MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE CONTROL COMMISSION

HELD TUESDAY, May 24, 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, May 23, 2022.]*

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

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

Staff Present: Sean Williford, Finance Director; and Angela Micklos, Compliance and Licensing Director.

Also Present: Jeff Buckner, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Shannon Donahue led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Ms. Orton moved to approve the minutes of the Commission Meeting held April 26, 2022. Mr. Parrish seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mr. Jacobson made the following announcements:

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

 - Tuesday, June 28, 2022

 - Tuesday, July 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.

c. Bar Establishment License Renewals:

- Tuesday, May 31, 2022

Deadline for filing all renewal materials and paying fees.

d. Holiday Closures:

 - Monday, May 30, 2022 (Memorial Day)

 Liquor Stores and the DABC administrative office and warehouse will

be closed.

 - Monday, June 20, 2022 (Juneteenth)

 Liquor Stores and the DABC administrative office and warehouse will

be closed.

FINANCIAL UPDATE:

Mr. Williford provided an update on the April 2022 financials. In April, sales totaled $41 million, increasing YTD sales to $467 million, a 7.9% increase over the previous year. Bottle sales and sales per square foot also increased over the previous year. There is concern that the number of employees has not increased so employee workloads are higher. The department is working with DHRM and others on pay improvement plans to recruit additional staff members.

PARENTS EMPOWERED UPDATE:

Doug Murakami provided an update on the Parents Empowered campaign. He showed an interview Executive Director Clason did with ABC4 outlining the goals of the PE campaign. One concerning topic is how early youth first try alcohol. The average is 13.3 years old. He reiterated the importance of early alcohol education. National studies show beliefs about alcohol and drinking are established very early in life.

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) Slapfish, Sandy and Ezra Miran (employee) \*SBI (RL)

 (2) R & R BBQ, Lehi and Hansen Storey \*SBI (RL)

 (employee).

 (3) Lumpy’s Downtown, Salt Lake City. \*SBI (BAR)

 (4) Cottonwood Steakhouse, Bluff and \*SBI (RL)

 Sandra Dee (employee).

 (5) Asahi Utah, Orem and Fekrte Deskins \*SBI (RL)

 (employee).

 (6) Shake Shack, Murray and Aaron Sullivan \*SBI (RL)

 (employee).

 (7) Red 8, Lehi and Bingming Lin (employee) \*SBI (RL)

 (8) Chevron, Clearfield and Sundance Swift \*Clearfield PD (OP)

 (employee).

 (9) Mariscos Los Chinchorros, Orem and \*SBI (RE)

 Viridiana Quinones Navar (employee).

 (10) Café Silvestre, West Valley and Armando \*SBI (RE)

 Tapia (employee).

 (11) Hook and Reel, Salt Lake City and Maritza \*SBI (RE)

 Gonzales-Robles (employee).

 (12) Walmart #3620, Riverton and Dylan Smith \*Riverton PD (OP)

 (employee).

 (13) Tony’s Tacos, Heber and Aleli Campuzano \*SBI (RE)

 (employee).

 (14) Hilton Garden Inn, Lehi and Myrna Earl \*SBI    (RE)

 (employee).

 (15) Brewvies (Ogden) and Kendra Phillips \*SBI                  (RE)

 (employee).

 (16) Black Bear Diner, Washington and Nancy \*SBI (RL)

Nelson (employee).

 (17) Sol Agave, American Fork Liliana Martinez \*SBI (RE)

Garcia and Juan Madrigal Pena (Employees).

 (18) Black Pearl Asian Bistro, Logan and \*SBI  (RL)

Quigong Li (employee).

 (19)  Bout Time Pub & Grub, Lehi and \*SBI (BAR)

 Brandon Nelson (employee).

 (20) Huhot of Logan, Logan and Anna Melo \*SBI (RL)

 (employee).

 (21) Buffalo Wild Wings, Layton and Donna \*SBI (RE)

 Pili (employee).

 (22) Kobe Sushi, Salt Lake City and Tiffany \*SBI (RL)

 Balane (employee).

