MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, JUNE 25, 2019, AT 1625 SOUTH

900 WEST, SALT LAKE CITY, UTAH.

*[The proposed agenda for this meeting was emailed to all persons on the regular email list on Wednesday, June 19, 2019. 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 10:00 a.m. on Monday, June 24, 2019.]*

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

Commissioners Present: John T. Nielsen, Steven Bateman, Amanda Smith, Sophia DiCaro, Jacquelyn Orton, and Stanley B. Parrish.

Staff Present: Salvador Petilos, Director; Cade Meier, Deputy Director; Man Diep, Finance Director; RuthAnne Oakey-Frost, Compliance and Licensing Director; and Tim Beardall, Internal Audit Director.

Also Present: Jeff Buckner, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Pam Shields led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Upon motion of Mr. Parrish, seconded by Ms. Orton, it was unanimously voted to approve the minutes of the Commission Meeting held May 28, 2019 and the Special Commission Meeting held June 11, 2019.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

- Tuesday, July 30, 2019

- Tuesday, August 27, 2019

b. Holiday Closures:

- Thursday, July 4, 2019 (Independence Day)

Liquor stores and the DABC administrative office and warehouse

will be closed.

- Wednesday, July 24, 2019 (Pioneer Day)

Liquor stores and the DABC administrative office and warehouse

will be closed.

ADVISORY BOARD APPPOINTMENTS:

Mr. Nielsen explained that two Alcoholic Beverage Control Advisory Board terms expire June 30, 2019. Zane Holmquist from Stein Eriksen Lodge has been nominated for reappointment representing the retail alcohol industry; and Shantel Stoff from Red Rock Brewing has been nominated to represent the manufacturing industry replacing Peter Erickson from Epic Brewing. Mr. Nielsen thanked Mr. Erickson for his service and noted that Mr. Erickson has been appointed to serve on the Beer Availability Work Group.

Shantel Stoff came forward and gave an overview of her career. She has worked for Red Rock Brewing for 19 years.

Mr. Bateman moved to reappoint Zane Holmquist from Stein Eriksen Lodge; and to appoint Shantel Stoff from Red Rock Brewing to the Alcoholic Beverage Control Advisory Board. Ms. Smith seconded the motion which passed unanimously.

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) ~~Burgers and Barley, Park City and Adriana~~ *STRIKE*

(2) Argentine Corner, Clearfield and Yaneira \*SBI (RL)

Azuaje Cardenas (employee).

(3) Avant Groove, Salt Lake City. \*SLPD (BAR)

(4) Black Sheep Cafe, Provo and Sabrina \*SBI (RE)

Peters (employee).

(5) Braza Grill, Lehi and Caroline Teixeira \*SBI (RL)

(employee).

(6) Chabaar Beyond Thai, Midvale and Alicia \*SBI (RL)

Perry (employee).

(7) Epic Casual Dining, Midvale and Tiera \*SBI (RL)

Maughan (employee).

(8) Olive Garden, South Jordan and Kiko \*SBI (RE)

Makata (employee).

(9) ~~Steiny’s Family Sports Grill, Logan~~ *STRIKE*

(10) Tepanyaki of Clearfield, Clearfield and \*SBI (RL)

Vu Trinh (employee).

(11) Tipsy Cow Saloon, Spanish Fork. \*SBI (BAR)

(12) West Ogden Market, Ogden and Haider \*SBI (OP)

Khalid (employee).

(13) Kylee Martin (employee of Winger’s, \*SBI (RE)

Provo).

Jeff Buckner asked the commissioners to strike #1 Burgers and Barley and #9 Steiny’s Family Sports Grill. He noted the balance of the items on the consent calendar are complete and recommended approval.

