

State of Alaska
Alcoholic Beverage Control Board
November 22, 2005
Agenda

All Board members present - Mike Gordon, Gail Niemi, William Tull, Shirley Gifford – present in person; Billy Andrews present via teleconference. All votes voiced separately.

1. ADMINISTRATION

A. Approve Board minutes of July 13, 2005 and September 29, 2005.

Approved 3-0 (Billy was not present for this vote; Shirley was not present for these two meetings.)

B. Delegate to the Director tie-breaking vote.

Approved 4-0 (Billy was not present for this vote)

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 St in Sitka; club license.

Failure to reach settlement after Hearing Officer Decision.

Attachment 2B-1

Approved 5-0 with change to language: December 1, 2005 thru December 1, 2006 (~~November 1, 2005 thru November 1, 2006~~)

C. SETTLEMENT AGREEMENT

1. 04/05-2658 **American Legion Post #15**; American Legion Mat-Su Valley Post #15; located at Lot 2 Woods McLeod Lake Sbdv in MatSu Borough; club license.

Informal settlement of Accusation # 05-07

Attachment 2C-1

Approved 5-0

D. VOLUNTARY RELINQUISHMENT OF LICENSE

1. 04/05-3697 **Old Town Village Restaurant**; PM & SJ Voszar and RW & LS Strawn; located at 1000 Mission Ave #100 in Kenai; restaurant/eating place license.

Voluntary relinquishment.

Attachment 2D-1

Read into record

2. REMOVED

3. 04/05-329 **Duffy's Roadhouse**; Ethel Lorene Ellis; located at Mile 63 Tok Cutoff in an Unorganized area; beverage dispensary license.

AND

04/05-330 **Duffy's Roadhouse**; Ethel Lorene Ellis; located at Mile 63 Tok Cutoff in an Unorganized area; package store license.

Voluntary relinquishment.

Attachment 2D-3

Read into record

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

Conditions approved 5-0

2. 04/05-4449 **Café 817**; Muffin Man & Company, Inc.; located at 817 W 6th Ave in Anchorage; restaurant/eating place license.

Licensee requests biennial period be changed from 2004/2005 to 2005/2006.

Attachment 2G-2

Approved 5-0

3. State Alcohol Compliance Checks

Attachment 2G-3

4. **Akeela Inc.**; Community Based Prime For Life presentation

Attachment 2G-4

3. **CONSENT AGENDA** **Approved 5-0**

A. 04/05-870 Pioneer Liquor Store; Pioneer Entertainment LLC; located at 120-122 Front St in Ketchikan; package store license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3A**

AND

04/05-864 **Pioneer Bar;** Pioneer Entertainment LLC; located at 120-122 Front St in Ketchikan; beverage dispensary license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3A**

B. 05/06-4444 Landsharks; Anderson Bay Inc.; located at 121 Egan Dr in Valdez; beverage dispensary license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3B**

C. 05/06-3820 Igloo Liquor; Sunshine Liquor Inc.; located at 188.5 Parks Hwy in MatSu Borough; package store license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3C**

D. 05/06-4314 Gallo's Mexican Restaurant; Gallo's Mexican Restaurant, Inc.; located at Lot 1 CSK Sub in Fairbanks; beverage dispensary license; waiver of operation.

2nd request 2005 Fees Paid **Attachment 3D**

E. 05/06-2884 Fred Meyer; Fred Meyer Stores Inc.; located at No Premises in Anchorage; package store license; waiver of operation.

2nd request 2005 Fees Paid **Attachment 3E**

F. 05/06-233 Corner, The; Mitchell & Kathleen Demientieff; located at Front & A St in Nenana; package store license; waiver of operation.

AND

05/06-232 **Corner Bar, The;** Mitchell & Kathleen Demientieff; located at Front & A St in Nenana; beverage dispensary license; waiver of operation.

1st request for each license 2005 Fees Paid **Attachment 3F**

G. 05/06-4350 Chepo's Fiesta; J&L Enterprises Inc.; located at No Premises in Anchorage; **transfer of location & name change** of a beverage dispensary license from 223 E 5th Ave, d.b.a. Chepo's Fiesta Mexican Restaurant; backgrounds complete.

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

H. 05/06-4515 **Club Oasis**; Prime Inc.; located at 4801 Old Seward Hwy in Anchorage; **new** beverage dispensary – duplicate license; backgrounds complete.

AND

05/06-4516 **Club Oasis**; Prime Inc.; located at 4801 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 approvals issued October 25, 2005.9

I. 04/05-1143 **Tok Lodge**; Rory & Kathy Warren; located at Mile 124 Glenn Hwy in an Unorganized area; beverage dispensary license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3I**

J. 05/06-253 **Alice's Champagne Palace**; Homer Beverages Inc.; located at 195 E Pioneer Ave in Homer; beverage dispensary license; waiver of operation.

1st request 2005 Fees Paid **Attachment 3J**

K. 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; background complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded (notification sent June 27, 2005).

