MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, FEBRUARY 22, 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, February 21, 2022.]*

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

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

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:

Mr. Parrish moved to approve the minutes of the Commission Meeting held January 25, 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, March 29, 2022

 - Tuesday, April 26, 2022

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.

FINANCIAL UPDATE:

Mr. Williford provided an update on the January 2022 financials. He explained that due to the shorter financial calendar month, January sales of $38 million seem low compared to December sales of $65 million. Year to date sales are up $23 million (7.7%) over the previous year. Bottle sales are up 4.7% or 1.0 million bottles. Mr. Williford added that the return to the general fund is up 9% over the previous year due to increased sales and cost control measures.

PARENTS EMPOWERED UPDATE:

Cade Meier updated the commission on the activities of the Parents Empowered campaign. Mr. Meier outlined plans by the Kearns community partnership to hold a family cooking class. He explained that research shows that kids who regularly eat with their family five times per week are 33% less likely to consume alcohol.

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

 Devin Maddux (employee).

 (2) Foothill One Stop, Logan and Layne \*SBI (OP)

 Andrews (employee).

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

 Layton and Candice Windley (employee).

 (4) Burrito Grande, Roy and Gil Brandon \*SBI (RE)

 (employee).

 (5) Itto Sushi, South Jordan and Michael \*SBI (RL)

 Porter (employee).

 (6) Kobe Sushi, West Jordan and Jesse \*SBI (RL)

 Thompson (employee).

 (7) Longhorn Steakhouse, South Jordan and \*SBI (RE)

 Deborah Paravan (employee).

 (8) Los Garcia Mexican Food, Sandy and Deysi \*SBI (RE)

 West (employee),

 (9) Maple Mountain Bar & Gourmet Grill, \*SBI (BAR)

 Spanish Fork and Adam Gilmore (employee).

 (10) Mi Ranchito, South Jordan and Rosa \*SBI (RE)

 Reynaga (employee).

 (11) Namaste Kathmandu, Sandy and Pramila \*SBI (RL)

 Sitoula (employee).

 (12) Ohana Sushi & Asian Cuisine, Ogden and \*SBI (RL)

 Julia Yi (employee).

 (13) ~~O Crab, West Jordan and Shauna Matheny~~ *STRIKE*

 (14) Pop’s Clearfield, Clearfield and Nicodemus \*SBI (OP)

 Yazzie (employee).

 (15) So Grill Korean BBQ & Sushi, Sandy and \*SBI (RE)

 Jeffrey Jarrett (employee).

 (16) Tokyo Station, Ogden and Aliccia Jimenez \*SBI (RL)

 (employee).

 (17) Erin Wennerholm (employee of The Filling \*SBI (BAR)

 Station, Magna.

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

 Lorena Flores (employee).

 (19) Wingstop, West Jordan and Alex Moore \*SBI (RB)

 (employee).

 (20) The Bears Den, Magna. \*SBI (BAR)

Ms. Page asked the commissioners to strike #13 O Crab. She noted the remaining items on the consent calendar are complete and ready for action by the commission.

The commissioners asked about the increase in the number violations and discussed possible reasons with Ms. Page. The number of repeat violations is of greatest concern.

Mr. Parrish moved to strike #13 O Crab and approve the remaining items on the consent calendar. Ms. Orton seconded the motion which passed unanimously.

b. Order to Show Cause:

(1) ~~Sandtrap, Ogden~~. *STRIKE*

TRANSFER OF LOCATION REQUESTS:

a. ~~Bourbon House~~ *STRIKE*

b. PA00150 Kindred Spirits: (PA) (Type 3)

 From: 150 West Main Street, Bicknell

 To: 450 West Main Street, Torrey.

Nicole Hall gave an overview of the request to move from Bicknell to Torrey.

Ms. Randall moved to grant a transfer of location from Bicknell to Torrey for PA00150 Kindred Spirits. Mr. Parrish seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. ~~Alpine Distilling, Park City~~. *STRIKE*

b. Maxwell’s, Salt Lake City. (BAR)

Craig Warr gave an overview of the request for an extended closure until the April 2022 meeting.

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

c. Porter’s Smokehouse & Grill, Springdale. (RE)

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

Ms. Randall moved to approve an extended closure for Porter’s Smokehouse & Grill in Springdale until the April 2022 commission meeting. Ms. Orton seconded the motion which passed unanimously.

d. Hell’s Backbone Grill, Boulder. (RE)

e. Outlaw’s Roost, Hanksville. (RE)

Mike Bishop gave an overview of the extended closure requests for Hell’s Backbone Grill and Outlaw’s Roost.

