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The Alcoholic Beverage Control Commission meets once a month toward the end of each month. Meeting dates and times are subject to change. The meetings are open to the public and are held in the board room at the DABC office building: 1625 S 900 W, Salt Lake City. Call 801-977-6800 for the current schedule.

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Renewal Forms Have a New Look

by Neil Cohen

This year, the renewal forms for all liquor and beer licenses have been revised and should be easier to complete. **Forms A, B, and C will be pre-printed with data that you submitted for last year's renewal or in your initial application. You will only need to make changes if the data has changed or is incomplete.**

The licensees listed below will receive a renewal application packet in early September. The renewal documents and fees are due on Monday, October 2, 2006.

Full Service Restaurants

Renewal fees are based on the annual cost of liquor, wine, and heavy beer purchased from the DABC state store system (gross cost of liquor). Renewing licensees in previous years have submitted this figure to the DABC on the "Form E - Financial Spreadsheet" under "cost of sales - liquor". This is the figure the DABC will use to determine renewal fees for this year.

For a restaurant that is renewing for the first time, the DABC will calculate the renewal fee based on the projected cost of liquor from any financial statements that have been provided to the DABC or from data in the state store system.

Limited Service Restaurants

Limited restaurant licensees will receive a renewal packet with forms that need to be filled out and submitted with the renewal fee of \$300.

Airport Lounges

Currently licensed airport lounges will receive a renewal packet with forms that need to be filled out and submitted with the renewal fee of \$5000.

On-Premise Banquet Licensees

The renewal fee for an on-premise banquet license is \$500.

Administrative Details

In addition to the renewal application forms, you will also be asked to submit:

- A copy of your local (city, town, or county) business/alcohol license
 - A certificate of insurance for general liability and liquor liability coverage
- ...continued on the next page

Renewal Forms

...Continued from the previous page

- A completed alcohol server training & ID badge form (provided in the packet as Form D). Now would be a good time to contact trainers if you need to schedule a class. A list of approved training programs is on-line at: <http://www.dsamh.utah.gov/stateapprovedproviders.htm>
- The financial spreadsheet form provided in the packet as Form E

Please remember, you must send in your completed renewal application by Monday, October 2nd. This deadline is set by the legislature and we can not extend it. If you miss this deadline, you can not *renew*. You will have to *re-apply* for your license. This means you will have to pay for an additional application fee and initial license fee. Please do not wait until the last minute.

You may either hand deliver (by 5:00 pm on October 2nd) the completed renewal or we will accept a postmark up to and including October 2nd as timely. You do *not* have to pay extra for overnight mail to get it here. If for some reason you bring your renewal to the post office on October 2nd, don't just drop it in the slot. Make sure the post office puts that day's postmark on your envelope because some post offices send the mail to another post office and it gets postmarked the next day. If your local post office is closed, the Salt Lake airport post office is open 24 hours. As long as you get there before midnight on October 2nd, you can get that date's postmark.

We will accept a postmark up to and including October 2nd as timely.

If you hand deliver the renewal, it must be in to our office by 5 p.m. on October 2nd.

You will be notified *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 Department of Workforce Services (unemployment insurance tax requirements).

We will provide you with phone numbers and contacts in each agency. You are responsible for calling the appropriate agency directly to find out what they want you to do to clear up the delinquency. When you satisfy their requirements, they will send us a letter of good standing that will clear your account. Please take action to clear up the delinquency as soon as possible. Your license can not be renewed if the delinquency is not cleared.♦

Alcohol Servers and Identification Badges

by Al Potvien

As you are aware, employees who sell, serve and dispense alcohol for consumption at any on-premise licensee, as well as managers or supervisors, must be at least 21 years of age and certified under a qualified "Alcohol Server Training Program". A list of these programs is on the next page of this newsletter and on line at: <http://www.dsamh.utah.gov/stateapprovedproviders.htm>

The training is required within thirty (30) days of employment for new hires. The certificate issued by the instructing program is good for three (3) years and must be kept current at all times when the employee is involved in the service of alcohol.

Also employees of all on-premise licensees who sell, serve or otherwise dispense alcohol must wear an identification badge. The ID badge rule reads:

"Each employee of the licensee who sells, dispenses or provides alcoholic beverages shall wear a unique identification badge visible above the waist, bearing the employee's first name, initials, or a

unique number in letters or numbers not less than 3/8 inch high. The identification badge must be worn on the front portion of the employee's body. The licensee shall maintain a record of all employee badges assigned, which shall be available for inspection by any peace officer, or representative of the department. The record shall include the employee's full name and address and a driver's license or similar identification number."

