MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, FEBRUARY 27, 2018, 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 and to all of the individuals and groups on the agenda (applicants, those with violations, etc.) on Wednesday, February 21, 2018. 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, February 26, 2018.]*

Chairman John T. Nielsen called the meeting to order at 10:05 a.m.

Commissioners Present: John T. Nielsen, Steven Bateman, Thomas Jacobson and Sophia DiCaro.

Staff Present: Salvador Petilos, Director; Cade Meier, Deputy Director; Nina McDermott, Compliance, Licensing and Enforcement Director; Man Diep, Finance Director; and Tim Beardall, Internal Audit Director.

Also Present: Sheila Page, Asst. Attorney General.

PLEDGE OF ALLEGIANCE:

Cori Price led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Upon motion of Mr. Bateman, seconded by Ms. DiCaro, it was unanimously voted to approve the minutes of the Commission Meeting held January 30, 2018.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

 - Tuesday, March 27, 2018

 - Tuesday, April 24, 2018

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) American Legion #71, Salt Lake, and \*SBI (BAR)

 Matthew Roberts (employee).

 (2) Asado, Orem and Pavel Gomez (employee) \*SBI (RL)

 (3) Bout Time Pub & Grub, Salt Lake, and \*SBI (BAR)

 Mark Mitton (employee).

 (4) Cedar Bowling Center, Cedar City, and \*SBI (BE)

 Jessie Williams (employee).

 (5) Costa Azul Seafood & Grill, Ogden, and \*SBI (RL)

 Laura Luna (employee).

 (6) Even Stevens, Logan, and Jeannie Allen \*SBI (RL)

 (employee).

 (7) Wil Ojeda-Martinez (employee of Johnny \*SBI (RL)

 Slice), Salt Lake.

 (8) La Hacienda Mexican Restaurant, Draper, \*SBI (RE)

 and Daniel Landeros (employee).

 (9) Layla Mediterranean Grill & Mezze, Salt \*SBI (RE)

 Lake, and Lizette Tandros (employee).

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

 Garcia (employee).

 (11) Myung Ga, Salt Lake, and Yongjun Choi \*SBI (RL)

 (employee).

 (12) New Sun Restaurant, Ogden, and \*SBI (RL)

 Souchunya Xayvong (employee).

 (13) Arnell Copperfield (employee of Pizza \*SBI (RB)

 Hut), Roosevelt.

 (14) Plaza Mexicana Restaurant, Vernal, and \*SBI (RE)

 Alexandra Coreless (employee).

 (15) Provo Marriott Courtyard, Provo, and \*SBI (RE)

 Joseph Story (employee).

 (16) Red Maple Chinese Cuisine, West Valley \*SBI (RL)

 and Shuang Zhu (employee).

 (17) Rib & Chop House, Salt Lake, and Leslie \*SBI (RE)

 Powers (employee).

 (18) Sampan Chinese Cuisine, Salt Lake, and \*SBI (RL)

 Filix Carlos (employee).

 (19) The Beehive Grill, Logan, and Nicholas \*SBI (RE)

 Tak (employee).

 (20) VFW 7398, Magna, and Janielle Ziv \*SBI (BAR)

 (employee).

 (21) Tona, Ogden, and Natalie Stracener \*SBI (RL)

 (employee).

 (22) Wells Club, Duchesne, and Tatum \*SBI (BAR)

 Hughes (employee).

 (23) Yamato Japanese Restaurant, Orem, and \*SBI (RL)

 Taiga Tobe (employee).

 (24) Zhang’s Chopstix Chinese Cuisine, \*SBI (RL)

 Ogden, and Lesley Torres (employee).

 (25) Mod Super Fast Pizza, Wood Cross, and \*SBI (RL)

 Linsey Bogard and Jesse McAlister

 (employee).

 (26) Viva Chicken, St George, and Andrew \*SBI (RL)

 Bryant (employee).

 (27) Angry Goat Pub & Kitchen, Ogden, and \*SBI (BAR)

 Taylor Johns (employee).

