

**PENNSYLVANIA LIQUOR CONTROL BOARD**  
**MEETING MINUTES**

**WEDNESDAY, DECEMBER 20, 2017**  
**NORTHWEST OFFICE BUILDING, CONFERENCE ROOM 117, HARRISBURG, PA**

Tim Holden, Chairman  
Mike Negra, Board Member  
Michael Newsome, 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](#)

**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 December 6, 2017 meeting.

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

**Board Decision:** Unanimously agreed (3-0 vote) to approve 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) **HALIFAX TOWNSHIP**  
Case No. 17-NE-16

Municipal Petition for  
Exemption from the  
Statute Regarding  
Amplified Sound

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

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Noise Exemption for a Period from January 15, 2018 to January 15, 2023.

(2) **BOROUGH OF EDGEWORTH**  
Case No. 17-NE-17

Municipal Petition for  
Exemption from the  
Statute Regarding  
Amplified Sound

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Noise Exemption for a Period from January 18, 2018 to January 18, 2021.

(3) **Emerald Isle Hospitality, LLC**  
506 State Street  
Erie, Pennsylvania 16501-1108  
Restaurant Liquor License No. R-21200  
LID 49075

Request to Rescind  
Conditional Licensing  
Agreement

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

(4) **Turkey Hill, L.P.**  
1242 East Market Street  
York, Pennsylvania 17403  
Restaurant Liquor License No. R-172  
LID 87747

Request to Rescind  
Conditional Licensing  
Agreement

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

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- (5) **Turkey Hill, L.P.** Request to Rescind  
726 North 15<sup>th</sup> Street Conditional Licensing  
Allentown, Pennsylvania 18102-1224 Agreement  
Restaurant Liquor License No. R-13972  
LID 86296

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

- (6) **Chintu, Inc.** Request to Rescind  
349 South Main Street Conditional Licensing  
Scranton, Pennsylvania 18504-2564 Agreement  
Restaurant Liquor License No. R-14880  
LID 84025

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Request to Rescind Conditional Licensing Agreement.

- (7) **DBK 88, Inc.** Appeal of Adjudication  
5819 Rising Sun Avenue and Order of  
Philadelphia, PA 19120 Administrative Law  
Restaurant Liquor License No. R-1850 Judge  
LID 70108  
Citation No. 17-0627

Michelle Fox, Executive Deputy Chief Counsel, was asked to explain this matter.

Ms. Fox explained the matter as follows:

In May 2017, the Pennsylvania State Police, Bureau of Liquor Control Enforcement (“BLCE”) issued a citation to Licensee setting forth two counts. The first count charged Licensee with engaging in illegal sales of alcohol for off-premises consumption. The second count charged Licensee with not having a serving area of at least 400 square feet.

Licensee submitted a waiver admitting to the violations and waiving its right to a hearing. The Administrative Law Judge (“ALJ”) accepted the waiver as to the first count of the citation and imposed a fine. However, the ALJ rejected the waiver as to the second count and dismissed that count without holding a hearing.

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The BLCE filed a timely application for reconsideration of the ALJ’s dismissal of the second count, which was accepted by the ALJ. The ALJ issued a new opinion and order reaching the same conclusion, and the BLCE filed a timely appeal of that decision with the Board.

On appeal, the BLCE argues that the ALJ misinterpreted the square footage requirements under the Liquor Code by considering the total square footage of both the serving and storage areas, instead of just the square footage of the serving areas.

Ms. Fox indicated that the Office of Chief Counsel (“OCC”) agrees with the BLCE and that it has consistently been the agency’s position that only the serving areas are to be considered when determining whether the minimum square footage requirements under the Liquor Code have been satisfied. Ms. Fox noted that despite there being a requirement in the Board’s Regulations that a hearing must be held if a waiver is rejected, no hearing was held in this instance. Rather, the ALJ appears to have considered information outside of the record. Because no record was created by the ALJ, the Board is unable to decide whether Licensee had enough square footage for its serving areas. Accordingly, the OCC recommends that the Board vacate the second count of the ALJ’s decision and remand the matter for the ALJ to hold a hearing to accept evidence on the square footage issue.

