MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD THURSDAY, JANUARY 26, 2023.

*[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 Wednesday, January 25, 2023.]*

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

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

Staff Present: Tiffany Clason, Executive Director; Cade Meier, Deputy Director; Sean Williford, Finance Director; Angela Micklos, Compliance and Licensing Director; and Doug Murakami, Alcohol Education Director.

Also Present: Samuel McHenry, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Lisa Carpenter led the group in the Pledge of Allegiance.

POSSIBLE CLOSED SESSION TO DISCUSS PENDING LITIGATION:

Mr. Jacobson made a motion to meet with legal counsel concerning the status of pending litigation and moved pursuant to Utah Code Annotated §52-4-205(1)(c) that the commission go into closed session to consult with legal counsel regarding the status of pending litigation. Mr. Parrish seconded the motion which passed unanimously. *10:04 a.m.*

Mr. Jacobson moved to return to the public meeting. Ms. Randall seconded the motion which passed unanimously. *10:38 a.m.*

APPROVAL OF MINUTES:

Ms. Randall moved to approve the minutes of the Commission Meeting held December 20, 2022. Mr. Parrish seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Ms. Tennert and Ms. Clason made the following announcements:

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

 - Thursday, February 23, 2023

 - Thursday, March 30, 2023

b. Holiday Closure:

The DABS administrative office, warehouse and liquor stores will be closed:
- Monday, February 20, 2023 (Washington and Lincoln Day)

c. Public Comments:

 - Those present, please complete the form located at the back of the room.

 - Those participating virtually, please email your name, city, topic, and affiliation (if

applicable) to hotline@utah.gov by 5:00 p.m. on Wednesday, January 25, 2023.

 - Comments will be addressed at the end of the meeting.

d. License Renewals:

 - Tuesday, January 31, 2023

 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 provided an update on the December 2022 financials. In December, sales totaled $57.3 million. Sales YTD totaled $285 million. Mr. Williford noted the numbers are preliminary as the department is still migrating to the new ERP system.

PARENTS EMPOWERED UPDATE:

Mr. Murakami announced that the Governor declared January as PE month and thanked those that organized and participated in the announcement last week. The Lt. Governor and legislative leaders spoke at the event held at the Utah State Capitol.

Mr. Murakami described the essence of the PE campaign -- alcohol use over a lifetime, alcohol use in the past 30 days, and binge drinking. The focus is on the 15,000 kids in Utah that consume alcohol. He also distributed the most recent brochure on protecting a child’s developing brain.

OPERATIONS UPDATE:

Ms. Clason provided an update on the legislative session. Ms. Clason and staff have been working with the legislative leads -- Sen. Stevenson, Rep. Burton and Rep. Peterson -- on the alcohol omnibus and other bills. Regarding funding, the department presented at BEDL last week and will present to IGG next week. She outlined the business cases that are being presented.

Ms. Micklos introduced and welcomed two new compliance officers – Joseph Ferrari and Lisa Carpenter.

APPOINTMENT OF GENERAL WAREHOUSE MANAGER:

Mr. Meier introduced Adrian Zamora and explained that he is the former shipping manager and has been overseeing the warehouse for the past several months. Mr. Meier stated that the department would like Mr. Zamora to fill the position of General Warehouse Manager and asked that the commission approve the appointment.

Mr. Jacobson moved to appoint Adrian Zamora as the General Warehouse Manager. Ms. Tarazon seconded the motion which passed unanimously.

APPROVAL OF TEMPORARY STATE STORE:

Ms. Clason provided an overview of the need for a temporary store during the NBA All-Star weekend. The temporary store will reduce congestion in and around the downtown state liquor store by providing walkable access for visitors. The store will be located in the Salt Palace and open from 11:00 a.m. to 10:00 p.m. on Thursday, February 16, through Saturday, February 18. The department followed all state and local policies specific to setting up the store.

Ms. Orton moved to approve the temporary state store. Ms. Randall seconded the motion which passed unanimously.

VIOLATIONS:

*\* Referral Source – State Bureau of Investigation (SBI), Salt Lake Police Department (SLPD), North Salt Lake Police Department (NSLPD), Ogden Police Department (OPD), Unified Police Department (UPD), Cache County (CC).*

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.]*

(1) Hilton, Salt Lake City and Emma Wikoff- \*SBI (HL)

 Witten (employee).

(2) Hyatt Place, Salt Lake City and Brittany \*SBI (RE)

 Lacock (employee).

(3) Don Pedro’s Mexican Restaurant, Heber \*SBI (RE)

 and Ema Quintana (employee).

(4) Smith’s #133, Salt Lake City and Stephanie \*UPD (OP)

 Solik (employee).

