

State of Alaska
Alcoholic Beverage Control Board
November 19, 2003
Agenda

All members present (Ellen Ganley via teleconference).

1. ADMINISTRATION

A. Approve Board minutes of September 11, 2003.

Approved 5-0

B. Delegate to the director tie-breaking vote.

Approved 5-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

1. 03/04-3285 **Alaska 1910**; Elizabeth Rollins; located at 1403 Old Richardson Hwy in Fairbanks North Star Borough; beverage dispensary license. **Attachment 2C-1**

Approved 5-0

D. REVOCATION/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

1. 02/03-785; **Northern Liquors**; Albert W & Ok Sun Gartz; located at 266.5 Richardson Hwy in Delta Junction; package store license.

Suspension hearing based on conviction of selling alcoholic beverages to a minor.

Attachment 2F-1

Suspend license for 30 days with 23 days suspended. Seven (7) day suspension to begin January 1, 2004 through January 7, 2004. Imposition of sentence if any violations occur within 1 year.

Approved 5-0

G. BOARD CONSIDERATION

1. 02/03-1036 **Yukon Yacht Club**; 115 E 3rd Avenue LLC; Susan Kaer – Mbr/Mgr; located at 115 E 3rd Ave in Anchorage; beverage dispensary – tourism license.

Licensee requests Board consideration of premise expansion.

Attachment 2G-1

Area A – Approved 5-0

Area B – Board declined to approve and suggests Catering permits be applied for when necessary.

2. 03/04-4255 Bar-B-Q Pit, The; Ok Joo Hong; located at 1160 W Dimond Blvd in Anchorage; recently approved restaurant/eating place license.

This license was applied for in 2003, but has not been issued a license yet, as the owner is not ready to operate yet. The licensee requests a change in biennial year to 2004/2005.

Attachment 2G-2

Approved 5-0

3. Strategic Plan for the Alcoholic Beverage Control Board

Attachment 2G-3

No Action

4. SB 229 – Re: shipments of alcoholic beverages & determining residency. Attach. 2G-4

Constitutional question raised. Board will not take a position until the constitutional question is answered. Counsel will look into the issue.

3. **CONSENT AGENDA**

Approved 5-0

A. **RESTAURANT DESIGNATION PERMITS**

Attachment 3A

B. **FILINGS**

1. 04/05-4329 **Baja Taco**; Elizabeth Pudwill; located at Harbor Lp in Cordova; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. City of Cordova does not protest.

2. 03/04-4317 **Eddie's Sports Bar**; Rockdance Inc.; Edward James – Pres; located at 6300 Old Seward Hwy in Anchorage; **new** beverage dispensary – duplicate license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued October 27, 2003.

3. 03/04-4314 **Gallo's Restaurant #3**; Gallo's Mexican Restaurant, Inc.; Abraham Gallo – Pres; located at Lot 1, CSK Sbdv in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license from Dingo, Inc, dba Elbow Room, located at 410 2nd Ave; background complete.

All statutory requirements have been met. City of Fairbanks does not protest. A temporary approval for *closing purposes only* was issued on July 10, 2003.

4. 02/03-536 **Howling Dog Saloon**; Northern Dogs, Inc.; James Lyle – Pres; located at 11.5 Mile Steese Hwy in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary – tourism license from Howling Dog Inc.; backgrounds complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued September 12, 2003.

5. 03/04-4327 **Kenai Golf Course**; Morgan Family Limited Partnership; Richard Morgan – Partner; located at 1420 Lawton Dr in Kenai; **new** golf course – seasonal license; backgrounds complete.

All statutory requirements have been met. City of Kenai does not protest.

6. 03/04-4337 **Little New Orleans**; Little New Orleans LLC; Johnny Duplantis – Mbr/Mgr; located at 8201 Old Seward Hwy in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

7. 03/04-4331 **Muddy Rudder**; Jessica Gordon York; located at 100 Main St in Dillingham; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. City of Dillingham did not respond within 60 days.

8. 02/03-3239 **New Peking Chinese Restaurant**; Jennifer Lee; located at 145 S Willow St in Kenai; **transfer of ownership** of a restaurant/eating place license from Spencer Han; backgrounds complete.

All statutory requirements have been met. City of Kenai does not protest. Temporary approval issued October 2, 2003.

