PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

Watch the audio recording.

WEDNESDAY, OCTOBER 18, 2023

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 Board Member Isenhour

Board Secretary Michael Vigoda indicated that a quorum of the Board was present and acting Chairwoman Isenhour called the meeting to order. Chairman Tim Holden did not participate due to illness.

Pledge of Allegiance to the Flag

OLD BUSINESS......Secretary Vigoda

A. Motion to approve previous Board Meeting Minutes of the October 4, 2023 meeting.

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve previous Board Meeting

Minutes.

ANNOUNCEMENT OF EXECUTIVE SESSIONS

As explained in the printed Meeting Agenda, certain matters being presented for "official action" at today's meeting have been discussed during Executive Sessions held prior to today's meeting as permitted by the Sunshine Act.

PUBLIC COMMENT

The Board has reserved 10 minutes for public comment.

No public comments were offered.

NEW BUSINESS

(1) Pinciaro, Inc. t/a Players Downtown

ALJ Appeal

12-14-16 Mechanic St Bradford, PA 16701

License No. R-13143/LID 15952

Citation No. 21-0479

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(2) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern

ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 20-0946

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(3) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern

ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 20-0980

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(4) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern

ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438 Citation No. 20-1009

Citation 140. 20-100)

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(5) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 20-1076

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(6) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 20-1137

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(7) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 20-1213

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(8) Panico, Inc. t/a Panicos Neighborhood Grill & Tavern ALJ Appeal

530 North Cannon Avenue Lansdale, PA 19446-1875 License No. R-2014/LID 60438

Citation No. 21-0165

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to affirm the ALJ's decision and

remand for action.

(9) Borough of Marietta Municipal Petition for

Case No. 23-NE-08 Exemption from Liquor Code Statute Regarding

Amplified Sound

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the municipal noise

exemption for Marietta Borough, Lancaster County, for a five year

period from October 18, 2023 to October 18, 2028.

From the Bureau of Licensing Tisha Albert, Director of Regulatory Affairs

Andrew Stuffick, Director, Bureau of Licensing

(1) 400 Restaurant, LLC

R-11739 (LID No. 111736) 1733-1735 Lyter Drive Lower Yoder Township Johnstown, Cambria County Request for Interior Connections with Another Business – Restaurant

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the request for an interior

connection with another business.

(2) Buba's Bar & Grille, Inc. t/a Buba's Bar & Grille

R-6887 (LID No. 42997) Case No. 23-9043

312-314 Ringgold Street

P.O. Box 761

McKeesport, Allegheny County

Requests for Hearing After Revocation and *Nunc Pro Tunc* –

Renewals and

Validations – Restaurant

Motion Made: Board Member Vulakovich

Board Member Isenhour asked if there was anyone in the listening audience representing Buba's Bar & Grille, Inc. who wished to be recognized. There

was no response.

Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to deny the request for *nunc pro tunc* and

affirm the revocation.

(3) Carver's Saloon, Inc.

Renewal – Restaurant

t/a Bishop's Collar

R-7108 (LID No. 41545) Case No. 23-9012 2349 Fairmount Avenue

Philadelphia, Philadelphia County

Motion Made: Board Member Vulakovich

Board Member Isenhour asked if there was anyone in the listening audience representing Carver's Saloon, Inc. who wished to be recognized. There was no response.

Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to refuse the renewal.

(4) EDL Foods, LLC

Double Transfer – Restaurant

t/a La Vite Pizza

R-17074 (LID No. 109532) Case No. 23-9016 940B Little Deer Creek Valley Road

West Deer Township

Russellton, Allegheny County

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the transfer.

(5) Fifty First Street, LLC

t/a Spirit

Temporary Extension of Premises –

Restaurant

R-9716 (LID No. 70577) Case No. 23-9040

242 51st Street

Pittsburgh, Allegheny County

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to hold the application for an amended

conditional licensing agreement.

(6) Mahi Beverage, LLC t/a Mahi Beverage

D-107 (LID No. 117094) 609 West Broad Street

Bethlehem, Lehigh County

Double Transfer & Requests for Interior Connections with Another Business & for Permission to Retain Other Employment – Distributor

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the transfer and request for an

interior connection with another business and for permission to retain other

employment.

(7) Richland Greens Golf Center, Inc.

Notice of Change in Business

Structure – Restaurant

R-19915 (LID No. 20628) Case No. 23-9054

352 Luray Avenue Richland Township Johnstown, Cambria County

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to hold the application for a conditional

licensing agreement.

(8) Viva Hospitality, Inc.

