MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, MARCH 31, 2020.

*[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, March 30, 2020.]*

In response to the Governor’s Executive Order and for precautionary measures to prevent the spread of COVID-19, an anchor location for public attendance was not available. Public attendance was available by audio; commission and staff participated via audio and GoToMeeting.

Chairman John T. Nielsen called the meeting to order at 10:00 a.m.

Commissioners Participating: John T. Nielsen, Tom Jacobson, Steve Bateman, Amanda Smith, Sophia DiCaro, Jacquelyn Orton, and Stanley B. Parrish.

Staff Participating: Salvador Petilos, Director; Cade Meier, Deputy Director; Angela Micklos, Compliance and Licensing Director; and Man Diep, Finance Director.

Also Participating: Sheila Page, Assistant Attorney General.

APPROVAL OF MINUTES:

Ms. DiCaro moved to approve the minutes of the Commission Meeting held on February 25, 2020 and the Special Commission Meeting held on March 11, 2020. Mr. Jacobson seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

- Tuesday, April 28, 2020

- Tuesday, May 26, 2020

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) 7-Eleven Store #25472B, Logan and Kelsey \*SBI (OP)

Snarr (employee).

(2) 7-Eleven Store # 34995A, South Jordan \*SBI (OP)

and Nisha Mehta (employee).

(3) Ruby River Steakhouse, Provo and Brynn \*SBI (RE)

Kemp (employee).

(4) American Legion 129, Huntsville, and \*SBI (BAR)

Jennifer Miller (employee).

(5) Chili’s WVC Centennial Park, West Valley \*SBI (RE)

and Marisol Jimenez (employee).

(6) Fat Cats, Ogden and Aurora Spinden \*SBI (BR)

(employee).

(7) Karuwaa, Salt Lake and Narayan Pande \*SBI (RL)

(employee).

(8) Sushi House All You Can Eat Sushi West \*SBI (RL)

Valley and Sun Shengqi (employee).

(9) Sargent’s Ranch Inn, Ogden and “Brittany” \*SBI (BAR)

(employee).

(10) ~~The Brazen Head, Tooele~~ *STRIKE*

(11) Vessel Kitchen, Midvale and Trinidad-Cruz \*SBI (RL)

(employee).

(12) ~~Flanagan’s on Main, Park City~~. *STRIKE*

(13) Thistle & Thyme @ University Park \*SBI (RE)

Marriott and Trevor Logan (employee).

(14) O Crab, West Jordan and McKenzie \*SBI (RE)

Cunningham (employee).

(15) Trails, Salt Lake. \*SBI (BAR)

(16) Tucanos Brazilian Grill, Orem and Alailupe \*SBI (RE)

Makaafi (employee).

(17) Red Lobster, Orem and Junelyn Little \*SBI (RE)

(employee).

Ms. Page asked the commissioners to strike #10 The Brazen Head and #12 Flanagan’s on Main and recommended approval of the balance of the items on the consent calendar.

Mr. Bateman moved to strike #10 The Brazen Head and #12 Flanagan’s on Main and approve the balance of the consent calendar. Mr. Parrish seconded the motion which passed unanimously.

REQUEST FOR TIME EXTENSION ON LICENSE:

a. The Back Yard, Heber. (BAR)

Erin Hinkel explained that they hold a conditional bar license. They are requesting additional time to complete construction.

Gary Wohlfarth from The Back Yard in Heber addressed the commission. Mr. Wohlfarth gave an overview of the challenges he’s had with permits and the septic system. He asked for an additional 30 days to complete construction.

Mr. Jacobson moved to grant a 30 day extension on the conditional bar license for The Back Yard in Heber. Mr. Bateman seconded the motion. Mr. Nielsen, Mr. Jacobson, Mr. Bateman, Ms. DiCaro, Ms. Smith and Mr. Parrish voted aye. The motion passed. Ms. Orton was absent for this vote.

INDUSTRIAL MANUFACTURING APPLICANT:

a. Beehive Cheese Company, Ogden.

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

Mr. Parrish moved to approve an industrial manufacturing special use permit for Beehive Cheese Company in Ogden. Mr. Bateman seconded the motion which passed unanimously.

PUBLIC SERVICE APPLICANT:

a. ExpressJet Airlines, Salt Lake City.

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

Ms. DiCaro moved to approve a public service special use permit for ExpressJet Airlines in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously.

RELIGIOUS/SACRAMENTAL APPLICANT:

a. Hellenic Orthodox Church of Price, Price.

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

Ms. Smith moved to approve a religious/sacramental special use permit for Hellenic Orthodox Church of Price in Price. Mr. Parrish seconded the motion which passed unanimously.

MANUFACTURE BREWERY APPLICANT:

a. Park City Brewery, Park City.

Dan Oberg gave an overview of the application noting it is complete and staff recommends approval.

Mr. Jacobson moved to approve a manufacture brewery license for Park City Brewery in Park City. Mr. Parrish seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

a. Completed Applications. *(list attached)*

b. Conditional Applications. *(list attached)*

Stephne Hanson gave an overview of both lists noting staff recommends approval.