 (23) Quality Quik Stop, Tooele and Ronald \*Tooele PD (OP)

 Jensen and Jami Hogland (employees).

 (24) 7-Eleven #35508A, Clearfield and \*Clearfield PD (OP)

 Mandi Moon (employee).

Erin Hinkel noted all items on the consent calendar are complete and ready for action by the commission.

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

CHANGE OF LOCATION REQUESTS:

a. Chef Alfredo’s (RL)

 From: 76 West Tabernacle Street, St George.

 To: 1110 South Bluff Street, St George. *(Conditional)*

Rob Hansen gave an overview of the request.

Ms. Orton moved to grant a change of location for Chef Alfredo’s in St. George. Ms. Randall seconded the motion which passed unanimously.

b. Sol Agave (RE)

 From: 598 West Main, Suite A, American Fork.

 To: 249 West 100 North, Suite CRA8, American Fork.

Margaret Hardie gave an overview of the request.

Ms. Orton moved to grant a change of location for Sol Agave in American Fork. Mr. Parrish seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

a. Heaven Hill Brands, Salt Lake City.

Jeremy Sommerlath gave an overview of the application.

Ms. Tarazon moved to approve a local industry representative license for Heaven Hill Brands in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

MANUFACTURE DISTILLERY APPLICANT:

a. Big Brands Utah Co-Packing, Springville.

Jeff Colvin gave an overview of the application.

Mr. Parrish moved to grant a manufacture distillery license to Big Brands Utah Co-Packing in Springville. Ms. Tarazon seconded the motion which passed unanimously.

LIQUOR TRANSPORT LICENSE APPLICANT:

a. Teresa T, Washington City.

Nicole Tarleton gave an overview of the application.

Ms. Orton moved to grant a liquor transport license to Teresa T in Washington City. Ms. Randall seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

 *New Applicants:*

(1) Holiday Oil #76, Clearfield. *(Conditional)*

 (2) Macey’s, Eagle Mountain. *(Conditional)*

 (3) Maverik #692, Eagle Mountain. *(Conditional)*

 (4) Maverik #693, Green River.

 (5) Country Store & Café @ Victory Ranch, Kamas.

 (6) Los Primos Market, Logan.

 (7) Lucerne Valley Marina, Manilla.

 (8) Ezzy Mart, Salt Lake City.

 (9) ~~The Quality Quik Stop, Tooele~~. *STRIKE*

Rob Hansen asked the commissioners to strike #9 The Quality Quik Stop and gave an overview of the remaining applications.

Ms. Orton moved to approve conditional off-premise beer retailer licenses for #1 Holiday Oil #76 in Clearfield, #2 Macey’s in Eagle Mountain and #3 Maverik #692 in Eagle Mountain; and off-premise beer retailer licenses for #4 Maverik #693 in Green River, #5 Country Store & Café @ Victory Ranch in Kamas, #6 Los Primos Market in Logan, #7 Lucerne Valley Marina in Manilla, and #8 Ezzy Mart in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

LIQUOR TRANSPORT LICENSE RENEWALS:

(1) Bootleg N, Riverton.

 (2) Bradford Airport Logistics, Salt Lake City.

 (3) Wahsatch Spirit Delivery, Sandy.

Chris Johnson gave an overview of the renewal applications.

Mr. Parrish moved to approve liquor transport license renewals for #1 Bootleg N in Riverton, #2 Bradford Airport Logistics in Salt Lake City, and #3 Wahsatch Spirit Delivery in Sandy. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. License Transfer Applications:

 **Full Transfers:**

(1) The Royal Bar, SLC To: DBA The Break Sports Grill, SLC (Bar)

*(violation history) (Conditional)*

Margaret Hardie gave an overview of the transfer application for #1 The Break Sports Grill noting they have a violation history from December 2021 and February 2022. Both violations were a sale to a minor and involved the same employee, now terminated.

Lyle Millham, attorney for The Break Sports Grill came forward to address the commission. He gave an overview of the violations and the actions taken to prevent further violations.

