MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, JULY 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, July 26, 2021.]*

Chairman Thomas N. Jacobson called the meeting to order at 10:00 a.m.

Commissioners Present: Thomas N. Jacobson, Stanley B. Parrish, Juliette Tennert, Tara Thue, Natalie Randall and Jennifer Tarazon.

Commissioner Participating Virtually: Jacquelyn Orton.

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

Also Present: Sheila Page, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Cade Meier led the group in the Pledge of Allegiance.

COMMISSION BUSINESS:

a. Welcome Commissioner Natalie Randall and Commissioner Jennifer Tarazon.

Mr. Jacobson welcomed the two new commissioners and thanked them for their willingness to serve.

b. Vice-Chair Election.

The commissioners voted via paper ballot to elect Juliette Tennert as Vice-Chair of the Alcoholic Beverage Control Commission.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Special Commission Meeting held June 15, 2021. Ms. Orton seconded the motion which passed unanimously.

Ms. Orton moved to approve the minutes of the Commission Meeting held June 22, 2021. Ms. Thue seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, August 31, 2021

 - Tuesday, September 28, 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 stated the Utah Substance Abuse Advisory Council (USAAV) reviewed and approved the Parents Empowered budget for the next fiscal year. He also noted the new television spots will be filmed next week and should launch mid-August. Finally, he showed a video clip made by a USU student with SAMHSA funds.

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) Red Robin, South Jordan and Meckenzy Maxwell \*SBI (OP)

 (employee).

 (2) Steiny’s Family Sports Grill, Ogden and Shelly \*SBI (RL)

 Ziegler (employee).

 (3) Sushi Blue, Park City and Hannah Pratt \*SBI (RE)

(employee).

 (4) Tokyo Station, Ogden and Marieta Denan \*SBI (RL)

 (employee).

 (5) Wasatch Bagel & Grill, Park City and Efrain \*SBI (RE)

 Perez (employee).

 (6) Winger’s, Clearfield and Shaybree Pope \*SBI (RB)

 (employee).

 (7) Pig & A Jelly Jar, Ogden and Vinicius Pimenta \*SBI (RL)

 (employee).

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

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

UPDATE ON EXTENDED CLOSURE REQUESTS:

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

Margaret Hardie explained that they have been closed for over a year and are unable to provide an opening date. They are having problems staffing their business.

Ms. Thue moved to direct staff to continue communicating with management at Hyatt House H Bar in Salt Lake City to set an opening date and to address the extended closure again at the August commission meeting. Ms. Tennert seconded the motion which passed unanimously.

b. Publik Ed’s, Salt Lake City. (RB)

Cori Price gave an overview of the request for an extended closure until the August meeting. Joe Gee from Publik Ed’s explained that they had a fire and are finishing a reconstruction project.

Mr. Parrish moved to approve an extended closure for Publik Ed’s in Salt Lake City until the August commission meeting. Ms. Thue seconded the motion which passed unanimously.

c. ~~Hyatt Place, SLC Airport, Salt Lake City~~. *STRIKE*

UPDATE ON BAR ESTABLISHMENT LICENSE:

a. Scion Cider, Salt Lake.

Cori Price explained that they were granted a transferred bar license in June and are still under construction. They are here to provide the commission with an update.

Riordan Connelly from Scion Cider outlined the work that has been done since the bar license was transferred to Scion Cider at the June commission meeting. The commissioners and Mr. Connelly discussed a realistic date for construction to be completed.

Ms. Thue moved to approve a conditional bar establishment license extension for Scion Cider in Salt Lake City until the October 26, 2021 commission meeting. Mr. Parrish seconded the motion which passed unanimously.

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

a. Cafe 52, Park City. (RE)

Nicole Hall gave an overview of the request noting they are adjacent to Deer Valley Resort.

Mr. Parrish moved to approve a full restaurant license change from full year to winter seasonal for Cafe 52 in Park City. Ms. Thue seconded the motion which passed unanimously.

AIRPORT LOUNGE APPLICANT:

a. ~~White Horse Spirits & Kitchen, Salt Lake City~~. *STRIKE*

EDUCATIONAL PERMIT APPLICANT:

a. Thunder Biotech in Provo.

