

**PENNSYLVANIA LIQUOR CONTROL BOARD
MEETING AGENDA**

WEDNESDAY, JUNE 5, 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](#)

Notice: Anyone who wishes to comment on a printed agenda item prior to official action being taken must make that known to the Chairman or the Board Secretary in advance. Board Secretary Michael Vigoda can be reached by phone at 717-787-8896 or email at mvigoda@pa.gov

Details for the Microsoft Teams meeting on June 5, 2024 can be found on the PLCB public website.

EXECUTIVE SESSIONS

In accordance with section 708 of the Sunshine Act, 65 Pa. C.S. § 708, on the morning of and/or the day immediately preceding the Public Meeting set forth herein, the Pennsylvania Liquor Control Board will be holding a closed Executive Session or Sessions in the Northwest Office Building 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 its 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.

PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag

OLD BUSINESS.....*Secretary Vigoda*

- A. Motion to approve previous Board Meeting Minutes of the May 15, 2024 meeting.

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.

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

PUBLIC COMMENT

The Board has reserved 10 minutes for public comment.

NEW BUSINESS

From the Office of Chief Counsel Jason Worley, Chief Counsel

- (1) **76 GENERAL, INC.** ALJ Appeal
t/a General Davis, Inc.
76 Street Road
Southampton, PA 18966-3104
License No. R-19649/LID 90519
Citation No. 22-1429

- (2) **Final-form Regulation – Duties and Rights of Licensees** Final-form Regulatory Change
Board Regulation #54-104
Updates to 40 Pa. Code §§ 5.30 and 5.32

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

- (1) **Bobby Bullet Productions, Inc.** Requests for Interior Connections
t/a Blondie’s with Another Business & to
R-18165 (LID No. 26998) Delicense an Area – Restaurant
11737 Old Route 16
P. O. Box 217
Washington Township
Rouzerville, Franklin County

- (2) **The Dog Penn, LLC** Double Transfer & Request to
t/a The Dog Penn Conduct
R-8513 (LID No. 120581) Other Businesses on the Licensed
2614 Penn Avenue Premises – Restaurant
Pittsburgh, Allegheny County

HOLD – 5/15/24 SESSION

- (3) **Firehouse Winery, Inc.** Renewal – Restaurant
t/a Firehouse Winery
R-5112 (LID No. 97259) Case No. 23-9084
211 East Sunbury Street
Shamokin, Northumberland County

HOLD – 3/20/24 SESSION

Conditional Licensing Agreement

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

- (4) **Malacalo, Inc.**
t/a The Sonoma
R-43766 (LID No. 98075) Case No. 23-9106
288 East Main Street
Hummelstown, Dauphin County
- Request for Hearing After
Revocation – Restaurant
- (5) **Milestone Sports Bar, LLC**
t/a Milestone Sports Bar
R-12727 (LID No. 104894) Case No. 23-9121
2809 Brownsville Road
Brentwood
Pittsburgh, Allegheny County
- Appointment of Manager –
Restaurant
- HOLD – 5/15/24 SESSION**
- (6) **Pine St Pub, LLC**
t/a Pine St Pub
R-9608 (LID No. 118632) Case No. 23-9144
29 East Pine Street
P.O. Box 213
East Union Township
Shepton Schuylkill County
- Person-to-Person Transfer –
Restaurant
- (7) **Linda L. Putalavage**
t/a LJ’s Café
R-11655 (LID No. 70941) Case No. 23-9136
27 Coal Street
Middleport, Schuylkill County
- Appointment of Manager –
Restaurant
- HOLD – 4/10/24 SESSION**
- Conditional Licensing Agreement**
- (8) **Virgilio Investments V, LLC**
t/a Gamble Mill
(LID No. 117168) Case No. 23-9149
160 Dunlop Street
Bellefonte, Centre County
- New – Hotel
- (9) **Black Bean Pittsburgh, Inc.**
t/a Black Bean Cuban Cuisine
R-2285 (LID No. 64637) Case No. 2023-64637
239 Atwood Street
Pittsburgh, Allegheny County
- Renewal – District 5
- (10) **Brookside Diner and Lounge, Inc.**
R-391 (LID No. 23495) Case No. 2022-23495
1360 Eisenhower Boulevard
Lower Swatara Township
Harrisburg, Dauphin County
- Renewal – District 2
- HOLD 4/10/24 SESSION**
- Conditional Licensing Agreement**