Ms. Thue moved to approve a conditional full license transfer for #1 The Break Sports Grill in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

(2) The Post, 13, Inc. To: DBA: The Post, Morgan. (BAR)

 (3) Zest, SLC To: DBA: Franklin Ave Cocktails & Kitchen, SLC

(BAR) *(Conditional)*

 (4) Lumpy’s Downtown / Skybar, SLC To: DBA: Sky, SLC (BAR)

 (5) Maple Mountain Bar & Grill, Spanish Fork To: DBA: Shaka Island,

Spanish Fork ( BAR) *(Conditional)*

 (6) Carlos & Harley’s Fresh Mex Cantina, Eden. To: Carlos &

Harley’s Fresh Mex Cantina (RE) & (BAR) *(Conditional)*

 (7) Valhalla Pizzeria, Bryce. To: DBA: Lodge @ Bryce

Canyon/Valhalla Pizzeria, Bryce. (RL) *(Conditional)*

(8) Taggart’s Grill, Morgan a to: Taggart’s Grill, Morgan (RL)

Margaret Hardie gave an overview of the remaining full license transfers noting those that are conditional. She also reminded the bar transfer applicants that the licenses must be renewed by May 31, 2022.

Ms. Orton moved to grant full license transfers to #2 The Post in Morgan, #4 Sky in Salt Lake City, and #8 Taggart’s Grill in Morgan; and conditional full license transfers to #3 Franklin Ave Cocktails & Kitchen in Salt Lake City, #5 Shaka Island in Spanish Fork, #6 Carlos & Harley’s Fresh Mex Cantina in Eden, and #7 Bryce Canyon/Valhalla Pizzeria in Bryce. Ms. Tarazon seconded the motion which passed unanimously.

 **51% Ownership change of Entity:**

(1) Wild Thyme Café, Kanab. (BAR)

 (2) Prohibition, Murray. (BAR)

Margaret Hardie gave an overview of the 51% ownership applications.

Ms. Orton moved to grant 51% ownership transfers to #1 Wild Thyme Café in Kanab and #2 Prohibition in Murray. Ms. Randall seconded the motion which passed unanimously.

  **Off-Premise Beer Transfers:**

(1) 7-Eleven Store # 36111A, Lehi To: 7-Eleven Store # 36111B,

Lehi.
(2) 7-Eleven Store # 35508A, Clearfield To: 7-Eleven Store # 35508J,

Clearfield. *(Conditional)*

 (3) Sacco’s Produce, Roy To: Farmhouse at Sacco’s, Roy

 (4) Excel II, Roy To: Extra Mile #238, Roy.

 (5) Red Canyon Village Gift Shop, Bryce To: Red Canyon Village / Gift

Shop, Bryce.

 (6) Kim Long Fresh Market, WVC To: Kim long Fresh Market Corp.

 **51% Ownership change of Ownership of an Existing OP Entity:**

(1) Tug’s One Stop, Marysvale.

Margaret Hardie gave an overview of the full transfer and 51% ownership change off-premise beer license transfer applications. She noted #1 7-Eleven #36111B is effective June 7, 2022.

Mr. Parrish moved to approve off-premise beer license transfers for #1 7-Eleven Store #36111B in Lehi effective June 7, 2022, #3 Farmhouse at Sacco’s in Roy, #4 Extra Mile #238 in Roy, #5 Red Canyon Village/Gift Shop in Bryce, and #6 Kim Log Fresh Market in West Valley; a conditional off-premise beer license transfer for #2 7-Eleven Store #35508J in Clearfield; and a 51% ownership change for #1 Tug’s One Stop in Marysvale. 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) (violation history)*