 (28) Mazza (9th & 9th), Salt Lake, and Nicol \*SBI (RE)

 Pedraza (employee).

 (29) El Pariente Mexican Grill, Salt Lake, and \*SBI (RE)

 Ana Maria Ramirez (employee).

 (30) Trestle Tavern, Salt Lake, and Holly \*SBI (RE)

 Van Leeuwen (employee).

 (31) Yellowfinn, Salt Lake and Richard Hatton- \*SBI (RL)

 Ward (employee).

 (32) Salt Lake Pizza & Pasta, Salt Lake, and \*SBI (RE)
 Jennifer Czech (employee).

 (33) Red Robin, Layton, and Olga Cassity \*SBI (RE)

 (employee).

 (34) Don Pedro’s, Washington City, and \*SBI (RE)

 Jose Rivera-Jauregui (employee).

Ms. Page asked the commissioners to strike #29 El Pariente Mexican Grill and #34 Don Pedro’s. She recommended approval of the balance of the consent calendar noting the department may go after the bond for the fines and fees owing from #18 Sampan Chinese Cuisine.

Mr. Jacobson moved to approve the consent calendar with the exceptions of #29 El Pariente Mexican Grill and #34 Don Pedro’s. Ms. DiCaro seconded the motion which passed unanimously.

COMPLIANCE UPDATE.

Ms. McDermott gave an update on the order to show cause from last month. Costa Azul Seafood & Grill in Ogden did obtain their business license and are now in compliance. The order to show cause has been withdrawn.

Ms. McDermott gave a quick overview of legislation being proposed during this session. Once the legislative session is over, an update will be provided on the department web site. Manager training materials will also be updated to include any changes.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. David A. Dicesaris, Park City.

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

Mr. Jacobson moved to approve a local industry representative license for David A. Dicesaris. Ms. DiCaro seconded the motion which passed unanimously.

LICENSE RENEWALS:

Bonnie Diaz explained that the renewals for On-Premise Beer Recreational, On-Premise Beer Only Restaurant, and Tavern licenses were due January 31, 2018. She asked the commission to approve List A containing the license renewals that are complete and renewed on time. She noted the non-renewals are on List B and are for information only.

Ms. McDermott added that the new manager training program is a condition of renewal. Rob Hansen has done an excellent job rolling out the program but there have been a few hiccups such as a big snowstorm making it difficult to attend. Ms. McDermott recommended the timely renewals be approved with the condition that outstanding training be completed by the next commission meeting or an order to show cause will be issued.

Mr. Jacobson moved to approve the On-Premise Beer Recreational, On-Premise Beer Only Restaurant, and Tavern license renewals on List A with the condition that outstanding training be completed by the next commission meeting or an order to show cause will be issued. Mr. Bateman seconded the motion which passed unanimously.

DABC COMMISSION POLICY ON CONSIDERATION OF APPLICATIONS:

Ms. McDermott explained that the commission adopted a policy on consideration of applications in 2016 as a way to be fair and transparent. Recently there have been questions regarding the 20% common ownership requirement. Ms. McDermott asked that the topic be addressed in order to remain transparent and clear.

Ms. McDermott will provide additional information including hypothetical examples. This item will be held until the next commission meeting in order to give the commissioners time to review the materials.

LICENSE APPLICATIONS:

a. Full Service Restaurant Applicants:

 *License Transfers:*

1. Famous Daves BBQ, Layton.
2. Famous Daves BBQ, Midvale.
3. Famous Daves BBQ, West Jordan.

 *New Applicants:*

 (1) Grand Steakhouse, Brian Head.

(2) Cowboy Ranch House II, Bryce. *(Conditional)*

 (3) Vermillion 45, Kanab. *(Conditional)*

 (4) Kanab Creek Bakery, Kanab.

 (5) Peace on Earth, Provo. *(Conditional)*

 (6) ~~Oregano Italian Kitchen, Provo~~. *STRIKE*

 (7) AC Hotel Salt Lake City Downtown, Salt Lake City. *(Conditional)*

 (8) La Fountain Restaurant, West Valley City.

