

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

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NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA MICROSOFT TEAMS MEETING

Tim Holden, Chairman
Mary Isenhour, Board Member
Randy Vulakovich, 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 May 3, 2023 meeting.

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

PUBLIC COMMENT

No public comments were offered.

NEW BUSINESS

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

- (1) **Fossils Last Stand LLC**
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 20-0673

ALJ Appeal

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

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(2) **Fossils Last Stand LLC** ALJ Appeal
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 20-1006

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(3) **Fossils Last Stand LLC** ALJ Appeal
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 20-1153

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(4) **Fossils Last Stand LLC** ALJ Appeal
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 21-0149

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(5) **Fossils Last Stand LLC** ALJ Appeal
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 21-0156

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

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(6) **Fossils Last Stand LLC** ALJ Appeal
429 Race Street
Catasauqua, PA 18032-1111
License No. R-9313/LID 58334
Citation No. 21-0930

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(7) **Riverapp LLC** ALJ Appeal
t/a Bainbridge Inn
5 North Front Street
Bainbridge, PA 17502
License No. H-2017/LID 98258
Citation No. 20-0176

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(8) **Riverapp LLC** ALJ Appeal
t/a Bainbridge Inn
5 North Front Street
Bainbridge, PA 17502
License No. H-2017/LID 98258
Citation No. 21-0041

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

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- (9) **Riverapp LLC** ALJ Appeal
t/a Bainbridge Inn
5 North Front Street
Bainbridge, PA 17502
License No. H-2017/LID 98258
Citation No. 21-0223
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (10) **Riverapp LLC** ALJ Appeal
t/a Bainbridge Inn
5 North Front Street
Bainbridge, PA 17502
License No. H-2017/LID 98258
Citation No. 21-0390
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (11) **Wright Kobilka, Inc.** ALJ Appeal
t/a Village Tavern
9459 Main Street
Huntingdon, PA 166525-6862
License No. R-32635/LID 60619
Citation No. 20-1225
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (12) **Wright Kobilka, Inc.** ALJ Appeal
t/a Village Tavern
9459 Main Street
Huntingdon, PA 166525-6862
License No. R-32635/LID 60619
Citation No. 21-0546

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Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(13) **Shanty on 19th, Inc.** ALJ Appeal
617 North 19th Street
Allentown, PA 18104
License No. R-2187/LID 68790
Citation No. 21-0325

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(14) **Shanty on 19th, Inc.** ALJ Appeal
617 North 19th Street
Allentown, PA 18104
License No. R-2187/LID 68790
Citation No. 21-0426

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

(15) **Seven Sirens Brewing Company LLC** ALJ Appeal
327 Broadway
Bethlehem, PA 18015
License No. G-41273/LID 95979
Citation No. 21-0087

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

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- (16) **Seven Sirens Brewing Company LLC** ALJ Appeal
327 Broadway
Bethlehem, PA 18015
License No. G-41273/LID 95979
Citation No. 21-0421
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (17) **2008 River Walck Saloon, LLC** ALJ Appeal
101 Centre Street
P.O. Box 277
Parryville, PA 18244-0277
License No. R-10526/LID 60586
Citation No. 20-1091
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (18) **2008 River Walck Saloon, LLC** ALJ Appeal
101 Centre Street
P.O. Box 277
Parryville, PA 18244-0277
License No. R-10526/LID 60586
Citation No. 21-0123
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.
- (19) **2008 River Walck Saloon, LLC** ALJ Appeal
101 Centre Street
P.O. Box 277
Parryville, PA 18244-0277
License No. R-10526/LID 60586
Citation No. 21-0220

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

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand for action.

- (20) **Greensburg Entertainment Group, LLC** Application for Conversion
4589 State Route 136 of Suspension to Fine
Greensburg, Pennsylvania 15601
Restaurant Liquor License No. R-16728
LID 113272

Motion Made: Board Member Isenhour

Member Isenhour asked Chief Counsel Rod Diaz for an explanation of the procedure in converting a license suspension to a fine. Mr. Diaz summarized that when a license is being transferred to a new owner and there are pending suspensions of the license due to the licensee's bad behavior, either the seller or the buyer must serve the suspension. The Liquor Code was amended by the General Assembly to allow the buyer a second choice: that option allows the buyer to ask the Board to convert the suspension into a monetary fine. The amount of the fine can range between \$1,000 or \$3,000 depending on the underlying citation. In this instance, there are 13 enhanced penalty citations pending, each one qualifying at the \$3,000 amount, which brings the conversion fine amount to \$39,000.

Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to convert the 13-day suspension to a fine of \$39,000.

- (21) **Rescission of Advisory Notice No. 9 (14th Revision) and Reversion to Advisory Notice No. 9 (13th Revision)** Rescission of Advisory Notice

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to rescind Advisory Notice No. 9 14th Revision and revert back to Advisory Notice No. 9 13th revision.

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*From the Bureau of Licensing Tisha Albert, Director of Regulatory Affairs
Andrew Stuffick, Director, Bureau of Licensing*

- (1) **American Truck Plazas, LLC** Request for Hearing After
t/a Penn 80 Grill Revocation – Restaurant
R-17377 (LID No. 83266) Case No. 22-9182
1460 North Ridge Road
Turbot Township
Milton, Northumberland County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the revocation.
- (2) **Charles Betters** “Intermunicipal” Place-to-Place
t/a Bridgewater Crossing Transfer – Restaurant
R-16906 (LID No. 41681) Case No. 22-9050 **HOLD – 9/21/22 SESSION**
206 Mulberry Street Ext.
Bridgewater, Beaver County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the transfer.
- (3) **Our Gangz, LLC** Place-to-Place Transfer – Restaurant
R-11257 (LID No. 90476) Case No. 22-9163
23 Chestnut Avenue
Sharon, Mercer County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the transfer.
- (4) **Union City Country Club, Inc.** Notice of Change in Business
PGR-172 (LID No. 45941) Case No. 22-9166 Structure – Privately-Owned Public
9400 Club Road Golf Course
P.O. Box 108
Union Township
Union City, Erie County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold the application for a conditional licensing agreement.

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- (5) **Bad Beightley, LLC** Renewal – District 4
t/a Whiskey Rhythm
R-13739 (LID No. 13739) Case No. 2022-93312 **HOLD 3/1/23 SESSION**
1198 Pennsylvania Avenue **Conditional Licensing Agreement**
Center Township
Monaca, Beaver County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (6) **Big Woodys Emmaus, LLC** Renewal – District 4
t/a Pickles Restaurant
R-12609 (LID No. 83333) Case No. 2022-83333 **HOLD 1/25/23 SESSION**
3941 Chestnut St
Upper Milford Township
Emmaus, Lehigh County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (7) **Big Woody's Forks, Inc.** Renewal – District 4
t/a Big Woody's
R-19242 (LID No. 56309) Case No. 2022-56309 **HOLD 1/25/23 SESSION**
1855 Sullivan Trail
Forks Township
Easton, Northampton County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (8) **Big Woodys Hanover, LLC** Renewal – District 4
R-1486 (LID No. 68084) Case No. 2022-68084 **HOLD 1/25/23 SESSION**
1302 Hanover Ave
Ste. 1410
Allentown, Lehigh County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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- (9) **Burning Bridge Tavern, LLC** Renewal – District 2
H-4122 (LID No. 64610) Case No. 2022-64610
100-108 Hellam Street
Wrightsville, York County
HOLD 4/5/23 SESSION
Conditional Licensing Agreement

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (10) **Crucible Local No. 5 Greene County** Renewal – District 6
Citizens Club
C-4030 (LID No. 1848) Case No. 2022-1848
PO Box 241
Cumberland Township
Crucible, Greene County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (11) **Crybaby South Third Street, LLC** Renewal – District 10
t/a Crybaby Food & Wine
R-3057 (LID No. 95747) Case No. 2022-95747
627 South 3rd & 243 Bainbridge Streets
Philadelphia, Philadelphia County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (12) **Jaybhavu Beverage, LLC** Renewal – District 4
t/a Mac's Neighborhood Beverage
D-1769 (LID 96222) Case 2022-96222
511 Limekiln Pike
Maple Glen, Montgomery County
HOLD 4/5/23 SESSION
Conditional Licensing Agreement

