

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

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WEDNESDAY, MAY 3, 2023

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

Tim Holden, Chairman
Mary Isenhour, Board Member
Randy Vulakovich, Board Member
Michael Demko, Executive Director
Michael Vigoda, Board Secretary

[Office of Chief Counsel](#)
[Bureau of Licensing](#)
[Bureau of Human Resources](#)
[Bureau of Accounting & Purchasing](#)

[Office of Retail Operations](#)
[Bureau of Product Selection](#)
[Financial Report](#)
[Other Issues](#)

PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag

Board Secretary Michael Vigoda indicated that a quorum of the Board was present and Chairman Holden called the meeting to order.

OLD BUSINESS..... *Secretary Vigoda*

A. Motion to approve previous Board Meeting Minutes of the April 5, 2023 meeting.

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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 21, 2023, was decided by Notational Voting after the adjournment of the Board's last public meeting on April 5, 2023.

On February 22, 2023, the City of Lock Haven filed a completed application pursuant to section 493.1(b) of the Liquor Code to allow their own noise ordinance to supersede the statute regarding amplified sound. A hearing was held before a hearing examiner within the proposed exempted area of Lock Haven on March 24, 2023. There were no protests to the application.

Section 493.1(b) requires the Board to act on the request within 60-days of the receipt of the application which would be April 24, 2023. As the next Board session is scheduled for May 3, 2023, this matter was brought to the Board for a notational vote so that it may act on the request prior to the statutory deadline.

Note: Board Minutes are not officially approved until all required signatures are affixed.

Chairman Holden, Member Isenhour and Member Vulakovich agreed (3-0 vote) to approve the application for municipal noise exemption for the City of Lock Haven from July 31, 2023, to July 31, 2028.

PUBLIC COMMENT

The Board has reserved 10 minutes for public comment.

No public comment was offered.

NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

(1) **SPBW, LLC** Request for Rescission of
550 North Church Street Conditional Licensing Agreement
Mount Pleasant, Pennsylvania 15666
License No. R-12697/LID 11534

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to rescind the conditional licensing agreement.

(2) **Orion Restaurant Group III Inc.** Resolution of Commonwealth
205 West 4th Street Court Litigation
Bethlehem, Pennsylvania 18015-1501
License No. R-8825/LID 68341
Docket No. 40 M.D. 2022

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to resolve the Commonwealth Court litigation provided that Orion Restaurant Group III Inc. withdraws its claims and request for attorney fees.

(3) **Sobo, Inc.** ALJ Appeal
t/a Belmont II
1805 North Main Street Extension
Butler, PA 16001-1122
License No. R-9939/LID 49742
Citation No. 20-1235

Note: Board Minutes are not officially approved until all required signatures are affixed.

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (4) **Sobo, Inc.** ALJ Appeal
t/a Belmont II
1805 North Main Street Extension
Butler, PA 16001-1122
License No. R-9939/LID 49742
Citation No. 21-0230

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (5) **Sobo, Inc.** ALJ Appeal
t/a Belmont II
1805 North Main Street Extension
Butler, PA 16001-1122
License No. R-9939/LID 49742
Citation No. 21-0540

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (6) **M & Em, Inc.** ALJ Appeal
t/a Glenville Station
7945 Glenville Road
Glenville, Pa 17329-0039
License No. R-19450/LID 91470
Citation No. 21-0282

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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- (7) **Mocanaqua Sporting Club** ALJ Appeal
126 Main Street
Mocanaqua, PA 18655-1514
License No. C-4477/LID 2060
Citation Nos. 20-0939
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand the case to the ALJ to ensure compliance.
- (8) **Mocanaqua Sporting Club** ALJ Appeal
126 Main Street
Mocanaqua, PA 18655-1514
License No. C-4477/LID 2060
Citation Nos. 20-1113
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand the case to the ALJ to ensure compliance.
- (9) **Mocanaqua Sporting Club** ALJ Appeal
126 Main Street
Mocanaqua, PA 18655-1514
License No. C-4477/LID 2060
Citation Nos. 20-0927
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand the case to the ALJ to ensure compliance.
- (10) **Edward Ritchie Stone Bar Inn LLC** ALJ Appeal
t/a Stone Bar Inn
535 Frystown Road
Myerstown, PA 17067-9801
License No. R-14695/LID 93826
Citation No. 21-0648
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to affirm the ALJ's decision and remand the case to the ALJ to ensure compliance.

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(11) **Angelos Since 1939 LLC** ALJ Appeal
t/a Angelos
2109 North Franklin Boulevard
Washington, PA 15301
License No. R-11923/LID 60305
Citation No. 21-0336

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the ALJ’s decision and remand the case to the ALJ to ensure compliance.

(12) **Simon Campbell v. PLCB,** Appeal to Commonwealth Court
OOR Dkt. No. AP 2023-0568

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to not appeal the case to Commonwealth Court.

