

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**September 29, 2005**  
**Agenda**

**Board members present via teleconference: Mike Gordon; Gail Niemi; Billy Andrews; William Tull**

**1. ADMINISTRATION**

- A. Approve Board minutes of July 13, 2005. **Postponed until November 2005 meeting**
- B. Delegate to the Director tie-breaking vote.

**Approved 4-0**

**2. ADMINISTRATIVE MATTERS**

**A. INFORMAL CONFERENCES**

**B. HEARING OFFICER DECISIONS**

- 1. 04/05-56 **American Legion Post #13**; American Legion Post #13; located at 205 Lincoln Street in Sitka; club license.

**Board directs staff and AG to prepare and send certified letter to licensee informing them that the decision made at the July 13, 2005 meeting must be accepted by October 20, 2005, and that the suspension must begin on November 1, 2005.**

**C. SETTLEMENT AGREEMENT**

**D. VOLUNTARY RELINQUISHMENT OF LICENSE**

**E. REQUEST FORMAL HEARING SUSPENSIONS**

**F. SUSPENSION**

**G. BOARD CONSIDERATION**

- 1. 05/06-4294 **Tony Roma's/Call of the Wild**; BVG Inc.; located at 1420 E Tudor Rd in Anchorage; beverage dispensary – duplicate license.

**AND**

05/06-2344 **Tony Roma's**; BVG Inc.; located at 1420 E Tudor Rd in Anchorage; beverage dispensary license.

Municipality of Anchorage requests conditions to be placed on license(s).

**Attachment 2G-1**

**Postponed until November 2005 meeting.**

2. 03/04-421 **Fox Roadhouse**; Ancient Aurora Inc.; located at 2195 Old Steese Hwy in Fairbanks North Star Borough; renewal received late (8/25/05 – deadline was 2/28/05).

**Resurrect and renew; \$150 fine to be levied if admissible under statutes or regulations  
Approved 4-0**

**AND**

03/04-421 **Fox Roadhouse**; Ancient Aurora Inc.; located at 2195 Old Steese Hwy in Fairbanks North Star Borough; waiver of operation.

2<sup>nd</sup> waiver for 2004 Fees rcvd (not enough – need \$1250 additional)

3<sup>rd</sup> waiver for 2005 Fees *not* rcvd (need \$5000, plus penalty fees after Nov 2005) **Attachment 2G-2**

**No action**

3. 04/05-2320 **Trophy Sports Hunting & Fishing Lodge**; Donald Ridl; located at 41150 Sterling Hwy in the Kenai Peninsula Borough; beverage dispensary – seasonal license.

Proposal for sale and transfer of license.

**Attachment 2G-3**

**Board accepts proposal to receive: transfer application; renewal application; and, waiver of operation application, with all fees, prior to November 2005 meeting. Approved 3-0 (Gail – Y; Billy – N; William – Y; Mike – Y)**

4. **National Meeting of States on Preventing Underage Alcohol Use**

**Attachment 2G-4**

**Director approved to go to meeting in Washington DC. 4-0**

### 3. CONSENT AGENDA

Approved 4-0

**A. 05/06-1011 Eagle River Liquor;** James R. Herrington; located at 16535 Artillery 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. Temporary approval issued 8/30/05.

**B. 04/05-1767 Gold Star Liquor Store;** Golden Port Enterprises Inc. (stock transfer); located at 1855 Van Horn Rd in Fairbanks North Star Borough; **transfer of ownership** of a package store license; backgrounds complete.

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

**C. 05/06-4524 Chenega, M/V;** Alaska Marine Highway System; located in Alaskan Waters; **new** common carrier license; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued September 2, 2005.

**D. 05/06-4495 Kenai Lake Lodge;** Kenai Lake Lodge Inc.; located at 19626 Sterling Hwy in Kenai Peninsula Borough; **new** restaurant/eating place – public convenience license; background complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued July 22, 2005.

**E. 04/05-4475 Magpye's Pizzeria;** Nancy Lupton.; located at Mile 82.7 Sterling Hwy in the Kenai Peninsula Borough; **transfer of location** of a restaurant/eating place license from 82.5 Sterling Hwy; backgrounds complete.

All statutory requirements have *not* been met (State Fire Marshal has not responded). Kenai Peninsula Borough does not protest.

