

# PENNSYLVANIA LIQUOR CONTROL BOARD

## MEETING AGENDA

WEDNESDAY, SEPTEMBER 25, 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](#)

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*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](mailto:mvigoda@pa.gov)*

*Details for the Microsoft Teams meeting on September 25, 2024 can be found on the PLCB public website.*

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### 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 September 11, 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) **Borough of State College**  
**Case No. 24-NE-09** Municipal Petition for Exemption from  
Liquor Code Statute Regarding Amplified  
Sound
  
- (2) **East Deer Township**  
**Case No. 24-NE-10** Municipal Petition for Exemption from  
Liquor Code Statute Regarding Amplified  
Sound
  
- (3) **The Phyrst, Inc.**  
111 & 111 ½ East Beaver Avenue  
State College, PA 16801  
License No. R-19796  
LID 20533 Request for Recission of Conditional  
Licensing Agreement
  
- (4) **Fegley’s Mini Mart, Inc.**  
551 West Penn Pike  
Tamaqua, PA 18252  
License No. R-2457  
LID 121627 Application for Conversion of Suspension  
to Fine
  
- (5) **Adoption of Advisory Notice No. 9 (15th  
Revision) and Advisory Notice No. 10 (10th  
Revision)** Amendment of Advisory Notices
  
- (6) **Nittany Oil Co., Inc.**  
1135 Main Street  
Coalport, PA 16627  
License No. R-17604  
LID 106432 Appeal to Commonwealth Court

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

- (1) **C & R Garrett Pub, Inc.**  
R-7519 (LID No. 92023) Case No. 23-9114  
2310-12 Garrett Road  
Upper Darby Township  
Drexel Hill, Delaware County

Request for Hearing – *Nunc Pro Tunc* – Renewal – Restaurant
  
- (2) **Gatti Holdings, LLC**  
R-19900 (LID No. 69989) Case No. 24-9043  
6817 Route 202  
Solebury Township  
New Hope, Bucks County

Request for Hearing to Extend Safekeeping Period – Restaurant
  
- (3) **Giant Penn, LLC**  
R-10484 (LID No. 120826)  
4100 Grandview Drive  
Richland Township  
Gibsonia, Allegheny County

Requests for Interior Connections with Another Business & Sell Other Items on the Licensed Premises – Restaurant
  
- (4) **Romeos Restaurant, LLC**  
R-12937 (LID No. 103682) Case No. 24-9019  
705 Brushton Avenue  
Pittsburgh, Allegheny County

Appointment of Manager & Request to Retain Other Employment – Restaurant

**HOLD - 7/10/24 SESSION**

**Conditional Licensing Agreement**
  
- (5) **Shutters Inn, LLC**  
H-2276 (LID No. 57032) Case No. 24-9013  
200 Memorial Drive  
Elmhurst Township  
Moscow, Lackawanna County

Appointment of Manager – Hotel
  
- (6) **WSA II, LLC**  
R-9578 (LID No. 48792) Case No. 23-9130  
411 Swedeland Road  
Building 23  
Upper Merion Township  
King of Prussia, Montgomery County

Request for Hearing After Administrative Cancellation – Appointment of Management Company – Restaurant

