MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, DECEMBER 21, 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, December 20, 2021.]*

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

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

Commissioners Participating Virtually: Jacquelyn Orton and Jennifer Tarazon.

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:

Tom Gibbs led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Commission Meeting held November 30, 2021. Ms. Tennert seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, January 25, 2022 TSOB

 - Tuesday, February 22, 2022 TSOB

Mr. Jacobson announced that future commission meetings will be held at the Taylorsville State Office Building (TSOB) 4315 South 2700 West in Taylorsville.

b. Surge Remote Workdays:

Mr. Jacobson acknowledged that per the Governor and SB 15, today is a surge remote workday for state employees. Going forward commission meetings will be held virtually on surge remote workdays. He encouraged those planning to attend to check the Public Meeting Notice website (pmn.utah.gov) the day prior to the scheduled meeting date to verify if the meeting will be held in person.

c. Store Hours:

 - Friday, December 24, 2021 (Christmas Eve)

All state liquor stores will close at 6:00 p.m.

 - Friday, December 31, 2021 (New Year’s Eve)

All state liquor stores will close at 7:00 p.m.

d. Holiday Closures:

 The DABC administrative office and warehouse will be closed:

 - Friday, December 24, 2021 (Christmas Day observed)

 - Friday, December 31, 2021 (New Year’s Day observed)

- Monday, January 17, 2022 (Martin Luther King Jr. Day)

 Liquor stores will be closed:

 - Saturday, December 25, 2021 (Christmas Day)

 - Saturday, January 1, 2022 (New Year’s Day)

- Monday, January 17, 2022 (Martin Luther King Jr. Day)

e. Public Comments:

 - Those wishing to comment on this meeting may email hotline@utah.gov.

 Comments will be addressed at the end of the meeting.

FINANCIAL UPDATE:

Mr. Williford noted that sales YTD show a $16.5 million increase (8.14%) over last year. Bottle sales are up 4.49% (780,743 bottles). Expenses are higher due to increases in wages, credit card fees, transportation costs and real estate.

Mr. Williford added that current numbers show an increase of $51.6 million (7.2%) in the amount returned to the state. It is currently anticipated $88.6 million will be returned to the general fund, local governments and other entities.

PARENTS EMPOWERED UPDATE:

Doug Murakami updated the commission on the activities of the Parents Empowered campaign. He noted that the bi-annual survey will be conducted in January. It will gauge parental awareness of underage drinking. He also provided an update on the community partnership projects including the South Davis skate night and the Tooele escape room.

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) Legends Pub & Grill, Sandy and Whitney \*SBI (RE)

 Worthington (employee).

 (2) Los 2 Compadres Market, Pleasant Grove \*SBI (RB)

 and Brian Gonzales (employee).

 (3) Quality Quik Stop, Tooele and Narenda \*SBI (OP)

 Narka (employee).

 (4) Bombay House, Provo and Harmanjot \*SBI (RL)

 Shergill (employee).

 (5) Break Sports Grill, South Jordan \*SBI (BAR)

 (6) Chili’s, Layton and Holden Bourell \*SBI (RE)

 (employee).

 (7) Hug Hes, Ogden and Madison Keyes \*SBI (RL)

 (employee).

 (8) La Casita, Springville and Carla Loveridge \*SBI (RE)

 (employee).

 (9) Lola’s Street Kitchen, Midway and Urial \*SBI (RL)

 Aldaz- Medina (employee).

 (10) ~~Magleby’s, Springville and Joshua Hobart~~ *STRIKE*

 (11) Orion Productions, Pleasant Grove. \*SBI (TB)

 (12) Royal Thai Cuisine, Washington and Puritad \*SBI (RL)

 Tanadumrongsakd (employee).

 (13) ~~Shoga Japanese Sushi Bar & Restaurant,~~ *STRIKE*

 (14) The Holy Grill, Pleasant Grove and Anna \*SBI (RE)

 Nicolette (employee).

 (15) Wing Nutz, Spanish Fork and Breeana \*SBI (RE)

 Cook and Sebastian Marino (employee).

 (16) University Broiler, Ogden and Meg Russell \*SBI (RB)

 (employee).

Ms. Page asked the commissioners to strike #10 Magleby’s and #13 Shoga Japanese Sushi Bar. She noted the remaining items on the consent calendar are complete and ready for action by the commission.

