

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

**WEDNESDAY, APRIL 5, 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](#)

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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

**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

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

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)

Petition for Allowance of  
Appeal to Supreme Court.

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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** Appointment of Manager – Hotel  
**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.

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

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

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

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

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

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

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

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

**Board Decision:** Unanimously agreed (3-0 vote) to Accept and Approve Stipulation.

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- (6) **Toss'd Food Service, LLC** "Intermunicipal" Double  
R-3058 (LID No. 81922) Case No. 16-9098 Transfer – Restaurant  
489 South Hermitage Road  
Hermitage, Mercer County **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.** Double Transfer – Restaurant  
R-455 (LID No. 73326) Case No. 16-9101  
4629-31 Baltimore Avenue  
Philadelphia, Philadelphia County

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

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

- (8) **Jones' Corner, Inc.** Conditional Licensing Agreement  
R-15789 (LID No. 25382) Case No. 16-9042 Renewal – District 2  
428 Harrisburg Street  
Swatara Township  
Steelton, Dauphin County **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.** Renewal – District 2  
E-2579 (LID No. 5574) Case No. 16-9044  
1500 Market Street  
Harrisburg, Dauphin County **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.

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- (10) **O.D.'s Plantation, Inc.** Renewal – District 2  
R-17606 (LID No. 18794) Case No. 16-9043  
1601 Sycamore Street  
Harrisburg, Dauphin County **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** New Tavern Gaming License  
H-3186 (LID No. 70933)  
547 Philadelphia Street  
Indiana, Indiana County

**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**

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- (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.

Procured via DGS Statewide Contract #4400007199 – VENDOR: Dell – TERM: One (1) year – \$91,680.00 estimated cost.

- (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.

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*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 9<sup>th</sup> 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:** 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  
Tom Bowman, Director, Bureau of Product Selection*

**1. Regular New Items Accepted**

| <u>BRAND NAME AND SIZE</u>                 | <u>REASON</u> |
|--|---------------|
| <u>Bacardi USA Inc</u>                     |               |
| Bacardi Classic Cocktails Rum Punch 1.75 L | 3             |
| Bacardi Gold Rum 200 ML                    | 3             |
| Cazadores Blanco Tequila 1.75 L            | 3             |
| Grey Goose L'Orange Vodka 375 ML           | 3             |
| <u>Palm Bay International</u>              |               |
| Bribon Tequila Blanco 750 ML               | 10            |



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**Southern Wine Spirits PA**

RumChata Horchata Cream Liqueur Mini Chatas 375 ML

3

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

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**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.**

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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