MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION,

COMPLIANCE, LICENSING AND ENFORCEMENT

SUBCOMMITTEE HELD TUESDAY, MAY 27, 2014,

AT 1625 SOUTH 900 WEST, SALT LAKE CITY, UTAH.

*[Copies of the proposed agenda for this meeting were emailed to all persons on the regular email list (a copy of which is located in the front of the minute book) and to all of the individuals and groups on the agenda (applicants, those with violations, etc.) on Wednesday, May 21, 2014. A copy of the final agenda was posted on the bulletin board at the DABC Administrative Office, emailed to the Salt Lake Tribune and the Deseret News, and posted on the Utah Public Notice Website by 9:00 a.m. on Monday, May 26, 2014.]*

Kathleen McConkie Collinwood called the meeting to order at 9:00 a.m.

Commissioners Present: David Gladwell, Kathleen McConkie Collinwood and John T. Nielsen.

Staff Present: Salvador Petilos, Director; Nina McDermott, Compliance, Licensing and Enforcement Director.

Also Present: Sheila Page, Asst. Attorney General.

APPROVAL OF MINUTES:

Upon motion of Mr. Gladwell, seconded by Mr. Nielsen, it was unanimously voted to approve the minutes of the Compliance, Licensing and Enforcement Subcommittee meeting held April 29, 2014.

VIOLATIONS:

\* Referral Source – State Bureau of Investigation (SBI)

a. Consent Calendar:

*[The following Consent Calendar items include uncontested letters of admonishment (written warnings) and settlement agreements that have been agreed to and accepted by the licensees. They are considered as a block with one vote unless one of the commissioners request that any item be removed for individual discussion. A summary of consent calendar items was distributed to the commissioners and is attached and made part of these minutes.]*

(1) Jim’s Family Restaurant, Riverton, and \*SBI (RL)

Yannis Sifantonakis (employee).

(2) Kabuki Japanese Steakhouse, Logan, and \*SBI (RL)

Weston Hall (employee).

(3) Moon Dog’s Café, Layton, and Santina \*SBI (RL)

Peralta (employee).

(4) Jared Thompson (employee of Hilton \*SBI (RE)

Garden Inn @ SLC Airport), Salt Lake.

(5) Bella’s Fresh Mexican Grill, Ogden, and \*SBI (RL)

Lisa Blood (employee).

(6) Corner Store Pub & Grill, Park City, and \*SBI (CL)

“Stacy” (employee).

(7) Courtyard by Marriott, Salt Lake, and \*SBI (RE)

German Mazanegos (employee).

(8) Diamond Lil’s, Salt Lake, and Brenda \*SBI (RE)

Malmstrom (employee).

(9) El Paisa Grill Freshmex, West Valley, and \*SBI (RE)

Jose Diosdado (employee).

(10) Este Pizzeria, Salt Lake, and Kristina \*SBI (RL)

Johnson (employee).

(11) Jelba’s Ranch Inn, Ogden, and Crystal \*SBI (CL)

Chadwick (employee).

(12) La Frontera (400 S), Salt Lake, and Allen \*SBI (RE)

Newman (employee).

(13) Mimi’s Café, Layton, and Parker Carnahan \*SBI (RE)

(employee).

(14) Molly Blooms Pub, Park City, and Gregg \*SBI (CL)

Davison and Mark Ray (employees).

(15) Osaka Sushi, Layton, and Bich Hoang Long \*SBI (RL)

(employee).

(16) Pat’s Barbecue, Salt Lake, and Tyler \*SBI (RB)

Mackin (employee).

(17) Roma Ristorante, Salt Lake, and \*SBI (RL)

Allessandro Ljubicic (employee).

(18) Ruan Thai Restaurant, Ogden, and \*SBI (RL)

Supaporn Suriyo (employee).

(19) Sampan Chinese Cuisine, Salt Lake, and \*SBI (RL)

Vanvisa Sullivan (employee).

(20) Sunset West Bowling Center, St George, \*SBI (TV)

and Teresa Skerl (employee).

(21) Taqueria Y Mariscos El Kora, Salt Lake, \*SBI (RB)

and Julia Guerneros (employee).

(22) Wasted Space, Salt Lake, and Timothy \*SBI (CL)

Broxton (employee).

(23) Winger’s, Kaysville, and William Myers \*SBI (RB)

(employee).