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

- | | |
|--|--|
| <p>(11) Crystal Food Services, Inc.
t/a Crystal Barbeque
R-4479 (LID No. 83746) Case No. 2020-83746 and
2022-83746
44 East Broad Street
Hazleton, Luzerne County</p> | <p>Renewal – District 8</p> |
| <p>(12) Eli & Danny Management, Inc.
t/a La Poblanita Mexican Cuisine & Bar
R-9303 (LID No. 61929) Case No. 2020-61929 and
2022-61929
417-419 West Marshall Street
Norristown, Montgomery County</p> | <p>Renewal – District 4</p> <p>HOLD 9/20/23 SESSION</p> <p>Conditional Licensing Agreement</p> |
| <p>(13) Mike’s New Moon Saloon, Inc.
t/a Mike’s New Moon Saloon
R-14497 (LID No. 49989) Case No. 2023-49989
2059 Saxonburg Boulevard
West Deer Township
Gibsonia, Allegheny County</p> | <p>Renewal – District 5</p> <p>HOLD 3/20/24 SESSION</p> <p>Conditional Licensing Agreement</p> |
| <p>(14) Rylanco, Inc.
t/a The Fort Pitt Inn
R-1242 (LID No. 32978) Case No. 2023-32978
7780 Steubenville Pike 1
North Fayette Township
Oakdale, Allegheny County</p> | <p>Renewal – District 5</p> <p>HOLD 2/28/24 SESSION</p> <p>Conditional Licensing Agreement</p> |
| <p>(15) SR, Inc.
t/a Fundaze Back Bar
R-2912 (LID No. 72245) Case No. 2023-72245
2550 Brownsville Road
South Park, Allegheny County</p> | <p>Renewal – District 5</p> <p>HOLD 4/10/24 SESSION</p> <p>Conditional Licensing Agreement</p> |

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

Personnel Actions

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

*From the Bureau of Accounting & Purchasing Rodrigo Diaz, Executive Director
Melinda John, Chief, Purchasing & Contracting Administration
Ijeoma Ezekoye, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **ORBO/ORCO Programmer Analyst Staff Augmentation** – This resource is used for advanced troubleshooting of the ORPOS system, related databases, processes and as a subject matter expert needed to support the legacy system.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: On year for period 7/1/2024 through 6/30/2025 - **\$277,007.52 estimated cost.**

- (2) **ORBO/ORCO Retail Oracle Database Administration Staff Augmentation** – This resource is used for java programming in the ORPOS system, advanced troubleshooting of the ORPOS system, related databases, processes and as a subject matter expert needed to support the legacy system.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: One year for period 7/1/2024 through 6/30/2025 - **\$315,413.28 estimated cost.**

- (3) **Oracle SME/Database Administration Staff Augmentation** – This resource’s responsibilities are primarily centered around supporting the New Horizons project and migrating from Oracle on-premises systems to the Oracle ERP Cloud Infrastructure, providing performance improvement and problem solving for the Oracle and Azure SQL databases and the OIC Cloud integrations that depend upon them. As the PLCB moves towards cloud platforms and a new approach to Data Warehousing, will continue to provide guidance on solutions that have facilitated or, in some cases, opened new opportunities for PLCB.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: One year for period 7/1/2024 through 6/30/2025 - **\$228,800.00 estimated cost.**

- (4) **Identity and Access Management (IAM) Administrator Staff Augmentation** – As part of the PLCB Security Team, this resource supports user creation, provisioning, access reviews, auditing, governance, and other cross-functional security team support as needed in hybrid on-premises and cloud environments. This individual is familiar with established policies, procedures, audit, compliance requirements, IAM systems and tools used to support and maintain operations and appropriate access to applications agency-wide. This resource is needed to support our expanding IAM responsibilities introduced by Project New Horizon.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: Six months for period 7/1/2024 through 12/31/2024 - **\$143,000.00 estimated cost.**

- (5) **Unix System Administrator Staff Augmentation** – This resource provides vital Oracle Cloud migration and ongoing Oracle ERP and Azure cloud support, through various scripts, manual configuration, and research, with the New Horizon project. Will also play a key role in the project to roll out and implement new server hardware at all of the ~600 LCB stores and the subsequent virtualization of the existing physical ORBO servers at each location. Also administers Unix OS user & folder security, and server application migrations.

