MINUTES OF THE MEETING OF THE UTAH

 ALCOHOLIC BEVERAGE SERVICES COMMISSION

HELD THURSDAY, MARCH 30, 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 the Deseret News, and posted on the Utah Public Notice Website by 10:00 a.m. on Wednesday, March 29, 2023.]*

Vice-Chair Tara Thue called the meeting to order at 10:00 a.m.

Commissioners Present: 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; and Doug Murakami, Alcohol Education Director.

Also Present: Samuel McHenry, Assistant Attorney General.

PLEDGE OF ALLEGIANCE:

Jeff Colvin led the group in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Ms. Orton moved to approve the minutes of the Commission Meeting held February 23, 2023. Mr. Parrish seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Ms. Thue made the following announcements:

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

 - Thursday, April 27, 2023

 - Thursday, May 25, 2023

b. 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, February 22, 2023.

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

FINANCIAL UPDATE:

Mr. Williford provided an update on the February 2023 financials. In February, sales totaled $50 million which is a $3.5 million increase over the prior year. The transfer to the general fund for February will be $9.6 million. YTD the general fund transfer is $69 million.

PARENTS EMPOWERED UPDATE:

Mr. Murakami gave an update on the Parents Empowered campaign. He provided additional findings from the recent PE study. He explained that underage drinking rates are at an all-time low, but there is also a decline in the number of parents that see the risk of underage drinking.

Mr. Murakami also announced that the PE campaign received seven awards from the American Advertising Federation Utah.

OPERATIONS UPDATE:

Ms. Clason noted lots of technology and retail projects are underway and the department continues to move forward. The DABS Help Desk successfully launched internally in February and is expected to launch externally soon.

Ms. Clason also provided an update on the recent Eliminating Alcohol Sales to Youth (EASY) workshops. The department partnered with the Salt Lake County Health Department, law enforcement and prevention stakeholders to hold two workshops – one for law enforcement and one for licensees. Both workshops were productive and well attended.

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), Layton Police Department (LPD), Logan Policy Department (LGPD), Tooele Police Department (TPD), West Valley Police Department (WVPD)*

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) Tucanos Brazilian Grill, Farmington and Matthew \*SBI (RE)

 Maldonado and Dane Francis (employees).

 (2) Delton North Valley, Salt Lake City and Cindy \*SBI (BE)

 Riggs (employee).

 (3) Scorez,  Lehi and Logan Tait (employee). \*SBI (BAR)

 (4) Sushi Monster, Farmington and Chatruethai \*SBI (RL)

 Gregg (employee).

 (5) Jacksons #152, Salt Lake City and Nicole Depriest \*WVPD (OP)

 (6) Maverik #541, Sandy and Adam Griffiths \*SBI (OP)

 (employee).

 (7) Gas Stop, Tooele and Lori Silva (employee). \*TPD (OP)

 (8) Macey’s, Tooele and MaryAnn Vonhatten \*TPD (OP)

 (employee).

 (9) Canyons Village Mgmt., Park City and Chris Doval \*SBI (SE)

 (employee).

 (10) Bar 86, Richfield and America Chester (employee). \*SBI (BAR)

 (11) Sandy Amphitheater Concert Series, Sandy and \*SBI (SE)

 Catherine Geertsen (employee).

 (12) Walmart #4272, Logan and Elena Trujillo \*LGPD (OP)

 (employee).

 (13) 7-Eleven Store # 36342A, Tooele and Lexee \*TPD (OP)

 Uhte (employee).

 (14) Echo Event Center, Salt Lake City. \*SBI (BAR)

 (15) Noir Event Center, Salt Lake City \*SBI (SE)

Ms. Orton moved to approve items #1 to #15 on the consent calendar. Ms. Tarazon seconded the motion which passed unanimously.

b. Violation Consideration:

 (16) Buffalo Wild Wings, Layton and Cassie Laughlin \*SBI (RE)

 (employee).

Ms. Thue noted the commissioners pulled Buffalo Wild Wings from the consent calendar for additional consideration due to repeated violations. She asked the representatives from Buffalo Wild Wings to come forward.

Tanner Strickland Lenart, Kirsten Allen, Kurt Torres and Laura Carlson Heideman from Buffalo Wild Wings came forward to address the commission. In response to the commissioner’s questions, Ms. Allen expressed embarrassment and outlined their plan to have managers check for identification at the door and have servers recheck identification at the table. They also gave an overview of the changes that have been made to stop additional violations.

