MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, APRIL 27, 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, April 26, 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, Steve Bateman, Jacquelyn Orton, Stanley B. Parrish, Juliette Tennert and Tara Thue.

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.

WELCOME COMMISSIONER TARA THUE

Mr. Nielsen welcomed Commissioner Tara Thue. Ms. Thue gave an overview of her professional background in the public and private sectors. She has worked in government affairs and is currently employed by AT&T overseeing the mountain west region.

APPROVAL OF MINUTES:

Mr. Jacobson moved to approve the minutes of the Commission Meeting held on March 30, 2021. Mr. Parrish seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

 - Tuesday, May 25, 2021

 - Tuesday, June 29, 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 outlined the events being organized as a result of the mini grants awarded to fourteen local area Community Partnership Projects.

~~UPDATED VIOLATION GRID~~ *STRIKE*

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) Anaya’s Market, Logan and Elizabeth Mendoza \*SBI (OP)

 (employee).

 (2) Bucket O’ Crawfish, West Valley and Bryan \*SBI (RB)

 Espinoza (employee).

 (3) Macey’s, Providence and Samantha Thomas \*SBI (OP)

 (employee).

 (4) Mariscos Los Chinchorros, Orem and Michael \*SBI (RE)

 Angel- Mosta (employee).

 (5) Miller Smithfield Chevron, Smithfield and \*SBI (OP)

 William Gessel (employee).

 (6) Nikko Sushi & Ramen, Kaysville and Ashley \*SBI (RL)

 Bunalski (employee).

 (7) Slapfish, Farmington and Savannah Craig \*SBI (RL)

 (employee).

 (8) Tin Roof Grill, Sandy. \*Staff (RE)

 (9) Summit Lounge, Layton and Tyler Benge \*SBI (BAR)

 (employee).

 (10) Walmart #1888, Logan and Connie Daines \*SBI (OP)

 (employee).

 (11) Corner Pocket, Tooele and Crystal Curran \*SBI (BAR)

 (employee).

 (12) Kickin Seafood, Orem and Edgar Calderan \*SBI (RL)

 (employee).

 (13) Smith’s Food & Drug, Vernal and Andrew \*SBI (OP)

 Rutter (employee).

 (14) Bangkok Thai on Main, Park City and \*SBI (RE)

 Reynaldo Martinez (employee).

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

Mr. Bateman moved to approve the items on the consent calendar. Ms. Orton seconded the motion which passed unanimously.

 b. Order to Show Cause: *[action item]*

 (1) The Fifth, Bountiful.

Bonnie Bills explained that The Fifth was originally awarded a bar license in 1984. During an audit in November 2020 it was discovered that The Fifth’s corporate entity expired July 1, 2001. Staff recommends the license be deemed forfeited when the corporate entity expired July 1, 2001.

The commissioners, Ms. Page and staff reviewed the timeline and questioned whether there was a legal obligation since the license was continually renewed. Ms. Page explained that licenses are regulated and the licensees make certain representations when renewing. They have continued to renew their license under the prior corporation. A new entity was formed a couple years ago and the department wasn’t notified. Licensees don’t develop an interest in a license that wasn’t legally held.

Zack Hadley, legal counsel for Brad Hepworth and The Fifth, acknowledged that the entity expired in 2001. The new company was formed after an informal agreement between the father and son. Mr. Hadley explained that there was no malice or attempt to get around requirements. He stated he was unaware the corporate entity had expired. Once the estate is settled, they will submit a new application under the new corporation.

Mr. Jacobson moved to deem the bar establishment license used by The Fifth in Bountiful forfeited as of July 1, 2001 and to direct the current operator to cease the service of alcohol immediately. Ms. Orton seconded the motion which passed unanimously.

REQUESTS FOR CHANGE FROM FULL YEAR TO WINTER SEASONAL LICENSES:

a. The Public House @ Mid Mountain Lodge @ PCMR, Park City. (LB)

b. Lookout Cabin @ PCMR, Park City. (RE)

c. Red Pine Café @ PCMR, Park City. (RE)

Miraz Rasoul gave an overview of the requests to move to winter seasonal licenses.

Mr. Jacobson moved to approve the requests to move from full year to winter seasonal licenses for The Public House @ Mid Mountain Lodge @ PCMR in Park City (LB), Lookout Cabin @ PCMR in Park City (RE), and Red Pine Café @ PCMR in Park City (RE). Mr. Bateman seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Roughlock Resort, Monticello. (RE)

Stephne Hanson gave an overview of the request. Bobbie Jane Gregory from Roughlock Resort explained that they were redoing the kitchen and had a pipe burst. They are requesting an extended closure until the June meeting.

Mr. Jacobson moved to approve an extended closure until the June commission meeting for Roughlock Resort in Monticello. Mr. Parrish seconded the motion which passed unanimously.

