

PENNSYLVANIA LIQUOR CONTROL BOARD

MEETING MINUTES

SEPTEMBER 13, 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 August 23, 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

Attorney Chris Sullivan stated that he represents the Applicant with regard to Agenda Item No. 6, under the Bureau of Licensing, and he wished to offer some brief comments. Mr. Sullivan indicated that he filed a motion for reconsideration of the Board's prior decision refusing his client's application for a new economic development restaurant liquor license. He also submitted a supplement to the motion. He explained that the building that will house the proposed licensed premises is the F&M building which has cultural and historical significance. The restaurant would be located on the first two floors of the building, and the upper floors would be used for commercial office space. His client respectfully requests that the motion be granted and that the underlying application be approved. He stated that this will allow his client to continue with development of the project, which will serve to further improve economic development of the area. Lastly, he expressed his position that Applicant has satisfied all the necessary legal requirements for obtaining an economic development restaurant liquor license. Mr. Sullivan concluded by thanking the Board for its time and consideration.

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Chairman Holden thanked Mr. Sullivan for his comments and asked Rod Diaz, Chief Counsel, whether it was appropriate for the Board to offer any responsive comments because of the pending appeal.

Mr. Diaz explained that the Board can and should rule on the pending request for reconsideration, which is separate from the appeal that has been filed with the Court of Common Pleas of Chester County. However, Mr. Diaz suggested that the Board may wish to hold off on offering any comments it has until later in the meeting when this specific matter comes up for consideration.

No further comments were offered at this time.

NEW BUSINESS

From the Office of Chief CounselRodrigo Diaz, Chief Counsel

- (1) **CITY OF ALTOONA** Municipal Petition for Exemption from the Statute Regarding Amplified Sound
Case No. 17-NE-13

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Noise Exemption for a Period from September 13, 2017 to September 13, 2022.

- (2) **Burger Yum, LLC** Request to Rescind Conditional Licensing Agreement
400 North Second Street
Harrisburg, Pennsylvania 17101-1342
Restaurant Liquor License No. R-17923
LID 72875

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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(3) **Transferor: Culinary Expressions, Inc.**
102 West Wellsboro Street
Mansfield, Pennsylvania 16933-9403
Restaurant Liquor License No. R-19994
LID 51276

Application for
Conversion of
Suspension to Fine

Transferee: Jessica Czako
2 North Main Street
Mansfield, Pennsylvania 16933
Restaurant Liquor License No. R-19994
LID 85726

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Conversion of Suspension to a Fine of \$1,000.00.

(4) **Transferor: Cami, Inc.**
34-35 Olympia Shopping Center
McKeesport, Pennsylvania 15132-6115
Distributor Liquor License No. D-967
LID 4373

Application for
Conversion of
Suspension to Fine

Transferee: Zing Beer, LLC
1005 South Bee Street
Pittsburgh, Pennsylvania 15220
Distributor Liquor License No. D-967
LID 84645

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Conversion of Suspension to a Fine of \$3,000.00.

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

(1) **104 Fox, Inc.** Appointment of Manager – Hotel
H-1579 (LID No. 72827) Case No. 17-9044
104 East Main Street
Bath, Northampton County

Motion Made: Board Member Negra
Seconded:

Board Decision: Hold for a Conditional Licensing Agreement.

(2) **Angnick, Inc.** New & Requests for Interior
t/a Carlino’s Specialty Market of West Chester Connections with Another
(LID No. 84255) Case No. 17-9040 Business & to Conduct Another
128 West Market Street Business on the Licensed
West Chester, Chester County Premises – Economic
Development
Restaurant

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 New Economic Development Restaurant Liquor License and Request for Interior Connections with Another Business and to Conduct Another Business on the Licensed Premises.