Ms. Smith moved to strike #1 Burgers and Barley and #9 Steiny’s Family Sports Grill and approve the balance of the items on the consent calendar. Mr. Bateman seconded the motion which passed unanimously.

b. Orders to Show Cause:

(1) ~~Cottonwood Inn, Enterprise. (OP) (Cori Price)~~ *STRIKE*

(2) ~~Lee’s Marketplace, Logan. (OP) (Cori Price)~~ *STRIKE*

(3) ~~Lee’s Marketplace, North Ogden. (OP) (Cori Price)~~ *STRIKE*

(4) ~~Kent’s Market, Plain City. (OP) (Cori Price)~~ *STRIKE*

(5) ~~Kent’s Market, Roy. (OP) (Cori Price)~~ *STRIKE*

(6) ~~Maverik #612, Brigham City. (OP) (Cori Price)~~ *STRIKE*

(7) ~~Sam’s Club #4786, Logan. (OP) (Cori Price)~~ *STRIKE*

(8) ~~Dee’s Super Service, Laketown. (OP) (Cori Price)~~ *STRIKE*

(9) ~~Red Duck Mini Store, Ogden. (OP) (Cori Price)~~ *STRIKE*

(10) Avant Groove, Salt Lake City. (BAR) (Stephne Hanson)

(11) ~~ARS Fresno, Carlsbad, California. (OP) (Pam Shields)~~ *STRIKE*

Mr. Nielsen noted that due to the number of licensees that completed the required training, staff asked that all orders to show cause be stricken from the agenda with the exception of #10 Avant Groove.

Stephne Hanson gave an overview of the recent orders to show cause and the new violation for Avant Groove in Salt Lake City. SLCPD found they only had salsa and peanuts on the premises when statute requires they must have food prepared on premises. They also have managers that haven’t completed their background checks and training.

Ms. Hanson noted that they now are selling food and have submitted their background checks but she doesn’t have the results.

Dusten Heugly, an attorney for Avant Groove, participated by phone; John Vecchi, Jake Torres and Simisi Latu came forward to address the commission.

The commissioners, Ms. Oakey-Frost, Ms. Hansen, Mr. Heugly and Mr. Torres discussed the management staffing and background issues; as well as the food requirement. Two audience members, past employees, spoke out against Avant Groove but did not come forward. They were asked to speak to Stephne Hansen the compliance officer.

Mr. Nielsen summarized that staff has concerns about the background checks as that they were submitted at the last minute so results are pending. Ms. Orton suggested the license be suspended to give staff a chance to be satisfied with the application.

Ms. Orton moved to suspend the bar license for Avant Groove until the July 30, 2019 commission meeting. Ms. Smith seconded the motion which passed unanimously.

Ms. DiCaro added that given the information provided, it is not an expectation that the license will be reinstated in July. Ms. Smith and Mr. Bateman also expressed frustration with the last minute submittals to staff.

MOTION TO DISMISS AGENCY ACTION:

a. Cheers to You, Midvale. (BAR)

Mr. Nielsen noted that this is a legal issue. The commission has reviewed the materials submitted and will listen to the arguments today. At the conclusion of the arguments, the commission will most likely take the matter under advisement.

Rick Golden, Bob Brown, and Trent Waddoups came forward to address the commission representing Cheers to You. Mr. Golden explained why Cheers to You feels the commission lacks jurisdiction as the notice of the violation was inadequate and didn’t comply with the statute requirements.

Mr. Buckner representing the agency and commission explained that the question is jurisdictional. The department is required to give a prefiling notice but often staff doesn’t know the details of the violation until later when staff receives a report and it’s made clear.

The commissioners, Mr. Buckner, and Mr. Golden discussed the statute requirements and whether a violation occurred.

Mr. Nielsen noted that this is an unusual procedure and the comments today will be taken under advisement.

OBJECTIONS TO HEARING OFFICER RECOMMENDATIONS:

a. Big Apple Pizzeria, Salt Lake City. (RB)

b. Schneiter’s Riverside Golf Club, Ogden (BE)

Mr. Nielsen asked Jeff Buckner from the Attorney General’s office to explain the objection to the hearing officers recommendation.

Mr. Buckner noted that the commission approved a graduated scale and the licensees have three violations for sale to minor. Also, the hearing officer considered economic impact as a mitigating factor; the size of a business shouldn’t be a mitigating factor.

The hearing officer’s recommendation imposed a suspension and fine for Schneiter’s based on a second, not a third violation. Also, the recommendation didn’t include violation training.