9. 03/04-2813 **Peking Wok Restaurant**; Monica Wirtz; located at 3960 W Dimond Blvd in Anchorage; **transfer of ownership** of a restaurant/eating place license from Richard & Young Han; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

10. 02/03-3406 **Salcha River Lodge**; Salcha River Lodge, Inc.; Shelly Shewokis – Pres; located at 9162 Richardson Hwy in Fairbanks North Star Borough; **transfer of ownership** of a restaurant/eating place license from Arthur & Gloria Thompson; backgrounds complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest.

11. 03/04-4330 **Water Falls Restaurant**; Water Falls Inc.; Alejandro Andrada – Pres; located at 12801 Old Glenn Hwy #7 in Eagle River; **new** restaurant/eating place license; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

MOVED

13. 02/03-3981 **Alaska Express**; Timberwolf Ventures Inc.; Michael Tripp – Pres; located at 439 S Franklin St in Juneau; package store license.

30-day waiver 2nd request Fees paid **Attachment 3B-13**

14. 02/03-4169 **Haines Liquor**; Alaska Business Growth Corporation; Michael Ward – Pres; located at No Premises; package store license.

30-day waiver 1st request Fees paid **Attachment 3B-14**

15. 02/03-4130 **Ketchikan Brewing Co.**; Ketchikan Brewing Co LLC; Kevin Cannon – Mbr/Mgr; located at 602 Dock St #101 in Ketchikan; beverage dispensary license.

30-day waiver 1st request Fees paid **Attachment 3B-15**

16. 02/03-1946 **Red Robin**; Restaurant Management Inc.; Fred Rosenberg – Pres; located at No Premise in Mat-Su; beverage dispensary license.

30-day waiver 1st request Fees paid **Attachment 3B-16**

17. 03/04-2880 **Rum Locker**; Patel Enterprises Inc.; Keith Parmley – Pres; located at No Premises in Homer; package store license.

30-day waiver 2nd request Fees paid **Attachment 3B-17**

18. 02/03-3155 **Thai Town Restaurant**; Viengkeo & Lamphay Thongdy; located at 1780 W Northern Lights Blvd in Anchorage; restaurant/eating place license.

30-day waiver 2nd request Fees paid **Attachment 3B-18**

19. 02/03-3060 **The Wall**; Mun Corporation; Mun Pak – Pres; located at 5737 Old Seward Hwy in Anchorage; beverage dispensary license.

30-day waiver 2nd request Fees paid **Attachment 3B-19**
For transfer information, see #4E – Houlihans of Alaska

20. 03/04-3501 **Applebee's**; Apple Alaska LLC; William Pargeter – Mbr/Mgr; located at No Premises in Mat-Su Borough; beverage dispensary license.

30-day waiver 1st request Fees paid **Attachment 3B-20**

21. 03/04-3158 **Shirleyville**; Shirleyville Enterprises LLC; David Boelens – Mbr Rep; located at Granite Point in Kenai Peninsula Borough; package store license.

30-day waiver 2nd request Fees paid **Attachment 3B-21**

AND

22. 03/04-1680 **Shirleyville**; Shirleyville Enterprises LLC; David Boelens – Mbr Rep; located at Granite Point in Kenai Peninsula Borough; package store license.

30-day waiver 2nd request Fees paid **Attachment 3B-22**

END CONSENT AGENDA

4. **DELEGATION CONSENT AGENDA**

Approved 5-0

A. 02/03-1840 **Annabelle's Famous Keg & Chowder House**; Ketchikan Hospitality, Inc.; Thelma Andrew – Pres; located at 326 Front St in Ketchikan; **transfer of ownership** of a beverage dispensary – tourism license from Southside Investors Inc; backgrounds not complete.

All statutory requirements have been met. **City of Ketchikan has not responded – Notice sent September 19, 2003.**

B. 03/04-2925 **China Express**; Jong K. Kim; located at 425 W 5th Ave in Anchorage; **transfer of ownership** of a restaurant/eating place license from Jong Hee Lee; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued September 12, 2003.

C. 03/04-4334 **Eagle Liquor**; Carr-Gottstein Foods Co; Vasant Prabhu – Pres; located at Mile 1.5 Seward Hwy in Seward; **transfer of ownership, location & name change** of a package store license from Yukon Liquor Store Inc., dba Yukon Liquor Store, located at 335 3rd Ave; backgrounds not required.

