` MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD TUESDAY, SEPTEMBER 27, 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, September 26, 2022.]*

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

Commissioners Present: Juliette Tennert, Tara Thue, Jacquelyn Orton, Thomas N. Jacobson, Stan Parrish, and Jennifer Tarazon.

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

Also Present: Jeff Buckner, Assistant Attorney General and Scott Higley, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Bonnie Bills led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Mr. Parrish moved to approve the minutes of the Commission Meeting held August 30, 2022. Ms. Thue seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Ms. Tennert made the following announcements:

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

 - Tuesday, October 25, 2022

 - Tuesday, November 29, 2022

b. Open and Public Meetings Act (OPMA) Training.

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. Holiday Closure:

 - Monday, October 10, 2022 (Columbus Day & Indigenous Peoples Day)

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

e. License Renewals:

 - Friday, September 30, 2022

Deadline for paying fees and filing all renewal materials for the following

license types:

* Full Service Restaurants (RE)
* Limited Service Restaurants (RL)
* Banquet Catering (BC)
* Reception Center (RC)
* Airport Lounges (AL)
* Hotel (HL)
* Hospitality Amenity (HA)
* Resorts (RS)
* Licensed as a Restaurant (LR)

FINANCIAL UPDATE:

Mr. Williford provided an update on the August 2022 financials. In August, sales totaled $41.9 million. YTD sales increased by $591,582 (0.70%) over the previous year. YTD bottle sales decreased by 94,407 bottles (1.32%).

Mr. Williford also explained that the increases in costs are the result of higher wages, credit card fees and transportation between the stores and warehouse.

PARENTS EMPOWERED UPDATE:

Doug Murakami provided an update on the Parents Empowered (PE) campaign. The team is preparing the annual report and will present it at the October USAAV meeting. He also showed a video highlighting the community partnership projects held throughout the state.

VIOLATIONS:

*\*Referral Sources – State Bureau of Investigation (SBI), Salt Lake Police Department (SLPD), North Salt Lake Police Department (NSLPD), Layton Police Department (LPD), Unified Police Department (UPD), Clearfield Police Department (CPD)*

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) E JO Korean BBQ, Salt Lake City and Celeste (SBI) (RL)

 Herrera Munoz (employee).

 (2) O’Shuck’s, Salt Lake City. (SBI) (BAR)

 (3) The Midway, Midvale and Steven Tinoco (SBI) (BAR)

 (employee).

 (4) Porky’s Cantina, Salt Lake City and Mario (SBI) (RE)

 Tafoya (employee).

 (5) Red 8 Asian Bistro & Sushi and Xiaohan Yu (SBI) (RL)

 (employee).

 (6) Happy Camper Deli @ Glendale G.C., Salt Lake (SBI) (BE)

 City and Kimberly Kelso (employee).

 (7) Mod Pizza, Salt Lake City and Joshua Greer (SBI) (RL)

 (employee).

 (8) Delton Sports Center, Salt Lake City and (SBI) (BE)

 Christina Ordaz (employee).

 (9) VFW 3586, Salt Lake City and Jason Pellum (SBI) (BAR)

 (employee).

 (10) P.F. Chang’s China Bistro, Salt Lake City and (SBI) (RE)

 Jamie Patterson (employee).

 (11) CVS Pharmacy, Layton and Hennessey Chavez (LPD) (OP)

 (employee).

 (12) Main Street Pizza & Noodle, Park City and Julius (SBI) (RE)

 Martinez & Eric Hora (employee).

 (13) Best Western Plus Ruby’s Inn, Bryce and Liviu (SBI) (HL)

 Subtircia (employee).

 (14) Sicilia Pizza, Salt Lake City and Lydia Bicknell (SBI) (RE)

 (employee).

 (15) Slapfish, Lehi and Norma Bojorquez Sanchez (SBI) (RL)

 (employee).

 (16) Tekila Mexican Grill & Cantina, Park City and (SBI) (RE)

Mathias Vonwernich (employee).

 (17) Kenny Rays, Panguitch and Marlee Palmer (SBI) (RL)

 (employee).

 (18) ~~La Casa Del Tamal, Salt Lake City~~ *STRIKE*

 (19) Comb Ridge Eat & Drink, Bluff. (SBI) (RL)

 (20) Asahi Utah, Orem and Fekrte Deskins (SBI) (RL)

 (employee).

 (21) University Broiler, Ogden and Mikenzy Fergus and (SBI) (RB)

Ali Sadati (employees).