Ms. Oakey-Frost noted that the department is concerned with the use of a mitigating factor not outlined in the rule. Ms. Smith questioned whether consideration is properly before the commission and that the prudent path may be to refer the decision back to the Administrative Law Judge.

The department currently doesn’t have an Administrative Law Judge and is in the process of finding a new one.

Ms. Smith moved to remand the objections to the hearing officer’s recommendations to a newly appointed Administrative Law Judge when one is procured. Mr. Bateman seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Goldener Hirsch, Park City. (RE)

Pam Shields gave an overview of the request noting staff granted a 90 day closure that expires June 30, 2019.

Ryan Burnham from Goldener Hirsch came forward to address the commission. He explained that they are under construction on an extension and asked for an additional 90 days.

Ms. Smith moved to approve a 90 day extended closure for Goldener Hirsch in Park City. Mr. Parrish seconded the motion. Mr. Nielsen, Ms. Smith, Mr. Parrish and Mr. Bateman voted yea. The motion passed. Ms. DiCaro declared a conflict of interest and abstained from voting.

b. ~~Chick’s Rock N’ Roost, Castledale~~. *STRIKE*

MANUFACTURE WINERY APPLICANT:

a. Intermountain Nutrition, Payson.

Jeff Colvin gave an overview of the application noting it is complete and staff recommends approval.

Mr. Bateman moved to approve a manufacture winery license for Intermountain Nutrition in Payson. Ms. DiCaro seconded the motion which passed unanimously.

MANUFACTURE DISTILLERY APPLICANT:

1. Salt Flats Spirits, Salt Lake City.

Jeff Colvin gave an overview of the application noting it is complete and staff recommends approval.

Ms. DiCaro moved to approve a manufacture distillery license for Salt Flats Spirits in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

SCIENTIFIC EDUCATIONAL APPLICANT:

a. Predictive Laboratories, Salt Lake City.

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

Mr. Bateman moved to approve scientific educational license for Predictive Laboratories in Salt Lake City. Ms Orton seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

a. Completed Applications. *(list attached)*

b. Conditional Applications. *(list attached)*

Stephne Hanson noted that there are two lists. The first list includes the off-premise beer retailer applications that have met the training requirement and are complete. The second list includes the off-premise beer retailer applications that are complete and have met the training requirement, but are conditional as they are missing a business license. Staff recommends approval.

Ms. DiCaro moved to approve both the completed and conditional off-premise beer applications. Mr. Bateman seconded the motion which passed unanimously.

Ms. Hansen noted 1,500 off premise licenses have been approved. At this point if an off-premise beer establishment doesn’t have a license, they may not sell beer.

COMMISSION POLICY ON CONSIDERATION OF APPLICATIONS:

Mr. Nielsen addressed a question from Ms. Dicaro as to why the consideration of applications should be addressed in policy rather than rule. The preference is for a policy as it is easier to be amended. Ms. DiCaro asked that, in order to provide transparency, the commission’s discussion as to why the process is being put into policy rather than administrative rule be put on record. She also asked that the difference between a policy and an administrative rule be explained to improve understanding.

Ms. Orton added that the policy should be read into the record. The policy also could be adopted into an administrative rule later.

Ms. Oakey-Frost noted that 32B gives the commission a broad range of powers including to make policies and rules. A rule has the power of statute when properly adopted and could take over 90 days with input from the Advisory Board to become effective. Administrative rules are not flexible.

The commission can make policies to govern itself as to how it will do business. The commission may consider violation history and managerial capacity when deciding to issue, deny or hold an applicant to the next month. Consideration of an application may be continued month after month without the policy of a three-month waiting period. The former commission put consideration into policy rather than rule. This is a proposed change to the three-month waiting policy.

