MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, AUGUST 31, 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, August 30, 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:

Chris Johnson led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Ms. Thue moved to approve the minutes of the Special Commission Meeting held July 21, 2021. Mr. Parrish seconded the motion which passed unanimously.

Ms. Thue moved to approve the minutes of the Commission Meeting held July 27, 2021. Mr. Parrish seconded the motion which passed unanimously.

Ms. Thue moved to approve the minutes of the Special Commission Meeting held August 13, 2021. Ms. Tarazon seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, September 28, 2021

 - Tuesday, October 26, 2021

b. Holiday Closure:

 - Monday, September 6, 2021 (Labor Day)

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

c. 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 campaign. He noted six new television spots were launched successfully. They’ve started production on the radio spots and the digital content will follow.

Mr. Murakami gave an overview of the Community Partnership Projects (CPP). This year 16 communities were selected to receive funds to help get the PE message to their local coalitions and communities.

ADMINISTRATIVE RULE:

a. R82-1-102 Definitions – Controlled Group of Breweries.

Ms. Micklos explained that during the 2021 legislative session a statute passed that allows the commission to define controlled group of breweries. After the rule was approved during the June meeting, staff received feedback from the beer wholesalers that provided additional clarity to the definition. Ms. Micklos gave an overview of the updated language.

Mr. Parrish moved to approved the proposed change to R82-1-102 Definitions and send it through the rulemaking process. Ms. Thue seconded the motion which passed unanimously.

ADVISORY BOARD APPOINTMENT:

a. Michael Holt, Alcohol Enforcement, replacing Troy Denney.

Ms. Micklos explained that Captain Denney requested Sergeant Michael Holt replace him on the Alcoholic Beverage Control Advisory Board. Sgt. Holt has over 20 years experience in liquor law enforcement.

Ms. Tennert moved to appoint Michael Holt to the Alcoholic Beverage Control Advisory Board. Ms. Thue seconded the motion which passed unanimously.

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) 7-Eleven Store # 22796B, Salt Lake City \*SBI (OP)

 and BhaktiRam Bhurtel (employee).

 (2) Leatherheads Sports Grill, Draper. \*SBI (BAR)

 (3) New Cassidy’s Club, Vernal and Taesha \*SBI (BAR)

 Kaylyn Atwood (employee).

 (4) Olive Garden, Riverdale and Loren Ortiz \*SBI (RE)

 (employee).

 (5) Wing Nutz, South Jordan and Jubal Holt \*SBI (RE)

 (employee).

 (6) Wing Nutz, Taylorsville and Dezarae \*SBI (RE)

 Nielsen (employee).

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

Ms. Randall moved to approve the items on the consent calendar. Ms. Tarazon seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

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

Anita Knowley explained that the venue is currently not allowing concessions. Kestrel Lidtke from Tin Angel addressed the commission and confirmed they are hoping to open in October.

b. Tsunami (Sugarhouse), Salt Lake City. (RE)

Ms. Knowley and a representative from Tsunami explained that they are requesting an extended closure due to construction delays and staffing problems.

Ms. Thue moved to approve extended closures for Tin Angel in Salt Lake City and Tsunami (Sugarhouse) in Salt Lake City until the October commission meeting. Ms. Tennert seconded the motion which passed unanimously.

c. ~~Hyatt House H Bar, Salt Lake City~~. *STRIKE*

d. ~~Sunny’s Bistro, Salt Lake City.~~ *STRIKE*

e. Winger’s, Kaysville. (RE)

Cori Price gave an overview of the request. Brandon Howard from Wingers USA outlined the staffing issues they are having and requested a closure until the November meeting.

Ms. Tarazon moved to approve an extended closure for Winger’s in Kaysville until the November commission meeting. Mr. Parrish seconded the motion which passed unanimously.

f. ~~Publik Ed’s, Salt Lake City~~. *STRIKE*

g. The State Room, Salt Lake City.

Stephne Hanson explained that they have a show scheduled on September 15, 2021. They are requesting an extended closure until that time.

Ms. Tarazon moved to approve an extended closure for The State Room in Salt Lake City until the September commission meeting. Ms. Thue seconded the motion which passed unanimously.