All statutory requirements have *not* been met; Fire Marshal has not responded – building is not complete yet. City of Seward does not protest.

Moved from Delegation Agenda at request of applicant's counsel.

Approved 5-0

D. 03/04-499 **Harbor Bar & Lighthouse Restaurant**; The Harbor LLC; Michael Ward – Mgr; located at 101 Front St in Haines Borough; **transfer of ownership & name change** of a beverage dispensary license from Ramona Martin, dba Harbor Bar/Lighthouse Restaurant; backgrounds not complete.

All statutory requirements have been met. Haines Borough does not protest.

E. **MOVED**

F. 03/04-120 **Knik Kountry Liquor**; Knik Kountry Liquor Inc; Duane Hart – Pres; located at No Premises in Mat-Su Borough; **transfer of ownership & name change** of a beverage dispensary license from Troy & Barbara Jones, dba Big Su Bar; background not complete.

All statutory requirements have been met. Mat-Su Borough does not protest.

G. 03/04-1850 **Lynx Creek Liquor**; Aramark Sports & Entertainment Services, Inc.; Elizabeth Cartmell – Pres; located at Mile 238.6 in Denali Borough; **transfer of ownership** of a package store license from Zarccone Brothers Real Estate LP; backgrounds not complete.

All statutory requirements have been met. Denali Borough does not protest.

H. 02/03-728 **Mike's Place**; JD Entertainment, Inc. Frederick Kasnick – Pres; located at 1102 2nd St in Douglas; **transfer of ownership & name change** of a beverage dispensary license from Rudolph & Mary Pusich, dba Mike's; backgrounds not complete.

All statutory requirements have been met. Juneau, City & Borough does not protest.

I. 04/05-4338 **Three Cats Distributors**; VKB Enterprises Inc.; Vickie Hawkins – Pres; located at 2100 Viking Dr in Anchorage; **new** wholesale license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

J. 03/04-4336 **TSS The Topaz**; Topaz International Shipping Inc.; Paris Katsoufis – Pres; **new** common carrier license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued September 2, 2003.

END DELEGATION CONSENT AGENDA

5.

PROTESTS

A. 03/04-4101 **Bonanza Grill**; Jack I. O’Brien; located at No Premises in Fairbanks; **transfer of ownership, location & name** change of a beverage dispensary license from John Faur, dba The Attic, located at 2406 S Cushman; background complete.

All statutory requirements have been met. City of Fairbanks protests based on unpaid taxes in the amount of \$1987.19. Creditor liens are also pending against license

Attachment 5A

City of Fairbanks dropped protest, taxes paid.
Approved with delegation 5-0

B. 02/03-235 **Circle S Liquors**; Pomposa Porterfield; located at 22189 N Birchwood Lp in Anchorage; package store license renewal.

May 16, 2002 - Protest received from Municipality of Anchorage for delinquent taxes; July 1, 2002 – Staff sent letter to licensee regarding protest and corrective procedures; August 15, 2002 – owner came to office with a receipt in payment of taxes. License was not issued due to closure of the store.

October 29, 2003 – Staff received email from MOA regarding continuing protest for delinquent taxes. The original receipt received for payment of taxes was for real property taxes and NOT for business taxes.

Approved with delegation 5-0

AND

C. 02/03-235 **Circle S Liquors**; Pomposa Porterfield; located at 22189 N Birchwood Lp in Anchorage; package store license renewal.

30-day waiver 1st request Fees paid

Attachments 5B & 5C

Approved 5-0

7.

OTHER FILINGS

A. 03/04-1711 **Hopper Valley Roads End**; Ernest Hopper & Patricia McCloskey; located at Mile 42 Chiniak Hwy in the Kodiak Island Borough; **transfer of ownership** of a beverage dispensary license from Ernest Hopper; backgrounds complete.

All statutory requirements have been met. Kodiak Island Borough does not protest. Letters of objection attached.

Attachment 7A

Approved 5-0

B. 03/04-4333 **Iditacup**; Susan E. Curry; located at 4360 S Knik Goose Bay Rd in Mat-Su Borough; **new** restaurant/eating place license; background complete.

Mat-Su Borough does not protest. All statutory requirements have *not* been met:

- o DEC recommends **denial** based on no seating available & no proposed plans received in DEC office;
- o Fire Marshal recommends **denial** – states: This facility was constructed without plan review, owner refused to submit required documentation.

