

# PENNSYLVANIA LIQUOR CONTROL BOARD

## MEETING MINUTES

### LISTEN TO THE RECORDING

WEDNESDAY, MARCH 9, 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  
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

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

Pledge of Allegiance to the Flag

Interim Board Secretary Michael Vigoda indicated that a quorum of the Board was present, and Chairman Holden called the meeting to order.

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

A. Motion to approve previous Board Meeting Minutes of the February 23, 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**

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

B. Announcement by the Chairman for Ratification of a Board Action.

The following Board Action approved on February 27, 2022 was decided by Notational Voting after the adjournment of the Board's last public meeting on February 23, 2022.

The recent unprovoked invasion of Ukraine by Vladimir Putin's Russia has outraged the rest of the free world. In turn, people have attempted to find ways to show support for the people of Ukraine, and to express their revulsion with the unprovoked actions of the Russian state. Currently, the Board sells two listed items made in Russia – Russian Standard 80-proof vodka and Ustianochka 80-proof vodka. The Board also makes available five Special Order items that come from Russia.

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Chairman Holden, Member Negra and Member Isenhour agreed (3-0 vote) to approve the removal of the two listed brands and the five Special Order items so they will no longer be available for purchase.

**NEW BUSINESS**

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

- |   |  |
|---|--|
| <p>(1) <b>Rotunda Brothers, Inc.</b><br/>t/a Batdorf Restaurant<br/>239-245 West Main Street<br/>Annville, PA 17003-1322<br/>License No. R-18656/LID 55257<br/>Citation No. 20-0613</p> | <p>Appeal from the Adjudication and<br/>Order of Administrative Law Judge.</p> |
|---|--|

At Board Member Negra’s request, Chief Counsel Diaz explained that this agenda item as well as the following pertain to citations issued to related companies. He indicated that an appeal was filed by the Bureau of Liquor Control Enforcement in reference to a decision by the Administrative Law Judge (“ALJ”) to dismiss a citation which was issued because the Licensee allowed a limited distillery to operate on its premises on a single date (i.e., April 18, 2020).

The ALJ acknowledged that the limited distillery had operated on the Licensee’s premises and that he had in fact sustained citations of a similar nature based on one occurrence, but also considered the likelihood that the current Board’s position would be inconsistent with his previous rulings. Chief Counsel Diaz then affirmed that in Pennsylvania State Police, Bureau of Liquor Control Enforcement v. Price King South, Inc. t/a Rhythm House Café, Citation No. 03-0384 (May 5, 2004), the Board determined that proof of a third party operating on a licensee’s premises on at least two occasions is necessary in order to establish grounds for the charges which gave rise to the citations at issue.

Chief Counsel Diaz stated that the appeal focused on the ALJ having sustained similar citations as well as potential challenges associated with enforcement, but in the interest of consistency recommended that the Board affirm the dismissal of the citation(s) by the ALJ.

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

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

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- (2) **Rotunda Enterprises, Inc.** Appeal from the Adjudication and Order of Administrative Law Judge.  
t/a Rotunda Brew Pub  
814 East Chocolate Avenue  
Hershey, PA 17033-1213  
License No. R-8201/LID 82700  
Citation No. 20-0615

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

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

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

- (1) **Act3, LLC** Request to Sell Other Items on the Licensed Premises - Restaurant  
R-314 (LID No. 65084)  
253 South 20<sup>th</sup> Street  
Philadelphia, Philadelphia County

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

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

- (2) **Mediterra Café, Inc.** “Intermunicipal” Double Transfer & Request to Sell Other Items on the Licensed Premises - Restaurant  
t/a **Mediterra Café**  
R-6708 (LID No. 108870)  
428-430 Beaver Street  
Sewickley, Allegheny County

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

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

- (3) **275 Banhan, Inc.** Renewal – District 10  
R-8061 (LID No. 50671) Case No. 2020-50671  
275-277 South 60<sup>th</sup> Street  
Philadelphia, Philadelphia County

