MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, MAY 25, 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, May 24, 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.

APPROVAL OF MINUTES:

Mr. Jacobson moved to approve the minutes of the Commission Meeting held April 27, 2021 and the Special Commission Meeting held April 28, 2021. Ms. Orton seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Nielsen made the following announcements:

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

 - Tuesday, June 22, 2021

 - Tuesday, July 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.

c. Holiday Closure:

 - Liquor stores and the DABC administrative office and warehouse will be closed

on Monday, May 31, 2021 for Memorial Day.

d. License Renewals:

 - Tuesday, June 1, 2021

 Deadline for filing all renewal materials and paying fees for Bar Establishment

license renewals.

PARENTS EMPOWERED UPDATE:

Doug Murakami explained why DABC is involved in underage drinking prevention. It is part of the DABC mission and statute directs the department to promote the reduction of the harmful effects of alcohol consumption by minors. He outlined the possible consequences of underage drinking and explained that the campaign is focused on parents as their involvement at an early age decreases the risk of underage drinking.

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

 (employee).

 (2) Boston’s The Gourmet Pizza, Layton and Ashleigh \*SBI (RE)

 Martinez (employee).

 (3) Buffalo Wild Wings, Logan and Mackenzie Wade \*SBI (RE)

 (employee).

 (4) Culichi Kitchen, Orem and Maria Luisa Beccerra \*SBI (RL)

 Sandoval (employee).

 (5) Guras Spice House, Salt Lake and Chandrika \*SBI (RL)

 Gurung (employee).

 (6) Hive Winery, Layton and Audre Broadbent \*SBI (PA)

 (employee).

 (7) Huhot Mongolian Grill, St George and Alexander \*SBI (RL)

 Pedresov (employee).

 (8) India Palace, Provo and Ravinder Singh (employee) \*SBI (RL)

 (9) Joy Luck Restaurant, Sandy and Phuong Dieu \*SBI (RL)

 Quan (employee).

 (10) Kabuki Japanese Steakhouse, Logan and Jaron \*SBI (RL)

 Larson (employee).

 (11) Kickin Seafood, Layton and Dan Zhang (employee). \*SBI (RL)

 (12) Maverik #604, Logan and Taylor Czirban \*SBI (OP)

 (employee).

 (13) New Logan Market, Logan and Diego Molina \*SBI (OP)

 (employee).

 (14) Pancho & Lefty’s Utah, St George and Nancy \*SBI (RE)

 Sandoval (employee).

 (15) Shoga Japanese Sushi Bar & Restaurant, Orem \*SBI (RL)

 and Samantha Bickerstaff (employee).

 (16) Swain Brothers, Bernal and Kristin Nichol Hutt \*SBI (RE)

 (employee).

 (17) Won Won Wok, Saratoga Springs and Caitlin \*SBI (RL)

 Paige White (employee).

 (18) L.W. Truck Stop, Logan and Gabriel Anderson \*SBI (OP)

 (employee).

 (19) Smith’s Food & Drug #80, Salt Lake and Joshua \*SBI (OP)

 Schnirel (employee).

 (20) Smith’s #77, Salt Lake and Devon Jensen \*SBI (OP)

 (employee).

 (21) Huhot Mongolian Grill, Sandy and Kaemi Dawn \*SBI (RL)

 Lovendahl (employee).

 (22) Café Silvestre, West Valley and Jorge Martinez- \*SBI (RE)

 Tapia (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. Ms. Orton seconded the motion which passed unanimously.

 b. Orders to Show Cause:

 (1) ~~Trolley Wing Company, Salt Lake~~. *STRIKE*

 (2) ~~Taggart’s Grill, Morgan~~. *STRIKE*

 (3) Kimi’s Chop & Oyster House, Salt Lake City. (BAR)

Rob Hansen provided a timeline and overview of the items in the order to show cause. Kimi’s is a dual licensed premise on two floors (full restaurant downstairs and bar upstairs). During a recent audit it was found that the bar appears to have been closed three separate times, ten days or more, as there are no separate records and an extended closure was not requested. Mr. Hansen also noted that Kimi’s bar license is on the agenda today for a transfer to Bout Time Pub and Grub.

