MINUTES OF THE MEETING OF THE UTAH

ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, MAY 26, 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, May 25, 2020.]*

In response to the Governor’s April 10, 2020 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, 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.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Commission Meeting held on April 28, 2020, the Special Commission Meeting held on April 29, 2020, and the Special Commission Meeting held on May 12, 2020. Ms. DiCaro seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

- Tuesday, June 30, 2020

- Tuesday, July 28, 2020

b. Bar Establishment License Renewals:

- All renewal packets must be postmarked by Monday, June 1, 2020 including

those electing to defer payment. Deferred payments must be received (not

mailed) by Monday, August 31, 2020.

PARENTS EMPOWERED UPDATE:

Doug Murakami updated the commission on the activities of the Parents Empowered Campaign. Mr. Murakami outlined the results of the 2019 parents survey. The survey showed ad recognition has dropped. Going forward the campaign will increase focus on digital media.

OPERATIONS UPDATE:

Mr. Meier announced that as of June 1, 2020, all stores will open at 11:00 a.m. and close at 7:00 p.m. He also reiterated the precautions being taken to prevent the spread of COVID-19 including employee health checks, limiting occupancy in stores, and employee personal protective equipment. Patrons are also strongly encouraged to wear face masks.

FINANCIAL UPDATE:

Man Diep reported that as of the end of April 2020, YTD bottle sales decreased 2.96% (1,266,035 bottles) compared to last year. The decrease is due to the change in beer laws. YTD retail sales increased $26,367,313 (6.63% increase).

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) Round 1 Bowling & Amusement, Sandy \*SBI (BE)

and Paulo Coelho (employee).

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

(employee).

(3) Flanagan’s on Main, Park City. \*SBI (BAR)

(4) Bombay House, Salt Lake and Sharoz \*SBI (RL)

Masih & Omarshah Aziay (employees).

(5) City Limits, Provo \*SBI (BAR)

(6) Dave & Buster’s, Salt Lake. \*SBI (RE)

(7) Huhot Mongolian Grill, Layton and \*SBI (RL)

Amber Dungan (employee).

(8) One/Ibiza, Salt Lake. \*SBI (BAR)

Ms. Page recommended approval of the first seven items on the consent calendar. She recommended approval of #8 One/Ibizza contingent on receipt of a second payment by June 10, 2020. If they do not pay by June 10, 2020, there will not be a transfer.

Mr. Jacobson moved to approve the first seven items on the consent calendar; as well as #8 One/Ibizza, contingent on receipt of the second payment by June 10, 2020. Ms. Orton seconded the motion which passed unanimously.

INDUSTRIAL MANUFACTURING APPLICANTS:

a. Creminelli Fine Meats, Salt Lake City.

b. Amber Naturalz, Tooele.

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

Mr. Parrish moved to approve industrial manufacturing special use permits for Creminelli Fine Meats in Salt Lake City and Amber Naturalz in Tooele. Ms. DiCaro seconded the motion which passed unanimously.

LIQUOR WAREHOUSE APPLICANT:

a. Cirque Distilling, Salt Lake City.

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

Ms. DiCaro moved to approve a liquor warehouse license for Cirque Distilling in Salt Lake City. Mr. Jacobson 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.

Ms. Orton 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 RENEWALS:

a. Liquor Transport Licenses.

Anita Knowley gave an overview of the liquor transport license renewals noting staff recommends approval.

Mr. Jacobson moved to approve the liquor transport license renewals. Ms. DiCaro seconded the motion which passed unanimously.

TRANSFER OF LOCATION REQUEST:

a. Fratelli, Sandy. (RE) *(Conditional)*

From: 9236 Village Shop Drive, Sandy.

To: 8612 South 1300 East, Sandy.

Erin Hinkel gave an overview of the request noting staff recommends approval.

Ms. Orton moved to approve a conditional transfer of location for Fratelli in Sandy. Mr. Jacobson seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfers:

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

(1) Zion Pizza & Noodle, Springdale. (RL)

Margaret Hardie gave an over of the license transfer noting staff recommends approval.

Ms. Orton moved to approve a limited service restaurant license transfer for #1 Zion Pizza & Noodle in Springdale. Ms. DiCaro seconded the motion which passed unanimously.

b. Full Service Restaurant Applicants:

*New Applicants:*

(1) Kin Sen Asian Noodle Bar, Salt Lake City.

(2) Arlo Restaurant, Salt Lake City. *(Conditional) (Pending final*

*inspection)*

(3) Curry Up Now, Salt Lake City. *(Conditional) (Pending final*

*inspection)*

(4) Kolob Market Place, Virgin. *(Pending final inspection)*

Anita Knowley gave an overview of the applications noting #4 Kolob Market is no longer conditional. Three of the items are pending final inspection. Staff recommends approval.

Ms. Orton moved to approve full service restaurant licenses for #1 Kin Sen Asian Noodle Bar in Salt Lake City and #4 Kolob Market Place in Virgin, pending final inspection; and conditional full service restaurant licenses for #2 Arlo Restaurant in Salt Lake City, pending final inspection, and #3 Curry Up Now in Salt Lake City, pending final inspection. Ms. DiCaro seconded the motion which passed unanimously.

c. Limited Service Restaurant Applicant:

*New Applicant:*

(1) Cortona Italian Cafe, Park City. *(Conditional)*

Cori Price gave an overview of the application noting it is conditional. Staff recommends approval.