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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- (13) **J.S.E. Enterprises, Inc.** Renewal – District 8
t/a J.P.’s Sports Bar & Grill
R-10683 (LID No. 54771) Case No. 2022-54771
2020 Riverside Drive
South Williamsport, Lycoming County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for a conditional licensing agreement.
- (14) **Kingston Resorts International, Inc.** Renewal – District 8
t/a Rush Inn
R-14753 (LID No. 72622) Case No. 2022-72622
220 Zerby Avenue
Kingston, Luzerne County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.
- (15) **Lakeway Beverage LLC** Renewal – District 8
D-290 (LID No. 61216) Case No. 2022-61216
3700 State Route 118 Suite 101
Dallas Township
Dallas, Luzerne County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for a conditional licensing agreement.
- (16) **James V. Miller** Renewal – District 6
t/a McPatton’s Irish Pub
R-11578 (LID No. 24046) Case No. 2022-24046
237 North Gallatin Avenue
Uniontown, Fayette County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.

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- (17) **MS Depot LLC** Renewal – District 4
R-2429 (LID No. 64455) Case No. 2022-64455
61 West Lehigh Street
Bethlehem, Lehigh County
HOLD 3/1/23 SESSION
Conditional Licensing Agreement
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.
- (18) **New Sheffield Café** Renewal – District 6
R-5826 (LID No. 29281) Case No. 2022-29281
3154 Broadhead Road
Aliquippa, Beaver County
HOLD 4/5/23 SESSION
Conditional Licensing Agreement
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.
- (19) **TBS Venture, Inc.** Renewal – District 4
R-20881 (LID No. 93477) Case No. 2020-93477
217 Broadway
Bethlehem, Northampton County
HOLD 12/14/22 SESSION
Conditional Licensing Agreement
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.
- (20) **Williamsport Hospitality Group, LLC** Renewal – District 7
t/a Clinton Country Club
PGR-277 (LID No. 58357) Case No. 2021-58357
P.O. Box 436
Bald Eagle Township
Lock Haven, Clinton County
HOLD 3/22/23 SESSION
Conditional Licensing Agreement
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the renewal with a conditional licensing agreement.

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

Personnel Actions

There were 11 personnel actions presented for consideration.

- (1) **Kalisha Burgos – Removal**
- (2) **Nahmeer East – Removal**
- (3) **Haylee Finnigan – Affirm Removal**
- (4) **Zaid Holmes – Affirm Removal**
- (5) **Quadree Johnson-Brown – Removal**
- (6) **Gregory Myers – Affirm Removal**
- (7) **Woon Ling Ocasio - Removal**
- (8) **Robert Patterson –Removal**
- (9) **Rony Thomas – Removal**
- (10) **Ryan Ungurean – Affirm Removal**
- (11) **Harmony Woodson – Affirm Removal**

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations from the Bureau of Human Resources.

*From the Bureau of Accounting & Purchasing Michael Demko, Executive Director
Elizabeth Brassell, Director of Policy and Communications
Ijeoma Ezekoye, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Microsoft Software Assurance Enterprise Agreement Renewal** – This is the annual renewal of our Microsoft Software Assurance/maintenance. This gives us support for all our Microsoft products as well as upgrades and updates. Updates are required because of security concerns. Without the updates we would fail our security audits.

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Procured via DGS Contract #4400018548 – VENDOR: **CDW** – TERM: Three years for period 6/1/2023 through 5/31/2026 - **\$2,233,144.29 estimated cost** (Year One \$877,087.99; Year Two \$678,028.15; Year Three \$678,028.15).

- (2) **Microsoft Enterprise Premier Support Services Renewal** – This request is for a three-year Work Order providing access to expedited Microsoft support for normal tickets, advisory support, on demand assessment with setup and configuration, unlimited MS classes for our users and ProActive service credits.

Procured via ME 381366 and DGS Contract #4400000452 – VENDOR: **Microsoft Corporation** – Three years for period 6/1/2023 through 5/31/2026 - **\$318,946.31** (Year 1 \$88,091.31; Year 2 \$108,017.00; Year 3 \$122,838.00).

- (3) **Security Cage Kits** – These kits will be used in FWGS stores for orders bought on-line to be picked up in store.

Procured via DGS Contract #4400026842 – VENDOR: **Fastenal** - **\$585,825.00 estimated cost** (535 @ \$1,095.00 each).

- (4) **Check Point Firewall Software** - Renewal for Check Point Enterprise Subscription and Premium Support, which provides software upgrades and allows PLCB to obtain troubleshooting and technical assistance from Check Point Support Center. The Check Point Firewall Intrusion Prevention System systems inspect and filter all network traffic passing between PLCB's internal networks and COPANet / Internet / Business Partners, allow only necessary traffic to pass, and alert Security & Network staff to possible intrusions.

