MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD TUESDAY, AUGUST 30, 2022.

*[A copy of the final agenda was posted on the bulletin board at the DABS 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 29, 2022.]*

Chair Juliette Tennert called the meeting to order at 10:00 a.m.

Commissioners Present: Juliette Tennert, Tara Thue, Jacquelyn Orton, Natalie Randall, and Jennifer Tarazon.

Commissioner Participating Virtually: Thomas N. Jacobson.

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

Staff Participating Virtually: Tiffany Clason, Executive Director.

PLEDGE OF ALLEGIANCE:

Cori Price led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Ms. Thue moved to approve the minutes of the Commission Meeting held July 26, 2022. Ms. Randall seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Ms. Tennert made the following announcements:

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

 - Tuesday, September 27, 2022

 - Tuesday, October 25, 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. Holiday Closure:

 - Monday, September 5, 2022 (Labor Day)

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

FINANCIAL UPDATE:

Mr. Williford provided an update on the July 2022 financials. In July, sales totaled $43.5 million, which is a decrease of 3.4% from last year. The decrease is a result of this fiscal year having one less sales day. He also noted both sales per square foot and sales per associate have increased.

PARENTS EMPOWERED UPDATE:

Doug Murakami provided an update on the Parents Empowered (PE) campaign. He showed a video clip and gave an activity overview of a successful PE Community Partnership Project in the Uintah Basin.

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) Ajay’s, Bountiful and Tarcisio Wandekolken \*NSLPD (OP)

 (employee).

(2) The Stop, North Salt Lake and Nathan Cole \*NSLPD (OP)

 (employee).

(3) Winco Foods #139, Layton and Connor \*LPD (OP)

 McLaughlin (employee).

(4) 7-Eleven Store # 26718C, Magna and Zackary \*UPD (OP)

 Volner (employee).

(5) Holiday Lanes, Heber City and Kathleen Sparrow \*SBI (BE)

 (employee).

(6) Avenues Proper Restaurant & Publik House, Salt \*SBI (RE)

 Lake City and Casey Wisdom (employee).

(7) Avenues Proper Restaurant & Publik House, Salt \*SBI (RE)

 Lake City and Riley Winch (employee).

(8) Five Alls, Salt Lake City and Michael Medina \*SBI (RE)

 (employee).

(9) Ogden River Brewing, Ogden and Caitlin Wulf \*SBI (RE)

 (employee).

 (10) Rodizio Grill, Salt Lake City and Lucas Da Silva- \*SBI (RE)

 Pinto (employee).

 (11) Carver’s, Sandy and Marguerite Peterson \*SBI (RE)

 (employee).

 (12) Maverik #625, North Salt Lake and Ryan Taylor \*NSLPD (OP)

 (employee).

 (13) Saffron Valley, South Jordan and Yogisha Poojary \*SBI (RL)

 (employee).

 (14) Rally Stop, Panguitch and Tanya Socolov \*SBI (OP)

 (employee).

 (15) Buffalo Wild Wings, Sandy and Hannah Archibald \*SBI (RE)

 (employee).

 (16) Bryce Canyon Sinclair, Bryce and Hector Sanchez \*SBI (OP)

 (employee).

 (17) Spitfire Smokehouse BBQ & Taps, Moab \*SBI (BAR)

 (18) Melvin’s Public house, Heber and Oakley Franklin \*SBI (RE)

 (employee).

 (19) East Moon, Lehi and Sumaporn Lapray (employee) \*SBI (RL)

 (20) Mod Pizza (Sugarhouse), Salt Lake City and \*SBI (RL)

 Joshua Greer (employee).

 (21) Francesco’s, Salt Lake City and Britley Crabtree \*SBI (RB)

 (employee).

 (22) Anaya’s Market, Logan and Rosalinda Espinoza \*CACHE (OP)

 (employee).

 (23) Maxwell’s East Coast Eatery, Park City and \*SBI (RE)

 Javier Moreno (employee).

 (24) Sizzler #875, Provo and Michael Boudreau and \*SBI (RB)

 Thomas Krauss (employees).

 (25) Copper Canyon Grill @ Radisson, Salt Lake City \*SBI (RE)

 And Miguel Moreno (employee).

 (26) Buffalo Wild Wings, S Jordan and Megan \*SBI (RE)

 Burckhardt (employee).

 (27) Salt Lake Pizza & Pasta, Salt Lake City and Matthew \*SBI (RE)

 McCarthy (employee).

