

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING AGENDA

WEDNESDAY, FEBRUARY 28, 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 Selection](#)
[Financial Report](#)
[Other Issues](#)

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

Details for the Microsoft Teams meeting on February 28, 2024 can be found on the PLCB public website.

EXECUTIVE SESSIONS

In accordance with section 708 of the Sunshine Act, 65 Pa. C.S. § 708, on the morning of and/or the day immediately preceding the Public Meeting set forth herein, the Pennsylvania Liquor Control Board will be holding a closed Executive Session or Sessions in the Northwest Office Building for the following purposes: to discuss personnel matters; to consider the purchase or lease of real property prior to an option being obtained or prior to an agreement of purchase; to consult with its legal counsel regarding litigation and similar issues; to review and discuss agency business, which, if conducted in public, would violate lawful privilege or lead to the disclosure of information confidentially protected by law, including quasi-judicial deliberations; and to engage in non-deliberative informational discussions regarding various actions and other matters which have been approved at previous public meetings.

PUBLIC MEETING – 11:00 A.M

CALL TO ORDER *Chairman Holden*

Pledge of Allegiance to the Flag

OLD BUSINESS..... *Secretary Vigoda*

A. Motion to approve previous Board Meeting Minutes of the February 14, 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

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| (1) MORGAN HILLS, INC.
t/a Morgan Hills Golf Course
219 Hunlock Harveyville Road
Hunlock Creek, PA 18621-9736
License No. R-19911/LID 51484
Citation Nos. 20-1146, 21-0122, 21-0130, 21-0136,
21-0137, 21-0339, 21-0407, 21-0424, 21-0459, and
21-0564 | ALJ Appeal Consolidated for Purposes
of Hearing |
| (2) GetGo Operating, LLC
663 New Castle Road
Butler, Pennsylvania 16001
Restaurant Liquor License No. R-12379
LID 120938 | Request for Rescission of Conditional
Licensing Agreement |
| (3) JEEVANDEEP1, LLC
0-6 Coal Street
Port Carbon, Pennsylvania 17965-1805
Distributor Liquor License No. D-225
LID 120697 | Request for Rescission of Conditional
Licensing Agreement |

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

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| (1) Garfield Thomas Jr. Veterans of Foreign Wars Home
Assn.
CC-4763 (LID No. 3739) Case No. 23-9085
120 West Sample Street
Ebensburg, Cambria County | Renewal with Notice of Change in
Officers – Catering Club |
| (2) GRP of Selinsgrove, LLC
t/a Garfields Restaurant & Pub
R-21121 (LID No. 88266) Case No. 23-9067
1 Susquehanna Valley Mall Drive
Suite B-1
Monroe Township
Selinsgrove, Snyder County | Renewal – Restaurant |

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| <p>(3) JLP Bar & Grill, LLC
R-20913 (LID No. 71035) Case No. 23-9064
1018 Myers Road
Penn Township
Muncy Valley, Lycoming County</p> | <p>Appointment of Manager –
Restaurant</p> |
| <p>(4) Debra E. Lewis
Ernest L. Lewis
t/a Rock Hotel
R-11799 (LID No. 15161) Case No. 22-9172
892 Rock Road
Washington Township
Pine Grove, Schuylkill County</p> | <p>Renewal – Restaurant</p> |
| <p>(5) MB Beer, LLC
ID-822 (LID No. 117097) Case No. 23-9105
646 Elm Street
Tionesta Borough
Tionesta, Forest County</p> | <p>Person-to-Person Transfer –
Importing Distributor</p> |
| <p>(6) No. 8 Enterprises, LLC
t/a No. 8 Tavern
R-9417 (LID No. 103808) Case No. 23-9066
4 Grove Street
Kline Township
McAdoo, Schuylkill County</p> | <p>Renewal – Restaurant</p> |
| <p>(7) Ruby D LLC
R-6472 (LID No. 61111) Case No. 23-9101
112 South 18th Street
P.O. Box 2373
Philadelphia, Philadelphia County</p> | <p>Request for Hearing after
Revocation – Restaurant</p> |
| <p>(8) St. Meachel Arch Angel Beneficial & Protective Assn.
C-934 (LID No. 763) Case No. 23-9027
623 Long Run Road
McKeesport, Allegheny County</p> | <p>Request for Hearing after
Revocation – Club</p> |
| <p>(9) TM and MM, LLC
R-1763 (LID No. 104448) Case No. 22-9189
1028 Broadway
Fountain Hill, Lehigh County</p> | <p>Notice of Change in Business
Structure – Restaurant</p> |
| <p>(10) Union Beverage, Inc.
t/a Union Beverage
D-479 (LID No. 115424) Case No. 23-9056
746 North New Street
Bethlehem, Northampton County</p> | <p>Double Transfer & for Permission to
Retain Other Employment –
Distributor</p> |