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

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

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- (4) **Boomerang Bar, Inc.** Conditional Licensing Agreement  
R-6724 (LID No. 26983) Case No. 2021-26983 Renewal – District 5  
1928 Monongahela Avenue  
Swissvale  
Pittsburgh, Allegheny County **HOLD – 2/9/22 SESSION**

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

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

- (5) **C. Michael Taylor, Inc.** Renewal – District 5  
**t/a Mickey T's**  
H-4746 (LID No. 58409) Case No. 2021-58409  
1110 Lincoln Highway  
North Versailles Township  
North Versailles, Allegheny County

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

**Board Decision:** Hold for amended conditional licensing agreement (3-0 vote).

- (6) **Joseph Danzuso** Conditional Licensing Agreement  
**t/a Mount Troy Inn** Renewal – District 5  
R-4318 (LID No. 68923) Case No. 2021-68923  
2021 Mount Troy Road  
Reserve Township  
Pittsburgh, Allegheny County **HOLD – 1/26/22 SESSION**

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

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

- (7) **Farnan, Inc.** Conditional Licensing Agreement  
**t/a The Village Inn** Renewal – District 5  
R-8767 (LID No. 54147) Case No. 2021-54147  
823 Miller Avenue  
Clairton, Allegheny County **HOLD – 1/26/22 SESSION**

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

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

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- (8) **Victor A. Gregori, Jr.** Renewal – District 7  
**t/a Force Hotel**  
H-2490 (LID No. 35136) Case No. 2021-35136  
Bennetts Valley Highway, P. O. Box 154  
Jay Township  
Force, Elk County

Board Member Negra initially made a motion to approve the renewal, and Board Member Isenhour indicated that she would not second his motion. Board Member Isenhour subsequently made a motion to hold this agenda item for a conditional licensing agreement.

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

**Board Decision:** Agreed (2-1 vote) to hold for conditional licensing agreement.

- (9) **Hanigan Murphy, Inc.** Renewal – District 5  
**t/a The Grove**  
R-8848 (LID No. 49324) Case No. 2021-49324  
395 Jacks Run Road  
Ross Township  
Pittsburgh, Allegheny County

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

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

- (10) **Himalaya Bar and Grill, LLC** Renewal – District 7  
R-17528 (LID No. 80771) Case No. 2021-80771  
2218 East Lake Road  
Lawrence Park Township  
Erie, Erie County

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

**Board Decision:** Hold for amended conditional licensing agreement (3-0 vote).

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- (11) **Johnsonburg Legion Airport & Club** Renewal – District 7  
C-4340 (LID No. 1993) Case No. 2021-1993  
411 Market Street  
Johnsonburg, Elk County

Board Member Negra initially made a motion to approve the renewal, and Board Member Isenhour indicated that she would not second his motion. Board Member Isenhour subsequently made a motion to hold this agenda item for a conditional licensing agreement.

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

**Board Decision:** Agreed (2-1 vote) to hold for conditional licensing agreement.

- (12) **Kunes Castle Corporation** Renewal – District 7  
**t/a Benezette Hotel**  
H-1938 (LID No. 56644) Case No. 2021-56644  
95 Winslow Hill Road, P. O. Box 1  
Benezette Township  
Benezette, Elk County

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

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

- (13) **Kung Fu Necktie, LLC** Conditional Licensing Agreement  
**t/a Kung Fu Necktie** Renewal – District 10  
R-14347 (LID No. 59089) Case No. 2018-59089  
1248-50 North Front Street  
Philadelphia, Philadelphia County

**HOLD – 1/12/22 SESSION**

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

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

- (14) **James Donald Lacey** Renewal – District 8  
**Mary Ruth Lacey (Deceased)**  
**t/a Lacey's Bar & Grill**  
R-961 (LID No. 9710) Case No. 2020-9710  
438-444 East Main Street  
Nanticoke, Luzerne County

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

**Board Decision:** Hold for conditional licensing agreement (3-0 vote).

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**(15) Puzzlers Restaurant and Lounge, LLC**  
R-14511 (LID No. 72007) Case No. 2021-72007  
2714 Walnut Street  
McKeesport, Allegheny County