Ms. Oakey-Frost read the proposed DABC Commission Policy on Consideration of Applications:

*DABC Commission Policy on Consideration of Applications (Proposed):*

*PENDING VIOLATIONS:*

*From this point forward, the commission will not consider applications where there is a pending violation.*

*For the purpose of this policy, pending violations applies to all licenses where there is common ownership [~~or]~~* ***of*** *20% or more.*

*VIOLATION HISTORY:*

*From this point forward, the commission will not consider new license applications for* ***three months*** *after the final commission order for any serious or grave violations.*

*Further, all applicants with a violation of serious or grave in the last four months to a year will be required to appear before the commission to address whether a new license should be granted. The commission would consider* ***the*** *number of violations and all mitigating/aggravating factors in determining when, if at all, to grant a license.*

*For the purpose of this policy, violation history applies to all licenses where there is common ownership of 20% or more.*

***Staff is instructed to inform applicants with a pending violation or a violation history in the last three months of this policy. If the applicant’s violation history is a first violation at a location of common ownership, staff is instructed to bring the application and history to the attention of the Commission. If three or more Commissioners ask for it to be placed on the agenda within two calendar days of notification, the applicant shall be given the opportunity present at the monthly Commission meeting about how the applicant intends to prevent violations at the new business location. If three or more Commissioners do not ask for the application to be placed on the agenda within two days of notification, staff is instructed to inform the applicant and encourage them to take back their application and apply after the prescribed periods. If the applicant prefers to leave the application with staff, staff shall put the application on the Commission’s agenda after the prescribed period.***

*LICENSES THAT ARE AT QUOTA – anticipated opening dates:*

*From this point forward, the commission will not grant new license applications for licenses that are at quota unless the applicant anticipates opening within the next 90 days.*

***Staff is instructed to accept the application, if complete, and record the date of acceptance as the state date for time waiting for a license. Staff is instructed to place an applicant on the commission’s agenda as a “pending applicant” if an applicant is outside the 90 day window for the commission to grant a license in accordance with this policy.***

The commissioners discussed the proposed changes to the policy.

Ms. Orton moved to approve the proposed language in the first recommendation regarding violations at a location of common ownership. Mr. Bateman seconded the motion which passed unanimously.

Mr. Parrish moved to approve the suggested change to the policy regarding licenses that are at quota. Mr. Bateman seconded the motion which passed unanimously.

Ms. DiCaro asked that the policy be added to the website. Ms. Oakey-Frost noted that it is also on license applications.

LICENSE RENEWALS.

Stephne Hanson explained that bar establishment/club licenses are up for renewal. She asked the commissioners to consider the items on List A as they are complete and renewed on time. Staff recommends approval. The other list is for informational purposes only.

Ms. Orton moved to approve the bar establishment license renewals on List A. Mr. Bateman seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfers:

(1) Blue Sapphire Gentlemen’s Club, Ogden. (BAR)

(2) Asahi Utah, Orem. (RL)

(3) Holiday Lanes, Heber. (BE)

Margaret Hardie gave an overview of the license transfers noting they are complete and staff recommends approval.

Ms. Smith moved to grant license transfers to #1 Blue Sapphire Gentlemen’s Club in Ogden (BAR), #2 Asahi Utah in Orem (RL), and #3 Holiday Lanes in Heber (BE). Ms. DiCaro seconded the motion which passed unanimously.

b. Full Service Restaurant Applicants:

*Previous Applicant:*

(1) Strap Tank, Lehi. *(Violation History)*  *(Conditional)*

*New Applicants:*

(1) Flaming Gorge Resort, Dutch John.

(2) ~~La Cantina Mexican Grill, Layton~~. *STRIKE*

(3) Courchevel, Park City.

(4) Woodward Park City, Park City. *(Conditional)*

(5) Diversion, Salt Lake City. *(Conditional)*

(6) Pat’s Barbecue, Salt Lake City. *(Conditional)*

(7) Chili’s Grill & Bar, Spanish Fork. *(Violation History)*  *(Conditional)*

Jeff Colvin asked the commissioners to strike new applicant #2 La Cantina Mexican Grill and gave an overview of the balance of the applications noting those that are conditional. He also noted that previous applicant #1 Strap Tank and new applicant #7 Chili’s Grill & Bar fall under the commission policy as they have violations in businesses with common ownership.

Stu Brown and Joe Lambert from Strap Tank came forward to address the commission. Mr. Brown explained that the violation was at the original location and they are applying to open a second location. He gave an overview of the changes they’ve made including purchasing additional scanners, reinforcing training and a RASP plan.