Abe Kader gave an overview of the scientific/educational application noting it is complete and staff recommends approval. Dr. Thorne from Thunder Biotech explained that alcohol will be used as part of their cancer research process.

Ms. Thue moved to approve a scientific/educational license for Thunder Biotech in Provo. Ms. Tennert seconded the motion which passed unanimously.

MANUFACTURE BREWERY APPLICANTS:

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

b. Offset Brewing, Park City.

Nicole Hall asked the commissioners to strike Prodigy Brewing and gave an overview of the Offset Brewing application. Staff recommends approval.

Ms. Thue moved to approve a manufacture brewery license for Offset Brewing in Park City. Ms. Orton seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

a. Completed Applications. *(list attached)*

b. ~~Conditional Applications~~. *STRIKE*

Stephne Hanson asked the commissioners to strike #2 Hinckley Station and #5 JJ’s Mercantile from the completed list and gave an overview of the balance of the applications noting staff recommends approval. She noted there were no conditional applications this month.

Ms. Thue moved to strike #2 Hinckley Station and #5 JJ’s Mercantile from the completed off-premise beer retailer applications and to approve the balance of the items contained on the list. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

(1) ~~Mulligans Social Club, Logan., DBC Mulligans To: Fresh Lines Food~~

 ~~Concepts, Logan.~~ *STRIKE*

 **Off-Premise Beer Transfers:**

(1) 7-Eleven Corp., SLC.,DBA 7-Eleven Store # 38707A to Summit

 Inc., DBA 7-Eleven Store # 38707A, SLC. *(Conditional)*

 (2) Rajan, Inc., DBA 7-Eleven Store # 23558C, Ogden, To: SGNR,

 Inc., DBA 7-Eleven Store # 23558D, Ogden. *(Conditional)*

(3) 1350 Clearfield Chevron, Clearfield to SAMP LLC., DBA:

 Chevron Clearfield.

 (4) HFO LLC., DBA Big Smoke #402, SLC., To: Jackson Bevco Inc.

 DBA: Big Smoke #402, SLC. *(Conditional)*

(5) HFO, LLC., DBA Big Smoke #403, SLC., To: Jackson Bevco Inc.

 DBA: Big Smoke #403, SLC. *(Conditional)*

(6) Ashman’s Pioneer Market, Fillmore, DBA Pioneer Market. To:

 Eagle Market, Fillmore.

 (7) JK Stowers Investments, LLC., DBA Bear Lake Chevron, Garden

 City. To: Fast Stop 1129, Garden City. *(Conditional)*

(8) MJC, LLC., DBA Shady Acres, Green River. To: Shady Acres

 Development, LLC., DBA Shady Acres, Green River.

 (9) Ivory Ridge C-Store LLC., DBA Fresh Mart, Lehi. To:

 Wind River Petroleum. DBA Top Stop Convenience Store C-20,

 Lehi. *(Conditional)*

Margaret Hardie asked the commissioners to strike the full license transfer application and gave an overview of the off-premise beer transfers. She noted those that are conditional and that the sale transactions for #1 7-11, #2 7-11 and #3 Chevron will not close until August.

Ms. Thue moved to approve full off-premise beer license transfers effective upon the actual closing of the transactions for #1 7-Eleven Store #38707A in Salt Lake City effective August 3, 2021 and #3 Chevron in Clearfield effective August 1, 2021; a conditional full off-premise beer license transfer effective upon the actual closing of the transaction for #2 7-Eleven Store #23558D in Ogden effective August 4, 2021; conditional full off-premise beer license transfers for #4 Big Smoke #402 in Salt Lake City and #7 Fast Stop 1129 in Garden City; and full off-premise beer license transfers for #5 Big Smoke #403 in Salt Lake City, #6 Eagle Market in Fillmore, #8 Shady Acres in Green River, and #9 Top Stop Convenience Store C-20 in Lehi. Ms. Tennert seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Projected Future Opening:*

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

 (2) Garage Grill, Herriman. *(Conditional) (projected opening October*

*2021)*

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

 *opening April 2022)*

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

 *March 2022)*

(5) Bout Time Pub & Grub, Bluffdale. *(Conditional)* (*projected opening*

 *July 2022)*

 *Previous Applicants:*

 (1) Bout Time Pub & Grub, Vineyard. *(Conditional) (projected opening*

*September 2021)*

 (2) Spiritual, St George. *(Conditional) (projected opening July 2021)*

 (3) Casot, Salt Lake City. *(Conditional) (projected opening August 2021)*

 *New Applicant:*

(1) Eight Settlers, Salt Lake City (Cottonwood Heights). *(Conditional)*

Erin Hinkel noted that two licenses are available today. The next licenses available by population will be in September and November. Another license remains on hold pending the outcome of filings by the former licensee. She gave an overview of the five applicants close to opening.