AIRPORT LOUNGE APPLICANT:

a. White Horse Spirits & Kitchen, Salt Lake City. *(Conditional)*

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

Mr. Parrish moved to approve a conditional airport lounge license for White Horse Spirits & Kitchen in Salt Lake City. Ms. Thue seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. Terrestoria, Salt Lake City.

Abe Kader gave an overview of the application. Stephanie Cuadra came forward to address the commission. She outlined her experience and how she plans to use the license.

Ms. Tennert moved to approve a local industry representative license for Terrestoria in Salt Lake City. Ms. Thue seconded the motion which passed unanimously.

MANUFACTURE WINERY APPLICANT:

a. The Vine Yard, Leeds.

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

Mr. Parrish moved to approve a manufacture winery license for The Vine Yard in Leeds. Ms. Tarazon 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 Caputo’s from the completed list and gave an overview of the balance of the applications on the completed and conditional lists. Staff recommends approval.

Ms. Thue moved to strike #1 Caputo’s from the completed off-premise beer retailer applications and to approve the balance of the items contained on the completed and conditional lists. Ms. Randall seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

(1) The Granite Club, SLC to: Below Zero Club, SLC. *(Conditional)*

 (2) Touche Tavern, South Sale Lake, to: Tailgate Tavern, South Salt

 Lake *(Conditional)*

(3) Josephine’s, LLC DBA: The State Road Tavern, Kamas to: FoodNStuff, LLC DBA: The Barn at High Star Ranch, Kamas. (BAR)

(4) The Barn at High Star Ranch, LLC DBA The Barn at High Star Ranch, Kamas to: FoodNStuff, LLC DBA The Barn at High Star Ranch, Kamas (BC, BE)

 (5) ~~Mim’s Bar & Grill, Corinne, to: Lou’s Bar & Grill, Corinne~~. *STRIKE*

Margaret Hardie asked the commissioners to strike #5 Mim’s Bar & Grill and gave an overview of the full license transfers. She noted those that are conditional.

Ms. Thue moved to grant a conditional full bar establishment license transfer to #1 Below Zero Club in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

Ms. Thue moved to grant a conditional full bar establishment license transfer to #2 Tailgate Tavern in South Salt Lake. Ms. Randall seconded the motion which passed unanimously.

Ms. Thue moved to grant a full bar establishment license transfer to #3 The Barn at High Star Ranch in Kamas; and full banquet catering and on-premise beer license transfers to #4 The Barn at High Star Ranch in Kamas. Ms. Randall seconded the motion which passed unanimously.

 **51% Ownership change of Entity:**

(1) Super Groceries, Inc., DBA Lamplight Lounge, Ogden.

 *(Conditional)* (BAR)

 (2) Super Groceries, Inc., DBA Super Groceries, Ogden.

 *(Conditional)* (OP)

 (3) Los Cucos, LLC., DBA: Los Cucos Mexican Café, Sandy.

 *(Conditional)* (RE)

Margaret Hardie gave an overview of the 51% ownership changes noting they are conditional.

Ms. Tennert moved to grant conditional 51% ownership changes to #1 Lamplight Lounge in Ogden and #2 Super Groceries in Ogden. Ms. Thue seconded the motion which passed unanimously.

Mr. Parrish moved to grant a conditional 51% ownership change to #3 Los Cucos Mexican Cafe in Sandy. Ms. Randall seconded the motion which passed unanimously.

 **Off-Premise Beer Transfers:**

(1) Super Groceries, Inc., DBA: Super Groceries to: Kashimir

 Enterprises, Inc., DBA Kwick Stop 2, Ogden *(Conditional)*

(2) Speedway LLC., to: Midwest Convenience, Inc. DBA Rebel #916,

 Sandy. *(Conditional)*

 (3) Speedway LLC., to: Midwest Convenience, Inc., DBA: Rebel

 #915, Sandy. *(Conditional)*

(4) ~~Speedway LLC., to: Rebel #913, Salt Lake City~~ *(STRIKE)*

(5) Speedway, LLC to Midwest Convenience, Inc., DBA: Rebel 912,

 Sandy. *(Conditional)*

(6) Petroleum Wholesale LP., to: Harts Gas & Food LLC., DBA:

 Nephi Chevron #80234, Nephi

(7) Petroleum Wholesale LP., to: Harts Gas & Food, LLC., DBA:

 Elwood Texaco #80232, Elwood.