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

Stephne Hanson gave an overview of the request. Darin Piccoli from the State Room addressed the commission. They will not be booking events until the fall and requested an extended closure until the September commission meeting.

Ms. Thue moved to approve an extended closure until the September commission meeting.

Ms. Page, the commissioners and Mr. Piccoli discussed the length of the closure request and possible options open earlier. After discussion, Ms. Thue amended her motion.

Ms. Thue moved to approve an extended closure for the State Room until the August commission meeting. Ms. Orton seconded the motion. Ms. Thue, Ms. Orton, Mr. Nielsen, Mr. Bateman, Mr. Parrish, and Ms. Tennert voted yea, Mr. Jacobson voted nay. The motion passed.

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

Rob Hansen gave an overview of the requested noting they are asking until the May commission meeting.

Mr. Jacobson moved to approve an extended closure until the May commission meeting for Koral Kafe & Entertainment in Washington. Ms. Orton seconded the motion which passed unanimously.

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

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

Mike Bishop gave an overview of the requests from The Daily and Amour Cafe noting they are asking until the June commission meeting.

Mr. Parrish moved to approve extended closures for The Daily in Salt Lake City and Amour Cafe in Salt Lake City until the June commission meeting. Ms. Thue seconded the motion which passed unanimously.

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

Anita Knowley gave an overview of the request noting they are asking until the June commission meeting.

Mr. Jacobson moved to approve an extended closure for Tin Angel in Salt Lake City until the June commission meeting for Tin Angel in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

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

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

Margaret Hardie gave an overview of the requests from Double Tree and Hyatt House noting they are asking until the June commission meeting.

Erin Stone representing Double Tree explained that they are working through bankruptcy and provided a timeline for the bidding process and possible sale.

Ms. Orton moved to approve extended closures until the June commission meeting for Double Tree by Hilton in Salt Lake City and Hyatt House H Bar in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously.

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

j. Pallet Bistro, Salt Lake City. (RE)

Nicole Tarelton gave an overview of the requests from Sunny’s Bistro and Pallet Bistro noting they are asking until the June commission meeting.

Mr. Jacobson moved to approve extended closures until the June commission meeting for Sunny’s Bistro in Salt Lake City and Pallet Bistro in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

k. Publik Ed’s, Salt Lake City. (RB)

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

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

n. ~~The Public House at Mid Mountain, Park City~~. *STRIKE*

o. Brewvies, Salt Lake and Ogden. (BAR & RE)

Miraz Rasoul asked the commissioners to strike The Public House at Mid Mountain and gave an overview of the requests from Publik Ed’s, The Rose, Legends, and Brewvies. She noted all are asking until the June commission meeting.

Mr. Jacobson moved to approve extended closures for Publik Ed’s in Salt Lake City, The Rose Establishment in Salt Lake City, Legends Bar & Grill in Park City, and Brewvies in Salt Lake and Ogden until the June commission meeting. Ms. Orton seconded the motion which passed unanimously.

p. ~~Hyatt Summerfield Suites, Sandy~~. *STRIKE*

q. Saltair Sky, Magna. (BAR)

r. Hyatt Place, SLC Airport, Salt Lake City. (RE)

Erin Hinkel gave an overview of the requests from Saltair and Hyatt Place noting Saltair is requesting until May 1, 2021 and Hyatt Place until the June meeting.

Ms. Orton moved to approve an extended closure for Saltair Sky in Magna until the May commission meeting; and an extended closure for Hyatt Place, SLC Airport in Salt Lake City until the June commission meeting. Mr. Parrish seconded the motion which passed unanimously.

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

 t. Boltcutter, Salt Lake City. (RE)

Bonnie Bills gave an overview of the requests from Hotel RL and Boltcutter noting they are asking until the June commission meeting.

Ms. Orton moved to approve extended closure requests for Hotel RL in Salt Lake City and Boltcutter in Salt Lake City until the June commission meeting. Mr. Jacobson seconded the motion which passed unanimously.

ADDITIONAL SUBLICENSE REQUESTS:

a. Westgate Resort, Park City. (HL) (requesting RL sublicense) *(Conditional)*

Nicole Hall gave an overview of the request noting it is conditional and staff recommends approval.

Mr. Jacobson moved to approve a conditional limited service restaurant sublicense for Westgate Resort in Park City. Ms. Orton seconded the motion which passed unanimously.

b. Element Hotel, Moab. (HL) (requesting RE sublicense)

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

Mr. Parrish moved to approve a full service restaurant sublicense for Element Hotel in Moab. Ms. Thue seconded the motion which passed unanimously.

REQUEST FOR TRANSFER OF LOCATION:

a. Swain’s (RE)

 From: 1684 West Highway 40, Vernal.

 To: 29 South Vernal Avenue, Vernal.