Ms. Thue moved to strike #10 Magleby’s and #13 Shoga Japanese Sushi Bar and approve the remaining items on the consent calendar. Ms. Randall seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Milk, Salt Lake City. (BAR)

Mike Bishop gave an overview of the request for an extended closure until December 25, 2021. He explained that they received a transferred license on May 25, 2021 and per statute have seven months to open which will be December 25, 2021.

Jeff Slichta from Milk came forward to address the commission. He thanked the commission for the extensions and outlined the actions being taken prior to the December 25, 2021 deadline.

Ms. Thue moved to approve an extended closure for Milk in Salt Lake until December 25, 2021. Mr. Parrish seconded the motion which passed unanimously.

b. ~~The Ruin, Salt Lake City~~. *STRIKE*

c. Martine, Salt Lake City. (RE)

Erin Hinkel gave an overview of the request for an extended closure until February 2022. Staff recommends approval.

Ms. Thue moved to approve an extended closure for Martine in Salt Lake City until the February 2022 commission meeting. Ms. Randall seconded the motion which passed unanimously.

d. Wahso, Park City. (RE)

Erin Hinkel gave an overview of the request for an extended closure until June 2022. Staff recommends approval.

Ms. Thue moved to approve an extended closure for Wahso in Park City until the June 2022 commission meeting. Ms. Orton seconded the motion which passed unanimously.

e. Under Canvas (Big Water), Kanab. (RE)

Abe Kader gave an overview of the request for an extended closure until March 2022.

Mr. Parrish moved to approve an extended closure for Under Canvas in Kanab until the March 2022 commission meeting. Ms. Randall seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. Riveredge Beverage Company, Park City.

Abe Kader gave an overview of the application.

Ms. Thue moved to approve a local industry representative license for Riveredge Beverage Company in Park City. Ms. Tennert seconded the motion which passed unanimously.

EDUCATIONAL PERMIT APPLICANT:

a. Cocktail Collective, Salt Lake City.

Abe Kader gave an overview of the application. Staff recommends approval.

Ms. Thue moved to approve an educational permit for Cocktail Collective in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

MANUFACTURE DISTILLERY APPLICANT:

a. Proverbial Spirits, Park City.

Jeff Colvin gave an overview of the application. Staff recommends approval.

Ms. Thue moved to approve a manufacture distillery license for Proverbial Spirits in Park City. Ms. Randall seconded the motion which passed unanimously.

LICENSE RENEWALS:

Chris Johnson gave an overview of the licenses ready for renewal noting they are complete and staff recommends approval.

Mr. Parrish moved to approve the beer wholesaler, liquor warehouse, manufacture brewery, manufacture distillery, manufacture winery, local industry representative, public service, and brewers located outside of Utah license and permit renewals as listed. Ms. Tennert seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

 *New Applicants:*

(1) Trout Creek Flies, Dutch John.

 (2) Snowberry Inn Bed & Breakfast, Eden.

 (3) Mehar’s, Fairview.

 (4) Love’s Travel Stop #835, Fillmore.

 (5) Red Cliffs Lodge, Moab.

 (6) Family Dollar #30437, Monticello.

 (7) Family Dollar #31290, Parowan.

 (8) Family Dollar #31017, Provo

 (9) Fairpark Express, Salt Lake City.

 (10) Hanna Hilton, Tabiona.

 (11) Maverik #676, Tremonton.

Stephne Hanson gave an overview of the applications noting they are all complete and staff recommends approval. She also noted that the applicants are aware they will have to renew in January.

Ms. Tennert moved to approve off-premise beer retailer licenses for #1 Trout Creek Flies in Dutch John, #2 Snowberry Inn Bed & Breakfast in Eden, #3 Mehar’s in Fairview, #4 Love’s Travel Stop #835 in Fillmore, #5 Red Cliffs Lodge in Moab, #6 Family Dollar #30437 in Monticello, #7 Family Dollar #31290 in Parowan, #8 Family Dollar #31017 in Provo, #9 Fairpark Express in Salt Lake City, #10 Hanna Hilton in Tabiona, and #11 Maverik #676 in Tremonton. Ms. Thue seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

 (1) Royal Thai Cuisine, Washington To: Jatuaramito DBA: Royal Thai

 Cuisine, Washington. (RL)

 (2) St Helens Restaurant, Washington To: St Helens Restaurant LLC

 DBA St Helens Restaurant & Sports Bar, Washington. (RE)

 *(Conditional)*

Margaret Hardie gave an overview of the full license transfer applications noting #2 St. Helens is conditional. Staff recommends approval.

