PUBLIC MEETING – 11:00 A.M

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

CALL TO ORDER .................................................................................................................. Chairman Holden

Pledge of Allegiance to the Flag

OLD BUSINESS .................................................................................................................. Secretary Stark

A. Motion to approve the previous Board Meeting Minutes of the March 22, 2017 meeting.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously approved (3-0 vote) previous Board Minutes.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment on the printed agenda items.

NEW BUSINESS

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

(1) Oakland Volunteer Fire Company
1741 Bedford Street
Johnstown, PA 15902-3425
Special Occasion Permit No. SO-30199
LID 80693
Citation No. 16-1034

Appeal of Adjudication and Order of Administrative Law Judge
Board Member Negra asked Rod Diaz, Chief Counsel, to explain this matter.

Mr. Diaz explained that the Oakland Volunteer Fire Company ("OVFC") held a Special Occasion Permit ("SOP") and was cited for providing/selling alcohol to a minor in violation of the Liquor Code. OVFC submitted a waiver admitting to the violation and waiving its right to a hearing. However, the Administrative Law Judge ("ALJ") rejected the waiver and *sua sponte* dismissed the citation because he believed that he lacked jurisdiction over the matter. The ALJ opined that SOP holders are not subject to citations under section 471 of the Liquor Code, 47 P.S. § 4-471.

Mr. Diaz indicated that the provisions of the Liquor Code authorizing the PLCB to issue SOPs specifically allow the PLCB to consider the operational history of applicants for SOPs, and the Supreme Court has said that the most important thing to consider when evaluating "operational history" is "citation history." Thus, the ALJ erred in his interpretation. Mr. Diaz stated that if SOP holders are not subject to citation under section 471, the alternative would be for the police to issue criminal citations in cases involving SOP holders. Accordingly, the Office of Chief Counsel recommended that the ALJ’s decision be reversed and that the matter be remanded for further proceedings.

Board Member Negra expressed concern that the ALJ’s decision, if affirmed, could result in there being no repercussions for SOP holders selling alcohol to minors, which would effectively allow them to sell alcohol to persons of any age.

In response, Mr. Diaz indicated that, under the ALJ’s interpretation, SOP holders would be treated differently than any other licensee in terms of sales to minors.

**Motion Made:**        Board Member Negra  
**Seconded:**           Board Member Newsome  

**Board Decision:**  Unanimously agreed (3-0 vote) to Reverse ALJ and Remand the Matter for Further Proceedings.

---

(2) **Club 530, Inc.**  
526 Lackawanna Avenue  
Scranton, Pennsylvania 18503-2008  
Restaurant Liquor License No. R-13112  
LID 59025  
Docket No. 855 C.D. 2016 (Commonwealth Court)
Board Member Negra asked Rod Diaz, Chief Counsel, to explain this matter.

Mr. Diaz explained that the Licensee tried to take its license out of safekeeping, but was unsuccessful in doing so because of lacking a valid health permit and a conflict of interest issue. The issues were not resolved prior to the expiration of the safekeeping period, and the license was revoked by operation of law.

The Licensee subsequently appealed to the Court of Common Pleas of Lackawanna County (“trial court”), where the case hung in limbo for several years. The trial court ultimately reversed the revocation and reinstated the license. The trial court also refused to retroactively impose any safekeeping fees for the time period which had lapsed since the expiration of the safekeeping period, because the matter was being litigated.

The PLCB pursued an appeal with the Commonwealth Court, which ultimately affirmed the trial court. The Commonwealth Court further ordered the Licensee to either apply to extend the safekeeping period or apply for reissuance of the license from safekeeping.

Mr. Diaz further explained that appeals to the Supreme Court are not automatic and that it seems unlikely that the Supreme Court would be willing to allow an appeal in this matter. Accordingly, the Office of Chief Counsel recommended that no petition for allowance of appeal be pursued.

Motion Made: Board Member Negra
Seconded: Board Member Newsome
Board Decision: Unanimously agreed (3-0 vote) – Do not file Petition for Allowance of Appeal to Supreme Court.

From the Bureau of Licensing .................................................................Tisha Albert, Director of Regulatory Affairs
Barbara Peifer, Director, Bureau of Licensing

(1) Broad Street Properties & Ventures, LLC
   t/a Old Spitfire Grill
   H-3001 (LID No. 69583) Case No. 16-9106
   1505-1517 Broad Street
   South Greensburg, Westmoreland County

Motion Made: Board Member Negra
Seconded: Board Member Newsome
Board Decision: Unanimously agreed (3-0 vote) to Approve Appointment of Manager.
Note: Board Minutes are not officially approved until all required signatures are affixed.