(5) 7-Eleven Store # 29175D, Salt Lake City \*UPD (OP)

 And Guijala Mahendar (employee).

(6) Itto Sushi, Orem and Micala Brailsford \*SBI (RE)

 (employee).

(7) Kamas Foodtown/Sinclair, Kamas and \*SBI (OP)

 Amia Woodward (employee).

(8) Huhot Mongolian Grill, St George and \*SBI (RL)

 Jamelin Abritz (employee).

(9) Neighbors Market, North Salt Lake \*NSLPD (OP)

 And Shelly Bishop (employee).

(10) Holiday Inn Burger Theory, St George and \*SBI (RE)

 Ethan Langford and Kristin Ohlsson (employee).

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

 Orem and Sydnee Birch (employee).

(12) Manning’s Short Stop, Hyrum and Natania \*CC (OP)

 Maughan (employee).

(13) Manning’s Short Stop, Hyrum and Sheila \*CC (OP)

 Huffman (employee).

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

Ms. Tennert referenced the PE brochure that outlines the negative effects of underage drinking on the developing brain. Several commissioners expressed concern over the increase in violations involving service to minors. They noted the violations are unacceptable and asked staff to seek more aggressive penalties.

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

b. Violation Consideration:

(14) Sakura Japanese Steak and Sushi Bar, Price \*SBI (RL)

 and Jing Cao (employee).

Erin Hinkel explained that staff received new information regarding the violation for Sakura Japanese Steak & Sushi Bar. Staff learned this morning that the building owner, not the licensee, was aggressive with law enforcement. Staff no longer considers the violation to include an aggravating factor. Ms. Wu was preparing for a party and unaware of the aggressive behavior.

Jaionan Wu, owner of Sakura, along with a Mandarin interpreter, Catherine Palmer, came forward to address the commission. They confirmed that the building owner, not Ms. Wu, was aggressive with law enforcement.

Ms. Hinkel provided the details of a new settlement agreement including a five-day suspension February 1, 2, 3, 4, and 6, 2023; a fine of $200.00; costs of $337.65 and an updated RASP. Ms. Wu agreed to the new terms of the settlement agreement.

Mr. Jacobson moved to accept the terms of the revised settlement agreement for Sakura Japanese Steak and Sushi Bar in Price. Ms. Thue seconded the motion which passed unanimously.

Ms. Thue stressed the importance of staff providing translation services early in the negotiation process. Ms. Clason agreed with Ms. Thue and added that the department has been working to provide language services throughout the agency.

LICENSEE RECOGNITIONS: PASSED UTAH PUBLIC SAFETY SBI COVERT (CUB) INSPECTIONS.

Ms. Clason reported that since the December meeting, 55 licensees passed the SBI inspections. She congratulated those that passed and thanked them for following the alcohol safety laws.

EXTENDED CLOSURE REQUESTS:

a. Cowboy Ranch House II, Bryce. (RE) *(requesting until the March 2023 meeting).*

b. Outlaw’s Roost, Hanksville. (RE) (requesting until the March 2023 meeting).

c. Under Canvas, Big Water. (RE) *(requesting until the March 2023 meeting).*

d. Under Canvas, Virgin. (RL) *(requesting until the March 2023 meeting).*

e. Chuckwagon Cookouts, Kanab. (RL) *(requesting until the March 2023 meeting).*

f. Hunt & Gather Restaurant, Torrey. (RE) *(requesting until the April 2023 meeting).*

Rob Hansen gave an overview of the extended closure requests.

Mr. Jacobson moved to approve extended closure requests until the March 2023 commission meeting for Cowboy Ranch House II in Bruce, Outlaw’s Roost in Hanksville, Under Canvas in Big Water, Under Canvas in Virgin, and Chuckwagon Cookouts in Kanab; and an extended closure until the April 2023 commission meeting for Hunt & Gather Restaurant in Torrey. Ms. Orton seconded the motion which passed unanimously.

CHANGE OF LOCATION REQUEST:

a. Anthony J’s (BAR)

 From: 23 East 100 North, Price.

 To: 150 North Hospital Drive, Price.

Rob Hansen gave an overview of the request.

Ms. Orton moved to approve a change of location request for Anthony J’s in Price. Mr. Jacobson seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Off- Premise Beer Retailer Applicants:

 *License Change of Ownership:*

(1) 7-Eleven Store # 12948C, Salt Lake City. *(Conditional)*

 (2) 7-Eleven Store # 33980C, Sandy.

(3) Exxon-MK Fuel Stop, Roy.

 *New Applicants:*

(1) Hampton Inn Salt Lake City/Layton.

