

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

WEDNESDAY, AUGUST 21, 2019

NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA

Tim Holden, Chairman
Mike Negra, Board Member
Mary Isenhour, Board Member
Charlie Mooney, Executive Director
John Stark, 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](#)
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PUBLIC MEETING – 11:00 A.M

Secretary Stark announced that Chairman Holden would not be present and that Member Negra would preside over the meeting in the Chairman's absence.

CALL TO ORDER *Member Negra*

Pledge of Allegiance to the Flag – Theresa Mack, Executive Secretary to Michael Demko, Nicholas Melnick, Jason Lutcavage, and Cliff McFarland.

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the July 31, 2019 meeting.

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Previous Board Minutes.

PUBLIC COMMENT ON AGENDA ITEMS

The Board has reserved 10 minutes for Public Comment on printed agenda items.

Rich Pluta announced himself and indicated that he wished to speak on behalf of Newport Beverage in Newport, Perry County, and expressed concern regarding the potential approval of Item No. 9 on the Bureau of Licensing's agenda involving Giant Food Stores, LLC. Mr. Pluta stated that his distributorship is located within 200 feet of the Giant Food Stores, LLC location and that two protests had been filed, one based on Giant Food Stores, LLC using his address and another based on economic issues which would affect his community. While the matter pertaining to the incorrect address has been rectified, Mr. Pluta pointed to a recent Department of Labor & Industry survey which placed Perry County last in terms of average take-home pay among citizens of Pennsylvania. He stated that his business will be negatively impacted if a license is granted to Giant Food Stores, LLC, noting that his employees will lose jobs and that Giant Food Stores, LLC will not likely be creating jobs. He concluded by thanking the Board on behalf of the community and his employees, and for acknowledging the protests. In response Member Negra asked Chief Counsel Diaz for advice regarding Mr. Pluta's options should the Board vote against Mr. Pluta. Chief Counsel Diaz indicated that if the Board approved the

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licensing of Giant Food Stores, LLC, Mr. Pluta would have the right to appeal that decision in Commonwealth Court and suggested that Mr. Pluta would be wise to seek private counsel due to the complexities of the appeals process. Member Negra subsequently stated that Mr. Pluta's comments would be retained within the record.

NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

- (1) **City of Altoona** Municipal Petition for Exemption
Case No. 19-NE-14 from the Liquor Code Statute
Regarding Amplified Sound

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Noise Exemption for a Period from August 21, 2019 to August 21, 2022.

- (2) **City of Altoona** Municipal Petition for Exemption
Case No. 19-NE-15

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Noise Exemption for a Period from August 21, 2019 to August 21, 2022.

- (3) **RTKL** Appeal to Commonwealth Court
Frank Burns v. PLCB
Office of Open Records
Docket No. AP 2019-0978

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Chief Counsel Diaz explained that the matter at issue involves a member of the Legislature seeking information on the number of licenses available for auction. The PLCB has denied the request in the past on the basis that the information constitutes protected proprietary information, a decision with which the Office of Open Records disagreed. Chief Counsel Diaz further explained that Commonwealth Court is not bound by the Office of Open Records and is able to issue its own decisions regarding such matters.

Board Decision: Unanimously agreed (2-0 vote) to File Appeal with Commonwealth Court.

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*From the Bureau of LicensingTisha Albert, Director of Regulatory Affairs
Barbara Peifer, Director, Bureau of Licensing*

- (1) **Acme Markets, Inc.
t/a The Frosted Mug**
R-19540 (LID No. 92312)
6800 New Falls Road
Bristol Township
Levittown, Bucks County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Extension of License and Request for Interior Connections with Another Business – Restaurant
- (2) **Blind Barber Philadelphia, LLC
t/a Blind Barber**
R-7318 (LID No. 97317)
1326 Chestnut Street
Philadelphia, Philadelphia County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Request for Interior Connections with Another Business – Restaurant
- HOLD – 6/26/19 SESSION**
- (3) **CHR Corp.
t/a Rutters #7**
E-718 (LID No. 97548)
2251 North George Street
Manchester Township
York, York County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business – Eating Place Malt Beverage
- (4) **Chesapeake Hospitality IV, LLC
t/a Doubletree by Hilton Hotel Pittsburgh-Cranberry**
(LID No. 97589)
910 Sheraton Drive
Marshall Township
Mars, Allegheny County
- Motion Made:** Board Member Negra
Seconded: Board Member Isenhour
- Board Decision:** Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business – Hotel

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve New Hotel and Requests for Interior Connections with Another Business and to Conduct Another Business on the Licensed Premises.