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| <p>(11) 1805 East Carson Street Corporation
t/a Fat Head's South Shore Saloon
R-3949 (LID No. 30207) Case No. 2023-30207
1805-1809 East Carson Street
Pittsburgh, Allegheny County</p> | <p>Renewal – District 5</p> |
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| <p>(12) Bongo, Inc.
R-969 (LID No. 9716) Case No. 2023-9716
563 South 1st Avenue
South Coatesville
Coatesville, Chester County</p> | <p>Renewal – District 3</p> |
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| <p>(13) Italian American Democratic Club
C-3247 (LID No. 1556) Case No. 2023-1556
243 Chestnut Street
West Reading
Reading, Berks County</p> | <p>Renewal – District 3</p> <p>HOLD 1/10/24 SESSION</p> <p>Conditional Licensing Agreement</p> |
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| <p>(14) Kskells Carnegie Management, LLC
R-5529 (LID No. 101873) Case No. 2023-101873
1201 Washington Avenue Extension
Scott Township
Carnegie, Allegheny County</p> | <p>Renewal – District 5</p> |
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| <p>(15) Rylanco, Inc.
t/a The Fort Pitt Inn
R-1242 (LID No. 32978) Case No. 2023-32978
7780 Steubenville Pike 1
North Fayette Township
Oakdale, Allegheny County</p> | <p>Renewal – District 5</p> |

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) **Furniture for Store #0214** – Wall units for Fine Wine & Good Spirits Store #0214 in Pittsburgh.

Procured via DGS Contract #4400021466 – VENDOR: **TC Millwork - \$94,811.55 estimated cost.**

- (2) **NWOB HVAC Maintenance and Repair Contract Increase** – This contract increase is needed due to the return fan on AHU 2 being currently inoperable due to catastrophic failure of the fan shaft. The shaft was damaged due to a bearing failure late in 2023. Our HVAC service contractor had a machine shop make a repair to fix the damaged shaft and replaced the bearings. The fan operated normally for a week or two at which time the shaft failed catastrophically completely breaking into 2 pieces at the previous repair. The machine shop attempted to remove the old shaft from the fan but was unsuccessful due to the age of the fan and shape of the interior portion of the shaft. Fortunately, we have been able to maintain the temperature on the north end of the building without the supply fan operating for most of the winter. Come cooling season, that will no longer be the case as heating the building is easier than cooling it. We are proposing to replace the 1960's fan with a new modern fan wall system. This project will benefit us in many ways moving forward. We will be replacing an irreparable fan system, removing 20+ year old electrical components, adding a new fan system that will reduce energy consumption and allow for better control of the building airflow and adding a variable speed drive to the return fan to allow both systems to work in harmony.

Procured via PO 80000951 Change Order – VENDOR: **Ainsworth Inc. - \$268,600.00 estimated cost.**

- (3) **Store Server Refresh Project** – The LCB is looking to replace our 14-year-old server investiture at each store with new, modern edge servers. The current HP servers are failing more frequently, causing disruption of sales as we cannot rebuild and replace them fast enough. This new server infrastructure will not only bring new server hardware, but new uninterrupted power supplies and power distribution to combat power outages and keep the store servers from shutting down. With this new hardware, the Backoffice application as well as the future XStore/ XOffice application will be virtual, giving us more freedom to update, backup, and recover in the event of an issue.

Procured via DGS Contract #4400025326 – VENDOR: **MJM Systems Inc. - \$3,504,328.00 estimated cost.**

Inter-Agency Charges:

- (1) **Department of General Services (DGS) Vehicle Leases (Job 35)** – The November/2023 billing to reimburse DGS \$50,302.20 for vehicle leases in accordance with Management Directive 615.3. This billing is for the 101 vehicles leased by the PLCB and includes the monthly lease costs for Telematic (GPS) devices. The monthly lease billing from DGS is commonly under \$50,000 so this charge normally appears on the Executive Director memo of inter-agency charges.