Mr. Jacobson moved to approve the settlement agreement for #16 Buffalo Wild Wings in Layton. Ms. Orton seconded the motion which passed unanimously.

c. Order to Show Cause:

(1) ~~City Limits, Provo~~ *STRIKE*

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

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

CHANGE OF LOCATION REQUEST:

a. Cirque Distilling LLC (Liquor Warehouse)

 From: 2052 West 2200 South, West Valley City.

 To: 90 East Fort Union Blvd., Midvale.

Rob Hansen gave an overview of the request to move from West Valley City to Midvale.

Mr. Jacobson moved to approve the change of location request for Cirque Distilling LLC. Ms. Orton seconded the motion which passed unanimously.

LICENSE APPLICATIONS:

a. Off- Premise Beer Retailer Applicants:

 *License Change of Ownership:*

(1) Chevron - MK Fuel Stop 2, Payson.  *(Conditional) (purchase*

 *agreement date February 7, 2023)*

(2) Petro-Mart, Ogden. *(purchase agreement date March 7, 2023)*

 *New Applicants:*

(1) Golden Gate, Fillmore.

 (2) Helper Beer, Helper.

 (3) Chevron - MK Fuel Stop 3, Salt Lake City. *(Conditional)*

(4) Hampton Inn and Suites, Spanish Fork.

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

Ms. Orton moved to approve a conditional off-premise beer retailer license ownership change for #1 Chevron – MK Fuel Stop 2 in Payson; an off-premise beer retailer license ownership changes for #2 Petro-Mart in Ogden; off-premise beer retailer licenses for #1 Golden Gate in Fillmore, #2 Helper Beer in Helper and #4 Hampton Inn and Suites in Spanish Fork; and a conditional off-premise beer retailer license for #3 Chevron – MK Fuel Stop 3 in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

b. Liquor Warehouse Applicant:

 *New Applicant:*

(1) Interwest Transportation, Salt Lake City.

Stephne Hanson gave an overview of the application.

Mr. Jacobson moved to approve a liquor warehouse license for #1 Interwest Transportation in Salt Lake City. Ms. Orton seconded the motion which passed unanimously.

c. Manufacture Distillery Applicant:

 *New Applicant:*

(1) McClary Innovation, Salt Lake City.

Jeff Colvin gave an overview of the application.

Ms. Orton moved to approve a manufacture distillery license for McClary Innovation in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

d. Manufacture Brewery Applicants:

 *License change of ownership:*

(1) Ogden Beer Company, Ogden. *(purchase agreement date*

 *February 2023).*

 *New Applicants:*

(1) Helper Beer, Helper.

(2) McClary Innovation, Salt Lake City.

 (3) Proper Brewing Moab Taphouse, Moab.

Jeff Colvin gave an overview of the applications.

Ms. Orton moved to approve a change of ownership for #1 Ogden Beer Company in Ogden; and manufacture brewery licenses for #1 Helper Beer in Helper, #2 McClary Innovation in Salt Lake City, and #3 Proper Brewing Moab Taphouse in Moab. Mr. Jacobson seconded the motion which passed unanimously.

e. Manufacture Winery Applicants:

 *New Applicants:*

(1) Zion Vineyards, Leeds.

 (2) McClary Innovation, Salt Lake City.

Jeff Colvin gave an overview of the applications.

Mr. Parrish moved to approve manufacture winery licenses for #1 Zion Vineyards in Leeds and #2 McClary Innovation in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

f. Local Industry Representative Applicants:

 *New Applicants:*

(1) Stephanie Cuadra, DBA: Terrestoria, Salt Lake City.

 (2) Kasey Dubler, Draper.

Jeff Colvin gave an overview of the applications.

Ms. Tarazon moved to approve local industry representative licenses for #1 Stephanie Cuadra DBA: Terrestoria in Salt Lake City and #2 Kasey Dubler in Draper. Ms. Randall seconded the motion which passed unanimously.

g. Package Agency Applicants:

 *New Applicants:*

 (1) Helper Beer, Helper.  (Type 5)

 (2) Ogden Beer Company, Ogden.  (Type 5)  *(purchase agreement*

*date February 2023).*

 (3) Proper Brewing Co. Moab Taphouse, Moab. (Type 5)

 (4) Field Station Moab, Moab.  (Type 1)

Jeff Colvin gave an overview of the applications.