 (9) Namaste India, Salt Lake City. *(Conditional)*

 (10) Moki Bistro, Springville. *(Conditional)*

 (11) Wing Nutz, St. George. *(Conditional)*

Jeff Colvin gave an overview of the license transfer applications.

Mr. Bateman moved to grant full service restaurant license transfers to #1 Famous Daves BBQ in Layton, #2 Famous Daves BBQ in Midvale, and #3 Famous Daves BBQ in West Jordan. Mr. Jacobson seconded the motion which passed unanimously.

Mr. Colvin asked the commissioners to strike new applicant #6 Oregano Italian Kitchen. He gave an overview of the balance of the new applicants noting those that are conditional.

Mr. Jacobson moved to approve conditional full service restaurant licenses for #2 Cowboy Ranch House II in Bryce, #3 Vermillion 45 in Kanab, #5 Peace on Earth in Provo, #7 AC Hotel Salt Lake City Downtown in Salt Lake City, #9 Namaste India in Salt Lake City, and #11 Wing Nutz in St. George; and full service restaurant licenses for #1 Grand Steakhouse in Brian Head, #4 Kanab Creek Bakery in Kanab, #8 La Fountain Restaurant in West Valley City, and #10 Moki Bistro in Springdale. Mr. Bateman seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Requesting Conversion to Full Year License:*

 (1) 4th West Pub, Escalante. *(Conditional)*

 *New Applicant:*

 (1) 16 Post Office Place, Salt Lake City. *(Conditional)*

Jeff Colvin stated there is one license available. He gave an overview of the applications noting #1 4th West Pub currently holds a summer seasonal and both are conditional. Staff recommends approval. Mr. Jacobson noted that 4th West Pub was cooperative and agreed to a seasonal license with the understanding that they would be considered for a full license when available. They are also in an underserved area.

Mr. Jacobson moved to approve a conditional bar establishment license for #1 4th West Pub in Escalante. Mr. Bateman seconded the motion which passed unanimously.

c. Banquet Catering Applicants:

 *New Applicants:*

1. AC Hotel Salt Lake City Downtown, Salt Lake City. *(Conditional)*
2. Silver Fork Lodge, Salt Lake City.

Pam Shields gave an overview of the applications noting #1 AC Hotel is conditional. Staff recommends approval of both.

Mr. Bateman moved to grant a conditional banquet catering license to #1 AC Hotel Salt Lake City Downtown in Salt Lake City; and a banquet catering license to #2 Silver Fork Lodge in Salt Lake City. Ms. DiCaro seconded the motion which passed unanimously.

d. Limited Service Restaurant Applicants:

 *New Applicants:*

(1) Kim Korean House & Sushi Bar, Clearfield.

(2) Singha Thai Cuisine, Moab.

(3) Cowboys Smokehouse, Panguitch.

(4) Wicked Peel Pizza Kitchen, Riverton.

 (5) BF Sushi, Salt Lake City. *(Conditional)*

(6) Hamachi, Salt Lake City.

 (7) Chinese Taste, Salt Lake City.

(8) Chef Alfredos, St George.

(9) 700 Degree Artisan Pizza, St George. *(Conditional)*

Bonnie Diaz gave an overview of the applications noting #5 BF Sushi in Salt Lake City and #9 700 Degree Artisan Pizza are conditional. Staff recommends approval.

Mr. Bateman moved to approve conditional limited service restaurant licenses for #5 BF Sushi in Salt Lake City, and #9 700 Degree Artisan Pizza in St. George; and limited service restaurant licenses for #1 Kim Korean House & Sushi Bar in Clearfield, #2 Singha Thai Cuisine in Moab, #3 Cowboys Smokehouse in Panguitch, #4 Wicked Peel Pizza Kitchen in Riverton, #6 Hamachi in Salt Lake City, #7 Chinese Taste in Salt Lake City, and #8 Chef Alfredos in St. George. Mr. Jacobson seconded the motion which passed unanimously.

e. On-Premise Beer “Recreational” Applicants:

  *New Applicants:*

1. RSL Training Academy, Herriman. *(Conditional)*
2. Eagle Café on the Parkway, Murray.

Nicole Tarleton gave an overview of #1 RSL Training Academy noting it is conditional and they have a violation history.