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| <p>(7) <b>Gordon Grill, Inc.</b><br/>E-1885 (LID No. 59852) Case No. 2024-59852<br/>429 Gordon Street<br/>Allentown, Lehigh County</p>   | <p>Renewal – District 4</p>  |
| <p>(8) <b>Northern Tier Beverage, Inc.</b><br/>D-819 (LID No. 26889) Case No. 2023-26889<br/>133 North Main Street<br/>Mansfield, Tioga County</p>   | <p>Renewal – District 9</p> <p><b>HOLD 7/31/24 SESSION</b></p> <p><b>Conditional Licensing Agreement</b></p> |
| <p>(9) <b>Pizzaioli, Inc</b><br/><b>t/a Il Pizzaiolo</b><br/>R-8514 (LID No. 48106) Case No. 2023-48106<br/>703 Washington Road<br/>Mount Lebanon Township<br/>Pittsburgh, Allegheny County</p>                  | <p>Renewal – District 5</p> <p><b>HOLD 5/1/24 SESSION</b></p> <p><b>Conditional Licensing Agreement</b></p>  |
| <p>(10) <b>R.A.M. Rodney Corner, Inc.</b><br/><b>t/a Rodney Corner Café</b><br/>R-17107 (LID No. 96509) Case No. 2022-96509<br/>595 Clay Pike Road<br/>Mount Pleasant Township<br/>Acme, Westmoreland County</p> | <p>Renewal – District 6</p> <p><b>HOLD 3/20/24 SESSION</b></p>   |
| <p>(11) <b>Resort Beverage Co., Inc.</b><br/>ID-639 (LID No. 8587) Case No. 2023-8587<br/>Route 611 P O Box 143<br/>Pocono Township<br/>Tannersville, Monroe County</p>  | <p>Renewal – District 9</p> <p><b>HOLD 6/26/24 SESSION</b></p> <p><b>Conditional Licensing Agreement</b></p> |
| <p>(12) <b>South Point, LLC</b><br/><b>t/a District Bar &amp; Lounge</b><br/>R-4876 (LID No. 57918) Case No. 2024-57918<br/>1014 North 3rd Street<br/>Harrisburg, Dauphin County</p>                             | <p>Renewal – District 2</p>  |

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

Personnel Actions

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*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) Renewal for Contract 20220912 for Services with Deloitte Consulting, LLP, for Production Support and Associated Services for Oracle Cloud Enterprise Resource Planning (ERP) and Oracle Applications** – Engagement to have Deloitte Consulting, LLP, continue to perform the ERP “hypercure” duties (i.e.; post-go-live production support and maintenance and associated knowledge transfer) after Oracle’s roll-off.

Procured via PO 80050710 Option 6-Month to RFP Contract 20220912 – VENDOR: **Deloitte Consulting LLP** – TERM: Six months for period 11/01/2024 through 4/30/25 – **\$ 1,246,261.50 estimated cost.**

Inter-Agency Charges:

- (1) Office of Administration – HR Shared Services** – Billing of \$998,650. for the FY 2024-25 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 \$28,450 (+3.0%) 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 3.5% of the total OA charge of \$28.9 million which grew (+16.0%) over last year.
- (2) Department of General Services (DGS) Employee Liability Insurance (Job 31)** – Billing of \$106,401.80 for FY 2024-25 annually to reimburse DGS for employee liability insurance premiums. The billing represents the PLCB’s share of the insurance premiums based on personnel complements (25%) and 10-year claim loss experience (75%). The charge to the PLCB represents approximately 1.3% of the Commonwealth’s total employee liability premium cost of \$8.0 million and has remained flat.
- (3) Department of General Services (DGS) TORT CLAIMS (Job 24)** – Billing of \$72,743.67 for FY 2024-25 annually to reimburse DGS for tort insurance premiums. The billing represents the PLCB’s share of the insurance premiums based on tort claims The charge to the PLCB represents approximately 7.3% of the Commonwealth’s total tort liability premium cost of \$1.0 million.

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

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

None

***From the Bureau of Product Management..... Vacant, Director of Product Management***

**VENDOR – ITEM NAME**

**BOARD ACTION REQUESTED**

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

Various

1. Regular Recommended Delist

**1. Regular Recommended Delist**

**BRAND NAME AND SIZE**

**CODE**

**Luxco Inc**

Rebel Straight Bourbon 50 mL

2233

**Majestic W S USA Inc**

Rancho La Gloria Margarita Wine Cocktail 750 mL

469

**Southern Glazers Wine and Spirits of PA**

Seagram's Escapes Jamaican Me Happy Wine Cooler 4x335 mL

3505

Seagram's Escapes Strawberry Daiquiri Wine Cooler 4x335 mL

4919

EFFECTIVE DATE: The transference to closeout will become effective October 25, 2024

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

None

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**OTHER ISSUES**

*2025 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.

**2025 PLCB Board Meeting Schedule**

- January 15, 2025
- February 5, 2025
- February 26, 2025
- March 19, 2025
- April 9, 2025
- April 30, 2025
- May 14, 2025
- June 4, 2025
- June 25, 2025
- July 16, 2025
- August 6, 2025
- August 27, 2025
- September 17, 2025
- October 1, 2025
- October 15, 2025
- November 6, 2025
- November 19, 2025
- December 17, 2025

**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, October 16, 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.