- (5) **Coleman’s British and Irish Purveyors, LLC** New & Requests for Interior
(LID No. 97179) Connections with Another
1825 Chew Street, #41 Business & Dual Employment -
Allentown, Lehigh County Brewery

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision Unanimously agreed (2-0 vote) to Approve New Brewery and Requests for Interior Connections with Another Business and Dual Employment.

- (6) **D&D USA, LLC** Person-to-Person Transfer &
t/a MJ Food Mart Request for an Interior Connection
E-285 (LID No. 98335) with Another Business –
22 West Main Street Eating Place Malt Beverage
Newport Township
Glen Lyon, Luzerne County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for an Interior Connection with Another Business.

- (7) **Giant Eagle, Inc.** Extension of License &
R-12484 (LID No. 90322) Request for Interior Connections
1599 South Braddock Avenue with Another Business –
Edgewood, Allegheny County Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Extension of License and Request for Interior Connections with Another Business.

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- (8) **Giant Food Stores, LLC**
R-11624 (LID No. 98211)
2130 Palomino Road
Dover Township
Dover, York County
- “Intermunicipal” Double
Transfer & Request for Interior
Connections with Another
Business - Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

- (9) **Giant Food Stores, LLC**
R-18154 (LID No. 96114) Case No. 19-9024
12 Newport Plaza
Howe Township
Newport, Perry County
- “Intermunicipal” Double
Transfer & Request for Interior
Connections with Another
Business – Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

- (10) **Sheen Mart, LLC**
R-12062 (LID No. 93974)
175 East State Street
Larksville, Luzerne County
- Extension of License &
Requests to Delete Licensed Areas
& for Interior Connections with
Another Business – Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Extension of License and Requests to Delete Licensed Areas and Interior Connections with Another Business.

- (11) **Sheetz, Inc.**
t/a Sheetz #352
(LID No. 96450)
4354 Business 220
Bedford Township
Bedford, Bedford County
- Auction License – New &
Request for Interior Connections
with Another Business –
Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve New License and Request for Interior Connections with Another Business.

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- (12) **TH Minit Markets, LLC**
t/a Turkey Hill Minit Market #267
R-20102 (LID No. 98695)
3690 East Market Street
Springettsbury Township
York, York County
- Person-to-Person Transfer &
Request for Interior Connections
with Another Business –
Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

- (13) **TH Minit Markets, LLC**
t/a Turkey Hill Minit Market #282
R-34354 (LID No. 97566)
240 Hershey Road
South Hanover Township
Hummelstown, Dauphin County
- Person-to-Person Transfer &
Request for Interior Connections
with Another Business –
Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

- (14) **TH Minit Markets, LLC**
t/a TH Minit Market #316
R-13978 (LID No. 96847)
2339 Oregon Pike
Manheim Township
Lancaster, Lancaster County
- “Intermunicipal” Double
Transfer & Request for
Interior Connections with
Another Business - Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Transfer and Request for Interior Connections with Another Business.

- (15) **Whole Foods Market Group, Inc.**
R-2306 (LID No. 72053)
750 North Krocks Road, Suite 302
Lower Macungie Township
Allentown, Lehigh County
- Extension of License &
Request for Interior Connections
with Another Business –
Restaurant

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Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Extension of License and Request for Interior Connections with Another Business.

- (16) **4935 River Road, LLC** Conditional Licensing Agreement
t/a The Apple Jack Hotel Renewal & Amusement Permit – District 11
H-2353 (LID No. 69990) Case No. 2017-69990
4935 River Road, P. O. Box 412
Plumstead Township
Point Pleasant, Bucks County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Renewal and Amusement Permit with Conditional Licensing Agreement.

- (17) **Cliff's Restaurant Group, Inc.** Renewal – District 1
t/a Cliff's Tavern
R-19986 (LID No. 89907) Case No. 2019-89907
1104 Carlisle Road, Cedar Cliff Mall
Lower Allen Township
Camp Hill, Cumberland County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Hold for an Amended Conditional Licensing Agreement.

- (18) **Fraternal Order of Eagles Conemaugh Aerie No. 1811** Conditional Licensing Agreement
C-1394 (LID No. 928) Case No. 2019-928
261 Greeve Street
East Conemaugh, Cambria County
Renewal – District 1

HOLD – 7/31/19 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Renewal with Conditional Licensing Agreement.

