MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION,

COMPLIANCE, LICENSING AND ENFORCEMENT

SUBCOMMITTEE HELD TUESDAY, JUNE 23, 2015,

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, June 17, 2015. 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, June 22, 2015.]*

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

Commissioners Present: 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:

Ms. McConkie noted that as a quorum is not present, the subcommittee will make recommendations for full commission approval. Approval of the minutes will be deferred to the full commission meeting.

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) Kick’n It Sports Grill, Lehi, and Joey \*SBI (RL)

Fullmer (employee).

(2) Billy Blancos, Park City, and Paige Mock \*SBI (RE)

(employee).

(3) Bountiful Bowl, Bountiful, and Joseph \*SBI (BE)

Burford (employee).

(4) Brandin Iron Steakhouse, Central, and \*SBI (RL)

Sara Wright (employee).

(5) Café Silvestre, Midvale, and Monica Jensen \*SBI (RE)

(employee).

(6) Aubrey Tiaese, (former employee of Chili’s \*SBI (RE)

American Fork).

(7) Embassy Suites, West Valley, and Travis \*SBI (BC)

Grice (employee).

(8) Fuji Dragon, Ogden, and Yasmin Moya \*SBI (RL)

(employee).

(9) Gray Cliff Lodge, Ogden, and Angela \*SBI (RE)

Wigger (employee).

(10) Iggy’s Sports Grill, Centerville, and Karen \*SBI (RE)

Long (employee).

(11) La Ferrovia Ristorante, Ogden, and Arely \*SBI (RL)

Hernandez (employee).

(12) Millcreek Grill & Bar, Salt Lake, and Joy \*SBI (RE)

Gum and Winston Asif (employees).

(13) Joseph Linsmeier (former employee of \*SBI (RL)

Mimi’s Café, Murray).

(14) Painted Pony Restaurant, St George, and \*SBI (RE)

Meri Cummings (employee).

(15) Park City Live, Park City. \*SBI (CL)

(16) Plaza Mexicana, Vernal, and Genoveva \*SBI (RE)

Cabajal (employee).

(17) Sargent’s Ranch Inn, Ogden, and Desiree \*SBI (CL)

Fortyune (employee).

(18) Sushi Monster, West Valley, and Jiang Ai \*SBI (RL)

Quin (employee).

(19) Tin Roof Grill, Sandy, and Michael LeBlanc \*SBI (RL)

(employee).

(20) Tsunami Restaurant, Sandy, and Elizabeth \*SBI (RE)

Lentz (employee).

(21) Wasatch Brew Pub, Park City, and \*SBI (CL)

Geoffrey Deuel (employee).

(22) The Quarry, Vernal, and Margo Murray \*SBI (RE)

(employee).

(23) Joe’s Crab Shack, West Jordan, and \*SBI (RE)

Debora Graco (employee).

Sheila Page asked the subcommittee to approve the consent calendar with the exception of #1 Kick’n It Sports Grill, #2 Billy Blancos, #4 Brandin Iron Steakhouse, #17 Sargent’s Ranch Inn, #22 The Quarry, and #23 Joe's Crab Shack which will be continued to next month. Ms. Page also noted that several licensees have a second sale to minor violation and cautioned that a third violation will result in serious consequences.

Mr. Nielsen moved to recommend that the full commission approve the consent calendar with the exception of #1 Kick’n It Sports Grill, #2 Billy Blancos, #4 Brandin Iron Steakhouse, #17 Sargent’s Ranch Inn, #22 The Quarry, and #23 Joe's Crab Shack which will be continued to next month. Ms. Agraz seconded the motion which passed unanimously. Mr. Nielsen also cautioned those with a second violation that a third violation will have serious consequences.

b. Order to Show Cause:

(1) Club XS, Vernal.

Ms. McDermott explained that during the regularly scheduled audit the licensee did not comply with the deadline for submitting the appropriate documents. The department received a significant amount of documentation from the licensee yesterday but has not had a chance to review the documents. Ms. McDermott stated that the department is not withdrawing the order to show cause but will continue it to the next meeting in order to have time to review the documents.

Mr. Nielsen moved to recommend that the order to show cause for Club XS be moved to the next commission meeting. Ms. Agraz seconded the motion which passed unanimously.

REQUEST TO CHANGE FROM WINTER SEASONAL TO FULL YEAR LICENSE:

a. Bear Claw @ Sundance Resort, Provo. (RL)

Rob Hansen gave an overview of the request.

Steve Sullivan, Director of Food and Beverage at Sundance Resort came forward to address the subcommittee. He explained that they are expanding their mountain operations to accommodate bikers and hikers and want to be open year around.

Mr. Nielsen moved to recommend that the full commission approve a change from a winter seasonal to a full year limited restaurant license for Bear Claw @ Sundance Resort in Provo. Ms. Agraz seconded the motion which passed unanimously.

