



The

COMPLIANCE CONNECTION



Your liquor law link to the ABC!!

Vol. 12, No. 1

The Utah Department of Alcoholic Beverage Control

Winter 2003/2004

Beer License Renewals

by Neil Cohen

On-premise beer license renewal applications and fees are due on Monday, February 2, 2004. We will mail out renewal packets to all licensees in early January. The renewal fee is \$200 for on-premise beer retailers that are not taverns. The renewal fee for taverns is \$1000. These fees were set by the legislature in the liquor law changes that were passed by the legislature in the 2003 session. There is now a statewide population based quota on the number of taverns (one per 22,500). This authorizes 106 taverns. Existing taverns are "grandfathered" under the new quota. Currently licensed on-premise beer retailers will receive a renewal packet indicating tavern or non-tavern status.

Important license renewal items to remember:

1. Due date is Monday, February 2, 2004.
2. Clear any delinquencies *if* you have delinquent taxes or are otherwise not in good standing with the Utah Tax Commission (sales tax/payroll withholding), Labor Commission, Division of Industrial Accidents (workers

compensation coverage), or The Department of Workforce Services (unemployment insurance tax requirements).

3. Get any background checks needed.
4. Have servers and managers take the Alcohol Server Training Class.
5. Sign the renewal application and have it notarized.
6. Have your insurance agent send us a certificate of liability insurance.
7. Don't forget to put the renewal payment in the envelope.
8. Send us a copy of your LOCAL business and beer license.
9. Compile the sales and cost figures for 2003.

If you have a state beer license and do not receive a renewal packet or if you have any questions about the renewal process, please call the licensing and compliance division at 801-977-6800.♦

Clubs May "Profit" from One Law Change

by Neil Cohen

Since 1969, any and all private clubs were required by law to be licensed as non-profit corporations. This requirement was lifted in the 2003 liquor law changes. Certain equity and fraternal clubs (class A or B) may want to remain licensed as a non-profit organization in order to maintain their federal income tax exemption (those filing an IRS form 990). BUT dining and social clubs (either class C or D) may want to give some thought to changing to "for profit" status. Please consult a business advisor such as a tax attorney, or CPA for advice.

If you want to change the licensed entity from a non-profit corporation to a for-profit entity, you will need to provide the DABC with the following:

1. The name of the new entity.
2. The type of entity (i.e. sole proprietorship, corporation, LLC, partnership).
3. Enclose the new business organization papers filed with the department of commerce (i.e. new articles of incorporation, new partnership agreement, new articles of organization for an LLC, etc.).

4. Provide new numbers for federal EIN, state sales tax, state payroll withholding, and department of workforce services SUI (unemployment insurance).
5. The new club entity's bylaws and house rules (samples are available from the DABC).
6. A new bond, or a rider to the current bond changing the name of the principal to the new entity, "a private club licensee". Bond forms may be downloaded from the DABC website:
www.abc.utah.gov/Forms/application_bond_frms.html
7. A new insurance certificate showing the name of the new entity as insured.
8. A local business/alcohol license in the name of the new entity.

As a club licensee, if you decide that changing the entity is the right move for you, it may make sense to do it at the end of the year to wrap up the affairs of the old non-profit. We'll print you a new license and you can start the new year with the new entity.♦

Compliance Issues

By Al Potvien

Restaurants and Beer “To Go”

Recent changes in the alcoholic beverage laws, which became effective in May, 2003, now allow restaurants which hold either a full liquor license or the newly created limited (wine/beer) license to sell 3.2% beer to go, just as private clubs and on premise beer retailers have been allowed to do prior to the change.

It is important to note that a patron must first meet the dining requirement which permits the purchase of alcoholic beverages (including beer) only in connection with an order for food prepared, sold and served at the restaurant. An order for food does not include take out orders because the patron must

actually be dining in the restaurant.

Furthermore, the size of the sealed container is limited to two liters in quantity, which includes 12-ounce bottles as well as “growlers” (which are commonly sold in brewpubs). Of course, it is up to the restaurant whether to offer beer to go under these circumstances.♦

Restaurant Patrons and Unfinished Wine

Also under the new law, dining patrons are now allowed to remove bottled wine purchased in the restaurant that they were not able to finish consuming. In the past, only wine that was brought in by patrons was allowed to be removed. Prior to this change, patrons who purchased

wine in the restaurant, had to either leave the unfinished bottle at the restaurant, or hurry to finish it before leaving.

Again, the order for food requirement must be met. This new provision was not intended to allow

patrons to purchase a sealed bottle of wine to go.

As always, if you have questions about these changes or any of the other new provisions in the laws, don't hesitate to call the compliance staff for clarification.♦

We've been asked about...

Party Packages for New Year's Eve

By Neil Cohen

Even though new liquor laws were passed in the 2003 legislative session, licensees who are planning party packages for the holidays may not include, pre-sell, or give away alcoholic beverages as part of a package.

Please note:

- ▶ The club and restaurant laws specifically require liquor, wine, and heavy beer to be listed on a separate price list.
- ▶ Wine and champagne may be offered for sale by the glass or bottle.
- ▶ Liquor may only be sold in a measured and metered portion (the primary liquor portion may not exceed one ounce)
- ▶ Heavy beer can be sold in original containers not to exceed one liter.
- ▶ In clubs, the prices must be set in the house rules.
- ▶ The advertising rules prohibit promotions that encourage over-consumption or promote increased consumption.
- ▶ Promotions are not allowed that require the purchase or consumption of alcoholic beverages in order to participate.