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- (19) **Germantown Nest No. 1624 Order of Owls** Conditional Licensing Agreement
CC-1820 (LID No. 1085) Case No. 2018-1085 Renewal – District 10
1712 Walnut Street, 2nd Floor, P. O. Box 30391
Philadelphia, Philadelphia County
HOLD – 7/17/19 SESSION

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve Renewal with Conditional Licensing Agreement.

- (20) **Johnny’s of Huntingdon, Inc.** Renewal – District 1
R-13070 (LID No. 53803) Case No. 2019-53803
1301 Washington Street
Huntingdon, Huntingdon County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Hold for a Conditional Licensing Agreement.

- (21) **M & B Enterprises of Blair County, Inc.** Renewal – District 1
t/a Budget Beverage
D-3622 (LID No. 49280) Case No. 2019-49280
524 Crescent Road
Altoona, Blair County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Hold for a Conditional Licensing Agreement.

- (22) **Ridge Capitol, Inc.** Renewal – District 10
R-4116 (LID No. 71938) Case No. 2018-71938
2837-39 Ridge Avenue
Philadelphia, Philadelphia County

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Hold for a Conditional Licensing Agreement.

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

Personnel Actions

There were 15 personnel actions presented for consideration.

- (1) **Brittany Dellorso – Removal**
- (2) **Alexia Du’Bois – Affirm Removal**
- (3) **Trenton Ferguson – Affirm Removal**
- (4) **Michael Hazlehurst – Affirm Removal**
- (5) **Jake Hutchin - Removal**
- (6) **Taj Lee – Removal**
- (7) **Evan Matthews – Removal**
- (8) **Jasmine Mitchell - Removal**
- (9) **Brian Myers – Affirm Removal**
- (10) **Cynthia Ortiz Gomez - Removal**
- (11) **Anthony Pipak – Affirm Removal**
- (12) **Liza Quintana Dalmasi – Removal**
- (13) **Ronald Turko – Removal**
- (14) **Jasmine Walker - Removal**
- (15) **Hannah Zollinger –Affirm Removal**

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve all Personnel Actions.

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*From the Bureau of Accounting & PurchasingMichael Demko, Director of Finance
Koppolu Ravindraraj, Director, Bureau of Accounting & Purchasing
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **HVAC Service** – Provide unit inspections, preventative maintenance and corrective service to the heating, ventilation and air conditioning system located within the Northwest Office Building.

Procured via Request for Quote #20190708 – VENDOR: **Enginuity LLC** – TERM: One year - **\$72,700.00 estimated cost** which includes \$42,700.00 labor and \$30,000.00 parts. Three other quotes were received: McClure Company at \$79,815.00; Edwin L. Heim Co. at \$90,723.50; and Johnson Controls Inc. at \$113,082.00.

- (2) **45 High End HP ProBook 650 G4 Laptops** – This is a consolidated laptop order to fulfill requirements through the remainder of calendar year 2019. It covers requests from E-Commerce, Warehouse liaison, and TMOD in addition to replenishing the loaner pool. These laptops are high enough performance to replace desktops when users request an equipment swap.

Procured via DGS Contract #4400017908 – VENDOR: **HP Inc. - \$57,960.0 estimated cost** (45 @ \$1,288.00 each).

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Accept all Procurement Actions.

Inter-Agency Charges:

- (1) **Department of Auditor General** – FY 2018-19 fourth quarter billing of \$628,102.32 from the Department of the Auditor General. The billing is based on actual hours for April, May and June. The Auditor General’s billings total to \$2,890,127.95 for FY 18-19.
- (2) **Office of Administration – HR Shared Services (Job 73)** – Billing of \$398,950.00 for the first quarter of FY 2019-20 for OA’s HR-Enterprise Services (labor relations, employee benefits, training, etc.). This is an estimated billing for Q1, which now includes charges for staff transferred from the Civil Service Commission and for the cost of the State Employees Assistance Program (SEAP-Job 101).

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 Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve all Inter-Agency Charges.

