

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

WEDNESDAY, JANUARY 29, 2020

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](#)
[Other Issues](#)

Board Secretary John K. Stark indicated that a quorum of the Board was present and Chairman Holden called the meeting to order.

PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag – Heidi Geist – Communications Office

OLD BUSINESS.....*Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the January 15, 2020 meeting.

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Previous Board Minutes.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comments on the printed agenda items.

NEW BUSINESS

From the Office of Chief Counsel *Rodrigo Diaz, Chief Counsel*

(1) **7-Eleven Sales Corporation**
Docket No. 19-01761 (Philadelphia Court of Common Pleas)

Appeal to Commonwealth Court in
Application Appeal of: Reserve at
Packer Park Homeowner
Association

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

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Chief Counsel Rodrigo Diaz explained that an appeal had been taken by The Reserve at Packer Park Homeowner Association to the Court of Common Pleas regarding the Board's decision to grant a Restaurant Liquor license to 7-Eleven. The Court of Common Pleas denied the Board's request to transfer the matter to the Commonwealth Court. After stating that it would be somewhat unusual for the Board to appeal the decision of the Court of Common Pleas and suggesting that, absent an appeal, the Board will likely prevail, Chief Counsel Diaz stated that his office would not recommend appealing the matter to the Commonwealth Court.

Board Decision: Unanimously agreed (3-0 vote) Not to Appeal to the Commonwealth Court.

- (2) **Myles Development** Petition for Allowance of Appeal
Docket No. 23 C.D. 2019 (Commonwealth Court) to the Pennsylvania Supreme
Court

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Chief Counsel Diaz indicated that the case at issue involves the Board's denial of a request for a new Economic Development Restaurant license based on a perceived lack of effort to exhaust reasonable means of acquiring a license. The denial, after having been reversed by the Court of Common Pleas, was subsequently upheld by the Commonwealth Court. Chief Counsel Diaz suggested that the Supreme Court is unlikely to grant a petition since the circumstances related to this case would not necessarily be considered extraordinary and affirmed that the Board's adjustment of certain policies may be more appropriate.

Board Decision: Unanimously agreed (3-0 vote) Not to File a Petition for Allowance of Appeal to the Pennsylvania Supreme Court.

- (3) **5139 KAO, Inc.** Request for Rescission of
Restaurant Liquor License No. R-15516 Conditional Licensing Agreement
LID 81135

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Request for Rescission of Conditional Licensing Agreement.

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

- (1) **Carlisle Sports Emporium, LLC
t/a Carlisle Sports Emporium and
The Barn at Creeks Bend**
(LID No. 97518) Case No. 19-9064
29 South Middlesex Road
Middlesex Township
Carlisle, Cumberland County
- New & Requests for Interior
Connections with Another
Business & to Conduct Another
Business on the Licensed
Premises – Economic
Development
Restaurant

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Member Isenhour stated that a number of unanswered questions pertaining to this case exist and therefore made a motion to hold for further review.

Board Decision: Hold.

- (2) **Kang Fuel & Food Mart, Inc.
t/a Holiday Mart**
(LID No. 98930) Case No. 19-9063
605 Parade Street
Erie, Erie County
- Auction License – New &
Request for Interior
Connections with Another
Business - Restaurant

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve New License & Request for Interior Connections with Another Business.

- (3) **Millennium Operations, LLC
t/a Dorney Park & Wild Water Kingdom**
R-21060 (LID No. 93651) Case No. 19-9046
3830 Dorney Park Road
South Whitehall Township
Allentown, Lehigh County
- Extension of License &
Request to Conduct Another
Business on the Licensed
Premises - Restaurant

Motion Made: Board Member Isenhour

Board Member Isenhour made a motion to refuse the extension of license and request to conduct another business on the licensed premises. Board Member Negra dissented and made a motion to approve the agenda item. Chairman Holden concurred with Board Member Isenhour and added that the park already has nine licenses [*sic*] and there is no reason to license the entire park. [*In actuality, there is one license with nine approved locations within the park.*]

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Board Decision: Agreed (2-1 vote) to Refuse Extension of License & Request to Conduct Another Business on the Licensed Premises.