 (28) Tandoor, Salt Lake City and Paitra Biswa \*SBI (RL)

 (employee).

 (29) Applebee’s, Taylorsville and Aperila Toleafoa \*SBI (RE)

 (employee).

 (30) Happy Camper Deli, West Jordan and Marc \*SBI (RB)

 Singleton (employee).

 (31) Lola’s Tacos, Salt Lake City and Ana Chicuasuque \*SBI (RE)

 (employee).

 (32) Mountain Mike’s Pizza, Orem and Nicole Hogue \*SBI (RL)

 (employee).

 (33) Cottam Canyon Country, Escalante and Melissa \*SBI (OP)

 Fellows (employee).

 (34) 7-Eleven Store # 23587C, Roy and Holly Ramirez \*RPD (OP)

 (employee).

 (35) Wing Nutz, Ogden and Taleisa Flores (employee) \*SBI (RE)

 (36) Gladstan Golf Course, Payson and Ross Bowers \*SBI (BE)

 (employee).

 (37) Joe’s Crab Shack, Sandy and Natalie Aiono \*SBI (RE)

 (employee).

 (38) Neighbor’s Market, N. Salt Lake and Laurie \*NSLPD (OP)

 Johnson (employee).

 (39) Koi Japanese Steakhouse & Sushi, Sandy and \*SBI (RL)

 Trang Le (employee).

 (40) Glen Eagle Golf Club, Syracuse and Odelia \*SBI (BE)

 Trujillo (employee).

 (41) Tap Room, Salt Lake City and Scott Waters \*SBI (BAR)

 and Thomas Vardell (employees).

b. Order to Show Cause:

(1) Buffalo Wild Wings, South Jordan. (RE)

Ms. Tennert explained that due to new information and discussions with other commissioners, several items will be removed from the consent calendar and considered individually. Those items include #6 Avenues Proper Restaurant, #7 Avenues Proper Restaurant, #26 Buffalo Wild Wings and #41Tap Room.

Erin Hinkel gave an overview of the remaining items on the consent calendar noting all are complete and ready for action by the commission.

Ms. Thue moved to approve the items on the consent calendar except for #6 Avenues Proper Restaurant, #7 Avenues Proper Restaurant, #26 Buffalo Wild Wings and #41Tap Room. Mr. Jacobson seconded the motion which passed unanimously.

Andrew Tendick from #6 and #7 Avenues Proper Restaurant came forward to address the commission. Mr. Tendick gave an overview of the actions being taken to prevent additional violations. Ms. Thue expressed concern about multiple violations noting a third may result in a revocation.

Ms. Thue moved to approve consent calendar items #6 and #7 Avenues Proper Restaurant. Ms. Randall seconded the motion which passed unanimously.

Dennis Chambers came forward to address the commission regarding #41 Tap Room. Ms. Thue expressed concern about the number of violations they have received. Mr. Chambers acknowledged that they have four violations and explained the actions taken to prevent additional violations including dismissing the responsible employee.

Ms. Thue moved to approve consent calendar item #41 Tap Room. Ms. Orton seconded the motion which passed unanimously.

Peter Cruz and Tanner Strickland Lenart came forward to address the commission regarding item #26 Buffalo Wild Wings and the order to show cause. Ms. Lenart and Mr. Cruz addressed the issues in the order to show cause including lack of communication, failure to train managers and complete background checks.

Ms. Orton expressed concern that one manager submitted to DABS was only 19 years old. Ms. Lenart confirmed that the 19 year old has been demoted to a server. She also explained that some of the confusion was due to what Buffalo Wild Wings considers a manager versus a shift lead.

Erin Hinkel gave an overview of the consent calendar violation and resulting settlement agreement.

Ms. Orton moved to approve consent calendar item #26 Buffalo Wild Wings. Ms. Thue seconded the motion which passed unanimously.

Craig Warr outlined the order of events and the issues staff found resulting in the order to show cause. The issues included incorrect contact information on the September renewal application, managers that have not completed the required training, and incomplete background checks.

The commissioners, staff, Ms. Lenart and Mr. Cruz discussed the status of the 19 year old manager and the actions taken by Buffalo Wild Wings after they received the order to show cause in August.

Mr. Jacobson moved to continue the order to show cause for Buffalo Wild Wings in South Jordan to the September meeting and provide Buffalo Wild Wings an opportunity to demonstrate to the commission the changes they will make in connection to their designation of managers, their training requirements, and that they fully comply with all rules and regulations concerning the service of alcohol by a restaurant. Ms. Thue seconded the motion which passed unanimously.