Ms. Thue moved to approve extended closure requests for Hell’s Backbone Grill in Boulder until the April 2022 meeting, and for Outlaw’s Roost in Hanksville until the March 2022 commission meeting. Ms. Orton seconded the motion which passed unanimously.

LIQUOR WAREHOUSE APPLICANTS:

a. Larsen Beverage Company, Logan.

b. Birrell Bottling Company, Vernal.

c. Birrell Bottling Company, Springville.

d. Birrell Bottling Company, Salina.

e. Birrell Bottling Company, Hurricane.

Abe Kader gave an overview of the liquor warehouse applications.

Mr. Parrish moved to approve liquor warehouse licenses for Larsen Beverage Company in Logan, Birrell Bottling Company in Vernal, Birrell Bottling Company in Springville, Birrell Bottling Company in Salina, and Birrell Bottling Company in Hurricane. Ms. Randall seconded the motion which passed unanimously.

BEER WHOLESALER APPLICANTS:

a. Larsen Beverage Company, Logan.

b. Birrell Bottling Company, Vernal.

c. Birrell Bottling Company, Springville.

d. Birrell Bottling Company, Salina.

e. Birrell Bottling Company, Hurricane.

Abe Kader gave an overview of the beer wholesaler applications.

Ms. Orton moved to approve beer wholesaler licenses for Larsen Beverage Company in Logan, Birrell Bottling Company in Vernal, Birrell Bottling Company in Springville, Birrell Bottling Company in Salina, and Birrell Bottling Company in Hurricane. Ms. Tennert seconded the motion which passed unanimously.

EDUCATIONAL PERMIT APPLICANT:

a. Ovinte, Park City.

Abe Kader gave an overview of the application.

Ms. Tarazon moved to approve an educational permit for Ovinte in Park City. Ms. Orton seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. Agave Bros, Salt Lake City.

Abe Kader gave an overview of the application.

Ms. Tennert moved to approve a local industry representative license for Agave Bros in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

LICENSE RENEWALS.

Chris Johnson gave an overview of the on-premise beer recreational, beer only restaurant, on-premise tavern, and off-premise beer renewals.

Ms. Orton moved to approve the timely on-premise beer recreational, beer only restaurant, on-premise tavern, and off-premise beer renewals. Ms. Randall seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

 *New Applicants:*

(1) Buzzards Belly General Store, Cisco.

 (2) 7-Eleven Store #41643A, Eagle Mountain. *(Conditional)*

 (3) Costco Wholesale #1441, Herriman. *(Conditional)*

 (4) Holiday Oil #68, Orem. *(Conditional)*

 (5) Park City Brewing, Park City.

 (6) Homewood Suites by Hilton, Salt Lake City.

 (7) Springhill Suites by Marriott, Salt Lake City.

 (8) Family Dollar Store #31454, Veyo.

Stephne Hanson gave an overview of the applications. Due to the renewal cycle, Ms. Hanson requested that the applications be approved effective March 1, 2022.

Ms. Orton moved to approve effective March 1, 2022 off-premise beer retailer licenses for #1 Buzzards Belly General Store in Cisco, #5 Park City Brewing in Park City, #6 Homewood Suites by Hilton in Salt Lake City, #7 Springhill Suites by Marriott in Salt Lake City, and #8 Family Dollar Store #31454 in Veyo; and conditional off-premise beer retailer licenses for #2 7-Eleven Store #41643A in Eagle Mountain, #3 Costco Wholesale #1441 in Herriman, and #4 Holiday Oil #68 in Orem. Mr. Parrish seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

(1) Cancun Café Ft. Union, Salt Lake City. (RE)

 (2) The Green Room, Salt Lake City. *(Conditional)* (BAR)

 (3) Romano’s Macaroni Grill, Salt Lake City. *(Conditional)* (RE)

 (4) ~~Duce’s Wild, Magna~~. *STRIKE*

 (5) Tosh’s Ramen, Holladay. (RL)

 (6) Red Cliffs Dining, Moab. *(Conditional)* (RE, BC, OP)

Margaret Hardie asked the commissioners to strike #4 Duce’s Wild in Magna and gave an overview of the remaining full license transfers noting those that are conditional.

Ms. Tennert expressed concern that statute allows full transfer applicants seven months to open when so many bar applicants are ready to open. Mr. Jacobson asked if a representative from #2 The Green Room was present to address the commission. Mike Askerland came forward and explained that they are remodeling and plan to be open on May 1, 2022.