(2) Domusuplicis, LLC  
t/a iPasta  
EDR-42 (LID No. 72618) Case No. 16-9018  
134 East Gay Street  
West Chester, Chester County  
New – Economic Development Restaurant  
HOLD – 1/18/17 SESSION

Motion Made: Board Member Negra  
Seconded: Board Member Newsome  
Board Decision: Unanimously agreed (3-0 vote) to Refuse Application for New Economic Development Restaurant Liquor License.

(3) M. K. Hahn, Inc.  
t/a Munchies Dining  
R-14650 (LID No. 82417) Case No. 16-9102  
23 Main Street  
Eldred, McKean County  
“Intermunicipal” Double Transfer & Request for an Interior Connection with Another Business – Restaurant

Motion Made: Board Member Negra  
Seconded:  
Board Decision: Hold by Board Member Negra for a Conditional Licensing Agreement.

(4) Market Street Sports Bar, Inc.  
t/a The Works Tavern & Kitchen  
R-11633 (LID No. 54911) Case No. 17-9010  
50 & 42 Market Street  
Bangor, Northampton County  
Extension of License – Restaurant

Motion Made: Board Member Negra  
Seconded:  
Board Decision: Hold by Board Member Negra for an Amended Conditional Licensing Agreement.

(5) Taphouse Bar & Grill, Inc.  
R-3058 (LID No. 65573)  
23 Chestnut Street  
Sharon, Mercer County  
Citation No. 13-0972  
Stipulation – Restaurant  
HOLD – 3/8/17 SESSION

Motion Made: Board Member Negra  
Seconded: Board Member Newsome  
Board Decision: Unanimously agreed (3-0 vote) to Accept and Approve Stipulation.
(6) **Toss'd Food Service, LLC**
R-3058 (LID No. 81922) Case No. 16-9098
489 South Hermitage Road
Hermitage, Mercer County

“Intermunicipal” Double Transfer – Restaurant

**HOLD – 3/8/17 SESSION**

**Motion Made:** Board Member Negra
**Seconded:** Board Member Newsome

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Transfer.

(7) **West Bank Hospitality, Inc.**
R-455 (LID No. 73326) Case No. 16-9101
4629-31 Baltimore Avenue
Philadelphia, Philadelphia County

Double Transfer – Restaurant

**HOLD – 2/1/17 SESSION**

**Motion Made:** Board Member Negra
**Seconded:** Board Member Newsome

**Board Decision:** Hold by Board Member Negra for a Conditional Licensing Agreement.

(8) **Jones’ Corner, Inc.**
R-15789 (LID No. 25382) Case No. 16-9042
428 Harrisburg Street
Swatara Township
Steelton, Dauphin County

Conditional Licensing Agreement Renewal – District 2

**HOLD – 2/1/17 SESSION**

**Motion Made:** Board Member Negra
**Seconded:** Board Member Newsome

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

(9) **O.D.’s Place, Inc.**
E-2579 (LID No. 5574) Case No. 16-9044
1500 Market Street
Harrisburg, Dauphin County

Renewal – District 2

**HOLD – 2/1/17 SESSION**

**Motion Made:** Board Member Negra
**Seconded:** Board Member Newsome

Chairman Holden asked if there was anyone present for the Applicant, but there was no response.

**Board Decision:** Unanimously agreed (3-0 vote) to Refuse Renewal.
(10) **O.D.’s Plantation, Inc.**
R-17606 (LID No. 18794) Case No. 16-9043
1601 Sycamore Street
Harrisburg, Dauphin County

**Renewal – District 2**

**HOLD – 2/1/17 SESSION**

**Motion Made:**  
Board Member Negra

**Seconded:**  
Board Member Newsome

Chairman Holden asked if there was anyone present for the Applicant, but there was no response.

**Board Decision:**  
Unanimously agreed (3-0 vote) to Refuse Renewal.

(11) **SDC2014 LLC**
H-3186 (LID No. 70933)
547 Philadelphia Street
Indiana, Indiana County

**New Tavern Gaming License**

**Motion Made:**  
Board Member Negra

**Seconded:**  
Board Member Newsome

**Board Decision:**  
Unanimously agreed (3-0 vote) to Approve New Tavern Gaming License.

Following the vote on this matter, Chairman Holden asked Tisha Albert, Director of Regulatory Affairs, for an update on the total number of Tavern Gaming Licenses that have been approved by the Board. Ms. Albert indicated that, with the license that was just approved, a total of 56 Tavern Gaming Licenses have now been approved. Ms. Albert also noted that there are currently two applications pending.

