MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, MARCH 30, 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, March 29, 2021.]*

Chairman John T. Nielsen 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: John T. Nielsen, Tom Jacobson, 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 noted an error was made on the first page. Mr. Jacobson, not Mr. Nielsen, made the announcements.

Mr. Jacobson moved to approve the minutes of the Commission Meeting held on February 23, 2021 with the first page amended to read Mr. Jacobson made the announcements. Ms. Orton seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

 - Tuesday, April 27, 2021

 - Tuesday, May 25, 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 responded to Commissioner Bateman’s request regarding per capita consumption of alcohol and how it relates to underage drinking. He referenced a statement in the PE 2020 annual report noting that underage consumption rates have declined and that the decline is even more impressive given Utah’s per capita increase in alcohol sales which has steadily increased over the years. He cautioned that the two stats are related but may not correlate. Utah’s per capita consumption rate is the lowest in the nation; however, any increase in consumption may result in an increase of the harms related to alcohol consumption such as binge drinking or overconsumption.

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) Bar 86, Richfield. \*SBI (BAR)

 (2) RB’s, Clearfield and Frank Day (employee) \*SBI (OP)

 (3) Maverik #373, Richmond and Cole \*SBI (OP)

 Clawson (employee).

Ms. Page noted all items are complete and recommended approval of the consent calendar

Mr. Jacobson moved to approve the items on the consent calendar. Mr. Parrish seconded the motion which passed unanimously.

REQUEST FOR TRANSFER OF LOCATION:

a. So Delicious (RL) *(Conditional)*

 From: 1853 West 5600 South, Roy.

 To: 1780 West 5600 South, Roy.

Miraz Rasoul gave an overview of the request noting staff recommends approval.

Ms. Tennert moved to approve a location transfer for So Delicious in Roy. Mr. Jacobson seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Atomic Bar & Grill, Moab. (BAR)

Stephne Hanson gave an overview of the closure request from Atomic Bar. She recommended the closure be extended until the May commission meeting.

Mr. Jacobson moved to grant an extended closure until the May 25, 2021 commission meeting to Atomic Bar & Grill in Moab. Mr. Parrish seconded the motion which passed unanimously.

b. Salt Bistro, Salt Lake City. (RL)

Erin Hinkel gave an overview of the request from Salt Bistro.

Ms. Orton moved to grant an extended closure until the May 25. 2021 commission meeting to Salt Bistro in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

c. St. Bernards @ Solitude Mountain Resort, Salt Lake City. (LR)

d. Thirsty Squirrel @ Solitude Mountain Resort, Salt Lake City. (BAR)

Margaret Hardie gave an overview of the requests from St. Bernards and Thirsty Squirrel at Solitude Mountain Resort.

Mr. Jacobson moved to grant an extended closure until May 1, 2021 for St. Bernards @ Solitude Mountain Resort in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

Mr. Jacobson moved to grant an extended closure until June 18, 2021 for Thirsty Squirrel @ Solitude Mountain Resort in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

e. Tuscan, Price. (BAR)

Margaret Hardie gave an overview of the request from Tuscan.

Mr. Jacobson moved to grant an extended closure until the May 25, 2021 commission meeting to Tuscan in Price. 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 staff recommends approval.

Ms. Orton moved to approve the completed and conditional off-premise beer retailer applications as contained on the lists. Ms. Tennert seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

  **51% Ownership Change:**

(1) Capitol Reef Inn, Torrey. DBA Capitol Reef Inn. (RE)

 (2) The Bull’s Head Inc., DBA The Bull’s Head, Logan. (RE)

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

 (1) Gini’s Corner Market Inc. Payson. DBA Gini’s Corner Market,

 Payson. (OP) *(Conditional)*

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

Mr. Parrish moved to approve 51% ownership changes for #1 Capitol Reef Inn in Torrey, #2 The Bull’s Head in Logan, and off premise beer #1 Gini’s Corner Market in Payson. Mr. Jacobson seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Ready to Operate:*

 (1) Rye, Salt Lake City.

 (2) Why Kiki, Salt Lake City.

 (3) O-Town Beach Club, Ogden. *(Requesting Summer Seasonal)*

 (4) Bewilder Brewing Company, Salt Lake City.

 *Projected Future Opening:*

 (1) The Spoke, Moab. *(Conditional) (projected opening June 2021)*

 (2) Hive 435 Taphouse, St. George. *(Conditional) (projected opening*

 *May 2021)*

 (3) Garage Grill, Herriman. *(Conditional) (projected opening July 2021)*

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

 *opening August 2021)*

Mr. Nielsen noted two full and two summer seasonal bar establishment licenses are available. Mr. Nielsen provided an opportunity for applicants with a projected future opening to address the commission if they desired. Representatives from Hive 435 addressed the commission noting they still plan on opening in May.