Sheila Page asked the subcommittee to strike #1 Jim’s Family Restaurant, #2 Kabuki Japanese Steakhouse, #3 Moon Dog’s Café, #9 El Paisa Grill Freshmex, #12 La Frontera, and #20 Sunset West Bowling Center.

Mr. Nielsen moved to recommend that the full commission approve the items on the consent calendar with the exception of #1 Jim’s Family Restaurant, #2 Kabuki Japanese Steakhouse, #3 Moon Dog’s Café, #9 El Paisa Grill, #12 La Frontera, and #20 Sunset West Bowling Center. Mr. Gladwell seconded the motion which passed unanimously.

b. Orders to Show Cause:

(1) Buca Di Beppo, St. George.

(2) ~~Legends Tavern, Wellsville~~. *STRIKE*

(3) ~~Los 2 Compadres, Salt Lake City~~. *STRIKE*

(4) ~~Caribbean Club, West Jordan~~. *STRIKE*

Ms. McDermott asked the commission to strike #2 Legends Tavern and #4 Caribbean Club as they are now in compliance, and continue #3 Los 2 Compadres to the June meeting.

Ms. McDermott gave an overview of the order to show cause for #1 Buca Di Beppo. They have two managers with disqualifying backgrounds.

Jon Butler, Jeremy Coleman, and Ron Christensen came forward to speak on behalf of Buca Di Beppo. Mr. Butler explained one manager was released from employment and the second is going through the expungement process. Mr. Butler requested that the matter be deferred pending resolution of the expungement.

Mr. Gladwell recommended that the full commission not take action today. The order to show cause for #1 Buca Di Beppo will be continued to the June meeting.

c. Hearing:

(1) Pinky’s, South Salt Lake.

Sheila Page gave an overview of the Findings of Fact, Conclusions of Law and Recommended Sanctions from Hearing Officer Carol Clawson regarding Pinky’s. Ms. Page requested that the commission impose and set a due date for the fines and costs; and set a date for the suspension period to begin.

Mr. Nielsen moved to recommend that the full commission adopt the recommendations of the Hearing Officer and give Pinky’s until the end of the month to pay the fines and costs; and to set June 1, 2014 as the beginning of the suspension period. Ms. McConkie seconded the motion which passed unanimously.

d. ~~Hearing on Suspension for Return Check~~: *STRIKE*

e. Court of Appeals Decision:

(1) Brewski’s, Ogden.

Sheila Page gave an overview of the findings of the Utah Court of Appeals in regards to Brewski’s. Ms. Page recommended that the item be continued until the June meeting. The commission will need to impose the fines and fees, and set a due date.

Mr. Nielsen moved to continue the Brewski’s Utah Court of Appeals findings to the June meeting. Mr. Gladwell seconded the motion which passed unanimously.

COMPLIANCE UPDATE

Nina McDermott updated the commission on the activities of the compliance department.

MANUFACTURE WINERY APPLICATION:

a. Cognition Winery, Park City.

Abe Kader gave an overview of the application.

Dennis Romankowski, owner of Cognition Winery, came forward to address the commission. He gave an overview of his background and plans for the winery.

Mr. Gladwell moved to recommend that the full commission approve a manufacture winery license for Cognition Winery in Park City. Mr. Nielsen seconded the motion which passed unanimously.

CHANGE OF LOCATION REQUESTS:

a. Sun & Moon Cafe (RL) (Keith Zuspan)

From: 5195 Emigration Canyon Salt Lake City.

To:   1615 S Foothill Dr, Suite 9, Salt Lake City.

b. Metro Bar, Salt Lake City (CL) (Keith Zuspan)

From: 540 W 200 S, Salt Lake City.

To: 615 W 100 S, Salt Lake City.

Keith Zuspan gave an overview of the requests from Sun & Moon Café and Metro Bar. He noted the applications are complete and staff recommends approval.

c. Shades of Pale (MB) (Abe Kader)

From: 1950 Woodbine Way #5, Park City.

To: 2160 S West Temple, Salt Lake City.

Abe Kader gave an overview of the request from Shades of Pale.

Mr. Nielsen moved to recommend that the full commission approve location changes for Sun & Moon Café, Metro Bar, and Shades of Pale. Mr. Gladwell seconded the motion which passed unanimously.

d. Allstar Bowling & Entertainment (CL) (Margaret Hardie)

From: 1111 N 200 W, Tooele.

To: 12101 S State St, Draper.

Margaret Hardie gave an overview of the request noting the application is complete.

Brad Shepherd from Allstar Bowling & Entertainment came forward to address the commission. Mr. Shepherd gave an overview of his business. He also requested to open as a dining club in Draper and skip the 90 day requirement to operate as a social club.