Restaurant Designation Permit application

- o Director reviewed and denied based on several factors:
 - Dining facility not enclosed
 - Business is take-out
 - No wait staff or direct supervision of dining premise

Attachment 7B

Postponed for further information from licensee regarding deck and seating area.

C. 03/04-2780 **Oaken Keg Spirit Shop #1848**; Oaken Keg Spirit Shops Inc; Vasant Prahbu – Pres; located at 44224 Sterling Hwy in Soldotna; package store.

30-day waiver 2nd request Fees paid

Attachment 7C

Approved 5-0

D. 02/03-4245 **Sicily’s Pizza**; Sicily’s Pizza Inc.; Atli Dobrova – Pres; located at 1201 E Dimond Blvd in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued November 3, 2003.

Staff request to change biennial period to 2003/2004. This application was originally received in 2002, but held up due to lack of a CUP, and then further protested for taxes owing. Both issues are now clear, but this license was not able to operate until November 2003.

Approved 5-0

E. 02/03-419 **Bostons**; Goethe LLC; Richard Helwing – Mbr; located at No Premise in Fairbanks; beverage dispensary license.

30-day waiver 3rd request Fees paid

Board History: Sept 11, 2003, Board approved extension of this license through August 31, 2004.

Attachment 7E

Approved 5-0

Last waiver to be approved; licensee MUST be operational by August 31, 2004

8. **BACKGROUND INFORMATION**

A. 03/04-1012 **Eric’s Restaurant**; Hong & Hyon Nam Kim; located at 11541 Old Seward Hwy in Anchorage; **transfer of ownership** of a restaurant/eating place license from Eric Harstad; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

Denied 5-0

Background information on Hong Kim & Hyon Nam Kim.

Additional info: Mr./Mrs. Kim bought the property from Mr. Harstad. They created a “leaseback” and a management agreement. At this time, Mr./Mrs. Kim are managing the restaurant for Mr. Harstad. **Attachment 8A**

B. REMOVED

C. 02/03-3060 **Houlihans of Alaska**; H&H Development, Inc.; Manuel Hernandez – Pres; located at No Premises in Anchorage; **transfer of ownership & name change** of a beverage dispensary license from Mun Corporation, dba the Great Wall, located at 5737 Old Seward Hwy; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

Background information on Manuel Hernandez.

Attachment 8C

Approved with delegation 5-0

D. 02/03-204 **George’s Casino Bar**; G&P, Inc.; George Pitsilionis – Pres; located at 505 Main St in Kenai; beverage dispensary license.

Background information on new shareholder, Jason Miller.

Attachment 8D

Postponed until next meeting

Date of next meeting: February 4-5, 2004

Location of next meeting: Juneau

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ADDENDUM

9. DELEGATION CONSENT AGENDA

Approved 5-0

A. 03/04-3475 **Aviator’s Steak House**; Upriver Inc.; David Lambert – Pres; located at 731 Second Ave in Fairbanks; beverage dispensary license.

30-day waiver 1st request Fees paid **Attachment 9-A**

B. 02/03-1701 **Party Time Plaza Liquor**; JL & AL Company; Jae Gak Lee – Pres; located at No Premises in Anchorage; package store license.

30-day waiver 1st request Fees paid **Attachment 9-B**

C. 02/03-45 **Mykel’s Restaurant & Lounge**; Mykel’s Restaurant, Inc.; Alice Paulson – Pres; located at 35041 Kenai Spur Rd in Soldotna; **transfer of ownership** of a restaurant/eating place license from James & Won Yang; background not complete.

All statutory requirements have been met. City of Soldotna does not protest.

D. 02/03-3752 **Islander Lodge**; Grazyra Rygiel; located at Long Island, Lot 2 Big Lake in Big Lake; beverage dispensary license.

30-day waiver 1st request Fees paid **Attachment 9-D**

E. 02/03-3443 **Theatrical Lounge**; Musicians & Theatrical Assoc. of Alaska; Chuck Washington – Pres; located at No Premises in Anchorage; club license.

30-day waiver 1st request Fees paid **Attachment 9-E**

10. BOARD CONSIDERATION

A. **Regulations** – Common Carrier Dispensary License
Adopted 4-0 (Billy Williams absent)

Attachment 10-A