It is acceptable for the badge to contain the person's name, initials, or nickname, or a number. It must not be identical to another person's badge, and must be worn by the server to whom it is assigned. Besides wearing an actual badge, the requirement may also be met by embroidering the same information on the employee's clothing.

If a server misplaces their assigned badge, even tape with their name or number will do. This identification also needs to be listed on "Form D" which is filed with the department to verify that all alcohol servers and management are of age,

have current training certificates and have individual ID badges assigned. The licensee should maintain a copy of this form and copies of all employee certificates up to date and on their premises at all times, for inspection by local and state law enforcement agencies.

The purpose of the identification badge is to aid law enforcement when monitoring licensees for compliance regarding the service of alcohol. It allows them to properly identify a server and also helps the licensee to know who was on shift if a violation occurs. It is also a separate violation if a server was not wearing their ID badge.

The ID badges make sense for other reasons like being a sign of hospitality and friendly service, security purposes, and of course, just being recognized as authorized or on-duty personnel at your establishment.

In summary, servers and supervisors, must keep their training current, and wear their own ID badge whenever they are on duty and are involved in the sale, service or dispensing of alcoholic beverages.♦

Approved On-Premise Alcohol Server Training and Educational Programs

Service Industries, Inc. (Serves Wasatch Front)
3438 Buck Circle
Salt Lake City, UT 84121
801-942-0742
Contact: Lou Bertram

The SMART Program (Statewide)
PO Box 71115
Salt Lake City, UT 84171
801-265-9435
Cell: 801-915-8609
Contact: Jerry Diana
For online training, visit www.smart-utah.com.

The TIPS Program (Statewide*)
Health Communications, Inc.
1101 Wilson Blvd
STE 1700
Arlington, VA 22209
1-800-Get-Tips

SUU Southern Utah University
(Iron, Beaver, Garfield, Kane and Washington)
Alcohol Training and Education Seminar
510 West 800 South
Cedar City, Utah 84720
435-586-2899
Contact: [Danny Shakespear](mailto:Danny.Shakespear@suu.edu)

ServSafe Alcohol ***** Spanish and English (Statewide)
9494 S Prosperity Rd
West Jordan, UT 84088
801-563-6300
Local contact: Toni Jorgensen, Sysco Intermountain National
Restaurant Association Educational Foundation Contact:
Patricia Mellody, Manager
(for administrative purposes only)
250 S Wacker Dr. STE 1400
Chicago, IL 60606

TEAM Coalition, Inc.
1101 Wilson Blvd., STE 1700
Arlington VA 22209-2266
Contact: [Jill Pepper](mailto:Jill.Pepper@teamcoalition.com), Executive Director 703-524-1200 x343

Learn2serve (Web-based Program)
Corporate Headquarters
200 Academy Dr. Ste 260
Austin, TX 78704
Contacts: [Albert J. Lilly](mailto:Albert.J.Lilly@learn2serve.com) [Lilly Rhiannon](mailto:Lilly.Rhiannon@learn2serve.com) [McElroy](mailto:McElroy@learn2serve.com)
800-442-1149
Fax: 512-441-1811

Dixie State College Alcohol Handlers Seminar
225 South 700 East
St. George, UT 84770
(435) 652-7515
Contact: Don Reid

Missing Employees

The DABC is attempting to locate the following individuals that either currently or previously worked for the licensees listed below. We have adjudicated violations with the licensees, but the employees either could not be located or did not attend the proceedings when the violations were adjudicated. If any of these employees are currently working for your business, please have them immediately contact Chris Johnson in the Licensing & Compliance Division at 801 977-6800.



