MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD THURSDAY, NOVEMBER 30, 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, November 29, 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, and Stephen Handy.

Commissioner Participating Virtually: Jennifer Tarazon.

Staff Present: 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:

Melissa Suarez led the group in the Pledge of Allegiance.

ANNOUNCEMENTS:

Ms. Thue made the following announcements:

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

 - Thursday, December 21, 2023

 - Thursday, January 25, 2024

b. Holiday Closures:

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

- Monday, December 25, 2023  *(Christmas Day)*

 - Monday, January 1, 2024 *(New Years Day)*

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, November 29.

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

FINANCIAL UPDATE:

Mr. Williford provided an update on the October 2023 financials. In October, retail revenue totaled $42.7 million. Current YTD revenues are over $179 million. The department is on track to return $31.9 million YTD to the general fund.

PARENTS EMPOWERED UPDATE:

Mr. Murakami provided an update on the Parents Empowered campaign. He presented the new TV and radio clips. Mr. Murakami also noted the campaign budget is being reviewed as they are almost at the halfway point in the fiscal year.

OPERATIONS UPDATE:

Mr. Meier gave an overview of the record sales during the five days leading up to the Thanksgiving holiday. He thanked the store, warehouse and administrative staff for their hard work preparing for and during the very busy week.

Mr. Meier also announced that the annual report will be available on the website later today. He noted that the DABS sent over $236 million to state and local programs during FY2023.

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) Eating Establishment, Park City and Jacob Hall (employee) \*SBI (LR)

(2) Lucky #339, Tooele and Leala Church (employee) \*TPD (OP)

(3) 7-Eleven #23926B, West Valley City and Cedrick Curtis \*WVD (OP)

 (employee)

(4) Hyatt Place Farmington, Farmington and Andrew Reed \*SBI (RF)

 (employee)

(5) Banzai Teppan Yaki, West Valley and Gia Ly (employee) \*SBI (RL)

(6) La Puente, Taylorsville and Martha Chavez (employee) \*SBI (RF)

(7) Murray Winger’s, Murray and Janelle Gomez (employee) \*SBI (RF)

(8) Katrina’s Mexican Restaurant & Cantina, Millcreek and \*SBI (RF)

Yndalia Morales Mejia (employee)

(9) Cafe Seoul, Murray and Giwoong Song (employee) \*SBI (RF)

(10) El Chihuahua, Millcreek and Robbie Lund (employee) \*SBI (RF)

(11) Villa Del Sol, Orem and Karla Talavera-Piza (employee) \*SBI (RB)

(12) Texas Roadhouse, West Bountiful and Zildjan Garner \*SBI (RF)

(employee)

(13) Fore Lakes Golf, Taylorsville & Sherrie Larsen (employee) \*SBI (BE)

(14) Blue Fish Sushi Bar, South Jordan and Carlos Rodriguez \*SBI (RL)

Liriano (employee)

(15) Charlie’s Market, West Valley City and Pioneer \*WVD (OP)

Aioulupotea (employee)

(16) Wells Club, Duchesne and Dusti Farley (employee) \*SBI (BAR)

(17) Walmart #5233, West Valley City and Tobias Bateman \*WVD (OP)

(employee)

(18) La Casa Del Tamal, West Valley City and Gonzalo \*SBI (RF)

Gonzalez (employee)

(19) Redemption, Herriman \*SBI (BAR)

(20) Lucky #1509, West Valley City and Lucia Rodriguez \*WVD (OP)

Calata (employee)

(21) Cafe Feelove, St. George and Ashlyn Searcy (employee) \*SBI (RF)

(22) Smith’s #66, West Valley and Brenda Speer (employee) \*WVD (OP)

(23) Market Street Grill, Salt Lake City and Marvin McCants \*SBI (AL)

(employee)

(24) Glowbal Bite, Salt Lake and Laura Avila Tejada (employee) \*SBI (RF)

(25) Club Karamba, Salt Lake City and Berlis Rosario-Macea \*SBI (BAR)

(employee)

Mr. McHenry gave an overview of the items on the consent calendar. Ms. Tennert reported that the subcommittee reviewed the items and recommended approval.