**F. 04/05-4406 McKinley Expedition Pizza Co.;** Alaska Hotel Properties, LLC; located at Mile 133 Parks Hwy in MatSu Borough; **new** beverage dispensary – tourism duplicate seasonal license; backgrounds complete.

**AND**

**05/06-4510 Stampede Lodge;** Alaska Hotel Properties LLC; located at Mile 248.8 Parks Hwy in Denali Borough; **new** beverage dispensary – tourism license; backgrounds complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued to McKinley Expedition Pizza Co on July 22, 2005.

**G. 04/05-2184 The Point Lodge;** The Point Lodge LLC; located at Mile 17.2 Lake Louise Rd in MatSu Borough; **transfer of ownership** of a beverage dispensary – tourism license from Snowshoe Corporation; backgrounds complete.

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

**END CONSENT AGENDA**

#### 4. DELEGATION CONSENT AGENDA

Approved 4-0

**A.** 05/06-4446 **Alaska 1910 Club**; Thresa D Hester.; located at 4625 Old Airport Rd in Fairbanks North Star Borough; **transfer of ownership & name change** of a beverage dispensary license from Elizabeth Rollins, d.b.a Alaska 1910; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded.

**B.** 04/05-3999 **Alaskan Steakhouse & Motel**; Tim & Lori O'Malia; located at Mile 265 Richardson Hwy in Delta Junction; **transfer of ownership** of a beverage dispensary – tourism license from Robert & Elizabeth Packard; backgrounds not complete.

All statutory requirements have been met. Delta Junction has not responded (notice sent 5/31/05).

**C.** 05/06-253 **Alice's Champagne Palace**; Homer Beverages Inc.; located at 195 E Pioneer Ave in Homer; **transfer of ownership** of a beverage dispensary license from David W & Trudy K Ritchie; backgrounds not complete.

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

**D.** 04/05-2997 **Bush Pilot Restaurant & Lounge**; NANA Pacific LLC.; located at 6450 Airport Way Ste 7 in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary - tourism license from NANA Management Services LLC; backgrounds not complete.

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

**E.** 06/07-4521 **Catalyst, M/V**; Pacific Catalyst II, Inc.; located in Alaskan Waters; **new common carrier - seasonal license**; backgrounds not complete.

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

**F** 05/06-3272 **Chatanika Gold Camp**; Fudd & Fide LLC; located at 27.5 Mile Steese Hwy in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary – tourism license from Jack I. O'Brien; backgrounds not complete.

All statutory requirements have **not** been met (Dept of Revenue has not responded). Fairbanks North Star Borough has not responded (notice sent 8/17/05).

**G.** 05/06-4275 **Cilantros Mexican Restaurant**; Roberto Del Real; located at 611 W 9<sup>th</sup> Ave in Anchorage; **transfer of ownership** of a restaurant/eating place license from Veronica Aragon; backgrounds not complete.

All statutory requirements have **not** been met (Department of Labor **objects** to transfer). Municipality of Anchorage does not protest.

**H.** 05/06-3724 **Denali North Star Inn**; Alaska Hotel Properties LLC; located at Mile 248.8 Parks Hwy in Denali Borough; **transfer of ownership** of a beverage dispensary - tourism license from Lake Colleen Enterprises Inc; backgrounds not complete.

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

**I.** 05/06-4500 **ERA Aviation N735AG**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier license; backgrounds not complete.

**AND**

04/05-4055 **ERA Aviation N883EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier license; backgrounds not complete.

**AND**

05/06-3037 **ERA Aviation N881EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier – seasonal license; backgrounds not complete.

**AND**

05/06-2933 **ERA Aviation N882EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued for 05/06-4500 & 04/05-4055 on September 19, 2005.

**J.** 06/07-4514 **Alaska's Boardwalk Lodge**; Cooke Bay Adventures LLC; located at #1 Cooks Cove in Thorne Bay; **new** restaurant/eating place - seasonal license; backgrounds not complete.

All statutory requirements have **not** been met (DEC & State Fire Marshal have not responded). Thorne Bay has not responded (notice sent 7/25/05).

**K.** 05/06-4490 **Hacienda Mexican Restaurant #2**; Basillio, Inc.; located at 1791 E Palmer Wasilla Hwy in Wasilla; **transfer of ownership, location & name change** of a beverage dispensary license from M Lohman Investments Inc, d.b.a. Hot Shots & Cinnamons - Wasilla Bar, located at no premises; background not complete.

