MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD THURSDAY, MARCH 28, 2024.

*[A copy of the final agenda was posted on the bulletin board at the DABS Administrative Office, emailed to the Salt Lake Tribune and the Deseret News, and posted on the Utah Public Notice Website by 10:00 a.m. on Wednesday, March 27, 2024.]*

Chair Tara Thue called the meeting to order at 10:00 a.m.

Commissioners Present: Tara Thue, Stephen Handy, Tom Jacobson, Jennifer Tarazon, and Jacquelyn Orton.

Staff Present: Tiffany Clason, Executive Director; Cade Meier, Deputy Director; Sean Williford, Finance Director; Doug Murakami, Alcohol Education Director; and Jeremy Sommerlath, Licensing and Compliance Deputy Director.

Also Present: Samuel McHenry, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Jorge Corona-Leyva led the group in the Pledge of Allegiance.

ANNOUNCEMENTS:

Ms. Thue made the following announcements:

a. Proposed Future Meeting Schedule: *(subject to change)*

- Thursday, April 25, 2024 - Park City Council Chambers, Park City.

 - Thursday, May 30, 2024 - MASOB

b. Public Comments:

 - Those present, please complete the form located at the back of the

the room.

 - Those participating virtually, please email your name, city, topic, and affiliation (if

applicable) to hotline@utah.gov by 5:00 p.m. on Wednesday, March 27, 2024.

 - Comments will be addressed at the end of the meeting.

PARENTS EMPOWERED UPDATE:

Mr. Murakami provided an update on the Parents Empowered campaign. He gave an overview of the Cicero survey results from the Parents Empowered Underage Drinking Parent Study. The survey included both telephone and online versions. He will provide the questionnaire and results to the commission. Training will be scheduled to explain to the commissioners how the surveys are set up and communicated to participants, especially via social media platforms.

Mr. Murakami also announced that April is Alcohol Awareness month.

FINANCIAL UPDATE:

Mr. Williford provided an update on the February 2024 financials. In February, retail revenue totaled $47.8 million. Current YTD revenues are over $386 million. The department is on track to return $75 million YTD to the general fund.

OPERATIONS UPDATE:

Ms. Clason noted that the department reviewed the statutory changes from the recent legislative session. Action items have been identified and due dates assigned.

Ms. Clason also noted that planning is underway for the April commission meeting in Park City. An itinerary will be provided in the coming weeks.

Mr. Meier gave an update on the allocated products distribution change. The March 16, 2024 event was successful and the department received positive feedback from customers.

APPOINTMENT OF DABS ASSISTANT DIVISION DIRECTOR, FINANCE:

Ms. Clason introduced Mike Thomson and gave an overview of his qualifications to hold the position of DABS Assistant Division Director of Finance.

Mr. Handy moved to confirm the appointment of Mike Thomson to the position of DABS Assistant Division Director of Finance. Ms. Tarazon seconded the motion which passed unanimously.

VIOLATIONS:

*\*Referral Sources –* North Salt Lake Police (NPD), Roy City Police Department (RPD), State Bureau of Investigation (SBI), West Valley Police Department (WPD)

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 requests that any item be removed for individual discussion.]*

(1) Ice Haus, Murray and Dalina Ramirez and Michael Alexander \*SBI (BAR)

*(employees)*

(2) Summit Creek Sinclair, Smithfield and Anthony Jones \*CSO (OP)

*(employee)*

(3) Mayor Voss, Salt Lake City \*SBI (BAR)

(4) Perez Market, West Valley City \*WPD (OP)

(5) La Frontera, Riverton and Gerardo Tejeda *(employee)* \*SBI (RF)

(6) Las Cazuelas, Taylorsville and Carlos Andres *(employee)* \*SBI (RB)

(7) Slackwater SLC, Salt Lake City and Zaira Torres-Reyes \*SBI (RL)

*(employee)*

(8) Lake Effect, Salt Lake City \*SBI (BAR)

(9) Soundwell, Salt Lake City \*SBI (BE)

(10) 7-Eleven #34361B, Roy \*SBI (OP)

(11) The Filling Station, Magna \*SBI (BAR)

(12) Ginza Japanese Shabu Shabu, Sandy and Yin Weilang *\**SBI (RL)

 *(employee)*

Mr. Jacobson provided an update on the compliance subcommittee discussions. Mr. McHenry gave an overview of the items on the consent calendar noting they are complete and ready for action by the commission.

Mr. Jacobson moved to approve the settlement agreements for items #1 to #12 on the consent calendar. Ms. Tarazon seconded the motion which passed unanimously.

LICENSEE RECOGNITIONS: PASSED UTAH PUBLIC SAFETY SBI COVERT (CUB) INSPECTIONS:

Ms. Clason reported that since the February meeting, a record 180 licensees passed the SBI inspections. She congratulated those that passed and thanked them for following the alcohol safety laws.

