

State of Alaska
Alcoholic Beverage Control Board
June 25, 2004
Agenda

1. ADMINISTRATION

Board member Duane Udland was not present for this meeting.

A. Approve Board minutes of April 22, 2004.

Approved 4-0

B. Delegate to the director tie-breaking vote.

Approved 4-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. REVOCATION/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

G. BOARD CONSIDERATION

1. Purchase of collector liquor bottles

Attachment 2G-1

No action taken

2. 03/04-2346 New Seward Hotel/New Seward Saloon; Snow Den Enterprises Inc.; located at Lot 16 Block 9 in Seward; beverage dispensary – tourism license.

Accusation 04-05 filed and pending.

Attachment 2G-2

No action taken

3. 03/04-876 Pit Bar, The; Davorie Kowalski; located at Mile 3.5 Seward Hwy in the Kenai Peninsula Borough; beverage dispensary license.

120-day extension approved 4-0

AND

03/04-877 **Pit Bar, The;** Davorie Kowalski; located at Mile 3.5 Seward Hwy in the Kenai Peninsula Borough; package store license.

Licensee deceased; Personal Representative requests 120 day extension under AS

04.11.030(c) Kicensee passed away April 14, 2004.

Attachment 2G-3

120-day extension approved 4-0

4. 03/04-529 **Manley Trading Post**; Manley Trading Post Inc.; located at Manley Hot Springs in an unorganized area; package store license.

Staff suggests imposition of conditions placed on license regarding sale of alcoholic beverage to Minto residents.

Attachment 2G-4

Tabled for further fact-finding by staff.

5. 03/04-3455 **American Summit Liquor**; Clarence Woodall; located at Mile 142.5 Taylor Hwy in an unorganized area; package store license.

Letter from the Eagle Village IRA Council objecting to a future transfer and renewal of the license. This license is up for renewal on December 31, 2004. A transfer application has not been received for this license. There is no local governing body for this license.

Attachment 2G-5

Objection tabled until transfer or renewal received in office.

Licensee deceased; attorney appeared to ask for 90-day extension. Approved 4-0

6. 03/04-1915 **Thane Ore House**; George Jefferson; located at 4400 Thane Rd in Juneau; restaurant/eating place license.

Licensee deceased; Personal Representative requests 120 day extension under AS 04.11.030(c) (Licensee passed away October 1, 2003)

Attachment 2G-6

120-day extension approved 4-0

7. **Supreme Court to hear *wine shipment dispute***

Attachment 2G-7

No action taken

8. **Director's progress report on FY 2004 Strategic Plan**

Attachment 2G-8

No action taken

9. 04/05-858 **Pikes Landing**; Pikes Waterfront Lodge LLC; located at 4438 Airport Rd in Fairbanks; beverage dispensary license.

Licensee requests Board consideration of premise expansion.

No action taken

. **CONSENT AGENDA**

Approved 4-0

A. **FILINGS**

1. 04/05-4397 **Aurora M/V**; Alaska Marine Highway; located in Alaskan Waters; **transfer of vessel & name change** of a common carrier license; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued April 30, 2004.

2. 04/05-4365 **El Tango**; El Tango Inc.; located at 4300 Old Seward Hwy in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued May 13, 2004.

3. 04/05-4392 **M/V Fairweather**; Alaska Marine Hwy; located in Alaskan Waters; **new** common carrier license; backgrounds complete.

All statutory requirements have been met. No local governing body.

4. 04/05-4375 **Fireweed Station Inn**; Thomas Kluberton; located in Mile 1.5 Sunshine Rd in MatSu Borough; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued April 30, 2004

5. 04/05-4372 **Harbor Liquor Store**; The Harbor LLC; located at 101 Front St in Haines; **transfer of ownership, location & name change** of a package store license from Alaska Business Growth Corporation, located at no premises, dba Haines Liquor; backgrounds complete.

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

6. 04/05-542 **Husky Lounge**; The Kishan Group; located at 1521 E Cushman in Fairbanks; **transfer of ownership** of a beverage dispensary license from Westmark Hotels Inc.; backgrounds complete.

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

7. 03/04-637 **Lake Creek Lodge**; Lake Creek Fishing Lodge, LLC; located at 12 Miles East of Skwentna in MatSu Borough; **transfer of ownership** of a beverage dispensary license from Lake Creek Lodge Inc.; backgrounds complete.