All statutory requirements have been met. City of Wasilla has not responded (notice sent 5/24/05).

**L.** 05/06-4504 **Jalapenos Tequila Bar/Jalapenos Mexican Restaurant**; Upriver Inc.; located at 923 Old Steese Hwy in Fairbanks; **transfer of location & name change** of a beverage dispensary license from Aviators Steak House, located at 731 2<sup>nd</sup> Ave; backgrounds not complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued 9/8/05.

**M.** 05/06-4512 **Kenai Brew Stop**; Kassik's Kenai Brew Stop, LLC; located at 47160 Spruce Haven St in Kenai Peninsula Borough; **new** brewery license; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest.

**N.** 05/06-4518 **Katmai Lodge**; Duncan Enterprises-KL, Inc.; located at River Mile 28, Alagnak River in Lake & Peninsula Borough; **new** restaurant/eating place – seasonal license; backgrounds not complete.

All statutory requirements have **not** been met (DEC has not responded). Lake & Peninsula Borough has not responded (notice sent 8/8/05).

**O.** 05/06-4519 **Pazzo G's Pizza Joint**; Pazzo G's LLC; located at 3677 College Rd #9 in Fairbanks North Star Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded (notice sent 8/9/05).

**P.** 05/06-4517 **Peter's Sushi Spot**; Sushi Spot Inc.; located at 4140 B St in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notice sent 8/8/05).

**Q.** 05/06-4498 **LoonAttic**; Team LLC; located at 2061 Palmer Wasilla Hwy in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. MatSu Borough has not responded (notice sent 6/13/05).

**R.** 05/06-209 **Mad Fish Restaurant**; Isabelle's Fine Catering Inc.; located at 221 Main St in Seldovia; **transfer of ownership** of a restaurant/eating place – seasonal license from Catherine Fitzgerald; backgrounds not complete.

All statutory requirements have been met. Seldovia does not protest. Temporary approval issued August 31, 2005.

**S.** 05/06-4513; **Mary's Inn**; George & Delores Westman; located at 292 B Front St in Hoonah; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. Hoonah does not protest. Temporary approval issued August 17, 2005.

**T.** 05/06-892 **Mike's Palace**; Kosta Mavrianos; located at 201 N Harbor Dr in Valdez; **transfer of ownership** of a restaurant/eating place license from Mike Panagis; backgrounds not complete.

All statutory requirements have been met. Valdez has not responded (notice sent 6/21/05).

**U.** 05/06-4497 **Northern Spirits Distributors**; Northern Spirits Distributors LLC; located at 601 W 58<sup>th</sup> in Anchorage; **new** wholesale – malt beverage & wine license; backgrounds not complete.

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

**V.** 04/05-3077 **Panda Restaurant**; Tseng Chiang Lee, Cheng Chi Lee, Jin Song Zhao; located at 605 E Northern Lights Blvd in Anchorage; **transfer of ownership** of a restaurant/eating place license from Hyun Sook Ko; backgrounds not complete.

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

**W.** 05/06-4506 **Ring of Fire Meadery**; Alaska Meads LLC; located at 178 E Bunnell Ave in Homer; **new** winery license; background not complete.

All statutory requirements have **not** been met (DEC has not responded). City of Homer has not responded (notice sent 6/27/05).

**X.** 04/05-1705 **Sawmill Creek Lodge**; Thomas Pyatt; located at Mile 1404 Alaska Hwy in an unorganized area; **transfer of ownership** of a beverage dispensary license from Gary & Patsy Moritz; background not complete.

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

**Y.** 05/06-1146 **Tolsona Lake Resort**; Christine & Chad Heller and Billie & Byron Baldwin; located at Mile 170 Glenn Hwy in an unorganized area; **transfer of ownership** of a beverage dispensary license from Kirk & Julie Wilson; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued August 3, 2005.

**END DELEGATION CONSENT AGENDA**

## 5. PROTESTS

A. 05/06-4503 **Alaska Premium Spirits**; Alaska Premium Spirits LLC; located at 445 N Pittman in MatSu Borough; **transfer of ownership, location & name change** of a package store license from B&S Ventures, Inc., d.b.a. Quicker Liquor, located at Mile 49 Parks Hwy; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal has not responded). MatSu Borough *protests* until Conditional Use Permit is issued (hearing set for October 2005). One creditor objection.