Board Member Negra questioned whether there is any indication of why a hearing was not held in this matter.

Ms. Fox responded that it is unclear why no hearing was held.

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

**Board Decision:** Unanimously agreed (3-0 vote) to Vacate Count Two of the ALJ’s Decision and Remand the Matter for the ALJ to Hold a Hearing.

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

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| <p>(1) <b>4 Kids Rock, Inc.</b><br/> <b>t/a Pitstop Pizza Sunoco &amp; Café</b><br/> E-5099 (LID No. 83425) Case No. 17-9018<br/> 5556 State Route 982<br/> Derry Township<br/> Derry, Westmoreland County</p> | <p>Request to Conduct Another<br/> Business on the Licensed<br/> Premises – Eating Place Malt<br/> Beverage</p> <p><b>HOLD – 6/28/17 SESSION</b></p> |
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**Motion Made:** Board Member Negra  
**Seconded:** Board Member Newsome

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Request to Conduct Another Business on the Licensed Premises.

- (2) **Greater Latrobe Beverage Company** Double Transfer & Requests for  
D-1533 (LID No. 85240) Case No. 17-9064 Dual Employment – Distributor  
117 Lloyd Avenue  
Latrobe, Westmoreland County

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Transfer and Requests for Dual Employment.

- (3) **Hawkeye Distributors, Inc.** Double Transfer & Request for  
D-3787 (LID No. 85404) Case No. 17-9049 Interior Connections with  
1150 South Main Street Another Business – Distributor  
Hanover Township  
Hanover Township, Luzerne County

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Transfer and Request for Interior Connection with Another Business.

- (4) **Organization for Rebirth of Ukraine** Place-to-Place Transfer –  
**t/a O D W U Ukrainian Homestead** Catering Club  
CC-5634 (LID No. 4018) Case No. 17-9060  
1476 Blakeslee Boulevard Drive West  
Mahoning Township  
Lehighon, Carbon County

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

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

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(5) **Poindexter, Inc.** Notice of Change in Business  
**t/a Pizza City** Structure – Restaurant  
R-14614 (LID No. 56951) Case No. 17-9053  
270 Susquehanna Avenue  
Lock Haven, Clinton County

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

**Board Decision:** Unanimously agreed (3-0 vote) to Approve Notice of Change in Business Structure.

(6) **2936 Nite Life, Inc.** Conditional Licensing Agreement  
R-3916 (LID No. 41756) Case No. 2016-41756 Renewal – District 10  
2936-38 Kensington Avenue  
Philadelphia, Philadelphia County

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

**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*

Personnel Actions

There were 10 personnel actions presented for consideration.

- (1) **Harry Alexander – Removal**
- (2) **Lenora Core – Removal**
- (3) **Schneequa Douett – Affirm Removal**
- (4) **Jodi Geiter – Removal**
- (5) **Jeff Gourley – Affirm Removal**
- (6) **Stewart Humphries – Removal**

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- (7) **Evan Kreisher – Removal**
- (8) **Samuel Rago – Removal**
- (9) **Daniel Seese – Demotion**
- (10) **Serena Stokes – Affirm 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  
Mike Freeman, Director, Bureau of Financial Management & Analysis*

Procurement Actions:

- (1) **Security Systems** – Provide Salient Security Systems for 34 Fine Wine & Good Spirits stores to ensure both customer and employee safety. The surveillance systems act as a deterrent for retail theft as well as a resource to provide law enforcement with court admissible video evidence to aid in prosecution.

Procured via Request for Quote (RFQ) #20171128 against DGS Statewide ITQ Contract #4400013746 – **VENDOR: Johnson Controls Inc. – \$299,640.00 estimated cost** which includes servers (\$158,728.00), hard drives (\$10,353.00), licenses (\$130,559.00) for each store. All qualified suppliers on the DGS ITQ Contract were solicited for quotes. The selection criteria is based on a Best Value Determination and Johnson Controls Inc. was selected as the best value for the agency quoting the lowest cost.