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

(1) **CBC Latrobe Acquisition, LLC** Miscellaneous – Importer
I-45089 (LID No. 100831) Case No. 22-9150
104 33rd Street
Latrobe, Westmoreland County

Motion Made: Board Member Isenhour

Chairman Holden asked if there was anyone representing CBC Latrobe Acquisition, LLC who wished to be recognized. Attorney Anthony Brichta spoke on behalf of the licensee. Mr. Brichta offered comments in support of the renewal. Mr. Brichta believes there is a technical issue that is an unconstitutional delineation between different types of corporate entities. They do not see a purpose in refusing the license and asked the Board to approve the renewal.

Chairman Holden responded that it was his understanding in reading the case that they are ineligible for the license because they are not Pennsylvania residents. Chairman Holden asked Chief Counsel Rod Diaz if he is correct.

Chief Counsel Diaz offered that there is a residency requirement in the Liquor Code that must be followed. Further, Chief Counsel Diaz added that the Attorney General has instructed the PLCB cannot enforce the citizenship requirement, but that it must enforce the residency requirement.

Seconded: Board Member Vulakovich

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

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- (2) **CBOCS Pennsylvania, LLC** “Intermunicipal” Double Transfer &
t/a Cracker Barrel Old Country Store Requests for Interior Connections
R-12246 (LID No. 113494) with Another Business & to Sell
154 West Pennsylvania Avenue Other Items on the Licensed
New Stanton, Westmoreland County Premises – Restaurant
HOLD – 2/8/23 SESSION

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the double transfer application, the request for interior connection with another business and to sell other items on the licensed premises.

- (3) **JNP Foods, LLC** Requests for Hearing After
t/a Pizza Hut Revocation and *Nunc Pro Tunc* –
R-15796 (LID No. 67499) Case No. 22-9159 Extension of Safekeeping –
140 Wilderness Trail Restaurant
Tilden Township
Hamburg, Berks County

Motion Made: Board Member Isenhour

Chairman Holden asked if there was anyone representing JNP Foods, LLC who wished to be recognized. There was no response.

Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the revocation and that the license remain revoked.

- (4) **JNP Foods, LLC** Requests for Hearing After
t/a Pizza Hut Revocation and *Nunc Pro Tunc* –
R-9448 (LID No. 67500) Case No. 22-9160 Extension of Safekeeping –
401 Madison Avenue Restaurant
Muhlenberg Township
Reading, Berks County

Motion Made: Board Member Isenhour

Chairman Holden asked if there was anyone representing JNP Foods, LLC who wished to be recognized. There was no response.

Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to affirm the revocation and that the license remain revoked.

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- (5) **Mahadeva Distributors, LLC** Notice of Change in Business
D-2472 (LID No. 71813) Case No. 22-9168 Structure – Distributor
62 Hershey Road
Mount Joy Township
Elizabethtown, Lancaster County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the change in business structure subject to the appointment of a new manager.

- (6) **McLuckey Beverage, LLC** Place-to-Place Transfer & Requests
t/a McLuckey Beverage for Interior Connections with
D-14 (LID No. 95731) Case No. 22-9161 Another Business & to be Engaged
4142 National Pike in Another Business/Dual
Wharton Township Employment – Distributor
Farmington, Fayette County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the place to place transfer and request for interior connections with another business and to be engaged in another business.

- (7) **PD Seville Licensee, LLC** New – Economic Development
(LID No. 110885) Case No. 22-9174 Restaurant
56 North 3rd Street
Easton, Northampton County

Motion Made: Board Member Vulakovich
Seconded: Chairman Holden

Board Decision: By a vote of 2-1 the Board approved the application for a new Economic Development Restaurant License. Member Isenhour voted in the negative, noting that she believes due diligence has not been met to meet the criteria for an Economic Development Restaurant license.

- (8) **RDH Downtown, LLC** New – Economic Development
t/a RDH Downtown Restaurant
(LID No. 112231) Case No. 22-9173
10 North Pitt Street
Carlisle, Cumberland County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the application for a new Economic Development Restaurant license.

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- (9) **Sidhu Distributor, LLC**
t/a Sidhu Distributor
(LID No. 115784)
821 Bloom Road
Mahoning Township
Danville, Montour County
- New & Requests for Interior Connections with Another Business & to be Engaged in Another Business/Dual Employment - Distributor

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the application for a distributor license and request for interior connections with another business and to be engaged in another business.

- (10) **Volpes Sports Bar, LLC**
R-1119 (LID No. 57788)
1926 Tilghman Street
Allentown, Lehigh County
- Request to Sell Other Items on the Licensed Premises – Restaurant

Member Isenhour made a motion to approve the renewal with a conditional licensing agreement. Chief Counsel Rod Diaz interceded and pointed out that the request from Volpes Sports Bar was a request to sell other items. Member Isenhour then rescinded her motion and made a new motion to approve the request to sell other items.