Mr. Bateman moved to approve the completed and conditional off-premise beer retailer applications as contained on the lists. Mr. Jacobson seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfers:

**51% or More Change of Ownership:**

(1)Taqueria Y Marcos El Kora LLC / DBA Taqueria Y Marcos El

Kora, West Valley *(Conditional)* (RB)

(2) Eddie McStiff’s, Moab / DBA Eddie McStiff’s, Moab (RE & LB)

***Full Transfers****:*

(1) **From:** White Lodging Services Corporation / DBA Hilton

Garden Inn SLC Airport. **To:** CP Salt Lake City LLC / DBA

Hilton Garden Inn SLC Airport, Salt Lake City. (RE & BC)

(2) **From:** International LLC / DBA Southern X-Posure. **To:** Fifty

One Forty Two, LLC / DBA Southern X-Posure, South Salt Lake.

*(Conditional)* (BAR) (SOB stage approval needed)

(3) **From:** Mussman Utah LLC / DBA Tinwell. **To:** The Pines SLC

LLC / DBA The Pines, Salt Lake City. *(Conditional)* (BAR)

Margaret Hardie gave an overview of the 51% or more change of ownership license transfer applications noting #1 Taqueria Y Marcos El Kora LLC is conditional. Staff recommends approval.

Mr. Bateman moved to grant a conditional license transfer to #1 Taqueria Y Marcos El Kora in West Valley, and a license transfer to #2 Eddie McStiff’s in Moab. Ms. Smith seconded the motion which passed unanimously.

Margaret Hardie gave an overview of the full license transfer applications noting #2 Southern X-Posure is conditional and will require SOB stage approval. #3 The Pines is also conditional. Staff recommends approval.

Mr. Nielsen moved to grant a license transfer to #1 Hilton Garden Inn SLC Airport in Salt Lake City; a conditional license transfer including SOB stage approval to #2 Southern X-Posure in South Salt Lake; and a conditional license transfer to #3 The Pines in Salt Lake City. Ms. Smith seconded the motion which passed unanimously.

b. Full Service Restaurant Applicants:

*New Applicants:*

(1) ~~Olive Garden #6449, W Bountiful~~. *STRIKE*

(2) Circle D Eatery, Escalante.

(3) Gloria’s Corner Café, Moab.

(4) Mariscos Los Chinchorros, Orem. *(Conditional)*

(5) Toro Mexican Restaurant, Salt Lake City.

(6) La Fountain Mexican Restaurant, Salt Lake City.

(7) Ozora Izakaya Japanese Bar & Tapas, Salt Lake City. *(Conditional)*

(8) Taco Taco, Salt Lake City.

(9) ~~Chettinad House, Salt Lake City~~. *STRIKE*

(10) Rosita’s Santa Fe Kitchen, Springdale.

(11) Hunt & Gather, Restaurant, Torrey.

(12) Balcony One, Virgin. *(Conditional)*

(13) Spitz West Jordan, West Jordan. *(Conditional)*

(14) 700 Degree Artisan Pizza, West Jordan. *(Conditional)*

(15) Santa Fe La Frontera, West Jordan.

Cori Price asked the commissioners to strike #1 Olive Garden and #9 Chettinad House. She gave an overview of the balance of the applications noting those that are conditional. Staff recommends approval.

Mr. Jacobson moved to approve conditional full service restaurant licenses for #4 Mariscos Los Chinchorros in Orem and #7 Ozora Izakaya Japanese Bar & Tapas in Salt Lake City; and full service restaurant licenses to #2 Circle D Eatery in Escalante, #3 Gloria’s Corner Café in Moab, #5 Toro Mexican Restaurant in Salt Lake City, and #8 Taco Taco in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

c. On-Premise Beer Recreational Amenity Applicants:

*New Applicants:*

1. Utah Olympic Park, Park City.
2. Meadowbrook Golf Course, Salt Lake City.

Dan Oberg gave an overview of the applications noting they are complete and staff recommends approval.

Ms. DiCaro moved to grant on-premise beer recreational amenity licenses to #1 Utah Olympic Park in Park City and #2 Meadowbrook Golf Course in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

d. On-Premise Beer Tavern Applicants:

*New Applicants:*

1. Aces High Saloon, Salt Lake City. *(Conditional) (Back-up application)*
2. The Spoke, Moab. *(Conditional) (Back-up application)*

Dan Oberg gave an overview of the application noting they are conditional and staff recommends approval.

Mr. Jacobson moved to grant on-premise beer tavern licenses to #1 Aces High Saloon in Salt Lake City and #2 The Spoke in Moab. Ms. Orton seconded the motion which passed unanimously.

OPERATIONS UPDATE:

Mr. Petilos updated the commission on the actions taken in regards to damage to the stores and warehouse after the earthquake. He also provided an update on the department’s COVID-19 response.

FINANCIAL UPDATE:

Man Diep reported that as of the end of February 2020, YTD bottle sales decreased 1.93% (667,029 bottles) compared to last year. The decrease is due to the change in beer laws. YTD retail sales increased $14,087,700 (4.35% increase).

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

There being no further business, the meeting adjourned at 10:30 a.m.

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Chairman