- (2) **Security Cameras** – Provide Bosch Cameras for 34 Fine Wine & Good Spirits stores to ensure both customer and employee safety. The surveillance cameras act as a deterrent for retail theft as well as a resource to provide law enforcement with court admissible video evidence to aid in prosecution.

Procured via RFQ #20171127 against DGS Statewide ITQ Contract #4400013746 – **VENDOR: Siemens Industry Inc. – \$174,539.60 estimated cost** which includes Flexidome (\$44,354.00) and Analog (\$130,185.60) cameras for each store. All qualified suppliers on the DGS ITQ Contract were solicited for quotes. The selection criteria is based on a Best Value Determination and Siemens Industry Inc. was selected as the best value for the agency quoting the lowest cost.

- (3) **Database Administrator Staff Augmentation Renewal** – Provide database assistance to support the ERP and POS environments. This position has over 30 years of experience supporting Oracle databases and application servers as well as EBS, Oracle Merchandising Operations Management (Retail) and POS systems. A key initiative for this extension will be project assistance for a data center migration/move from the PennDOT Disaster Recovery site on Cameron St to OA’s Enterprise Data Center (EDC).

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Procured via DGS Statewide Contract #6100030999 – VENDOR: **OST, Inc.** – TERM: Six (6) months for period 1/2/18 through 6/30/18 – **\$90,233.01 estimated cost.**

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

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

Inter-Agency Charges:

(1) **Office of Comptroller Operations** – FY 2017-18 first quarter billing of \$1,222,203.32 from the Office of Comptroller Operation. This billing includes \$1,010,784.71 for first quarter charges, which is \$5,110.20 (-0.5%) less than FY 2016-17’s first quarter billing. The billing also includes \$211,418.61 for the “true-up” for the estimated billing for FY 2016-17 fourth quarter services.

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

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

**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. **#0271 – 3408 Main Street, Munhall  
Amendment**
2. **#0925 – Crossroads Plaza, 800 Bustleton Pike, Richboro  
Amendment**
3. **#6314 – 980 Jefferson Avenue, Washington  
Amendment**
4. **#4004 – 1492 Highway 315, Wilkes-Barre  
New Store / Relocation of Licensee Service Center #4015**

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

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



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

**1. Regular New Items Accepted**

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Diageo Americas Inc</u> Ciroc Mango Vodka 750 ML	3
<u>Park Street Imports</u> Connacullin Irish Gin 750 ML	8

RECOMMENDED ACTION: We recommend the Board approve this action

**2. Regular PA Spirits New Item**

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Majestic W S USA Inc</u> Hidden Still "David E" Premium Straight Bourbon 750 ML	8

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

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**3. Regular Recommended Delist January 2018**

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
 <u>Palm Bay Imports Inc</u>	
Darnley's View London Dry Gin 80 Proof 750 ML	9066
 <u>Park Street Imports LLC</u>	
Kinsey Cask Strength 7 Year Old Whiskey 115 Proof 750 ML	1023
Kinsey Cask Strength Rye Whiskey 115 Proof 750 ML	1024
 <u>William Grant Sons Inc</u>	
Art In The Age Root Liqueur 750 ML	5039

EFFECTIVE DATE: The transference to closeout will become effective January 22, 2018

**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**

*Employee Recognition*.....*Chairman Holden*

Chairman Holden, along with Board Members Negra and Newsome, recognized John Stark, Board Secretary, for his 25 years of service to the Commonwealth. Mr. Stark was presented with a commemorative certificate from the Board.

**CITIZEN COMMENT/BUSINESS FROM THE FLOOR**

None.

**NEXT BOARD MEETING**

**The next meeting of the PLCB will be a formal meeting on Wednesday, January 17, 2018 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**

Immediately prior to adjournment, Chairman Holden, Board Member Negra, and Board Member Newsome expressed their well wishes for a merry Christmas and a safe and happy New Year.

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