Generally speaking, those who are going out to party and consume alcohol on New Year's Eve will most likely do so without encouragement or inducement. We advise licensees who want to promote a “value added” New Year's Eve package (or any holiday package) to emphasize the value in the food or entertainment component (and in a lodging component if applicable).

Basic practices of the responsible service of alcohol call for keeping your guests on the safe side of social drinking. All servers are required to be trained to keep track of the number of drinks served to a patron and not to over-serve a patron.

We encourage licensees to focus the festivities on the food, favors, and fun (entertainment).

In summary:

- ✍ Alcoholic beverages may not be included in the price of a New Year's Eve Package.
- ✍ Alcoholic beverages may not be pre-sold.
- ✍ Alcoholic beverages must be priced and charged for separately.
- ✍ A price list must be made available for patrons.

Be wise, be safe, and have a happy New Year.♦

Tips for Hosting A Responsible Holiday Party

...suggested by Health Communications Inc., the TIPS program. TIPS mission is "to educate and train all facets of society in the responsible sale and consumption of alcohol".

Whether you are having a party at a bar, hotel, office, or home, a plan for serving alcohol responsibly is a must. Following a sensible strategy for serving alcohol can prevent intoxication and drunk driving while still ensuring that everyone has a good time. These "Top Ten Holiday Tips" may help you be sure to have a fun, safe, holiday season.

1. Control your guests' access to alcohol. Avoid serving from common sources such as kegs or punch bowls. Consider hiring a trained professional to serve drinks at your party. Be sure that your bartenders/servers do not consume alcohol themselves and that they monitor your guests' alcohol consumption.
2. Offer non-alcoholic holiday drinks (such as soft drinks, juices, bottled water and coffee) so that your guests have an alternative to alcohol.
3. Allow guests to have only one drink at a time.



Discourage competitive or rapid drinking.

4. Provide plenty of appetizers, snacks and other food.
5. Plan entertainment and other activities so that drinking is not the primary focus of the party.
6. Request identification from anyone who

appears 30 years of age or younger. Do not serve alcohol to any guest who cannot present a valid form of ID.

7. Model appropriate behavior for your guests and communicate that becoming intoxicated is not the goal of the party.
8. Stop serving alcohol beverages at least one hour before the party ends. Encourage guests to stay for a while and enjoy a soda or coffee.
9. Do not serve alcohol to anyone who is visibly intoxicated and do not leave anyone who has had too much to drink by himself. Even if the guest is not driving, an impaired guest can be injured or may injure others.
10. When necessary, provide alternate transportation for impaired guests, either by calling a cab, or by asking sober friends to give the person a lift.♦

John Freeman - Our Newest Compliance Specialist

by Earl Dorius

As part of the major alcohol legislation that passed this year, the Legislature funded one additional compliance specialist position for our Licensing & Compliance Division. We were excited because the last increase in our compliance staff was thirteen years ago.

Since that time, the state's population increased from 1,741,000 to 2,373,000. Retail alcohol licenses increased from 814 to 1284. And the 2003 legislation added 182 new limited (beer/wine) restaurant licenses, and 80 new banquet licenses (but reduced the number of full-service restaurant licenses by 54).

If I did the math right, this results in a total gain of about 686

licenses since 1990. Of course this will continue to grow as the population increases.

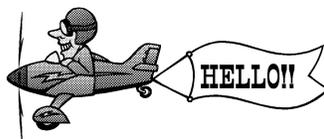
We announced the compliance specialist position and over 85 people applied! Out of that group, we hired JOHN FREEMAN.

John comes to us with a strong business background. He worked for Granite Furniture Company for 26 years in various leadership positions. He was director of human resources, warehouse operations, and delivery operations. He was their safety and risk manager, fleet administrator, physical facilities manager, and customer service manager. He was involved in sales, security, and was a buyer for the company. In his spare

time, he decided to certify as a part-time peace officer and has worked for the Salt Lake City, Salt Lake Community College, and Harrisville police departments. He even worked security for the DABC at Store #1.

John has been actively involved in the community. He has been the president and chairman of a federally chartered credit union and the Salt Lake Executives Association. He served on the board of the Sugarhouse Merchants Association. And he has been a scoutmaster with the Boy Scouts of America. He also happens to be a real nice guy.

We are thrilled John has joined the DABC.♦



Training Resources for Managers and Staff of DABC License Holders

SBI & DABC Training

By Tom Zdunich

As mentioned in our last newsletter, SBI and the DABC hold a training session every few months that is designed for our licensees. The training introduces licensees to SBI's SIP-OP (serving intoxicated persons) and the CUB-OP (covert underage buyer) operations. For many years SBI has visited licensees and performed those operations in an attempt to stop the over serving of alcoholic beverages and to stop the sale of alcoholic beverages to minors.

SBI met with staff from the DABC and members of the Utah Hospitality Association in March of this year and put together a training program to help private clubs, taverns, and other licensees successfully pass these two enforcement efforts. This training program consists of a detailed explanation of both of the operations.