---

*From the Bureau of Human Resources*

*Jason Lutcavage, Director of Administration*

*Jennifer Haas, Director, Bureau of Human Resources*

**Personnel Actions**

(1) Frank Colantuono - Removal

(2) Lorenzo Coleman – Affirm Removal

(3) Eileen Donohue – Affirm Removal

(4) Angela Gallman – Removal

(5) Nicholas Mauro – Rescind Board Action of 3/8/17
Note: Board Minutes are not officially approved until all required signatures are affixed.

(6) Denise McKinney – Removal
(7) Chester Medley – Removal
(8) Breonia Robinson – Affirm Removal
(9) Bernadette Sap – Removal

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

From the Bureau of Accounting & Purchasing ....................................................... Oren Bachman, Director of Finance
Koppolu Ravindraraj, Director, Bureau of Accounting & Purchasing

(1) AppWorx and One Automation Software Support – Provide AppWorx and One Automation software support which is used for job scheduling for the majority of the PLCB’s batch processing of Oracle and other applications, both in production and lower environments.

Procured via as per Part I, Chapter 07 Thresholds and Delegations of the Procurement Handbook, agencies are authorized to procure software license maintenance agreements on a no-bid basis – VENDOR: Automic Software Inc. – TERM: One (1) year – $95,015.00 estimated cost.

(2) Email Service – Provide Listrak software service to send up to 24,000,000 emails to licensees and customers.


(3) Legal Services – Provide legal services for litigation case pending in Board of Claims.

Procured via Sole Source – VENDOR: Pillar+Aught LLC – TERM: Two (2) years – $350,000.00 estimated cost.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve all Purchasing and Contracting Actions.
From the Office of Retail Operations ........................................ Carl Jolly, Director of Retail Operations

1. #9203 – 2 Ohio River Boulevard, Leetsdale
   Amendment

2. #0101 – 1275 York Road, Gettysburg
   New Lease / Rebrand

3. #51XX – 236-400 West Allegheny Avenue, Philadelphia
   New Store / Relocation (to replace #5142)

4. #0923 – 864 East Street Road, Warminster
   Closing

5. #2318 – 2709 West 9th Street, Chester
   Closing

Board Member Negra asked Carl Jolly, Director of Retail Operations, whether the store closings would result in the loss of any jobs.

Mr. Jolly responded by indicating that the store closings would not result in the loss of any jobs. He explained that when stores are closed, the employees assigned to those stores are reallocated to other stores.

**Motion Made:**

**Seconded:**

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

From the Bureau of Product Selection ................................. Dale Horst, Director of Marketing & Merchandising

Tom Bowman, Director, Bureau of Product Selection

1. Regular New Items Accepted

<table>
<thead>
<tr>
<th>BRAND NAME AND SIZE</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bacardi USA Inc</td>
<td></td>
</tr>
<tr>
<td>Bacardi Classic Cocktails Rum Punch 1.75 L</td>
<td>3</td>
</tr>
<tr>
<td>Bacardi Gold Rum 200 ML</td>
<td>3</td>
</tr>
<tr>
<td>Cazadores Blanco Tequila 1.75 L</td>
<td>3</td>
</tr>
<tr>
<td>Grey Goose L’S Orange Vodka 375 ML</td>
<td>3</td>
</tr>
</tbody>
</table>

| Palm Bay International              |        |
| Bribon Tequila Blanco 750 ML        | 10     |
Note: Board Minutes are not officially approved until all required signatures are affixed.

Southern Wine Spirits PA
RumChata Horchata Cream Liqueur Mini Chatas 375 ML

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

2. Regular Recommended Delist Retail Reductions April 2017

BRAND NAME AND SIZE                                CODE

McCormick Distilling Co
Platte Valley Fireshine 750 ML                        9469

RECOMMENDED ACTION: We recommend the Board approve this action

3. Regular Recommended Delist Retail Reductions May 2017

BRAND NAME AND SIZE                                CODE

C Jacquin ET CIE Inc
Dream Catcher Irish Liqueur 750 ML                  8844

Arrowhead Wine Cellars
Arrowhead Buffalo Blush 1.5 L                        7967
Arrowhead Wine Cellars Niagara 1.5 L                 5785
Arrowhead Wine Cellars Red Fredonia 1.5 L           6883
Note: Board Minutes are not officially approved until all required signatures are affixed.

William Grant Sons Inc
Art In The Age Rhubarb Tea 750 ML 4166
Art In The Age Ginger Snap Liqueur 750 ML 3383

EFFECTIVE DATES: The transference to closeout will become effective April 9, 2017

RECOMMENDED ACTION: We recommend the Board approve this action

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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, April 19, 2017 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.
Note: Board Minutes are not officially approved until all required signatures are affixed.

ADJOURNMENT

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

The foregoing actions are hereby officially approved.

__________________________________________
Chairman

__________________________________________
Member

__________________________________________
Member

ATTEST:

__________________________________________
Secretary