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) approve the request to sell other items on the licensed premises.

- (11) **7 Huntingdon, Inc.**
R-2609 (LID No. 64697) Case No. 2022-64697
7 Huntingdon Pike
Rockledge, Montgomery County
- Renewal – District 4
- Conditional Licensing Agreement**

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (12) **2347 Berardi Enterprises, Inc.**
R-1246 (LID No. 9866) Case No. 2022-9866
2347 Clearfield Street
Philadelphia, Philadelphia County
- Renewal – District 10
- HELD – 3/1/23 SESSION**
- Conditional Licensing Agreement**

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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- (13) **4931 Liu, Inc.** Renewal – District 10
R-5426 (LID No. 57164) Case No. 2020-57164
4931-33 Wayne Avenue
Philadelphia, Philadelphia County
HELD – 3/1/23 SESSION
Conditional Licensing Agreement

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (14) **Aasha Beer 4 Less LLC** Renewal – District 6
D-994 (LID No. 73005) Case No. 2022-73005
1006 W Chestnut Street
Washington, Washington County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (15) **All Star Beer, Inc.** Renewal – District 8
D-1553 (LID No. 58726) Case No. 2022-58726
250 N Pine Street
Summit Hill, Carbon County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (16) **Café Franco, Inc.** Renewal – District 6
t/a Brewski's
R-13049 (LID No. 57748) Case No. 2022-57748
1495 Old Brodhead Road
Center Township
Monaca, Beaver County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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- (17) **Doukas, Inc.** Renewal – District 8
t/a Stephanie's
R-1971 (LID No. 40483) Case No. 2022-40483
78-80 South Main Street
Pittston, Luzerne County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for conditional licensing agreement.
- (18) **Fehl Brothers, Inc.** Renewal – District 6
t/a Mousetrap
R-17069 (LID No. 27199) Case No. 2022-27199
9212 Steubenville Pike
Robinson Township
Bulger, Washington County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for conditional licensing agreement.
- (19) **Harrison City Pizza Inc.** Renewal – District 6
R-18033 (LID No. 26322) Case No. 2022-26322
Main Street
PO Box 317
Penn Township
Harrison City, Westmoreland County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for conditional licensing agreement.
- (20) **Lederach Hotel Associates, Inc.** Renewal – District 4
t/a Bay Pony Inn
H-1323 (LID No. 37888) Case No. 2022-37888
Old Skipjack Road
P.O. Box 368
Lower Salford Township
Lederach, Montgomery County
- Motion Made:** Board Member Isenhour
Seconded: Board Member Vulakovich
- Board Decision:** Unanimously agreed (3-0 vote) to hold for conditional licensing agreement.

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- (21) **McCann Restaurant Group LLC** Renewal – District 6
R-3332 (LID No. 72771) Case No. 2022-72771
163-165 W Main St
Monongahela, Washington County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (22) **Seifert Distributing Inc.** Renewal – District 6
D-2630 (LID No. 52149) Case No. 2022-52149
Rte 119 Memorial Blvd.
Connellsville, Fayette County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

- (23) **Mel’s Restaurant and Bar, LLC** New Tavern Gaming License
t/a Mel’s Restaurant and Bar
R-19303 (LID No. 103779)
127 West Patriot Street
Somerset, Somerset County

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

Chairman Holden added that this was the 86th 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 26 personnel actions presented for consideration.

- (1) **Mildred Brown – Affirm Removal**
- (2) **Najimah Chestnut – Affirm Removal**
- (3) **Ryan Connell – Demotion**
- (4) **Bridget Donahue – Affirm Removal**

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- (5) Michael Faison – Affirm Removal
- (6) Laura Fulloon - Removal
- (7) Jaclyn Gaulin – Affirm Removal
- (8) Davian Johnson – Removal
- (9) Paul Jones – Affirm Removal
- (10) Ashley Jordan – Affirm Removal
- (11) Justin Kane – Affirm Removal
- (12) Zacchaeus Knight – Removal
- (13) Guthrie Linder – Affirm Removal
- (14) Robert Mach – Affirm Removal
- (15) Nicole Marquez – Affirm Removal
- (16) Miasha Martin – Removal
- (17) Sam Martinez – Affirm Removal
- (18) James Metzgar - Removal
- (19) Kathryn Miskolcze – Removal
- (20) Ryan Moten – Removal
- (21) Tiara Ross – Removal
- (22) Thomas Ruth – Affirm Removal
- (23) Barbara Semkiw – Affirm Removal
- (24) Thomashia Snead –Removal
- (25) Yvonne Stewart – Affirm Removal
- (26) Cameron Walls – Removal

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

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

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*From the Bureau of Accounting & PurchasingMichael Demko, Executive Director
Elizabeth Brassell, Director of Policy and Communications
Ijeoma Ezekoye, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Hearing Examiner Services Increase** – Amend existing agreement to add an additional \$50,000 in compensation per Contract year.