(8) Petroleum Wholesale LP., to Harts Gas & Food, LLC DBA: Nephi

 Texaco #80233, Nephi.

Margaret Hardie asked the commissioners to strike #4 Rebel #913 in Salt Lake City and gave an overview of the off-premise beer transfers. She noted those that are conditional and those with sales transactions closing in September.

Mr. Parrish moved to approve conditional full off-premise beer license transfers effective upon the actual closing of the transactions for #1 Kwick Stop 2 in Ogden effective September 1, 2021, #2 Speedway Rebel #916 in Sandy effective September 14, 2021, #3 Speedway Rebel #915 in Sandy effective September 16, 2021, and #5 Speedway Rebel #912 in Sandy effective 15, 2021; and full off-premise beer license transfers to #6 Harts Gas & Food Nephi Chevron #80234 in Nephi, #7 Harts Gas & Food Elwood Texaco #80232 in Elwood, and #8 Harts Gas & Food Nephi Texaco #80233 in Nephi. Ms. Thue seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Previous Applicants:*

 (1) Spiritual, St George. *(Conditional) (projected opening September*

 *(2021)*

 (2) Casot, Salt Lake City. *(Conditional) (projected opening September*

 *2021)*

 (3) The Spoke, Moab. *(Conditional) (projected opening March 2022)*

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

*September 2021)*

 (5) Garage Grill, Herriman. *(Conditional) (projected opening December*

*2021)*

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

*July 2022)*

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

 *June 2022)*

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

 *opening February 2023)*

 *New Applicants:*

 (1) The Fifth, Bountiful.

 (2) The Ivy, Salt Lake City. *(Conditional)* *(will surrender full restaurant*

*license)*

 (3) The Green Room, Salt Lake City. *(Conditional) (projected opening*

 *January 2022)*

Ms. Clason explained that the 2020 census numbers have been updated and as a result of the increased population, there are now five bar establishment licenses available.

Erin Hinkel gave an overview of the applications noting the projected opening dates.

Mr. Jacobson invited the applicants to address the commission. Jashur Phillips from Spiritual, Scott Evans from Casot, Chantell Lindsay and Zach from The Spoke, Tim Ryan from Bout Time Pub & Grub, and Charlie Carden from Edison House came forward to address the commission.

Brad and Vicki Hepworth from The Fifth came forward to address the commission. They provided a history of the business and outlined the actions taken since the license was forfeited. Bonnie Bills, the compliance officer at the time of the forfeiture, provided a list of the issues staff dealt with prior to the forfeiture. Ms. Micklos noted all alcohol was supposed to be removed from the premise in April when the license was deemed forfeited. In June alcohol was found on site. Ms. Thue noted statute requires a substantial change in circumstances in order to reapply and management hasn’t changed.

Ms. Thue made a motion to deny the bar establishment license application from The Fifth and to not allow them to reapply for six months. Ms. Tennert seconded the motion which passed unanimously.

Brian Borenson from The Ivy, and Jacob from The Green Room addressed the commission regarding the readiness of their businesses to open and use a bar establishment license.

Ms. Thue moved to grant conditional bar establishment licenses to #1 Spiritual in St. George, #2 Casot in Salt Lake City, #4 Bout Time Pub & Grub in Vineyard, and new applicant #2 The Ivy in Salt Lake City. Mr. Parrish seconded the motion. Ms. Orton expressed concern about the construction timelines. Ms. Tennert asked that the applicants reiterate their projected construction completion dates.

Ms. Thue revised her motion. Ms. Thue moved to grant conditional bar establishment licenses to #1 Spiritual in St. George, #4 Bout Time Pub & Grub in Vineyard, and new applicant #2 The Ivy in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) Yardley’s Hitch N Post, Green River.

 (2) Aspen Cove Resort, Panguitch.

(3) Cytibyrd, Salt Lake City.

Dan Oberg gave an overview of the applications. Mr. Oberg reminded all applicants that if they are issued a license today, they will have to renew in September. Staff recommends approval.

Mr. Parrish moved to grant full service restaurant licenses to #1 Yardley’s Hitch N Post in Green River, #2 Aspen Cove Resort in Panguitch, and #3 Cytibyrd in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *Previous Applicant:*

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

 *New Applicants:*

 (1) Dirty Bird Fried Chxx, Ogden.

