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The New Wine Store is Open

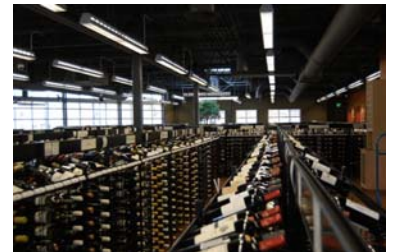
By John Freeman

On November 14th, the department opened a new 12,000 sq ft wine store at 1605 South 300 West (corner of 300 W & Harris Ave.) in Salt Lake City. This store is in addition to the wine store at 300 S 300 E in Salt Lake. David Paul has been selected as the new store manager moving from the Park City Snow Creek Store. Dave and his staff have extensive wine experience and is a wonderful resource to patrons.

The new store is open from 10 a.m. to 10 p.m., Monday through Saturday. It sports exposed mechanical in the ceilings, soft lighting, 80 parking spaces, maple wine racks and stained concrete floors. It is also designed to accommodate licensees. It is a totally different look for the agency following the idea of creating a more inviting shopping experience similar to the new 3300 S 3200 E store. There will be nearly 5,000 different wines at all prices (\$3.00 - \$10,000 per bottle) when fully stocked. The first 10 days open, there has been over 24,000 bottles of product sold out of this store. There has been very positive comments and feedback from customers about their shopping experience at this store.

A pilot program called Buyer's Vine for selecting wines by patrons and licensees has been put into place. There is a kiosk in the middle of the store that has a "touch screen" terminal and allows the user to narrow the field of what wine may fit their needs based on specific criteria, such as: price, varietal, country of origin, food pairings, etc. It makes the selection process very easy and fast.

Consumers will have the ability in the near future to critique the wines themselves on-line on the department's website allowing future customers to read those reviews at the kiosk in the store. If the program is successful, it will be located at more stores in the near future.



...Continued on the next page

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 South 900 West, Salt Lake City.
Call 801-977-6800 for the current schedule.***

The New Wine Store

...Continued from the previous page

In the last month, the agency has opened this store and an enlarged and remodeled North Temple Store. The newly enlarged and remodeled Taylorsville Store will be opened around Christmas. Also opening in 2009 will be seven new 12,000 sq ft stores in Bountiful, Holladay, Heber

City, Pleasant Grove, Springville, Hurricane and Cedar City.

Sales continue to be strong at the retail level although there is a move by consumers to buy less expensive products except in the wine categories. This trend seems to be consistent throughout the country. ♦

Beer License Renewals

by Keith Zuspan, Neil Cohen, and Abe Kader

On-Premise Beer Retailers and Taverns can choose to renew their license online or the conventional (paper) method.

Online Renewal - How it Works!

The new system allows you to submit your renewal application electronically beginning January 1, 2009 through February 2, 2009. Remember the deadline to complete your renewal is Monday, February 2.

Renewing your license online is simple and efficient. The process requires you to enter online information from the renewal materials mailed to you by DABC, verify and update your unique license information, answer a few questions, pay your renewal fees and print a copy of your submission and payment. The payment feature for your convenience accepts debit/credit card (Visa, Mastercard, American Express, Discover) or an electronic check.

You may *not* be able to renew your license online due to changes in operating entity, changes of corporate officers/directors, or relocation of your business. If that is the case, please complete the paper renewal form (see below).

Paper Renewal

All licensees will receive a paper renewal packet with forms A, B, and C (with preprinted license data), D (alcohol server training information), E (financial spreadsheet), and F (the online instructions). If you are completing a paper renewal, please note that you only need to submit the renewal fee, Forms A, B, C, and E, and any background check documents and fees that are required. Background check information and instructions will be in the packet.

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 to those forms if the data has changed or is incomplete.

Please remember, you must mail or hand in your completed renewal application by **Monday, February 2**. This deadline is set by the legislature and we can not extend it. If you miss this deadline, you may 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 6:00 pm on February 2**) the completed renewal or **we will accept a postmark** up to and including **February 2** as timely.

Follow-up

Either way you choose to file your renewal and after the renewal process, you may be asked by your compliance specialist to submit additional information such as local business/alcohol license(s), an ACORD type Certificate of Insurance (for general and liquor liability coverage), or alcohol server training records (form D).

If you do not receive renewal materials in the mail by the *second* week of January, please call (801) 977-6800 to obtain a copy of your license renewal packet and your online renewal ID number.