Procured via Sole Source Amendment – VENDOR: **Jodi Isenberg** – TERM: Through contract expiration date of 6/13/2024 - **\$50,000.00 estimated cost.**

- (2) **Trintech ReconNET Retail Reconciliation Renewal** – ReconNET is the retail industry’s leading reconciliation solution for daily reconciliation of POS/E-Commerce sales, including workflow driven “research” functionality to track/resolve discrepancies with the store/bank/credit card processor. SmartAnalysis is the solution to track and monitor all bank fees being charged to the PLCB by the banks that we deal with to ensure accurate billing/no overcharges for services to take place.

Procured via DGS Contract #4400018548 – VENDOR: **CDW-G** – TERM: One year for period 8/1/2023 through 7/31/2024 - **\$212,004.21 estimated cost.**

- (3) **PA Compute Services (PACS) Renewal** – Provide storage space for six server environments.

Procured via DGS Contract # 4400014635 – VENDOR: **UNISYS** – TERM: One year for period July 1, 2023 through June 30, 2024 - **\$1,127,291.28 estimated cost.**

Inter-Agency Charges:

None

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations from the Bureau of Accounting & Purchasing.

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

- (1) **#0234 – 1012 West View Park Drive, Pittsburgh Amendment**
- (2) **#0273 – 3202 Brighton Road, Pittsburgh Amendment**

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- (3) **#4507 – Blakeslee Corners Plaza, 248 Route 940, Suite 109, Blakeslee Amendment**
- (4) **#6103 – 17 Kimberly Lane, Suite 4, Cranberry Amendment**
- (5) **#4816 – Wind Gap Plaza, 813 Male Road, Wind Gap Exercise Option**

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to approve the recommendations from the Office of Retail Operations.

From the Bureau of Product SelectionTom Bowman, Director of Product Selection

<u>VENDOR – ITEM NAME</u>	<u>BOARD ACTION REQUESTED</u>
Various	1. Regular New Items Accepted
Various	2. Regular PA New Item Accepted
Various	3. Regular Recommended Delist

1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Bacardi USA Inc</u>	
Bacardi Mango Chile Rum 750 mL	10
Cazadores Café Coffee Liqueur 750 mL	10
Grey Goose Classic Martini Cocktail 375 mL	10
Patron El Cielo Tequila 700 mL	10
<u>Brown Forman Corporation</u>	
El Jimador Silver Tequila PET 1 L	10
<u>Capital Wine and Spirits Inc</u>	
Astica Chardonnay 750 mL	10, 14, 19
Canyon Road Cabernet Sauvignon 1.5 L	18
Canyon Road Cabernet Sauvignon 750 mL	18
Canyon Road Chardonnay 1.5 L	18
Canyon Road Chardonnay 750 mL	18
Canyon Road Pinot Grigio 1.5 L	18
Canyon Road Pinot Grigio 750 mL	18
Canyon Road Pinot Noir 750 mL	18
Canyon Road Sauvignon Blanc 750 mL	18

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Cognac Park Carte Blanche VS Cognac 750 mL	10
Cuma Cabernet Sauvignon 750 mL	10, 14, 19
Maschio Prosecco Brut 187 mL	18
Maschio Prosecco Extra Dry 187 mL	18

Constellation Brands Inc

The Prisoner Wine Company Saldo Zinfandel 750 mL	2, 4, 10
The Prisoner Wine Company The Prisoner Red 750 mL	2, 4, 10

Delicato Vineyards LLC

1924 Double Gold Buttery Chardonnay 750 mL	1, 3, 10
Bota Box Breeze Chardonnay 3 L	2, 3, 10
Three Finger Jack Red Blend Rum Barrel Aged 750 mL	10, 12

The Edrington Group USA LLC

Brugal Extra Viejo Rum 750 mL	10
Wyoming Whiskey Small Batch Bourbon 375 mL	10

Federal Distilling

Stateside Black Cherry Vodka Soda 4x355 mL Cans	10
Stateside Lemon Cucumber Mint Vodka Soda 4x355 mL Cans	10
Stateside Orange Vodka Soda 4x355 mL Cans	10
Stateside Pineapple Vodka Soda 4x355 mL Cans	10
Stateside Surfside Iced Tea and Lemonade Vodka 4x355 mL Cans	10
Stateside Surfside Lemonade and Vodka 4x355 mL Cans	10
Stateside Surfside Peach Iced Tea and Vodka 4x355 mL Cans	10
Stateside Vodka Soda Variety Pack 8x355 mL Cans	10