L. 06/07-3188 **AKLAQ**; Aklaq, Inc.; located at No Premises in Anchorage; beverage dispensary license.

2nd request 2005 Fees Paid **Attachment 3L**

M. 05/06-3346 **Super Kmart Center**; Kmart Corporation; located at 6525 Glacier Hwy in Juneau; package store license; waiver of operation.

AND

05/06-3347 **Super Kmart Center**; Kmart Corporation; located at No Premises in Kenai; package store license; waiver of operation.

AND

05/06-3348 **Super Kmart Center**; Kmart Corporation; located at 3121 Airport Way in Fairbanks; package store license; waiver of operation.

AND

05/06-3246 **Super Kmart Center**; Kmart Corporation; located at 400 Rodeo Place in Anchorage; package store license; waiver of operation.

2nd request (for each license) 2005 Fees Paid **Attachment 3M**

4. DELEGATION CONSENT AGENDA

Approved 5-0

A. 05/06-1241 **Willow Trading Post**; Willow Trading Post Inc.; located at 14345 N Willow Rd in MatSu Borough; **transfer of ownership & name change** of a package store license from The Rose Corporation Inc., d.b.a Willow Trading Post Lodge; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued November 2, 2005.

B. 05/06-1240 **Willow Trading Post**; Willow Trading Post Inc.; located at 14345 N Willow Rd in MatSu Borough; **transfer of ownership & name change** of a beverage dispensary license from The Rose Corporation Inc., d.b.a Willow Trading Post Lodge; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued November 2, 2005.

C. 04/05-4535 **TJ Seggy's**; TLS, Inc.; located at 50470 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership, location & name change** of a package store license from Earle Robins & Jack Nicholas, d.b.a. Bishop Creek Liquor Store, located at Mile 35 Kenai Spur Hwy; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued November 8, 2005.

D. 05/06-4523 **Simon's Taco Rico**; Armida & Jose Hernandez; located at 2409 C St in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

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

E. 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 does not protest. Temporary approval issued October 17, 2005.

F 06/07-4534 **Peaks**; Quartz Creek Enterprises, Inc.; located at 19503 Sterling Hwy in Kenai Peninsula Borough; **new** restaurant/eating place – public convenience license; backgrounds not complete.

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

G. 05/06-4536 **Oceanview Restaurant**; Luis Orta; located at 1831 Tongass Ave in Ketchikan; **transfer of ownership, location & name change** of a beverage dispensary license from Fo'c'sle Inc, d.b.a. Fo'c'sle Bar, located at 312 Front St; backgrounds not complete.

All statutory requirements have been met. Ketchikan does not protest. Temporary approval issued November 4, 2005.

H. 04/05-3515 **Naukati Connection Liquor Store**; Tamara L. Richter; located at Lot Block 3 in an Unorganized area; **transfer of ownership** of a package store license from Allen P. Richter; backgrounds not complete.

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

I. 05/06-4310 **Main Street Café**; Wild Land Development LLC; located at 13572 Main Street (Talkeetna) in MatSu Borough; **transfer of ownership** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued October 17, 2005.

J. 04/05-4533 **Katina's Greek & Italian Restaurant**; George & Christine Lagoutaris; located at 11888 Kenai Spur Hwy #4 in Kenai; **transfer of ownership, location & name change** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Kenai does not protest. Temporary approval issued November 8, 2005.

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. 05/06-4526 **Houston Road House**; Harvel Hayden Young; located at Mile 60.5 Parks Hwy in Houston; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have **not** been met (DEC has not responded). City of Houston has not responded (notification sent 9/1/05).

M. MOVED

N. 05/06-3032 **Pizza Paradisos**; George Pitsilionis; located at Kenai Spur & main St in Kenai; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

All statutory requirements have **not** been met (Dept of Labor and Dept of Revenue have not responded). City of Kenai does not protest.

O. 05/06-4528 **Birch Tree Dining**; Kenny Lee & Jong Lee; located at 3801 DeBarr Rd in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued November 2, 2005.

P. 05/06-2362 **Big Lake Moonshine Shop**; McMelton Wine & Spirits Inc. (stock transfer); located at Hollywood & Big Lake Rd in MatSu Borough; **transfer of ownership** of a package store license; backgrounds not complete.

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

Q. 04/05-4531 **Platinum Jack's**; Jaax, Inc.; located at 901 W 6th Ave in Anchorage; **transfer of ownership, location & name change** of a beverage dispensary license from Dale Brooke Wallace, d.b.a. The Alley, located at 900 W 5th Ave; backgrounds not complete.

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

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 05/06-4529 **Samurai Sushi Garden**; Kenny & Jong Lee; located at 1265 Muldoon Rd in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on pending payment of delinquent tax payment and approval by Fire Department and Building Safety/Code Enforcement.

