MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, FEBRUARY 23, 2021.

*[A copy of the final agenda was posted on the bulletin board at the DABC Administrative Office, emailed to the Salt Lake Tribune and Deseret News, and posted on the Utah Public Notice Website by 10:00 a.m. on Monday, February 22, 2021.]*

Vice-Chairman Tom Jacobson called the meeting to order at 10:00 a.m. and read the written determination (attached) as to why the meeting was held electronically without an anchor location.

Commissioners Participating: Tom Jacobson, Steve Bateman, Jacquelyn Orton, Stanley B. Parrish and Juliette Tennert.

Staff Participating: Tiffany Clason, Executive Director; Cade Meier, Deputy Director; Angela Micklos, Compliance and Licensing Director; and Sean Williford, Finance Director.

Also Participating: Sheila Page, Assistant Attorney General.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Special Commission Meeting held on January 22, 2021 and the Commission Meeting held on January 26, 2021. Ms. Orton seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, March 30, 2021

 - Tuesday, April 27, 2021

b. Public Comments:

 - Those wishing to comment on this meeting may email hotline@utah.gov.

 Comments will be addressed at the end of the meeting.

PARENTS EMPOWERED UPDATE:

Doug Murakami gave an update on the activities of the Parents Empowered campaign. He gave an overview of the results of the semi-annual parents survey. Mr. Murakami also thanked Executive Director Clason for her appearance on ABC4 last week in support of the Parents Empowered campaign.

Mr. Bateman asked that the department provide per capita consumption numbers to increase awareness at the commission and legislative levels.

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) Crystal Park Cantina, Park City and \*SBI (RE)

 “Shannon” (employee).

 (2) Foothill One Stop, Logan and Loayhe \*SBI (OP)

 Alhomedi & Kennedy Clark (employees).

 (3) 7-Eleven Store #35508A and Sheree \*SBI (OP)

 Jepson (employee).

 (4) ~~Bar 86, Richfield~~. *STRIKE*

 (5) Mariscos Las Islitas #2, West Valley City \*SBI (RL)

 and Rebecca Frias (employee).

 (6) ~~RB’s, Clearfield and Frank Day~~ *STRIKE*

 (7) Super Stop, Clearfield and Jill Palmer \*SBI (OP)

 (employee).

 (8) Pizzeria 712, Orem and Liezel Inabnit \*SBI (RL)

 (employee).

 (9) Twist, Salt Lake City. \*SBI (BAR)

 (10) City Limits, Provo and Shawn Valdez and \*SBI (BAR)

 Ralph Froisland (employees).

 (11) Wellcome Mart, Wellsville and Kayden \*SBI (OP)

 Smith (employee).

 (12) Maple Mountain Bar & Grill, Spanish Fork. \*SBI (BAR)

 (13) Speedway #9408, Ogden and James \*SBI (OP)

 Caldwell (employee).

Sheila Page asked the commissioners to strike #4 Bar 86 and #6 RB’s Clearfield. She gave an overview of the remaining items on the consent calendar noting they are complete and recommended approval.

Mr. Bateman moved to strike items #4 Bar 86 in Richfield and #6 RB’s in Clearfield and approve the balance of the items on the consent calendar. Ms. Orton seconded the motion which passed unanimously.

REQUEST FOR CHANGE OF LICENSE TYPE FROM FULL YEAR TO SUMMER SEASONAL:

a. Done to Your Taste Catering, Kamas. (RB)

Cori Price gave an overview of the request noting staff recommends approval.

Mr. Jacobson recused himself from voting as he is an acquaintance of the proprietor. Mr. Bateman moved to approve a change of license type from full year to summer seasonal for Done to Your Taste Catering in Kamas. Ms. Orton seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. ~~Hat Rock Cafe, Mexican Hat~~. *STRIKE*

b. Roughlock Resort, Monticello. (RE)

c. ~~Hyatt House Place, Pleasant Grove~~ *STRIKE*

d. State Room, Salt Lake City. (BAR)

e. Common Wealth, Salt Lake City. (BAR)

f. Atomic Bar, Moab. (BAR)

Stephne Hanson asked the commissioners to strike Hat Rock Café and Hyatt House Place and gave an overview of the closure requests for items Roughlock Resort, State Room, Common Wealth, and Atomic Bar. She noted Atomic Bar may not be reopening and recommended an order to show cause be issued for the March meeting in order to determine the status of the bar license.