Mr. Jacobson invited the applicants to address the commission. Charlie Carden from Edison House, Tim Ryan from Bout Time Pub & Grub, Scott Evans from Casot, and Katia Dugala from Eight Settlers addressed the commission regarding the readiness of their businesses to open and use a bar establishment license.

Noting they are ready to open once staff conducts a final inspection, Ms. Thue moved to grant a conditional full year bar establishment license to new applicant #1 Eight Settlers Cottonwood Heights in Salt Lake City. Ms. Tennert seconded the motion which passed unanimously.

As the remaining applicants are not ready to open, Mr. Parrish moved to continue the applications and hold the remaining license until the August commission meeting. Ms. Tennert seconded the motion which passed unanimously.

A representative from Spiritual was not available during the bar establishment license consideration. Since they had voiced they would be participating, Ms. Hinkel contacted them and they were able to join the meeting virtually later in the agenda.

At that time, Ms. Thue moved to reopen consideration of the bar estabishment applications. Ms. Tennert seconded the motion which passed.

Jashur and Lisa Philips addressed the commission. They gave an update on the remaining items that need to be completed prior to opening.

After consideration, no additional motions were made.

c. Full Service Restaurant Applicants:

 *New Applicants:*

 (1) Doug’s BBQ, Monticello. *(Conditional)*

(2) Wimpy and Fritz, Ogden. *(Conditional)*

(3) Via 313 Pizzeria, Orem. *(Conditional)*

(4) ~~Cytibyrd, Salt Lake City~~. *STRIKE*

 (5) Fenice Mediterranean Bistro, Salt Lake City. *(Conditional)*

(6) The Capital Grill #8069, Salt Lake City. *(Conditional)*

(7) Copper Creek Pub & Grub, Salt Lake City.

(8) U Club, Salt Lake City. *(Conditional)*

 (9) Stanza Italian Bistro & Wine Bar, Salt Lake City. *(Conditional)*

 (10) ~~Granelli’s Pizza, Smithfield~~. *STRIKE*

 (11) Trolley Wing Company, Taylorsville. *(Conditional)*

Dan Oberg asked the commissioners to strike #4 Cytibyrd and #10 Granelli’s and gave an overview of the balance of the applicants noting those that are conditional. Mr. Oberg reminded all applicants that if they are issued a license today, they will have to renew in September. Staff recommends approval.

Ms. Thue moved to grant conditional full service restaurant licenses to #1 Doug’s BBQ in Monticello, #2 Wimpy and Fritz in Ogden, #3 Via 313 Pizzeria in Orem, #5 Fenice Mediterranean Bistro in Salt Lake City, #6 The Capital Grill #8069 in Salt Lake City, #8 U Club in Salt Lake City, #9 Stanza Italian Bistro & Wine Bar in Salt Lake City, and #11 Trolley Wing Company in Taylorsville; and a full service restaurant license to #7 Copper Creek Pub & Grub in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Side of Aloha, Draper. *(Conditional)*

 (2) R & R BBQ, Farmington.

 (3) R & R BBQ, Lehi.

 (4) R & R BBQ, North Salt Lake.

 (5) ~~Boat Haus, Ogden~~. *STRIKE*

 (6) Richie Lush’s Tennessee BBQ, Park City. *(Conditional)*

(7) R & R BBQ, Provo.

(8) Tias Artisan Bakery & Restaurant, St George.

 (9) ~~Seafood Bucket Cajun Style, Salt Lake City~~. *STRIKE*

 (10) R & R BBQ, Salt Lake City.

 (11) R & R BBQ, Spanish Fork.