The goals of the training are: to give attendees knowledge of the state laws and DABC rules that regulate the sale and supply of alcohol in Utah; to help attendees understand why their business is being investigated and what will happen if they are referred to the DABC for a violation; and to give attendees a base knowledge of what the signs of intoxication are.

The training starts with class members being introduced to volunteers that will be served alcoholic beverages in a controlled environment to a point that they become intoxicated. The volunteers consume alcoholic

beverages from 10:00 A.M. until 1:00 P.M.

After the classroom segment of training is completed, the attendees are then reunited with the volunteers to observe the changes in behavior that have taken place along with the other signs of intoxication that are evident. The training is designed to call attention to the signs of intoxication (not blood alcohol content).

Many of our licensees have already taken advantage of this **free** training and are implementing policies and procedures that are helping them identify problems before they become an issue. The training also includes a list of changes that have been made in some of the private clubs and taverns to help stop the problem of serving intoxicated persons.

We have solicited feedback from past attendees to determine what impact the training had on them. Many have told us that the classes have heightened their awareness about the consequences of over serving. They note that although the normal server training classes address many of the same issues, the law enforcement training program adds the element of reality to the training and directly shows the impact of over serving.

If you or any of your staff members would like to attend one of these classes, contact your Compliance Officer or Tom Zdunich at the DABC. ***There is no charge for the class.***♦

Free Training Offer for On-Premise Banquet License Holders

By Stephne Hanson

The on-premise banquet license is a newly created license for hotels, resorts, convention facilities and sports arenas to sell alcoholic beverages at contracted banquet and catering functions on the licensed premises. The legislature established a quota that currently authorizes the issuance of 79 licenses. So far, 31 have been issued by the alcoholic beverage control commission.

As licensees gain experience with the new on-premise banquet license, many questions have come up regarding what can and can not be done under the laws and rules. We've received many calls from licensees who, in trying to finalize contracts for functions, need answers in order to meet the needs of potential clients.

For those of you who have a banquet license, the DABC compliance staff is offering to come and meet with you and your staff to answer any questions you may have in order to make this license work in the best way possible for you. Please call us and we will schedule a meeting at

your convenience.

This license is on a pilot (test basis) program. The trial period ends June 30, 2005. When you received your banquet catering license, you received a form called the ON-PREMISE BANQUET LICENSE PILOT STUDY REPORT FORM. Please use this form to keep an on going record of your experiences with this license including comments on what works well and/or what changes you'd like to see. The form needs to be submitted to the DABC on or before October 10, 2004.

This input from the licensees will be used by The Department of Alcoholic Beverage Control in completing the report it must file with a legislative interim study committee on or before November, 2004. This report will outline the success or failure of the program and to recommend whether to retain the banquet license.

If you do not have a copy of this form, contact the compliance division and we'll mail or fax you one.♦

The Alcoholic Server Training Seminar Requirement

Every individual who is employed by an on-premise licensed establishment to:

(a) sell or furnish alcoholic beverages to consumers for consumption on the premises, or

(b) manage or supervise the service of alcoholic beverages; must complete an Alcohol Server Training and Education Seminar.

The programs are authorized and approved by the Division of Substance Abuse (DSA) within the Department of Human Services (phone: 801-538-3939 or on-line at http://www.hsdas.state.ut.us/alcohol_servers.htm)

Individual trainers are certified by each of the programs.

The subjects taught in the seminar include:

- Alcohol as a drug and its effects on the body and behavior.

- Recognition of the problem drinker.
- An overview of state alcohol laws.
- Dealing with problem customers.
- Discussing alternative means of transportation for customers who need help safely arriving at home.

Alcohol servers, managers, and supervisors must take and pass the seminar every three years.

Alcohol servers, managers, and supervisors must take and pass the seminar every three years.

Persons holding an ownership interest in an on-premise licensed establishment must also take the seminar if they perform duties as a manager, supervisor, or server.

Managers, supervisors, and servers must complete the training within 30 days of beginning employment.♦

Alcohol Server Training Programs

Approved by the Division of Substance Abuse

BARCODE ***** Spanish and English (Statewide)

9494 S Prosperity Rd
West Jordan Ut 84088
801-563-6300

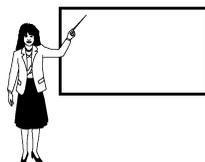
Local contact: Toni Jorgensen, Sysco Intermountain

THE DIXIE PROGRAM AT DIXIE COLLEGE

(435) 652-7515
Don Reid

LEARN2SERVE On-Line Training

www.learn2serve.com
Corporate Headquarters
200 Academy Dr. Ste 260
Austin Tx 78704
contacts: Albert J. Lilly
Rhiannon McElroy
800-442-1149
fax 512-441-1811
albert@360training.com
rhiannon@360training.com



Service Industries, Inc. (Serves

Wasatch Front)
3438 Buck Circle
SLC UT 84121
(801) 942-0742
Contact: Lou Bertram

The SMART Program (Statewide)

PO Box 71115
SLC UT 84171
(801) 265-9435
Cell 801-915-8609
Contact: Jerry Diana
www.smart-utah.com

The TIPS Program (Statewide*)

Health Communications, Inc.
1101 Wilson Blvd, STE 1700
Arlington VA 22209
1-800-GET-TIPS
www.gettips.com

SUU Southern Utah University

(Iron, Beaver, Garfield, Kane and Washington)
SUU-351 W Center St
Cedar City UT 84720
435-586-7988
Contact: Danny Shakespear

Alcohol News From Other States

By Earl Dorius

Our office subscribes to a newsletter that reprints news articles from throughout the country about alcoholic beverages. I came across this little gem in one of the recent issues that I thought I'd pass on for a good laugh.