Heaven Hill Brands

Larceny Bourbon 1.75 L	10
Widow Jane Apple Wood Rye Whiskey 750 mL	10

Jim Beam Brands Co

Canadian Club Classic 12 Year Canadian Whiskey 750 mL	10
Hornitos Anejo Tequila 750 mL	10
Legent Bourbon 750 mL	10
On The Rock Effen Cosmopolitan Cocktail 750 mL	10
On The Rock Knob Creek Old Fashioned Cocktail 750 mL	10

Luxco

Ezra Brooks Rye 99 Straight Rye Whiskey 750 mL	10
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Majestic Wine and Spirits

Josh Cellars Craftsman's Collection Cabernet Sauvignon 750 mL	18
Josh Cellars Craftsman's Collection Chardonnay 750 mL	18
Monaco Watermelon Crush Cocktail Cans 4x355 mL	10
The Crossings Sauvignon Blanc 750 mL	10, 19

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Firesteed Pinot Gris Horse Heaven Hills 750 mL	10, 12, 14
<u>Monsieur Touton Selection Ltd</u>	
Cole Cellar Pinot Noir 750 mL	18
Cole Cellar Red Blend 750 mL	18
Cole Cellar Sauvignon Blanc 750 mL	18
<u>North Wales Wines</u>	
Apothic Chardonnay 750 mL	2, 10
<u>Pennsylvania Pure Distilleries LLC</u>	
Boyd and Blair The Espresso Martini Cocktail 1L	10
<u>Philadelphia Distilling Co</u>	
Bluecoat Barrel Finish Gin 750 mL	10
<u>Remy Cointreau USA Inc</u>	
Metaxa Ouzo Liqueur 700 mL	10
<u>Sazerac Company</u>	
JP Wiser 10 Year Old Canadian Whiskey 750 mL	10
Van Gogh Double Espresso Vodka 750 mL	10
<u>Southern Glazers Wine and Spirits of PA</u>	
818 Tequila Blanco Tequila 750 mL	10
Ole Smokey Moonshine Salty Caramel Whiskey 50 mL	10
Ole Smokey Mountain Java Cream Liqueur 750 mL	10
Pink Flamingo Gris de Gris Rose 750 mL	10, 11, 19
Rodney Strong Red Blend Sonoma County 750 mL	2, 3, 4
<u>Stoli Group USA LLC</u>	
Stoli Chamoy Vodka 750 mL	10
<u>Sutter Home Winery Inc</u>	
Sutter Home Fruit Infusion Blueberry Watermelon 1.5 L	1, 2, 10
Tres Agave Organic Agave Nectar 1 L	10
<u>The Wine Group Inc</u>	
Chateau Smith Cabernet Sauvignon 750 mL	1, 10, 11
Cupcake Vineyards Citruskissed Pinot Grigio 750 mL	1, 2, 10
<u>Treasury Wine Estates</u>	
19 Crimes Martha's Lighter Chard 750 mL	2,3,9,10,19
<u>William Grant and Sons Inc</u>	
Milagro Anejo Tequila 750 mL	10
Milagro Silver Tequila 375 mL	10

RECOMMENDED ACTION: We recommend the Board approve this action

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2. Regular PA New Item Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Benignas Creek Winery</u> Benigna's Creek Berry Delight 750 mL	17

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

3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Bacardi Inc</u>	
Bacardi Mango Rum 750 mL	7439
Bombay Sapphire Gin 200 mL	1054
Patron Tequila Roca Silver 750 mL	8604
Patron XO Cafe Coffee Liqueur 750 mL	5881
<u>Benignas Creek Vineyard</u>	
Benigna's Creek Traminette 750 mL	98696
<u>Capital Wine and Spirits</u>	
Bolla Soave 1.5 L	7505
Folonari Pinot Grigio 3 L	3784
<u>Constellation Brands</u>	
Kim Crawford Pinot Noir Marlborough 750 mL	9973
Svedka Strawberry Lemonade Vodka Soda 4x355 mL Cans	97068

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Delicato Vineyards LLC

Bota Brick Cabernet Sauvignon 1.5 L	2066
Bota Brick Pinot Grigio 1.5 L	2068
Gnarly Head Pinot Grigio 750 mL	9520

Diageo Americas Inc

Captain Morgan Spiced Rum 1.75 L	4766
Smirnoff Vodka 1.75 L	4518

The Edrington Group USA LLC

Brugal Especial Rum Extra Dry 750 mL	6101
The Macallan Highland Single Malt Scotch Double Cask 12 Year Old 1.75 L	9958

Federal Distilling

Stateside Surfside Iced Tea and Lemonade Cans 12x355 mL	96231
Stateside Surfside Iced Tea and Vodka Cans 12x355 mL	96184
Stateside Surfside Lemonade and Vodka Cans 12x355 mL	96232
Stateside Surfside Peach Iced Tea and Vodka Cans 12x355 mL	96182
Stateside Vodka Soda Black Cherry Cans 12x355 mL	96179
Stateside Vodka Soda Lemon Cucumber Mint Cans 12x355 mL	96180
Stateside Vodka Soda Orange Cans 12x355 mL	96181
Stateside Vodka Soda Pineapple Cans 12x355 mL	96183