- (4) **Wesleyville Beer Distributors, Inc.** Appointment of Manager –
t/a Wesleyville Beer Distributors Distributor
D-1916 (LID No. 4540) Case No. 19-9081
3081 Station Road
Wesleyville, Erie County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Application for Appointment of Manager.

- (5) **ZW Distillery, LLC** New & Requests for an Interior
t/a ZW Distillery Connection with Another
(LID No. 101196) Business & Dual Employment –
600 Susquehanna Trail Limited Distillery
Liverpool Township
Liverpool, Perry County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve New License & Requests for an Interior Connection with Another Business.

- (6) **Blair Trio Enterprises, LLC** Conditional Licensing Agreement
t/a The Flats on Carson Renewal – District 5
R-10850 (LID No. 69409) Case No. 2019-69409
1500 East Carson Street
Pittsburgh, Allegheny County **HOLD – 11/13/19 SESSION**

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

- (7) **Henderson Hotel, LLC** Conditional Licensing Agreement
t/a The Edge Bar & Grille Renewal – District 7
H-6418 (LID No. 69848) Case No. 2019-69848
4 North Henderson Street
Lock Haven, Clinton County

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Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with New Conditional Licensing Agreement (Offer-in-Compromise).

- (8) **Norwood Inn, Inc.** Renewal – District 5
t/a Norwood Inn
R-3214 (LID No. 10872) Case No. 2019-10872
184 McCoy Road
Stowe Township
McKees Rocks, Allegheny County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Amended Conditional Licensing Agreement.

- (9) **Rum Runners Saloon, Inc.** Renewal – District 5
R-6802 (LID No. 68481) Case No. 2019-68481
3385 Babcock Boulevard
Ross Township
Pittsburgh, Allegheny County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Conditional Licensing Agreement (Offer-in-Compromise).

- (10) **West Catasauqua Fire Company No. 1** Renewal – District 4
CC-2879 (LID No. 3362) Case No. 2018-3362
2010 2nd Avenue
Whitehall Township
Whitehall, Lehigh County

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Hold for Conditional Licensing Agreement.

- (11) **Wiegand's Café, Inc.** Conditional Licensing Agreement
t/a Wiegand's Café Renewal – District 5
R-452 (LID No. 25713) Case No. 2019-25713
656 Center Avenue
West View
Pittsburgh, Allegheny County

HOLD – 12/4/19 SESSION

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Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Renewal with Conditional Licensing Agreement.

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

There were 11 personnel actions presented for consideration.

- (1) **Natasha Allen – Removal**
- (2) **Michelle Berger – Removal**
- (3) **Anthony Bolden – Affirm Removal**
- (4) **Zaonte Davis – Affirm Removal**
- (5) **Nakiyah Gumbs – Affirm Removal**
- (6) **Janelle Hersh – Affirm Removal**
- (7) **Shoshanna Koester – Affirm Removal**
- (8) **David Laquer – Affirm Removal**
- (9) **Robert Lenz - Removal**
- (10) **Andrew McMullin – Affirm Removal**
- (11) **Angel Rivera-Weaver – Removal**

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve all Personnel Actions.

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

Procurement Actions:

- (1) **Senior Business Subject Matter Experts Staff Augmentation** – Provide a block of hours for Adobe subject matter expert(s) to continue with the development of the new E-Commerce site using Adobe Assets and Sites Cloud-based software. Also continue working on the development and integration

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of the Tierney/Genuine Marketing related deliverables into the new site. Similar functionality to the existing E-Commerce site will be developed in the new site as well. This includes but is not limited to; a more streamlined checkout process, improved search functionality, shop by store, automation of inventory for the E-Commerce fulfillment center in conjunction with our Store Inventory Management system, adding address verification, integration of our Retail Promotions, a new mobile application and other work prioritized by Marketing.

Procured via DGS Contract #4400014660 – VENDOR: **OST, Inc.** – TERM: 4.5 months – **\$356,902.65 estimated cost.**

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Accept Procurement Action.

Inter-Agency Charges:

- 1) **Office of Administration (OA) – IT Shared Services** – Final billing of \$1,135,920 for FY 2018-19 OA IT Enterprise Technology Essential Services. This billing is for OA’s enterprise-wide infrastructure, network, security, enterprise data center (EDC) and service desk costs, which were not charged-out to departments in previous years. The final billing amount reflects a “true-up” adjustment of -\$282,364 to the initial estimated FY 2018-19 billing of \$1,418,284.
- 2) **Office of Comptroller Operations** – Billing of \$2,456,917.45 for the first half of FY 2019-20 from the Office of Comptroller Operations, which includes a “true-up” credit of \$39,745.15 for FY 2018-19’s estimated fourth quarter bill.

