MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION,

COMPLIANCE, LICENSING AND ENFORCEMENT

SUBCOMMITTEE HELD TUESDAY, AUGUST 26, 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, August 20, 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, August 25, 2014.]*

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

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

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

Also Present: Sheila Page, Asst. Attorney General.

APPROVAL OF MINUTES:

Upon motion of Ms. Agraz, seconded by Mr. Nielsen, it was unanimously voted to approve the minutes of the Compliance, Licensing and Enforcement Subcommittee meeting held July 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) Copper Bowl, Salt Lake, and Matthew \*SBI (RE)

Stuart (employee).

(2) Don Pedro’s, Vernal, and Shilo Stevens \*SBI (RE)

(employee).

(3) Sushi Monster, Farmington, and Chak \*SBI (RL)

Chun Ho (employee).

(4) Wild Grape, Salt Lake, and Eric \*SBI (RE)

Sanzenbacher (employee).

(5) All-Star Catering, Salt Lake, and Kellie \*SBI (BE)

Ellett (employee).

(6) Barbacoa Mexican Grill, Salt Lake, and \*SBI (RB)

Analley Caballero-Islas & Eusebia Dirso

(employees).

(7) Blue Finn, Salt Lake, and Dongjung Park \*SBI (RL)

(employee).

(8) Blue Nile Ethiopian Cuisine, Salt Lake, \*SBI (RL)

and Merga Kennard (employee).

(9) Café Silvestre, Salt Lake, and Heather \*SBI (RE)

Rendon (employee).

(10) Cappeletti’s, St George, and Jamee \*SBI (RL)

Nyberg (employee).

(11) Carmack’s Food Services @ Lakeside \*SBI (BE)

G.C., Woods Cross, and Javier Hourquet

(employee).

(12) Chili’s, West Valley, and Lisa Muir \*SBI (RE)

(employee).

(13) Chipotle Mexican Grill, Sandy, and \*SBI (RB)

Kentaley Hollyway (employee).

(14) Cruzrs Saloon, Holladay, and Chad \*SBI (CL)

Bradshaw (employee).

(15) Down Under Club, Woods Cross, and \*SBI (CL)

Justin Stone & Joshua Brough (employees).

(16) Fat Fish, West Valley, and Eloisa Cruz \*SBI (RL)

(employee).

(17) Frontier Motel & Grill, Roosevelt, and \*SBI (RE)

Chaundrea Christensen and Jennifer

Moyre (employees).

(18) Ichiban Sushi & Asian Grill, Salt Lake, and \*SBI (RL)

Dongxue Zhang (employee).

(19) Koyo, Salt Lake, and Miristi Gee \*SBI (RE)

(employee)

(20) La-Cai Noodle House, Salt Lake, and \*SBI (RL)

Vu Lam (employee).

(21) Legends Sports Bar & Grill, Salt Lake, and \*SBI (CL)

Byron Hennon (employee).

(22) Mazza, Salt Lake, and Bryan Bodell \*SBI (RL)

(employee).

(23) Mi Ranchito Grill 2, Salt Lake, and \*SBI (RE)

Guadalupe Vasquez (employee).

(24) Moon Dog’s Café, Layton, and Tawni \*SBI (RL)

Quinn (employee).

(25) Shin-Sei Sushi Bar, Ogden, and Whitney \*SBI (RL)

Johnson (employee).

(26) Taste of India, Bountiful, and Sanjeev \*SBI (RL)

Singh (employee).

(27) Wells Club, Duchesne, and Michael \*SBI (CL)

Russell (employee).

(28) Winger’s, Price, and Kiana Steed \*SBI (RE)

(employee).

Sheila Page asked the subcommittee to strike #1 Copper Bowl, #2 Don Pedro’s, #3 Sushi Monster, and #4 Wild Grape and noted that if they are not in compliance prior to next month, the settlement agreements will be withdrawn and the matters set for hearing. She also asked the subcommittee to strike and continue to next month #6 Barbacoa, #9 Café Silvestre, #11 Carmack’s Food Services, #13 Chipotle Mexican Grill, #14 Cruzrs Saloon, #21 Legends Sports Bar, and #24 Moon Dog’s Cafe. She asked the subcommittee to approve the remaining items.

Mr. Nielsen moved to approve the items on the consent calendar striking #1 Copper Bowl, #2 Don Pedro’s, #3 Sushi Monster, #4 Wild Grape; and continuing #6 Barbacoa, #9 Café Silvestre, #11 Carmack’s Food Services, #13 Chipotle Mexican Grill, #14 Cruzrs Saloon, #21 Legends Sports Bar, and #24 Moon Dog’s Café to the September meeting. Mr. Gladwell seconded the motion which passed unanimously.