(3) **Brew Vino, LLC** New & Request to Conduct
t/a Grandview Golf Course Another Business on the Licensed
(LID No. 86477) Premises – Privately-Owned
2779 Carlisle Road Public Golf Course Restaurant
Dover Township
York, York County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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- (4) **Caseum Asylum, LLC**
t/a Casellula at Alphabet City
R-6989 (LID No. 72524)
40 West North Avenue
Pittsburgh, Allegheny County
- Request to Conduct Another
Business on the Licensed
Premises – Restaurant

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.

- (5) **Gerrity's Supermarket, Inc.**
t/a Gerrity's Supermarket
R-21231 (LID No. 85094)
552 Union Street
Luzerne, Luzerne County
- “Intermunicipal” Double
Transfer & Requests for Interior
Connections with Another
Business, to Conduct Other
Businesses on the Licensed
Premises & for Dual Employment
- Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Transfer and Requests for Interior Connections with Another Business, to Conduct Another Business on the Licensed Premises and for Dual Employment. Bulk Food is Not Permitted.

- (6) **Myles Development Company, LLC**
(LID No. 84303) Case No. 17-9041
2 West Market Street
West Chester, Chester County
- REQUEST FOR
RECONSIDERATION**
New – Economic Development
Restaurant

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Refuse Request for Reconsideration of Prior Refusal of New Economic Development Restaurant Liquor License.

Chairman Holden asked Chris Sullivan, attorney for Applicant, if he had anything else he wanted to add at this time.

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Mr. Sullivan asked if the Board would be providing a written opinion explaining its decision.

Rod Diaz, Chief Counsel, explained that the Board would be providing a written opinion in support of its decision on the underlying application, and that such opinion would need to be provided because of the appeal that is pending before the Court of Common Pleas of Chester County.

- (7) **Prospera Hospitality, LLC** Request to Sell Other Items on the
t/a Hilton Garden Inn – Pittsburgh Airport Licensed Premises – Hotel
H-34842 (LID No. 85357)
9600 University Boulevard
Moon Township
Coraopolis, Allegheny County

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve Request to Sell Other Items on the Licensed Premises.

- (8) **Vets Canteen Assn.** Renewal with Notice of Change in
CC-5110 (LID No. 3820) Case No. 17-9042 Officers – Catering Club
130 West King Street
Shippensburg, Cumberland County

Motion Made: Board Member Negra
Seconded:

Board Decision: Hold for a Conditional Licensing Agreement.

- (9) **149 S & M, Inc.** Conditional Licensing Agreement
R-5023 (LID No. 33379) Case No. 2016-33379 Renewal – District 10
149 Brown Street
Philadelphia, Philadelphia County **HOLD – 7/19/2017 SESSION**

Motion Made: Board Member Negra
Seconded: Board Member Newsome

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

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(10) Delegation of Licensing Matters and Updated Objection Criteria Delegation of Board Authority

Board Member Negra asked Rod Diaz, Chief Counsel, to explain this proposed action.

Mr. Diaz indicated that the updated objection criteria for the Bureau of Licensing was being presented to the Board solely for informational purposes and that no action was required by the Board for such criteria.

As to the delegation, Mr. Diaz explained that most licensing applications don't need to be presented to the Board because they are simply repeats of things that the Board has approved in the past. This is because, at one point, the Board delegated authority to approve licensing applications when they satisfy certain criteria that have been approved by the Board. Every so often, changes are made to this delegation to clarify or add things which can be decided pursuant to the delegation. In this instance, the changes would allow the Director of Regulatory Affairs and/or her designee to approve things, such as requests to sell additional items when the Board has previously approved the sale of such items or has previously approved the sale of such items for licensees of that class, requests to sell lottery tickets, requests by hotels to sell sundry items, and requests by golf courses seeking to integrate pro shops. Mr. Diaz further stated that the rest of the changes are reflected in the documents that were presented to the Board and are self-explanatory.

Board Member Negra asked Mr. Diaz if the delegation process allows licensing applications to be processed faster.