Ms. Thue moved to approve a full license transfer for #1 Royal Thai Cuisine in Washington; and a conditional full license transfer for #2 St. Helens Restaurant & Sports Bar in Washington. Mr. Parrish seconded the motion which passed unanimously.

 **51% Ownership change of Entity:**

(1) Uinta Brewing Company, Salt Lake City. (CL, MB, OP)

(2) Button Up Holdings, Salt Lake City. (CL)

Margaret Hardie gave an overview of the 51% ownership change applications noting staff recommends approval.

Ms. Thue moved to grant 51% ownership changes to #1 Uinta Brewing Company in Salt Lake City, and #2 Button Up Holdings in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

b. Bar Establishment Applicants:

 *Ready to Operate:*

(1) Fenice Mediterranean Bistro, Salt Lake City. *(will surrender full*

 *restaurant license)*

 (2) Wasatch Loft & Tap Room Bar, Park City. *(winter seasonal)*

 *(requesting full year license)*

(3) Trolley Wing Co., Taylorsville. *(dual license)*

 *Projected Future Opening:*

(1)The Pearl, Salt Lake City. *(projected opening December 2021)*

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

*2021)*

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

 *January 2022)*

(4) Proper Brewing Moab Taphouse, Moab. *(Conditional)* *(projected*

 *opening January 2022)*

(5) Durango Bar, Salt Lake City. *(Conditional) (projected opening January 2022)*

(6) Quarters Sugar House, Salt Lake City. *(Conditional)* *(projected*

 *opening February 2022)*

(7) The Spoke, Moab. *(Conditional) (projected opening February 2022)*

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

 *June 2022)*

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

*October 2022)*

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

 *opening February 2023)*

Dan Oberg noted one full bar establishment license is available. Mr. Oberg gave an overview of the applications noting those that are open under restaurant or seasonal licenses. Mr. Oberg explained that he visited the premise of #1 The Pearl yesterday. He noted they meet the statutory requirements to open but have limited supplies and unfinished work to complete such as installing the beer fridge and connecting the lines to the beer taps. He provided the commission with the projected opening dates of the balance of the applicants.

The commissioners and staff discussed the ongoing issue of limited licenses versus the number of applicants. They also expressed concern about granting bar establishment licenses to applicants that appear ready to open but go unused for a period of time. Ms. Thue expressed interest in holding the license until January to see which applicants are able to open immediately after receiving a license.

Mr. Jacobson invited representatives from The Pearl to come forward. Jacob Hall from The Pearl explained that the final touches will be completed quickly. Mike Askerland from The Pearl also came forward noting they will understand if the commission decides to hold the license until January to confirm they are ready to open.

No motion was made.

c. Full Service Restaurant Applicants:

 *Previous Applicant:*

(1) Olive Garden, Saratoga Springs. *(Conditional) (projected opening*

 *August 2022) (violation history)*

Rob Hansen gave an overview of the application noting it is conditional. He also explained that he met with Olive Garden staff and provided violation training.

Ken Little and Jon Butler from Olive Garden addressed the commission. Mr. Little provided an overview of the actions taken to prevent further violations.

Ms. Thue moved to grant a conditional full service restaurant license to #1 Olive Garden in Saratoga Springs. Ms. Tennert seconded the motion which passed unanimously.

 *New Applicants:*

(1) Sweet Lake Biscuits & Limeade, American Fork.

 (2) Buon Appetito, Heber. *(Conditional)*

(3) Kona Grill, Herriman. *(Conditional)*

(4) Lee’s Mongolian BBQ, Ogden.

(5) Thani Bowl Noodle House, Salt Lake City. *(Conditional)*

(6) Tin Roof Grill, Sandy. *(Conditional) (violation history)*

(7) ~~Maria’s Mexican Restaurant, Taylorsville~~. *STRIKE*

Rob Hansen gave an overview of the new applications noting those that are conditional. Staff recommends approval.

