MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, JANUARY 25, 2022.

*[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, January 24, 2022.]*

Chairman Thomas N. Jacobson called the meeting to order at 10:00 a.m. and welcomed everyone to the Taylorsville State Office Building (TSOB). He thanked everyone for their patience as staff and the commissioners adjust to the new location.

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

Staff Present: Tiffany Clason, Executive Director, and Cade Meier, Deputy Director.

Staff Participating Virtually: Angela Micklos, Compliance and Licensing Director, and Sean Williford, Finance Director.

Also Present: Sheila Page, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Jeremy Pollard-Sommerlath led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Commission Meeting held December 21, 2021 and the Special Commission Meeting held January 4, 2022. Ms. Randall seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, February 22, 2022 TSOB

 - Tuesday, March 29, 2022 TSOB

b. Holiday Closure:

 - Monday, February 21, 2022 (Washington and Lincoln 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.

d. License Renewals:

 - Monday, January 31, 2022

 Deadline for filing all renewal materials and paying fees for the

 following license types:

 - On-Premise Beer Recreational Amenity

 - On-Premise Beer Only Restaurants

 - On-Premise “Tavern”

 - Off-Premise Beer Retailers

FINANCIAL UPDATE:

Mr. Williford noted that December revenue totaled $65 million. This is a $6 million increase over the prior year. YTD sales are $22.5 million higher than the prior year. Sales continue to trend about 9% over the previous year. All metrics are higher including price per bottle, bottles per associate hour, and bottles per square footage.

He gave an overview of expenses, noting the department is using funds from SB137 to increase store and warehouse pay. Even with the higher expenses, the department is returning the exact same percentage to the general fund. The YTD general fund projection is $69.9 million which is $5.5 million higher than the previous year.

Mr. Parrish and Mr. Jacobson noted sales and profitability have increased and the department is running more efficiently.

PARENTS EMPOWERED UPDATE:

Doug Murakami updated the commission on the activities of the Parents Empowered campaign. He noted that the campaign has a single goal and that is to prevent and reduce underage drinking in Utah. The results of the most recent SHARP survey shows that underage consumption rates in Utah continue to decline.

Mr. Murakami expressed the importance of staying focused on the goal and gave an overview of the community partnerships that are so effective in reaching all areas of the state including the rural communities.

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

 Orem and Sydnee Burch (employee).

 (2) Magleby’s, Springville and Joshua Hobart \*SBI (RL)

 (employee).

 (3) Back 40 Ranch House Grill, Heber and \*SBI (RE)

 Devin Maddux (employee).

 (4) Holden Bourell (employee of Chili’s, \*SBI (RE)

 Layton.

 (5) Club Fahrenheit @ Hilton Garden Inn, \*SBI (BAR)

 Layton and Candice Windley (employee).

 (6) Do Drop Inn, Layton and Stephen Leblanc \*SBI (BAR)

 (employee).

 (7) Este Pizzeria, Park City and Jhay Malang \*SBI (RL)

 (employee).

 (8) La Costa Restaurant, American Fork and \*SBI (RE)

 Katherine Marobol Sobarzo (employee).

 (9) Lupita’s Valley Mexican Restaurant, Midway \*SBI (RE)

 And Alejandra Rosendo (employee).

 (10) Maria’s Mexican Restaurant, Ogden. \*SBI (RE)

 (11) Shoyu Sushi House, Park City and William \*SBI (RL)

 Ryan (employee).

 (12) The Merc, Randlett and Duane Knowlton \*SBI (OP)

 (employee).

 (13) Wing Nutz (Red Cliffs, St George and Laura \*SBI (RE)

 Cooper (employee).

 (14) The Break Sports Grill, West Valley and \*SBI (BAR)

 Alissa Reyes (employee).

Ms. Page noted the items on the consent calendar are complete and ready for action by the commission.

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

CHANGE OF LOCATION REQUEST:

a. Afterword by Tupelo: (BAR)

From: 95 South Main, Heber City.

 To: 1500 Kearns Blvd., Park City.

Craig Warr gave an overview of the request to move from Heber City to Park City. The approval is conditioned on the completion of the barrier between the bar and restaurant licenses.

Ms. Thue moved to grant a change of location from Heber to Park City for Afterword by Tupelo conditioned on the completion of the barrier between the bar and restaurant licenses. Ms. Orton seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Venture II, Salt Lake City. (BAR)

Margaret Hardie gave an overview of the request for an extended closure noting the license transfer occurred in November 2021. Nick Chachas from Venture II came forward to address the commission. He outlined the construction issues they are experiencing. He noted their seven months will be up in June but they need more time and asked for an extended closure until September or October. Margaret clarified that the maximum extension per statute is June 30, 2022.

Ms. Thue moved to approve an extended closure for Venture II in Salt Lake City until June 30, 2022. Ms. Orton seconded the motion which passed unanimously.

b. Cottonwood Steakhouse, Bluff. (RL)

Cori Price gave an overview of the request for an extended closure until the March 2022 meeting.