Ms. Tennert moved to approve the settlement agreements for items #1 to #25 on the consent calendar. Ms. Randall seconded the motion which passed unanimously.

b. Violation Consideration:

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

(employee)

Mr. McHenry provided an update on the actions taken since the last commission meeting. He noted they provided a new RASP, held a training with compliance staff, and purchased a scanner.

Yong Zhao and Racheal Talbert from Kabuki came forward to address the commission. Mr. Zhao and Ms. Talbert noted they are working to prevent additional violations and confirmed the actions described by Mr. McHenry.

Ms. Tennert moved to approve the settlement agreement for Kabuki Japanese Steakhouse in Logan. Ms. Orton seconded the motion which passed unanimously.

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

Jeremy Sommerlath reported that since the October meeting, 55 licensees from across the state passed the SBI inspections. He congratulated those that passed and thanked them for following the alcohol safety laws.

CONSENT AGENDA:

Ms. Evans noted that renewals are due today for special use permits, certificates of approval, manufacturing, local industry representatives, liquor warehouse, and beer wholesale licenses. Ms. Evans gave an overview of the consent agenda. She asked the commissioners to strike the on-premise banquet ownership change from Courtyard Salt Lake City Downtown and noted limited service restaurant applicant New York Pizza Patrol has a violation history. The balance of the items on the agenda are complete and ready for action by the commission.

a. Approval of the Minutes

 (1) October 26, 2023 Commission Meeting

 (2) November 1, 2023 Special Commission Meeting

b. Off- Premise Beer Retailer

 *License Change of Ownership:*

 (1) 7-Eleven Store #38847A, Harrisville *(purchase agreement October 2, 2023)*

(2)7-Eleven Store #38675A, Ogden *(conditional) (purchase agreement*

 *August 11, 2023)*

 *New Applicants:*

(1) HAQ & Sons, Magna

(2) Hampton Inn, Provo

 (3) Maverik #5402, West Haven *(conditional)*

(4) Maverik #5412, West Haven *(conditional)*

(5) Maverik #698, St George *(conditional)*

(6) Terrible’s #448, Fillmore

(7) Walmart Fuel Station #1888, North Logan *(conditional)*

c. Hospitality Amenity

 *New Applicant:*

(1) Marriott’s Mountain Side Resort, Park City

d. Special Use Permit

 *New Applicant:*

 (1) Canyon Labs, Bluffdale *(Scientific)*

e. Restaurant - Limited Service

*New Applicants:*

(1) Golden Ginger Asian Bistro, Clearfield

(2) The Mercantile on 25th, Ogden *(conditional)*

(3) Pizza Hut, West Jordan *(conditional)*

(4) Mountain Mike’s Pizza, Herriman *(conditional)*

(5) Violet, Salt Lake City *(conditional)*

(6) Taste of Louisiana, Salt Lake City *(conditional)*

(7) 2nd East, Cedar City *(conditional)*

(8) Dining Room at Parry Lodge, Kanab *(conditional)*

(9) Koyote, Salt Lake City  *(conditional)*

(10) New York Pizza Patrol, Draper *(violation history)*

(11) Tokyo Tower, Salt Lake City *(conditional)*

(12) Tanabata Japanese Restaurant, South Salt Lake

(13) Kesari Indian Kitchen, Ogden *(conditional)*

(14) KOU Korean BBQ Orem, Orem *(conditional)*

(15) Charlee’s Comfort Kitchen, Manti *(conditional)*

(16) Las Flores Mexican Restaurant, Cedar City *(conditional)*

f. Tavern

 *Request to change from Full Year License to Summer Seasonal:*

 (1) Sandbar Lounge TV-16, Grand County

g. On-Premise Banquet

 *License Change of Ownership:*

(1) ~~Courtyard Salt Lake City Downtown, Salt Lake City~~ *STRIKE*

*New Applicants:*

(1) The Club at River Oaks, Sandy

(2) Hyatt House Salt Lake City Downtown, Salt Lake City *(conditional)*

h. Restaurant Beer

 *New Applicants:*

 (1) Salina Denny’s, Salina *(conditional)*

(2) Sara Thai Kitchen Sugarhouse, Salt Lake City *(conditional)*

Mr. Jacobson moved to approve the items on the consent agenda except for limited service restaurant applicant #e10 New York Pizza Patrol which will be pulled for further discussion; and striking the on-premise banquet ownership change #g1 Courtyard Salt Lake City Downtown. Ms. Orton seconded the motion which passed unanimously.