Renewal – Restaurant

t/a Viva Farms

R-5422 (LID No. 70964) Case No. 22-9196 1189 Highway 315 Boulevard

Suite 3

Plains Township

Wilkes Barre, Luzerne County

Motion Made: Board Member Vulakovich

Board Member Isenhour asked if there was anyone in the listening audience representing Viva Hospitality, Inc. who wished to be recognized. There was no response.

Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to refuse the renewal.

(9) Zeus 705, LLC Renewal – Restaurant

t/a Ray's Place

R-1171 (LID No. 72114) Case No. 22-9188

208 East Luzerne Avenue

Larksville

Kingston, Luzerne County

Motion Made: Board Member Vulakovich

Board Member Isenhour asked if there was anyone in the listening audience representing Zeus 705, LLC who wished to be recognized. There was no response.

Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to refuse the renewal.

(10) Hangar 453 Restaurant and Pub, LLC

Renewal – District 1

R-18204 (LID No. 64452) Case No. 2023-64452 11035 Curwensville Tyrone Highway Pike Township Olanta, Clearfield County

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to hold the application for a conditional

licensing agreement.

(11) HMAC Venue, LLC

Renewal – District 2

HOLD 10/4/23 SESSION

t/a Harrisburg Midtown Arts Center

R-4643 (LID No. 98407) Case No. 2022-98407

1110 North 3rd Street

Harrisburg, Dauphin County

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to hold for an amended conditional

licensing agreement.

(12) Intoxicology Department, LLC

Renewal – District 8

R-19021 (LID No. 102585) Case 2022-102585

131 West 2nd Street

HOLD 8/30/23 SESSION

Berwick, Columbia County

Conditional Licensing Agreement

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the renewal with a conditional

licensing agreement.

(13) Lee Lai, Inc.

R-5149 (LID No. 67551) Case No. 2022-67551

2049 South 23rd Street

HOLD 8/30/23 SESSION

Renewal – District 10

Philadelphia, Philadelphia County

Conditional Licensing Agreement

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the renewal with a conditional

licensing agreement.

(14) **T & A H, Inc.** Renewal – District 3

t/a Laughters

H-1654 (LID No. 106137) Case No. 2023-106137

123 South Third Street

Sunbury, Northumberland County

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to hold for a conditional licensing

agreement.

(15) White Rock Realty, Inc. Renewal – District 6

t/a Kloc's Inn

R-12909 (LID No. 46538) Case No. 2022-46538 **HOLD 8/30/23 SESSION**

526 Georges Fairchance Road

Georges Township

Uniontown, Fayette County

Conditional Licensing Agreement

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the renewal with a conditional

licensing agreement.

Personnel Actions

There were 13 personnel actions presented for consideration.

- (1) Naykwell Barrow Affirm Removal
- (2) Amina Brown Affirm Removal
- (3) Angelo Caramanno Affirm Removal
- (4) Julie Fluellen Affirm Removal

(5)	Shane	Franklyı	n - Rem	oval
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- (6) Ashiyah Jackson Affirm Removal
- (7) Kelly Prussack Affirm Removal
- (8) Anthony Ragsdale Removal
- (9) Dustin Rajcan Removal
- (10) Melissa Tracy Removal
- (11) Rahiem Waddell Affirm Removal
- (12) Stan Wilkes Affirm Removal
- (13) Briley Zeh Removal

Motion Made: Board Member Vulakovich Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the recommendations from

the Bureau of Human Resources.

Procurement Actions:

(1) Warehouse Scanners – This purchase request is for 40 Zebra TC-53 scanners with handheld charging stands, protective boots, pistol grip handles, and power cables. Also included is a five-year Onecare Essential Service maintenance plan. Some stores have requested additional scanners, and this has been approved by Store Operations.

Procured via DGS Contract #4400017907 – VENDOR: CDW-G - \$154,559.20 estimated cost.

(2) Furniture for Store #9214 – Wall units for Fine Wine & Good Spirits Store #9214 in Pittsburgh.

Procured via DGS Contract #4400021466 – VENDOR: TC Millwork - \$78,477.06 estimated cost.

Inter-Agency Charges:

None

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the recommendations from

the Bureau of Accounting and Purchasing.

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

- (1) #1520 Ludwig's Village, 2910 Conestoga Road, Glenmore Amendment
- (2) #4801 Walnutport Shopping Center, 200 C South Best Avenue, Walnutport Amendment
- (3) #5101 135 West Chelten Avenue, Philadelphia Amendment
- (4) #6703 1446 Hanover Street, Unit G, Hanover Amendment
- (5) #1407 Weis Shopping Center, 170 Buckaroo Lane, Bellefonte Exercise Option
- (6) #2101 The Carlisle Marketplace, 281 South Spring Garden Street, Carlisle Exercise Option

Motion Made: Board Member Vulakovich
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to approve the recommendations from

the Office of Retail Operations.

