PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

Watch the video recording.

WEDNESDAY, APRIL 10, 2024

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

Tim Holden, Chairman Randy Vulakovich, Board Member Darrell Clarke, Board Member Rodrigo Diaz, 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 Management
Financial Report
Other Issues

PUBLIC MEETING – 11:00 A.M

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 March 20, 2024, meeting.

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

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

Minutes.

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

The following Board Action approved on April 5, 2024, was decided by Notational Voting after the adjournment of the Board's last public meeting on March 20, 2024.

Board Action: Archer Roose, Inc., License No-148698, LID 106002, filed its renewal application for licensing period effective July 1, 2023, but did not have the necessary tax clearances. An administrative hearing was held of September 18, 2023. At its March 20, 2024, session, the Board voted to refuse the renewal because the licensee had still not obtained the necessary tax clearances. However, the licensee subsequently notified the Bureau of Licensing that it received the outstanding clearances on March 22, 2024, which has been confirmed. Accordingly, Archer Roose, Inc. requested the Board reconsider its prior decision and approve the renewal.

The deadline for when the Board can act upon the request for reconsideration was April 9, 2024, one day prior to today's Board session. Therefore, this matter was presented to the Board for a notational vote so that it could act, if it wished to do so, prior to the expiration of the deadline for reconsideration.

Chairman Holden, Member Vulakovich and Member Clarke agreed (3-0 vote) to grant Archer Roose, Inc.'s request for reconsideration and approved the renewal.

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.

Attorney Charles Caputo informed the Board of his intention to comment on two agenda items. Chairman Holden asked whether Mr. Caputo preferred to speak immediately or wait until the relevant agenda items were discussed. Mr. Caputo requested to address the Board when each specific agenda item was called for consideration.

NEW BUSINESS

(1) 9TH WARD REPUBLICAN SOCIAL CLUB

ALJ Appeal

126 South Penn Street York, PA 17404-3830 License No. O-108/LID 8999

Citation No. 21-0529

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

action.

(2) PHILADELPHIA BEER WORKS, INC.

ALJ Appeal

4118 Main Street Philadelphia, PA 19127-1618 License No. R-2137/LID 39909

Citation No. 19-1161

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

ensure compliance with the ALJ's Order regarding RAMP Certification.

(3) FUNCK BROTHERS ENTERPRISES, INC.

ALJ Appeal

t/a Funck's Restaurant 644 West Main Street Palmyra, PA 17078-1510 License No. R-18925/LID 68925 Citation Nos. 20-1163, 21-0157

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

action.

(4) Allegheny Township

Case No. 24-NE-02

Municipal Petition for Exemption from

Liquor Code Statute Regarding

Amplified Sound

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the municipal petition for exemption

from Liquor Code statute regarding amplified sound for a one-year period

beginning June 28, 2024, through June 28, 2025.

(5) Lower Yoder Township

Case No. 24-NE-03

Municipal Petition for Exemption from

Liquor Code Statute Regarding

Amplified Sound

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the municipal petition for exemption

from Liquor Code statute regarding amplified sound for a one-year period

beginning April 10, 2024, through April 10, 2025.

(6) Lower Yoder Township

Case No. 24-NE-04

Municipal Petition for Exemption from

Liquor Code Statute Regarding

Amplified Sound

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the municipal petition for exemption

from Liquor Code statute regarding amplified sound for a one-year period

beginning April 10, 2024, through April 10, 2025.

(7) MONTENEGRIN, LLC

842 Lattimer Road, P.O. Box 101

Hazle Township, Lattimer Mines, PA 18234-0101

Restaurant Liquor License No. R-17630

LID 69634

Motion Made: Board Member Vulakovich

Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to resolve the appeal by renewing the license.

(8) SIN CLAIR CULINARY, LLC

Appeal to Commonwealth Court

Resolution of Appeal Pending in the

Court of Common Pleas of Luzerne

545 Beaver Street Sewickley, PA 15143-1701 Restaurant Liquor License No. R-21183 LID 72574

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) not to appeal the Court of Common Pleas of

Allegheny County's decision of March 12, 2024, to Commonwealth Court.

County

(9) ANTHONY HENNEN AND THE CENTER SQUARE Appeal to Commonwealth Court v. PLCB and PA MEDIA GROUP

OOR Dkt. No. AP 2024-0272

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) not to appeal the decision of the Office of Open

Records to Commonwealth Court.

(1) Bala Ji Holdings, Inc.

Double Transfer – Restaurant

t/a Hops Brews and Sunshine

R-10478 (LID No. 114571) Case No. 23-9080

509 East Ohio Street

Pittsburgh, Allegheny County

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

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

licensing agreement.