Ms. Thue moved to approve an extended closure for Cottonwood Steakhouse in Bluff until the March 2022 commission meeting. Ms. Randall seconded the motion which passed unanimously.

c. Dubai, Salt Lake City. (BAR)

Cori Price gave an overview of the request for an extended closure until February 2022.

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

d. Alpine Distilling, Park City. (BAR)

Jeff Colvin gave an overview of the request for an extended closure until February 2022.

Ms. Orton moved to approve an extended closure for Alpine Distilling in Park City until the February 2022 commission meeting. Ms. Randall seconded the motion which passed unanimously.

e. Below Zero, Salt Lake City. (BAR)

Nicole Tarleton gave an overview of the request noting they purchased a license and the transfer was approved on August 31, 2021. Per statute they must open in seven months which is March 31, 2022. She explained that they purchased a historic building requiring extensive renovations. They are planning to open for a short time and then move the license to a restaurant they own in order to finish construction on the bar.

Jory Walker, the project architect, came forward to address the commission. He outlined the issues they have found during the renovation process. He explained that they will open the bar in a small space of the building to meet statutory requirements then move the license to the restaurant.

Mr. Jacobson clarified that the issue on the agenda today is to consider an extended closure until the March 2022 commission meeting.

Ms. Thue moved to approve an extended closure for Below Zero in Salt Lake City until the March 29, 2022 commission meeting. Mr. Parrish seconded the motion which passed unanimously.

f. Under Canvas (Zion), Virgin. (RL)

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

Ms. Thue moved to approve an extended closure for Under Canvas in Virgin until the March 29, 2022 commission meeting. Ms. Orton seconded the motion which passed unanimously.

LIQUOR WAREHOUSE APPLICANT:

a. Macagave Spirits, Salt Lake City.

Dan Oberg gave an overview of the application.

Mr. Parrish moved to approve a liquor warehouse license for Macagave Spirits in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

EDUCATIONAL PERMIT APPLICANTS:

a. Summit Sips Wine School, Draper.

b. Wine Tastings with Denise, Salt Lake City.

Dan Oberg gave an overview of the applications.

Ms. Tarazon moved to approve educational permits for Summit Sips Wine School in Draper and Wine Tastings with Denise in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. Brooke Martin, West Jordan.

Dan Oberg gave an overview of the application.

Ms. Randall moved to approve a local industry representative license for Brooke Martin in West Jordan. Ms. Orton seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

 *New Applicants:*

(1) Lee’s Marketplace-Academy Village, Herriman.

 (2) Superior Convenience Store, Ogden.

 (3) Maverik #669, Salt Lake City. *(Conditional)*

 (4) Cliffrose Lodge, Springdale.

Stephne Hanson gave an overview of the applications noting staff recommends approval. She also noted that the applicants are aware they will have to renew by January 31, 2022.

Mr. Parrish moved to approve off-premise beer retailer licenses for #1 Lee’s Marketplace-Academy Village in Herriman, #2 Superior Convenience Store in Ogden, and #4 Cliffrose Lodge in Springdale; and a conditional off-premise beer retailer license for #3 Maverik #669 in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **51% Ownership change of Entity:**

(1) Wayward, LLC DBA: The Ruin, Salt Lake City. (BAR)

Margaret Hardie gave an overview of the transfer application.

Ms. Tarazon moved to grant a 51% ownership change to #1 The Ruin in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

  **Off-Premise Transfers:**

(1) Akai Industries DBA 7-Eleven Store DBC: 7-Eleven Store

 #27126K, Salt Lake City.

 (2) RJ Walker74, LLC DBA: 7-Eleven Store #33978C, Kearns.

 (3) Milford Chevron DBA: Wiseman’s Milford Chevron, Milford.

 *(Conditional)*

(4) Market Express, Price.

Margaret Hardie gave an overview of the full license transfer applications noting the transaction for #2 7-Eleven Store #33978C in Kearns will not be finalized until February 3, 2022; and #3 Wiseman’s Milford Chevron is conditional. Staff recommends approval.

Ms. Randall moved to approve off-premise beer license transfers for #1 7-Eleven Store #27126K in Salt Lake City, #2 7-Eleven Store #33978C in Kearns subject to the completion of the transaction on February 3, 2022, and #4 Market Express in Price; and a conditional off-premise beer license transfer for #3 Wiseman’s Milford Chevron in Milford. Ms. Tarazon 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) Saddlebag Saloon, Eden. *(currently has a Tavern license, will*

 *surrender if approved)*

 (4) ~~Roha Brewing Project, Salt Lake City~~. *Strike*

(5)The Pearl, Salt Lake City. *(projected opening January 2022)*

 *Projected Future Opening:*

 (1) Garage Grill, Herriman. *(Conditional) (projected opening January*

*2022)*

 (2) Trolley Wing Co. (Trolley Car), Salt Lake City. *(projected opening*

 *February 2022)*

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

 *March 2022)*

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

 *opening March 2022)*

 (5) Durango Bar, Salt Lake City. *(Conditional) (projected opening 2022) (currently has a tavern license; received zoning approval, but*

*needs city business license (bar); will surrender tavern license if*

*approved).*

(6) The Spoke, Moab. *(Conditional) (projected opening April 2022)*

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

 *June 2022)*

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

 *opening June 2022)*

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

*October 2022)*

 (10) Bout Time Pub & Grub, Saratoga Springs. *(Conditional) (projected*

 *opening October 2022)*

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

 *opening February 2023).*

Craig Warr noted one full bar establishment license is available. There are 15 applicants with five ready to operate. He gave an overview of the applications ready to open.