AND

8. 03/04-2037 **Lake Creek Lodge**; Lake Creek Fishing Lodge, LLC; located at 12 Miles East of Skwentna in MatSu Borough; **transfer of ownership** of a beverage dispensary license from Lake Creek Lodge Inc.; backgrounds complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approvals issued May 19, 2004.

9. 04/05-4368 **Szechuan Restaurant**; Yong Shin Park; located at 11751 Business Blvd in Anchorage; **new** restaurant/eating place license; backgrounds complete.

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

10. 04/05-4378 **Thai Town Restaurant**; Viengkeo & Lamphay Thongdy; located at 3311 Spenard Rd in Anchorage; **transfer of location** of a restaurant/eating place license from 1780 W Northern Lights Blvd; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued June 1, 2004.

END CONSENT AGENDA

4.

DELEGATION CONSENT AGENDA

Approved 4-0

A. 04-05-4389 **19th Hole**; Sitka Golf Association Inc.; located at 301 Granite Creek Rd in Sitka; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Sitka does not protest. Temporary approval issued May 6, 2004.

B. 04/05-4400 **American Eagle**; TMT Corp; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

AND

C. 04/05-4401 **Aqua Express**; TMT Corp; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued May 26, 2004.

D. 04/05-4374 **Bear Creek Winery**; Bear Creek Winery LLC; located at 60203 Bear Creek Rd in Kachemak; **new** winery license; backgrounds not complete.

All statutory requirements have been met. City of Kachemak does not protest. Temporary approval issued June 14, 2004.

E. 03/04-145 **Boatel Bar**; Abie Neubauer, Inc.; located at Mile 2 Airport Rd in Fairbanks North Star Borough; **transfer of ownership** (stock transfer) of a beverage dispensary license; backgrounds not complete.

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

F. 04/05-4358 **Fireweed Roadhouse**; Keith Super; located at Mile 288.5 Parks Hwy; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have **not** been met (State Fire Marshal & DEC have not responded). No local governing body.

G. 03/04-2477 **The Bottle Shop**; Kathryn Chaney; located at 1008 S Nordic Dr in Petersburg; **transfer of ownership** of a package store license from The Bottle Shop Ltd.,; backgrounds not complete.

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

H. 04/05-4403 **Chili's Too**; Host International Inc.; located at Anchorage International Airport in Anchorage; **new** beverage dispensary – tourism license; backgrounds not complete.

AND

I. 04/05-4404 **Legends**; Host International Inc.; located at Anchorage International Airport in Anchorage; **new** beverage dispensary - tourism; backgrounds not complete.

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

J. 03/04-248 **Clover Pass Resort**; Clover Pass Resort LLC; located at Mile 16 N Tongass Hwy in Ketchikan Gateway Borough; **transfer of ownership** of a beverage dispensary - tourism license from Clover Pass Investments LLC; backgrounds not complete.

All statutory requirements have been met. Ketchikan Gateway Borough does not protest. Temporary approval issued May 26, 2004.

K. 03/04-576 **Club Manchu**; Roxy Frey; located at 2712 Jessie St in Fairbanks; **transfer of ownership** of a beverage dispensary license from Stroma Inc; backgrounds not complete.

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

L. 03/04-1798 **Cross Point**; Chen-Alaska Inc.; located at Ted Stevens International Airport; **transfer of ownership & name change** of a beverage dispensary - tourism license from Crème De La Crème Inc, dba International Airport Lounge; backgrounds not complete.

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

M. 04/05-4407 **Diamond Princess**; Princess Cruise Lines Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

AND

N. 04/05-4408 **Sapphire Princess**; Princess Cruise Lines Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued for Sapphire Princess on June 10, 2004.

O. 04/05-327 **Downtown Deli**; Downtown Delicatessen, Inc.; located at 525 W 4th Ave in Anchorage; **transfer of ownership (stock transfer)** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued may 20, 2004.

P. 03/04-469 **Klondike Mike's Dancehall & Saloon**; U-Line Beverage Company Inc.; located at 820 S Colony Way in Palmer; **transfer of ownership** of a beverage dispensary license; backgrounds complete.

All statutory requirements have *not* been met (no response from Dept of Labor or Revenue). City of Palmer does not protest.