Approved with delegation – 5-0

B. 04/05-1078 **Icons Lounge**; Crazy Horse Too, Inc. (stock transfer); located at 156 Muldoon Rd in Anchorage; **transfer of ownership & name change** of a beverage dispensary license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on Alaska Statutes, Title 10.06 violation(s). (MOA verbally rescinded protest via telephone by Attorney Fehlen-Westover)

Attachment 5B

Approved with delegation – 5-0

C. MOVED

D. 04/05-4530 **Dillinger’s Restaurant and Hideout Lounge**; Pacific Rim Inc.; located at 1288 Sadler Way in Fairbanks; **transfer of ownership and location** of a beverage dispensary license from Pacific Rim Associates LLC, located at 720 Old Steese Hwy; backgrounds not complete.

All statutory requirements have *not* been met (DEC has not responded). Fairbanks *protests pending satisfactory inspection by the City of Fairbanks Building Department and issuance of a satisfactory certificate of occupancy.*

Approved with delegation – 5-0

E. 04/05-4522 **American Legion Post #34**; Chappie James American Legion Post #34; located at 916 Ingra St in Anchorage; **transfer of location** of a club license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests pending approval of a Conditional Use Permit and approval by the Building Safety/Code Enforcement.*

Approved with delegation – 5-0

6 OTHER FILINGS

A. MOVED

B. 05/06-4527 **Kaladi Brothers Coffee**; Kaladi Brothers Coffee LLC; located at 621 W 6th Ave in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued November 4, 2005.

DENIED 5-0

AND

Restaurant Designation Permit, items 1, 2, 3 & 4.

Attachment 6B

Since application for license was denied, permit was not reviewed.

C. 05/06-421 **Fox Roadhouse**; Ancient Aurora, Inc.; located at 2195 Old Steese N in Fairbanks North Star Borough; beverage dispensary license; waiver of operation.

2nd request 2004 Fees Paid

AND

05/06-421 **Fox Roadhouse**; Ancient Aurora, Inc.; located at 2195 Old Steese N in Fairbanks North Star Borough; beverage dispensary license; waiver of operation.

3rd request 2005 Fees Paid

Attachment 6C

Approved 5-0

D. 05/06-4520 **Brown Jug/Northern Lights at Spenard**; Brown Jug Inc.; located at 2710 Spenard Rd in Anchorage; **transfer of location & name change** of a package store license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests pending approval by the Anchorage Fire Department. (Staff suggests approval with delegation)*

Approved with delegation – 5-0

AND

05/06-4520 **Brown Jug/Northern Lights at Spenard**; Brown Jug Inc.; located at 2710 Spenard Rd in Anchorage; package store license; waiver of operation.

3rd request 2005 Fees Paid

Attachment 6D

Approved 5-0

E. 05/06-4101 **Bonanza Grill**; John Faur (pending transfer to Jack O'Brien); located at No Premises in Fairbanks; beverage dispensary license; waiver of operation.

2nd request 2005 Fees Paid

Attachment 6E

Approved 5-0

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

4th request 2005 Fees Paid

Attachment 6F

September 29, 2005 Board meeting: Waiver of operation; Renewal; and, Transfer application must be received in the ABC Board office prior to the November 22, 2005 meeting. All applications have been received and accepted for filing. (*ABC Board is acting on Waiver of Operation at this time.*)

Approved with delegation (pending check approval at bank level) 5-0

G. 04/05-4117 **Pilot House**; Pilot House, Inc.; located at 485 Katlian St in Sitka; beverage dispensary license; waiver of operation.

3rd request 2005 Fees Paid

Attachment 6G

Approved 5-0

7. BACKGROUND INFORMATION

A. 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.

Background information on Yong H. Yi.

Attachment 7A

Approve 5-0 with delegation with the following conditions:

- o **Mr. Yong Yi may not be a member/manager of the business (LLC);**
- o **Mr. Yong Yi may not be allowed on the licensed premises**

B. 05/06-4532 **Ernesto's Taqueria**; Headhunters, Inc.; located at 328 Egan Dr in Valdez; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (DEC has not responded). Valdez has not responded (notification sent 9/23/05).

No Action – fingerprint cards must be submitted for Ernesto Hernandez before the Board will review this application.

8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

Date of next meeting: February 9, 2006

Location of next meeting: Juneau

ADDENDUM State of Alaska Alcoholic Beverage Control Board November 22, 2005

9. OTHER FILINGS (Cont.)

A. 05/06-4101 **Bonanza Grill**; Jack O'Brien; located at No Premises in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license, from John Faur, located at 2406 S Cushman, d.b.a. The Attic; backgrounds complete.

All statutory requirements have been met. Fairbanks does not protest. Creditor issues.

Attachment 9A

No action – Board requests that Counsel communicate with the Fairbanks Judge handling current court case regarding the ABC Board's position /non-participation in this matter.

10. BOARD CONSIDERATION (Cont.)

A. **Northern Hospitality**

Attachment 10A