 (22) Hive 435 Taphouse, St George and Vince Schiller (SBI) (BAR)

 and Caitlyn Connelly (employees).

 (23) Lola, Salt Lake City and Ana Chicuasuque (SBI) (RE)

 (employee).

Erin Hinkel asked the commissioners to strike #18 La Casa Del Tamal and noted the balance of the items on the consent calendar are ready for action by the commission.

Mr. Jacobson asked that items #5 Porky’s Cantina, #6 Red 8 Asian Bistro, #9 VFW 3586, and #23 Hive 435 Taphouse be removed from the consent calendar and considered individually.

Mr. Jacobson made a motion to strike #18 La Casa Del Tamal; remove for individual discussion #5 Porky’s Cantina, #6 Red 8 Asian Bistro, #9 VFW 3586, and #23 Hive 435 Taphouse; and approve the remaining items on the consent calendar. Ms. Orton seconded the motion which passed unanimously. It was discovered Mr. Jacobson had an outdated agenda.

Mr. Jacobson moved to reconsider the prior motion and made an amended motion to strike #18 La Casa Del Tamal; remove for individual discussion #4 Porky’s Cantina, #5 Red 8 Asian Bistro, #9 VFW 3586, and #22 Hive 435 Taphouse; and approve the remaining items on the consent calendar. Ms. Orton seconded the motion which passed unanimously,

Mr. Jacobson expressed concern that one of the issues with #4 Porky’s Cantina was untrained servers. Ramon Ramierez from Porky’s Cantina came forward to address the commission. Due to a language issue, this item was continued to next month and staff was directed to assist Mr. Ramierez with an interpreter.

Mr. Jacobson asked that a representative from #5 Red 8 Asian Bistro come forward. A representative was not in attendance. The item was continued to next month.

Ms. Hinkel gave an overview of the violations and fines being considered. John Wattson from VFW 3586 came forward to address the commission. Ms. Tennert expressed concern that the issues for #9 VFW 3586 included an intoxicated employee and minors on the premise. Mr. Wattson stated it was a sting operation and that fraternal organizations do not need to scan customer identifications. He added that they now have a scanner to avoid additional violations. Mr. Wattson also noted that the employee smelled of alcohol but wasn’t intoxicated. A breathalyzer test wasn’t administered.

Ms. Clason gave an overview of the covert underage buyer program the Department of Public Safety administers noting they are statutorily allowed to send in minors.

Mr. Jacobson suggested a five-day suspension be added to the fines due to the seriousness of having an intoxicated employee serving. The item was continued to next month for further investigation into whether the employee was intoxicated.

A representative from #22 Hive 435 was not in attendance. The item was also continued to next month.

b. Commission Action on Hearing Official’s Recommended Findings:

 (1) Triple Stop Freeport, Clearfield and Eric Young (employee). (OP)

Scott Higley gave an overview of the citations, the hearing officer’s recommended findings, and the Triple Stop Freeport counter offer. He noted the commission may accept in whole or part the hearing officer's findings and select dates for the suspension or let Triple Stop select the suspension dates.

Ms. Orton moved to accept the hearing officer’s recommended findings regarding Triple Stop Freeport in Clearfield. Ms. Thue seconded the motion which passed unanimously.

Ms. Orton moved to reconsider and made an amended motion to accept the hearing officer’s recommended order regarding Triple Stop Freeport in Clearfield, inform Triple Stop that a third violation may result in a license revocation, and that the commission will set the suspension dates of October 1 – 10, 2022. Ms. Thue seconded the motion which passed unanimously.

c. Update on Order to Show Cause:

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

Craig Warr reminded the commissioners of the issues being considered.

Peter Cruz and Tanner Strickland Lenart came forward to address the commission. Ms. Lenart noted the Utah manager procedures have been updated and are being reviewed monthly. The update was done locally.

Mr. Jacobson acknowledged that he read the updated procedures and they were a substantial improvement.

Mr. Warr outlined the actions the commission may consider including suspend the license, revoke the license, or dismiss the order to show cause.

Ms. Orton moved to dismiss the order to show cause for Buffalo Wild Wings in South Jordan. Ms. Thue seconded the motion which passed unanimously.

FULL YEAR LICENSE REQUESTING TO CHANGE TO SUMMER SEASONAL LICENSE:

a. Schultz’s Lakeside Dining, Panguitch. (RL)

Craig Warr gave an overview of the request.