Ms. Tennert moved to grant full license transfers to #1 Cancun Café Ft. Union in Salt Lake City and #5 Tosh’s Ramen in Holladay; and conditional full license transfers to #2 The Green Room in Salt Lake City, #3 Romano’s Macaroni Grill in Salt Lake City, and #6 Red Cliffs Dining in Moab. Ms. Randall seconded the motion which passed unanimously.

 **51% Ownership change of Entity:**

(1) ~~The Ruin, Salt Lake City~~. *STRIKE*

  **Off-Premise Beer Transfers:**

(1) 7-Eleven Store #38706A, Ogden.

 (2) 7-Eleven Store #33986B, Kaysville. *(Conditional)*

 (3) 7-Eleven Store #32807J, Farr West.

 (4) 7-Eleven Store #26282K, Salt Lake City.

 (5) Rally Stop #13, St George.

 (6) Rally Stop #14, St George.

 (7) Good 2 Go #418, Mona. *(Conditional)*

(8) Good 2 Go #419, Nephi.

 (9) Good 2 Go #420, Levan.

 (10) Good 2 Go #421, Moroni.

 (11) Sunny Express, West Valley City. *(Conditional)*

Margaret Hardie gave an overview of the off-premise beer license transfer applications noting the transfers should be effective March 1, 2022 due to the license renewal cycle. She also noted those that are conditional.

Ms. Thue moved to approve off-premise beer license transfers effective March 1, 2022 for #1 7-Eleven Store #38706A in Ogden, #3 7-Eleven Store #32807J in Farr West, #4 7-Eleven Store #26282K in Salt Lake City, #5 Rally Stop #13 in St George, #6 Rally Stop #14 in St George, #8 Good 2 Go #419 in Nephi, #9 Good 2 Go #420 in Levan, and #10 Good 2 Go #421 in Moroni; and conditional off-premise beer license transfers effective March 1, 2022 for #2 7-Eleven Store #33986B in Kaysville, #7 Good 2 Go #418 in Mona, and #11 Sunny Express in West Valley City. Ms. Orton 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.

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

(6)Trolley Wing Co. (Trolley Car), Salt Lake City.

 (7) Shades Tap Room, Salt Lake City. *(Conditional)*

 (8) Durango Bar, Salt Lake City.  *(currently have a tavern license;*

 *will surrender tavern license if approved).*

 *Projected Future Opening:*

 (1) ~~The Green Room, Salt Lake City~~.

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

 *opening March 2022)*

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

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

 *June 2022)*

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

 *opening June 2022)*

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

*October 2022)*

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

 *opening October 2022)*

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

 *opening February 2023).*

Craig Warr noted one full bar establishment license is available. He gave an overview of the applications ready to open.

Mr. Jacobson invited the applicants ready to open to address the commission. Representatives from #1 Fenice, #2 Wasatch Loft, #3 Saddlebag Saloon, #4 Roha Brewing, #5 The Pearl, #6 Trolley Wing, #7 Shades Tap Room, and #8 Durango Bar came forward and gave an overview of their business plans and readiness to open.

Ms. Thue gave an overview of the compliance subcommittee discussion. She noted that after reviewing the factors before the commission, the subcommittee recommended The Pearl receive the license.

Ms. Thue moved to grant a bar establishment license to #5 The Pearl in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) Las Bottellas of Riverton, Herriman. *(Conditional)*

(2) ~~Hyatt Place Park City~~ *STRIKE*

 (3) Chak Balam Mexican Restaurant, Torrey.

Nicole Tarleton asked the commissioners to strike #2 Hyatt Place and gave an overview of the other applications noting #1 Las Bottellas is conditional.

Ms. Orton moved to approve a full service restaurant license for #3 Chak Balam Mexican Restaurant in Torrey; and a conditional full service restaurant license for #1 Las Bottellas of Riverton in Herriman.  Ms. Randall seconded the motion which passed unanimously.

Jen Solenback came forward to express concern about the number of full service restaurant licenses available and asked for clarification on the number. Mr. Jacobson clarified there are 48 full service restaurant licenses remaining.

d. Limited Service Restaurant Applications:

 *New Applicants:*

 (1) Gourmandise, American Fork.

 (2) Iron Horse Restaurant, Kanab.

 (3) Red Fort Layton Cuisine of India, Layton. *(Conditional)*

(4) ~~Casa Tequiliana, Leeds~~ *STRIKE*

 (5) Sugar House Coffee, Salt Lake City.