Nebraska Judge Buys Beer Burrito Defense

Those burritos do have bite. A Lincoln County Nebraska judge has ruled in favor of a man's claim that he had alcohol on his breath because he ate burritos made with beer-marinated meat.

Willima Dolge, 45, was accused of violating his work release for having alcohol on his breath when he returned to jail from his job last month. He argued that he had just eaten some homemade burritos made with beer, which resulted in his testing positive for having consumed a low amount of alcohol.

After reviewing the burrito recipe, Lincoln County District Judge John Murphy agreed that the Mexican food was to blame. "The court feels it is unnecessary to conduct a taste test of the burritos in question to determine their potency," Murphy wrote in his ruling Thursday. "The list of ingredients indicates that there is sufficient alcohol in the burritos for a preliminary breath test to register positive."

Murphy said it had been determined that Dolge ate the burritos at the end of his work period right before

returning to jail for the day. Dolge ate four of the burritos that were brought to his work place by a fellow employee, according to court records. The recipe included one bottle of red Irish beer, then 1 ½ cups of tequila and three-quarters of a bottle of dark ale beer.

"No rational person would use a 'burrito' defense as a means of covering up the consumption of alcohol during a period of work release," Murphy wrote. Despite siding with Dolge, the judge said he will not order the jail to reinstate Dolge's work release, which was revoked soon after he was found with alcohol on his breath. Murphy said he is not in a position to tell the sheriff or jailer how to run their facility.

Dolge originally was granted work release while serving 364 days in jail for driving with a suspended license. If Dolge's work release is reinstated, the judge advised him to limit his meal selection in the future to "less potent fare."

Reprinted with permission from *State Capitals Alcohol Beverage Control Newsletter*, August 11, 2003.

The Compliance Connection is On-Line

The DABC website contains a page where you can read and/or download copies of the current and past issues of *The Compliance Connection*. The website is www.abc.utah.gov. The direct address to the newsletter page is: http://www.abc.utah.gov/license_permit/newsletter_main.htm

Another way to access the page is to "mouse over" to "Licenses and Permits" in the lower left hand side of the home page. Select "Compliance Connection Newsletter" from the menu that appears. This will take you to the Compliance Connection Newsletter page and you may select the issue that you would like to read. There is also a link to download the Adobe Acrobat Reader which you will need to view the newsletters.♦

The Compliance Connection is published every four months by the State of Utah, Department of Alcoholic Beverage Control, P.O. Box 30408, Salt Lake City Ut, 84130-0408. Telephone: 801-977-6800, Fax: 801-977-6888, e-mail: abcmain.hotline@utah.gov
Website: <http://www.abc.utah.gov>

Governor: **Olene Walker**
Director: **Kenneth F. Wynn**
Newsletter Editor: **Earl F. Dorius**
Newsletter Coordinator: **Neil Cohen**
Contributing Editors: **John Bryant, John Freeman, Stephne Hanson, Chris Johnson, Abe Kader, Tom Zdunich, Al Potvien**

Violations and Penalties

by Chris Johnson

Below, and continued on the following pages, are the most recent violations and penalties assessed. Please review the violations listed below with your staff to prevent similar violations from occurring in your own establishment. As you can see by the number of violations listed, law enforcement agencies have been very active.

PLEASE BE CAREFUL!!

AL = Airport Lounge BE = On-premise Beer BR = Brewer / Importer BW = Beer Wholesaler CL = Private Club Liquor

RE = Restaurant Liquor MR = Manufacturer Representative * = Prior Violation History > = Taken to formal hearing

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
CL	Café Boss, Salt Lake	1. Sale to intoxicated person 2. Employee consuming on duty 3. Non-member entry & sale 4. Untrained server 5. No ID badge	1. 13 day suspension 2. 7 day suspension 3. \$250.00 fine 4. \$250.00 fine 5. Written warning
BE	El Centenario, Salt Lake	1. Sale after hours	1. Written warning
RE	Garcia's, Layton and Craig Layton and Cheryl Tucker (employees)	1. Sale to minors	1. 6 day suspension
CL	Highlander Club, Salt Lake and Kevin Pearson & Karen Stensrud (employees)	1. Sale to minors 2. Non-member entry & sale	1. 12 day suspension 2. 10 day suspension
RE	La Hacienda, Moab	1. Sale of alcoholic beverage without an order for food 2. No ID badge	1. \$150.00 fine 2. Written warning
RE	Little America Hotel, Salt Lake	1. Free-pouring 2. Brownbagging 3. Allowing patrons to leave with open containers 4. Sale of alcoholic beverage without an order for food 5. License not displayed 6. Warning sign not displayed	1. 5 day suspension 2. \$700.00 fine 3. 5 day suspension 4. \$250.00 fine 5. Written warning 6. Written warning
CL	Wasatch Front Bar & Grill, Murray	1. Allowing employees to leave with open containers 2. Permitting intoxication	1. Dismissed 2. 5 day suspension
BE	Wiseguy's Comedy, West Valley and Richard Riddle (employee)	1. Sale to minors	1. 5 day suspension
CL	Bogey's, Clearfield and Amber Wilcox (employee)	1. Sale to intoxicated persons	1. 15 day suspension and \$25,000.00 fine.
BE	Jay-Hill @ Franklin Covey Field, Salt Lake and Gloria B Saputo, Gloria G Saputo and Eric Uquillas (employees)	1. Sale to minors	1. \$3,000.00 fine
BE	Valley 300 Lounge, Taylorsville and Sherrie Asay (employee)	1. Sale to minors 2. Minors on the premises of a tavern	Merged counts 1. 7 day suspension