COMPLIANCE UPDATE:

Ms. McDermott noted that Dave Weloth left the department. She introduced his replacement, Dan Oberg. Mr. Oberg is retired military and worked in law enforcement for Ogden City and Hill Air Force Base.

REQUEST FOR EXTENDED CLOSURE:

a. Dojo (CL), Salt Lake.

Ms. McDermott explained that the commission granted Dojo an extended closure through today with the expectation that a license transfer application would be on the agenda. The department received an incomplete application and was unable to process it. Ms. McDermott noted that the commission may want to decide how long a licensee can utilize extended closures to sit on their license without transferring it.

Kelly Shiotani from Dojo came forward to address the subcommittee. He explained that he closed on May 3, 2014 and was instructed by Dave Weloth to wait until July 1, 2014 to transfer the license legally. Dave Ipaktchian from Iggy’s also came forward. He noted that they did submit a transfer of license application thinking the documents on file for the restaurant would meet the club license application requirements. They would like to add the club license to their downtown location to increase revenue. Mr. Ipaktchian stated that the new bond was created yesterday and the balance of the outstanding items should be in place by the 10th of the month.

The subcommittee, Ms. Page, Ms. McDermott, Mr. Shiotani and Mr. Ipaktchian discussed the transfer application requirements and deadlines; as well as possible concerns regarding the proposed floor plan.

Mr. Gladwell moved to extend the closure date for Dojo to September 30, 2014 with the proviso that the completed transfer application be received no later than September 5, 2014. If the completed application is not submitted by 5:00 p.m. on that date, the license is automatically forfeited. Mr. Nielsen seconded the motion which passed unanimously.

b. Lugano Restaurant (RE), Salt Lake.

Ms. McDermott gave an overview of the request noting that they should be open prior to the expiration of the 90 day closure granted by staff.

Jonah Hornsby from Lugano came forward to address the subcommittee. He explained that they are scheduled to open on September 14, 2014 but are requesting additional time in case something goes wrong with the contractor or opening. They would like an additional 30 days.

Ms. Agraz moved to extend the closure date for Lugano Restaurant to September 30, 2014. Mr. Gladwell seconded the motion which passed unanimously.

c. Bogey’s (CL), Clearfield.

Ms. McDermott gave an overview of the request noting that the 90 day closure granted by staff expires today.

Alan Whittle from Bogey’s came forward to address the subcommittee. He explained that they are requesting 60 days to complete the remodel. Ms. McConkie clarified that they are requesting until the end of October.

Ms. Agraz moved to extend the closure date for Bogey’s to the end of October. Mr. Nielsen seconded the motion which passed unanimously.

d. ~~Maggie McGee’s (CL), Salt Lake~~. *STRIKE*

e. ~~Gusto! (RL), Salt Lake~~. *STRIKE*

CLUB RECLASSIFICATION REQUEST:

a. All Star Bowling and Entertainment, Draper:

Classification Change from Class “D” Social Club to Class “C” Dining Club.

Margaret Hardie gave an overview of the request stating that they submitted the numbers and meet the food sales requirement. Staff recommends approval.

Ms. Agraz moved to approve a club license classification change from a Class “D” Social Club to a Class “C” Dining Club for All Star Bowling and Entertainment in Draper. Mr. Nielsen seconded the motion which passed unanimously.

LIQUOR WAREHOUSE APPLICATION:

a. Titan Cold Storage, Salt Lake.

Abe Kader gave an overview of the application stating that it is complete and staff recommends approval.

Mr. Nielsen moved to approve a liquor warehouse license for Titan Cold Storage in Salt Lake. Mr. Gladwell seconded the motion which passed unanimously.

MANUFACTURE REPRESENTATIVE APPLICATIONS:

a. George Dakis, Murray.

b. Utah Craft Beverages, Eden.

Abe Kader gave an overview of the applications stating that they are complete and staff recommends approval.

Ms. Agraz moved to approve manufacture representative licenses for George Dakis in Murray and Utah Craft Beverages in Eden. Mr. Nielsen seconded the motion which passed unanimously.

MANUFACTURE WINERY APPLICATION:

a. Vintage Reserve Estates, Hildale.

Abe Kader gave an overview of the application stating that it is complete and staff recommends approval.

Ms. Agraz moved to approve a manufacture winery license for Vintage Reserve Estates in Hildale. Mr. Gladwell seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Club Applicants.

