

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

WEDNESDAY, JANUARY 18, 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](#)
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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

Following the pledge of allegiance, Chairman Holden recognized Charles Mooney, Executive Director, to make a special announcement. Mr. Mooney announced that Oren Bachman has rejoined the PLCB Executive Team as the Director of Finance. Mr. Mooney welcomed Mr. Bachman and indicated that the PLCB is thrilled and happy to have him back. Mr. Mooney noted that Mr. Bachman will be a great asset to the PLCB as it continues to work through the various legislative changes that were recently made.

OLD BUSINESS..... *Secretary Stark*

A. Motion to approve the previous Board Meeting Minutes of the December 21, 2016 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.

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

NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

- (1) **Finacaro-Maglio, Inc.** Appeal to
Commonwealth Court
 1548-50 McKean Street
 Philadelphia, Pennsylvania 19145
 Restaurant Liquor License No. R-13575
 LID 16212
 Docket No. 02501 June 2008 (Philadelphia County)

Board Member Negra asked Rod Diaz, Chief Counsel, if he wished to offer any explanation regarding this matter.

Mr. Diaz explained that this was an old case that somehow got lost in the Philadelphia court system. After many years, the Philadelphia County Court of Common Pleas finally decided the matter, but ruled in favor of the Licensee. The court had conducted a *de novo* hearing and made certain credibility determinations, which were different than those made by the PLCB. Because credibility determinations generally cannot be overturned on appeal absent a finding that the lower court capriciously disregarded the evidence or abused its discretion, there is very little likelihood of having the lower court’s decision overturned in this case. As such, the Office of Chief Counsel recommends that no appeal be filed.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) – Do Not Appeal.

- (2) **Borough of Edgeworth** Municipal Petition for
Exemption from the
Statute Regarding
Amplified Sound
 Case No. 16-NE-21

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Noise Exemption from January 18, 2017 to January 18, 2018.

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(3) **Riverview Pizza 2 Go, Inc.** Request to Rescind
204 East Plymouth Avenue Conditional Licensing
Jersey Shore, Pennsylvania 17740-0000 Agreement
Restaurant Liquor License No. R-19488
LID 51414

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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

(1) **Domusimplicis, LLC** New – Economic Development
t/a iPasta Restaurant
EDR-42 (LID No. 72618) Case No. 16-9018
134 East Gay Street
West Chester, Chester County

Motion Made: Board Member Negra
Seconded:

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

(2) **Lodge E Pluribus Unum No. 1447** Correction to License – Club
Order Sons of Italy in America
C-4520 (LID No. 2078) Case No. 16-9090
9 West Main Street
Girardville, Schuylkill County

Motion Made: Board Member Negra
Seconded:

Board Decision: Hold by Board Member Negra.

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- (3) **Rosalitas Bodega, Inc.** Extension of License – Restaurant
R-450 (LID No. 71963) Case No. 16-9087
1600 South Street
Philadelphia, Philadelphia County

Motion Made: Board Member Negra

Seconded:

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

- (4) **Park Confectionery, Inc.** Renewal – District 6
t/a Park Casino
R-10076 (LID No. 14187) Case No. 2016-14187
308 Connellsville Street
Uniontown, Fayette County

Motion Made: Board Member Negra

Seconded:

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

- (5) **Syndicate Real Estate, Inc.** Renewal – District 6
t/a Pclub's Sports Bar & Grille
H-3592 (LID No. 65412) Case No. 2016-65412
899 Pennsylvania Avenue
Monaca, Beaver County

Motion Made: Board Member Negra

Seconded:

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

- (6) **Wuzzy, Inc.** Renewal – District 11
t/a Upper Deck Sports Bar and Grill
R-19363 (LID No. 67623) Case No. 2016-67623
2621 Durham Road
Bristol Township
Bristol, Bucks County

Motion Made: Board Member Negra

Seconded:

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

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

Personnel Actions

- (1) **Jaelynn Borzok - Removal**
- (2) **Sheba Brooks – Removal**
- (3) **Marc Colatrino – Removal**
- (4) **Monica Dorsey – Affirm Removal**
- (5) **Jennifer Hellstrom – Removal**
- (6) **Rudolph Holloway - Removal**
- (7) **Jonathan Ibarguen - Removal**
- (8) **Michael Mendez – Affirm Removal**
- (9) **Christopher Pierre – Five Day Suspension**
- (10) **Manfred Pollak - Removal**
- (11) **John Popovic – Affirm Removal**
- (12) **Rey Rodriquez – Removal**
- (13) **Judith Szitas – Affirm Removal**
- (14) **Sonya Thomas – Affirm Removal**
- (15) **Tia Traore – Affirm Removal**
- (16) **Sean Winder – Removal**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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

- (1) **Furniture for Store #2106** – New wall units for Fine Wine & Good Spirits Store #2106 in Mechanicsburg.

Procured via DGS Statewide Contract #4400013989 – VENDOR: TC Millwork – \$67,815.83 estimated cost.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the Purchasing and Contracting Action.

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

- 1. **#4006 – 468 Union Street, Luzerne Amendment**
- 2. **#4627 – 644 East Main Street, Lansdale Amendment**
- 3. **#9108 – 8204 Roosevelt boulevard, Philadelphia Amendment**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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
Director, Bureau of Product Selection*

1. Regular New Items Accepted

<u>BRAND NAME AND SIZE</u>	<u>REASON</u>
<u>Stellar Importing Co LLC</u>	
Achaia Cellars Retsina 1 L	10
Achaia Clauss Mavrodaphne of Patras 601 750 ML	10

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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

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Drevfus Ashby Co</u> Barone Ricasoli Del Barone Chianti DOCG 750 ML	4897
<u>Jim Beam Brands Co</u> Cruzan Velvet Cinn Horchata 750 ML	7039

EFFECTIVE DATES: The transference to closeout will become effective January 22, 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.

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

None.

OTHER ISSUES

Employee Recognition.....Chairman Holden

- Roderick Frisk: Administrative Law Judge: 40 years of Commonwealth Service
- Donald Becker: Senior Applications Developer: 35 years of Commonwealth Service
- Barbara Peifer: Director, Bureau of Licensing: 35 years of Commonwealth Service

Chairman Holden announced that the Board wished to recognize three individuals for their many years of service to the Commonwealth.

First, Chairman Holden recognized and thanked Roderick Frisk, Administrative Law Judge, for his 40 years of service to the Commonwealth. Next, Board Member Newsome recognized and thanked Barbara Peifer, Director of Licensing, for her 35 years of service to the Commonwealth. Finally, Board Member Negra recognized and thanked Donald Becker, Senior Applications Developer, for his 35 years of service to the Commonwealth. Each of these individuals was presented with a commemorative, framed 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, February 1, 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.

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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