Cori Price asked the commissioners to strike #5 Boat Haus and #9 Seafood Bucket. She gave an overview of the balance of the applications noting those that are conditional. Ms. Price reminded all applicants that if they are issued a license today, they will have to renew in September. Staff recommends approval.

Ms. Thue moved to approve limited service restaurant licenses for #2 R & R BBQ in Farmington, #3 R & R BBQ in Lehi, #4 R & R BBQ in North Salt Lake, #7 R & R BBQ in Provo, #8 Tias Artisan Bakery & Restaurant in St. George, #10 R & R BBQ in Salt Lake City and #11 R & R BBQ in Spanish Fork; and conditional limited service restaurant licenses for #1 Side of Aloha in Draper and #6 Richie Lush’s Tennessee BBQ in Park City. Ms. Tennert seconded the motion which passed unanimously.

e. Hospitality Amenity Applicant:

 *New Applicant:*

(1) Yotelpad Park City, Park City.

Rob Hansen gave an overview of the application noting staff recommends approval.

Ms. Tennert moved to approve a hospitality amenity license for #1 Yotelpad Park City in Park City. Ms. Thue seconded the motion which passed unanimously.

f. Hotel Applicant:

 *New Applicant:*

(1) Doubletree by Hilton SLC Airport, Salt Lake City. (RE, BC, BAR)

Rob Hansen gave an overview of the application noting it is complete and staff recommends approval.

Ms. Thue moved to approve a hotel license for #1 Doubletree by Hilton SLC Airport in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

g. Banquet Catering Applicants:

 *New Applicants:*

(1) Yotelpad Park City, Park City.

 (2) U Club, Salt Lake City. *(Conditional)*

Cori Price gave an overview of the applications noting #2 U Club is conditional. Staff recommends approval.

Erin Stone and Caroline Niche from U Club gave an overview of the banquet catering and restaurant operations.

Ms. Thue moved to approve a banquet catering license for #1 Yotelpad Park City in Park City; and a conditional banquet catering license for #2 U Club in Salt Lake City. Ms. Tennert recused herself as she is an employee of the University of Utah. Mr. Parrish seconded the motion which passed unanimously.

h. On Premise Beer Recreational Amenity Applicant:

 *New Applicant:*

 (1) The Grill @ Sun Hills G.C., Layton.

Bonnie Bills gave an overview of the application noting it is complete and staff recommends approval.

Mr. Parrish moved to approve an on premise beer recreational license for #1 The Grill @ Sun Hills G.C. in Layton. Ms. Thue seconded the motion which passed unanimously.

i. Package Agency Applicant:

 *New Applicant:*

(1) Offset Brewing, Park City. (Type 5)

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

Ms. Thue moved to approve a Type 5 package agency license for #1 Offset Brewing in Park City. Ms. Tennert seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason updated the commission on her statewide tour of DABC facilities and rountable meetings with industry representatives. She also discussed the Patron tequila limits resulting from an agave shortage. Ms. Clason announced an Equity, Diversity, Inclusion and Access (EDIA) iniative to work on internal and external issues. Commissioner Orton will join Ms. Clason in leading the iniative efforts. Additionally, the department is recruiting for a returnship opportunity. A returnship is offered to those that have been out of the workforce for over a year and are looking for experience as they return. Finally, Ms. Clason outlined the efforts to provide more kosher products in the stores.

Cade Meier updated the commission on the recent Zions Bank study to determine where to put future stores. He also noted the special order system is being enhanced and will be easier to navigate. Finally, he noted that the department is monitoring the COVID-19 recommendations and will continue to provide employees with the proper protective equipment.

FINANCIAL UPDATE:

Mr. Williford gave an overview of the June and FY2021 year-end performance numbers. Sales for FY2021 totaled $517 million, a $17 million increase over the previous fiscal year. The profit transfer is currently estimated to be $121 million.

Mr. Williford noted bottle sales continue to increase. He also reviewed the June performance numbers for the four newest stores.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Melva Sine from the Utah Restaurant Association gave an update on the restaurant industry and the effects of the pandemic on employees and owners.
* Steve Conlin from Ogden’s Own updated the commission on his business. They’ve opened a new facility, donated hand sanitizer and funds to industry members, and continue to face challenges getting product on the shelves.

There being no further business, the meeting adjourned at 11:40 a.m.