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

None

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

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board State Stores Fund Comparative Statement of Net Position (Unaudited)

(Unau	idited)			
ASSETS		June 30, 2023		<u>June 30, 2022</u>
<u> </u>				
Current assets:	_		_	
Cash	\$	46,272,735	\$	33,708,656
Investments - short term		341,784,005		198,354,076
Accounts and claims receivable, net		5,387,863		8,430,957
Due from other funds - Note 9		-		-
Merchandise inventories, net		211,931,972		209,229,245
Operating supplies		895,851		416,740
Prepaid expenses		1,982,027		968,922
Total current assets		608,254,453		451,108,596
Non-current assets:				
Non-depreciable capital assets:				
Land		322,973		322,973
Depreciable or amortizable capital assets:				
Building		10,923,350		10,762,508
Leasehold improvements		209,134		209,134
Machinery and equipment		56,166,544		48,581,156
Intangible - internally generated software		70,232,259		54,994,168
Intangible - right to use leases - Note 10		394,613,531		363,584,227
Intangible - right to use IT subscriptions - Note 11		16,554,170		-
Less: accumulated depreciation or amortization		252,882,651		179,359,578
Net depreciable or amortizable capital assets		295,816,337		298,771,615
Total non-current capital assets		296,139,310		299,094,588
Total assets	\$	904,393,763	\$	750,203,184
Total deferred outflows of resources - Notes 5, 6	\$	261,084,528	\$	184,355,005
<u>LIABILITIES</u>				
Current liabilities:				
Trade accounts payable	\$	332,284,725	\$	218,092,423
Other accounts payable		25,232,465		21,313,123
Accrued expenses		24,292,565		23,730,090
OPEB - Note 6		-		-
Self-insurance, workers' compensation - Note 7		4,795,551		5,038,908
Due to other funds - Note 9		66,854,774		11,455,997
Due to fiduciary funds - Note 9		3,648,404		3,370,405
Due to other governments - Note 9		1,038,014		995,975
Right to use liabilities - Note 10		61,080,481		55,609,020
Total current liabilities	519,226,979			339,605,941
Non-current liabilities:				
OPEB - Note 6		416,014,000		432,155,000
Self-insurance, workers' compensation - Note 7		43,295,622		42,346,197
Net pension liability - Note 5		569,164,330		369,045,963
Compensated absences - Note 1		24,484,695		26,865,598
Right to use liabilities - Note 10		180,470,683		199,900,422
Total non-current liabilities		1,233,429,330		1,070,313,181
Total liabilities	\$	1,752,656,309	\$	1,409,919,122
Total deferred inflows of resources - Notes 5, 6	\$	214,179,426	\$	396,793,486
NET POSITION				
Net investment in capital assets	\$	54,588,146	\$	43,585,146
Deficit		(855,945,590)		(915,739,564)
Total net position - Note 12	_\$	(801,357,444)	\$	(872,154,418)
•				

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board State Stores Fund

Comparative Statements of Revenues, Expenses, and Changes in Net Position For the Month Ending June 30, 2023 and June 30, 2022 (Unaudited)

	20)22-2:	3	2021-	22*
Sales net of taxes		\$	216,047,561	\$	195,982,960
Cost of goods sold		Ψ	(144,734,001)	Ψ	(130,631,293)
Gross profit from sales			71,313,560		65,351,667
Operating (expenses):					
Wholesale	(3,368,504)			(309,115)	
Retail	(49,207,218)			(3,278,398)	
E-Commerce	(337,216)			(274,231)	
Regulatory	(2,017,390)			1,749,351	
Enterprise	(14,174,381)			(4,748,814)	
Commonwealth provided services - Note 2	(2,070,115)	-		(2,292,164)	
Total			(71,174,824)	_	(9,153,371)
Operating profit/(loss)			138,736		56,198,296
Other operating revenues (expenses):					
Enforcement fines	165			150,067	
License fees	2,431,549			2,020,982	
Miscellaneous income	1,201,027	-		263,589	
Total			3,632,741		2,434,638
Total operating income/(loss)			3,771,477		58,632,934
Miscellaneous revenues (expenses): Interest income (expense)	909,759			(281,950)	
Other	(887)			(201,300)	
Total	(00.)		908,872		(281,950)
Income/(Loss) before operating transfers			4,680,349		58,350,984
Operating transfers out:					<i></i>
PSP enforcement - Note 3 Net Income/(Loss) from operations	(2,414,175)		(2,414,175) 2,266,174	(2,501,541)	(2,501,541) 55,849,443
Statutory Transfers:					
General fund - Note 4	_			-	
Drug and alcohol programs - Note 4	(5,215,423)			(6,617,019)	
Total	(=, =, =,		(5,215,423)		(6,617,019)
Change in net position			(2,949,249)		49,232,424
**Total net position - beginning 2022-23 Restated -			(709, 409, 405)		(024 206 042)
Note 12 Total pet position - ending		\$	(798,408,195) (801,357,444)		(921,386,842) (872,154,418)
Total net position - ending		Ψ	(001,337,444)		(012,104,418)
Liquor tax	38,553,788			34,813,092	
State Sales Tax	15,206,484			13,685,876	
Local Tax	999,412			904,951	
Taxes remitted to Dept.of Revenue PTD		\$	54,759,684	\$	49,403,919