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 Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve all Inter-Agency Charges.

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

1. #0937 – 1601 Big Oaks Road, Yardley Amendment

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve Retail Operations Action.

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

VENDOR – ITEM NAME

BOARD ACTION REQUESTED

Various
Various
Various
Various

1. Regular New Items Accepted
2. Regular New Items Accepted Revision
3. Regular PA New Items Accepted
4. Regular Recommended Delist

1. Regular New Items Accepted

BRAND NAME AND SIZE

REASON

Fetzer Vineyards

Bonterra Equinox Red 750 mL 2, 3

Majestic W S USA Inc

Mingle Blackberry Hibiscus Bellini Sparkling Mocktail Non Alcohol 750 mL 8

Mingle Blood Orange Elderflower Sparkling Mocktail Non Alcohol 750 mL 8

Mingle Cranberry Cosmo Sparkling Mocktail Non Alcohol 750 mL 8

North Wales Wines

Barefoot Cellars Pink Moscato on Tap 3 L 1, 2, 3

Barefoot Cellars Red Blend on Tap 3 L 1, 2, 3

Barefoot Cellars Riesling on Tap 3 L 1, 2, 3

Barefoot Cellars Sangria on Tap 3 L 1, 2, 3

Rioja Group LLC

Delia Tempranillo 750 mL 9, 19

Sutter Home Winery Inc

Winecube Bubbles Rose Sparkling Wine 4x250 mL 18

Winecube Bubbles White Sparkling Wine 4x250 mL 18

The Wine Group

Beso Del Sol Rose Sangria 3 L 3, 4, 19

USA Wine West LLC

Jolete Le Verre Cuvee Pinot Noir 750 mL 4, 5, 6

RECOMMENDED ACTION: We recommend the Board approve this action

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2. Regular New Items Accepted Revision

BRAND NAME AND SIZE

REASON

Southern Glazers Wine and Spirits of PA

Stella Rosa Pineapple 750 mL

2, 3, 19

Stella Rosa Watermelon 750 mL

2, 3, 19

NOTE: Sent to board 12-18-19 with incorrect pricing

RECOMMENDED ACTION: We recommend the Board approve this action

3. Regular PA New Items Accepted

BRAND NAME AND SIZE

REASON

Leadership Brands LLC

Blue Eyed Six Whiskey 750 mL

16

Hidden Still David E. Straight Bourbon Red Label Whiskey 750 mL

16

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

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4. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
 <u>Bacardi USA Inc</u>	
Grey Goose La Vanille Vodka 750 mL	357
 <u>Fetzer Vineyards</u>	
Little Black Dress Rose 750 mL	2074
 <u>North Wales Wines</u>	
Barefoot Bubbly Berry Fusion Sparkling Wine 750 mL	7416
 <u>Southern Glazers Wine and Spirits of PA</u>	
Seagram’s Escapes Peach Fuzzy Navel Wine Cooler 4x355 mL	7201
 <u>Sutter Home Winery</u>	
Dona Paula Estate Malbec 750 mL	5273
Dona Paula Los Cardos Sauvignon Blanc 750 mL	7837

RECOMMENDED ACTION: We recommend the Board approve this action

Motion Made: Board Member Isenhour
Seconded: Board Member Negra

Board Decision: Unanimously agreed (3-0 vote) to Approve all Product Selection Actions.

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

None

OTHER ISSUES

Chairman Holden stated that he had neglected to inquire as to the presence of any representatives of Millennium Operations, LLC (Dorney Park) earlier and did so at this point during the session. There was no response from those in attendance.

CITIZEN COMMENT/BUSINESS FROM THE FLOOR

None

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NEXT BOARD MEETING

The next meeting of the PLCB will be a formal meeting on Wednesday, February 12, 2020 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 Isenhour, seconded by Board Member Negra, the meeting was adjourned.

The foregoing actions are hereby officially approved.

Chairman

Member

Member

ATTEST:

Secretary