MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD THURSDAY, OCTOBER 26, 2023.

*[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, October 25, 2023.]*

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

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

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

Also Present: Samuel McHenry, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Christine O’Hearn led the group in the Pledge of Allegiance.

ANNOUNCEMENTS:

Ms. Thue made the following announcements:

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

 - Thursday, November 30, 2023

 - Thursday, December 21, 2023

b. Holiday Closures:

- Friday, November 10, 2023 *(Veterans Day)*

The DABS administrative office and warehouse will be closed.

- Saturday, November 11, 2023 *(Veterans Day)*

Liquor stores will be closed.

- Thursday, November 23, 2023  *(Thanksgiving Day)*

Liquor stores and the DABS administrative office and warehouse will be closed.

c. Public Comments:

 - Those present, please complete the form located at the back of 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, October 25, 2023.

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

FINANCIAL UPDATE:

Mr. Williford provided an update on the September 2023 financials. In September, retail revenue totaled $40.9 million. Current YTD revenues are over $136 million. The department is on track to return $21.2 million YTD to the general fund.

PARENTS EMPOWERED UPDATE:

Mr. Murakami gave an update on the Parents Empowered campaign. He presented additional findings from the recent SHARP survey noting the three main measures – lifetime use, past 30 day use, and binge drinking – are all down. Consumption rates in Utah are decreasing at a faster rate than national trends. Mr. Murakami stressed the importance of parents having strict no alcohol rules in place.

In response to questions from the commission, Mr. Murakami explained that the survey sample size this year was 50,000 kids ages 6, 8, 10, and 12 years old.

OPERATIONS UPDATE:

Ms. Clason noted that the team has been working on the financials and year end closing. The annual report is also being prepared and will include a variety of information from the various divisions.

Ms. Clason announced that the compliance team completed the first renewal cycle using the new licensing system. She thanked the team for their hard work assisting licensees with the new process.

Mr. Meier noted that the department is ready for the upcoming holiday season. He thanked the purchasing, merchandising and retail staff for their work in preparing for the busy season.

VIOLATIONS:

*\*Referral Source –* Murray Police Department (MPD), Unified Police Department (UPD), State Bureau of Investigation (SBI), Tooele County Sheriff’s Office (TSO)

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) Winger’s, Price and Darren Jensen (employee) \*SBI (RF)

(2) Maverik #574, North Ogden and Jonas Zollinger \*SBI (OP)

Garcia (employee)

(3) Eating Establishment, Park City and Melissa Peretti and \*SBI (LR)

Jacob Hall (employees)

(4) Pretty Bird, Salt Lake City and Cameron Lam (employee) \*SBI (RL)

(5) Laziz Kitchen, Salt Lake and Marcello Caro (employee) \*SBI (RF)

(6) Hales Oil Stockton, Stockton and Stacy Knecht \*TSO (OP)

(7) 7-Eleven Store #23850C, Murray and Sabitra Gurung \*MPD (OP)

(8) Smith’s #475, Millcreek and Alia Halverson (employee) \*UPD (OP)

(9) Himalayan Flavor, Logan and Silvia Abiles (employee) \*SBI (RL)

(employee)

(10) Utah Zoological Society, Salt Lake City \*SBI (SE)

(11) Smith’s #279, North Ogden and Wesley Beard \*SBI (OP)

(12) La Fountain Restaurant, Salt Lake City and Beatriz Lopez \*SBI (RF)

(employee)

(13) Lemonshark Poke, Salt Lake City and Stephanie Young \*SBI (RB)

(14) Red Banjo Pizza, Park City and Alan Pinho Da Silva \*SBI (RF)

(employee)

(15) Monarca Bar and Grill, Salt Lake City and Creed Sandahl \*SBI (RF)

(employee)

(16) Taqueria 27 Downtown, Salt Lake and Gabrielle Miller \*SBI (RF)

 (employee)

(17) Sofa’s Corner, Garland \*SBI (BAR)

Ms. Thue noted there are 17 items on the consent calendar that are complete and ready for action by the commission.

Mr. Jacobson moved to approve the settlement agreements for items #1 to #17 on the consent calendar. Ms. Tennert seconded the motion which passed unanimously.

b. Violation Consideration:

(1) Kabuki Japanese Steakhouse, Logan and Juan Sun \*SBI (RL)

(employee)

Ms. Tennert explained that the subcommittee recommended that his item be considered separately as it is a third sale to minor violation.

Yong Zhao and Racheal Talbert from Kabuki came forward to address the commission. Mr. Zhao and Ms. Talbert explained the previous violations and outlined the changes being made to their server training program. Mr. Jacobson and Ms. Orton asked for clarification as to what they are doing differently from an operations standpoint. Ms. Thue stated that if they get a fourth violation the commission will revoke their license.

Mr. Jacobson moved to table this item until the next commission meeting and as part of tabling it to receive from the licensee an approved detailed plan as to how they are going to move forward in addressing their responsibility to verify the age of their patrons. Ms. Orton seconded the motion which passed unanimously.