Ms. Orton moved to approve Type 5 package agency licenses for #1 Helper Beer in Helper, #2 Ogden Beer Company in Ogden, and #3 Proper Brewing Co. Moab Taphouse in Moab; and a Type 1 package agency license for #4 Field Station Moab in Moab. Ms. Randall seconded the motion which passed unanimously.

h. On-Premise Beer Recreational Amenity Applicant:

 *New Applicant:*

(1) Eagle Café on the Parkway, Salt Lake City.

Jeff Colvin gave an overview of the application.

Ms. Orton moved to approve a beer recreational amenity license for #1 Eagle Café on the Parkway in Salt Lake City. Ms. Randall seconded the motion which passed unanimously.

i. Hospitality Amenity Applicant:

 *New Applicant:*

(1) Marriott Summit Watch Resort, Park City.

Jeff Colvin gave an overview of the application.

Mr. Jacobson moved to approve a hospitality amenity license for #1 Marriott Summit Watch Resort in Park City. Ms. Randall seconded the motion which passed unanimously.

j. Full-Service Restaurant Applicants:

 *License Change of Ownership:*

 (1) Ogden Beer Company, Ogden.  *(Conditional)  (purchase*

*agreement date February 2023).*

(2) Sakana Sushi Bar & Japanese Cuisine, West Jordan.  *(purchase*

*agreement date February 7, 2023).*

 *Ready to Operate:*

 (1) Gustavo’s Mexican Restaurant, Monticello.  *(Conditional)  (open).*

 (2) Mariscos Ensenada, St George.  *(Conditional)  (open).*

(3) Tacos El Guero, Salt Lake City.  *(open).*

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

(5) Helper Beer, Helper.

(6) The Lodge @ Bryce Canyon, Bryce.  *(Conditional).*

(7) K-Pot Korean BBQ & Hot Pot, Salt Lake City.  *(Conditional)*

 *All Other Applicants:*

 (1) Casa Salvaje, Salt Lake City.  *(Conditional)  (open).*

(2) Horizon View Restaurant, Moab.  *(Conditional) (projected*

*opening March 30, 2023).*

(3) Ulum @ Under Canvas, Moab.  *(Conditional)  (open).*

(4) Cupla Coffee, Salt Lake City.  *(Conditional) (projected opening*

*April 1, 2023).*

(5) P. F. Chang’s China Bistro, Murray.  *(Conditional)  (projected*

*opening April 5, 2023).  (Violation history)*

(6) Vintage Restaurant Bar & Grill, Kamas.  *(Conditional)  (projected*

*opening April 10, 2023).*

(7) Level Crossing Brewing, Salt Lake City.  *(Conditional) (projected*

*opening April 15, 2023).  (back-up application for bar)*

(8) Autocamp Zion Restaurant, Virgin.  *(Conditional) (projected*

*opening April 17, 2023).*

(9) Kaiseki Sushi, St George.  *(Conditional) (projected opening April*

*17, 2023).*

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

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

*June 15, 2023).*

Jeremy Sommerlath gave an overview of the change of ownership applications.

Ms. Orton moved to approve a conditional change of ownership for #1 Ogden Beer Company in Ogden; and a change of ownership for #2 Sakana Sushi Bar & Japanese Cuisine in West Jordan. Ms. Tarazon seconded the motion which passed unanimously.

Jeremy Sommerlath gave an overview of the ready to operate applicants. He explained that some applicants are conditional as the municipality will not issue the business license until the alcohol license is received. He also noted that staff received information that Ulum @ Under Canvas in Moab is ready to operate. Due to weather and road conditions staff members were unable to visit the restaurant. Ms. Clason added that she has a photo of their business license and an email confirming all inspections have been completed.

Mr. Jacobson moved to approve conditional full service restaurant licenses for ready to operate applicants #1 Gustavo’s Mexican Restaurant in Monticello, #2 Mariscos Ensenada in St. George, #4 Stack 571 Burger & Whiskey Bar in South Jordan, #6 The Lodge @ Bryce Canyon in Bryce, and #7 K-Pot Korean BBQ & Hot Pot in Salt Lake City; full service restaurant licenses for #3 Tacos El Guero in Salt Lake City and #5 Helper Beer in Helper; and a conditional full service restaurant license for all other applicant #3 Ulum @ Under Canvas in Moab. Ms. Orton seconded the motion which passed unanimously.