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
CL	Club DV8, Salt Lake and Jaran Cruz and Justin Johnson (employees)	1. Sale to minors 2. Sold visitor card to minor	1. 5 day suspension and a \$500.00 fine 2. \$250.00 fine
MP	Club DV8, Salt Lake	1. Sale to minors	1. 14 day suspension
RE	Lone Star Steakhouse, Centerville and Debra Bartol (employee)	1. Sale to minors	1. 5 day suspension and a \$500.00 fine
RE	Park Café, Salt Lake	1. Open bottles not attached to metering device 2. Unlocked storage	1. 5 day suspension 2. \$250.00 fine
CL	Red Door, Salt Lake	1. Sale to minors 2. Improper guest hosting 3. 7 day visitor card requirement	1. 5 day suspension 2. Dismissed 3. \$250.00 fine
RE	Athenian, Ogden	1. Unlawful importation	1. 10 day suspension
BE	Davis Lanes, Layton and Shelley Wayment (employee)	1. Sale to minors 2. Minors on the premises of a tavern	Merged counts 1. \$3,500.00 fine
RE	El Toro Viejo, Logan	1. Sale to minors	1. 5 day suspension
BE	La Casa Chaparros, Layton and Denise Abel (employee)	1. Sale to minors	1. 5 day suspension
RE	Log Haven, Salt Lake and Michelle Allard (employee)	1. Brownbagging	1. \$500.00 fine
	Mauricio Martinez (employee of Bohemian Brewery), Midvale	1. Sale to minors 2. Wrong ID badge	1 & 2. 5 day suspension

The Alcoholic Beverage Control Commission usually meets on the fourth Friday of each month. Meeting dates and times are subject to change. Please call 801-977-6800 for the meeting schedule.

The meetings are open to the public and are held in the board room at the DABC administrative office building: 1625 South 900 West, Salt Lake City. All interested persons are welcome to attend.

Harvey Wallbanger Cake

Is that bottle of Galliano (marked "flavoring" in the back of your cabinet) a slow mover? Try this for a little holiday cheer.

1 pkg Duncan Hines Orange Supreme Cake Mix
 1 pkg vanilla instant pudding (3.75 oz)
 1/2 c oil
 4 oz water
 4 eggs
 4 oz frozen OJ concentrate, thawed, undiluted
 3 oz Galliano
 1 oz vodka

Blend all ingredients in large bowl; beat 5 min. Pour into greased and floured 10" tube pan. Bake @ 350 degrees for 45-55 min. Cool in pan about 15 min. Remove and spread with glaze.

Glaze:

1 T frozen OJ concentrate (undiluted), thawed
 1 T vodka
 1-1/2 T Galliano
 1 c confectioner's sugar

Sales Tax Issues for Liquor Licensees

...or how to avoid double taxing your customers

by Neil Cohen

When you, a liquor licensee, buy liquor from the DABC, the price includes the sales tax. So when you sell a mixed drink, heavy beer, bottle of wine, or wine by the glass, the liquor portion cost that is included in the price (of the drink, glass or bottle of wine, or heavy beer) already includes the sales tax.

There are two sales tax options: 1) you may add sales tax only to the set up or corkage portion of the drink price, or 2) you can set your prices to include all taxes and program your cash registers not to add any additional tax.

Most licensees find it too cumbersome to calculate the liquor cost portion of the selling price and program the cash registers to add tax to the set-up part. This is because the liquor cost portion (prices in the liquor stores) may change each month.

It is perfectly acceptable to ring up your drink sales "tax inclusive" (not unlike a small coke at the movie theater being \$2.50 instead of \$2.69). You, the business person, would still have to pay sales tax on the set-up part, but you will have collected the tax in the inclusive selling price from the customer. Calculating how much sales tax to pay: On your quarterly sales tax return, add up your gross receipts and subtract your cost of liquor. The remainder is net taxable receipts. The cost of liquor

is exempt from tax because you already paid the sales tax when you bought the liquor at the state store. You then calculate the sales tax due on the net receipts and pay it to the tax commission.

More and more of our sophisticated consumers know this, so if you charge tax on the total price of the wine, liquor, or heavy beer, you are double charging the customer for a portion of the sales tax. Now in the case of 3.2% beer, you do buy that wholesale. Your options for adding tax or including tax in the selling price are the same, but you need to pay the tax on the entire selling price. You cannot subtract the cost of beer because you didn't pay sales tax when you bought the beer from the wholesale distributor.