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

Mr. Jacobson moved to approve a location transfer for Swain’s in Vernal. 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 asked the commissioners to strike #1 from the completed applications; and to strike #1 and #4 from the conditional applications. Ms. Hanson gave an overview of the balance of the applications noting staff recommends approval.

Mr. Jacobson moved to strike #1 from the completed applications; and to strike #1 and #4 from the conditional applications; and to approve the balance of the completed and conditional off-premise beer retailer applications as contained on the lists. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

 (1) Padski Enterprises, LLC DBA – Club Monsoon 605 Main Street,
 Park City Transferring their bar license To: Main Street Thai, Inc
 Staying in the same location with the same DBA (Violation
 History - over a year old) *(Conditional)* (BAR)

 (2) RJN The Bears Den LLC, Magna DBA: The Bears Den, to: Hunter

 Smith Bears Den LLC DBA: The Bears Den, Magna. (BAR) (*Conditional) (Stage approval needed)*

 (3) The Power Plant, DBA: The Filling Station, Magna, to: Hunter

 Smith Filling Station, Magna DBA: The Power Plant, Magna. (BAR) *(Conditional)*

Margaret Hardie gave an overview of the full license transfer applications noting all are conditional and #2 The Bears Den will require stage approval.

Mr. Jacobson moved to approve conditional full license transfers for #1 Main Street Thai, Inc. in Park City; The Bears Den in Magna along with stage approval; and The Power Plant in Magna. Ms. Orton seconded the motion which passed unanimously.

  **51% Ownership Change:**

(1) Everest Kitchen, South Jordan, DBA Himalayan Kitchen. (RL)

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

Ms. Orton moved to approve a 51% ownership change for #1 Himalayan Kitchen in South Jordan. Ms. Tennert seconded the motion which passed unanimously

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

 (1) Star & Star Inc., DBA 7-Eleven Store, Salt Lake City., to: DLight,

 Inc., DBA: 7-Eleven Store, Salt Lake City.

 (2) SH & Sons, Inc, Roy. DBA: SH & Sons., to: Kevin’s Food Stop, Inc.,

 DBA: Kevin’s Food Stop, Roy.

Margaret Hardie gave an overview of the off premise beer 51% license transfer applications noting #1 7-Eleven is conditional. Staff recommends approval.

Mr. Parrish moved to approve off premise beer 51% ownership changes for #1 7-Eleven Store in Salt Lake City and #2 Kevin’s Food Stop in Roy. Ms. Orton seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Ready to Operate:*

 (1) Why Kiki, Salt Lake City.

 (2) 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*

 *June 2021)*

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

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

 *opening April 2022)*

 (5) Edison House, Salt Lake City. *(Conditional)* (*projected opening*

 *March 2022)*

 (6) Quality Company, Salt Lake City. *(Conditional) (projected opening*

 *October 2021)* *(proximity issue)*

Mr. Nielsen noted that due to the forfeiture at the beginning of the meeting, two full bar establishment licenses are available.

The commissioners addressed #6 Quality Company in Salt Lake City. Cori Price gave an overview of the proximity issue noting the proposed location is 157 feet from Wasatch Christian Church. By statute, the commission may not issue a license to an outlet within 200 feet of a church.

Adam Bateman from Quality Company addressed the commission. He gave an overview of his business explaining that it is an art gallery that would like to sell alcohol. He also outlined his view that the business in question is owned by a church but doesn’t operate as a church.

Staff and Ms. Page confirmed that Wasatch Christian Church meets the statutory requirements of a church, holds regular worship services, and is within 200 feet of the proposed outlet.

Mr. Jacobson made a motion to deny #6 Quality Company in Salt Lake City a bar establishment license with the option to reapply if there is a substantial change of circumstances. Ms. Orton seconded the motion which passed unanimously.

Ms. Micklos noted that bar establishment licenses are up for renewal on May 31, 2021. Applicants that receive a license today will have to renew it next month. Representatives from the applicants ready to operate – Why Kiki and Bewilder Brewing – both confirmed they are okay renewing the license next month.

The commissioners discussed bar establishment license availability noting the next license by population will not be available until June and applicants in rural areas are almost ready to open. Bewilder Brewing confirmed they will take a summer seasonal if they are unable to obtain a full license. Cori Price reported on the construction status of several applicants.

Mr. Jacobson moved to grant a full bar establishment license to #1 Why Kiki in Salt Lake City. Mr. Bateman seconded the motion which passed unanimously.

Why Kiki confirmed they will surrender their summer seasonal bar establishment license. Representatives from The Spoke and Hive 35 Taphouse addressed the commission.