(1) Red Rock Junction, Park City. *(violation history, dual license applicant)*

(2) ‘Bout Time Pub & Grub, Park City. *(violation history)*

(3) Wasatch Pub Sugarhouse, Salt Lake City. *(conditional, proximity)*

(4) Fletcher’s, Park City. *(conditional)*

(5) Bistro 222, Salt Lake City. *(conditional)*

(6) Salt Flats Grill, Salt Lake City. *(conditional)*

(7) Our Bar Tavern, Orem.

(8) Pelican’s Pub, Vernal.

(9) The Big Z, Ogden. *(dual license applicant)*

(10) Lucky H Bar & Grill @ Little America Hotel, Salt Lake City. *(conditional)*

(11) The Courtyard Ogden, Ogden. *(conditional)*

(12) Current Restaurant, Salt Lake City. *(conditional)*

The subcommittee did not hear from applicants as there were no new club licenses available.

b. Full-Service Restaurant Applicants.

(1) Pelican Restaurant & Pub, Ogden.

(2) ~~Finca, Salt Lake~~. *STRIKE*

(3) Bandit’s American Grill, Holladay.

Abe Kader asked the subcommittee to strike #2 Finca and stated #1 Pelican Restaurant and #3 Bandit’s American Grill are complete and staff recommends approval.

Ms. Agraz moved to grant full-service restaurant licenses for #1 Pelican Restaurant & Pub in Ogden and #3 Bandit’s American Grill in Holladay. Mr. Nielsen seconded the motion which passed unanimously.

c. Limited-Service Restaurant Applicants.

(1) ~~Taste of India Grill, Bountiful~~. *STRIKE*

(2) Sushi Ya, Draper.

(3) ~~Smokey’s BBQ & Grill, Ogden~~. *STRIKE*

(4) Tokyo Station, Ogden. *(conditional)*

(5) Pizza Rev (Valley Fair), West Valley City.

(6) ~~Sushi Monster, West Valley City~~. *STRIKE*

(7) Karma Indian Cuisine, Sandy. *(conditional)*

Stephne Hanson asked the subcommittee to strike #1 Taste of India, #3 Smokey’s BBQ, and #6 Sushi Monster. She gave an overview of the balance of the applications noting staff recommends approval.

Ms. Agraz moved to grant limited-service restaurant licenses to #2 Sushi Ya in Draper, and #5 Pizza Rev in West Valley City; and conditional limited-service restaurant licenses to #4 Tokyo Station in Ogden, along with a proximity variance, and #7 Karma Indian Cuisine in Sandy. Mr. Gladwell seconded the motion which passed unanimously.

d. On-Premise Beer Only Restaurant Applicants.

(1) Monica’s Mexican Restaurant, Orem.

(2) El Chubasco, Park City.

Steve Wallenda gave an overview of #1 Monica’s Mexican Restaurant noting it is complete and staff recommends approval.

Mr. Wallenda noted that staff is asking for guidance on #2 El Chubasco as it is a relinquishment. Ms. McDermott explained that instead of going through the transfer of license act, the new owners have submitted a new application which requires the current license to be surrendered prior to a new license being approved for that location. If it is surrendered today, the new owners will be without a license for three days. They are questioning whether the relinquishment can be made effective August 30th.

Paul Colton came forward to address the subcommittee on behalf of El Chubasco. He noted that if the old license is relinquished today, the new owner will have to pack up the beer for three days as the transaction will not close until Friday. Mr. Colton explained how they came to the decision to submit a new application versus a license transfer.

The subcommittee, Ms. Page, Ms. McDermott and Mr. Colton discussed the application and relinquishment dates.

Mr. Gladwell moved to accept the license relinquishment today and grant a new on-premise beer restaurant license to #2 El Chubasco in Park City effective August 30, 2014 noting the establishment will be dry in the interim. Mr. Nielsen seconded the motion which passed unanimously.

Mr. Gladwell moved to grant an on-premise beer restaurant license to #1 Monica’s Mexican Restaurant in Orem. Mr. Nielsen seconded the motion which passed unanimously.

e. On-Premise Beer Tavern Applicant.

(1) La Sierra Night Club, Ogden.

Steve Wallenda gave an overview of the application stating it is complete and staff recommends approval.

Mr. Nielsen moved to grant a tavern license to La Sierra Night Club in Ogden. Mr. Gladwell seconded the motion which passed unanimously.

QUESTIONS/COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

The meeting adjourned at 9:50 a.m.