 (2) No Frills Diner, Ogden.

 (3) Ritual Chocolate Café, Park City.

(4) R & R BBQ, Pleasant Grove.

 (5) Sakura Japanese Steak & Sushi Bar, Price.

 (6) Hero Hot Pot, Salt Lake City.

(7) Gurkhas II, Salt Lake City.

(8) R & R BBQ, South Jordan.

Cori Price asked the commissioners to strike previous applicant #1 Seafood Bucket Cajun Style as they have a violation history and weren’t available to address the commission. She gave an overview of the balance of the applications noting they are complete and staff recommends approval.

Ms. Thue moved to approve limited service restaurant licenses for #1 Dirty Bird Fried Chxx in Ogden, #2 No Frills Diner in Ogden, #3 Ritual Chocolate Cafe in Park City, #4 R & R BBQ in Pleasant Grove, #5 Sakura Japanese Steak & Sushi Bar in Price, #6 Hero Hot Pot in Salt Lake City, #7 Gurkhas II in Salt Lake City, and #8 R & R BBQ in South Jordan. Ms. Tennert seconded the motion which passed unanimously.

e. On Premise Beer Recreational Amenity Applicant:

 *New Applicant:*

 (1) The Barn Golf Club, Ogden.

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

Ms. Thue moved to approve an on premise beer recreational license for #1 The Barn Golf Club in Ogden. Mr. Parrish seconded the motion which passed unanimously.

f. Restaurant “Beer Only” Applicant:

 *New Applicant:*

(1) Malena’s Café, Spanish Fork. *(Conditional)*

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

Ms. Thue moved to approve a conditional beer only restaurant license for #1 Malena’s Cafe in Spanish Fork. Ms. Tarazon seconded the motion which passed unanimously.

g. On Premise “Tavern” Applicant:

 *New Applicant:*

(1) Durango Bar, Salt Lake City. *(Conditional*)

Nicole Tarleton gave an overview of the management issues that led to the commission’s decision to not renew the bar license held by Durango. She explained that they are now applying for a tavern license. She noted that alcohol was found on the premises August 11, 2021 two months after their license expired. Staff does not recommend approval.

Randy Phillips, attorney representing Durango, Pablo Hinojosa, and new manager, Cassandra, came forward to address the commission. Mr. Phillips expressed concern that there may be a language issue. In addition to applying for a tavern license they are going to ask the commission to reconsider the denial of the bar establishment license. He outlined the legal actions being taken in regards to the bar license. Mr. Phillips also introduced new manager, Cassandra, and she gave an overview of her alcohol training and management experience.

Mr. Parrish made a motion to deny a tavern license for Durango Bar in Salt Lake City. The motion was not seconded and failed.

In order to provide staff with additional time to get more information on the new manager and changes made by Durango, Ms. Thue moved to continue consideration of the tavern license application from Durango Bar in Salt Lake City to the September commission meeting. Ms. Tennert seconded the motion which passed unanimously.

h. Package Agency Applicant:

 *New Applicant:*

(1) Yardley’s Hitch N Post, Green River. (Type 2)

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

Ms. Thue moved to approve a Type 2 package agency license for #1 Yardley’s Hitch N Post in Green River. Ms. Tarazon seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason announced the department renewed the outdoor patio extensions for licensees through November 1, 2021. She noted it’s budget season and the department is working on business cases and budget proposals. She also noted the department is preparing for the holiday season by increasing staffing and inventory. Product shortages continue to be an issue especially with tequilas and champagnes.

Cade Meier updated the commission on the items discussed during the recent vendor meeting. He also updated the commission on store operations.

FINANCIAL UPDATE:

Mr. Williford gave an overview of the July performance numbers. Sales YTD show a 10.13% increase ($4.1 million) over last year. Bottle sales are up 4.14% (152,169 bottles).

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Steve Conlin from Ogden’s Own noted they were not invited to the vendor meeting. A recording of the meeting will be sent to him. Mr. Conlin also verified the number of bar establishment licenses available.

There being no further business, Ms. Thue moved to adjourn the meeting. Ms. Tarazon seconded the motion. The meeting adjourned at 12:30 p.m.