Karen Kendrick and Daniel Boyd came forward to address the commission on behalf of RSL Training Academy. Mr. Boyd explained that Deloy Hansen holds interests in multiple businesses and one of the restaurants had a violation last year. He explained the actions taken to avoid future violations. Mr. Boyd also gave an overview of the Herriman facility including the layout and design of the stadium and surrounding facilities.

Ms. McDermott stated that the stadium is in proximity to the school located on their property. They did move the stadium entrance to meet the proximity requirements.

Mr. Jacobson asked what precautions are in place to prevent the exit doors from being opened for entrance. The exits are in proximity to the school. Mr. Jacobson suggested consideration of the license be tabled to review what constitutes an entrance according to Utah law as it may be possible to gain access through the emergency exits. Mr. Boyd explained that security personnel will be present and most of the stadium activities are held when school is adjourned.

Mr. Jacobson moved to table the application from #1 RSL Training Academy in Herriman until the March 2018 meeting. Ms. DiCaro seconded the motion.

Mr. Bateman made a substitute motion to approve a conditional beer recreational license for #1 RSL Training Academy in Herriman. Mr. Nielsen seconded the motion. Mr. Nielsen and Mr. Bateman voted yea; Ms. DiCaro and Mr. Jacobson voted nay. The motion failed.

Mr. Nielsen called for a vote on Mr. Jacobson’s motion to table the application from #1 RSL Training Academy in Herriman until the March 2018 meeting. Mr. Jacobson, Mr. Nielsen and Ms. DiCaro voted yea; Mr. Bateman voted nay. The motion passed.

Mr. Boyd expressed concern as they felt they did what was asked of them by moving the entrance. It is hard to prepare for the opening and season without the ability to sell alcohol. Mr. Nielsen noted that due to the unique set of circumstances, a special commission meeting may be called once the entrance clarification is made.

Mr. Jacobson moved to grant a beer recreational license to #2 Eagle Café on the Parkway in Murray. Mr. Bateman seconded the motion which passed unanimously.

f. On-Premise Beer Only Restaurant Applicant:

  *New Applicant:*

(1) El Chubasco Mexican, Park City.

Nicole Tarleton gave an overview of the application.

Ms. DiCaro moved to grant a beer only restaurant license to #1 El Chubasco Mexican in Park City. Mr. Jacobson seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Listed Items.

Cade Meier noted that 219 items were evaluated; 50 items were listed, and 81 items delisted.

b. Package Agency Audits.

Anita Knowley reported that staff conducted audits on one Type 3 and four Type 5 package agencies. All were found to be in compliance.

FINANCIAL UPDATE:

Man Diep reported that as of the end of January 2018, YTD bottle sales increased 2.8% (743,162 bottles) compared to last year. YTD retail sales are up $12,746,750 a 5.12% increase.

PARENTS EMPOWERED UPDATE:

Doug Murakami reported on the activities of the Parents Empowered campaign. Wasatch Front Waste Management will again allow 12 trucks to be wrapped with Parents Empowered campaign messages.

He also showed the new shirts the store employees will wear. They were made to look like U.S. Ski Team bibs. The funds came from an education award from NABCA. The shirts also remind the employees they are part of the solution to reduce underage drinking.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Chad Pritchard from Oregano came forward to address the commission regarding agenda item #9 DABC Commission Policy on Consideration of Applications. He expressed frustration as his application was stricken from the agenda due to some confusion about his tax identification number and an investor’s background check. It is hard as a small business owner to have a closed section for another month. Ms. DiCaro thanked him for his comments. The commission will work to provide clarity when reviewing the policy.

There being no further business, the meeting adjourned at 11:00 a.m.

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Chairman