COMPLIANCE UPDATE:

Ms. McDermott encouraged all licensees to have the necessary documentation ready when they know an audit is scheduled. The department offers free training and staff members are available to answer questions regarding the audit process.

TRANSFER OF LICENSE OPERATIONAL REQUIREMENT DISCUSSION:

a. Black Sheep, West Jordan. (CL)

Ms. McDermott explained that by statute a buyer must begin operations within 30 days of commission approval. The statute does allow for one 30 day extension. The question is whether the new business is considered operational.

Rick Golden and Matt Milton from Black Sheep came forward to address the commission. They explained that the license transfer was approved 60 days ago and the deadline to be operational is June 26, 2015. They have had construction problems but will be ready except for the occupancy certificate. The occupancy certificate was delayed as they had to get private water from Home Depot which delayed fire approval.

The commissioners, Ms. Page, Ms. McDermott, Mr. Golden and Mr. Milton discussed the construction and operational status of the club.

Mr. Nielsen moved to recommend to the full commission that under the circumstances the business, Black Sheep in West Jordan, be deemed operational; and that the commission will revisit their status next month to make sure they are in business. Ms. Agraz seconded the motion which passed unanimously.

CHANGE OF CLUB CLASSIFICATIONS:

a. Thirsty Squirrel @ Solitude Resort, Salt Lake City. (Dining to Social)

b. ~~Victory Ranch Club, Kamas.~~ *STRIKE*

c. ~~Wiseguy’s Comedy, West Valley City~~. *STRIKE*

Ms. McDermott explained that during the ownership change last month, Thirsty Squirrel accidently applied to be a dining club. They are requesting a classification change to a social club.

Ms. Agraz moved to recommend that the full commission approve a change of club classification from a dining to a social club for Thirsty Squirrel @ Solitude Resort in Salt Lake City. Mr. Nielsen seconded the motion which passed unanimously.

TRANSFER OF LOCATION REQUESTS:

a. Club DJ’s/Scofy’s (CL)

From: 3849 West 5400 South, Taylorsville.

To: 7176 South 900 East, Midvale.

Rob Hansen gave an overview of the request noting it will require a proximity variance. Staff has received consent for the city and school. A hearing was held with no opposition. Staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve a transfer of location for Club DJ’s/Scofy’s along with a proximity variance. Mr. Nielsen seconded the motion which passed unanimously.

b. Golf Range House (RE)

From: 8526 North Range Club Trail, Park City.

To: 8758 North Promontory Ranch Road, Park City.

Cori Price gave an overview of the request noting it is complete and staff recommends approval.

Mr. Nielsen moved to recommend that the full commission approve a transfer of location for Golf Range House in Park City. Ms. Agraz seconded the motion which passed unanimously.

c. Zucca Restaurant (RE)

From: 1479 East 5600 South, Unit 101A, Ogden.

To: 225 25th Street, Ogden.

Margaret Hardie gave an overview of the request noting it is conditional. It is also in proximity to Ogden Municipal Gardens, but it was determined a proximity variance is not required. Staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve a conditional transfer of location for Zucca Restaurant in Ogden. Mr. Nielsen seconded the motion which passed unanimously.

d. Bistro on Main (RE)

From: 305 North Main, Bountiful.

To: 544 West 400 North, Bountiful.

Margaret Hardie gave an overview of the request stating staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve a location transfer for Bistro on Main in Bountiful. Mr. Nielsen seconded the motion which passed unanimously.

e. Carlson Distributing (LW)

From: 5115 West 2100 South, West Valley City.

To: 1455 South 5500 West, Salt Lake City.

Abe Kader gave an overview of the application noting staff recommends approval.

Mr. Nielsen moved to recommend that the full commission approve a location transfer for Carlson Distributing in Salt Lake City. Ms. Agraz seconded the motion which passed unanimously.

LIQUOR WAREHOUSE APPLICATION:

a. Utah Craft Beverages, Eden.

Abe Kader explained that an importer and liquor representative is applying to use a closet in his home to store liquor. The room is lockable but most representatives use a licensed liquor warehouse to store liquor. Ms. McDermott gave an overview of the requirements for a liquor warehouse license.

Tim Hutter from Utah Craft Beverages came forward to address the subcommittee. He explained that it is a rural area with no liquor warehouse space in the valley.

Mr. Nielsen moved to recommend that the full commission not approve the request for a liquor warehouse application for Utah Craft Beverages in Eden. Ms. Agraz seconded the motion which passed unanimously.

SCIENTIFIC/EDUCATIONAL PERMIT APPLICATION:

a. High West Distillery, Wanship.

This item was continued to the full commission meeting.

MANUFACTURE BREWERY APPLICATION:

a. Black Calf Brewery, Heber.