^{*} Certain amounts presented in prior year data have been reclassified in order to be consistent with the current year's presentation. Such reclassifications did not affect Income after enforcement / before other transfers, Change in net position, or Total net position.

^{**}Beginning Net Position was restated from \$(872,154,418) at June 30, 2022 to \$(871,813,179) at July 1, 2022, a \$341,239 increase, due to the implementation of Governmental Accounting Standards Board Statement No. 96 - Subscription Based Information Technology Agreements.

Commonwealth of Pennsylvania Pennsylvania Liquor Control Board State Stores Fund

Comparative Statements of Revenues, Expenses, and Changes in Net Position For the Twelve Months Ending June 30, 2023 and June 30, 2022 (Unaudited)

_	202	22-2	3	2021	-2	2*
Sales net of taxes		\$	2,513,588,329		\$	2,405,547,154
Cost of goods sold		•	(1,749,390,619)		•	(1,653,534,004)
Gross profit from sales	_		764,197,710	_		752,013,150
Operating (expenses):						
Wholesale	(22,860,718)			(21,414,355)		
Retail	(363,806,695)			(293,263,905)		
E-Commerce	(3,268,145)			(3,333,495)		
Regulatory	(11,417,913)			(7,697,274)		
Enterprise	(92,394,628)			(75,520,114)		
Commonwealth provided services - Note 2	(21,218,509)			(18,624,348)		
Total	_		(514,966,608)			(419,853,491)
Operating profit/(loss)			249,231,102			332,159,659
Other operating revenues (expenses):						
Enforcement fines	1,557,182			1,927,326		
License fees	31,918,107			26,128,051		
Miscellaneous income	5,855,843			5,697,148		
Total			39,331,132			33,752,525
Total operating income/(loss)	_		288,562,234	_		365,912,184
Miscellaneous revenues (expenses): Interest income (expense)	4,478,657			(4,376,215)		
Other	50,410			49,085		
Total	30,410		4,529,067	49,000		(4,327,130)
	_			_		<u> </u>
Income/(Loss) before operating transfers			293,091,301			361,585,054
Operating transfers out:						
PSP enforcement - Note 3	(32,320,143)		(32,320,143)	(30,734,115)		
Net Income/(Loss) from operations			260,771,158			330,850,939
Statutory Transfers:						
General fund - Note 4	(185,100,000)			(185,100,000)		
Drug and alcohol programs - Note 4	(5,215,423)			(6,617,019)		
Total	_		(190,315,423)	_		(191,717,019)
Change in net position			70,455,735			139,133,920
**Total net position - beginning 2022-23 Restated - Note 12			(871,813,179)			(1,011,288,338)
Total net position - ending	_	\$	(801,357,444)	-	\$	(872,154,418)
·		Ψ	(001,001,444)	=	Ψ	(012, 104, 410)
Liquor tax	450,755,325			431,264,479		
State Sales Tax	177,567,317			169,651,110		
Local Tax	11,534,349 _			10,668,624 _	_	
Taxes remitted to Dept.of Revenue YTD		\$	639,856,991		\$	611,584,213

^{*} Certain amounts presented in prior year data have been reclassified in order to be consistent with the current year's presentation. Such reclassifications did not affect Income after enforcement / before other transfers, Change in net position, or Total net position.

^{**}Beginning Net Position was restated from \$(872,154,418) at June 30, 2022 to \$(871,813,179) at July 1, 2022, a \$341,239 increase, due to the implementation of Governmental Accounting Standards Board Statement No. 96 - Subscription Based Information Technology Agreements.

Trotter Bound Minutes and not only	approved until all required signatures are armited.
OTHER ISSUES	
None	
PUBLIC COMMENT	
The Board has reserved 10 minutes for publ	ic comment.
No comments were offered.	
NEXT BOARD MEETING	
	ormal meeting on Wednesday, November 1, 2023 beginning ing, an Executive Session or Sessions will be held for the the printed Board Agenda.
ADJOURNMENT	
On a motion by Board Member Vulakov adjourned.	ich, seconded by Board Member Isenhour, the meeting was
	Chairman
	Member
	Member
A TENDE CIT	
ATTEST:	

Secretary