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: One year for period 7/1/2024 through 6/30/2025 - **\$144,393.60 estimated cost.**

- (6) **Oracle Cloud Technical Architecture Specialist Staff Augmentation** – This resource will continue supporting our New Horizons Cloud migrations in upcoming releases and providing post go-live support for all Oracle ERP Cloud applications, databases, and integrations. Will also provide performance improvement and problem solving for the autonomous databases, OIC integrations, and Cloud WebLogic installation, configuration, and security patching.

Procured via DGS Contract #4400024749 – VENDOR: **OST, Inc.** – TERM: One year for period 7/1/2024 through 6/30/2025 - **\$228,800.00 estimated cost.**

- (7) **Furniture for Store #2801** – Wall units for Fine Wine & Good Spirits Store #2801 in Chambersburg.

Procured via DGS Contract #4400021466 – VENDOR: **TC Millwork** - **\$76,054.98 estimated cost.**

- (8) **Furniture for Store #1516** – Wall units for Fine Wine & Good Spirits Store #1516 in West Chester.

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

- (9) **Steel Shelving Funding Increase and Renewal** – This funding increase and renewal is for steel shelving to be used in Fine Wine & Good Spirits stores.

Procured via Contract Purchase Agreement #70000005 Option Year – VENDOR: **StorFlex Holdings Inc.** – TERM: One year for period 9/9/2024 through 9/8/2025 - **\$1,600,000.00 total estimated amount** (\$600,000 increase for current contract period ending 9/8/2024 and \$1,000,000.00 for renewal period 9/9/2024 through 9/8/2025).

Inter-Agency Charges:

- (1) **Office of Unemployment Compensation** – Billing of \$203,685.29 for unemployment compensation from FY22-23 benefit charges. This payment is due to UC’s challenge rolling out its new unemployment compensation system replacing an old mainframe system with a modern, cloud-based system.
- (2) **Department of General Services (DGS) Real Estate MOU charge** – Billing of \$789,837.23 for estimated services for July 1, 2023 through June 30, 2024. The billing reflects \$780,000 for projected FY 23-24 expenses and includes a \$9,837.23 carryforward from FY 22-23 actual expenses. In 2013, the Board and the DGS signed a Memorandum of Understanding (MOU) to transfer certain real estate responsibilities and personnel from the Board over to DGS. As part of the MOU, the PLCB agreed to pay DGS an annual fee to cover the payroll costs for the transferred staff and the related operating expenses, (travel, telecommunications, advertising, equipment, etc.) for these real estate services. The annual billing is estimated, with a true-up adjustment for the prior year’s billing and actual expenses.

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

(3) Department of General Services (DGS) Vehicle Purchases (JOB 66) – Billing of \$180,000.00 to reimburse DGS for the purchase of four Ford Transit 250 vehicles (\$45,000.00 each) for the PLCB. These vehicles were purchased to replace high-mileage vehicles in the Pittsburgh, Harrisburg and Philadelphia Facilities Maintenance shops.

The Bureau of Financial Management and Analysis has reviewed these charges and determined that they are reasonable based on billing methodology and previous experience.

From the Office of Retail Operations..... Rodrigo Diaz, Executive Director

- (1) #0935 – Warwick Square Shopping Center, 2395 Old York Road, Jamison
Amendment**
- (2) #5153 – 2115 North 22nd Avenue, Philadelphia
Amendment**
- (3) #5413 – 16 Tremont Road, Pine Grove
Amendment**
- (4) #6002 – Chestnut Plaza, 30 East Chestnut Street, Mifflinburg
Amendment**
- (5) #35XX – Birney Mall, 3409 Birney Avenue, Moosic
New Lease (relocation of #3524)**

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

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various
Various

- 1. Regular New Item Accepted
- 2. Regular Recommended Delist

1. Regular New Item Accepted

BRAND NAME AND SIZE

REASON

Chaddsford Winery

Chaddsford Sunset Blush 1.5 L

3

RECOMMENDED ACTION: We recommend the Board approve this action

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

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

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Freepople Distilling</u> 1675 Whiskey 750 mL	98334
<u>Majestic W S USA Inc</u> Stationmaster Cabernet Sauvignon Alexander Valley 750 mL	98900
<u>Moet Hennessy USA</u> Glenmorangie Highland Single Malt Scotch 10 Year Old 750 mL Glenmorangie Original Highland Single Malt Scotch 10 Year Old 1.75 L	7561 8456
<u>North Wales Wines</u> Arbor Mist Strawberry White Zinfandel 750 mL	4519
<u>Palm Bay Imports Inc</u> Chavo Malo Tequila Blanco 1 L	2292
<u>Sutter Home Winery</u> Sutter Home Sangria 4x187 mL	9599