Mr. Jacobson moved to grant a summer seasonal bar establishment license to #2 Bewilder Brewing Company in Salt Lake City and to hold the full bar establishment license until the May meeting. Mr. Bateman seconded the motion. Mr. Nielsen, Mr. Jacobson, Mr. Bateman, Mr. Parrish, and Ms. Orton voted yea; Ms. Tennert and Ms. Thue voted nay. The motion passed.

c. Full Service Restaurant Applicants:

 *New Applicants:*

 (1) Circle D Eatery, Escalante.

 (2) Bangkok Thai, Park City. *(Conditional)*

 (3) Sterling Steak & Lounge, Park City. *(Conditional)*

 (4) Lola, Salt Lake City.

 (5) Sunday’s Best, Sandy. *(Conditional)*

(6) Camp Outpost Co., Springdale. *(Conditional)*

(7) La Cabana, Vernal.

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

Mr. Bateman moved to grant full service restaurant licenses to #1 Circle D Eatery in Escalante, #4 Lola in Salt Lake City, and #7 La Cabana in Vernal; and conditional full service restaurant licenses to #2 Bangkok Thai in Park City, #3 Sterling Steak & Lounge in Park City, #5 Sunday’s Best in Sandy, and #6 Camp Outpost Co. in Springdale. Mr. Jacobson seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Aspen Cove Resort, Panguitch. *(Conditional)*

(2) Paddock Lounge, Sandy. *(Conditional)*

 (3) Blondie’s Diner, Springdale.

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

Mr. Parrish moved to approve a limited service restaurant license for #3 Blondie’s Diner in Springdale; and conditional limited service restaurant licenses for #1 Aspen Cove Resort in Panguitch and #2 Paddock Lounge in Sandy. Mr. Jacobson seconded the motion which passed unanimously.

e. Banquet Catering Applicant:

 *New Applicant:*

(1) Camp Outpost Co., Springdale. *(Conditional)*

Miraz Rasoul gave an overview of the application noting it is complete and staff recommends approval.

Mr. Jacobson moved to approve a banquet catering license for #1 Camp Outpost Co. in Springdale. Mr. Parrish seconded the motion which passed unanimously.

f. Resort Applicant:

 *New Applicant:*

(1) Grand Summit Hotel, Park City.

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

Mr. Jacobson moved to approve a resort license for #1 Grand Summit Hotel in Park City. Mr. Bateman seconded the motion which passed unanimously.

g. Hotel Applicant:

 *New Applicant:*

 (1) Double Tree by Hilton – The Yarrow, Park City.

Mike Bishop gave an overview of the application noting it is complete and staff recommends approval.

Mr. Jacobson moved to approve a hotel license for #1 Double Tree by Hilton – The Yarrow in Park City. Ms. Orton seconded the motion which passed unanimously.

h. On Premise Beer Recreational Amenity Applicants:

 *New Applicants:*

 (1) The Ranches Golf Club, Eagle Mountain.

 (2) Links Grill @ Sun Hills G.C., Layton.

 (3) Links Grill @ Valley View G.C., Layton.

Rob Hanson gave an overview of the applications noting they are complete and staff recommends approval.

Mr. Jacobson moved to approve on premise beer recreational licenses for #1 The Ranches Golf Club in Eagle Mountain, #2 Links Grill @ Sun Hills G.C. in Layton, and #3 Links Grill @ Valley View G.C. in Layton. Ms. Orton seconded the motion which passed unanimously.

i. Restaurant “Beer Only” Applicants:

 *New Applicants:*

(1) El Matador Restaurant & Cantina, Ogden.

 (2) Red Tacos, Orem. *(Conditional)*

 (3) ~~Jensen’s Hitchin Post, Randlett~~. *STRIKE*

 (4) Bucket O’ Crawfish, Salt Lake City. *(Conditional)*

Bonnie Bills asked the commissioners to strike #3 Jensen’s Hitchin Post and gave an overview of the balance of the applications noting those that are conditional. Staff recommends approval.

Mr. Bateman moved to approve a beer only restaurant license for #1 El Matador Restaurant & Cantina in Ogden; and conditional beer only restaurant licenses for #2 Red Tacos in Orem and #4 Bucket O’ Crawfish in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason announced that Governor Cox and the economic development subcabinet held their meeting at DABC. This was the first agency visit by Governor Cox.

Ms. Clason also noted that the department is close to completing and publishing the strategic plan. She thanked the stakeholders that provided input on a host of issues.

Ms. Clason reminded licensees that bar establishment and liquor transport licenses are up for renewal on May 31, 2020.

Mr. Meier gave an update on new store construction. The new Taylorsville store is scheduled to open in June. The Redwood Road store relocation should be completed by November.

FINANCIAL UPDATE:

Mr. Williford gave an overview of the March performance numbers. He explained that customers continue to purchase higher priced items so revenue is up even though bottle sales are down.

Mr. Williford also explained that costs are up due to the construction and staffing of the new stores.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

There being no further business, the meeting adjourned at 11:55 a.m.

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Chairman