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- (2) **Department of General Services (DGS) Property Costs (Job 7)** – The estimated billing of \$109,080.08 for FY 2023-24 2nd Qtr. for Commonwealth property costs. This is for the property costs for the Northwest Office Building (NWOB), which includes direct costs paid by DGS (electricity charges), as well as prorated expenses for Capital Police services, City of Harrisburg Fire Protection. This billing includes a \$13,357.62 credit for the true-up from FY 2022-23’s actual charges. The estimated quarterly charges for FY 2023-24 decreased \$7,362.19 or (-6.7%).
- (3) **Department of General Services (DGS) Procurement Services (Job 917)** – Billing of \$258,732.14 for DGS procurement service costs in FY 2023. The invoicing is allocated based on agency usage of DGS’s state-wide contracts and purchasing card usage over the last year and includes an \$18,812.21 true-up credit for the prior year’s estimated billing.

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

From the Office of Retail Operations Rodrigo Diaz, Executive Director

1. **#17XX- 555 Spring Street, Houtzdale
New Lease**
2. **#1003- 608 Moraine Pointe Plaza, Butler
Amendment**
3. **#2213- 3775 Peter Mountain Rd. Halifax
Amendment**
4. **#2513- 828 E. Sixth St, Erie
Exercise Option**
5. **#4613- 935 Old York Rd, Jenkintown
Exercise Option**
6. **#5121- 8705 Germantown Ave, Philadelphia
Exercise Option**

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

VENDOR – ITEM NAME

Various
Various
Various

BOARD ACTION REQUESTED

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

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1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>SMT Acquisitions</u>	
Pfaffl Vom Haus Zweigelt 750 mL	14, 19
<u>Southern Glazers Wine and Spirits of PA</u>	
Gekkeikan Sake 3.7 L	2, 10

RECOMMENDED ACTION: We recommend the Board approve this action

2. Regular PA New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Nomad Distilling Co</u>	
Nomad Distilling Co Litty Lemonade Cocktail 4x355 mL Cans	16
<u>Pine Creek Spirits LLC</u>	
Pine Creek Spirits Apple Whiskey 750 mL	16
Pine Creek Spirits Black Cherry Whiskey 750 mL	16
Pine Creek Spirits Notorious Gin 750 mL	16
Pine Creek Spirits Nutorious Peanut Butter Whiskey 750 mL	16
Pine Creek Spirits Peach Whiskey 750 mL	16
<u>Ponfeigh Distillery LLC</u>	
Ponfeigh Westsylvania Straight Rye 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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3. Regular Recommended Delist

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Mast Jagermeister US Inc</u> Teremana Tequila Blanco 1 L	96402
<u>Pine Creek Spirits</u> Pine Creek Spirits Pear Spiked Seltzer 4x355 mL	97341
Pine Creek Spirits Strawberry Lemonade Spiked Seltzer 4x355 mL Cans	97342
<u>Southern Glazers Wine and Spirits of PA</u> Gekkeikan Sake 3 L	8163

EFFECTIVE DATE: The transference to closeout will become effective March 29, 2024

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

None

OTHER ISSUES

Transfer to General Fund.....Rodrigo Diaz, Executive Director

The Office of Budget requests a transfer of \$85.1 million dollars (\$85,100,000) in the month of March 2024 from the State Stores Fund to the General Fund. The Finance team will schedule when this transfer will occur.

The transfer of this prescribed amount of \$85,100,000 will be processed as authorized in Expenditure Symbol Notification Number 23-013.

Stop-and-Go Legislative Task Force.....Rodrigo Diaz, Executive Director

Act 49 of 2023 amended the Liquor Code to add section 218, which establishes the “Stop-and-Go Legislative Task Force.” As prescribed by the statute, this task force shall include one ex officio member from the Pennsylvania Liquor Control Board (“PLCB”) to serve in a non-voting capacity along with the other voting members appointed to the task force.

Who does the Board wish to designate to serve as the PLCB’s ex officio member on the task force?

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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, March 20, 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 forth 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 forth 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.