(2) DHE, LLC

t/a Willow's Bar

Appointment of Manager – Restaurant

Request for Hearing after

Appointment of Manager –

Restaurant

Administrative Cancellation - New

R-13336 (LID No. 103921) Case No. 23-9137

10905 Main Street P. O. Box 43 Grove Township

Sinnemahoning, Cameron County

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

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

agreement.

(3) Olney Post No. 77 American Veterans of

World War II Amvets

(LID No. 113154) Case No. 23-9102

2658 East Clearfield Street

Philadelphia, Philadelphia County

Motion Made: Board Member Vulakovich

Chairman Holden asked if anyone in the audience wished to speak on behalf of Olney Post No. 77 American Veterans of World War II

- Club

AMVETS. There was no response.

Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) that the license remains cancelled.

(4) Linda L. Putalavage

t/a LJ's Café

R-11655 (LID No. 70941) Case No. 23-9136

27 Coal Street

Motion Made:

Middleport, Schuylkill County

Schuylkill County

Board Member Vulakovich

Seconded: Board Member Clarke

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

agreement.

Sweeney's Café & Pub, Inc. **(5)**

Renewal – Restaurant

Request for Hearing to Extend the

Safekeeping Period – Restaurant

R-350 (LID No. 42567) Case No. 23-9118 1713 Rostraver Road

Rostraver Township Belle Vernon, Westmoreland County

Motion Made: Board Member Vulakovich

Chairman Holden asked if anyone in the audience wished to speak on

behalf of Sweeny's Café & Pub, Inc. There was no response.

Seconded: Board Member Clarke

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

(6) Your Mountain House LL, LLC

R-19666 (LID No. 103027) Case No. 23-9108

400 Hatch Hill Road Overton Township,

New Albany, Bradford County

Motion Made: Board Member Vulakovich

> Chairman Holden asked if anyone in the audience wished to speak on behalf of Your Mountain House LL, LLC. There was no response.

Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to refuse licensee request for a waiver

> of safekeeping extension fees and that the safekeeping extension only be granted upon payment of applicable safekeeping extension fees as

> > Renewal – District 5

set by the Liquor Code.

(7) 3 Rivers Beer, LLC

R-8247 (LID No. 104611) Case No. 2023-104611

6601 Hamilton Avenue

Suite 3

Pittsburgh, Allegheny County

Motion Made: Board Member Vulakovich **Seconded: Board Member Clarke**

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

(8) Bongo, Inc. Renewal – District 3

R-969 (LID No. 9716) Case No. 2023-9716

563 South 1st Avenue

South Coatesville

HOLD 2/28/24 SESSION

Coatesville, Chester County Conditional Licensing Agreement

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

conditional licensing agreement.

(9) **Brookside Diner and Lounge, Inc.** Renewal – District 2

R-391 (LID No. 23495) Case No. 2022-23495 1360 Eisenhower Boulevard

Lower Swatara Township Harrisburg, Dauphin County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

licensing agreement.

(10) Bunyans, Inc. Renewal – District 7

R-13142 (LID No. 53727) Case No. 2023-53727

144 Diamond Street

Titusville, Crawford County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

agreement.

(11) HMAC Venue, LLC Renewal – District 2

t/a Harrisburg Midtown Arts Center

R-4643 (LID No. 98407) Case No. 2022-98407 **HOLD 10/18/23 SESSION,** 1110 North 3rd Street **2/28/24 SESSION and 3/20/24**

Harrisburg, Dauphin County SESSION

Conditional Licensing Agreement

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

amended conditional licensing agreement.

(12) M & EM, Inc.

Renewal District 2

t/a Glenville Station

R-19450 (LID No. 91470) Case No. 2022-91470

7945 Glenville Road Codorus Township Glenville, York County **HOLD 11/15/23 SESSION and**

2/14/24 SESSION

Motion Made: Board Member Vulakovich

Chairman Holden asked if anyone in the audience wished to speak on

behalf of M & EM, Inc. There was no response.

Seconded: Board Member Clarke

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

(13) **Mustang 347, LLC**

Renewal District 6

t/a Evons

R-10408 (LID No. 84275) Case No. 2024-84275

HOLD 11/15/23 SESSION

210 Memorial Drive

Perry Township

Conditional Licensing Agreement

Star Junction, Fayette County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

conditional licensing agreement.

(14) SR, Inc.

Renewal – District 5

t/a Fundaze Back Bar

R-2912 (LID No. 72245) Case No. 2023-72245 2550 Brownsville Road

South Park, Allegheny County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

licensing agreement.