Mr. Nielsen asked those applicants ready to open if they would like to address the commission. Rye, Why Kiki, O-Town Beach Club, and Bewilder Brewing addressed the commission.

Mr. Jacobson moved to grant a summer seasonal bar establishment license to #3 O-Town Beach Club in Ogden. Ms. Orton seconded the motion which passed unanimously.

The commissioners discussed future license availability and whether to hold a license for those rural applicants that will be ready before the next license is available (by population) in June 2021. Ms. Micklos also reminded applicants that those awarded today will have to renew next month. Why Kiki and Bewilder Brewing expressed interest in the summer seasonal license that is effective May 1 to October 31.

Mr. Jacobson moved to grant a full bar establishment license to #1 Rye in Salt Lake City, a summer seasonal bar establishment license to #2 Why Kiki in Salt Lake City, and to hold the remaining full license. Ms. Orton seconded the motion which passed unanimously.

c. Full Service Restaurant Applicants:

 *Previous Applicants:*

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

 *New Applicants:*

1. Willow Glen, Enoch.
2. Under Canvas, Big Water. *(Conditional)*

(3) Il Posto Rosso, Moab. *(Conditional)*

 (4) Banchan, Park City.

 (5) Jack’s Sports Grill, Springdale.

 (6) Dulivia Ristorante Italiano, Springdale. *(Conditional)*

Miraz Rasoul explained that El Paisa Grill has now completed the violation training and staff recommends approval. Rick Golden, representing El Paisa Grill, was available for commissioner questions.

Ms. Orton moved to grant a full service restaurant license to #1 El Paisa Grill in Ogden. Mr. Parrish seconded the motion which passed unanimously.

Ms. Rasoul gave an overview of the new applicants noting those that are conditional. Staff recommends approval.

Mr. Jacobson moved to grant full service restaurant licenses to #1 Willow Glen in Enoch, #4 Banchan in Park City, and #5 Jack’s Sports Grill in Springdale; and conditional full service restaurant licenses to #2 Under Canvas in Big Water, #3 Il Posto Rosso in Moab, and #6 Dulivia Ristorante Italiano in Springdale. Ms. Orton seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Café Italiano, Moab.

 (2) Pulp Lifestyle Kitchen (Gallivan), Salt Lake City. *(Conditional)*

Bonnie Bills gave an overview of the applications noting #2 Pulp Lifestyle Kitchen is conditional. Staff recommends approval.

Ms. Orton moved to approve a limited service restaurant license for #1 Cafe Italiano in Moab, and a conditional limited service restaurant license for #2 Pulp Lifestyle Kitchen in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously.

e. Hotel Applicant:

 *New Applicant:*

 (1) Courtyard Salt Lake City Cottonwood, Salt Lake City. (BAR, BC,

RE) *(Conditional)*

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

Ms. Orton moved to approve a conditional hotel license for #1 Courtyard Salt Lake City Cottonwood in Salt Lake City. Ms. Tennert seconded the motion which passed unanimously.

f. On Premise Beer Recreational Amenity Applicant:

 *New Applicant:*

1. George’s Grill @ Bountiful Ridge G.C., Bountiful.

Nicole Tarleton gave an overview of the application noting it is complete and staff recommends approval.

Mr. Jacobson moved to approve a beer recreational amenity license for #1 George’s Grill @ Bountiful Ridge G.C. in Bountiful. Ms. Orton seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason announced the successful completion of the general legislative session. She thanked Governor Cox and the legislative leads that advocated and supported the department for funding and other policy related bills that put DABC in a great position to serve the public. She focused on SB137 that increases store and warehouse employee compensation.

Ms. Clason also announced that Governor Cox appointed Tara Thue to the commission. Her appointment passed unanimously out of committee and will go before the full Senate on April 14, 2021.

Ms. Clason congratulated the Parents Empowered Campaign and R & R for winning the best in show award at the ADDY awards.

Ms. Clason announced several positions on the Alcohol Beverage Control Advisory Board will be open starting July 1, 2021. The board has a specific purpose and scope to advise the commission and department on administrative rules. The four openings represent the restaurant industry, wholesale alcohol industry, alcohol/drug education, and alcohol/drug enforcement. Those interested may email their resume to hotline@utah.gov by April 30, 2021.

Mr. Meier showed the commissioners a short video of the Farmington store opening. He also noted that the new Taylorsville store is expected to open in May.

FINANCIAL UPDATE:

Sean Williford gave an overview of the February performance numbers. He explained revenue is up even though bottle sales are down. This is a result of the change in beer laws. The lower priced beer has moved to the grocery store and customers are buying higher priced items.

Mr. Williford also explained that system upgrades have resulted in higher expenses. The legislature provided additional funds to upgrade the point of sale and other IT systems.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Ms. Orton thanked management and staff for their excellent work during the legislative session.

There being no further business, the meeting adjourned at 11:10 a.m.

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Chairman