Ms. Thue moved to approve a change from a full year to a summer seasonal license for Schultz’s Lakeside Dining in Panguitch. Mr. Jacobson seconded the motion which passed unanimously.

EXTENDED CLOSURE REQUESTS:

a. ~~Sandtrap, Ogden~~. *STRIKE*

b. ~~Green Room, Salt Lake City~~. *STRIKE*

c. Reef’s Cuisine, Park City. (RL)

Mike Bishop gave an overview of the request from Reef’s Cuisine for an extended closure until the December meeting.

Ms. Thue moved to approve an extended closure until the December meeting for Reef’s Cuisine in Park City. Mr. Jacobson seconded the motion which passed unanimously.

PUBLIC SERVICE PERMIT APPLICANT:

1. Allegiant Air, Provo.

Nicole Tarleton gave an overview of the application.

Mr. Parrish made a motion to grant a public service permit to Allegiant Air in Provo. Ms. Orton seconded the motion which passed unanimously.

LOCAL INDUSTRY REPRESENTATIVE APPLICANT:

1. Scott Richey, Kamas.

Nicole Tarleton gave an overview of the application.

Ms. Thue made a motion to grant a local industry representative license to Scott Richey in Kamas. Ms. Orton seconded the motion which passed unanimously.

MANUFACTURE WINERY APPLICANT:

1. Everything Good Nutrition, Salt Lake City.

Jeff Colvin gave an overview of the application.

Ms. Thue made a motion to grant a manufacture winery license to Everything Good Nutrition in Salt Lake City. Mr. Parrish seconded the motion which passed unanimously.

OFF-PREMISE BEER RETAILER APPLICANTS:

  *Change of Ownerships:*

(1) Kwik Stop III, Ogden.

(2) Last Chance Store #7, Provo.

 *New Applicants:*

 (1) Rancho Markets, Clearfield.

(2) Holiday Oil #73, Clearfield.

 (3) Costco Wholesale #1633, Logan. *(Conditional)*

(4) Express Mart, North Salt Lake.

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

Ms. Thue moved to approve off-premise beer retailer license ownership changes for #1 Kwik Stop III in Ogden and #2 Last Chance Store #7 in Provo. Ms. Orton seconded the motion which passed unanimously.

Ms. Orton moved to approve off-premise beer retailer licenses for #1 Rancho Markets in Clearfield, #2 Holiday Oil #73 in Clearfield, and #4 Express Mart in North Salt Lake; and a conditional off-premise beer retailer license for #3 Costco Wholesale #1633 in Logan. Ms. Thue seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Change of Ownership License Applications:

 **Full Change of Ownership:**

(1) Waldorf Astoria Park City, Park City. (HL) (RE, BAR, BC)

 (2) Delton North Valley, LLC, West Valley City. (BE)

 (3) Cancun Café, SLC DBA: La Cevicheria, Salt Lake City. (RE)

*(Conditional)*

(4) Scorez, Lehi. (BAR)

 (5) Piper Down Pub, Salt Lake City. (BAR)

 (6) Crumb Brothers, Logan. (RL) *(Conditional)*

 **51% or more restructuring of Entity:**

(1) Sugar House Coffee, Salt Lake City. (RL)

Margaret Hardie gave an overview of the change of ownership applications noting those that are conditional.

Ms. Thue moved to approve full ownership changes for #1 Waldorf Astoria Park City in Park City, #2 Delton North Valley, LLC, in West Valley City, #4 Scorez in Lehi, and #5 Piper Down Pub in Salt Lake City; conditional full ownership changes for #3 Cancun Café, SLC DBA: La Cevicheria in Salt Lake City, and #6 Crumb Brothers in Logan; and a 51% or more restructuring of entity change for #1 Sugar House Coffee in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously

b. Bar Establishment Applicants:

 *Ready to operate:*

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

 (2) Fisher Brewing Company, Salt Lake City. *(currently have a tavern*

*license; will surrender tavern license if approved).*

 *Projected Future Opening:*

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

*30, 2022)*

(2) Lit Arcade Bar, Ogden. *(projected opening October 2022*).

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

 *October 2022)*

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

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

 *opening November 2022) (violation adjudicated August 30, 2022).*

 (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)

Ms. Tennert noted that only two bar establishment licenses will be available for the remainder of the year -- one is available today and one will be available in November. She invited applicants ready to operate and those planning to open prior to the next meeting to come forward.