Mr. Bateman moved to approve a conditional full service restaurant license for previous applicant #1 Strap Tank in Lehi. Ms. Smith seconded the motion which passed unanimously.

Mr. Bateman moved to approve conditional full service restaurant licenses for new applicants #4 Woodward Park City in Park City, #5 Diversion in Salt Lake City, and #6 Pat’s Barbecue in Salt Lake City; and full service restaurant licenses for new applicants #1 Flaming Gorge Resort in Dutch John, and #3 Courchevel in Park City. Ms. DiCaro seconded the motion which passed unanimously.

Mike Greer and Harrison Dixon from Chili’s Grill & Bar came forward to address the commission. They explained they had a violation at the Sandy location and are applying for a new restaurant in Spanish Fork. They gave an overview of the improvements they made including hiring mystery shoppers and additional scanners.

*Note: This item was held while the applicant’s violation history was retrieved. The balance of the discussion continues below.*

The commissioners, Ms. Oakey-Frost, Mr. Colvin, Mr. Greer and Mr. Dixon discussed the list of violations the 15 stores have received. Sandy, Logan, Midvale and Salt Lake stores all have first violations. The West Valley City store received a second but the store is now closed. Mr. Greer and Mr. Dixon reiterated the actions that took place after violations including team member terminations, additional team meetings, the mystery shopper program and additional scanners. Mr. Bateman expressed concern about the number of violations and asked what has changed from a culture and management standpoint. Mr. Greer and Mr. Dixon explained they are creating a culture of accountability in the restaurants and working with the restaurant support center in Dallas on additional training.

Mr. Bateman moved to approve a full service restaurant license for new applicant #7 Chili’s Grill & Bar in Spanish Fork. Ms. Smith seconded the motion which passed unanimously.

c. Bar Establishment Applicants:

*Previous Applicants:*

(1) ~~Bout Time Pub & Grub Hillsbury, West Valley City.~~ *~~(Violation~~*

*~~History) (Conditional)~~*

(2) Punch Bowl Social, Salt Lake City. *(Conditional)*

(3) Redemption, Herriman. *(Conditional)*

(4) Button Up, Salt Lake City. *(Summer Seasonal Licensee Requesting*

*Full Year License)*

Pam Shields noted one summer seasonal and two full year licenses are available. She asked the commissioners to strike #1 Bout Time Pub & Grub and gave an overview of the balance of the applications noting those that are conditional.

Jon Butler and Steven Brown representing Punch Bowl Social came forward to give an overview of their business.

Ms. Smith moved to grant a conditional bar establishment license to #2 Punch Bowl Social in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

Ms. Orton moved to grant a bar establishment license to #4 Button Up in Salt Lake City.

Ms. DiCaro suggested the full year license be held as Button Up can continue under the summer seasosnal license.

Doug Kessler and Ross Easthope from Button Up came forward and asked for a full year license.

Ms. Orton moved to grant a bar establishment license to #4 Button Up in Salt Lake City. Ms. Smith seconded the motion which passed unanimously.

d. Banquet Catering Applicant:

*New Applicant:*

(1) Woodward Park City, Park City. *(Conditional)*

Jeff Colvin gave an overview of the application noting it is conditional. Staff recommends approval.

Mr. Bateman moved to grant a conditional banquet catering license to #1 Woodward Park City in Park City. Ms. DiCaro seconded the motion which passed unanimously.

e. Hotel License Applicant:

*New Applicant:*

(1) Black Rock Mountain Resort, Heber City. *(Conditional)*

Jeff Colvin gave an overview of the application noting it is conditional. Staff recommends approval.

Mr. Parrish moved to grant a conditional hotel license to #1 Black Rock Mountain Resort in Heber City. Ms. DiCaro seconded the motion which passed unanimously.

f. Limited Service Restaurant Applicants:

*Previous Applicant:*

(1) Forscher German Bakery & Cafe, Orderville.

*New Applicants:*

(1) The Old Goat, Heber City.

(2) Birdhouse, Salt Lake City. *(Conditional)*

(3) Armour Cafe, Salt Lake City.