Mr. Sommerlath gave an overview of the remaining applications.

Ms. Orton outlined the concerns expressed during the compliance subcommittee meeting. Given the scarcity of full service restaurant licenses, the subcommittee identified several steps that must be completed prior to receiving a license. Ms. Thue clarified that the steps are manager training completed and a sufficient number of servers trained; receipt of a business license (except for those jurisdictions that require the alcohol license prior to issuing a business license); and final inspections completed. Ms. Thue also noted that in May the commission will get an additional 33 full service restaurant licenses.

Ms. Orton reminded everyone that in the past the commission allowed 30 days for staff training to take place. Starting in May, all staff must be trained prior to serving. She gave an overview of the subcommittee discussion noting they recommended approving the ready to operate applicants along with Ulum @ Under Canvas in Moab.

Ms. Thue invited the remaining applicants to come forward and address the commission regarding their readiness to open. Representatives from Horizon View Restaurant, Vintage Restaurant Bar & Grill, and P.F. Chang’s China Bistro came forward to address the commission. P.F. Chang’s also outlined that actions they are taking to prevent additional violations.

Ms. Orton moved to approve conditional full service restaurant licenses for ready to operate applicants #1 Gustavo’s Mexican Restaurant in Monticello, #2 Mariscos Ensenada in St. George, #4 Stack 571 Burger & Whiskey Bar in South Jordan, #6 The Lodge @ Bryce Canyon in Bryce, and #7 K-Pot Korean BBQ & Hot Pot in Salt Lake City; full service restaurant licenses for #3 Tacos El Guero in Salt Lake City and #5 Helper Beer in Helper; and a conditional full service restaurant license for all other applicant #3 Ulum @ Under Canvas in Moab. Mr. Jacobson seconded the motion which passed unanimously.

Ms. Orton moved to approve a conditional full service restaurant license for #6 Vintage Restaurant Bar & Grill in Kamas. Ms. Randall seconded the motion which passed unanimously.

Ms. Orton moved to approve a conditional full service restaurant license for #2 Horizon View Restaurant in Moab. Mr. Jacobson seconded the motion which passed unanimously.

k. Limited Service Restaurant Applicants:

*License Change of Ownership:*

(1) Bombay House, Provo.*(purchase agreement date October 1,*

*2022).*

 *New Applicants:*

(1) Ninja Japanese Steakhouse, Cedar City.

(2) Thai Time, Murray.

 (3) Thai Spice, Midvale.  *(Conditional)*

(4) Field Station Moab, Moab.  *(Conditional)*

 (5) Yakuza Ramen Utah, Salt Lake City.  *(Conditional)*

 (6) Nami Lily Sushi & Ramen, South Jordan.  *(Conditional)*

Jeremy Sommerlath gave an overview of the change of ownership and new limited service restaurant applications.

Ms. Orton moved to approve a change of ownership for #1 Bombay House in Provo. Ms. Tarazon seconded the motion which passed unanimously.

Ms. Tarazon moved to approve limited service restaurant licenses for new applicants #1 Ninja Japanese Steakhouse in Cedar City and #2 Thai Time in Murray; and conditional limited service restaurant licenses for #3 Thai Spice in Midvale, #4 Field Station Moab in Moab, #5 Yakuza Ramen Utah in Salt Lake City, and #6 Nami Lily Sushi & Ramen in South Jordan. Ms. Randall seconded the motion which passed unanimously.

l. Beer Only Restaurant Applicant:

 *License Change of Ownership:*

(1) Winger’s, Orem. *(entity restructuring; no sale)*

Jeremy Sommerlath gave an overview of the change of ownership application.

Ms. Orton moved to approve a change of ownership for #1 Winger’s in Orem. Ms. Tarazon seconded the motion which passed unanimously.

m. On Premise Banquet Catering Applicants:

 *New Applicants:*

(1) Ulum Moab, Moab. *(Conditional)*

 (2) Field Station Moab, Moab. *(Conditional)*

Rob Hansen gave an overview of the applications.