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

 *(requesting full year license) (violation history)*

 (3) Shades Tap Room, Salt Lake City. *(Conditional) (currently has a*

*tavern license, will surrender if approved)*

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

 *will surrender tavern license if approved).*

(5) Evo Hotel, Salt Lake City. *(projected opening May 2022 meeting)*

 *Projected Future Opening:*

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

 *opening May 2022)*

 (2) Paxton Pub, Salt Lake City. *(Conditional) (projected opening May 27*

*2022)*

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

(4) Woodbine Hospitality, Salt Lake City. *(Conditional) (projected*

*opening July 2022)*

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

 *August 2022)*

(6) The Valley Saloon, Vernal. *(Conditional)* (*projected opening*

 *June 2022)*

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

 *opening August 2022)*

(8) Marquis, Park City. *(Conditional) (projected opening September*

 *2022).*

(9) Aker Restaurant, Salt Lake City. *(Conditional) (projected opening*

 *October 2022)*

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

*October 2022)*

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

 *opening October 2022)*

Nicole Hall noted one full bar establishment license is available and gave an overview of the applications ready to open and those projected to open soon. She also noted that bar establishment licenses received today must be renewed by May 31, 2022.

Ms. Thue gave an overview of the compliance subcommittee discussion. She noted that after reviewing the factors before the commission, the subcommittee leaned toward #2 Wasatch Loft & Tap Room Bar but had a few questions.

Monae Madsen from Wasatch Loft & Tap Room came forward to address the commission. She explained why they need a full year license and verified that they have the customer interest and facilities and on the second floor to support a bar establishment license.

Ms. Thue recommended the license be awarded to #2 Wasatch Loft & Tap Room.

Mr. Jacobson invited the applicants operating or ready to open to address the commission. Representatives from Shades Tap Room, and Durango Bar came forward and gave an overview of their business plans and readiness to open

Ms. Thue moved to grant a bar establishment license to #2 Wasatch Loft & Tap Room Bar in Park City. Mr. Parrish seconded the motion which passed unanimously.

Mr. Jacobson invited the balance of the applicants to address the commission. Representatives from Evo Hotel, Quarters Sugar House, Paxton Pub, Woodbine Hospitality and Edison House gave an update on their establishments scheduled to open later this year.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) ~~Under Canvas, Bryce~~. *STRIKE*

 (2) Paradise Biryani Pointe, Draper. *(Conditional)*

(3) Sandstone Café & Bar, Moab.

 (4) Peace on Earth Coffee, Riverton. *(Conditional)*

 (5) Zest Kitchen & Bar, Salt Lake City. *(Conditional)*

 (6) ~~Homecoming Southern Kitchen & Bar~~ *STRIKE*

 (7) Chili’s Grill & Bar, Saratoga Springs. *(Conditional) (violation history)*

*(projected opening 7/15/22)*

 (8) Texas Roadhouse, Spanish Fork. *(Conditional)*

(9) Plated Dreams, Woods Cross. *(Conditional)*

 (10) Longhorn Steakhouse, St. George. *(Conditional) (violation history)*

Bonnie Bills asked the commissioners to strike #1 Under Canvas and #6 Homecoming Southern Kitchen & Bar. She gave an overview of the other applications noting those that are conditional and that #7 Chili’s Grill & Bar and #10 Longhorn Steakhouse have violation histories.

Representatives from #7 Chili’s Grill & Bar came forward and outlined the actions taken to avoid additional sale to minor violations. They have enhanced their training programs and hired a third party to audit the results.

Representatives from #10 Longhorn Steakhouse came forward and provided an update on the steps taken to avoid additional violations. They have changed leadership, updated their alcohol service plan, and increased training.

Ms. Thue moved to approve a full service restaurant license for #3 Sandstone Café & Bar in Moab; and conditional full service restaurant licenses for #2 Paradise Biryani Pointe in Draper, #4 Peace on Earth Coffee in Riverton, #5 Zest Kitchen & Bar in Salt Lake City, #7 Chili’s Grill & Bar in Saratoga Springs, #8 Texas Roadhouse in Spanish Fork, #9 Plated Dreams in Woods Cross, and #10 Longhorn Steakhouse in St. George.  Approval for #7 Chili’s Grill & Bar in Saratoga Springs is also conditioned upon reporting on their increased training program to staff. Mr. Parrish seconded the motion which passed unanimously.

d. Limited Service Restaurant Applications:

 *Previous Applicant:*

(1) Ombu Hotpot, Salt Lake City. *(Conditional)*

 *New Applicants:*

(1) ~~Himilayan Flavor, Logan~~. *STRIKE*

 (2) Sushi Pro, Ogden. *(Conditional)*

(3) Hama Sushi, Saratoga Springs. *(Conditional)*

 (4) Bella Marie’s Pizzeria, St George. *(Conditional)*

Cori Price asked the commissioners to strike #1 Himilayan Flavor and gave an overview of the balance of the applications noting all are conditional.