 (2) Latin Market, Midvale.

(3) Maverik # 657, ~~Salt Lake City~~ Washington.

 (4) Rose Park Convenience Store, Salt Lake City. *(Conditional)*

Stephne Hanson gave an overview of the new and change of ownership applications. She noted new applicant #3 Maverik #657 is located in Washington not Salt Lake City. She also noted that all applicants will need to renew by January 31, 2023.

Ms. Orton moved to approve off-premise beer retailer license ownership changes for #2 7-Eleven Store # 33980C in Sandy and #3 Exxon-MK Fuel Stop in Roy; and a conditional off-premise beer retailer license ownership changes for #1 7-Eleven Store #12948C in Salt Lake City. Ms. Thue seconded the motion which passed unanimously.

Ms. Orton moved to approve off-premise beer retailer licenses for #1 Hampton Inn Salt Lake City/Layton, #2 Latin Market in Midvale, and #3 Maverik #657 in Washington; and a conditional off-premise beer retailer licenses for #4 Rose Park Convenience Store in Salt Lake City. Ms. Thue seconded the motion which passed unanimously.

b. Local Industry Representative Applicants:

 (1) Henri Johnson / Sazerac Company, Draper.

 (2) Chloe Greep / Sazerac Company, Salt Lake City.

 (3) Trent Hannu / Sazerac Company, South Jordan.

 (4) Chris Morris / Sazerac Company, Washington.

Jeff Colvin gave an overview of the applications.

Mr. Parrish moved to approve local industry representative licenses for #1 Henri Johnson/ Sazerac Company in Draper, #2 Chloe Green/ Sazerac Company in Salt Lake City, #3 Trent Hannu/ Sazerac Company in South Jordan, and #4 Chris Morris/ Sazerac Company in Washington. Ms. Tarazon seconded the motion which passed unanimously.

c. On-Premise Beer Recreational Amenity Applicant:

 *License Change of Ownership:*

(1) ~~Gravel Pit Lanes, Moab~~. *STRIKE*

d. Full Service Restaurant Applicants:

 *License Change of Ownership:*

(1) Ovation Sienna Hills, Washington.

(2) ~~Zion Canyon Brew Pub, Springdale~~. *STRIKE*

 *Ready to Operate:*

(1) La Fonda Grill, Hurricane. *(Conditional) (currently open)*

 (2) The Logan Golf and Country Club, Logan. *(currently open).*

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

(4) La Casa Del Tamal, Salt Lake City. *(Conditional) (currently*

*open)*

 *Projected Future Opening:*

 (1) Delipan, Provo. *(Conditional)*  *(projected opening January 27,*

*2023).*

(2) Proper Brewing Moab Taphouse, Moab. *(Conditional) (projected opening January 31, 2023).*

 (3) Wildfin American Grill, South Jordan. *(Conditional) (projected*

*opening February 14, 2023)*

(4) Stack 571 Burger & Whiskey Bar, South Jordan. *(Conditional)*

*(projected opening March 15, 2023).*

 (5) Biscuit & Hogs, Ogden. *(Conditional) (projected opening March 10,*

*2023)*

(6) Root’d Café, Riverton. *(Conditional)* *(projected opening*

*April 27, 2023).*

Cori Price gave an overview of the full service restaurant applicants. She noted there are 24 full year and three summer seasonal licenses available today.

Tyler Riggs, participating virtually, requested to speak regarding The Logan Golf and Country Club. Mr. Riggs asked that the commission deny the request to change from and an equity bar to a social bar license and outlined his concerns.

Ms. Tennert thanked Mr. Riggs for his comments and asked that he stay online and comment during the bar license portion of the agenda.

Ms. Orton moved to approve ready to operate applicants.

Ms. Thue made a substitute motion to approve a change of ownership for #1 Ovation Sienna Hills in Washington; conditional full service restaurant licenses for ready to operate #1 La Fonda Grill in Hurricane and #4 La Casa Del Tamal in Salt Lake City; and a full service restaurant license for #2 The Logan Golf and Country Club in Logan. Mr. Jacobson seconded the motion which passed unanimously.

The commissioners discussed the applicants that are close to opening.

Ms. Orton moved to approve conditional full service restaurant licenses for projected opening applicants #1 Delipan in Provo, #2 Proper Brewing Moab Taphouse in Moab, and #3 Wildfin American Grill in South Jordan. Mr. Parrish seconded the motion which passed unanimously.

e. Limited Service Restaurant Applicants:

 *License Change of Ownership:*

(1) Canyon Steak and Waffle House, Moab. *(Conditional)*

 *New Applicants:*

 (1) Mountain Mike’s Pizza, Hurricane. *(Conditional)*

(2) Silverlake Ramen, Riverton. *(Conditional)*

(3) Nonna Ina, St George. *(Conditional)*

 (4) One Noodle Bar, West Jordan.