CHANGE OF LOCATION REQUEST:

a. La Fountain (RE)

 From: 9103 S. Village Shop Drive, Sandy.

 To: 9125 S. Village Shop Drive, Sandy.

Anita Knowley gave an overview of the request.

Ms. Thue moved to approve a change of location for La Fountain in Sandy. Ms. Orton seconded the motion which passed unanimously.

PUBLIC SERVICE PERMIT APPLICANT:

1. Breeze Airways, Provo.

Nicole Tarleton gave an overview of the application.

Ms. Orton made a motion to grant a public service permit to Breeze Airways in Provo. Ms. Randall seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

 *New Applicants:*

(1) Bryce Canyon Pines Country Store, Bryce.

 (2) Garcia’s Mini Market, Layton.

 (3) Maverik #688, Ogden. *(Conditional)*

(4) Safe Mart, Salt Lake City.

 (5) Maverik #686, Sandy. *(Conditional)*

  *Change of Ownership:*

(1) Kwik Stop #2, Ogden.

(2) Merrill’s Convenience Stores Foothill, Logan. *(Conditional)*

Stephne Hanson gave an overview of the new and change of ownership applications.

Ms. Thue moved to approve off-premise beer retailer licenses for #1 Bryce Canyon Pines Country Store in Bryce, #2 Garcia’s Mini Market in Layton, and #4 Safe Mart in Salt Lake City; conditional off-premise beer retailer licenses for #3 Maverik #688 in Ogden and #5 Maverik #686 in Sandy; a change of ownership for #1 Kwik Stop #2 in Ogden; and a conditional change of ownership for Merrill’s Convenience Stores Foothill in Logan. Ms. Tarazon seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Change of Ownership License Applications:

 **Full Change of Ownership:**

(1) ~~AC Marriott SLC Downtown, Salt Lake City~~. *STRIKE*

 (2) ~~Delton North Valley, LLC, West Valley City~~.  *STRIKE*

b. Bar Establishment Applicants:

 *Ready to operate:*

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

 *will surrender tavern license if approved).*

(2) West Side Tavern, Salt Lake City. *(currently have a tavern license; will surrender tavern license if approved).*  *(New Applicant)*

 (3) Fisher Brewing Company, Salt Lake City. *(currently have a tavern license; will surrender tavern license if approved). (New Applicant)*

 (4) The Coop by Roosters, Layton. *(Conditional)* *(projected opening*

 *September 7, 2022)*

 (5) The People’s Lounge, Salt Lake City. *(projected opening August*

*2022) (New Applicant)*

 *Projected Future Opening:*

(1) Verse, Salt Lake City. *(Conditional) (projected opening September*

*2022)*

(2) Lit Arcade Bar, Ogden. *(projected opening September*

 *2022*). *(New Applicant)*

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

 *October 2022)*

 (4) Bout Time Pub & Grub, Bluffdale. *(Conditional)* *(projected opening October 2022)*

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

 *opening November 2022) (violation pending)*

 (6) Marquis, Park City. *(Conditional) (projected opening November*

 *2022).*

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

 *December 2022)*

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

*opening February 2023)*

(9) Yuki, Salt Lake City. (Conditional) (projected opening July 2023)

 *(New Applicant)*

Mike Bishop stated there are three full and two winter seasonal bar establishment licenses available today. He noted there are 14 applicants and six are open or will be ready to operate before the next meeting.

Ms. Tennert invited all applicants to come forward and address the commission. Representatives from Durango Bar, West Side Tavern, Fisher Brewing Company, The Coop by Roosters, The People’s Lounge, Verse, Lit Arcade Bar, Edison House, Bout Time Pub & Grub and Yuki came forward and gave an overview of their business plans and readiness to open.

Ms. Thue moved to grant a bar establishment license to #4 The Coop by Roosters in Layton. Ms. Randall recused herself from voting. Ms. Tarazon seconded the motion which passed unanimously.

The commissioners expressed concern at the number of applicants and the scarcity of licenses not only for today, but for the balance of the year as only two more will become available in 2022. Ms. Orton provided an update on the subcommittee discussion regarding the limited number of available licenses and factors to consider when awarding the licenses.