Mr. Parrish made a motion to grant two month extended closures to Roughlock Resort in Monticello, State Room in Salt Lake City, and Common Wealth in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

Mr. Bateman moved to grant a one month extended closure to Atomic Bar in Moab and recommended an order to show cause be issued for the March commission meeting. Ms. Orton seconded the motion which passed unanimously.

g. Koral Kafe & Entertainment, Washington. (RE & BAR)

h. Rocking V, Kanab. (RE)

i. Jake’s Chaparrel, Kanab. (RL)

Rob Hansen gave an overview of the requests from Koral Kafe, Rocking V, and Jake’s Chaparrel.

Ms. Orton moved to grant two month extended closures to Koral Kafe & Entertainment in Washington and Jake’s Chaparrel in Kanab; and a one month extended closure to Rocking V in Kanab. Mr. Parrish seconded the motion which passed unanimously.

j. The Daily, Salt Lake City. (RE)

k. Amour Cafe, Salt Lake City. (RL)

Mike Bishop gave an overview of the requests from The Daily and Amour Café.

Ms. Orton moved to grant two month extended closures to The Daily in Salt Lake City and Amour Café in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

l. Tin Angel, Salt Lake City. (RE)

Anita Knowley gave an overview of the request from Tin Angel.

Mr. Bateman moved to grant a two month extended closure to Tin Angel in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

m. Double Tree by Hilton, Salt Lake City. (BC, RE, & BAR)

n. Hyatt House H Bar, Salt Lake City. (RE)

Margaret Hardie gave an overview of the requests from Double Tree and Hyatt House H Bar.

Mr. Parrish moved to grant two month extended closures to Double Tree by Hilton in Salt Lake City and Hyatt House H Bar in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

o. Union Event Center, Salt Lake City (BC & RE)

p. Salt Stone Restaurant, Salt Lake City. (RE)

q. Sunny’s Bistro, Salt Lake City. (RE)

Nicole Tarelton gave an overview of the requests from Union Event Center, Salt Stone Restaurant and Sunny’s Bistro.

Ms. Orton moved to grant two month extended closures to Union Event Center in Salt Lake City, Salt Stone Restaurant in Salt Lake City, and Sunny’s Bistro in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

r. Publik Ed’s, Salt Lake City. (RB)

s. The Rose Establishment, Salt Lake City. (RL)

t. Legends Bar & Grill, Park City. (RE)

u. The Public House at Mid Mountain, Park City. (BAR)

Miraz Rasoul gave an overview of the requests from Publik Ed’s, The Rose Establishment, Legends Bar & Grill. and The Public House at Mid Mountain.

Mr. Bateman moved to grant two month extended closures to Publik Ed’s in Salt Lake City, The Rose Establishment in Salt Lake City, Legends Bar & Grill in Park City, and The Public House at Mid Mountain in Park City. Ms. Orton seconded the motion which passed unanimously.

v. Hyatt Summerfield Suites, Sandy. (BC, RE)

w. Leonardo, Salt Lake City. (BC & RL) (Erin Hinkel)

x. Saltair Sky, Magna. (BAR) (Erin Hinkel)

y. Hyatt Place, SLC Airport, Salt Lake City. (RE) (Erin Hinkel)

Erin Hinkel gave an overview of the requests from Hyatt Summerfield, Leonardo, Saltair Sky, and Hyatt Place.

Mr. Bateman moved to grant two month extended closures to Hyatt Summerfield Suites in Sandy, Leonardo in Salt Lake City, Saltair Sky in Magna, and Hyatt Place SLC Airport in Salt Lake City. Mr. Parrish recused himself from voting. Ms. Orton seconded the motion which passed unanimously.

z. Hotel RL, Salt Lake City. (BC & RE)

Bonnie Bills gave an overview of the request from Hotel RL.

Mr. Parrish moved to grant a two month extended closure to Hotel RL in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

aa. Juniper Pizza, Springdale. (RL)

Abe Kader gave an overview of the request from Juniper Pizza.

Mr. Bateman moved to grant a two month extended closure to Juniper Pizza in Springdale. Ms. Orton seconded the motion which passed unanimously.

bb. Brewvies, Salt Lake City.

Miraz Rasoul gave an overview of the request from Brewvies.

Ms. Orton moved to grant a two month extended closure to Brewvies in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

INDUSTRIAL MANUFACTURING APPLICANT:

a. ~~Botanicals by Design, Clearfield~~. *STRIKE*

MANUFACTURE REPRESENTATIVE APPLICANT:

a. St. George’s Beverage, St. George.

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

Ms. Orton moved to approve a manufacture representative license for St. George’s Beverage in St. George. Mr. Parrish seconded the motion which passed unanimously.