**Attachment 5A**

**Approved with delegation 4-0**

B. 05/06-4158 **Bombay Deluxe**; Bombay Deluxe Inc.; located at 555 W Northern Lights Blvd in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Bombay Deluxe Restaurant, Inc., d.b.a. Bombay Deluxe Restaurant; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on Fire Code and zoning violations.

**Attachment 5B**

**Approved with delegation 4-0**

~~C. 05/06-4507 **Trio Restaurant and Lounge**; Y and Y LLC; located at 1235 Airport Way Ste 1 in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license from The Palace Inc., located at 2300 Airport Way, d.b.a. Palace Theatre & Saloon; backgrounds not complete.~~

~~All statutory requirements have been met. City of Fairbanks *protests* based on Building Department deficiencies.~~

**Attachment 5C**

D. 04/05-2742 **Anchorage Billiard Palace**; LSO, LLC; located at 4848 Old Seward Hwy in Anchorage; **transfer of ownership** of a beverage dispensary license from The Club Company; backgrounds not complete.

**AND**

04/05-3165 **Latitude 61**; LSO, LLC; located at 4848 Old Seward Hwy in Anchorage; **transfer of ownership** of a beverage dispensary – duplicate license; from The Club Company; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on taxes owed in the amount of \$2767.31.

Former owner who currently holds a security interest in license *objects* to transfer but does not wish to hold up transfer upon satisfaction of payment at closing.

**Attachment 5D**

**Both applications approved with delegation 4-0**

## 6 OTHER FILINGS

A. 05/06-4494 **Nana's Place**; Chun Y Shin; located at Lot 13 Triangle in Whittier; **new** restaurant/eating place license; background not complete.

All statutory requirements have *not* been met (DEC has not responded; State Fire Marshal "*recommends disapproval for failure to comply with fire codes or State Fire Marshal office order to correct.*") Whittier has not responded (notice sent June 8, 2005.)

**Approved with delegation 4-0**



## 7. BACKGROUND INFORMATION

A. 04/05-96 **Basin Liquor**; Bonnie L Wilson & Anthony Ray Wilson; located at Mile 182.3 Glenn Hwy in an Unorganized Area; backgrounds complete.

Transfer provisionally approved at July 13, 2005 meeting; K& L hold on license.

Background information on Anthony Ray Wilson.

**Attachment 7A**

**Transfer rescinded 4-0**

## 8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

*(Que Onda's complete application received on June 8, 2005; Golden China's complete application June 27, 2005. According 13 AAC 104.110. Mutually exclusive and competing applications, these applications meet all qualifications.)*

A. 05/06-4505 **Que Onda's**; Mark Sackett; located at 235 Front St in Nome; **new** restaurant/eating place license; background not complete.

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

**After much discussion, the Board decided that both applications are acceptable; since only one license is available, the Board chose to flip a coin. Que Onda's application was approved 4-0.**

B. 05/06-4506 **Golden China**; Ae Ran Kim; located at 231 Front St in Nome; **new** restaurant/eating place license; backgrounds not complete.

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

**Attachment 8A**

**After much discussin, the Board decided that both applications are acceptable; since only one license is available, the Board chose to flip a coin. Golden China's application was denied 4-0.**

### Background info:

- Ae Ran Kim was the owner of former license #2023.
- In November 2002, Director Griffin, on a trip to Nome for the Board meeting, stopped by to visit some liquor establishments in the area. When he stopped at the licensed premise for this license (Old Federal Building), the building appeared to be "closed, locked and totally barren".
- On December 11, 2002, the ABC Board received an incomplete renewal application from Mr/Ms. Kim.
  - On December 16, 2002, a call was first made to the City of Nome, where Terri Perkins confirmed that the business had moved across the street.
  - A call was then made to the establishment and the unknown person confirmed that the business was now located at 231 Front St.
  - A second call to the establishment confirmed that alcohol was being served.
  - Enforcement Officer Roche then contacted the Nome PD to ask that they remove the license from the establishment and explain that they could not serve alcohol.
  - A letter was sent to Ae Ran Kim, explaining that a transfer must be applied for this license since the location had moved, and that alcohol could not be served until a transfer was approved by the Board.
- No further correspondence from licensee.
- Renewal was not completed; therefore, license expired as of 12/31/02.

**Attachment 8B**

Date of next meeting: **November 22, 2005**

Location of next meeting: **Anchorage**

**ADDENDUM  
State of Alaska  
Alcoholic Beverage Control Board  
September 29, 2005**

**No other business.**