Heaven Hill Distilleries Inc

FEW Bourbon 750 mL	49148
Irish Mist Honey Liqueur 750 mL	4585

Jim Beam Brand Co

Calico Jack Pineapple Coconut Rum 1.75 L	3675
Jim Beam Straight Bourbon PET 1.75 L	3863
Knob Creek Straight Bourbon 12 Year Old 750 mL	98329
Pinnacle Pineapple Vodka 750 mL	5410
Skinnygirl White Cranberry Cosmo Cocktail 750 mL	4507

Luxco

Salvador's Peach Margarita Cocktail 1.75 L	97433
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Majestic Wine and Spirits

Bar Dog Chardonnay 750 mL	97470
Canteen Spirits Watermelon Vodka Soda 4x355 mL Cans	97714
Hob Nob Pinot Noir 750 mL	4735

North Wales Wine

Barefoot Wine To Go Cabernet Sauvignon 500 mL	842
Barefoot Wine To Go Riesling 500 mL	843
Barefoot Wine To Go Sauvignon Blanc 500 mL	844
Barefoot Wine To Go Sweet Red 500 mL	845

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Mirassou Chardonnay 750 mL	97782
<u>Pennsylvania Pure Distilleries LLC</u>	
Boyd and Blair Chai Tea Mule Cocktail 1 L	98826
<u>Philadelphia Distilling</u>	
Bluecoat Gin For Seltzer 750 mL	97570
<u>Proximo Spirits Inc</u>	
Jose Cuervo Playamar Black Cherry Hard Seltzer 4x355 mL Cans	97147
Jose Cuervo Playamar Grapefruit Hard Seltzer 4x355 mL Cans	97148
Jose Cuervo Playamar Lime Hard Seltzer 4x355 mL Cans	97149
<u>Remy Cointreau USA Inc</u>	
Metaxa Ouzo Liqueur 750 mL	4435
<u>Sazerac Company Inc</u>	
Dictador Rum 12 Year Old 750 mL	49047
JP Wiser's Old Fashioned Whisky Cocktail 750 mL	98714
<u>Southern Glazers Wine and Spirits of PA</u>	
Branson Phantom Cognac VS 750 mL	97447
Domaine Royal de Jarras Pink Flamingo Rose Sable de Camargue 750 mL	2502
Ole Smoky Blackberry Moonshine 50 mL	2267
Ole Smoky Hunch Punch Moonshine 50 mL	1540
<u>Stoli Group</u>	
Stolichnaya Stoli Vodka 375 mL	6545
<u>Sutter Home Winery</u>	
Sutter Home Riesling 1.5 L	6608
Sutter Home Sangria Wine 1.5L	1568
Tres Agaves Organic Agave Nectar 750 mL	6612
<u>The Wine Group</u>	
Crafters Union Pinot Grigio Can 375 mL	435
Crafters Union Rose Can 375 mL	437
Franzia Pinot Noir Carmenere 5 L	112
Tribuno Vermouth Extra Dry 375 mL	5386
<u>Treasury Wines</u>	
Beringer Brothers Rye Barrel Red Blend 750 mL	97473
<u>USA Wine West</u>	
Aquarelle Grenache Rose 750 mL	852
<u>William Grant and Sons Inc</u>	
Fistful of Bourbon Straight Bourbon 750 mL	866

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Solerno Blood Orange Liqueur 750 mL

30450

EFFECTIVE DATE: The transference to closeout will become effective June 2, 2023

Motion Made: Board Member Isenhour

Seconded: Board Member Vulakovich

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

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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)**