(15) Sudsys Acquisition, LLC
t/a Sudsys Beer and Cigar
D-984 (LID No. 71798) Case No. 2023-71798
6080 Library Road
Bethel Park, Allegheny County

Renewal – District 5

HOLD 12/20/23 SESSION

Motion Made: Board Member Vulakovich

Chairman Holden asked if anyone in the audience wished to speak on behalf of Sudsys Acquisition, LLC.

Attorney Charles Caputo, representing Sudsys Acquisition, LLC, addressed the Board regarding negotiations of a Conditional License Agreement. Previous compliance issues by Licensee resulted in three citations for sales to minors. Attorney Caputo asserted that the acts leading to the citations were that of employees and not the owner. He noted three of the terms discussed during negotiations for the Board. The first two terms of RAMP Training and the scanning of all customer IDs, were acceptable. However, Attorney Caputo argued that the provision requiring automatic license surrender to safekeeping after one or more adjudicated citations for selling to minors within a seven year period seemed unfair regarding timing. Attorney Caputo pointed out that restaurant licenses that are renewed every two years abide by similar provisions but for only three and a half years. For a beer distributorship, where licenses are renewed every 4 years, the provision is seven years. He urged the Board to consider fairness between licensing classes and the disparity this negotiation term creates in the event of one citation as opposed to possibly two or more citations. Attorney Caputo also asserted that even with training, it is unreasonable to believe that an owner's employee may not make one error leading to a citation over this period of time. He requested that the conditional licensing term be altered to reflect two or more citations, as the term presented for negotiation of one or more citation is unreasonable.

Chairman Holden sought a parliamentary inquiry from Chief Counsel Jason Worley regarding the appropriateness of providing Board reasoning. Chief Counsel Worley noted that the Board is free to comment prior to its vote. However, Chief Counsel Worley reminded the Board that an administrative hearing had already been held regarding this matter and the record presented to the Board that resulted in the determination to hold the license for negotiation of a conditional licensing agreement. However, the Bureau of Licensing and Sudsys were subsequently unable to reach acceptable terms.

Chairman Holden seconded the motion, noting the licensee's three citations for selling to minors is a serious violation. He questioned the logic of renewing the license that would otherwise allow more than one citation before the licensee would take serious action.

Seconded: Chairman Holden

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

(16) Waterford Beverage Company, Inc.

Renewal – District 7

D-2760 (LID No. 27312) Case No. 2023-27312

12001-R No. 19N Waterford, Erie County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

existing conditional licensing agreement.

(17) Sharyn L Williams Angelo F Perigo

Renewal – District 5

New Tavern Gaming License

t/a Sharwood Lounge

R-14384 (LID No. 60592) Case No. 2023-60592

470 Broadway

Pitcairn, Allegheny County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

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

licensing agreement.

(18) GT Enterprises 1, LLC

t/a Alburtis Tavern & Lodge

H-6382 (LID No. 115340) 106-108 South Main Street Alburtis, Lehigh County

Motion Made: Board Member Vulakovich Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the new tavern gaming

license.

Chairman Holden added that this was the 96th tavern gaming

application approved.

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

Personnel Actions

There were 20 personnel actions presented for consideration.

- (1) Michael Badurik Removal
- (2) Russ Cogdell Affirm Removal
- (3) Martin Fischer Removal
- (4) Jamie Forsyth Removal
- (5) Dennis Hopson Affirm Removal
- (6) Leif Hultquist Removal
- (7) Diamond Jackson Affirm Removal
- (8) Anthony Johnson Affirm Removal
- (9) Andrianna Jordan-Keels Affirm Removal
- (10) Inas Larke Removal
- (11) Jaelyn Lau Affirm Removal
- (12) Auston Ludovici Affirm Removal
- (13) Chelsea Mack Removal
- (14) Kenya McDuffie Removal
- (15) Devon Nixon Removal
- (16) Angelina Reese Removal
- (17) Donna Robinson Removal
- (18) Karen White Removal
- (19) Jamil Willis Affirm Removal
- (20) Melissa Ziegler Affirm Removal

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the proposed personnel actions

received from the Bureau of Human Resources.

Procurement Actions:

(1) Production Support and Associated Services for Oracle Cloud Enterprise Resource Planning (ERP) and Oracle Applications Renewal – Engagement to have Deloitte Consulting, LLP, continue to perform the ERP "hypercare" duties (i.e.; post-go-live production support and maintenance and associated knowledge transfer) after Oracle's roll-off.

Procured via PO 80050710 Option Three-Month to RFP Contract 20220912 – VENDOR: **Deloitte Consulting LLP** – TERM: Three months for the period 05/01/2024 through 07/31/2024 – \$912,792.00 estimated cost.