EFFECTIVE DATE: The transference to closeout will become effective July 5, 2024

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

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)**

ASSETS	March 31, 2024	March 31, 2023
Current assets:		
Cash	\$ 87,370,053	\$ 45,648,253
Investments - short term	158,018,033	209,228,063
Accounts and claims receivable, net	6,939,288	5,827,976
Due from other funds - Note 9	-	-
Merchandise inventories, net	188,817,685	210,732,766
Operating supplies	1,436,371	868,295
Prepaid expenses	1,748,005	2,637,182
Total current assets	444,329,435	474,942,535
Non-current assets:		
Non-depreciable capital assets:		
Land	322,973	322,973
Depreciable or amortizable capital assets:		
Building	10,935,291	10,820,411
Leasehold improvements	209,134	209,134
Machinery and equipment	51,192,821	55,203,031
Intangible - internally generated software	82,252,935	64,324,793
Intangible - right to use leases - Note 10	434,163,618	381,580,329
Intangible - right to use IT subscriptions - Note 11	16,337,949	20,300,870
Less: accumulated depreciation or amortization	295,834,995	235,722,323
Net depreciable or amortizable capital assets	299,256,753	296,716,245
Total non-current capital assets	299,579,726	297,039,218
Total assets	\$ 743,909,161	\$ 771,981,753
Total deferred outflows of resources - Notes 5, 6	\$ 249,745,428	\$ 172,071,805
LIABILITIES		
Current liabilities:		
Trade accounts payable	\$ 289,170,574	\$ 313,425,307
Other accounts payable	16,805,462	22,596,073
Accrued expenses	21,098,427	19,312,855
OPEB - Note 6	-	-
Self-insurance, workers' compensation - Note 7	4,795,551	5,038,908
Due to other funds - Note 9	8,677,160	7,983,458
Due to fiduciary funds - Note 9	2,669,360	2,178,390
Due to other governments - Note 9	762,082	659,852
Right to use liabilities - Note 10	63,402,644	62,313,471
Total current liabilities	407,381,260	433,508,314
Non-current liabilities:		
OPEB - Note 6	342,061,000	420,050,000
Self-insurance, workers' compensation - Note 7	47,795,622	46,846,197
Net pension liability - Note 5	582,453,730	384,995,763
Compensated absences - Note 1	24,484,695	26,865,598
Right to use liabilities - Note 10	169,721,284	185,359,708
Total non-current liabilities	1,166,516,331	1,064,117,266
Total liabilities	\$ 1,573,897,591	\$ 1,497,625,580
Total deferred inflows of resources - Notes 5, 6	\$ 225,973,926	\$ 298,468,486
NET POSITION		
Net investment in capital assets	\$ 66,455,798	\$ 49,366,039
Deficit	(872,672,726)	(901,406,547)
Total net position - Note 12	\$ (806,216,928)	\$ (852,040,508)

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

**Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
State Stores Fund
Comparative Statements of Revenues, Expenses, and Changes in Net Position
For the Month Ending March 31, 2024 and March 31, 2023
(Unaudited)**

	<u>2023-24</u>	<u>2022-23</u>
Sales net of taxes	\$ 203,149,804	\$ 205,140,512
Cost of goods sold	<u>(138,525,663)</u>	<u>(140,809,749)</u>
Gross profit from sales	64,624,141	64,330,763
Operating (expenses):		
Wholesale	(2,571,792)	(1,774,346)
Retail	(34,231,203)	(29,141,598)
E-Commerce	(189,905)	(292,782)
Regulatory	(1,275,972)	(879,603)
Enterprise	(6,148,926)	(6,270,491)
Commonwealth provided services - Note 2	<u>(1,565,679)</u>	<u>(1,751,144)</u>
Total	<u>(45,983,477)</u>	<u>(40,109,964)</u>
Operating profit/(loss)	18,640,664	24,220,799
Other operating revenues (expenses):		
Enforcement fines	261,995	132,924
License fees	3,192,248	2,915,128
Miscellaneous income	<u>274,503</u>	<u>311,124</u>
Total	<u>3,728,746</u>	<u>3,359,176</u>
Total operating income/(loss)	22,369,410	27,579,975
Miscellaneous revenues (expenses):		
Interest income (expense)	773,387	772,582
Other	<u>-</u>	<u>(8,853)</u>
Total	<u>773,387</u>	<u>763,729</u>
Income/(Loss) before operating transfers	23,142,797	28,343,704
Operating transfers out:		
PSP enforcement - Note 3	(3,816,532)	(3,588,376)
Net Income/(Loss) from operations	<u>19,326,265</u>	<u>24,755,328</u>
Statutory Transfers:		
General fund - Note 4	(85,100,000)	(85,100,000)
Drug and alcohol programs - Note 4	-	-
Total	<u>(85,100,000)</u>	<u>(85,100,000)</u>
Change in net position	(65,773,735)	(60,344,672)
**Total net position - beginning - Note 12	<u>(740,443,193)</u>	<u>(791,695,836)</u>
Total net position - ending	<u>\$ (806,216,928)</u>	<u>\$ (852,040,508)</u>
Liquor tax	35,985,202	36,835,335
State Sales Tax	14,245,416	14,522,830
Local Tax	921,233	953,120
Taxes remitted to Dept.of Revenue PTD	<u>\$ 51,151,851</u>	<u>\$ 52,311,285</u>