Ms. McDermott explained that a club classification change is not on the agenda and that the department usually requests three months of financials showing that they can meet the food requirement. Mr. Shepherd may request to be on the agenda next month for a change in club classification.

Mr. Nielsen moved to recommend that the full commission approve the location change for Allstar Bowling & Entertainment. Mr. Gladwell seconded the motion which passed unanimously.

e. ~~Trolley Wing Neighborhood Bar & Grill~~  *STRIKE*

LICENSE APPLICATIONS:

*[For brevity, the street address, name of the representative, classification (clubs only) seating capacity of the establishment and opening date will be referenced. Proximity and special issues will be noted. A video tape recording of the statements made is on file at the DABC administrative office.]*

Club Applicants:

(1) Copper King, 9071 West 2700 South, Magna: Dustin Stone; 93 seats; social club; open. *(change of ownership)*

(2) Sapa Sushi Bar & Grill, 722 South State, Salt Lake City: Son Dang; 240 seats; dining club; open.

*[Applicant has a violation history: December 2011 sale to minor; August 2013 sale to minor.]*

(3) Red Rock Junction, 1640 W. Red Stone Ctr, Park City: Robert Jensen; 60 seats; dining club; open.

*[Applicant has a violation history: April 2011 sale to minor (Murray); April 2013 sale to minor (Red Rock Junction).]*

(4) Miners Grill & Sports Bar, 1300 Snow Creek Dr., Park City: Kerry Smithers; 85 seats; dining club; open.

(5) ‘Bout Time Pub & Grub, 6400 N. Hwy 224, Park City: Tim Ryan; 94 seats; social club; open.

*[Applicant has a violation history: April 2012 and July 2013 Herriman serving intoxicated customer, failure to use scanner, providing free alcohol to the public, more than two alcoholic drinks before a customer, employee consuming, improper labels and dispensing.*

*Applicant has a violation at the Park City location: April 2014 minors at a bar structure, allowing patrons to walk around the premises of a restaurant. June 2013 serving a minor.*

*Applicant also has violation history the W. Jordan location: April 2012 – serving intoxicated customer, failure to use scanner, employee consuming alcohol, freepouring, more than two alcoholic drinks before a customer.]*

(6) Wasatch Pub Sugarhouse, 2120 S. Highland Drive, Salt Lake City: Judy Cullen; 212 seats; social club; scheduled to open TBD. *(proximity/conditional)*

(7) Fletcher’s, 562 Main Street, Park City: Steve Demarest; dining club; scheduled to open 10/1/14. *(conditional)*

(8) Bistro 222, 222 Main, Salt Lake City: Jeremy Ford; 101 seats; dining club; open. *(conditional)*

(9) Sonny Bryan’s, 222 Main, Salt Lake City: Jeremy Ford; 164 seats; dining club; open. *(conditional)*

(10) Our Bar Tavern, 30 N. Geneva Road, Orem: Sheila Roylance; 51 seats; social club; schedule to open upon issuance.

(11) La Sabre Club, 44 N. Merchant Street, American Fork: Peggy Chavez; 42 seats; social club; open.

(12) Pelican’s Pub, 1684 W. Highway 40, Vernal: Tiffany Woods; 150 seats; social club; open upon issuance.

(13) The Big Z, 1141 W. 2150 S., West Haven: Gordon Joksimovich; 75 seats; social club; open upon issuance.

(14) Lucky H Bar & Grill (Little America), 500 S. Main, Salt Lake City: Su DeBerry; 70 seats; dining club; scheduled to open 9/14. *(conditional)*

Steve Wallenda gave an overview of the change of ownership for #1 Copper King. Dan Chavez from Copper King came forward to address the commission. He gave an overview of the new business noting that they will keep the same location and name.

Mr. Gladwell moved to recommend that the full commission grant a club license resulting from an ownership change to #1 Copper King in Magna. Mr. Nielsen seconded the motion which passed unanimously.

Mr. Wallenda noted that there is one new club license is available. Mr. Gladwell invited each applicant to take two minutes to explain how long they’ve been operating and how a club license would assist their operation.

Mr. Gladwell moved to recommend that the full commission grant club a club license to #2 Sapa Sushi in Salt Lake City. Mr. Nielsen seconded the motion which passed unanimously.

Due to the time, the balance of the agenda was continued to the full commission meeting. The meeting adjourned at 10:05 a.m.