB seeks to deploy UKG Dimensions Timekeeping Hourly, Accruals, Leave, Attendance, Advanced Scheduling, and Analytics with Data Hub Enhanced Services as a Net New implementation for up to 6,000 employees. This project is needed to determine staffing needs more efficiently at the store level, create individual employee schedules based on those staffing needs, track time and attendance, administer absences and leave requests, and measure productivity. This project will allow for such improvements as: automation of punches and timecards; better control and reduction of overtime; transparency into labor costs; measurement of employee productivity; increased employee engagement; greater compliance and governance; and more efficient scheduling.

Procured via DGS Contracts #4400013410 and #4400025399 – VENDOR: **Kronos Incorporated, a UKG Company** – TERM: One year for period 7/28/2022 through 7/27/2023 - **\$1,465,995.50 estimated cost** (SaaS Services - \$576,000.00; Professional and Educational Services - \$647,545.50; and Mission Critical Help Desk Support Services - \$242,450.00).

Inter-Agency Charges:

- (1) **Department of General Services (DGS) Procurement Services (Job 917)** – Billing of \$567,897.37 for the PLCB's (estimated) FY 2021-22 procurement service costs with DGS. The billing is allocated based on agency usage of DGS's state-wide contracts and purchasing card usage over the last two years and includes a true-up for the prior year's estimated billing to actual costs. The PLCB's billing is \$107,832.31 (23.4%) higher than last year's billing of \$460,065.06 and represents 6.4% of DGS's net billing of \$8.9 million to Commonwealth agencies. The majority of the increase is for the "true-up" for FY 2020-21's estimated billing.

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- (2) **Department of General Services (DGS) Vehicle Purchase** – Billing of \$230,362.00 for the fleet purchase of seven Ford Transit 350 vehicles. The PLCB initiated the purchase of these vehicles in fiscal year 2020-21, but the transaction wasn't completed until recently due to supply chain issues. As such, these vehicles will be paid for from FY 2021-22 funds. The purchase replaces existing (well-aged) fleet vehicles in store operations (three) and facilities maintenance (four).

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 Decision: Unanimously agreed (3-0 vote) to approve all procurement actions and inter-agency charges.

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

- (1) **#9206 – Kenmawr Plaza, 510 Pine Hollow Road, McKees Rocks
Amendment**
- (2) **#0294 – Olympia Shopping Center, 4313 Walnut Street, Suite 130, McKeesport
Exercise Option**
- (3) **#1102 – East Hills Plaza, 1513 Scalp Avenue, Suite 400, Johnstown
Exercise Option**
- (4) **#6513 – 215 5th Street, Avonmore
Exercise Option**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

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

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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

1. Regular New Items Accepted

BRAND NAME AND SIZE

REASON

Treasure Wine Estates

19 Crimes Cali Gold 750 mL

2,3,9,19

RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular PA New Items Accepted

BRAND NAME AND SIZE

REASON

Big Chef Cocktails

Top Dog Cocktails Variety Pack 8x355 mL Cans

16

Trinity Flavors LLC

Vodka Lemonade 4x355 mL

10,16

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

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3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
 <u>Constellation Brands</u>	
Svedka Pure Infusions Ginger Lime Vodka 750 mL	856
 <u>Quantum Spirits</u>	
Quantum Spirits Vodka Cranberry Lime Rosemary Cocktail 750 mL	97191
Quantum Spirits Vodka Lemon Ginger Rhubarb Cocktail 750 mL	97192
 <u>Trinity Flavors LLC</u>	
Transfusion Light Cocktail Cans 4x355 mL	98439

EFFECTIVE DATE: The transference to closeout will become effective August 26, 2022

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

None

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

Attorney John Rogers introduced himself as counsel for One Way, Inc. He stated that his original intent had been to ask that the Board renew his client’s license in consideration of the fact that the violations which gave rise to the renewal matter, though related to COVID-19 mitigation orders, were relatively minor. Ultimately he suggested that his client would be amenable to a conditional licensing agreement and acknowledged waiting to receive a proposed agreement from the Office of Chief Counsel as the best course of action.

After Chairman Holden confirmed that Licensee maintained operating authority, Board Member Negra indicated that Mr. Rogers’ client would not likely be subject to a conditional licensing agreement indefinitely. In fact, the Board is generally limiting the length of these agreements to one licensing term. Mr. Rogers then thanked the Board for being willing to cooperate with his client and indicated that he looked forward to a resolution.

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NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday August 10, 2022 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