

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

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WEDNESDAY, SEPTEMBER 20, 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 *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 August 30, 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) **K BROTHERS, INC.** ALJ Appeal
t/a Barracuda's Seafood Pub
2254-2256 Industrial Highway
York, PA 17402-2202
License No. R-18820/LID 52770
Citation Nos. 21-0073

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) **K BROTHERS, INC.** ALJ Appeal

t/a Barracuda's Seafood Pub
2254-2256 Industrial Highway
York, PA 17402-2202
License No. R-18820/LID 52770
Citation Nos. 21-0242

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) **K BROTHERS, INC.** ALJ Appeal

t/a Barracuda's Seafood Pub
2254-2256 Industrial Highway
York, PA 17402-2202
License No. R-18820/LID 52770
Citation Nos. 21-0366

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) **K BROTHERS, INC.** ALJ Appeal

t/a Barracuda's Seafood Pub
2254-2256 Industrial Highway
York, PA 17402-2202
License No. R-18820/LID 52770
Citation Nos. 21-0478

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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- (5) **OLD DEPOT, INC.** ALJ Appeal
50 Crystal Street
East Stroudsburg, PA 18301-2810
License No. R-20665/LID 64423
Citation Nos. 21-0271
- 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) **OLD DEPOT, INC.** ALJ Appeal
50 Crystal Street
East Stroudsburg, PA 18301-2810
License No. R-20665/LID 64423
Citation Nos. 21-0477
- 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) **BEN FRANKLINS BEER BARN LLC** ALJ Appeal
t/a Ben Franklins Taproom
4270 US 422
New Castle, PA 16101-9370
License No. R-40555/LID 96018
Citation No. 21-0061
- 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) **The Giant Company, LLC** Request for Modification of
255 Northland Center Conditional Licensing
State College, Pennsylvania 16803-2903 Agreement
License No. R-18567/LID 66780
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to adopt the modification to the existing conditional licensing agreement.

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

- (1) **Anthony’s Coal Fired Pizza of Monroeville, LLC** Appointment of Manager –
R-16472 (LID No. 65602) Case No. 23-9017 Restaurant
2740 Stroschein Road
Monroeville, Allegheny County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the appointment of manager.
- (2) **Capio Company** Requests for Hearing After
t/a Al’s Pub Revocation and *Nunc Pro Tunc* –
R-13234 (LID No. 81683) Case No. 22-9176 Renewals & Validation –
103 Pechin Road Restaurant
Dunbar Township
Dunbar, Fayette County
- Motion Made:** Board Member Isenhour
- Chairman Holden asked if there was anyone in the listening audience who represented Capio Company who wished to be recognized. There was no response..
- Seconded:** Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to deny the request for *nunc pro tunc* and affirm the revocation.
- (3) **GetGo Operating, LLC** Double Transfer & Request for
t/a GetGo #3304 Interior Connections with Another
R-18287 (LID No. 111157) Case No. 22-9183 Business – Restaurant
1800 Three Degree Road
Adams Township
Mars, Butler County **HOLD – 8/30/23 SESSION**
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to approve the transfer and request for interior connections with another business.
- (4) **Red Sea Walleye, LLC** Double Transfer – Restaurant
t/a Bird on the Run Southside
R-12211 (LID No. 111915) Case No. 23-9020
1733 East Carson Street
Pittsburgh, Allegheny County

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 hold for a conditional licensing agreement.

- (5) **Tannersville Beverage, LLC** Request for Hearing – *Nunc Pro Tunc* – Validations & Renewals – Hotel
H-6031 (LID No. 87233) Case No. 23-9021
475 Camelback Road
Pocono Township
Tannersville, Monroe County

Motion Made: Board Member Isenhour

Chairman Holden asked if there was anyone in the listening audience representing Tannersville Beverage, LLC who wished to be recognized. There was no response.

Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to deny the request for *nunc pro tunc* and affirm the revocation.

- (6) **BC Philly, Inc.** Renewal – District 10
R-8624 (LID No. 69567) Case No. 2022-69567
1020 Cherry Street
Philadelphia, Philadelphia County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (7) **Barking Shark, Inc.** Renewal – District 5
t/a Barking Shark
R-6594 (LID No. 61882) Case No. 2023-61882 **HOLD 3/22/23 SESSION**
616 North Avenue **Conditional Licensing Agreement**
Millvale
Pittsburgh, Allegheny 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.

- (8) **Brandy's On Main, Inc.** Renewal – District 6
t/a Café Supreme
R-17864 (LID No. 96970) Case No. 2022-96970
200 Main Street
Irwin, Westmoreland County

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 hold for a conditional licensing agreement.