 (6) Recharge Pub & Grub, South Jordan.

Mike Bishop asked the commissioners to strike #4 Casa Tequiliana. He gave an overview of the balance of the applications noting #3 Red Fort Layton is conditional.

Ms. Orton moved to approve limited service restaurant licenses for #1 Gourmandise in American Fork, #2 Iron Horse Restaurant in Kanab, #5 Sugar House Coffee in Salt Lake City and #6 Recharge Pub & Grub in South Jordan; and a conditional limited service restaurant license for #3 Red Fort Layton Cuisine of India in Layton. Ms. Randall seconded the motion which passed unanimously.

e. Beer Only Restaurant Applicants:

 *New Applicant:*

 (1) Roctaco, Salt Lake City.

 (2) Gordos Tacos & Beer, Salt Lake City. *(Conditional)*

 (3) DUB’s BBQ, St George. *(Conditional)*

Cori Price gave an overview of the applications noting those that are conditional.

Mr. Parrish moved to approve a beer only restaurant license for #1 Roctaco in Salt Lake City; and conditional beer only restaurant licenses for #2 Gordos Tacos & Beer in Salt Lake City and #3 DUB’s BBQ in St. George. Ms. Tarazon seconded the motion which passed unanimously.

f. Banquet Catering Applicant:

 *New Applicant:*

 (1) ~~Hyatt Place, Park City~~. *STRIKE*

g. On-Premise Beer Recreational Applicants:

 *New Applicant:*

(1) Country Lanes, Helper. *(Conditional)*

 (2) Sur, Pleasant Grove/Cedar Hills. *(Conditional)*

 (3) Alliance Theater, Salt Lake City. *(Violation History)*

Anita Knowley gave an overview of the applications noting those that are conditional. She also explained that #3 Alliance Theater has a violation history for a single event permit under Utah Arts Alliance and will need to address the commission.

Derek Dyer from Utah Arts Alliance explained what happened at the event and outlined the responsible alcohol service plan they will put into place to prevent additional violations.

Ms. Orton moved to approve conditional on-premise beer recreational licenses for #1 Country Lanes in Helper and #2 Sur in Pleasant Grove/Cedar Hills; and an on-premise beer recreational license for #3 Alliance Theater in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

h. On-Premise Beer “Tavern” Applicant:

 *New Applicant:*

(1) Shades Tap Room, Salt Lake City. *(Conditional)*

Rob Hansen gave an overview of the application noting it is conditional.

Ms. Randall moved to approve conditional on-premise tavern license for #1 Shades Tap Room in Salt Lake City. Ms. Tennert seconded the motion which passed unanimously.

i. Package Agency Applicants:

 *New Applicants:*

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

 (2) Red Cliffs Dining, Moab. (Type 4)

Nicole Hall gave an overview of the applications.

Mr. Parrish moved to approve a Type 5 package agency license for Park City Brewing in Park City, and a Type 4 package agency license for Red Cliffs Dining in Moab. Ms. Orton seconded the motion which passed unanimously.

OPERATIONS UPDATE:

a. Department Update:

Ms. Clason noted the legislative session is almost over and provided an update on the department’s business cases. It appears seven of the nine business cases may be funded which will result in significant IT infrastructure improvements.

Ms. Clason also provided an update on the alcohol omnibus bill authored by Senator Stevenson that will impact the department and industry members.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Tanner Lenart came forward and thanked the commission for making their voices heard regarding the need for additional bar licenses. She expressed concern about the increase in sale to minor violations and the way SBI conducts the undercover operations. Ms. Lenart also expressed concern about the possibility of removing the opportunity to sell bar licenses.

b. Richard Paskin came forward and asked that common sense be used when requesting identification to purchase alcohol and granting licenses to businesses that are not open.

c. Pat Shea expressed frustration with the zoom meeting arrangements. He also questioned the funds appropriated to Parents Empowered and asked if the use and relationship with R & R has been audited. Mr. Meier responded staff will review virtual meeting arrangements. He also referenced state statute 32B noting Parents Empowered falls under the Utah Substance Use and Mental Health Advisory Council (USAAV+) which oversees budgeting for the Parents Empowered program. Mr. Meier also noted state purchasing oversees the bidding process to select an advertising agency.

OPMA AND ETHICS ACT TRAINING.

Sheila Page conducted OPMA and Ethics Act Training for the commissioners.

There being no further business, the meeting adjourned at 11:50 a.m.