	<u>March 31, 2023</u>	<u>March 31, 2022</u>
<u>ASSETS</u>		
Current assets:		
Cash	\$ 45,648,253	\$ 25,320,524
Investments - short term	209,228,063	243,452,888
Accounts and claims receivable, net	5,827,976	8,381,820
Due from other funds - Note 9	-	-
Merchandise inventories, net	210,732,766	209,445,556
Operating supplies	868,295	519,192
Prepaid expenses	<u>2,637,182</u>	<u>830,609</u>
Total current assets	<u>474,942,535</u>	<u>487,950,589</u>
Non-current assets:		
Non-depreciable capital assets:		
Land	322,973	322,973
Depreciable or amortizable capital assets:		
Building	10,820,411	10,762,508
Leasehold improvements	209,134	209,134
Machinery and equipment	55,203,031	47,871,619
Intangible - internally generated software	64,324,793	51,844,251
Intangible - right to use leases - Note 10	381,580,329	354,570,579
Intangible - right to use IT subscriptions - Note 11	20,300,870	-
Less: accumulated depreciation or amortization	<u>235,722,323</u>	<u>161,893,066</u>
Net depreciable or amortizable capital assets	<u>296,716,245</u>	<u>303,365,025</u>
Total non-current capital assets	<u>297,039,218</u>	<u>303,687,998</u>
Total assets	<u>\$ 771,981,753</u>	<u>\$ 791,638,587</u>
Total deferred outflows of resources - Notes 5, 6	\$ 172,071,805	\$ 189,499,247
<u>LIABILITIES</u>		
Current liabilities:		
Trade accounts payable	\$ 313,425,307	\$ 298,230,070
Other accounts payable	22,596,073	8,849,436
Accrued expenses	19,312,855	26,143,233
OPEB - Note 6	-	-
Self-insurance, workers' compensation - Note 7	5,038,908	6,298,716
Due to other funds - Note 9	7,983,458	9,618,858
Due to fiduciary funds - Note 9	2,178,390	3,825,312
Due to other governments - Note 9	659,852	1,111,821
Right to use liabilities - Note 10	62,313,471	54,777,775
Total current liabilities	<u>433,508,314</u>	<u>408,855,221</u>
Non-current liabilities:		
OPEB - Note 6	420,050,000	452,206,000
Self-insurance, workers' compensation - Note 7	46,846,197	63,400,982
Net pension liability - Note 5	384,995,763	474,684,928
Compensated absences - Note 1	26,865,598	25,995,401
Right to use liabilities - Note 10	185,359,708	206,065,839
Total non-current liabilities	<u>1,064,117,266</u>	<u>1,222,353,150</u>
Total liabilities	<u>\$ 1,497,625,580</u>	<u>\$ 1,631,208,371</u>
Total deferred inflows of resources - Notes 5, 6	\$ 298,468,486	\$ 314,905,364
<u>NET POSITION</u>		
Net investment in capital assets	\$ 49,366,039	\$ 42,844,384
Deficit	<u>(901,406,547)</u>	<u>(1,007,820,285)</u>
Total net position - Note 12	<u>\$ (852,040,508)</u>	<u>\$ (964,975,901)</u>

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**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, 2023 and March 31, 2022
(Unaudited)**

	<u>2022-23</u>	<u>2021-22*</u>
Sales net of taxes	\$ 205,140,512	\$ 190,574,889
Cost of goods sold	(140,809,749)	(131,320,001)
Gross profit from sales	<u>64,330,763</u>	<u>59,254,888</u>
Operating (expenses):		
Wholesale	(1,774,346)	(2,428,336)
Retail	(29,141,598)	(26,521,342)
E-Commerce	(292,782)	(351,084)
Regulatory	(879,603)	(1,085,119)
Enterprise	(6,270,491)	(8,957,126)
Commonwealth provided services - Note 2	(1,751,144)	(1,376,942)
Total	<u>(40,109,964)</u>	<u>(40,719,949)</u>
Operating profit/(loss)	24,220,799	18,534,939
Other operating revenues (expenses):		
Enforcement fines	132,924	114,103
License fees	2,915,128	3,310,226
Miscellaneous income	311,124	647,596
Total	<u>3,359,176</u>	<u>4,071,925</u>
Total operating income/(loss)	<u>27,579,975</u>	<u>22,606,864</u>
Miscellaneous revenues (expenses):		
Interest income (expense)	772,582	(366,820)
Other	(8,853)	(911)
Total	<u>763,729</u>	<u>(367,731)</u>
Income/(Loss) before operating transfers	28,343,704	22,239,133
Operating transfers out:		
PSP enforcement - Note 3	(3,588,376)	(2,423,732)
Net Income/(Loss) from operations	<u>24,755,328</u>	<u>19,815,401</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	(60,344,672)	(65,284,599)
**Total net position - beginning 2022-23 Restated - Note 12	<u>(791,695,836)</u>	<u>(899,691,302)</u>
Total net position - ending	<u>\$ (852,040,508)</u>	<u>\$ (964,975,901)</u>
Liquor tax	36,835,335	34,022,067
State Sales Tax	14,522,830	13,391,311
Local Tax	953,120	903,175
Taxes remitted to Dept.of Revenue PTD	<u>\$ 52,311,285</u>	<u>\$ 48,316,553</u>

* Certain amounts presented in prior year data have been reclassified in order to be consistent with the current year's presentation. Such reclassifications did not affect Income after enforcement / before other transfers, Change in net position, or Total net position.