Tanner Lenart, representing Kimi’s, addressed the commission. Ms. Lenart gave an overview of the statutes dealing with operations and focused on interpretation of being open and operating. Kimi Eklund was out of the country and had difficulty connecting so addressed the commission via Tim Ryan’s telephone. Mr. Ryan is on the agenda for a transfer of the bar license. Ms. Eklund outlined the difficulties her restaurant and bar have faced due to the pandemic and the resulting financial strain.

The commissioners, Ms. Page, staff, Ms. Lenart and Ms. Eklund discussed the license closure statute requirements, dual license operational requirements, and pandemic closures. Mr. Jacobson noted that due to closures of ten or more days, it appears the commission has no alternative per 32B-5-309 but to declare that the license has been forfeited. Ms. Page clarified the differences between being operationally open and the transfer statute language.

Mr. Jacobson moved to deem the bar establishment license held by Kimi’s Chop & Oyster House in Salt Lake City forfeited. Mr. Parrish seconded the motion. Mr. Nielsen asked for a roll call vote. Mr. Nielsen, Mr. Jacobson, Mr. Bateman, Mr. Parrish, Ms. Orton and Ms. Thue voted aye; Ms. Tennert voted nay. The motion passed.

DISCUSSION OF POTENTIAL NON-RENEWAL OF BAR LICENSE:

a. ~~Durango Bar, Salt Lake City~~. *STRIKE*

Mr. Jacobson moved to continue this item to a meeting in June. Ms. Orton seconded the motion which passed unanimously.

REQUESTS FOR CHANGE FROM FULL YEAR TO WINTER SEASONAL LICENSES:

a. The Mariposa, Park City. (RE)

b. Deer Valley Resort Restaurant, Park City. (RE)

c. Fireside Dining, Park City. (RE)

Nicole Hall 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 Mariposa in Park City (RE), Deer Valley Resort Restaurant in Park City (RE), and Fireside Dining in Park City (RE). Mr. Parrish seconded the motion which passed unanimously.

REQUEST FOR CHANGE FROM WINTER SEASONAL TO A FULL YEAR LICENSE:

a. Snowed Inn Sleigh Company, Park City. (RE)

Nicole Hall gave an overview of the request to move to a full year license.

Ms. Orton moved to approve the request to move from a winter seasonal to a full year license for Snowed Inn Sleigh Company in Park City (RE). Ms. Tennert seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Snowbasin Day Lodge, Huntsville. (RE)

Cori Price gave an overview of the request for an extended closure until November when the ski season begins. The commissioners and staff discussed the possibility of Snowbasin Day Lodge moving to a winter seasonal license. Ms. Page noted it is not on the agenda to move to a winter seasonal license today. She recommended action on the extended closure request. The move to a winter seasonal license may be considered next month.

Mr. Jacobson moved to approve an extended closure until the June commission meeting for Snowbasin Day Lodge in Huntsville. Mr. Parrish seconded the motion which passed unanimously.

b. Atomic Lounge, Moab. (BAR)

Stephne Hanson gave an overview of the request noting they are closed due to the pandemic and UDOT construction adjacent to their business. Kevin Dwyer, representing Atomic Bar, explained that UDOT construction is impeding access to the property and covering the parking spaces required by the City of Moab.

Mr. Parrish moved to approve an extended closure for Atomic Lounge in Moab until the June commission meeting. Mr. Bateman seconded the motion which passed unanimously.

c. ~~Koral Kafe & Entertainment, Washington~~. *STRIKE*

d. ~~Tuscan, Price~~. *STRIKE*

REQUEST FOR TRANSFER OF LOCATION AND DBA NAME CHANGE:

a. West Side Tavern (old DBA name) to Squatters Pub Brewery Loft Bar

(2nd and 3rd floors only -- new DBA name) (BAR)

 From: 1763 South 300 West, Salt Lake City.

 To: 147 West Broadway (2nd and 3rd floors only), Salt Lake City.