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

Ms. Clason reported that since the September meeting, 84 licensees from across the state passed the SBI inspections. She congratulated those that passed and thanked them for following the alcohol safety laws.

CONSENT AGENDA:

Ms. Evans gave an overview of all items on the consent agenda noting they are complete and ready for action by the commission. She also noted that the hotel, airport lounge, reception center, banquet, and all restaurant licenses are effective November 1, 2023. The bar establishment and full restaurant license applications will be considered separately due to license scarcity.

a. Approval of the Minutes

 (1) September 28, 2023 Commission Meeting

 (2) October 13, 2023 Special Commission Meeting

b. September License Renewal Campaign Results

 (1) 1,319 license records meet statutory requirements for renewal

 (2) 85 license records will not be renewed

c. Off- Premise Beer Retailer

 *License Change of Ownership:*

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

 *August 22, 2023)*

(2)7-Eleven Store #36430J, Provo *(purchase agreement August 17, 2023)*

(3)Extra Mile #246, Woods Cross *(purchase agreement September 22,*

*2023)*

 *New Applicants:*

(1) 7-Eleven Store #12946B, Kearns *(conditional)*

(2)Best Western Plus Zion Canyon Inn & Suites, Springdale

(3) Epic Brewing, Salt Lake City

(4) Everyday Conveniences, Salt Lake City

(5) Family Dollar #31456, Huntington *(conditional)*

(6) Family Dollar #29225, Roosevelt

(7) Family Dollar #31000, Salina

(8) Family Dollar #30255, Enterprise

 (9) SN Store, Sandy

(10) Terrible’s #449, Fillmore

(11) Terrible’s #450, Cove Fort  *(conditional)*

(12) Walmart Fuel Station #3309, Brigham City *(conditional)*

d. Manufacturing

 *New Applicant:*

 (1) Top of Main Brewery Park City, Park City  *(Brewery)*

e. Package Agency

*New Applicants:*

(1) Top of Main Brewery Park City, Park City *(Type 5)*

(2) Lehi Springhill Suites, Lehi *(Type 1)*

f. Hotel ***(License effective date November 1, 2023)***

 *New Applicant:*

(1) Salt Lake Marriott Downtown at City Creek, Salt Lake City *(sub-licenses:*

*BC, RF, HA, and Bar Establishment; will surrender individual licenses)*

g. Airport Lounge ***(License effective date November 1, 2023)***

 *New Applicant:*

 (1) P.F. Chang’s, Salt Lake International Airport  *(conditional)*

h. Restaurant - Limited Service ***(License effective date November 1, 2023)***

*Change to Summer Seasonal License:*

(1) Crepes & Coffee, Garden City

*License Change of Ownership:*

(1) YellowFinn, Salt Lake City *(purchase agreement October 2, 2023)*

*New Applicants:*

(1) Happy Lamb Hot Pot, Murray *(conditional)*

(2) Magleby’s, Springville

(3) Canyon Smokehouse, Bluff *(conditional)*

(4) Bombay Palace, Murray *(conditional)*

(5) Red Fort, La Verkin *(conditional)*

(6) Heber Hub, Heber City

i. Reception Center ***(License effective date November 1, 2023)***

 *New Applicant:*

 (1) Noir Event Center, Taylorsville

j. On-Premise Banquet ***(License effective date November 1, 2023)***

 *New Applicants:*

(1) Eaglewood Golf Course and Event Center, North Salt Lake

(2) Bloomington Country Club, St. George *(conditional)*

k. On-Premise Beer Recreational

*License Change of Ownership:*

 (1) Salt Lake Golf Lounge, Salt Lake City *(purchase agreement August 1,*

*2023)*

l. Restaurant Beer

 *New Applicants:*

 (1) Rosales Mexican Food, Brian Head

(2) Hacienda Mexican Grill, Salt Lake City

Mr. Jacobson moved to approve all items on the consent agenda noting the hotel, airport lounge, reception center, banquet, and all restaurant licenses are effective November 1, 2023. Ms. Tarazon seconded the motion which passed unanimously.

LICENSE APPLICATIONS CONSIDERATION ITEMS:

a. Bar Establishment Applicants:

 *Ready to Operate Applicants:*

(1) The Historic Place, Ogden *(current BAR license surrendered upon*

*applicant receiving this license)*

(2)Last Call Sports Bar & Grill, Springville

(3)2 Row Brewing, Midvale

*All Other Applicants:*

 (1) Etta Place Cidery, Torrey  *(conditional) (projected opening November*

*30, 2023)*

(2) El Moab Hotel, Moab *(conditional) (projected opening November 30,*

*2023)*

(3) Neptune’s Palace, Salt Lake City *(conditional) (projected opening*

*November 30, 2023)*

(4) Marquis, Park City *(conditional) (projected opening November 2023)*

(5)Aker Restaurant and Lounge, Salt Lake City  *(conditional) (projected*

*opening December 28, 2023)*

(6) Thieves Guild, Salt Lake City *(conditional) (projected opening*

*January 2024)*

 (7) Repeal, Salt Lake City *(conditional) (projected opening January 2024)*

Rob Hansen gave an overview of the ready to operate applications. Ms. Tennert noted that the subcommittee recommended approval of the three ready to operate applicants.