Procured via DGS Contract #4400018548 – VENDOR: **CDW** – TERM: One year for period 7/1/2023 through 6/30/2024 - **\$57,182.30 estimated cost.**

- (5) **HP Desktops with Install Services** - Normal replacement cycle for aging store and Desktop computers. We replace them before they have mass failures which results in lost work. This purchase includes installation services.

Procured via DGS Contract #4400017908 – VENDOR: **HP Inc.** - **\$195,856.40 estimated cost** (172 @ \$1,138.70 each).

- (6) **Aprons for PLCB Regions** – Replenish the brown and green apron supply for FWGS store employees in Regions 1, 2 and 3.

Procured via DGS Contract #4400004306 – VENDOR: **UniqueSource** - **\$52,548.00 estimated cost.**

- (7) **SUSE Professional Services** – This purchase is for a bank of 480 Technical Consultation Hours from SUSE Linux Engineers to assist in the design, setup, and best practice implementation of new store register technologies and solutions. These hours are for consulting services that will be used as needed and initiated by request from the PLCB Server Team.

Procured via Sole Source – VENDOR: **SUSE LLC** – TERM: One year for period 6/1/2023 through 5/31/2024 - **\$131,040.00 estimated cost.**

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Inter-Agency Charges:

- (1) **Office of Administration – IT Shared Services** – Billing of \$794,375 for the FY 2022-23 Q4 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 1.1% of the total \$74.5M OA- IT Shared Services billing.
- (2) **Office of Administration – HR Shared Services** – Billing of \$924,000 for FY 2022-23 Q4 for the PLCB’s allocated share of OA’s HR-Enterprise Services (HR service center, training, labor relations, employee benefits, SEAP, etc.) The billing is \$60,300 (+7.0%) more than last year. The billing is allocated based on the agency’s number of benefit eligible employees (BEEs).
- (3) **Bureau of Commonwealth Payroll Operations (BCPO) Billing (Job 30)** – Billing of \$282,718.47 for the PLCB’s share of costs representing payroll and travel services in FY 2022-23. The billing is based on actual payroll and travel transaction counts for the previous fiscal year (FY 2021). The PLCB’s charge increased significantly by \$145,296 or +105.7% from last year’s billing of \$137,423. BCPO’s prior year FY21 bill was abnormal due to Covid restriction from budget year FY20.
- (4) **Department of General Services (DGS) Property Costs (JOB 7)** – Billing of \$116,442.27 for the estimated costs within the fourth quarter of FY 2022-23 in support of 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.
- (5) **Office of Comptroller Operations** – Billing of \$1,376,013.92 for the third quarter’s actual expenses represent January, February and March from the Office of Comptroller Operations. This billing is \$238,438.60 or +21.0% more than last year’s third quarter billing. This includes an extra payroll that occurred in the fourth quarter the prior year.
- (6) **Office of Comptroller Operations** - Billing of \$2,073,183.95 for the fourth quarter’s “estimated” expenses from the Office of Comptroller Operations. The invoice supports the fiscal year “over-head” charges for portions of BAFM and BOA directors and Payables unit costs. The total FY22 billings are \$6,228,233 which is an increase of \$203,233 or +3.4%. Any over/under charges from this estimated billing will be “trued-up” with next year’s first quarter billing.
- (7) **Department of Auditor General** – Billing of \$846,703.90 for the third quarter’s actuals expenses represent January, February, and March from the Department of the Auditor General. The charge for FY 2022-23 Q3 services rose \$280,534.58 (+49.5%) greater than last year’s Q3 billing. The invoice’s increase is due to the growth of the auditor’s hourly rate and increase of the hours audited from prior 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.

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations from the Bureau of Accounting and Purchasing.