As a reminder, information you provide is for the sole use of the DABC. Personal information submitted online is protected. The State of Utah and Utah.gov take your internet security very seriously. Our technology and policies are designed to make your online transactions safe, private, and secure. Rigorous policies and procedures are utilized to safeguard your personal information, such as social security numbers, banking information, and personal data.

Tax Delinquencies

Licenses can not be renewed unless tax delinquencies are cleared. The law specifies that, "Each applicant for a license and each licensee shall comply with all applicable federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds to which it may be subject." (32A-1-123 Utah Code)

If you have a delinquency, you will receive a notice directly from the Tax Commission regarding sales tax or payroll withholding tax, the Labor Commission, Division of Industrial Accidents regarding workers compensation coverage, or the Department of Workforce Services regarding unemployment insurance tax.

If you have any deficiencies with these departments, they will let you know who to call and what you need to do to bring your account back into good standing. ♦

The Licensing Newsletter 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: hotline@utah.gov

Website: www.abc.utah.gov

Download a copy of the newsletter at: http://www.abc.utah.gov/license_permit/newsletter_main.htm

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Helpful Services for Licensees

New Online Store Order Program

By John Hall, Systems Development Supervisor
 On November 19, 2008, a new store order program was put on the DABC web site replacing the older program that has been in place since 2000.

The main objective in doing the rewrite was to keep the program fresh and up to date with the technological advances of the past several years. This will keep the program viable for many years to come, even though as users you won't notice much difference in the functionality of the application.

Having said that, there were a few changes to the user interface that you will notice:

1. There is a single point of login regardless of whether you are a Package Agency or a Licensee, and regardless of whether you are ordering from the central warehouse or a local store. In the past there were multiple login choices and this has been simplified.
2. The display of the lines on your order is more visually pleasing by highlighting every other line.
3. The method of deleting lines from your order has been made easier, allowing you to select multiple lines to be

deleted and then deleting them all with one action.

4. The amount of inactive time that elapses before your order is automatically "timed out" has been increased from 30 minutes to one hour. The "time out" feature is necessary so that a connection to the database won't inadvertently last for an indefinite period of time. This can happen if you begin your order and then leave the computer running without finishing the order within a reasonable amount of time.

Please call the number listed on the web site if you encounter any problems with the new program.

If you would like to start using the online ordering system (new users), call Tammy Bolte at 801-977-6851 to get set up with a user name and password.♦

We hope you enjoy using the new online ordering system. The system can be accessed on our website at:
http://www.abc.utah.gov/online_services/online_orders.htm

Special Orders Online

By Penny Hulse

The DABC tries very hard to offer a wide ranging product line. Generally, our stores are well stocked with items that meet most every taste and budget. But we realize that sometimes, individuals and licensees want something that we just don't have in stock. So if you think "you can't always get what you want"...think again. On the DABC website, we have an online "special order" procedure that is easier than ever.

Log on to www.abc.utah.gov. On our homepage, select (click on) "Online Services", then select "Consumers", then "Special Orders" (or you may click on this link:

http://www.abc.utah.gov/online_services/intro.html). You will then be on the introduction page. Follow the instructions and your order will be placed directly with the special order clerk (me). The more requested information that you provide the faster we can get the order processed and delivered to the store of your choice.

Before the order is placed you will be contacted with the total cost of the order and asked if you wish to proceed. Keep in mind all products do have to be ordered in case lots. If the item is imported, we need to know the name of the U.S. importer.

If you have any questions give me a call at 801-977-6822.♦

The ACH Payment System is in Place

By Tammy Bolte

Is the check you brought to pay for your liquor order for the wrong amount? Are you having problems with your debit card or pin? Did you forget your checkbook? Does it take forever for accounting to cut a check? If your experience at the liquor store reminds you of Johnny Carson's old "Art Fern's Tea Time Movie" routine..., well friends, we have a solution to your problem!

You can now pay for your liquor order, quickly and conveniently with the new payment method that we call ACH (Automated Clearing House). This is also referred to as an electronic check.

To use this system, you will need to complete the Authorization Agreement for Preauthorized Payments form. This form can be faxed, mailed or e-mailed to you. Attach a voided check to the form and then either (a) mail the completed form to DABC at PO Box 30408, Salt Lake City, Utah 84130-0408, or (b) fax to 801-977-6888. DABC will

then use the information on the form and the voided check to set up your licensee account for ACH payment processing.