Stan G. Allen - The Standard
Cynthia M Anderton - Applebee's (West Valley)
Michael R Arcaris - Squatter's Pub
Braeden M. Brinton - The Standard
Sara Bryson - Mimi's Café (Orem)
Deana Bundy - One & Only
Tonya Capson - Whiskey
Catherine Clark - Goldbar Saloon
David Durrant - Tucci's (Salt Lake)
Kristina M. Erskine - Asuka Japanese Sushi
Robert J. Gardner - Juhl Haus Deli & Market
David Homer - One & Only
Charles Lamb - Jeremy Golf & Country Club
George H Lasater - Eddie McStiff's
Lacey B. Miller - World Famous Woody's Tavern
Reggie Murdock - Club Vortex
Bryce Pearson - Old Spaghetti Factory (Salt Lake)
Courtney J Rios - Art's Place
James D. Santini - P.F. Chang's (Orem)

Kate Christianson - Chili's (St. George)
Seth Hill - Chili's (St. George)
Jared B Hileman - Shaggy's Livin Room
Danielle Sims - Sportsman's Lounge
"Bubba" - Sportsman's Lounge
Sarah E Ellis - Alpine Internet Café
Vincent Laguardia - Alpine Internet Café
Troy Mattinson - Applebee's (St George)
Monica M Salazar - Cheater's Lounge
Eric D Adams - McGrath's Fish house (Salt Lake)
Sara J Darling - Iggy's Sports Grill (Salt Lake)
Thiago D Moraes - Main Street Pizza & Noodle (Park City)
Nathan B Ilhenfeld - Lumpy's Downtown (Salt Lake)
Debra Dietz - Riverhorse Café, (Park City)
Benjamin G Smith - Twilite (Salt Lake)
Bobby L Fenn - W Lounge (Salt Lake)
Mark M Ito - W Lounge (Salt Lake)

Violations and Penalties

by Chris Johnson

Below is a list of the most recent violations and penalties assessed for all licensees. 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 alcoholic violations listed, law enforcement agencies have been very active. PLEASE BE CAREFUL!!

CL = Private Club Liquor BE = On-Premise Beer TV = Taverns * = Prior Violation History
 RE = Full Service Restaurant RL = Limited Service Restaurant TB = Temporary Beer permittees
 SE = Single Event Permittees BW = Beer Wholesaler AL= Airport Lounge

License Type	Name of Establishment	Description of Violation(s)	Penalty Assessed
RE	Anita Anderson (former employee of Tony Roma's (Sandy))	1. Freepouring	5 day suspension
CL	Club 90, Sandy and Becky Campbell and Mary Fondaco (employees)	1. Sale to minors 2. Minors on the premises of a class "D" club 3. Non-member entry & sale	Merged Counts 1 & 2. 7 day license suspension 3. Fine of \$250.00 plus costs
RE	Iggy's Sports Grill, Salt Lake and Sara J Darling (employee)	1. Sale to minors	1. 5 day license suspension plus costs
RE	Main Street Pizza & Noodle, Park City and Thiago D Moraes (employee)	1. Sale to minors	1. 5 day license suspension plus costs
RL	Mariscos Las Islitas, West Valley and Maria Martinez (employee)	1. Sale to minors 2. No ID badge	1. 15 day license suspension plus costs * 2. Written warning
RE	St. Helen's of Washington and Amathie T Mylius (Employee)	1. Sale to minors	1. 5 day license suspension plus costs
RE	Salsa Fiesta, Sandy and Eduardo O Sanchez III	1. Sale to minors 2. No ID badge	1. 6 day license suspension plus costs 2. Written warning
RE	Samba Grill, Sandy and Chase Jones (employee)	1. Open bottles not affixed to a dispensing system 2. Unlocked storage 3. Untrained server 4. No ID badge	1. 5 day license suspension 2. Fine of \$350.00 3. Fine of \$350.00 4. Fine of \$25.00 plus costs
RE	Tucci's, Salt Lake and Julie Rowlett (employee)	1. Sale of A/B before legal hours 2. Allowing a patron to have more than 2 A/ B at a time	1. Fine of \$200.00 2. Fine of \$250.00 plus costs
RL	Kim Long, Layton and Han Phi Lambuu (employee)	1. Sale to minors 2. No ID badge	1. 6 day license suspension plus costs 2. Written warning
TV	Derek Johnson (former employee of Andy's Place, Salt Lake)	1. Giving away free drinks	1. Fine of \$25.00
RE	Garrett Stein (former employee of Applebee's, Cedar City)	1. Sale to minors	1. 5 day suspension
CL	Club Try-Angles, Salt Lake and Scott J Petersen (employee)	1. Minors on the premises of a class "D" club 2. Sold a visitor card to a minor	1. Fine of \$750.00 2. Fine of \$250.00 plus costs
RE	Chimayo, Park City and Amanda Vonk (employee)	1. Sale to minors 2. No ID badge	1. 6 day license suspension plus costs 2. Written warning
CL	Club Sound, Salt Lake and Nikk Moskalov and Eric C Davey (employees)	1. Sale to minors 2. Minors on the premises of a class "D" club	Merged counts 1 & 2. 18 day license suspension plus costs
CL	Lumpy's Downtown, Salt Lake and Nathan B Ilhenfeld (employees)	1. Minors on the premises of a class "D" club	1. Fine of \$750.00 plus costs
RE	Riverhorse Café, Park City and Debra Dietz (employee)	1. Sale to minors	1. Fine of \$3,000.00 plus costs
CL	Todd's Bar & Grill, Salt Lake	1. Minors on the premises of a class "D" club	1. 8 day license suspension plus costs
CL	Trapp, Salt Lake and Tami L Lowther (employee)	1. Minors on the premises of a class "D" club 2. Sold a visitor card to a minor	1. Fine of \$750.00 2. Fine of \$250.00 plus costs
CL	Twilite, Salt Lake and Benjamin G Smith (employee)	1. Sale to minors 2. Minors on the premises of a class "D" club 3. Sold a visitor card to a minor	Merged counts 1 & 2. 7 day license suspension 3. Fine of \$250.00 plus costs
CL	W Lounge, Salt Lake and Bobby L Fenn and Mark M Ito (employees)	1. Sale to minors 2. Minors on the premises of a class "D" club 3. Sold a visitor card to a minor	Merged counts 1 & 2. 6 day license suspension 3. Fine of \$250.00 plus costs