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

- (1) #0203 – Braddock Hills Shopping Center, 230 Yost Boulevard, Pittsburgh Amendment
- (2) #0224 – 1824 Murray Avenue, Pittsburgh Amendment
- (3) #2205 – 529 Market Street, Lykens Amendment
- (4) #3902 – 5041 Route 873, Schnecksville Amendment
- (5) #8534 – Two Parkway Center, 875 Greentree Road, Ste. G8, Pittsburgh Amendment (Administrative Law Judge Office)
- (6) #9111 – Roosevelt Plaza, 6577 Roosevelt Boulevard, Philadelphia Amendment
- (7) #9210 – Community Plaza, 1103 Milltown Road, Verona Amendment
- (8) #92XX – Greentree Plaza, 1956 Greentree Road, Pittsburgh New Store (Relocation of #9205)

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations from the Office of Retail Operations.

From the Bureau of Product SelectionTom Bowman, Director of Product Selection

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

“These items went to Board for the public meeting without pricing”

Various	1. Regular New Items Accepted
Various	2. Regular New Items Accepted Revisions Board 5-3-23
Various	3. Regular PA New Items Accepted
Various	4. Regular Recommended Delist

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1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Bacardi USA Inc</u>	
Angel's Envy Rum Cask Rye Whiskey 750 mL	10
Bombay Premier Cruie Gin 700 mL	10
<u>Jim Beam Brands Co</u>	
Salignac Brandy 750 mL	10
Twisted Tea American Whiskey 1.75 L	10
Twisted Tea American Whiskey 50 mL	10
<u>Heaven Hill Brands</u>	
Tequila Ocho Reposado Tequila 750 mL	10
<u>Majestic Wine and Spirtis</u>	
Mr. and Mrs. T's Bold and Spicy Original Bloody Mary Mix Nonalcoholic 1.75 L	10
Wellsley Farms Red Blend Wine 750 mL	18
<u>North Wales Wines</u>	
Carlo Rossi Merlot 4 L	10
Harken Winemakers Chardonnay 750 mL	18
Tott's Extra Dry Champagne 750 mL	18
Wycliff Brut Champagne 750 mL	18
<u>Pernod Ricard USA</u>	
Jefferson's Tropics Bourbon 750 mL	10
<u>Pio Imports LLC</u>	
Elmo Pio Prosecco 187 mL	18
Pio Pinot Grigio 1.5 L	18
Pio Pinot Grigio 750 mL	18
<u>Southern Glazers Wine and Spirits of PA</u>	
Bonanza Cabernet Sauvignon 750 mL	18
Caymus Vineyards Cabernet Sauvignon 750 mL	2,4,9,11,13
<u>Survive Enterprises</u>	
Barton and Guestier Bistro Sauvignon Blanc 750 mL	11, 19
Veube Du Vernay Sparkling Brut 750 mL	18
<u>Sutter Home Winery Inc</u>	
Avissi Prosecco 750 mL	18
Sycamore Lane Cabernet Sauvignon 1.5 L	18
Sycamore Lane Cabernet Sauvignon 750 mL	18
Sycamore Lane Chardonnay 1.5 L	18
Sycamore Lane Pinot Grigio 1.5 L	18

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The Wine Merchant Ltd

Acinum Prosecco Extra Dry 750 mL	18
Arona Sauvignon Blanc 750 mL	18
Avia Pinot Grigio 1.5 L	18
Avia Pinot Grigio 750 mL	18
Canyon Oaks Cabernet Sauvignon 1.5 L	18
Canyon Oaks Cabernet Sauvignon 750 mL	18
Canyon Oaks Chardonnay 1.5 L	18
DAOU Special Select Cabernet Sauvignon 750 mL	18
Montefresco Pinot Grigio Dell Venezia 750 mL	18
Simonet Vin Mousseux Blanc De Blanc Sparkling Wine 750 mL	18
Stanford Brut Governor's Cuvee Sparkling Wine 750 mL	18

Vintage Imports

Stoneburn Sauvignon Blanc 750 mL	18
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Western Spirits Beverage Company LLC

Bird Dog Honey Whiskey 750 mL	10
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Zonin USA Inc

Primo Amore Moscato 750 mL	18
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RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular New Item Accepted Revision Board 5-3-23

BRAND NAME AND SIZE **REASON**

REVISION

Brown Forman Corporation

El Jimador Silver Tequila 1.75 L	10
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NOTE: Sent to Board 5-3-2023 with incorrect size

North Wales Wines

Canyon Road Cabernet Sauvignon 1.5 L	18
Canyon Road Cabernet Sauvignon 750 mL	18
Canyon Road Chardonnay 1.5 L	18
Canyon Road Chardonnay 750 mL	18
Canyon Road Pinot Grigio 1.5 L	18
Canyon Road Pinot Grigio 750 mL	18
Canyon Road Pinot Noir 750 mL	18
Canyon Road Sauvignon Blanc 750 mL	18