CONSENT AGENDA:

Mr. Sommerlath gave an overview of the items on the consent agenda noting they are complete and ready for action by the commission.

a. Approval of the Minutes

 (1) February 29, 2024 Commission Meeting

 b. Off-Premise Beer Retailer

 *License Change of Ownership:*

(1) 7-Eleven Store #38761B, Springville *(conditional) (purchase agreement*

*January 11, 2024)*

(2)7-Eleven Store #36430B, Provo *(purchase agreement*

*February 13, 2024)*

(3)7-Eleven Store #19154C, Magna *(purchase agreement*

*February 13, 2024)*

*New Applicants:*

(1)7-Eleven Store #42140A, Bluffdale *(conditional)*

(2) Antimony Mercantile, Antimony

(3) Chinatown Supermarket, South Salt Lake

 (4) Corner Stop, Salt Lake City

 (5) Country Corner Store, Ogden

 (6) Family Dollar Store #31452, Loa

 (7) Harts Gas and Food #80185, Salina *(conditional)*

 (8) Harts Gas and Food #80182, Panguitch

 (9) Holiday Oil #71, Bluffdale *(conditional)*

 (10) India Foods, Taylorsville

 (11) KB Express #80165, Milford

 (12) KB Express #80166, Panguitch

 (13) KB Express #80167, Parawan

 (14) KJ’s Catch N Snack, Scofield

 (15) Kwick Stop 1453, Ogden *(conditional)*

 (16) Lightfoots Santa Clara, Santa Clara

 (17) Under Canvas Moab, Moab

 (18) Papa Don’s Chevron, Minersvile

 (19) Target Store T-2904, Provo

 (20) Vine Street Market, Tooele

 (21) Walmart Fuel Station #3208, Springville

 (22) Wingate by Wyndam, Moab

 (23) W.O. F & B, Wanship

c. Manufacturing

 *License Change of Ownership:*

 (1) Hopkins Brewing Company, Salt Lake City *(purchase agreement*

*December 12, 2023)*

d. Local Industry Representative

 *New Applicant:*

 (1) Greg Tatatrian - Mountain West Beverage, Morgan County

e. Package Agency

 *New Applicant:*

(1) Under Canvas Moab (Type 1)

f. Restaurant-Limited Service

*License Change of Ownership:*

(1) Kabuto Sushi, St. George *(conditional) (purchase agreement September 22,*

*2023)*

(2) Paddock Lounge, Sandy *(conditional) (purchase agreement July 7, 2023)*

*New Applicants:*

(1) Sukihana, South Jordan *(conditional)*

(2) Cattleman’s Steakhouse, Panguitch *(conditional)*

(3) Red Fort Ogden Cuisine of India, Ogden *(conditional)*

(4) Root’s Place, American Fork *(conditional)*

(5) Red Rock Taco, Huntsville *(conditional)*

g. Restaurant Beer

 *New Applicants:*

 (1) House of Corn Mexican Cuisine, Salt Lake City  *(conditional)*

(2) Puro Peru, Sandy *(conditional)*

(3) The Flying Pig BBQ, Torrey

 (4) High Voltage BBQ, Parowan *(conditional)*

h. On-Premise Beer Retailer - Beer Recreational

*New Applicants:*

(1)Black Desert Golf Course, Ivins *(conditional)*

(2)Boondocks Food & Fun - Draper LLC, Draper *(conditional)*

i. On-Premise Banquet

*Extended Closures:*

(1) Diamond Concessions at USANA, West Valley City *(requesting to the*

*May Commission Meeting)*

*New Applicants:*

(1) Bluff Dwellings Resort and Spa, Bluff

 (2) Boondocks Food & Fun - Draper LLC, Draper *(conditional)*

*(restaurant venue)*

Mr. Jacobson moved to approve the items on the consent agenda. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS CONSIDERATION ITEMS:

a. Bar Establishment Applicants:

 *License Change of Ownership:*

(1)Hopkins Brewing Company, Salt Lake City *(purchase agreement*

*December 12, 2023)*

 *Ready to Operate Applicant:*

 (1)Blue Katz Rock N Roll Grill, St. George *(conditional) (violation history)*

*(will surrender RF license upon receipt of bar license)*

*All Other Applicants:*

(1) Scovilles, Salt Lake City *(conditional) (projected opening May 1, 2024)*

(2)Rooted Vine, Moab *(conditional) (projected opening May 1, 2024)*

(3) Home Range Brewing LLC, Logan *(conditional) (projected opening*

*October 1, 2024)*

(4) Spritz!, Salt Lake City *(conditional) (projected opening April 5, 2024)*

(5) The Manor F&B, Coalville *(equity license)* *(conditional) (projected*

*opening May 1, 2024)*

Rob Hansen gave an overview of the bar establishment applications.

Mr. Handy moved to approve an ownership change for #1 Hopkins Brewing Company in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

Mr. Hansen noted that there are four licenses available and six applicants. Ms. Thue invited the applicants to address the commission.

Representatives from Blue Katz Rock N Roll, Scovilles, Home Range Brewing, Spritz!, and The Manor F&B addressed the commission in person or virtually.