Ms. Tarazon moved to approve conditional limited service restaurant licenses for #1 Ombu Hotpot in Salt Lake City, #2 Sushi Pro in Ogden, #3 Hama Sushi in Saratoga Springs, and #4 Bella Marie’s Pizzeria in St. George. Ms. Thue seconded the motion which passed unanimously.

e. Beer Only Restaurant Applicants:

 *New Applicants:*

(1) ~~La Palmita Market & Mexican Cantina, Salt Lake City~~. *STRIKE*

 (2) ~~Lovebirds Hot Chicken, American Fork~~. *STRIKE*

f. On-Premise Beer Recreational Amenity Applicants:

 *New Applicants:*

(1) X-Golf, Riverton. *(Conditional)*

 (2) ~~Soundwell, Salt Lake City~~. *STRIKE*

 (3) Bad Caddy Golf, Salt Lake City. *(Conditional)*

Mike Bishop asked the commissioners to strike #2 Soundwell. He gave an overview of the balance of the applications noting they are conditional.

Ms. Thue moved to approve conditional on-premise beer recreational licenses for #1 X-Golf in Riverton and #3 Bad Caddy Golf in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

g. On-Premise “Tavern” Applicant:

 *New Applicant:*

 (1) Evo Hotel, Salt Lake City.

The commission did not act on this item. It was continued to the June meeting.

h. Package Agency Applicant:

 *New Applicant:*

 (1) TGS Panguitch Liquor Agency, Panguitch. (Type 3)

Jeff Colvin gave an overview of the application.

Taylor Draper from TGS Panguitch also addressed the commission to outline his plans for the package agency.

Mr. Parrish moved to approve a Type 3 package agency license for #1 TGS Panguitch Liquor Agency in Panguitch. Ms. Thue seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. Circle Inn Pizzeria, Clearfield (BAR)

Bonnie Bills explained that they were unable to sell their license.

Garrett Schroeder from Circle Inn Pizzeria came forward to say that they were relinquishing their license and thanked the commission and staff for their assistance and closure extensions.

b. ~~Royal Bar, Salt Lake City~~. *STRIKE*

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

Jeremy Sommerlath gave an overview of the request for an extended closure until the June 2022 meeting.

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

d. Ozora Izakaya Bar, Salt Lake City. (RE)

Mike Bishop gave an overview of the request for an extended closure until June 2022.

Ms. Randall moved to approve an extended closure for Ozora Izakaya Bar in Salt Lake City until the June 2022 commission meeting. Ms. Tarazon seconded the motion which passed unanimously.

OPERATIONS UPDATE:

Michelle Schmitt announced that effective June 1, 2022 the department’s name will change to the Department of Alcoholic Beverage Services. The commission will be the Alcoholic Beverage Services Commission. She noted that the change is appropriate as the department serves all citizens of Utah by contributing millions to the state to fund roads, education, prevention, and the school lunch program. A press event launching the new name will be held on June 1, 2022.

Ms. Schmitt updated the commission on several IT projects including online and over the phone payments. She reminded industry members to submit temporary beer and single event permits to the department at least 30 days prior to the event. Staff needs time to review and trouble shoot any issues.

Ms. Schmitt also noted that the new definition of beer is effective June 1, 2022. The change will mainly impact the hard seltzer category. Many will continue to be available. Those that no longer meet the new definition will have until the end of the summer to sell through any remaining products.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Tanner Lenart came forward and asked if a special meeting will be held to address the bar licenses that will become available in June. Currently the commission doesn’t plan to hold a special meeting. She also applauded the DABS strategic plan and the idea of highlighting licensees that pass CUB visits on the website.

There being no further business, Ms. Tarazon moved to adjourn the meeting. Ms. Orton seconded the motion which passed unanimously. The meeting adjourned at 11:50 a.m.