Once you are in our system, you can start using this payment method at any store where you place your order. All state liquor and wine stores are linked to the system and are aware you are ACH approved.

Since ACH payments are a form of electronic checks, any ACH payments that are returned to DABC because of (1) insufficient funds, (2) refer to maker, (3) account closed, or (4) ACH transactions blocked; will be treated the same as a "return check," are subject to a \$20 service charge, and may result in (a) the licensee being put on "cash only," and/or (b) the immediate suspension of the license as allowed by Alcoholic Beverage Control Commission rule R81-1-3.

If you are interested in signing up for this new payment method, please contact Tammy Bolte, either @ 801-977-6851 or tbolte@utah.gov.♦

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
CL	Other End, Heber, and Lyndsie Peterson (employee)	1. Sale to intoxicated persons 2. Sale to minors & minors on the premises of a class "D" club 3. Non-member entry & sale 4. No ID badge	1. Dismissed 2. 5 day license suspension 3. Fine of \$250.00 plus costs
CL	Lumpy's Downtown, Salt Lake and "Sherry" (employee)	1. Sale to intoxicated persons 2. More than 2 A/B at a time before a patron & more than 2.75 oz. liquor at one time before a patron 3. Consumption after hours	1. 10 day license suspension 2. Fine of \$1,000.00 plus costs 3. Dismissed
CL	Down Under Club, Bountiful	1. Sale to minors & minors on the premises of a class "D" club	1. Fine of \$1,200.00 plus costs
CL	New Cassidy's Club and Amber R Christensen (employee)	1. Sale to minors & minors on the premises of a class "D" club 2. Non-member entry & sale	1. Fine of \$1,000.00 2. Fine of \$250.00 plus costs
TV	Circle Inn, Sunset and Bradley M Wood (employee)	1. Sale to minors & minors on the premises of a class "D" club 2. Allowing patrons to leave with open containers	1. Fine of \$1,000.00 2. Fine of \$700.00 plus costs
BE	Gladstan Golf Course, Payson and Whitney Hathaway and Randy Pearson (employees)	1. Untrained servers 2. No ID badge	1. 3 day license suspension 2. Fine of \$100.00 plus costs
RE	Mountain House Grill, Midway and Brit Cummings (employee)	1. Sale to minors 2. No ID badge	1. 5 day license suspension plus costs 2. Written warning
CL	Club Manhattan, Salt Lake	1. Minors on the premises of a class "D" club	1. 5 day license suspension plus costs
CL	Bliss, Salt Lake	1. Allowing patrons to have more than 2 A/B at a time 2. Promotion offering free A/B 3. Non-member entry & sale	1. Fine of \$500.00 2. Fine of \$500.00 3. Fine of \$250.00 plus costs
CL	Hotel, Salt Lake	1. Promotion offering free A/B 2. Non-member entry & sale *	1. Fine of \$500.00 2. Fine of \$750.00 plus costs
RE	Players Sports Grill, St George and Karen Buschman (employee)	1. Sale to minors	1. Fine of \$1,000.00 plus costs
TV	Timpanogos Tavern, Heber and Cindy P Rogers (employee)	1. Sale to minors & minors on the premises of a tavern	1. Fine of \$1,000.00 plus costs
CL	W Lounge, Salt Lake and "Nicole", Brian Palmer and Casey Staker (employee)	1. Allowing patrons to leave with open containers 2. Non-member entry & sale	1. Dismissed 2. Fine of \$250.00 plus costs

Free training....

Free liquor law training is available to all licensees and their employees. This training helps licensees to understand the alcoholic beverage laws, 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 deal with specific questions and concerns.

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.

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 Ed Lombard at the Utah Attorney General's Office at 801 366-0157.

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)
 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
 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)
 Sean Hill - Chili's (St. George)
 Jared B Hileman - Shaggy's Livin Room
 Karen Buschman - Players Sports Grill
 Whitney Hathaway - Gladstan Golf Course