NOTE: Sent to Board 5-3-2023 with incorrect supplier

RECOMMENDED ACTION: We recommend the Board approve this action

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3. Regular PA New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Armens Barrels LLC</u>	
Armen's Barrels Organic Florena Vodka 750 mL	16
<u>Ashlynn Distillery</u>	
Ashlynn 151 Rum 750 mL	16
Ashlynn Caramel Apple Whiskey 750 mL	16
Ashlynn Whiskey 750 mL	16
Ashlynn Bourbon 750 mL	16
Summerset Vodka 750 mL	16
<u>FTF Spirits Limited</u>	
FTF Spirits Limited KRISS Cask Brandy 750 mL	16
FTF Spirits Limited KRISS Proofed Brandy 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

4. Regular Recommended Delists

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Bacardi USA Inc</u>	
Bombay Sapphire East Gin 750 mL	6300
Dewar's White Label Scotch 50 mL	8587
<u>Evaki Inc</u>	
Bixby Creek Napa Valley Cabernet Sauvignon 750 mL	98912

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Bixby Creek Napa Valley Sauvignon Blanc 750 mL	98915
Trail Box Cabernet Sauvignon California 3 L	98930
Trail Box Chardonnay California 3 L	98931
Trail Box Pinot Grigio California 3 L	98932
Trail Box Red Blend California 3 L	98933

Fetzer Vineyards

Bonterra Chardonnay 1.5 L	97782
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Heaven Hill Brands

The Bay Vodka 750 mL	1621
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Jim Beam Brands Co

Pinnacle Apricot Honeysuckle Vodka 750 mL	97047
Pinnacle Guava Lime Vodka 750 mL	97048

Majestic W S USA Inc

Mr and Mrs T's Bloody Mary Mix Nonalcoholic 1 L	30162
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Pernod Ricard USA

Jefferson's The Manhattan Bourbon Barrel Finished Cocktail 750 mL	2019
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Western Spirits Beverage Co

Bokeelia Dark Rum 750 mL	97524
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EFFECTIVE DATE: The transference to closeout will become effective June 16, 2023

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations of the Bureau of Product Selection, with the exception of all products from the Wine Merchant LTD, the recommendations regarding which will be held for further review.

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

None

OTHER ISSUES

None

PUBLIC COMMENT

No public comments were offered.

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NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, June 7, 2023 beginning at 11:00 A.M. Prior to the public meeting, an Executive Session or Sessions will be held for the following purposes: to discuss personnel matters; to consider the purchase or lease of real property prior to an option being obtained or prior to an agreement of purchase; to consult with legal counsel regarding litigation and similar issues; to review and discuss agency business, which, if conducted in public, would violate lawful privilege or lead to the disclosure of information confidentially protected by law, including quasi-judicial deliberations; and to engage in non-deliberative informational discussions regarding various actions and other matters which have been approved at previous public meetings.

ADJOURNMENT

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich
Board Decision: Unanimously agreed (3-0 vote) to adjourn the meeting.

Chairman

Member

Member

ATTEST:

Secretary

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Informational Statements to be included in the Public Meeting Agenda

For ALJ Cases:

These cases are appeals taken from adjudications rendered by an Administrative Law Judge (ALJ) in citation proceedings initiated by the Pennsylvania State Police, Bureau of Liquor Control Enforcement in accordance with section 471 of the Liquor Code, 47 P.S. § 4-471.

In all of these matters, an administrative hearing has already been held before an ALJ during which the parties were given the opportunity to present sworn testimony and other evidence, as well as to make legal arguments, in support of their respective positions.

The Board must affirm the ALJ unless the ALJ's decision is an error of law, an abuse of discretion or is not supported by substantial evidence. In some instances where noted, it may also be necessary for the Board to remand the matter back to the ALJ for additional action to be taken. In that the Board is acting in its quasi-judicial (appellate) capacity, deliberations on these matters may have already occurred during authorized executive sessions.

The reasoning for any final decision by the Board on these matters will be set forth in a publicly issued written opinion which will be released immediately after the Board session. Any party aggrieved by the Board's decision has the right to pursue an appeal to the applicable county court of common pleas in accordance with the Liquor Code.