Mr. Parrish moved to approve a limited service restaurant license for #1 Cortona Italian Cafe in Park City. Ms. DiCaro seconded the motion which passed unanimously.

d. Hotel Applicant:

*New Applicant:*

(1) Goldener Hirsch Inn, Park City. *(Conditional)*

Erin Hinkel gave an overview of the application noting it is conditional. Staff recommends approval.

Ms. Orton moved to approve a hotel license for Goldener Hirsch Inn in Park City. Mr. Parrish seconded the motion which passed unanimously.

e. On-Premise Beer Recreational Amenity Applicants:

*New Applicants:*

(1) Brian Head Resort, Brian Head.

(2) Links at Nibley Park, Salt Lake City.

(3) The Sand Trap Cafe, Springville.

Erin Hinkel gave an overview of the applications noting staff recommends approval.

Ms. DiCaro moved to grant on-premise beer recreational amenity licenses to #1 Brian Head Resort in Brian Head, #2 Links at Nibley Park in Salt Lake City, and #3 The Sand Trap Cafe in Springville. Ms. Orton seconded the motion which passed unanimously.

f. On-Premise Beer Only Restaurant Applicant:

*New Applicant:*

1. El Chubasco, Park City. *(Conditional)*

Erin Hinkel gave an overview of the application noting it is conditional and staff recommends approval.

Ms. DiCaro moved to grant a conditional on-premise beer only restaurant license to #1 El Chubasco in Park City. Mr. Parrish seconded the motion which passed unanimously.

TEMPORARY BEER PERMIT DENIAL APPEAL:

a. Britt Roth – Kanab Film Fest 2020.

Anita Knowley gave an overview of the application for a temporary beer permit. Mr. Petilos explained that the permit was primarily denied due to the number of guests indicated on the application. The number (75) exceeds the recommended number for gatherings under the “Yellow” phase of the guidelines published by the state in response to the COVID-19 pandemic. Following the denial, the applicant submitted proposed actions to limit the number of people at the event.

Britt Roth from the Kanab Film Fest 2020 addressed the commission. Ms. Roth gave an overview of the number of tickets sold, and the other adjustments that will be made to meet the requirements under the “Yellow” phase of the guidelines. Tickets are capped at 44, an online option for festival participants will be offered, health checks will be conducted at the door, and sanitizing stations will be provided.

The commissioners expressed concern that event, entertainment and security staff plus the 44 ticket holders will exceed 50 people together.

Mr. Jacobson moved to grant a temporary beer permit to Kanab Film Fest 2020 with the following conditions: no more than 50 persons allowed in the venue area at any one time; and that all persons participating in the event must comply with all of the state rules and regulations including those related to face coverings and screening for potential symptoms of disease. Ms. DiCaro seconded the motion.

Ms. Orton asked that the motion be amended to say that the 50 persons include all service workers and talent. Mr. Jacobson stated that he intended for the 50 persons to be all inclusive of anyone associated with the event in any manner.

Mr. Jacobson clarified his motion adding that the 50 number is an all-inclusive gross number and moved to grant a temporary beer permit to Kanab Film Fest 2020 with the following conditions: no more than 50 persons allowed in the venue area at any one time; and that all persons participating in the event must comply with all of the state rules and regulations including those related to face coverings and screening for potential symptoms of disease. Ms. DiCaro seconded the motion which passed unanimously.

LICENSE APPLICATIONS: *(continued)*

g. Richfield Type 3 Package Agency Applicants:

*New Applicants:*

(1) TGS Richfield Liquor Agency, Richfield.

(2) Richfield Liquor Agency, Richfield.

(3) Richfield Liquors, Richfield.

(4) Red Hill’s Liquor Agency, Richfield.

Jeff Colvin explained that the current package agency operator is retiring. He gave an overview of the steps taken to identify the final applicants. Mr. Nielsen invited each applicant to give a short presentation to the commissioners. The commissioners and applicants discussed proposed operating hours and locations.

Mr. Nielsen made a motion that the commission move into a closed session pursuant to Utah Code 52-4-204 to discuss the character and professional competence of the applicants as allowed by Utah Code 52-4-205(1a). Mr. Jacobson seconded the motion. Mr. Nielsen called for a roll call vote. Mr. Nielsen, Mr. Jacobson, Ms. DiCaro, Ms. Orton and Mr. Parrish voted aye. The motion passed. *[11:25 a.m.]*

Mr. Jacobson made a motion to move out of the closed session. Ms. Orton seconded the motion which passed unanimously. *[11:45 a.m.]*

The commissioners discussed how difficult the decision is as all applicants are highly qualified.

Mr. Jacobson moved to award the Richfield Type 3 package agency license to #1 TGS Richfield Liquor Agency in Richfield. Mr. Nielsen called for a roll call vote. Mr. Nielsen, Mr. Jacobson, Ms. DiCaro, Ms. Orton and Mr. Parrish voted aye. The motion passed.

OPERATIONS UPDATE: *(continued)*

Mr. Meier explained that with the agenda change he forgot to include the new website review. Tim Cornia, Information Technology Director for DABC, gave an overview of the new website.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

There being no further business, the meeting adjourned at 12:00 p.m.

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Chairman