Can you be charged *criminally* for serving alcohol to a minor or intoxicated person?

By Tom Zdunich

During our free available training for our licensees, we discuss criminal charges that can be leveled toward licensees and their employees. Many of the attendees at these trainings are shocked to find out that they can be charged criminally for serving alcohol to a minor or to an intoxicated person.

If a law enforcement agency chooses simply to notify the DABC of a situation involving a violation, it will be handled administratively by the DABC.

DABC administrative penalties for a first-time sale to a minor are:

- Licensee - 5 to 30 day license suspension and/or a fine of \$500 to \$3,000.
- Employee - 5 to 30 day employment suspension and/or up to a \$100 fine.

Administrative penalties for a first-time sale to an intoxicated person are:

- Licensee - 10 day suspension up to revocation of license and/or a \$1,000 to \$25,000 fine.
- Employee - a 10 to 120 day employment suspension and/or up to a \$300 fine.

However, if a citation is issued, this means that the law enforcement agency is also citing you criminally.

Statutes that pertain to criminal charges for serving alcohol to minors or intoxicated persons are listed below.

32A-12-203 states:

- (1) *A person may not sell, offer to sell, or otherwise furnish any alcoholic beverage or product to a minor.*
- (2) *Except as otherwise provided in Subsection (4), a person is guilty of a class B misdemeanor if that person: sells, offers to sell, or otherwise furnishes any alcoholic beverage or product to a minor and negligently or recklessly fails to determine whether the recipient of the alcoholic beverage or product is a minor.*
- (3) *Except as otherwise provided in subsection (4), a person who sells, offers to sell, or otherwise furnishes any alcoholic beverage or product to any minor knowing that the recipient of the alcoholic beverage or product is a minor is guilty of a class A misdemeanor.*

32A-12-204 states:

- (1) *A person may not sell, offer to sell, or otherwise furnish any alcoholic beverage to any person who is actually or apparently intoxicated: or a person whom the person furnishing the alcoholic beverage knew or should have known from the circumstances was actually or apparently intoxicated.*
- (2) *A person who negligently or recklessly violates subsection (1) is guilty of a class B misdemeanor. A person who knowingly violates Subsection (1) is guilty of a class A misdemeanor.*

A person who has a conviction for the sale of alcoholic beverages to a minor or to an intoxicated person can be prohibited from being involved in the ownership or management of any on-premise alcohol license issued by the DABC.

Class B misdemeanors can have fines of up to \$1,000 and jail sentences of up to 6 months while Class A misdemeanors can have fines of up to \$2,500 and jail sentences of up to 1 year.

Additionally, criminal convictions concerning the sale of alcoholic beverages to minors or intoxicated persons can prohibit a person from being involved in the ownership or management of any on-premise alcohol license issued by the DABC until the criminal conviction record is expunged (which can take several years).