MANUFACTURE DISTILLERY APPLICANT:

a. Outlaw Distillery, Midvale.

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

Mr. Bateman moved to approve a manufacture distillery license for Outlaw Distillery in Midvale. Ms. Orton seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

a. Completed Applications. *(list attached)*

b. Conditional Applications. *(list attached)*

Mike Bishop gave an overview of the applications noting #4 Target T3365 and #6 7-Eleven 38875A are no longer conditional.

Ms. Orton moved to approve the completed and conditional off-premise beer retailer applications as contained on the lists noting #4 Target T3365 and #6 7-Eleven 38875A are no longer conditional. Ms. Tennert seconded the motion which passed unanimously.

LICENSE RENEWALS:

Chris Johnson gave an overview of the 2021 beer license renewals. A total of 1,782 licensees renewed in a timely manner; 71 did not renew. Staff recommends approval of the renewed licenses.

Mr. Parrish moved to approve the 1,782 beer licenses that renewed in a timely manner. Mr. Bateman seconded the motion which passed unanimously

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

(1) Zimus Inc., to DJ’s Bar, LLC DBA: Sandtrap, Ogden (BAR)

Margaret Hardie gave an overview of the license transfer application noting it is complete and staff recommends approval.

Mr. Bateman moved to approve a full license transfer for #1 Sandtrap in Ogden. Mr. Parrish seconded the motion which passed unanimously.

 **51% Ownership Change:**

(1) Bongo, Inc., DBA: Bongo, Salt Lake City. (BAR)

 (2) Bistro 412, LLC., DBA: The Brick, Park City (BAR) and

 Crystal Park Cantina, Park City. (RE)

Margaret Hardie gave an overview of the 51% ownership change license transfer applications noting they are complete and staff recommends approval.

Ms. Orton moved to approve 51% ownership changes for #1 Bongo in Salt Lake City and #2 The Brick (BAR) and Crystal Park Cantina (RE) in Park City. Mr. Parrish seconded the motion which passed unanimously

 **Off Premise Beer:**

(1) Brian Head General Store LLC., to Brian Head Vending, Brian

 Head.

 (2) STP Petroleum, LLC; to Chevron 117, LLC DBA Chevron 117,

Spanish Fork.

Margaret Hardie gave an overview of the off premise beer license transfer applications noting they are complete and staff recommends approval.

Ms. Orton moved to approve off premise beer license transfers for #1 Brian Head Vending in Brian Head and #2 Chevron 117 in Spanish Fork. Mr. Parrish seconded the motion which passed unanimously

 **Off Premise Beer 51% Ownership Change:**

 (3) Yeates Coal & Service Stations Corp, DBA: Yeates Coal & Oil,

Logan.

Margaret Hardie gave an overview of the 51% ownership change license transfer application noting it is complete and staff recommends approval.

Ms. Orton moved to approve a 51% ownership off premise beer license change for #1 Yeates Coal & Oil in Logan. Mr. Parrish seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Ready to Operate:*

 (1) Rye, Salt Lake City. *(violation history)*

 (2) Why Kiki, Salt Lake City.

 *Projected Future Opening:*

 (1) Fife Brewing Company, Salt Lake City. *(Conditional)*

 (2) Garage Grill, Herriman. *(Conditional)*

 (3) The Spoke, Moab. *(Conditional)*

 (4) ~~Park City Brewery, Park City~~.  *STRIKE*

 (5) Hive 435 Taphouse, St. George. *(Conditional)*

Mr. Jacobson noted bar establishment applications will not be considered as there are no licenses available. Mr. Jacobson provided an opportunity for applicants to address the commission if they desired.

c. Full Service Restaurant Applicants:

 *New Applicants:*

 (1) El Paisa Grill, Ogden. *(violation history)*

Miraz Rasoul gave an overview of the reasons why staff does not recommend approval of El Paisa Grill. She noted their violation history and inability to complete violation training.

Rick Golden, representing El Paisa Grill, explained the reasons they were unable to complete the training and outlined why they should receive a license. Ms. Page noted the concerning items including not completing training demonstrate a lack of management. She suggested the commission may want to continue the application to next month rather than deny the license. Mr. Parrish expressed concern as they have been given previous opportunities and appear to be non-compliant with license requirements.

Ms. Orton moved to continue the application from El Paisa Grill in Ogden to the March commission meeting. Mr. Bateman seconded the motion. Mr. Jacobson asked for a roll call vote. Ms. Orton, Mr. Bateman, Mr. Jacobson, and Ms. Tennert voted yea. Mr. Parrish voted nay. The motion passed.