That covers the state sales tax issue, but in some counties, there is a one percent tourism tax. This tax is not imposed in all counties. But where it is, you have to pay the one percent tax on all of your gross food and beverage receipts (this is also called the "Restaurant Tax"). You may not subtract out the cost of liquor, BUT you may subtract out the SALES TAX you have paid on liquor BEFORE you calculate the one percent tourism tax. This may save you a few dollars.

You can call us at 801-977-6800 or you can call the tax commission at 801-297-2200 if you have any questions.♦

More training resources for Licensees...

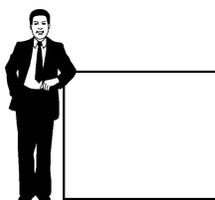
Liquor Law Training by The Compliance Division

by Abe Kader

The DABC's licensing and compliance division offers free training to all licensees and their employees. This training is available to licensees to help them better understand the alcoholic beverage laws, to help prevent violations, and to provide better and consistent service to patrons. It gives licensees and employees the opportunity for a one-on-one session with the DABC to

This training gives licensees and employees the opportunity for a one-on-one session with the DABC to deal with their specific questions and concerns.

deal with their specific questions and concerns. Compliance training is available for any of the different types of outlets licensed by the state including the new on-premise banquet license (see article on page 4) and the limited restaurant license. We will tailor our training to fit your needs and schedule. If you are interested in having one of our Compliance Specialists present a training session to your staff, please call at (801) 977-6800.♦



Licensing Activity

by Chris Johnson

NEWLY LICENSED ESTABLISHMENTS

July, August, September, October & November

RESTAURANTS (22)

Acapulco Grill, S Salt Lake
 Applebee's, Salt Lake
 Bandit's Grill & Bar, Park City
 Bistro Ganache, S Jordan
 Butcher's Chop House, Park City
 Café Madrid, Salt Lake
 Easy Street Brasserie, Park City
 Famous Dave's BBQ, West Jordan
 Fiddlers Elbow, Salt Lake
 Fireside Dining, Deer Valley
 La Casita, Springville
 La Casita Blanca, Springville
 La Fiesta Del Sol, Layton
 La Frontera, Sandy
 La Reina Mexican Food, Park City
 Martunee's, Clearfield
 Millcreek Inn, Salt Lake
 Mi Ranchito Mexibachi Grill, S Jordan
 Mi Ranchito, Sandy
 Old Spaghetti Factory, Orem
 Panini, Salt Lake
 Toro Moro, Washington

LIMITED RESTAURANTS (96)

Archibald's, West Jordan
 Aristo's, Salt Lake
 Au Bon Appetit, Salt Lake
 Bandit's Bar & Grill, Park City
 Bangkok Thai, Salt Lake
 Blue Bamboo, Salt Lake
 Blue Sage Southwestern Bistro, Smithfield
 Bonsai Japanese Steakhouse, Sandy
 Bryce Canyon Lodge, Bryce
 Buona Vita, Park City
 Café Med, Salt Lake
 Café Trang II, Holladay
 Café Trang, Salt Lake
 Callaway's, Smithfield
 Castlebrook, Layton
 Cedars of Lebanon, Salt Lake
 Chuckwagon Cookout, Kanab
 Duck Creek Village, Duck Creek
 East-West Connection, Ogden
 Fairway Grill, St George
 Famous Dave's, West Jordan
 Flying M, Panguitch
 Fry Canyon Lodge, Fry Canyon
 Garden of Eat'n, Beaver
 Gateway Grille, Kamas
 Gepetto's, Holladay
 Ginza, Salt Lake
 Golden Hills, Mt. Carmel
 Golden Isle, Murray
 Golden Phoenix, Salt Lake
 Grandma's Kitchen, Monticello
 Greenery, Ogden
 Hell's Backbone Grill, Boulder
 Hideaway, Parowan
 Ho Ho Gourmet, Salt Lake
 Hong Kong Tea House, Salt Lake
 Horseshoe Mountain, Mt. Pleasant
 Hunan Garden, Salt Lake

Hungry Moose Pub & Grill, Park City
 India House, Sandy
 Italian Village, Murray
 Jang Soo Jang, Salt Lake
 Jasoh, Ogden
 John's Place, Midvale
 Joy Luck, Woods Cross
 Juhl Haus Deli & Market, Salt Lake
 Krewson's @ Shilo Inn, Salt Lake
 Kyoto, Salt Lake
 La Ferrovia, Ogden
 La Frontera, Sandy
 Log Palace, Price
 Marie Callender's, Layton
 Mazza, Salt Lake
 Michelangelo, Salt Lake
 Mimi's Café, Murray
 Mimi's Café, Sandy
 Morning Ray/Evening Star, Park City
 Nagoya Sushi, Midvale
 Noodles & Co., Salt Lake
 Novel-teas, Springdale
 Ottavio's, Provo
 Panda Restaurant, Salt Lake
 Panderia/Taco's La Guadalupana, Salt Lake
 Panini, Salt Lake
 Parry Lodge, Kanab
 Pazzo!, Salt Lake
 Pie Pizzeria, Ogden
 Pie Pizzeria, Salt Lake
 Pioneer Lodge, Springdale
 Redrock Restaurant, Hanksville
 Sage Grill, Park City
 Sage's Café, Salt Lake
 Sakura Sushi, Salt Lake
 Salon Tropicana, Midvale
 Shen-Sei Sushi Bar, Ogden
 Shrimp Boat Café, Ogden
 Shula's, Salt Lake
 Sicilian Gardens, St George
 Suehiro, Midvale
 Sugi Japanese, Provo
 Sun & Moon Café, Salt Lake
 Sun Lok Yuen, Tooele
 Taj India, Salt Lake
 Taste of Saigon, Park City
 The Club, Ogden
 Thunderbird @ Best Western, Mt. Carmel
 Town Lift Café, Park City
 Tucci's, Holladay
 Tucci's, Midvale
 Tucci's, Provo
 Wasatch Broiler & Grill, Salt Lake
 Wok Inn, Kanab
 Wok on Main, Park City
 Yamasaki Fusion, Salt Lake
 Yamato, Orem
 Zion Ponderosa Ranch, Mt. Carmel