Protect yourself by always asking for ID and carefully checking it. Know the date that a person had to be born to be 21 years old on that day. Write that date on your order pad at the beginning of each shift and compare it with the date on the customers identification.

Also look for signs of intoxication and be aware of your customers drink patterns (# of drinks ordered, how long they have been in the establishment, etc.) Some signs of intoxication are: Slurred speech, bloodshot eyes, obnoxious behavior, poor coordination, being quick to purchase drinks for others, etc. An intoxicated person may be showing many of these and other signs of intoxication at the same time.♦

The DABC website is www.abc.utah.gov.

Other links:

•Current and past issues of this newsletter:

www.alcbev.state.ut.us/license_permit/newsletter_main.htm

•server training information: www.alcbev.state.ut.us/license_compliance/serv_train.html

•how to look up a server's training record: www.dsamh.utah.gov/webapps_alcoholserver.htm

•complete price list: www.alcbev.state.ut.us/Products/products_main.html

News From Other States

by John Bryant

❶ Do you think Utah's license fees are too high? In New Jersey, according to the "State Capitols Newsletter", a company paid \$1.5 million for a liquor license. Pennsylvania Real Estate owns the Cherry Hill Mall, one of the nation's oldest malls, and plans to put in a new row of restaurants. New Jersey law allows holders of liquor licenses to sell the licenses when they sell their restaurants. \$1.5 million was the going price for this license. In comparison, Utah's licensing fees for a limited restaurant license are \$750 and for a full-service restaurant license are \$2000.

❷ Forget the salt and lime, you'll need a mint to enjoy this tequila. Tequila Ley announced that it has sold a bottle of Mexico's best known beverage in a gold and platinum casing for a whopping \$225,000. A company spokesman stated: "This is a really unique bottle of tequila and our client, a U.S. based collector of fine wines and spirits, will treasure this prize to add to an already impressive collection." The company plans on applying to the Guinness Book of Records claiming they have sold the most expensive bottle of liquor ever.

❸ In Westlake, Ohio, a bar waitress checking to see if a woman was legally old enough to drink was handed her own stolen driver's license as ID! (Please make sure that you check ID's completely. You never know what you'll get!)

Warning Signs

By Stephne Pilling

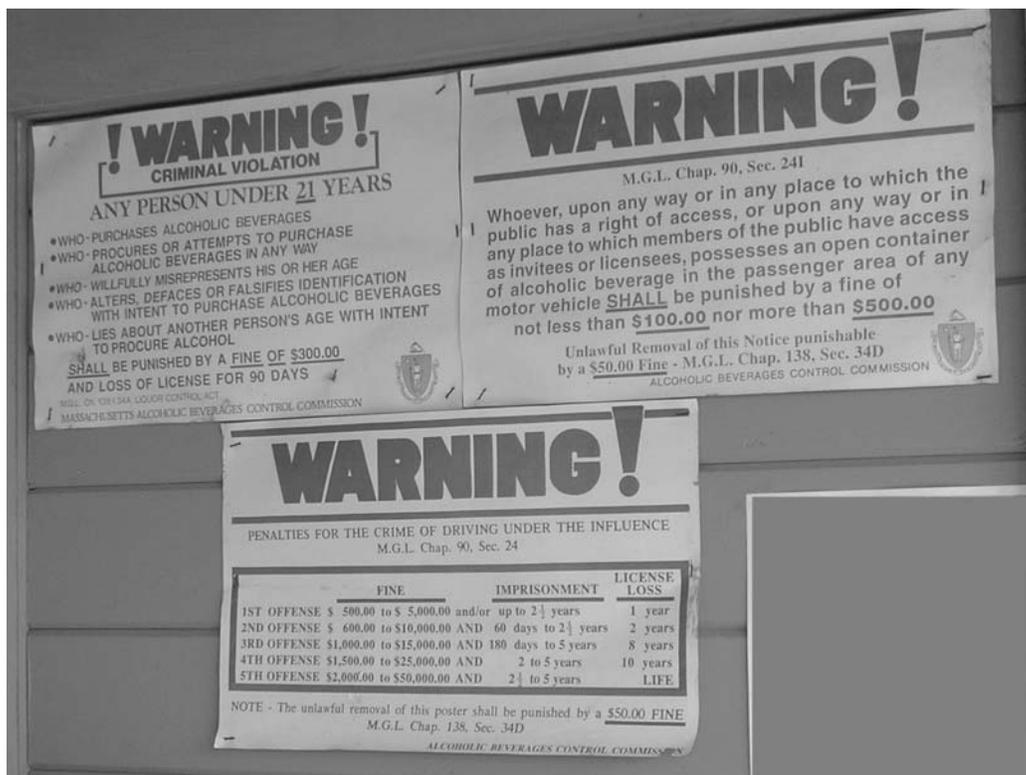
Think posting one warning sign is tough? Try posting three...Massachusetts has three mandatory warning signs to post on the premises (see below). In many states, licensees have to post signs warning patrons that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