"Sherry" - Lumpy's Downtown
 Danielle Sims - Sportsman's Lounge
 "Bubba" - Sportsman's Lounge
 "Julie" - Jessie's Bar & Grill
 Vincent Laguardia - Alpine Internet Café
 Troy Mattinson - Applebee's (St George)
 Monica M. Salazar - Cheater's Lounge
 Susan Pontius - Applebee's (Orem)
 Alicia Bowman - Palms @ Holiday Inn
 Laurie A .Johnson - Don Jose Mexican Restaurant
 Jason M. Green - Sunset West Bowling Center
 Jeffery S. Anderson - La Frontera (Bountiful)
 Clay Petty - World Famous Woody's Tavern
 Billie Jo Lange - Outback Steakhouse (St George)
 Brenda Conners - Papa Joe's
 Kathy Walton - Chili's, Midvale
 Natalie Oswald - Hog Wallow Pub
 Kristan Holeman - Jersey's Sports Grill
 "Mark" - Davis County Conference Center
 Bradley M Wood - Circle Inn



An Old Tradition - Not Necessarily a Legal One

By Margaret Hardie

Our Department recently received information from a law enforcement agency that some clubs and taverns that sponsor certain pool tournaments are providing free drinks to the tournament players at "halftime".

This tradition started many years ago when pool tournament promoters insisted that participating clubs and taverns serve their tournament players free drinks during halftime.

This practice stems from an old tradition where the club or tavern spots a player a free drink of whatever the player was drinking just before halftime. This is the case whether it is a soft drink, beer, or a cocktail.

Apparently, this tradition started many years ago when pool tournament promoters *insisted* that participating

clubs and taverns serve their tournament players free drinks during halftime. If the establishment refused, there was the possibility it might lose the privilege of sponsoring the pool tournaments and thus lose valuable business.

In any event, this tradition violates the Alcoholic Beverage Control Act. The law is clear:

32A-5-107 (29) (h): *A private club licensee may not engage in a promotion involving or offering free alcoholic beverages to patrons of the private club.*

32A-5-107 (30): *An alcoholic beverage may not be purchased for a patron of the private club licensee by:*

- (a) *the private club licensee; or*
- (b) *an employee or agent of the private club licensee.*

These same laws are found in 32A-10-206(5)(f) and 32A-10-206(6) with respect to taverns.

If any such promotion is encouraged or insisted upon "*because we have always done it that way*" just tell the promoters that the practice is illegal and that it puts your business at risk of a violation.♦

Criminal Histories Made Easy

by John Bryant

The Utah Alcoholic Beverage Control Act prohibits partners, managing agents, managers, officers, directors, corporate stockholders, or LLC members owning at least 20% of the business, and supervisory or managerial employees of licensees or package agents who have been convicted of certain criminal offenses from being involved in the business.

Those offenses include any felony; any crime (felony or misdemeanor) concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; two DUI convictions within the last five years; or any crime (felony or misdemeanor) involving moral turpitude. A crime of moral turpitude is defined in Commission Rule R81-1-16(3)(c) as:

“A crime that involves actions done knowingly contrary to justice, honesty, or good morals. It is also described as a crime that is “malum in se” as opposed to “malum prohibitum” - actions that are immoral in themselves regardless of being punishable by law as opposed to actions that are wrong only since they are prohibited by statute. A crime of moral turpitude ordinarily involves an element of falsification or fraud or of harm or injury directed to another person or another’s property. For purposes of this rule, crimes of moral turpitude may include crimes involving controlled

substances, illegal drugs, and narcotics.”

Because of these laws, new applicants for licenses or package agencies are required to provide criminal history background checks on these persons. Also, renewing licensees that have undergone changes involving these persons (i.e. new managers, new partners, new officers, etc.) must have those individuals provide criminal background information.

If the person seeking a criminal history is living outside the State of Utah or has been in Utah less than two years, a background check must be acquired from the FBI. They must present to the Department a ten print fingerprint card with a fee of \$34.25. If the person seeking a criminal history has been in Utah more than two years, then the background check must be acquired from the Utah Bureau of Criminal Identification. That person must present to the Department a ten print fingerprint card and a fee of \$15.00.

Because this process can take up to five to six weeks to complete which will cause a delay in the applicant receiving their license, it is recommended that the person acquiring a criminal history get a third-party national criminal background check. This can be obtained by searching the yellow pages under Background Screening or searching the internet under Background Screening or Background Checks. You can get your fingerprints done at any law enforcement office (local police or county sheriff).

That’s it!!! Pretty simple. Of course if you have any questions, you can always call one of our friendly compliance officers who will help you through this process.♦

We’ve been asked...