PRIVATE CLUBS (13)

Appaloosa Saloon, Park City
 Butcher's Chop House, Park City
 Club DJ's, Taylorsville
 Ego's, Salt Lake
 Hampton Inn, Salt Lake

Madstone Theaters, Salt Lake
 Mo Diggity's, Salt Lake
 Panini, Salt Lake
 Shula's No Name Lounge, Salt Lake
 Sunset Bar @ Shilo Inn, Salt Lake
 The Drink, Salt Lake
 Tip Top Club, Centerfield
 Wasatch Brewpub, Park City

ON-PREMISE BEER (22)

Aspen Cove Resort, Panguitch
 Don Pedro's, Salt Lake
 Gandolfo's, Salt Lake
 Golden Wok, Salt Lake
 Gordo's Mexican Restaurant, Woods Cross
 La Puente, West Jordan
 La Reina Mexican Food, Park City
 Las Palmeras, St George
 Los Arrieros, Taylorsville
 Madstone Theaters, Salt Lake
 North End, Fillmore
 Overlake Golf, Tooele
 Park Side Fun Center, Morgan
 Penalty Box, Salt Lake
 Romero Restaurant, Pleasant Grove
 San Francisco Sourdough Pizza, Salt Lake
 Silver Summit Café, Park City
 Taqueria Lolita, Salt Lake
 Ted & Allen's Sports Grill, Hurricane
 Tool Chest, Ogden
 Wiseguys Comedy, Ogden

LICENSES AVAILABLE

(as of November 21, 2003)

Restaurants = 30
 Private Clubs = 14
 On-premise Beer = no quota

LICENSES RELINQUISHED

July, August, September, October & November

RESTAURANTS (78)

Alex's Bistro, Park City
 Amici's, West Valley
 Archibald's West Jordan
 Au Bon Appetit, Salt Lake
 Bangkok Thai, Salt Lake
 Bonsai Japanese Steakhouse, Sandy
 Brandin Iron Steakhouse, Pine Valley
 Bryce Canyon Lodge, Bryce
 Buona Vita, Park City
 Burr Trail Trading Post, Boulder
 Café Trang II, Holladay
 Café Trang, Salt Lake
 Callaway's, Smithfield
 Cedars of Lebanon, Salt Lake
 China Panda, Park City
 Chuckwagon Cookout, Kanab
 Don Pedro's, Pleasant Grove
 Dos Serranos, Sandy
 Duck Creek Village, Duck Creek
 East-West Connection, Salt Lake
 Fairway Grill, St George

Continued on the next page

Licensing Activity

Continued from the previous page

Fernando's Hideaway, Kanab
 Flying M, Panguitch
 Fresco, Salt Lake
 Fry Canyon Lodge, Fry Canyon
 Gateway Grille, Kamas
 Ginza, Salt Lake
 Globe Café, Salt Lake
 Golden Hills, Mt. Carmel
 Golden Phoenix, Salt Lake
 Good Time Spaghetti Co., Layton
 Good Time Spaghetti Co., Ogden
 Grandma's Kitchen, Monticello
 Greenery, Logan
 Grub Steak, Park City
 Hell's Backbone Grill, Boulder
 Hideaway, Parowon
 India House, Sandy
 Italian Village, Murray
 Jang Soo Jang, Salt Lake
 Joy Luck, Woods Cross
 La Casita, Springville
 La Dolce Vita, Provo
 La Ferrovia, Ogden
 Marie Callender's, Layton
 Melina's Mexican Food, Salt Lake
 Michelangelo, Salt Lake
 Millcreek Inn, Salt Lake
 Mimi's Café, Murray
 Mimi's Café, Sandy
 Morning Ray/Evening Star, Park City
 Mulberry Street, Park City
 Nico's Club @ Crown Plaza Hotel, Ogden

Ottavio's, Provo
 Panda Restaurant, Salt Lake
 Park Café, Salt Lake
 Parry Lodge, Kanab
 Redrock Restaurant, Hanksville
 Rendezvous @ Snowbird, Salt Lake
 Sage Grill, Park City
 Sage's Café, Salt Lake
 Sakura Sushi, Salt Lake
 Shula's Restaurant, Salt Lake
 Suehiro, Salt Lake
 Sugi Japanese Steakhouse, Provo
 Sun Lok Yuen, Tooele
 Taj India, Salt Lake
 Taste of Saigon, Park City
 Town Lift Café, Park City
 Tracks Restaurant & Brewery, Tooele
 Tucci's, Holladay
 Tucci's, Midvale
 Tucci's, Provo
 Wok Inn, Kanab
 Won On Main, Park City
 Yamato Japanese, Orem
 Zion Ponderosa Ranch, Mt. Carmel
 Zona Rosa Café, Park City