(4) Cytybyrd, Salt Lake City.

(5) Namaste Kitchen, Sandy. *(Conditional)*

Nicole Tarleton gave an overview of the applications noting those that are conditional. Staff recommends approval.

Mr. Bateman moved to grant conditional limited service restaurant licenses to #2 Birdhouse in Salt Lake City and #5 Namaste Kitchen in Sandy; and limited service restaurant licenses to previous applicant #1 Forscher German Bakery & Café in Orderville, new applicant #1 The Old Goat in Heber City, #3 Armour Café in Salt Lake City, and #4 Cytybyrd in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

g. On-Premise Beer (Recreational Amenity) Applicants:

*New Applicants:*

(1) Woodward Park City, Park City. *(Conditional)*

(2) Heart and Seoul Karaoke, Salt Lake City.

(3) Salt Lake Golf Lounge, Salt Lake City.

Jeff Colvin gave an overview of the applications noting #2 Heart and Seoul Karaoke has added pool tables to their establishment.

Brody Horton from Heart and Seoul Karaoke came forward to address the commission. He explained that they are now a karaoke and pool hall. He gave an overview of the control measure in place.

Ms. Smith moved to grant a conditional on-premise beer recreational license to #1 Woodward Park City in Park City; and on-premise beer recreational licenses to #2 Heart and Seoul Karaoke in Salt Lake City, and #3 Salt Lake Golf Lounge in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

h. On-Premise Beer Only Restaurant Applicant:

*New Applicant:*

(1) Pat’s Barbecue, Salt Lake City. *(Conditional)*

Jeff Colvin gave an overview of the application noting it is conditional and staff recommends approval.

Mr. Parrish moved to grant a conditional on-premise beer only restaurant license to #1 Pat’s Barbecue in Salt Lake City. Ms. DiCaro seconded the motion which passed unanimously.

i. Package Agency Applicants:

*New Applicant:*

(1) Richmond Type 3 Package Agency.

Branden Hirst explained that two applicants have applied to operate the Richmond Type 3 Package Agency. They are both here today to address the commission.

Justin Harris came forward and apologized for the previous actions that caused his family to have the license revoked. He gave an overview of the changes he has made to improve the location.

Marty Spicer and Diane West came forward. They are applying to have the agency in Smithfield. They gave an overview of the downtown location noting the City of Smithfield has approved the business.

The commissioners discussed the applicants and the distance between Richmond, Smithfield and the nearest store in Logan.

Ms. Smith moved to grant the package agency license to the Richmond applicant, Justin Harris, due to the geographical location and history. Ms. Orton seconded the motion. Ms. Smith, Ms. Orton, Mr. Bateman and Mr. Nielsen voted yea; Ms. DiCaro and Mr. Parrish voted nay. The motion passed.

OPERATIONS UPDATE:

a. Rare High Demand Product Drawing.

Cade Meier and Andrew Hofeling gave a presentation on the Rare High Demand Product Drawing.

Members of the public (over 21) can now create a profile on the web site and enter the drawings for rare high demand products. The current product being offered in the drawing is Elmer T. Lee Single Barrel Bourbon for $37.99.

Ben Winslow, from Fox13 News, demonstrated how the system works by logging in to his profile and entering the drawing.

b. Package Agency Audits.

Anita Knowley reported that two package agencies were audited and found to be in compliance.

FINANCIAL UPDATE:

Man Diep reported that as of the end of May 2019, YTD bottle sales increased 7.76% (3,438,139 bottles) compared to last year. YTD retail sales are up $23,875,539 a 5.7% increase.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Tim Ryan, Natalia Bruce and William Bruce from ‘Bout Time Pub and Grub came forward to address the commission. Mr. Ryan discussed the role of servers in the violation process and the efforts made by ‘Bout Time to prevent violations. Mr. Ryan asked that ‘Bout Time be unstruck from the agenda and offered a summer seasonal license. Ms. Oakey-Frost responded that the current violation has not been adjudicated. If the violation is adjudicated prior to the next commission meeting, a Special Commission Meeting may be called to consider their application.

There being no further business, the meeting adjourned at 12:40 p.m.

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Chairman