About Liquor Dispensing Issues

By Al Potvien

Pre-Mixed Cocktails

Pre-mixed cocktails (i.e. Margarita, Long Island Tea, Mudslide, Pina Colada, White Russian, Cosmopolitan, etc.) contain spirituous liquor, and even though there may be juices and other nonalcoholic products mixed in, they can only be dispensed through a metered dispensing system which limits the primary pour to 1.5 ounces. Premixed cocktails are produced and bottled primarily for home use, not in bars and restaurants where most specialty drinks are concocted and mixed from “scratch” by highly trained professionals.

Making Drinks in Batches

If more than one patron orders the same specialty drink at the same time, the drinks may be mixed together in a blender or pitcher with no more than one primary liquor per person and with the flavorings added in proper proportions. When mixed, the whole batch is poured into the proper size glassware and served to each patron so that each drink will contain no more than 2.5 ounces per person. No un-served mixed drinks can be left in the blender or pitcher behind the bar or dispensing area.

[*Little known fact:* The sale of pitchers of mixed drinks is allowed as long as the pitcher served to the table or group contains no more than 1.5 ounces of *primary* spirituous liquor per person and no more than a total of 2.5

ounces of spirituous liquor *per person* equal to the number of people ordering the pitcher.]

Primary Liquor

Remember, licensees have the option of pouring a primary liquor in a size *up to* 1.5 ounces. So if a mixed drink recipe calls for multiple flavorings, and in keeping within the 2.5 ounce limit, the primary pour can even be *less* than an ounce (i.e. ½ oz or ¾ oz.) and each flavoring liquor can be added in the proper proportions to make the drink taste right.

“Flavoring” Liquor

Bartenders who make specialty drinks with primary and secondary liquors (“flavorings”) know that the primary liquor can not exceed 1.5 ounces, and that flavoring liquors can be added (each in an amount that is less than the primary) so that the total amount of liquor in the drink does not exceed 2.5 ounces.

Metered “Flavorings”

Some dispensing systems can be calibrated to pour either a primary or a secondary liquor portion at the push of a button. These systems must also be able to provide a read-out of how many portions were poured at each portion size. If the secondary liquor is poured through a calibrated metering device, it is *not required* to be labeled “flavoring”. The “flavoring” label is only required on bottles that are used as a secondary liquor and are *not* affixed to a calibrated metering device or system (*free-poured*).♦

Party Like it's 2009!

New Year's Eve and other Party Packages

by Neil Cohen

Do you realize that it has been 25 years since Prince's "1999" hit #12 on the U.S. charts in 1983? ...a quarter of a century!

It's been that long (or longer!) that we've been reminding licensees about serving alcohol responsibly, especially on New Year's Eve.

This edition of the newsletter marks the 17th year of publication. Each year we try to include this article about party packages.

Those who want to drink alcohol on New Year's Eve will most likely do so without any extra encouragement. We advise licensees who want to promote a "value added" New Year's Eve package (or any holiday package) *not* to emphasize the drinking part, but to promote the value in the food and entertainment (and in any lodging deal if it applies).

Licensees who are planning party packages for the holidays may not include, pre-sell, or give away alcoholic beverages as part of a package, because:

- The club and restaurant laws specifically require liquor, wine, and heavy beer to be listed on a separate price list and sold by the glass or bottle.
- 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.
- Licensees may not engage in a promotion that offers free alcoholic beverages to patrons.

Remember:

- ☛ A "midnight toast", a bottle of champagne, or any other 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 printed price list must be made available for patrons.
- ☛ 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.

So our advice is to promote the food, festivities, favors, and fun. Be wise, do your best to keep your patrons safe, don't over-serve, and have a happy New Year, If you do that, you'll feel like a Prince. ♦



2009 Holiday Calendar

State liquor stores, package agencies, the DABC warehouse, and administrative offices will be closed.

New Years Day January 1st (THU)
 Martin Luther King Jr. Day January 19th (MON)
 Washington & Lincoln Day February 16th (MON)
 Memorial Day May 25th (MON)
 Independence Day July 4th (SAT)
 Pioneer Day July 24th (FRI)

Labor Day September 7th (MON)
 Columbus Day October 12th (MON)
 Veteran's Day November 11th (WED)
 Thanksgiving Day November 26th (THU)
 Christmas Day December 25th (FRI)



DABC administrative office hours:
 Monday – Thursday, 7:00 am to 6:00 pm. Closed Fridays

DABC warehouse hours: Monday – Friday, 5:00 am to 2:30 pm

Liquor stores will be open regular hours Monday - Saturday.
 Closed Sundays and holidays



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

Return Service Requested

PRSR STD
U.S. POSTAGE
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