Q. 04/05-4413 **Icy Strait Point (Salmon Bake)**; Point Sophia Development Company LLC; located at Cannery Point in Hoonah; **new** restaurant/eating place – public convenience – seasonal license; backgrounds not complete.

All statutory requirements have been met. City of Hoonah does not protest. Temporary approval issued June 9, 2004.

R. 03/04-688 **In & Out Bush Liquor #2**; Kay Inc.; located at 1100 W Benson Blvd in Anchorage; **transfer of ownership (stock transfer)** of a package store license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued April 27, 2004.

S. .MOVED

T. 04/05-3323 **Mat-Su Concessions**; Kimberley Weeks; located at 901 Mystery Ave in Matsu Borough; **transfer of ownership & name change** of a recreational site – seasonal license from Ted & Marilyn Anderson, dba Backstop Concessions; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued May 19, 2004.

U. 004/05-4412 **Never Forget AMVETS Post #11**; Never Forget AMVETS Post #11 Incorporated; located at 951 Herman Rd #2 in Wasilla; **new** club license; backgrounds not complete.

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

V. 04/05-4409 **Norwegian Spirit**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

AND

W. 04/05-4410 **Norwegian Star**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **transfer of ownership & name change** of a common carrier - seasonal license from Norwegian Cruise Line Limited, dba Norwegian Sky; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued May 14, 2004 (Spirit) and May 26, 2004 (Star).

X. 04/05-4398 **Nunatak M/V**; CIRI Alaska Tourism Corporation; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body.

Y. 04/05-4399 **MS Oosterdam**; Holland America Line Inc.; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body.

Z. 04/05-2900 **Ron's Liquor**; R&S&T Inc.; located at 3505 Airport Way in Fairbanks; **transfer of ownership (stock transfer)** of a package store license; backgrounds not complete.

All statutory requirements have been met. City of Fairbanks has not responded (60 days as of June 20, 2004).

AA.04/05-4393 **Sabrosa**; Jeffrey Hitt; located at 600 Broadway in Skagway; **new** restaurant/eating place – public convenience license; backgrounds not complete.

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

AB. 04/05-4418 **Silver Shadow**; Silversea Catering Ltd LLC; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body.

AC. 04/05-4371 **Specialty Imports**; Specialty Imports Inc.; located at 1252 Queens Way in Fairbanks North Star Borough; **new** wholesale – general license; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued June 17, 2004.

AD. 04/05-4422 **Thibodeaus Valley Liquor**; Thibodeaus Market Inc.; located at 9106 Mendenhall Mall Rd in Juneau; **transfer of ownership & name change** of a package store license from Timberwolf Ventures Inc., dba Alaska Express, located at 439 S Franklin St; background not complete.

All statutory requirements have **not** been met (Dept of Revenue has not responded). City & Borough of Juneau does not protest.

AE. 04/05-4391 **Tide Pool Cafe**; Matthew Gallien; located at 267 Main St in Seldovia; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have **not** been met (Fire Marshal has not responded). City of Seldovia does not protest.

AF. 04/05-4402 **Yukon Queen**; TMT Corp; located in Alaskan Waters; **new** common carrier – seasonal license; background not complete.

All statutory requirements have been met. No local governing body.

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

~~A. 04/05 4256 **Fish Heads Bar & Grill**; Fish Heads LLC; located at 3250 Palmer Wasilla Hwy in MatSu Borough; **renewal** of a beverage dispensary license.~~

~~MatSu Borough *protests* based on real property taxes owed in the amount of \$20,888.67~~

~~**Attachment 5A**~~

B. 04/05-2296 **Kaze Restuarant**; Chae P. Jun; located at 930 W 5th Ave in Anchorage; **renewal** of a restaurant/eating place license.

Municipality of Anchorage *protests* renewal based on delinquent property taxes in the amount of _____.

Attachment 5B

Postponed

~~C. 04/05 192 **Call of the Wild**; Wild Call, Inc.; located at Big Lake in MatSu Borough; beverage dispensary license; **renewal**.~~

~~MatSu Borough *protests* based on lack of 2004 MSB Business License.~~

~~**Attachment 5C**~~

D. 04/05-1032 **Sheep Creek Lodge**; Sheep Creek Lodge Inc.; located at Mile 88.2 Parks Hwy in MatSu Borough; beverage dispensary license; **renewal**.