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From the Office of Retail Operations Carl Jolly, Director of Retail Operations

- 1. #5132 – 4229 North Broad Street, Philadelphia
Amendment
- 2. #5173 – Woodland Village Shopping Center, 6036 Woodland Avenue, Philadelphia
Amendment
- 3. #8411 – 7116 Ridge Avenue, Philadelphia
Amendment (Region 1 Offices)
- 4. #1002 – Northgate Plaza, 115 Perry Highway, Suite 158, Harmony
New Store (Relocation in same center)
- 5. #25XX – 4058 Buffalo Road, (US Rte. 20), Erie
New Store / Relocation (replacing #2509)

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Accept all Retail Operations Actions as presented.

*From the Bureau of Product Selection Dale Horst, Director of Marketing & Merchandising
Tom Bowman, Director, Bureau of Product Selection*

1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Capital Wine and Spirits Inc</u> Riata Moscato d’Asti 187 mL	3, 5,19
<u>Carriage House Imports LTD</u> Verdi Strawberry Sparkletini 750 mL Verdi Watermelon Sparkletini 750 mL	3, 19 3, 19
<u>Constellation Brands Inc</u> Lunazul Blanco Tequila 80 Proof 1.75 L Mi Campo Reposado Tequila 80 Proof 750 mL Svedka Rose Flavored Vodka 60 Proof 1.75 L	3, 5, 6 3, 5, 6 3, 5, 6
<u>Cooper Spirits Int’l LLC</u> Hochstadter’s Slow and Low Rock and Rye 84 Proof 100 mL Can	18

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C Jacquin ET CIE Inc

Savory and James Amontillado 750 mL 18
Savory and James Ruby Port Douro Valley 750 mL 18

North Wales Wine

J Vineyards Chardonnay Russian River Valley 750 mL 2, 3

Premier Innovations Group

Clique Vodka 80 Proof 750 mL 10

Southern Wine Spirits PA

Chateau Ste Michell Rose 750 mL 2, 3

RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular PA Preferred New Items Accepted

BRAND NAME AND SIZE **REASON**

Blackbird Distillery

Blackbird Distillery Special Edition Flask Apple 101 Proof 200 mL 16
Blackbird Distillery Special Edition Flask Black Cherry 101 Proof 200 mL 16
Blackbird Distillery Special Edition Flask Blackberry 101 Proof 200 mL 16
Blackbird Straight Shine 112 Proof 750 mL 16

Boardroom Spirits LLC

Sagoora Vodka 80 Proof 1 L 16

Holy Water Distillery LLC

Croswater Premium Crafted Aged Rum 750 mL 16
Croswater Premium Crafted Gin 750 mL 16
Croswater Premium Crafted Rum 750 mL 16
Croswater Premium Crafted Spiced Rum 750 mL 16
Croswater Premium Crafted Vodka 750 mL 16

Pennsylvania Pure Distilleries

Boyd and Blair Iced Tea and Lemonade Cocktail 36 Proof 1 L 16
Boyd and Blair Lemon and Lavender Cocktail 40 Proof 1 L 16

RECOMMENDED ACTION: We recommend the Board approve this action

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**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, SO)
14. Underrepresented category/segment
15. Hole in selection – consumer/store requests
16. PA Spirits
17. PA Wines
18. Licensee only
19. Probationary listing

3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Capital Wine and Spirits</u>	
Carlo Rossi Cabernet Sauvignon 5 L	4795
Carlo Rossi Chardonnay 5 L	4826
Carlo Rossi Merlot 5 L	1581
Carlo Rossi White Zinfandel 5 L	4796
<u>Heaven Hill Distilleries Inc</u>	
Lunazul Primero Tequila Anejo 80 Proof 750 mL	9430
<u>Jim Beam Brands Co</u>	
Cruzan 151 Aged Rum 151 Proof 750 mL	1757
<u>Southern Wine Spirits PA</u>	
Anew Riesling Washington State 750 mL	7187

EFFECTIVE DATE: The transference to closeout will become effective August 23, 2019

Motion Made: Board Member Negra
Seconded: Board Member Isenhour

Board Decision: Unanimously agreed (2-0 vote) to Approve all Bureau of Product Selection/Marketing Actions as presented.

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

None

OTHER ISSUES

None

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

None

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, September 11, 2019 beginning at 11:00 A.M. Prior to the public meeting, there will be an Executive Session to discuss matters of personnel and to engage in non-deliberative informational discussions, some of which are regarding actions and matters which have been approved at previous public meetings.

ADJOURNMENT

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

The foregoing actions are hereby officially approved.

Member

Member

ATTEST:

Secretary