Abe Kader gave an overview of the application noting staff recommends approval.

Jeff Downing from Black Calf Brewery came forward to address the subcommittee. Mr. Downing stated he is the owner and head brewer and gave an overview of the business.

Mr. Nielsen moved to recommend that the full commission approve a manufacture brewery license for Black Calf Brewery in Heber. Ms. Agraz seconded the motion which passed unanimously.

LICENSE RENEWALS:

Stephne Hanson explained that there are two lists for the subcommittee to consider. One list is of the club renewals that are complete and renewed on time; the second list is of the club renewals that are complete but renewed late and paid a late fee.

Ms. Agraz moved to recommend that the full commission approve the club renewals for those that are complete and renewed on time; and those that are complete and renewed late. Mr. Nielsen seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Full Service Restaurant Applications:

*License Transfers:*

(1) Rustic Creek Grille, Park City.

*New Applicants:*

(1) Rumurs, Salt Lake City. *(Conditional)*

(2) Porcupine Pub & Grille, Salt Lake City.

Margaret Hardie gave an overview of the license transfers and new applications noting #2 Porcupine Pub & Grille requires a proximity variance. A hearing was held with no opposition. Staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve a full service restaurant license transfer for #1 Rustic Creek Grille in Park City; a conditional full service restaurant license for #1 Rumurs in Salt Lake City; and a full service restaurant license along with a proximity variance for #2 Porcupine Pub & Grille in Salt Lake City. Mr. Nielsen seconded the motion which passed unanimously.

b. On-Premise Beer Recreational Applications:

*New Applicant:*

(1) Ogden Eccles Conference Center, Ogden.

Margaret Hardie gave an overview of the new application stating staff recommends approval.

Mr. Nielsen moved to recommend that the full commission approve an on-premise beer recreational license for #1 Ogden Eccles Conference Center in Ogden. Ms. Agraz seconded the motion which passed unanimously.

c. Beer Only Restaurant Applications:

*New Applicant:*

(1) Firehouse Pizzeria, Layton.

Margaret Hardie gave an overview of the new application stating staff recommends approval.

Mr. Nielsen moved to recommend that the full commission approve a beer only restaurant license for #1 Firehouse Pizzeria in Layton. Ms. Agraz seconded the motion which passed unanimously.

d. On-Premise Beer Tavern Applications:

*New Applicant:*

(1) ~~Porcupine Pub & Grille, Salt Lake City~~. *STRIKE*

(2) The Attic, Salt Lake City. *(Conditional)*

Margaret Hardie gave an overview of the new applications asking the subcommittee to strike #1 Porcupine Pub and stating staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve a conditional on-premise beer tavern license for #2 The Attic in Salt Lake City. Mr. Nielsen seconded the motion which passed unanimously.

e. On-Premise Banquet Catering Application:

*New Applicant:*

(1) Ogden Eccles Conference Center, Ogden.

Rob Hansen gave an overview of the new application stating staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve an on-premise banquet catering license for #1 Ogden Eccles Conference Center in Ogden. Mr. Nielsen seconded the motion which passed unanimously.

f. Limited Service Restaurant Applications:

*New Applicants:*

(1) Fuji Sushi Restaurant, Centerville.

(2) ~~Even Stevens Sandwiches, Draper~~. *STRIKE*

(3) Aunt Sue’s Chalet, Duck Creek.

(4) Silver Reef Café, Leeds.

(5) ~~Ichiban Sushi Bar & KTV, Midvale~~. *STRIKE*

(6) Krua Thai Restaurant, Salt Lake City.

(7) Bear River Lodge, Summit County.

Rob Hansen gave an overview of the new applications asking the subcommittee to strike #2 Even Stevens Sandwiches and #5 Ichiban Sushi Bar. He also noted that #6 Krua Thai Restaurant will require a proximity variance. A hearing was held with no opposition. Staff recommends approval.

Ms. Agraz moved to recommend that the full commission approve limited service restaurant licenses for #1 Fuji Sushi Restaurant in Centerville; #3 Aunt Sue’s Chalet in Duck Creek; #4 Silver Reef Café in Leeds; #6 Krua Thai Restaurant in Salt Lake City, along with a proximity variance; and #7 Bear River Lodge in Summit County. Mr. Nielsen seconded the motion which passed unanimously.

QUESTIONS/COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Mike Page from Cinegrill Restaurant came forward to address the subcommittee. He expressed frustration that when the restaurant relocated to a strip mall next door to a branch of the LDS Church, they talked to the church, and the church stated that they didn’t have a problem with Cinegrill Restaurant having a liquor license. Ms. Page explained that by statute the commission may not grant a proximity variance if the church is within 200 feet of the restaurant.

The meeting adjourned at 9:45 a.m.