Cori Price gave an overview of the limited service applications.

Mr. Jacobson moved to approve a conditional change of ownership for #1 Canyon Steak and Waffle House in Moab; conditional limited service restaurant licenses for #1 Mountain Mike’s Pizza in Hurricane, #2 Silverlake Ramen in Riverton, and #3 Nonna Ina in St. George; and a limited service restaurant license for #4 One Noodle Bar in West Jordan. Ms. Thue seconded the motion which passed unanimously.

f. On Premise “Beer Only Restaurant” Applicant:

 *New Applicants:*

(1) Zimbu, Sandy.

Cori Price gave an overview of the beer only restaurant application noting they understand they will need to renew by January 31, 2023.

Ms. Thue moved to approve a beer only restaurant license for #1 Zimbu in Sandy. Ms. Randall seconded the motion which passed unanimously.

g. On-Premise Banquet Catering Applicant:

 *New Applicant:*

(1) The Logan Golf and Country Club, Logan.

Rob Hansen gave an overview of the application. Ms. Tennert acknowledged the previous public comment from Tyler Riggs.

Mr. Jacobson moved to approve a banquet catering license for #1 The Logan Golf and Country Club in Logan. Ms. Thue seconded the motion.

Mr. Jacobson asked Tyler Riggs if he had concerns about a banquet catering license. Mr. Riggs replied he had no concerns as the events are inside the facility. Mr. Jacobson verified the license limitations with staff including the requirement to notify staff prior to the event and designating the banquet catering premise.

Ms. Tennert called for a vote on Mr. Jacobson’s motion to approve a banquet catering license for #1 The Logan Golf and Country Club in Logan. The motion passed unanimously.

h. On Premise “Tavern” Applicant:

 *License Change of Ownership:*

(1) ~~Zion Canyon Brew Pub, Springdale~~. *STRIKE*

i. Bar Establishment Applicants:

 *License Change of Ownership:*

(1) The Logan Golf and Country Club, Logan. *(changing*

*from an Equity Bar to a Social Bar)*

(2) Mayor Voss, Salt Lake City.

 *Ready to Operate:*

(1) West Side Tavern, Salt Lake City. *(currently holds a Winter Seasonal Bar license; requesting Full Bar license).*

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

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

 *Projected Future Opening:*

 (1) Bout Time Pub & Grub, Bluffdale. *(projected opening February 1, 2023).*

 (2) Aker Restaurant and Lounge, Salt Lake City. *(Conditional)*

 *(projected opening April 2023)*

 (3) Marquis, Park City. *(Conditional) (projected opening March 2023).*

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

opening August 2023)

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

Mr. Hansen noted that the ownership changes do not affect the bar establishment license quota and gave an overview of the two applications.

Rob Hansen noted only a winter seasonal license is available today, no full year. He gave an overview of the ready to operate and projected future opening applications noting #1 Bout Time in Bluffdale received their business license and is no longer conditional.

Ms. Tennert asked if #2 Mayor Voss planned to move their business. Rachel, a representative from Mayor Voss, originally was unable to participate; but was later able to connect virtually and confirm they have no plans to move the business.

Mr. Jacobson moved to approve a change of ownership for #2 Mayor Voss in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

Mr. Jacobson moved to approve a change of ownership and change from an equity to a social bar for #1 The Logan Golf and Country Club in Logan. Ms. Thue seconded the motion.

Ms. Tennert acknowledged the public comments from Tyler Riggs and invited the applicant to address the commission. Gary Thorup, attorney representing Logan Golf and Country Club, came forward; and owner Dave Jenkins joined virtually. Mr. Thorup noted that Mr. Riggs is a former owner. Mr. Riggs restated his concerns to the commission. Mr. Thorup and Mr. Jenkins addressed the concerns outlined in Mr. Riggs comments. The commissioners discussed the concerns and the response from the applicant. They verified with Mr. Hansen the license limitations including that the bar license doesn’t extend outside of the designated premise onto the golf course, and minors are not allowed on the bar premise.

Ms. Tennert called for a vote on Mr. Jacobson’s motion to approve a change of ownership and change from an equity to a social bar for #1 The Logan Golf and Country Club in Logan. The motion passed unanimously.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Tim Ryan from Bout Time came forward to again encourage all stakeholders to contact their legislative representatives regarding alcohol licenses. He also announced a training with SBI to be held at their Bluffdale location.

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