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

Mr. Bateman moved to approve a transfer of location and DBA name change for Squatters Pub Brewery Loft Bar in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

MANUFACTURING APPLICANTS:

a. ~~Prodigy Brewing, Logan~~. *STRIKE*

b. Vintage Spirits Distillery, Midvale. (Manufacture Distillery)

c. Old Town Cellars, Heber City. (second location) (Manufacture Winery)

Dan Oberg asked the commissioners to strike Prodigy Brewing and gave an overview of the other applicants noting staff recommends approval.

Ms. Thue moved to approve manufacturing licenses for Vintage Spirits Distillery in Midvale and Old Town Cellars in Heber City. Ms. Tennert seconded the motion which passed unanimously.

EDUCATIONAL PERMIT APPLICANT:

a. Easley Art Studio, West Jordan.

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

Mr. Bateman moved to approve an educational permit for Easley Art Studio in West Jordan. Mr. Jacobson seconded the motion which passed unanimously.

LICENSE RENEWALS:

a. Liquor Transport Renewals.

Chris Johnson gave an overview of the liquor transport renewals noting they are complete and staff recommends approval.

Ms. Orton moved to approve the liquor transport renewal applications. 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 asked the commissioners to strike #4 Family Dollar in Vernal from the completed applications; and to strike #2 Aspen Cove from the conditional applications. Ms. Hanson gave an overview of the balance of the applications noting staff recommends approval.

Ms. Orton moved to strike #4 Family Dollar in Vernal from the completed applications; and to strike #2 Aspen Cove from the conditional applications; and to approve the balance of 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 Transfer Applications:

 **Full Transfers:**

(1) ~~Kimistyle, LLC., DBA Kimi’s Chop & Oyster House, Salt Lake~~

 ~~City. To: BTVY LLC DBA: Bout Time Pub & Grub, Vineyard~~.

 *STRIKE*

(2) Café Niche, Inc., DBA: Café Niche, Salt Lake City. *(Conditional)*

 (3) Bayleaf, LLC., DBA Riverbank Bar, Salt Lake City. To: Milk LLC.,

 DBA: Milk, Salt Lake City. *(Conditional)*

(4) Adolph’s Grill Room, LLC, DBA: Adolph’s Grill Room, Park City.

 To: The Star Bar LLC, Park City. *(Conditional)*

Margaret Hardie asked the commissioners to strike #1 Kimistyle as the license was deemed forfeited. Ms. Hardie gave an overview of the balance of the full license transfer applications noting all are conditional.

Ms. Orton moved to approve conditional full license transfers for #2 Café Niche in Salt Lake City and #3 Milk in Salt Lake City; and a full license transfer for #4 Adolph’s Grill Room in Park City. Ms. Thue seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Ready to Operate:*

 (1) Bewilder Brewing Company, Salt Lake City. *(Summer seasonal*

 *requesting full year license)*

 *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 September*

*2021)*

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

 *opening April 2022)*

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

 *March 2022)*

 *New Applicants:*

(1) State Road Tavern, Kamas.

Mr. Nielsen noted that due to the forfeiture at the beginning of the meeting, two full licenses and one winter seasonal license are available.

Cori Price noted that if the winter seasonal is granted to Bewilder Brewing it may be combined with the summer seasonal they currently hold. The combination would grant them a full year license.

Mr. Jacobson moved to grant #1 Bewilder Brewing Company a winter seasonal license to make a full year bar establishment license. Ms. Orton seconded the motion which passed unanimously.

Ms. Price updated the commissioners on the projected opening dates. The Spoke is now projected to open in August and Hive 435 Taphouse around the middle of July. She noted new applicant State Road Tavern had a bar license but released it when construction was delayed. They are now ready to open.

Mr. Jacobson moved to grant a full year bar establishment license to new applicant #1 State Road Tavern in Kamas. Ms. Orton seconded the motion which passed unanimously.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) The Lakehouse @ Deer Creek, Heber City.

 (2) Ichiban Sushi & Asian Food, Layton.

 (3) Prodigy Brewing, Logan.

 (4) Salt Box, Park City.

 (5) Under Wraps, Pleasant Grove. *(Conditional)*

(6) Pizza Nono, Salt Lake City. *(Conditional)*

 (7) Pago on Main, Salt Lake City. *(Conditional)*

 (8) Porkys Carnitas, Salt Lake City. *(Conditional)*

 (9) Senorita’s 3rd Floor Cantina, Springville.