Approved with delegation 4-0

AND

E. 04/05-1033 **Sheep Creek Lodge**; Sheep Creek Lodge Inc; located at Mile 88.2 Parks Hwy in MatSu Borough; package store license; **renewal**

MatSu Borough *protests* based on delinquent taxes and lack of 2004 MSB Business License.

Attachment 5D & 5E

Approved with delegation 4-0

F. 04/05-908 **Funny Farm Bar & Liquor**; Funny Farm LLC; located at Mile 38.5 Glenn Hwy in MatSu Borough; beverage dispensary license; **renewal**.

Postponed until Re-Transfer application is before the Board

AND

G. 04/05-909 **Funny Farm Bar & Liquor**; Funny Farm LLC; located at Mile 38.5 Glenn Hwy in MatSu Borough; package store license; **renewal**.

MatSu Borough *protests* based on delinquent taxes; violations of conditional use permit; and delinquent fines for violations of conditional use permit.

Attachment 5F & 5G

NOTE: Retransfer applications received in office but not yet reviewed for 04/05-908 & 04/05-909.

Postponed until Re-Transfer application is before the Board

H. 04/05-3930 **Chepo's Fiesta Mexican Restaurant**; Jose & Lucia Nanez; located at 6231 E Parks Hwy in MatSu Borough; beverage dispensary license; renewal.

MatSu Borough protests based on delinquent taxes and no conditional use permit in place.

Attachment 5H

Approved with delegation 4-0

~~I. 04/05 48 **Alpine Inn**; James Psenak; located at Mile 61 Glenn Hwy in MatSu Borough; beverage dispensary license; renewal.~~

~~—AND~~

~~J. 04/05 49 **Alpine Inn**; James Psenak; located at Mile 61 Glenn Hwy in MatSu Borough; package store license; renewal.~~

~~MatSu Borough protests based on delinquent taxes.~~

Attachment 5I & 5J

~~K. 04/05 1435 **Wolverine Lodge**; Farmer Valley Wilderness Co. Inc.; located at Lake Louise in MatSu Borough; beverage dispensary — tourism license; renewal.~~

~~—AND~~

~~L. 04/05 3043 **Wolverine Lodge**; Farmer Valley Wilderness Co. Inc.; located at Lake Louise in MatSu Borough; package store license; renewal.~~

~~MatSu Borough protests based on delinquent taxes and lack of 2004 MSB Business License.~~

Attachment 5K & 5L

M. 04/05-3209 **Alaskalanes**; Alaskalanes Inc.; located at 10639 Spur Hwy in Kenai; recreational site license; renewal.

City of Kenai, Kenai Peninsula Borough objects based on delinquent taxes. **Attachment 5M**

Approved with delegation 4-0

N. 04/05-3697 **Old Town Village Restaurant**; PM & SJ Vozar and RW & SL Strawn; located at 1000 Mission Avenue #100 in Kenai; restaurant/eating place license; renewal.

City of Kenai protests; Kenai Peninsula Borough objects based on delinquent taxes.

Attachment 5N

Postponed

6

OTHER FILINGS

A. 04/05-4416 **Unalakleet River Lodge**; Unalakleet River Lodge Inc.; Sally Appel - Pres; located at Marker 693 Iditarod Trail, Unalakleet River; **new** beverage dispensary – seasonal license; backgrounds not complete.

All statutory requirements have not been met (Fire Marshal has not responded). No local governing body.

See letters of objection from surrounding communities.

Attachment 6A

Approved with delegation 4-0

B. 03/04-443 **Glacier Bay Lodge**; Glacier Bay National Park and Preserve Concessions LLC; located at 199 Bartlett Cove in Gustavus; beverage dispensary license; backgrounds not complete.

All statutory requirements have *not* been met (Dept of Labor has not responded.) City of Gustavus has not responded (60 days on June 30, 2004). Four (4) creditors have placed a *hold* on the transfer of this license for unpaid balances totaling **\$3809.88** **Attachment 6B**

Approved with delegation 4-0

C. 04/05-4377 **New Party Time Liquors**; New Party Time Liquors Inc.; located at 2422 E Tudor Rd in Anchorage; **transfer of ownership & name change** of a package store license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Four (4) creditors have placed a *hold* on the transfer of this license for unpaid balances totaling **\$118,552.36** **Attachment 6C**

Approved with delegation 4-0

D. 04/05-4232 **Kodiak Jack's**; JSR Inc.; located at 537 Gaffney St in Fairbanks; **transfer of ownership** of a beverage dispensary license from Full Moon Inc., dba Area 51; backgrounds not complete.