Ms. Orton moved to grant a bar establishment license to #1 Durango Bar in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

*Commissioner Jacobson left the meeting at 11:40 a.m.*

Ms. Orton moved to grant a bar establishment license to #5 The People’s Lounge in Salt Lake City. Ms. Tarazon seconded the motion. Ms. Tennert, Ms. Orton, Ms. Tarazon, and Ms. Randall voted yea; Ms. Thue voted nay. The motion passed.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) Lovebirds Hot Chicken, American Fork. *(Conditional)*

 (2) La Casa De La Birria 2, Logan. *(Conditional)*

 (3) Arempas Venezuelan Cuisine, Midvale. *(Conditional)*

 (4) The Crack Shack, Riverton. *(Conditional)*

 (5) The Local Market & Bar, Salt Lake City. *(Conditional)*

 (6) La Fountain Restaurant – West Valley, Salt Lake City.

*(Currently have a beer only restaurant, will surrender if full restaurant*

*is approved). (Conditional)*

 (7) Yurt @ Solitude Resort, Salt Lake City. *(Conditional)*

*(requesting winter seasonal license)*

Craig Warr gave an overview of the applications noting all are conditional. He also noted that #7 Yurt @ Solitude is requesting a winter seasonal license, requiring a full license to be divided into two – summer seasonal and winter seasonal.

Ms. Orton moved to approve conditional full service restaurant licenses for #1 Lovebirds Hot Chicken in American Fork, #2 La Casa De La Birria 2 in Logan, #3 Arempas Venezuelan Cuisine in Midvale, #4 The Crack Shack in Riverton, #5 The Local Market & Bar in Salt Lake City, and #6 La Fountain Restaurant – West Valley in Salt Lake City; and a conditional winter seasonal license for #7 Yurt @ Solitude Resort in Salt Lake City. Ms. Thue seconded the motion which passed unanimously.

d. On-Premise Banquet Catering Applicant:

 *New Applicant:*

(1) The Salt Lake Event Center, Salt Lake City. *(Conditional)*

Nicole Hall gave an overview of the application noting it is conditional.

Ms. Thue moved to grant a conditional banquet catering license to #1 The Salt Lake Event Center in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

e. Restaurant “Beer Only” Applicants:

 *New Applicant:*

(1) Mainly Pizza, Leeds. *(Conditional)*

(2) R & R BBQ, Riverton. *(Conditional) (violation history)*

Bonnie Bills gave an overview of the application noting both are conditional and that #2 R & R BBQ has a violation history.

Emery Winward and Nathan Breneman from R & R BBQ came forward to address the commission. They explained the steps they are taking to prevent additional violations at all of their locations.

Ms. Randall moved to grant conditional beer only restaurant licenses to #1 Mainly Pizza in Leeds and #2 R & R BBQ in Riverton. Ms. Thue seconded the motion which passed unanimously.

f. On-Premise Beer Recreational Applicants:

 *New Applicants:*

1. Soundwell, Salt Lake City.

(2) Eaglewood Golf Course, North Salt Lake.

(3) Tees Indoor Golf, Vernal.

Dan Oberg gave an overview of the applications.

Ms. Orton noted there have been concerns regarding all age concerts and the availability of beer without a beer garden. As a result, several commissioners toured #1 Soundwell. Ms. Orton asked and received confirmation that they will have a beer garden.

Ms. Randall moved to grant on-premise beer recreational licenses to #1 Soundwell in Salt Lake City, #2 Eaglewood Golf Course in North Salt Lake, and #3 Tees Indoor Golf in Vernal. Ms. Orton seconded the motion which passed unanimously.

g. On-Premise “Tavern” Applicant:

 *Previous Applicant:*

 (1) ~~Verse, Salt Lake City~~. *STRIKE*

 (2) ~~The People’s Lounge, Salt Lake City~~. *STRIKE*

OPERATIONS UPDATE:

Ms. Clason noted the department distributed 146 letters to licensees that successfully passed SBI inspections. She added that several retail store employees also passed the SBI inspections and were recognized in the monthly newsletter. She thanked the licensees, staff and SBI personnel.

Ms. Clason announced that the department held a virtual law enforcement training. The training was made possible through a grant from NABCA. It was conducted by the National Liquor Law Association.

Ms. Clason thanked the department’s retail team for doing an incredible job executing the annual store managers meeting.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Patrick Shea came forward to express concern regarding due process and how violations are handled.

b. Kym Buttschardt from The Coop came forward to encourage small business owners to be a part of the solution to get more bar licenses and educate legislators.

c. Mark Fine from Ogden’s Own came forward to commend the commission and DABS team for their communication and transparency.

There being no further business, Ms. Thue moved to adjourn the meeting. Ms. Orton seconded the motion. The meeting adjourned at 12:15 p.m.