Representatives from West Side Tavern, Fisher Brewing Company, Verse, Lit Arcade Bar, and Edison House came forward and gave an overview of their business plans and readiness to open.

Ms. Orton provided an update on the subcommittee discussion noting members were divided on whether to award or hold the license available this month.

The commissioners expressed frustration at the focus on construction and discussed other factors to consider given the number of applicants hoping to open soon and the scarcity of licenses.

Ms. Orton moved to hold the bar establishment license until the next meeting. Mr. Jacobson seconded the motion. Ms. Thue abstained from voting. Ms. Tennert, Ms. Orton, Mr. Jacobson, Ms. Tarazon and Mr. Parrish voted yea. The motion passed.

c. Full Service Restaurant Applicants:

 *New Applicants:*

(1) Heirloom Common, Midway.

(2) Topgolf, Vineyard. *(Conditional)*

(3) Aqua Terra Steak & Sushi, Salt Lake City. *(Conditional)*

(4) Meat Hook BBQ, Salt Lake City.

(5) Mr & Mrs Crab Juicy Seafood & Bar, Salt Lake City.

Ms. Tennert summarized the applications.

Mr. Jacobson moved to approve full service restaurant licenses for #1 Heirloom Common in Midway, #4 Meat Hook BBQ in Salt Lake City, and #5 Mr & Mrs Crab Juicy Seafood & Bar in Salt Lake City; and conditional full service restaurant licenses for #2 Topgolf in Vineyard and #3 Aqua Terra Steak & Sushi in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

d. Limited Service Restaurant Applicant:

 *New Applicant:*

(1) Social District Bistro, St. George. *(Conditional)*

Bonnie Bills gave an overview of the application.

Ms. Orton moved to approve a conditional limited service restaurant license for #1 Social District Bistro in St. George. Mr. Jacobson seconded the motion which passed unanimously.

e. Hotel Applicants:

 *New Applicants:*

(1) ~~Le Meridian/Element Hotel, Salt Lake City~~. *STRIKE*

(2) AC Marriott SLC Downtown, Salt Lake City. (RE, BC & BAR)

Rob Hansen gave an overview of the application.

Mr. Parrish moved to approve a hotel license for #2 AC Marriott SLC Downtown in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

f. On-Premise Banquet Catering Applicants:

 *New Applicant:*

1. Topgolf, Vineyard. *(Conditional)*
2. ~~Cougar Ridge Resort, Torrey~~. *STRIKE*

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

Ms. Orton moved to grant a conditional banquet catering license to #1 Topgolf in Vineyard. Ms. Tarazon seconded the motion which passed unanimously.

g. On-Premise Beer Recreational Applicant:

 *New Applicant:*

(1) Blues at the Depot, Salt Lake City.

Dan Oberg gave an overview of the application noting it will be a dual licensed facility. The first two floors will host all age events and the third floor has a bar license. The concern is that the only bathrooms available are on the third floor.

Karen Kendrick, Hayden Goble and Troy Stubbs from Blues at the Depot came forward to explain the measure in place to prevent minors from accessing alcohol. They include security officers at the doors, ID stations and hand stamps.

Ms. Thue moved to grant an on-premise beer recreational license to #1 Blues at the Depot in Salt Lake City. Mr. Jacobson seconded the motion. Ms. Orton voted nay. Ms. Tennert, Ms. Thue, Mr. Jacobson, Ms. Tarazon and Mr. Parrish voted yea. The motion passed.

*Mr. Jacobson left the meeting at 12:05 p.m.*

h. On-Premise “Tavern” Applicant:

 *New Applicant:*

1. ~~Verse, Salt Lake City~~.

i. Package Agency Applicant:

 *New Applicant:*

 (1) The Market @ Hyatt Regency Hotel, Salt Lake City. (Type 1)

Nicole Hall gave an overview of the application.

Ms. Thue moved to grant a Type 1 package agency license to #1 The Market @ Hyatt Regency Hotel in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

OPERATIONS UPDATE:

Ms. Clason provided an update on the number of licensees that successfully passed SBI inspections. She noted two 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 introduced Rob Hansen and Troy Potter from the Compliance department. Mr. Potter is now a compliance officer in the St. George area. He is the first compliance officer to reside and work in a rural area.

Mr. Potter thanked Ms. Clason and the department for the opportunity to serve the southern Utah region.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

None.

There being no further business, Ms. Orton moved to adjourn the meeting. Ms. Tarazon seconded the motion. The meeting adjourned at 12:10 p.m.