The commissioners discussed the applicants including the violation history of Blue Katz Rock N Roll Grill.

Ms. Thue moved to grant a conditional equity bar establishment license to all other applicant #5 The Manor F & B in Coalville. The motion was not seconded. The motion failed.

Mr. Handy moved to grant a conditional bar establishment license to ready to operate applicant #1 Blue Katz Rock N Roll in St. George. Ms. Orton seconded the motion. Ms. Thue asked for a roll call vote. Mr. Handy and Ms. Orton voted yea. Ms. Thue, Mr. Jacobson, and Ms. Tarazon voted nay. The motion failed.

Mr. Jacobson moved to grant a conditional bar establishment license to all other applicant #4 Spritz! in Salt Lake City. Mr. Handy seconded the motion which passed unanimously.

Mr. Jacobson moved to grant a conditional bar establishment license to all other applicant #1 Scovilles in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

Ms. Orton moved to grant a conditional bar establishment license to all other applicant #2 Rooted Vine in Moab. Mr. Jacobson seconded the motion which passed unanimously.

Mr. Jacobson moved to grant a conditional bar establishment license to all other applicant #3 Home Range Brewing LLC in Logan. Mr. Handy seconded the motion which passed unanimously.

b. Full-Service Restaurant Applicants:

*License Change of Ownership:*

(1) Romano’s Macaroni Grill, Murray *(purchase agreement July 21, 2023)*

(2) Mariscos Las Islitas de Las Vegas, West Valley City *(purchase agreement*

*January 31, 2024)*

*Ready to Operate Applicant:*

(1) Ahis Fresh Wok & Bar, St. George *(conditional)*

*All Other Applicants:*

(1) Taqueria La Unica, Smithfield *(conditional)*

(2) All About Tacos, Ogden *(conditional)*

(3) Birdy’s, Moab *(conditional) (projected opening March 28, 2024)*

(4) Boondocks Food & Fun-Draper, LLC, Draper *(conditional) (projected*

*opening April 17, 2024)*

(5) Sunday’s Best, Salt Lake City *(conditional) (projected opening May 7, 2024)*

Craig Warr gave an overview of the full service restaurant applications.

Mr. Handy moved to approve ownership changes for #1 Romano’s Macaroni Grill in Murray and #2 Mariscos Las Islitas de Las Vegas in West Valley City. Ms. Orton seconded the motion which passed unanimously.

Ms. Orton moved to approve conditional full service restaurant licenses for ready to operate applicant #1 Ahis Fresh Wok & Bar in St. George, all other applicants #1 Taqueria La Unica in Smithfield, #2 All About Tacos in Ogden, #3 Birdy’s in Moab, #4 Boondocks Food & Fun-Draper in Draper, and #5 Sunday’s Best in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

c. Type 3 Package Agency (Continued):

*New Applicants:*

(1) Duchesne, UT

 (a) Virginia McKinnon

 (b) Heather Sorenson and Ryan Sorenson.

Jeff Colvin gave an overview of the applications. The commission directed that item (b) on the agenda be corrected to show Heather Sorenson and Ryan Sorenson.

Mr. Jacobson asked each applicant a set of questions. The applicants participated in the meeting and responded virtually.

The commission discussed the applications noting both applicants are highly qualified and that it is a difficult decision. Mr. Colvin clarified that the license expires on June 30, 2025. All Type 2 and 3 package agencies will have to reapply in 2025.

Mr. Jacobson moved to award the Type 3 package agency license in Duchesne to Heather and Ryan Sorenson. Ms. Thue seconded the motion. Ms. Thue asked for a roll call vote. Mr. Handy and Ms. Orton voted nay. Ms. Thue, Mr. Jacobson, and Ms. Tarazon voted yea. The motion passed.

OFF-PREMISE RETAIL PRODUCT LABEL REVIEW:

a. Response to Request for Agency Review by Alcoholic Beverage Services Commission

Denial of Label and Packaging Approval – “Happy Thursday” by Molson Coors

Mr. Sommerlath gave an overview of the department’s denial noting the statutory definition of beer and the labeling requirements were not met. He asked the commission to uphold the denial.

Gris Ware, Janelle Bauer, and Bob Hunt from Molson Coors came forward. Mr. Ware outlined the reasons they are appealing the decision.

Ms. Clason acknowledged that there was inconsistency in the market and the department worked with the legislature to get clarity and clean it up. She added that the department will be giving an interim presentation to the legislature and will ask for additional clarity.

The commissioners, staff and Mr. Ware discussed the efforts made to review and update labels and formulas to comply with statute and legislative intent.

Mr. Jacobson moved to sustain the decision of the department . Mr. Handy seconded the motion which passed unanimously.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Mr. Jacobson noted he was looking forward to holding the commission meeting in Park City next month and hosting the commissioners for breakfast.

There being no further business, Mr. Handy moved to adjourn. The meeting was adjourned at 12:05 p.m.