(2) PLCB 2024 Gift Cards - This procurement action is for eighteen different versions of branded gift cards, (228,500 total cards) to replenish inventory levels within the PLCB E-Commerce warehouse. This order is estimated to last a period of one year.

Procured via IFB #270768 – VENDOR: Marketing Card Technology LLC - \$57,910.90 estimated cost.

Inter-Agency Charges:

- (1) Bureau of Commonwealth Payroll Operations (BCPO) Billing (Job 30) Billing of \$297,398.94 for the PLCB's share of costs representing payroll and travel services in FY 2023-24. The billing is based on actual payroll and travel transaction counts for the previous two fiscal year (FY 2022 & 2021).
- (2) Department of General Services (DGS) Vehicle Leases (Job 35) The billing to reimburse DGS \$50,573.46 for December /2023 vehicle leases in accordance with Management Directive 615.3. This billing is for the 101 vehicles leased by the PLCB and includes the monthly lease costs for Telematic (GPS) devices. The monthly lease billing from DGS is commonly under \$50,000 so this charge normally appears on the Executive Director memo of inter-agency charges.
- (3) Department of General Services (DGS) Vehicle Leases (Job 35) The billing to reimburse DGS \$50,825.32 for January /2024 vehicle leases in accordance with Management Directive 615.3. This billing is for the 101 vehicles leased by the PLCB and includes the monthly lease costs for Telematic (GPS) devices. The monthly lease billing from DGS is commonly under \$50,000 so this charge normally appears on the Executive Director memo of inter-agency charges.

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 Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the procurement actions and

interagency charges received from the Bureau of Accounting and

Purchasing.

- (1) #51XX- 3151 Market Street, Philadelphia New Lease
- (2) #0206-136 Chartiers Avenue, McKees Rocks Amendment
- (3) #0211- 5600 William Flynn Highway, Gibsonia Amendment
- (4) #0605- 45 Constitution Boulevard, Kutztown Amendment
- (5) #0705- 220 E Chestnut Ave., Altoona Amendment
- (6) #4508-288 Dartmouth Dr. Marshalls Creek Amendment
- (7) #5404- 630 Centre Street, Ashland Amendment
- (8) #4027- 320 Rt. 315 Highway, Pittston Option
- (9) #6526- 700 Blue Spruce Way, Murrysville Option

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the proposed actions received

from the Office of Retail Operations.

From the Bureau of Product Management...... Tom Bowman, Director of Product Management

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various 1. Regular New Items Accepted Various 2. Regular Recommended Delist

1. Regular New Items Accepted

BRAND NAME AND SIZE	REASON	
Majestic W S USA Inc		
Creamery Cabernet Sauvignon 750 mL	18	
Luna De Oro Lime Margarita Wine Cocktail 1.5 L	18	
Luna De Oro Strawberry Margarita Wine Cocktail 1.5 L	18	
The Wine Group		
It's a Headsnapper Prosecco 750 mL	18	

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

2. Regular Recommended Delist

CODE Constellation Brands Kim Crawford Illuminate Rose 750 mL 97001

Grapes and Barley LLC

Bulgariana Cabernet Sauvignon 750 mL

97980

Majestic W S USA Inc

Fess Parker American Traditional Reserve Chardonnay Santa Barbara 750 mL 98421

EFFECTIVE DATE: The transference to closeout will become effective May 10, 2024

Motion Made: Board Member Vulakovich
Seconded: Board Member Clarke

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations received

from the Bureau of Product Management.

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

None

OTHER ISSUES

Oracle ERP:

Extended Commerce Support, Reporting Extension, Release 3......Rodrigo Diaz, Executive Director

In the month of February, additional funding totaling \$4 million was committed to the Oracle enterprise resource planning project to enable the following initiatives:

- (1) \$112,000 for extended e-commerce support through March 8, 2024, to provide for on-call Oracle responsiveness during the February Pappy Van Winkle and Buffalo Trace Antique Collection Limited-Release Lotteries, as well as for development on a limited number of high-priority defects.
- (2) \$175,000 to extend the report creation initiative approved in January 2024 by three weeks.
- (3) \$3.779 million for Release 3 of Project New Horizon, which will implement merchandise financial planning and enterprise management planning (financial) functions and integrate them into the existing cloud-based solution.

All these commitments fall under the PLCB's existing contract purchase agreement No. 63017408 with Oracle, approved by the Board on Jan. 17, 2018, with term through Feb. 26, 2030.

PUBLIC COMMENT

The Board has reserved 10 minutes for public comment.

No comments were offered.

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, May 1, 2024, 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

	Chairman
	Member
	Member
ATTEST:	