Ricardo Janotti from New York Pizza Patrol came forward to address the commission. He outlined the actions they have taken to prevent additional violations.

Mr. Jacobson moved to grant a limited service restaurant license to #e10 New York Pizza Patrol in Draper. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS CONSIDERATION ITEMS:

a. Bar Establishment Applicants:

 *License Change of Ownership:*

(1) Bout Time Pub & Grub, Taylorsville *(purchase agreement December 31,*

*2022)*

(2)Bout Time Pub & Grub, Salt Lake City *(purchase agreement December 31,*

*2022)*

(3)Bout Time Pub & Grub, Ogden *(purchase agreement December 31, 2022)*

(4)Bout Time Pub & Grub, Holladay *(purchase agreement December*

*31, 2022)*

(5)Bout Time Pub & Grub, West Valley City *(purchase agreement December*

*31, 2022)*

(6) Willies Lounge, Salt Lake City  *(purchase agreement September 23, 2023)*

(7) Big Willies, Salt Lake City  *(purchase agreement September 23, 2023)*

(8) The Locker Room, Salt Lake City  *(purchase agreement*

*August 17, 2023)*

(9) Club Karamba, Salt Lake City *(purchase agreement June 25, 2023)*

 *Ready to Operate Applicants:*

1. Zion Brew Pub Beer Garden, Springdale *(conditional) (will surrender tavern*

*license upon receipt of bar license; projected opening November 30, 2023)*

(2)Kimi’s Chop & Oyster House/Wired Walrus, Salt Lake City

*(projected opening November 30, 2023)*

 (3) Etta Place Cidery, Torrey  *(projected opening November 30, 2023)*

*All Other Applicants:*

(1) El Moab Hotel, Moab *(conditional) (projected opening December 21, 2023)*

(2) Marquis, Park City *(conditional) (projected opening December 21, 2023)*

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

*opening December 28, 2023)*

(4) Felt Bar & Eatery, Salt Lake City *(conditional) (projected opening*

*January 2024)*

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

*January 2024)*

(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 bar establishment applications. Ms. Thue noted that the subcommittee recommended approval of the ownership changes for items 1 – 8 and to continue #9 Club Karamba until the terms of their violation settlement agreement are carried out.

Mr. Jacobson moved to approve ownership changes for #1 Bout Time Pub & Grub in Taylorsville, #2 Bout Time Pub & Grub in Salt Lake City, #3 Bout Time Pub & Grub in Ogden, #4 Bout Time Pub & Grub in Holladay, #5 Bout Time Pub & Grub in West Valley City, #6 Willies Lounge in Salt Lake City, #7 Big Willies in Salt Lake City, and #8 The Locker Room in Salt Lake City; and to continue #9 Club Karamba in Salt Lake City until the December meeting. Ms. Orton seconded the motion which passed unanimously.

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 Zion Brew Pub Beer Garden in Springdale *(conditional)*, #2 Kimi’s Chop & Oyster House/Wired Walrus in Salt Lake City, and #3 Etta Place Cidery in Torrey. Ms. Orton seconded the motion which passed unanimously.

b. Full-Service Restaurant Applicants:

 *License Change of Ownership:*

 (1) ~~Courtyard Salt Lake City Downtown~~ *STRIKE*

(2) ~~Hyatt House Salt Lake City/Downtown~~ *STRIKE*

(3) Fiddler’s Elbow SLC, Salt Lake City *(conditional) (purchase agreement*

*August 16, 2023)*

*Ready to Operate Applicants:*

(1) El Chubasco, Park City *(conditional) (will surrender Restaurant Beer License)*