- (9) **Dalmatian Food & Beverage, LLC** Renewal – District 2
R-10029 (LID No. 68984) Case No. 2022-68984
606 North 2nd Street
Harrisburg, Dauphin County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to hold for a conditional licensing agreement, offer in compromise.

- (10) **Eli & Danny Management, Inc.** Renewal – District 4
t/a La Poblanita Mexican Cuisine & Bar
R-9303 (LID No. 61929) Case No. 2020-61929
417-419 West Marshall Street
Norristown, Montgomery County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (11) **ERW Venture Inn, LLC** Renewal – District 8
t/a Venture Inn
R-19394 (LID No. 92180) Case No. 2022-92180 **HOLD 8/9/23 SESSION**
1896 North Route 44 Highway **Conditional Licensing Agreement**
Watson Township
Jersey Shore, Lycoming 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.

- (12) **JACT, Inc.** Renewal – District 5
t/a Plaza Lounge
R-19297 (LID No. 87953) Case No. 2022-87953 **HOLD 4/9/20 SESSION**
995 Greensburg Pike
Wilkins Township
East Pittsburgh, Allegheny County

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 approve the renewal.

- (13) **Andrew J. King** Renewal – District 6
t/a Adolph’s Tavern
R-4418 (LID No. 42023) Case No. 2022-42023
107-109 South Main Street
Masontown, Fayette 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) **Los Amigos, LLC** Renewal – District 3
R-8399 (LID No. 73404) Case No. 2023-73404
48-50 South 6th Street
Reading, Berks County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to hold for a conditional licensing agreement, offer in compromise.

- (15) **Panico, Inc.** Renewal - District 4
t/a Panicos Neighborhood Grill & Tavern
R-2014 (LID No. 60438) Case No. 2022-60438
530 North Cannon Avenue
Lansdale, Montgomery 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) **Siefert Distributing, Inc.** Renewal – District 6
D-2630 (LID No. 52149) Case No. 2022-52149
Route 119 Memorial Boulevard
Connellsville, Fayette County **HOLD 5/3/23 SESSION**

Motion Made: Board Member Isenhour

Chairman Holden asked if there was anyone in the listening audience representing Siefert Distributing, Inc. who wished to be recognized. There was no response.

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Seconded: Board Member Vulakovich

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

(17) **Stos, Inc.**
R-671 (LID No. 68334) Case No. 2022-68334
236 Market Street
Philadelphia, Philadelphia County

Renewal – District 10

HOLD 7/20/23 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.

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

Personnel Actions

There were 12 personnel actions presented for consideration.

- (1) **Thomas Althouse – Affirm Removal**
- (2) **Paul Benner - Affirm Removal**
- (3) **Jalil Cummings – Affirm Removal**
- (4) **Cristofer Graham - Demotion**
- (5) **Yakeem Jackson – Affirm Removal**
- (6) **Andrew Kosmack – Removal**
- (7) **Taylor Livingston – Affirm Removal**
- (8) **Mykell Nelson – Affirm Removal**
- (9) **Kellie Rucker - Removal**
- (10) **Samantha Shrawder – Affirm Removal**
- (11) **Jimmy Smith Jr – Affirm Removal**
- (12) **Syreeta Tarver – Affirm Removal**

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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, Deputy Executive Director
Ijeoma Ezekoye, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **NWOB 5th Floor Carpeting** – This purchase is to replace all fifth-floor office and hallway carpeting in the NWOB.

Procured via DGS Contract #4400020407 – **VENDOR: Harrisburg Wall & Floor - \$53,402.09 estimated cost.**

- (2) **Contract for Services with Deloitte, LLP, for Production Support and Associated Services for Oracle Cloud Enterprise Resource Planning (ERP) and Oracle Applications** – Engagement to have Deloitte, LLP, perform the ERP “hypercare” duties (i.e.; post-go-live production support and maintenance and associated knowledge transfer) after Oracle’s roll-off. The two entities will overlap for two months to ensure a smooth transition.

Procured via RFP No. 20220912 – **VENDOR: Deloitte, LLP - TERM: November 1, 2023, Effective date, through April 30, 2024, with an option to renew for any quarterly increments of an additional 18 months. - estimated cost for initial 6-month term: \$1,822,080.00.**

- (3) **Background Check Services** – PLCB will be using this contract to perform pre-employment criminal background checks to ensure that the agency is in compliance with the Liquor Code.

Procured via IFB No. 270094 – **VENDOR: Accurate C&S Services – TERM: One year from effective date - \$100,000.00 estimated cost.**

- (4) **Ingenico Lane 8000 PIN Pads and Stands** – This order is for the future to be used as spares as we see tamper errors on the pin pads and also for anticipated new stores.