Mr. Diaz confirmed that the delegation process allows many licensing applications to be processed faster than they would be if they otherwise needed to be formally presented to the Board.

Board Member Negra also asked whether the Director of Regulatory Affairs could still send applications to the Board, if there were questions raised regarding such applications.

Mr. Diaz and Tisha Albert, Director of Regulatory Affairs, both confirmed that Ms. Albert would have such ability, even with the delegation.

Motion Made: Board Member Negra
Seconded: Board Member Newsome

Board Decision: Unanimously agreed (3-0 vote) to Approve the Amended Delegation of Authority to the Director of Regulatory Affairs and/or her Designee.

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

Personnel Actions

There were 14 personnel actions presented for consideration.

- (1) **Desmond Adebayo – Removal**
- (2) **Shomari Bey - Removal**
- (3) **Andrew Hewlett – Affirm Removal**
- (4) **Jabria Jackson-Wallace – Affirm Removal**
- (5) **Hugh Michel – Removal**
- (6) **Amanda Mineard – Affirm Removal**
- (7) **Joseph Quinlan – Removal**
- (8) **Kevin Raducha – Affirm Removal**
- (9) **Zachary Redick – Affirm Removal**
- (10) **William Robinson – Affirm Removal**
- (11) **Katherine Spidle – Affirm Removal**
- (12) **Franklin Valdivieso – Affirm Removal**
- (13) **Jessica Washington – Affirm Removal**
- (14) **Thomas Wynn – 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:

None

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Inter-Agency Charges:

- (1) **Department of General Services (DGS) Real Estate MOU charge** – Billing of \$807,297.55 for July 1, 2017 through June 30, 2018. The billing amount reflects \$791,347.58 for projected FY 17-18 expenses and includes an additional \$15,949.97 for the true-up adjustment for FY 16-17 expenses.
- (2) **Department of General Services (DGS) Employee Liability Insurance (Job 31)** – Billing of \$53,792.83 for FY 2017-18 to reimburse DGS for employee liability insurance premiums. This invoice is about 2.6% higher than last year’s billing of \$52,424.00.
- (3) **Department of Administration (OA) Microsoft Kiosk Licenses** – Billing amount of \$78,110 for Microsoft “kiosk” licenses for September 2017 through June 30, 2018, to fully cover the monthly “kiosk” licensee fee (\$3.65/month) for 2,140 PLCB store employees.

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 Actions Involving Inter-Agency Charges.

Following the vote on this matter, Board Member Negra and Executive Director Charlie Mooney, noted, for the sake of clarity, that the kiosks referenced in Item No. 3 have no relationship to the old wine kiosks.

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

- 1. **#0299 – 11685 Penn Hills Drive, Pittsburgh
Amendment**
- 2. **#2201 – 29 Kline Village Shopping Center, Harrisburg
Amendment**
- 3. **#0929 – 4275 County Line Road, Chalfont
Premium Rebrand w/ Added Space**
- 4. **#46XX – 200 Blair Mill Road, Horsham
New Store / (Relocation of #4644 in Same Center)**

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

1. Regular PA Spirits New Item Accepted

BRAND NAME AND SIZE

REASON

Pittsburgh Distilling Co

Wigle Whiskey Organic Pennsylvania 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

2. Regular Recommended Delist September 2017

BRAND NAME AND SIZE

CODE

Palm Bay Imports Inc

Alta Luna Pinot Grigio 750 ML

3600

EFFECTIVE DATE: The transference to closeout became effective August 28, 2017

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3. Regular Recommended Delist November 2017

<u>BRAND NAME AND SIZE</u>	<u>CODE</u>
<u>Letterman Enterprises Inc</u>	
Apocalips Sweet Habanero Hellfire Sauce Each	1305
<u>Sutter Home Winery</u>	
Sutter Home Bubbly Pink Moscato 750 ML	6153

EFFECTIVE DATE: The transference to closeout will become effective October 30, 2017

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, September 27, 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