Ms. Tennert moved to grant bar establishment licenses to ready to operate applicants #1 The Historic Place in Ogden, #2 Last Call Sports Bar & Grill in Springville, and #3 2 Row Brewing in Midvale. Mr. Jacobson seconded the motion which passed unanimously.

b. Full-Service Restaurant Applicants: ***(License effective date November 1, 2023)***

 *Change to Summer Seasonal License:*

 (1) Under Canvas, Widtsoe *(currently holds a full year license)*

*Extended Closure Request:*

(1) 98 Center, Moab *(requesting closure to December Commission*

*Meeting due to extensive ongoing renovations and delays)*

 *License Change of Ownership:*

 (1) Courtyard Lehi, Lehi *(purchase agreement May 1, 2023)*

(2) El Habanero, Magna *(purchase agreement August 1, 2023)*

(3) Zest Kitchen & Bar, Salt Lake City *(purchase agreement August 10,*

*2023)*

 *Ready to Operate Applicants:*

(1) Canyon Steak and Waffle, Moab *(will surrender Limited Restaurant*

*License)*

(2) The Notch Pub, Kamas *(will surrender Limited Restaurant License)*

(3) Yoko Taco, Salt Lake City *(will surrender Limited Restaurant*

*License)*

(4) 11Hauz, Park City *(will surrender Limited Restaurant License)*

(5) Hash Kitchen, Draper *(conditional)*

*All Other Applicants:*

(1) WildFin American Grill, Farmington  *(conditional) (projected opening November 6, 2023)*

(2) STK Steakhouse, Salt Lake City *(conditional) (projected opening*

*November 30, 2023)*

(3) Scelto, Salt Lake City  *(conditional) (projected opening December 1,*

*2023)*

(4) Bartolo’s, Farmington *(conditional) (projected opening December 5, 2023)*

(5) Piko Mexican Grill, Salt Lake City *(conditional) (projected opening*

*December 15, 2023)*

(6) Root’d Cafe, Riverton *(conditional) (projected opening December*

*30, 2023)*

(7) Tip Top Club, Salt Lake City *(conditional) (projected opening*

*January 1, 2024)*

Ms. Thue explained that the full service restaurant licenses awarded today will be effective November 1, 2023. She noted that there are 34 licenses available today. Due to non-renewals, an additional 31 are expected to be available next month. The commissioners discussed the increase in available licenses and decided to loosen the ready to operate requirements.

Ms. Randall moved to approve a change to a summer seasonal full service restaurant license for #1 Under Canvas in Widtsoe; an extended closure for #1 98 Center in Moab until the December commission meeting; and full service restaurant license ownership changes for #1 Courtyard Lehi in Lehi, #2 El Habanero in Magna, and #3 Zest Kitchen & Bar in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously.

Ms. Randall noted that the subcommittee discussed the influx of licenses and acknowledged that the change in requirements may be confusing. The subcommittee recommended approval of the ready to operate applicants and the first four listed under all other applicants.

Ms. Randall moved to approve full service restaurant licenses for ready to operate applicants #1 Canyon Steak and Waffle in Moab, #2 The Notch Pub in Kamas, #3 Yoko Taco in Salt Lake City, #4 11Hauz in Park City, and #5 Hash Kitchen in Draper; and conditional full service restaurant licenses to all other applicants #1 WildFin American Grill in Farmington, #2 STK Steakhouse in Salt Lake City, #3 Scelto in Salt Lake City, and #4 Bartolo’s in Farmington. Ms. Tennert seconded the motion.

Mr. Jacobson suggested the motion be bifurcated into two motions -- ready to operate and all other applicants. He also explained why he would like to stay with the ready to operate requirements.

Ms. Randall made an amended motion to approve full service restaurant licenses effective November 1, 2023 for ready to operate applicants #1 Canyon Steak and Waffle in Moab, #2 The Notch Pub in Kamas, #3 Yoko Taco in Salt Lake City, #4 11Hauz in Park City, and #5 Hash Kitchen in Draper. Ms. Tennert seconded the motion which passed unanimously.

Ms. Randall made a motion to approve conditional full service restaurant licenses effective November 1, 2023 to all other applicants #1 WildFin American Grill in Farmington, #2 STK Steakhouse in Salt Lake City, #3 Scelto in Salt Lake City, and #4 Bartolo’s in Farmington. Ms. Orton seconded the motion. Ms. Thue, Ms. Randall, Ms. Tennert, Ms. Orton, Mr. Handy and Ms. Tarazon voted yea; Mr. Jacobson voted nay. The motion passed.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Erin Stone, participating virtually, addressed the commission regarding the commission’s policy to wait three months after a violation before considering a new application. She asked that the policy be reviewed and outlined how applicants are impacted.

There being no further business, Mr. Jacobson moved to adjourn, Ms. Orton seconded the motion. The meeting was adjourned at 11:15 a.m.