Utah's law does not mandate posting signs regarding alcohol and pregnancy; however as a licensee you are required to post a warning sign stating "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah". It is mandatory to post the sign where it is visible to patrons.

If you don't like the DABC's standard designer sign, you can make your own warning sign as long as the wording is

the same and the sign is no smaller than six inches high by twelve inches wide with print no smaller than one half inch bold letters and clearly readable.

Remember, it is mandatory to post the warning sign, your state liquor license and local business license. The Department is happy to provide the warning signs to licensees requesting them.♦



Time for Training?

By Neil Cohen

As a licensee, you have access to a great resource for information...DABC training!! Many licensees wisely use this free liquor law training as a resource that could give them a significant edge in preventing violations.

When is the best time for training?

This training is optional, but there are four scenarios when you should seriously consider scheduling a session:

1. If you have recently been cited for a violation, it may be a good time to ask your compliance specialist to come out and meet with your staff and management for a refresher course on the laws and regulations.
2. If you are a new licensee, a lot of questions may come up after you have operated under the license for a few weeks or months. If so, this is a great opportunity to get your questions answered and to get management and staff "on the same page".
3. If you have a responsible alcohol service plan in place, periodic training is required and your compliance specialist can help you cover some of the topics.

We can do a training session at your business location and tailor it to meet your employees' schedule.

4. If you are applying for a license, we can schedule a training session for you and your new employees to help you get up and running.

Whether you are a private club, restaurant, on-premise beer, tavern, or banquet licensee, your compliance specialist can plan a training on the laws that apply to your specific license. We can do a training session at your business location and tailor it to meet your employees' schedule. Some licensees schedule this free training with us every year.

This is your training, and we want you and your staff to get the most out of it. That is why we allow plenty of time for a question and answer period so your staff can raise issues and share the answers as a group. Chances are, they may have worked at different places and have different ideas about complying with the liquor laws.

Help reduce your risk of getting a violation by keeping your staff current with the liquor laws. Contact your compliance specialist today to schedule your next free training.♦

Keeping Daily Dispensing Records

If you sell liquor or wine by the glass, you are required to keep daily dispensing records that show the amount poured balanced to the amount sold. For liquor, this means reading the meters that measure the number of one ounce portions that are dispensed and comparing the readings to how much was sold. This can be done by balancing the meter readings to the cash register tape which is sometimes called a P.O.S., PMIX, or Z tape report. Some businesses that don't use cash registers can check the sales directly from the guest checks or tickets. For wine by the glass, this means keeping track of how much wine was poured and comparing it to how much was sold.

This requirement is really a variation on standard bar control procedures that are used throughout the industry. The fundamental principle is to monitor what was used and make sure it is accounted for. For example: You bought two, 750 ml bottles of vodka and they were both empty at the end of the night. Do your meters show that you poured 50 one ounce drinks? Did you *sell* 50 vodka drinks? Were they rung up? Did the money make it into the till and into your bank account? You started the night with a half full magnum (1500ml) of cabernet and ended the night with an empty bottle, indicating that five (5 ounce) glasses were *poured*. Did you *sell* five glasses of cabernet? These are some of the questions that can be answered with a good dispensing record keeping system in place.

By comparing what your sales should be and what your sales *are*, you will have a better handle on your operation. Using your dispensing system and daily record keeping to its best advantage will help you do this.♦

THE FOOD AND BEVERAGE INDUSTRY IS NEVER STATIC. LICENSEES CHANGE, MANAGEMENT CHANGES, AND EMPLOYEES CHANGE. FOR THIS REASON, WE WILL PERIODICALLY UPDATE AND RE-PUBLISH IMPORTANT ARTICLES THAT HAVE APPEARED IN PAST EDITIONS OF THE NEWSLETTER.



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

Return Service Requested

PRSRT STD
U.S. POSTAGE
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Permit No. 4621