For Application Matters such as New Licenses, Transfers of Existing License, or Extension of Premises:

In all of these matters, an administrative hearing - open to the public - has already been held before a Board-assigned hearing examiner. All interested parties, including the applicant, the Bureau of Licensing, and valid protesters and/or intervenors, were given the opportunity to present sworn testimony and other evidence, as well as to make legal arguments, in support of their respective positions. The Board has reviewed the administrative record created before the hearing examiner along with any briefs submitted by the parties, as well as the recommendations made by the assigned hearing examiner and the Board's legal counsel. In that the Board is acting in its quasi-judicial capacity, deliberations on these matters may have already taken place during authorized executive sessions.

In each case, the Board may either vote to approve the application outright, vote to approve the application subject to a conditional licensing agreement setting forth specific conditions agreed upon by the parties and which are reasonably intended to address specific concerns made part of the record, or vote to refuse the application its entirety. For any case in which the Board would like additional time to review the record prior to making its decision, the Board reserves the right to place a hold on such matter in which case "official action" will not be taken until a future Board meeting.

Any party aggrieved by the Board's decision has the right to pursue an appeal to the applicable county court of common pleas in accordance with the Liquor Code, or, in certain circumstances, directly to the Commonwealth Court. In the event that an appeal is filed, the Board, as required by the Liquor Code, will file a written opinion setting forth the specific reasoning for its decision.

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For License Renewal Cases:

These cases involve applications for renewal of licenses to which the Bureau of Licensing has raised objections. In all of these matters, an administrative hearing - open to the public - has already been held before a Board-assigned hearing examiner. The parties were given the opportunity to present sworn testimony and other evidence, as well as make legal arguments. The Board has reviewed the administrative record created before the hearing examiner along with any briefs submitted by the parties, as well as the recommendations made by the assigned hearing examiner and the Board's legal counsel. In that the Board is acting in its quasi-judicial capacity, deliberations on these matters may have already taken place during authorized executive sessions.

In each case, the Board may either vote to approve renewal of the license outright, vote to approve renewal of the license subject to a conditional licensing agreement setting forth specific conditions agreed upon by the parties and which are reasonably intended to address the operational issues of the licensee, or vote to refuse renewal of the license in its entirety. For any case in which the Board would like additional time to review the record prior to making its decision, the Board reserves the right to place a hold on such matter in which case "official action" will not be taken until a future Board meeting.

An applicant aggrieved by the Board's decision has the right to pursue an appeal to the applicable county court of common pleas in accordance with the Liquor Code. In the event that an appeal is filed, the Board, as required by the Liquor Code, will file a written opinion setting for the specific reasoning for its decision.

For Noise Exemption Cases:

These matters involve municipal petitions for exemptions from the Liquor Code provisions dealing with amplified sound. In all of these matters, an administrative hearing – open to the public - has already been held before a Board-assigned hearing examiner during which the parties were given the opportunity to present sworn testimony and other evidence, as well as to make legal arguments, in support of their respective positions.

The Board has reviewed the administrative record created before the hearing examiner along with any briefs submitted by the parties, as well as the recommendations made by the assigned hearing examiner and the Board's legal counsel. In that the Board is acting in its quasi-judicial capacity, deliberations on these matters may have already taken place during authorized executive sessions.

In each case, the Board may either vote to approve the municipal petition for noise exemption outright, vote to limit its approval to a more defined area of the municipality than what is being requested, or vote to refuse the petition in its entirety. The Board must act upon a municipal petition for noise exemptions within 60 days of receiving such petition.

Any party aggrieved by the Board's decision has the right to pursue an appeal to the applicable county court of common pleas in accordance with the Liquor Code. In the event that an appeal is filed, the Board will file a written opinion setting for the specific reasoning for its decision as required by the Liquor Code.

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For All Matters in Which the Board is Acting in its Quasi-Judicial Capacity

No additional testimony or evidence may be presented by the parties during the Board's public meeting. While the Board reserves the right to allow comments to be made by the public concerning any particular case, this is being done so with the understanding that such comments are not the equivalent of sworn testimony and, thus, will not be given any weight by the Board when rendering its decision. Additionally, the Board is not required to respond to any public comments offered, nor is it required to answer any questions concerning these matters.