Procured via DGS Contract #4400016084 – **VENDOR: First Data Merchant Services LLC - \$247,750.00 estimated cost (250 PIN Pads @ \$975.00 and 50 stands @ \$80.00).**

Inter-Agency Charges:

- (1) **Civil Service Commission Services (CSCS) (Job 46)** – Billing of \$237,307.73 for CSCS services for July – December 2023. The billing was based on the PLCB’s average total count of civil service positions (7,163 filled and vacant) for the six-month period of November/2022 through April/2023. The PLCB’s billing increased by \$42,377.10 (+21.7%) from last year’s billing of \$194,930.63. The billing methodology uses “total” civil service positions (filled + vacant).

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- (2) **Office of Administration – HR Shared Services** – Billing of \$970,200 for the FY 2023-24 Q1 the LCB’s allocated share of OA’s HR-Enterprise Services (HR service center, training, labor relations, employee benefits, SEAP, etc.). The billing is \$46,200 (+5.0%) more than last year. The billing is allocated based on the agency’s number of benefit eligible employees (BEEs). The LCB’s Q1 charges represents only 3.9% of the total OA charge of \$24.9 million which grew (+5.0%) over last year.
- (3) **Office of Administration – IT Shared Services** – Billing of \$834,094 for the FY 2023-24 Q1 estimate 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 \$78.2M OA- IT Shared Services billing (+5.0%) over last year. This billing is \$39,719 (+5.0%) higher than the FY 2022-23 Q4 billing.

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.

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

- (1) **#0617 – Tulpehocken Village, 430 North Third Street, Womelsdorf
Amendment**
- (2) **#0917 – 500 South Second Street Pike, Southampton
Amendment**
- (3) **#0930 – Doylestown Pointe Plaza, 1661 Easton Road, Warrington
Amendment**
- (4) **#3508 – 70 Keystone Industrial Park Road, Dunmore
Amendment**
- (5) **#4608 – 922 West Lancaster Avenue, Bryn Mawr
Amendment**
- (6) **#5108 – 3250 North Broad Street, Philadelphia
Amendment**
- (7) **#5198 – Freedom Square, 5113 Germantown Avenue, Philadelphia
Amendment**
- (8) **#5701 – 121 West Main Street, Dushore
Amendment**

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- (9) #9712 – 916-928 North 6th Street, Harrisburg
Parking Agreement
- (10) #0286 – 1130 Perry Highway, #20 Pines Plaza, (Ross Township) Pittsburgh
Exercise Option
- (11) #3001 – Widewaters Commons, 55 Sugar Run Road, Suite 105, Waynesburg
Exercise Option
- (12) #4511 – Kinsley Plaza, 107 Kinsley Drive, Suite 104, Brodheadsville
Exercise Option

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 Selection Tom Bowman, Director of Product Selection

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various	1. Regular Recommended Delist
Various	2. Regular Recommended Delist Revision

1. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
Millstone Rye Whiskey 750 mL	35110
New Liberty Single Malt Whiskey 750 mL	15251
New Liberty Bloody Butcher Bourbon 750 mL	2287

EFFECTIVE DATE: The transference to closeout will become effective October 20, 2023

2. Regular Recommended Delist Revision

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>RESCIND</u>	
<u>C Jacquin et Cie Inc</u>	
Irish Manor Irish Cream 34 Proof 750 mL	6761
Jacquins Coffee Flavored Brandy 750 mL	97419
Jacquin's Dry Gin 1 L	8888

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Sweet Revenge Liqueur 750 mL

5034

NOTE: These items were sent to Board August 30, 2023

RECOMMENDED ACTION: We recommend the Board approve this action

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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

None

OTHER ISSUES

2024 Board Meeting Schedule.....*Secretary Vigoda*

The public meetings will be held in Harrisburg, PA and will commence at 11:00 a.m. in the Northwest Office Building, Conference Room 117. If a meeting is conducted telephonically or virtually, members of the public, the media and others can find instructions on the PLCB public website to join the meeting.

2024 PLCB Board Meeting Schedule

- January 10, 2024
- January 24, 2024
- February 14, 2024
- February 28, 2024
- March 20, 2024
- April 10, 2024
- May 1, 2024
- May 15, 2024
- June 5, 2024
- June 26, 2024
- July 10, 2024
- July 31, 2024
- August 21, 2024
- September 11, 2024
- September 25, 2024
- October 9, 2024
- October 30, 2024
- November 13, 2024
- December 4, 2024
- December 18, 2024

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 approve the 2024 Board Meeting Schedule.

PUBLIC COMMENT

No public comment was offered.

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, October 4, 2023, beginning at 11:00 A.M. Prior to the public meeting, an Executive Session or Sessions will be held for the specific purposes as regularly set forth in the printed Board Agenda.

ADJOURNMENT

On a motion by Board Member Isenhour, seconded by Board Member Vulakovich, the meeting was adjourned.

Chairman

Member

Member

ATTEST:

Secretary