

## TOP LIQUOR CONTROLLER QUILTS POST; FENN RESIGNS AS CHAIRMAN OF LIQUOR PANEL

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Alcoholic Beverage Control Commission Chairman Jerry Fenn has resigned after 11 sometimes-turbulent years on the board that implements Utah's complex and contentious liquor laws.

Gov. Mike Leavitt, who reappointed Fenn to a third four-year term in 1995, said the veteran liquor regulator's departure was a loss but no surprise. Fenn previously had indicated he did not intend to serve out the full term.

Fenn was not available for comment Monday.

But Leavitt and other officials said Fenn resigned the part-time commission job to devote more time to his Salt Lake City law practice.

"Jerry Fenn has done a great job in a tough area," Leavitt said. "The liquor commission is constantly controversial, but he has listened to all sides and kept a steady hand."

Civil-rights attorney Brian Barnard, who has a federal lawsuit pending against the state over its ban on liquor and wine advertising, hailed Fenn's departure as an opportunity.

"With a new board member and, hopefully, a new configuration, the liquor commission will reconsider whether the First Amendment applies to Utah," Barnard said.

That optimism may be misplaced.

No sooner had Fenn publicly announced his resignation at the end of an Alcoholic Beverage Control (ABC) Commission meeting Friday, than the panel unanimously elected member Nicholas Hales as the new chairman.

Hales, who has previously served as vice chairman, sided with Fenn on most issues.

And chances for a "new configuration" on the largely teetotaling ABC appears doubtful.

Leavitt spokeswoman Vicki Varela said the governor "will probably keep about the same balance on the board."

Currently, member Vickie McCall is the lone drinker on the five-person board. She also is the only woman and the only non-Mormon commissioner.

Kent Knowley, a private club owner and president of the Utah Hospitality Association lobby, believes the addition of another drinker would improve the ABC.

"I'd like to see it. {A drinker} would have a little better feel for what a licensee is up against," said Knowley. "I'd like to see {Leavitt} appoint somebody like McCall who has some knowledge of the industry -- who goes out to eat and takes an occasional drink."

Still, Knowley praised Fenn -- a nondrinking member of The Church of Jesus Christ of Latter-day Saints -- as a good, fair commissioner.

"He wouldn't always take your advice, but he'd always lend an ear," Knowley said.

ABC Director Kenneth Wynn also lauded Fenn's solid service.

"Jerry has taken a lot of flak, maybe because of his leadership style, or some of the positions he's taken," Wynn said. "But in the long run, if people look back over his career, they'll find that we made more progress during his term than we ever have before."

Wynn pointed to the banning of the once-prevalent minibottle. He also cited the changes in restaurant liquor law allowing drinks to be served to tables and expanded hours for serving alcohol. Utah law before 1990 prohibited alcoholic beverages in restaurants before 4 p.m. and required patrons to purchase and fetch their own minibottles from behind the counter.

Additionally, the quota for private club and restaurant licenses was expanded under Fenn's tenure.

``Those are all good, positive moves," Wynn said.

``A lot of people don't want to give {Fenn} credit for that. That's sad. I wish they would step back and look at what he's done and decide, `Geez, he was a pretty good guy after all.' "