Conditional Licensing Agreement  
Renewal – District 5

**HOLD – 1/26/22 SESSION**

**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 21 personnel actions presented for consideration.

- (1) Mary Barrett - Removal**
- (2) Karen Bull – Demotion**
- (3) Anthony Cartwright – Affirm Removal**
- (4) Olivia Gilbow – Affirm Removal**
- (5) Shanique Graves – Removal**
- (6) Joziah Green – Affirm Removal**
- (7) Melonie Hannon – Affirm Removal**
- (8) Stephanie Horn – Removal**
- (9) Erik Irvin-Williams - Removal**
- (10) Mark Jackson – Removal**
- (11) Jennifer Kelley –Removal**
- (12) James Kiley – Affirm Removal**
- (13) Sayteea King – Removal**
- (14) Bisrat Meashio – Affirm Removal**
- (15) Thomas Miller – Affirm Removal**

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- (16) **Chanisha Nelson– Demotion**
- (17) **Kimberly Schaffer – Affirm Removal**
- (18) **Russell Stout – Removal**
- (19) **Lisandra Valdez – Affirm Removal**
- (20) **India Welles – Affirm Removal**
- (21) **John Wodarczyk – Affirm Removal**

**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 & Purchasing .....Michael Demko, Executive Director  
Koppolu Ravindraraj, Director, Bureau of Accounting & Purchasing  
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Warehousing and Transportation Services for Western Pennsylvania** – This amendment to contract modifies delivery points adding 37 new locations and one distribution center.

Procured via Amendment 1 to Contract 20191104 – VENDOR: **FedEx Supply Chain Inc.** – TERM: Through contract expiration date of 2/11/2033 - **\$73,400,000.00 estimated cost.**

- (2) **Application Manager/AppWorx Maintenance Renewal** – AppWorx is our scheduling software used to run jobs and chains in the IBMS system. The IBMS system is the agencies main computer system that runs the day-to-day operations of the agency. Without AppWorx we would have to run all the jobs and chains manually.

Procured via DGS Contract #4400018548 – VENDOR: **CDW-G** – TERM: One year for period 5/13/2022 through 5/12/2024 - **\$218,683.69 estimated cost** which represents a 12% increase over last year’s cost of \$195,123.79.

- (3) **Email Service Renewal** – Provide Listrak software service to send millions of emails to customers and licensees. Software is to be implemented on the new E-Commerce platform to redesign email acquisition modal including advanced email segmentation as well as the following new services: shopping cart abandonment emails; product recommendations in emails; and, Listrak exchange to integrate Listrak sign-up with social platforms and product inventory alerts.



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Procured via DGS Contract #4400018548 – VENDOR: **CDW-G** – TERM: Three years for period 4/4/22 through 4/3/2025 - **\$384,356.13 estimated cost** which represents an 8% increase over last contract’s cost of \$356,020.74.

- (4) Load and Performance Testing Tool Renewal** – Provide ZAPTEST Expert software used to develop functional load and performance testing scripts for use on the new E-Commerce website. The tool will be used to develop the same for the Agency’s other systems. Information Technology departments are moving in the direction of continuous integration and continuous development (CI/CD). Once the test scripts are created they can be set up to automatically run as part of this CI/CD process on any system. This helps ensure the systems can handle expected load and any issues that may be caused by enhancements can be detected as early as possible in the development lifecycle.

Procured via DGS Contract #4400018548 – VENDOR: **CDW-G** – TERM: One year for period 3/24/2022 through 3/23/2023 - **\$161,015.06 estimated cost** which represents a 5% increase over last year’s cost of \$153,347.68.