*Beginning Net Position was restated from \$(872,154,418) at June 30, 2022 to \$(871,784,479) at July 1, 2022, a \$369,939 increase, due to the implementation of Governmental Accounting Standards Board Statement No. 96 - Subscription Based Information Technology Agreements.

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
State Stores Fund
Comparative Statements of Revenues, Expenses, and Changes in Net Position
For the Nine Months Ending March 31, 2024 and March 31, 2023
(Unaudited)

	<u>2023-24</u>	<u>2022-23</u>
Sales net of taxes	\$ 1,921,083,011	\$ 1,884,815,334
Cost of goods sold	<u>(1,306,565,549)</u>	<u>(1,322,710,107)</u>
Gross profit from sales	614,517,462	562,105,227
Operating (expenses):		
Wholesale	(23,380,919)	(16,103,204)
Retail	(312,425,120)	(257,033,220)
E-Commerce	(1,775,627)	(2,424,174)
Regulatory	(10,907,161)	(7,763,505)
Enterprise	(83,085,648)	(64,590,154)
Commonwealth provided services - Note 2	<u>(14,431,956)</u>	<u>(15,850,669)</u>
Total	<u>(446,006,431)</u>	<u>(363,764,926)</u>
Operating profit/(loss)	168,511,031	198,340,301
Other operating revenues (expenses):		
Enforcement fines	959,522	1,297,104
License fees	25,126,070	23,718,832
Miscellaneous income	<u>1,811,652</u>	<u>3,769,641</u>
Total	<u>27,897,244</u>	<u>28,785,577</u>
Total operating income/(loss)	196,408,275	227,125,878
Miscellaneous revenues (expenses):		
Interest income (expense)	9,335,968	2,173,815
Other	<u>17,008</u>	<u>51,298</u>
Total	<u>9,352,976</u>	<u>2,225,113</u>
Income/(Loss) before operating transfers	205,761,251	229,350,991
Operating transfers out:		
PSP enforcement - Note 3	(25,520,735) <u>(25,520,735)</u>	(24,507,020) <u>(24,507,020)</u>
Net Income/(Loss) from operations	180,240,516	204,843,971
Statutory Transfers:		
General fund - Note 4	(185,100,000)	(185,100,000)
Drug and alcohol programs - Note 4	-	-
Total	<u>(185,100,000)</u>	<u>(185,100,000)</u>
Change in net position	(4,859,484)	19,743,971
**Total net position - beginning 2022-23 - Note 12	<u>(801,357,444)</u>	<u>(871,784,479)</u>
Total net position - ending	<u><u>\$ (806,216,928)</u></u>	<u><u>\$ (852,040,508)</u></u>
Liquor tax	338,210,857	338,070,256
State Sales Tax	133,601,165	133,140,713
Local Tax	8,981,032	8,617,786
Taxes remitted to Dept.of Revenue PTD	<u>\$ 480,793,054</u>	<u>\$ 479,828,755</u>

*Beginning Net Position was restated from \$(872,154,418) at June 30, 2022 to \$(871,784,479) at July 1, 2022, a \$369,939 increase, due to the implementation of Governmental Accounting Standards Board Statement No. 96 - Subscription Based Information Technology Agreements.

Note: This agenda is complete at the time of issuance but other issues may be added and others stricken without further notice.

OTHER ISSUES

None

PUBLIC COMMENT

The Board has reserved 10 minutes for public comment.

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, June 26, 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

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.

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.

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.