Ms. Thue moved to grant full service restaurant licenses to #1 Sweet Lake Biscuits & Limeade in American Fork and #4 Lee’s Mongolian BBQ in Ogden; and conditional full service restaurant licenses to #2 Buon Appetito in Heber, #3 Kona Grill in Herriman, #5 Thani Bowl Noodle House in Salt Lake City, and #6 Tin Roof Grill in Sandy. Mr. Parrish seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Little India, American Fork.

 (2) ~~The French Spot, Cedar City~~. *STRIKE*

(3) Nawab’s Indian Restaurant, Draper. *(Conditional)*

 (4) Hill’s Kitchen, Park City. *(Conditional)*

 (5) Joey’s, Provo.

 (6) Soma at the Front, Salt Lake City. *(Conditional)*

Jeff Colvin asked the commissioners to strike #2 The French Spot and gave an overview of the applications noting those that are conditional. Staff recommends approval.

Ms. Thue moved to approve limited service restaurant license for #1 Little India in American Fork and #5 Joey’s in Provo; and conditional limited service restaurant licenses for #3 Nawab’s India Restaurant in Draper, #4 Hill’s Kitchen in Park City, and #6 Soma at the Front in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

e. Package Agency Applicants:

 *New Applicants:*

 (1) Proverbial Spirits, Park City. (Type 5)

 (2) Uinta Brewing, Salt Lake City. (Type 5)

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

Mr. Parrish moved to approve Type 5 package agency licenses for #1 Proverbial Spirits in Park City and #2 Uinta Brewing in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

CHANGE OF LOCATION REQUESTS:

a. Sakura Japanese Steakhouse & Sushi: (RE) *(Conditional)*

 From: 939 East St. George Blvd, St. George.

 To: 81 North 1100 East, St George.

Rob Hansen gave an overview of the request noting it is conditional and staff recommends approval.

Mr. Parrish moved to approve a conditional change of location for Sakura Japanese Steakhouse & Sushi in St. George. Ms. Thue seconded the motion which passed unanimously.

b. ~~Afterword by Tupelo:~~ *STRIKE*

c. Maxwell’s East Coast Eatery: (BAR) *(Conditional)*

 From: 9 Exchange Place, Salt Lake City.

 To: 328 West 200 South, Salt Lake City.

Craig Warr gave an overview of the request noting it is conditional and staff recommends approval.

Ms. Thue moved to approve a conditional change of location for Maxwell’s East Coast Eatery in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

d. Trolley Wing Company: (BAR)

 From: 602 East 500 South (Trolley Car), Salt Lake City.

 To: 5418 South 1900 West, Taylorsville.

Erin Hinkel gave an overview of the request noting the application meets statutory requirements and staff recommends approval.

Ms. Tennert moved to approve a change of location for Trolley Wing Company to Taylorsville. Ms. Randall seconded the motion which passed unanimously.

e. Steve’s Steakhouse: (RE)

 From: 510 South Main Street, Richfield.

 To: 1170 South College Avenue, Richfield.

Mike Bishop gave an overview of the request noting the application meets statutory requirements and staff recommends approval.

Ms. Thue moved to approve a change of location for Steve’s Steakhouse in Richfield. Mr. Parrish seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason thanked the commissioners that volunteered to work in the stores and are scheduled for future shifts. She also thanked the store, warehouse, purchasing and administrative staff for their extra efforts during the holiday rush. Ms. Clason provided an update on the multi-year strategic plan that is being created collaboratively with all stakeholders including department staff, licensees and prevention representatives. Ms. Clason announced that seven of the nine business cases submitted were prioritized in the Governor’s budget. She provided a quick overview of the business cases.

Mr. Meier provided an update the supply chain shortages. He thanked DABC customers for being patient and understanding during the busy holiday season. Mr. Meier reiterated that the next meeting will be at the TSOB building. The new location will provide additional seating, security and IT equipment. Finally, he announced that the West Valley store relocation is almost complete. The new store will open towards the end of January 2022.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

* Ms. Thue, the Compliance Subcommittee Chair, explained that due to the lack of bar establishment licenses the commission will have to be more stringent and consider whether applicants are ready to open without obstructions. Currently, the commission will only have two licenses to grant during the first part of 2022.
* Tim Ryan from Bout Time addressed the commission. He expressed concern about the lack of bar licenses and asked the legislature to increase the quota. He also noted that his establishments had five covert visits in the last thirteen days and passed.

There being no further business, the meeting adjourned at 11:30 a.m.