All statutory requirements have *not* been met (Dept of Labor has not responded). City of Fairbanks does not protest.

Current restrictions on Area 51 license (at request of City of Fairbanks):

- Operate only on Thursday, Friday and Saturday nights
- Do not operate as an under-age youth club ("juice bar")

Current restrictions were upheld at the April 22, 2004 meeting after request from the licensee to lift the restrictions. **Attachment 6D**

Approved with delegation 4-0 pending outcome of Fairbanks Council meeting of June 28, 2004

E. 04/05-4379 **Skagway's Pizza Station**; Elizabeth Winslow; located at 444 4th St in Skagway; **new** beverage dispensary – tourism license; backgrounds complete.

All statutory requirements have been met. City of Skagway does not protest, with following conditions:

- Bar not open before 12 noon on Sundays
- No outside music allowed without a Mayoral Proclamation **Attachment 6E**

Approved with delegation 4-0

7. **BACKGROUND INFORMATION**

A. 04/05-4380 **Houston Roadhouse**; Harvel Young; located at Mile 60.5 Parks Hwy in MatSu Borough; **new** restaurant/eating place license; backgrounds complete.

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

information on affiliate Kristina Young. Temporary approval issued May 19, 2004, with conditions that Ms. Young is not allowed to handle alcoholic beverages in any manner.

Attachment 7A

Approved 4-0 with conditions placed on temporary to stay in place with issuance of license, to continue until probation ends in 2008.

B. 03/04-4291 **Clair D'Loon**; Karen Lesko; located at 3210 Denali St #8 in Anchorage; **transfer of ownership** of a restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Background information on Karen Lesko. Temporary approval issued May 19, 2004

Attachment 7B

Approved with delegation 4-0

C. 04/05-3429 **Studio 68**; Dough Boys, Inc.; Todd Harris – Pres; located at 6728 Lake Otis Pkwy in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from CRC Inc, dba Chris' Mixed Grill; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Background information on Todd Harris.

Additional information on mixed transfer of the business, including Notices of Violation (NOVs).

Attachment 7C

Approved with delegation 4-0; 5 years of background checks; staff to watch license operation

8. **EXPIRED LICENSE**

A. 02/03-4164 **Finn's**; Finn's LLC; located at 4287 Homer Spit Rd in Homer; **restaurant/eating place - seasonal license.**

License renewal received/postmarked *after* February 28, 2004 (May 25, 2004)

Staff info: The original application for this license listed the address as PO Box 3112; however, when entering this information into the database, staff "saw" PO Box 3132; therefore, all correspondence to this applicant went to the wrong address. Attempts to contact this applicant via telephone were unsuccessful.

Attachment 8A

Approved 4-0

Date of next meeting: **Tue, Sept. 14, 2004**

Location of next meeting: **Teleconference/Anch/Jnu/FB/Nome**

State of Alaska
Alcoholic Beverage Control Board
June 25, 2004
Agenda Addendum

9. DELEGATED CONSENT AGENDA (CONT.)

A. 04/05-4395 **Boston's**; Goethe LLC; located at 1119 Old Steese Hwy in Fairbanks; **transfer of ownership (stock transfer) & location** of a beverage dispensary license; backgrounds not complete.

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

Approved with delegation 4-0

B. 04/05-4419 **Trophy Room Bar & Grill**; Twins Inc.; located at 2900 Parks Hwy in Wasilla; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal and DEC have not responded). City of Wasilla does not protest.

Approved with delegation 4-0

10. OTHER FILINGS

A. 03/04-4311 **Chinooks Waterfront**; FAM-Alaska, Inc.; located at 1404 4th Ave in Seward; brewpub license.

Owner requests biennial year change to 05/06 due to permitting delays within the City of Seward. License will be ready to be operated in May 2005. **Attachment 10A**

License years changed to 05/06; approved 4=0

B. 03/04-4294 **Tony Roma's**; Eagle River Bowl, LLC; located at 1420 E Tudor Rd in Anchorage; **transfer of ownership** of a beverage dispensary – tourism duplicate license from BVG, Inc.; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Staff requests approval with delegation so that certain staff procedures can be completed.

Approved with delegation 4-0