Anita Knowley 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 The Lakehouse @ Deer Creek in Heber City, #2 Ichiban Sushi & Asian Food in Layton, #3 Prodigy Brewing in Logan, and #4 Salt Box in Park City; and conditional full service restaurant licenses to #5 Under Wraps in Pleasant Grove, #6 Pizza Nono in Salt Lake City, #7 Pago on Main in Salt Lake City, #8 Porkys Carnitas in Salt Lake City, and #9 Senorita’s 3rd Floor Cantina in Springville. Ms. Orton seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Greek Streak 2, Logan. *(Conditional)*

 (2) Lee’s Mongolian BBQ, Ogden.

 (3) Taste of Thai, Park City.

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

Mr. Parrish moved to approve limited service restaurant licenses for #2 Lee’s Mongolian BBQ in Ogden and #3 Taste of Thai in Park City; and a conditional limited service restaurant license for #1 Greek Streak 2 in Logan. Ms. Orton seconded the motion which passed unanimously.

e. Hospitality Amenity Applicant:

 *New Applicant:*

(1) ~~Salt Lake City Marriott – City Center, Salt Lake City~~. *STRIKE*

f. On Premise Beer Recreational Amenity Applicants:

 *New Applicants:*

 (1) Riverbend Café, Riverton.

 (2) The Merc, Roosevelt.

 (3) ~~All Star Café @ Mountain View G.C., West Jordan~~. *STRIKE*

Rob Hanson noted #3 All Star Cafe was stricken and gave an overview of the other two applications noting they are complete and staff recommends approval.

Mr. Jacobson moved to approve on premise beer recreational licenses for #1 Riverbend Cafe in Riverton and #2 The Merc in Roosevelt. Ms. Orton seconded the motion which passed unanimously.

g. Restaurant “Beer Only” Applicant:

 *New Applicant:*

(1) Fat Daddy’s Pizzeria, Provo.

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

Ms. Orton moved to approve a beer only restaurant license for #1 Fat Daddy’s Pizzeria in Provo. Ms. Thue seconded the motion which passed unanimously.

h. On-Premise Beer “Tavern” Applicants:

 *New Applicants:*

(1) Offset Brewing, Park City. *(Conditional)*

 (2) West Side Tavern, Salt Lake City.

Abe Kader gave an overview of the applications noting #1 Offset Brewing is conditional. Staff recommends approval.

Mr. Jacobson moved to approve a conditional tavern license for #1 Offset Brewing in Park City; and a tavern license for #2 West Side Tavern in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

i. Package Agency Applicants:

 *New Applicants:*

 (1) Aspen Cove Resort, Panguitch. (Type 1)

 (2) Vintage Spirits Distillery, Midvale. (Type 5)

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

Mr. Jacobson moved to approve package licenses for #1 Aspen Cove Resort in Panguitch (Type 1) and #2 Vintage Spirits Distillery in Midvale (Type 5). Ms. Tennert seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason reminded licensees that bar establishment licenses are up for renewal on May 31, 2021. She also noted that as life gets back to normal, the number of temporary beer and single event permit applications has greatly increased. She reminded everyone that applications should be submitted 30 days in advance of the event in order for staff to process the application and meet the statutory notification requirements.

FINANCIAL UPDATE:

Mr. Williford gave an overview of the April performance numbers. He explained that the upward trend continues and sales are on track to exceed last year’s numbers. Bottle sales are down but customers continue to purchase higher priced items so revenue is up.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

CLOSED SESSION *(not on agenda)*

Mr. Jacobson made a motion that the commission move into a closed session to discuss pending or imminent litigation. Ms. Orton seconded the motion. Mr. Nielsen, Mr. Jacobson, Mr. Bateman, Ms. Orton, Mr. Parrish, Ms. Tennert and Ms. Thue voted aye. The motion passed. *(11:39 a.m.)*

Mr. Nielsen made a motion to move from closed to open session. Mr. Bateman seconded the motion which passed unanimously. *(12:05 p.m.)*

There being no further business, Mr. Bateman moved to adjourn at 12:10 p.m.

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Chairman