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

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

Inter-Agency Charges:

- (1) Department of General Services (DGS) Property Costs (JOB 7)** – Billing of \$115,307.28 for the third quarter of FY 2021-22 for Commonwealth property costs. This is for the property costs for the Northwest Office Building (NWOB), which includes direct costs paid by DGS (electricity charges), as well as prorated expenses for Capital Police services and City of Harrisburg Fire Protection. This year’s charges for Q1-Q3 are \$345,921.85 for a decrease of \$10,505 (-2.9%) decrease from last year’s Q1-Q3 billings.
- (2) Civil Service Commission (SCSC) Services (Job 46)** – Billing of \$174,314.686 for SCSC services for January – June 2022. The billing was based on the PLCB’s average salary and wage position headcount (5,943) for the six-month period of May/2021 through October/2021. The PLCB’s billing is \$22,497 (+14.8%) higher than last year semi-annual billing of \$151,818. The SCSC billings for FY 2021-22 total to \$292,942 or an increase of \$18,058 (+6.6%) over last year.
- (3) Office of Administration – IT Shared Services** – Billing of \$1,386,350 for the FY 2021-22 Q3 billing 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 LCB’s charge represents 2.1% of the total \$66.2M OA- IT Shared Services billing. The FY 2021-22 billings for Q1-Q3 total \$2.95 million and are \$1.53 million (107%) more than 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 Negra

Board Member Negra made a motion to accept the recommendations from the Bureau of Financial Management and Analysis with regard to item no. 1 (DGS Property Costs) and item no. 2 (SCSC Services) and stated that he wished to hold item no. 3 (Office of Administration – IT Shared Services) for the third successive meeting while awaiting additional information.

**Seconded:** Board Member Isenhour

**Board Decision:** Unanimously agreed (3-0 vote) to accept item no. 1 (DGS Property Costs) and item no. 2 (SCSC Services) and to hold item no. 3 (Office of Administration – IT Shared Services) until additional information is provided.

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

None

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*From the Bureau of Product Selection .....Tom Bowman, Director of Product Selection*

**VENDOR – ITEM NAME**

Various  
Various  
Various

**BOARD ACTION REQUESTED**

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**

**North Wales Wines**

Black Box Deep and Dark Cabernet Sauvignon 3 L	1, 2, 3, 5
Black Box Tart and Tangy Sauvignon Blanc 3 L	1, 2, 3, 5
Black Box Vibrant and Velvety Red Blend 3 L	1, 2, 3, 5

RECOMMENDED ACTION: We recommend the Board approve this action

**2. Regular PA New Items Accepted**

**BRAND NAME AND SIZE**

**REASON**

**Eight Oaks Craft Distillery Cpany**

Eight Oaks Farm Distillery Applejack 750 mL	10, 16
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**Hidden Still Inc**

Hidden Still David E Bourbon Bottled in Bond 100 Proof 750 mL	10, 16
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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

**3. Regular Recommended Delist**

**BRAND NAME AND SIZE**

**CODE**

**CBL Wine Company LLC**

Fair Rum XO 700 mL	97383
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**Eight Oaks Craft Distillery Cpany**

Eight Oaks Farm Distillery Applejack 375 mL	1620
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**Hidden Still Inc**

Hidden Still Screw Head Shine Whiskey 750 mL	1546
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**North Wales**

Bear Flag Zinfandel Sonoma County 750 mL	49357
Edna Valley Sauvignon Blanc Central Coast 750 mL	6074
Turning Leaf Merlot 1.5 L	4168

**Sazerac Company**

Glenfarclas Highland Single Malt Scotch 21 Year Old 750 mL	9529
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**The Wine Group Inc**

Oak Leaf Vineyards Sauvignon Blanc 750 mL	750
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EFFECTIVE DATE: The transference to closeout will become effective April 8, 2022

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

**Board Decision:** Unanimously agreed (3-0 vote) to accept all Product Selection actions.

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

None

**OTHER ISSUES**

*Employee Retirement – 42 Years’ Commonwealth Service.....Chairman Tim Holden*

Bobbi Peifer - Office of Regulatory Affairs, Director Bureau of Licensing

Chairman Holden and Board Members Negra and Isenhour each expressed their thanks and best wishes to Ms. Peifer.

**CITIZEN COMMENT/BUSINESS FROM THE FLOOR**

None

**NEXT BOARD MEETING**

**The next meeting of the PLCB will be a formal meeting on March 23, 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.**

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**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