(2) Green Iguana, St. George *(conditional)*

(3) Gordo’s Tacos and Beer, Murray *(will surrender Restaurant Beer License)*

(4) Ramblin’ Roads, Midvale *(conditional)*

*All Other Applicants:*

(1) Richie Lush’s Tennessee BBQ, Park City *(will surrender Limited Restaurant*

*License) (projected opening December 1, 2023)*

(2) Sol Agave, Salt Lake City *(violation history) (conditional) (projected opening*

 *December 3, 2023)*

(3) Basta Pasteria, Murray *(conditional) (projected opening December 14, 2023)*

(4) ChefDance Social, Park City *(conditional) (projected opening December 15,*

*2023)*

(5) Tita’s Mexican Restaurant, Taylorsville *(conditional) (projected opening*

*January 15, 2024)*

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

 *February 15, 2024)*

Ms. Thue noted that change of ownership items #1 Courtyard Salt Lake City Downtown and #2 Hyatt House Salt Lake City have been stricken from the agenda. Ms. Randall gave an overview of the subcommittee discussions and recommendations.

Ms. Randall moved to approve an ownership change for #3 Fiddler’s Elbow SLC in Salt Lake City *(conditional);* full service restaurant licenses for ready to operate applicants #1 El Chubasco in Park City *(conditional)*, #2 Green Iguana in St. George *(conditional)*, #3 Gordo’s Tacos and Beer in Murray, and #4 Ramblin Roads in Midvale *(conditional)*; and full service restaurant licenses for all other applicants #1 Richie Lush’s Tennessee BBQ in Park City, #2 Sol Agave in Salt Lake City *(conditional)*, #3 Basta Pasteria in Murray *(conditional)*, and #4 ChefDance Social in Park City *(conditional)*. Ms. Orton seconded the motion.

Mr. Jacobson abstained from voting on ready to operate applicant #1 El Chubasco in Park City. He also expressed concern about issuing licenses to those not ready to operate. The commissioners discussed the ready to open policy and easing the policy due to the increased number of available full restaurant licenses.

Mr. Jacobson moved to bifurcate the motion separating all other applicants #3 Basta Pasteria in Murray *(conditional)*, and #4 ChefDance Social in Park City *(conditional)* from approval of the ownership change for #3 Fiddler’s Elbow SLC in Salt Lake City *(conditional);* full service restaurant licenses for ready to operate applicants #1 El Chubasco in Park City *(conditional)*, #2 Green Iguana in St. George *(conditional)*, #3 Gordo’s Tacos and Beer in Murray, and #4 Ramblin Roads in Midvale *(conditional)*; and full service restaurant licenses for all other applicants #1 Richie Lush’s Tennessee BBQ in Park City, #2 Sol Agave in Salt Lake City *(conditional*). Ms. Tennert seconded the motion.

Due to a violation history, Ms. Tarazon asked to speak to #2 Sol Agave. Jesus Galvez and Jorge Galvez from Sol Agave came forward and gave an overview of the actions taken to avoid additional violations.

Ms. Thue called for a vote on the motion to bifurcate. The motion passed unanimously.

Mr. Jacobson moved to approve an ownership change for #3 Fiddler’s Elbow SLC in Salt Lake City *(conditional);* full service restaurant licenses for ready to operate applicants #1 El Chubasco in Park City *(conditional)*, #2 Green Iguana in St. George *(conditional)*, #3 Gordo’s Tacos and Beer in Murray, and #4 Ramblin Roads in Midvale *(conditional)*; and full service restaurant licenses for all other applicants #1 Richie Lush’s Tennessee BBQ in Park City, and #2 Sol Agave in Salt Lake City *(conditional*). Ms. Tennert seconded the motion which passed unanimously.

Ms. Tennert made a motion to approve full service restaurant licenses for #3 Basta Pasteria in Murray *(conditional)* and #4 ChefDance Social in Park City *(conditional)*. Ms. Randall 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. Josh Buck from Mim’s Bar and Grill came forward to say they are one document short and hoped to be on the agenda. Ms. Thue stressed the importance of a complete application.

b. Elsa Medina from Basta Pasteria came forward to thank the commission for granting a license.

c. Mimi Kim from ChefDance also came forward to thank the commission.

There being no further business, the meeting was adjourned at 10:55 a.m.