Ms. Thue outlined the factors considered during the subcommittee meeting such as length on agenda, number of patrons being served, and number of bars in the surrounding zip code. After tedious considerations, the subcommittee recommended the license be granted to Garage Grill in Herriman if they are able to confirm they are ready to open upon receipt of the license.

Jeremy Ford from Garage Grill came forward to address the commission. He noted they have been working on the establishment for almost four years. He confirmed they have the permits and the bar is staffed and ready to open. Everything is in place and ready to go.

Jess Wilkerson from Trolley Wing Co. also stood up and stated they are ready to open.

Ms. Thue moved to grant a bar establishment license to #1 Garage Grill in Herriman. Ms. Orton seconded the motion which passed unanimously.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) Ramblin Roads Restaurant, Layton.

 (2) Bigshots Golf, St George. *(Conditional)*

 (3) Mimi’s Café, Murray. *(Conditional)*

 (4) Baek Ri Hyang Korean Restaurant, Salt Lake City. *(Conditional)*

(5) Bistro by Butler, Salt Lake City. *(Conditional)*

 (6) Maria’s Mexican Restaurant, Taylorsville. *(Conditional) (violation*

 *history)*

Nicole Tarleton gave an overview of the applications noting those that are conditional. She also noted #6 Maria’s Mexican Restaurant has a violation history at another location and will need to address the commission.

Salvador Paredes and Javier Vasquez from Maria’s came forward to address the commission regarding the violation for employees consuming on the job. They outlined the steps taken to prevent additional violations at their locations. The commissioners expressed concern about supervision and training and asked staff to provide additional training.

Mr. Parrish moved to approve a full service restaurant license for #1 Ramblin Roads Restaurant in Layton; conditional full service restaurant licenses for #2 Bigshots Golf in St. George, #3 Mimi’s Cafe in Murray, #4 Baek Ri Hyang Korean Restaurant in Salt Lake City, and #5 Bistro by Butler in Salt Lake City; and a conditional full service restaurant license for #6 Maria's Mexican Restaurant in Taylorsville subject to the completion of training at both the Ogden and Taylorsville facilities.  Ms. Randall seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) The French Spot, Cedar City. *(Conditional)*

(2) Dirty Bird Fried Chxx, Clearfield. *(Conditional)*

 (3) ~~Iron Horse Restaurant, Kanab~~. *STRIKE*

 (4) Ika Sushi & Japanese Restaurant, Midvale.

 (5) Riggatti’s, St George.

 (6) Picnic, Salt Lake City.

 (7) ~~Recharge Pub & Grub, South Jordan~~. *STRIKE*

Mike Bishop asked the commissioners to strike #3 Iron Horse Restaurant and #7 Recharge Pub & Grub. He gave an overview of the balance of the applications noting those that are conditional.

Ms. Thue moved to approve limited service restaurant licenses for #4 Ika Sushi & Japanese Restaurant in Midvale, #5 Riggatti’s in St. George, and #6 Picnic in Salt Lake City; and conditional limited service restaurant licenses for #1 The French Spot in Cedar City and #2 Dirty Bird Fried Chxx in Clearfield. Ms. Randall seconded the motion which passed unanimously.

e. Beer Only Restaurant Applicant:

 *New Applicant:*

 (1) Happy Camper Deli, West Jordan.

Cori Price gave an overview of the application noting they are aware they will need to renew immediately. Staff recommends approval.

Ms. Tarazon moved to approve a beer only restaurant license for #1 Happy Camper Deli in West Jordan. Ms. Orton seconded the motion which passed unanimously.

f. Reception Center Applicant:

 *New Applicant:*

 (1) Stone Hollow Event Center, Vernal.

Bonnie Bills gave an overview of the application noting staff recommends approval.

Mr. Parrish moved to approve a reception center license for #1 Stone Hollow Event Center in Vernal. Ms. Orton seconded the motion which passed unanimously.

g. Banquet Catering Applicant:

 *New Applicant:*

 (1) Bistro by Butler Catering, Salt Lake City. *(Conditional)*

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

Ms. Orton moved to approve a conditional banquet catering license for #1 Bistro by Butler Catering in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Mr. Meier provided an update on the issues resulting from supply chain shortages. Currently general items stand at 90% in stock ratio.

He thanked everyone for their patience during the transition to the new commission meeting facility.

He announced that the opening of the new West Valley has been delayed due to supply chain issues. It will now open at the end of February.

Mr. Parrish provided an update on the items discussed during the Operations Subcommittee meeting. They reviewed the status of the internal audits and the actions being taken to enhance cybersecurity.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

There being no further business, Ms. Tarazon moved to adjourn, Ms. Thue seconded the motion. The meeting adjourned at 11:05 a.m.