**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.

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**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, 2023 and March 31, 2022
(Unaudited)**

	<u>2022-23</u>	<u>2021-22*</u>
Sales net of taxes	\$ 1,884,815,334	\$ 1,814,805,402
Cost of goods sold	<u>(1,322,710,107)</u>	<u>(1,249,980,461)</u>
Gross profit from sales	562,105,227	564,824,941
Operating (expenses):		
Wholesale	(16,103,204)	(17,190,258)
Retail	(257,033,220)	(235,526,449)
E-Commerce	(2,424,174)	(2,589,772)
Regulatory	(7,763,505)	(7,414,106)
Enterprise	(64,590,154)	(57,776,346)
Commonwealth provided services - Note 2	<u>(15,850,669)</u>	<u>(12,694,366)</u>
Total	<u>(363,764,926)</u>	<u>(333,191,297)</u>
Operating profit/(loss)	198,340,301	231,633,644
Other operating revenues (expenses):		
Enforcement fines	1,297,104	791,258
License fees	23,718,832	19,592,156
Miscellaneous income	<u>3,769,641</u>	<u>4,725,513</u>
Total	<u>28,785,577</u>	<u>25,108,927</u>
Total operating income/(loss)	<u>227,125,878</u>	<u>256,742,571</u>
Miscellaneous revenues (expenses):		
Interest income (expense)	2,173,815	(3,392,093)
Other	<u>51,298</u>	<u>45,509</u>
Total	<u>2,225,113</u>	<u>(3,346,584)</u>
Income/(Loss) before operating transfers	229,350,991	253,395,987
Operating transfers out:		
PSP enforcement - Note 3	(24,507,020)	(21,983,550)
Net Income/(Loss) from operations	<u>204,843,971</u>	<u>231,412,437</u>
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	19,743,971	46,312,437
**Total net position - beginning 2022-23 Restated - Note 12	<u>(871,784,479)</u>	<u>(1,011,288,338)</u>
Total net position - ending	<u>\$ (852,040,508)</u>	<u>\$ (964,975,901)</u>
Liquor tax	338,070,256	325,479,055
State Sales Tax	133,140,713	128,102,951
Local Tax	8,617,786	7,969,912
Taxes remitted to Dept.of Revenue YTD	<u>\$ 479,828,755</u>	<u>\$ 461,551,918</u>

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OTHER ISSUES

None

PUBLIC COMMENT

Patti Smith from Rock the Capital was recognized for public comment. Ms. Smith pointed out that there was no public notice on the website of the previous meeting being canceled when she tried to find the agenda on the PLCB website. Ms. Smith stated she called Secretary Vigoda asking about the meeting. Secretary Vigoda remarked that he had placed a public notice in the newspaper in accordance with the Sunshine Act. Ms. Smith offered that a notice on the website would be helpful as well. Chairman Holden concurred with Ms. Smith's suggestion.

Ms. Smith asked why the PLCB complies with the Sunshine Act for public notices but not for other issues. Chief Counsel Diaz offered that the PLCB complies with the Sunshine Act, and clarified that certain issues do not have to be discussed in public under the act.

Peter Laurenzano asked if the PLCB still sends out notifications via regular mail or whether the PLCB only uses email. Chief Counsel Diaz explained that the Liquor Code requires certain notices to be sent by regular mail. However, there are notices that are sent via email if the Liquor Code is not specific. Mr. Diaz also explained that depending on the type of notice, both regular mail and email could be used. Mr. Laurenzano inquired if Board decisions are sent via email or regular mail. Chairman Holden asked Mr. Laurenzano to clarify if he was inquiring about the method of transmission of information about any Board action. Mr. Laurenzano stated he was asking about hypothetical letters sent by the Director of Regulatory Affairs that would ask for response or that would provide information about necessary action. Chief Counsel Diaz stated that Mr. Laurenzano was veering into the specifics of Mr. Laurenzano's own pending litigation and Chief Counsel Diaz did not expand further on the already-offered generic response to the question.

Mr. Laurenzano further addressed the Board as to the current status of the litigation. He stated that he found errors in the ALJ opinion, affirmed by the Board, which could have been corrected with direct communication. Mr. Laurenzano indicated he would be looking to recover his legal fees, and named several PLCB employees as persons from whom he might seek to recover directly. Mr. Laurenzano further indicated that it was his preference to settle the matter out of court. Chairman Holden stated that it was his understanding Mr. Laurenzano was represented by counsel. Mr. Laurenzano affirmed this, and went on to state he speaks for himself; he added that his case is a high personal priority, and that he expects accountability related to it.

Franco Grisafi from Cracker Barrel communicated via the Microsoft Teams chat due to microphone issues. Mr. Grisafi asked if the Bureau of Licensing agenda item number two was approved. Board Secretary Vigoda indicated that it was approved unanimously.

NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, May 17, 2023 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.

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ADJOURNMENT

Motion Made: Board Member Isenhour
Seconded: Board Member Vulakovich

Board Decision: Unanimously agreed (3-0 vote) to adjourn the meeting.

Chairman

Member

Member

ATTEST:

Secretary