 (2) Bella’s Fresh Mexican Grill, Ogden.

 (3) Cupla Coffee, Park City. *(Conditional)*

 (4) Why Kiki, Salt Lake City.

 (5) El Dorado Seafood, West Valley City.

 (6) ~~La Cabana Restaurant, Vernal~~. *STRIKE*

Miraz Rasoul asked the commissioners to strike #6 La Cabana and gave an overview of the remaining applications noting #3 Cupla Coffee is conditional. Staff recommends approval.

Ms. Orton moved to grant full service restaurant licenses to #2 Bella’s Fresh Mexican Grill in Ogden, #4 Why Kiki in Salt Lake City, and #5 El Dorado Seafood in West Valley City; and a conditional full service restaurant license to #3 Cupla Coffee in Park City. Mr. Bateman seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Kabuki Japanese Steakhouse, Logan. *(Conditional)*

 (2) Moab Grill, Moab.

 (3) ~~Carnitas Michoacan Restaurant, Ogden~~. *STRIKE*

 (4) Pulp Lifestyle Kitchen, Salt Lake City.

 (5) Slapfish, A Modern Seafood Shack, Sandy.

 (6) Namaste Kathmandu, Sandy.

Bonnie Bills asked the commissioners to strike #3 Carnitas Michoacan and gave an overview of the remaining applications noting #1 Kabuki Japanese Steakhouse is conditional. Staff recommends approval.

Mr. Bateman moved to approve a conditional limited service restaurant license for #1 Kabuki Japanese Steakhouse in Logan; and limited service restaurant licenses for #2 Moab Grill in Moab, #4 Pulp Lifestyle Kitchen in Salt Lake City, #5 Slapfish, A Modern Seafood Shack in Sandy, and #6 Namaste Kathmandu in Sandy. Mr. Parrish seconded the motion which passed unanimously.

e. Restaurant “Beer Only” Applicants:

 *New Applicants:*

 (1) El Madrigal, West Valley City.

 (2) Z Brothers Pizza, Layton. *(Conditional)*

Nicole Tarelton gave an overview of the applications noting #2 Z Brothers is conditional. Staff recommends approval.

Ms. Orton moved to approve a beer only restaurant license for #1 El Madrigal in West Valley City; and a conditional beer only restaurant license for #2 Z Brothers Pizza in Layton. Mr. Parrish seconded the motion which passed unanimously.

f. On Premise Beer Recreational Amenity Applicant:

 *New Applicant:*

(1) Sloppy Pig, Naples. *(Conditional)*

Stephne Hanson gave an overview of the application noting it is conditional and staff recommends approval.

Mr. Parrish moved to approve a conditional beer recreational amenity license for #1 Sloppy Pig in Naples. Ms. Orton seconded the motion which passed unanimously.

g. Airport Lounge Applicant:

 *New Applicant:*

(1) Rooster’s, Salt Lake City.

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

Ms. Orton moved to approve an airport lounge license for #1 Rooster’s in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

h. Package Agency Applicants:

 *New Applicants:*

(1) Mike’s Market, Garden City. (Type 2)

 (2) Black Rock Mountain Resort (Type 1 and 4)

 (3) Outlaw Distillery, Midvale. (Type 5)

Jeff Colvin gave an overview of the applications noting staff recommends approval.

Mr. Parrish moved to approve a Type 2 package agency license for #1 Mike’s Market in Garden City; Type 1 and 4 for Black Rock Mountain Resort, and a Type 5 for Outlaw Distillery in Midvale. Ms. Orton seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason explained she is continuing the onboarding process in her new position. She noted staff has been focused on the legislative session, tracking bills and responding to information requests.

Ms. Clason also introduced Sean Williford. Mr. Williford replaced Man Diep after she retired as Finance Director.

Mr. Meier thanked the commissioners for their support and participation in subcommittee meetings. He announced a soft opening of the Farmington store on Thursday, February 25, 2021. He also noted that the new Taylorsville store is expected to open in May.

FINANCIAL UPDATE:

Sean Williford gave an overview of the January performance numbers. He explained the lower bottle sales are a result of the change in beer laws and three fewer sales days in 2021. He reported that as of the end of January 2021, YTD retail sales increased $1,290,738 (0.43% increase).

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Tanner Lenart submitted a public comment outlining her concerns that legislation currently being considered does not include a provision to change the population rations for bar licenses.

There being no further business, Ms. Orton moved to adjourn the meeting. Mr. Parrish seconded the motion. The meeting adjourned at 11:40 a.m.

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Chairman