Ms. Randall moved to approve conditional banquet catering licenses for #1 Ulum Moab in Moab and #2 Field Station Moab in Moab. Ms. Orton seconded the motion which passed unanimously.

n. On-Premise “Tavern” Applicants:

 *License Change of Ownership:*

1. The Owl, Logan.  *(Conditional)  (purchase agreement date March*

*1, 2023).*

 *New Applicants:*

 (1) Field Station Moab, Moab.  *(Conditional)*

(2) Kennedy’s Cabaret, Salt Lake City.  *(Back-up for bar application).*

Rob Hansen gave an overview of the applications. Mr. Hansen noted #2 Kennedy’s Cabaret is a back-up application for a bar license. The commission did not consider #2 Kennedy’s Cabaret.

Ms. Tarazon moved to approve a conditional change of ownership for #1 The Owl in Logan; and a conditional tavern license for new applicant #1 Field Station Moab in Moab. Ms. Orton seconded the motion which passed unanimously.

o. Bar Establishment Applicants:

 *License Change of Ownership:*

(1) Zion Brewery Station, Springdale *(entity restructuring; no sale).*

 *Ready to Operate:*

(1) Squatter’s and Wasatch *(formerly known as 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)*

(3) HK Brewing Collective, Salt Lake City. *(open)*

(4) Pete’s Place Bar & Grill, Ogden.  *(Conditional)*  *(currently holds a*

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

 *Projected Future Opening:*

(1) Kennedy’s Cabaret, Salt Lake City.  *(Conditional)*

(2) Level Crossing Brewing Company, Salt Lake City.  *(Conditional)*

 *(projected opening May 1, 2023).*

(3) Second Summit Hard Cider, Salt Lake City.  *(Conditional)*

 *(projected opening May 1, 2023).*

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

 *(projected opening June 2023).*

(5) Neptune’s Palace, Salt Lake City.  *(Conditional)  (projected opening June 2023).*

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

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

 *(projected opening August 2023).*

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

*2023).*

Rob Hansen gave an overview of the change of ownership application.

Mr. Jacobson moved to approve an ownership change for #1 Zion Brewery Station in Springdale. Ms. Orton seconded the motion which passed unanimously.

Mr. Hansen noted that three full year licenses are available today. He gave an overview of the ready to operate applications. He clarified that future applicant #1 Kennedy’s Cabaret is also ready to operate.

Ms. Thue asked that the applicants ready to open come forward and address the commission regarding their ability to open immediately.

Representatives from Squatter’s and Wasatch, Fisher Brewing Company, HK Brewing Collective, and Pete’s Place Bar & Grill addressed the commission.

Ms. Orton moved to grant a bar establishment license to #2 Fisher Brewing Company in Salt Lake City. Mr. Jacobson seconded the motion which passed unanimously.

Ms. Orton moved to grant a bar establishment license to #3 HK Brewing Collective in Salt Lake City. Ms. Randall seconded the motion.

The commissioners discussed their readiness to open and planned weeklong closure.

Ms. Thue called for a roll call vote on Ms. Orton’s motion to grant a bar establishment license to #3 HK Brewing Collective in Salt Lake City. Roll call vote: Commissioners Thue, Orton, Randall, and Tarazon voted yea; Commissioners Jacobson and Parrish voted nay. The motion passed.

A representative from Kennedy’s Cabaret came forward to address the commission noting they are also ready to open.

Ms. Randall moved to grant a bar establishment license to #1 Squatter’s and Wasatch in Salt Lake City. Ms. Tarazon seconded the motion which passed unanimously.

COMMENTS FROM COMMISSIONERS AND PUBLIC:

a. Mr. Parrish provided an Operations Subcommittee update noting that staff have been nimble in keeping the Park City store operating at 75% to 80% during reconstruction. He also acknowledged the success of the new help desk.

b. Ms. Clason apologized for the issues during the full service restaurant license presentation. Applicant updates were sent to a compliance office that wasn’t available this week. Staff will make adjustments and the new OpenGov system will help avoid this problem going forward.

c. Ms. Orton gave an overview of the recent EASY training and thanked all involved in organizing and attending the sessions.

d. A telephone participant raised their hand in the virtual meeting but was unable to speak.

There being no further business, Mr. Jacobson moved to adjourn the meeting. Ms. Tarazon seconded the motion. The meeting adjourned at 11:35 a.m.