LIMITED RESTAURANTS (7)

Bandit's Bar & Grill, Park City
 Gepetto's, Salt Lake
 Hungry Moose Pub & Grill, Park City
 Jang Soo Jang, Salt Lake
 No Worries Café, Park City
 Padre's, S Salt Lake
 Ranch House, Moab

PRIVATE CLUBS (8)

Club DJ's, Taylorsville
 Fuzzy McIntyres, Ogden
 Lakota, Park City
 Lazy Moon, Salt Lake
 Monkey Bar, Park City
 Nico's Club @ Crown Plaza Hotel, Ogden
 Wasatch Front Bar & Grill, Murray
 Zephyr, Salt Lake

ON PREMISE BEER (12)

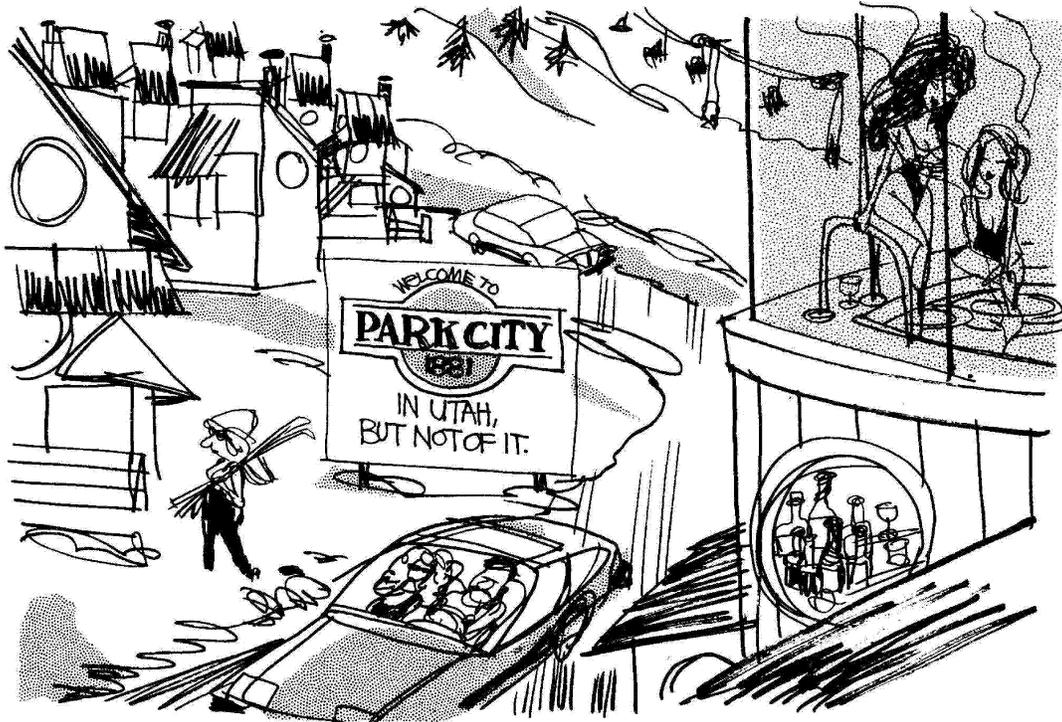
Doghouse Café, Bryce
 El Centenario, Salt Lake
 El Tijuana, Salt Lake
 Juhl Haus Deli & Market, Salt Lake
 Lukes, Salt Lake
 Pie Pizzeria, Ogden
 Pie Pizzeria, Salt Lake
 Pioneer Lodge, Springdale
 Sliders Pub & Grill, West Valley
 Taqueria Lolita, Salt Lake
 Toro Moro, St George
 Uncle Sids Amerimex Grill, West Jordan

Restaurant Renewals 447
 Non-renewals 18

Current number of licensees

Restaurant = 442
 Restaurant Limited = 146
 Private Clubs = 323
 On-premise Beer = 433
 Total = 1344

Compliance Comix Pat Bagley, "Oh My Heck!" © 1988 Signature Books, Printed with Permission





THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
PO BOX 30408
SALT LAKE CITY UT 84130-0408

PRSR STD
U.S. POSTAGE
PAID
Salt Lake City, UT
Permit No. 4621

Return Service Requested

In This Issue

Beer License Renewals	1
Clubs May “Profit” from One Law Change	1
Compliance Issues	2
Restaurants and Beer “To Go”	2
Restaurant Patrons and Unfinished Wine	2
Party Packages for New Year’s Eve	2
Tips for Hosting A Responsible Holiday Party	3
John Freeman - Our Newest Compliance Specialist	3
Training Resources for Managers and Staff of DABC License Holders	4
SBI & DABC Training	4
Free Training Offer for On-Premise Banquet License Holders	4
The Alcoholic Server Training Seminar Requirement	5
Alcohol Server Training Programs	5
Alcohol News From Other States	6
The Compliance Connection is On-Line	6
Violations and Penalties	7
Harvey Wallbanger Cake	8
Sales Tax Issues for Liquor Licensees	9
Liquor Law Training by The Compliance Division	9
Licensing Activity	10
Compliance Comix	11