

State of Alaska
Alcoholic Beverage Control Board
February 9, 2006
Agenda

1. ADMINISTRATION

All Board members present: Mike Gordon, Billy Andrews, Gail Niemi and Shirley Gifford present in person; William Tull present via teleconference, so all votes were cast separately.

A. Approve minutes of November 22, 2005 Board meeting.

Approved 5-0 (Correction to statement in Nov 22, 2005 minutes regarding Shirley Gifford – states she was not “present at July and September 2005 meetings”, however, a correction was made to state that she was not appointed to the Board until the November meeting.

B. Elect new officers.

Mike Gordon was nominated as Chairman, seconded and approved 5-0.

Gail Niemi was nominated as Vice Chair, seconded and approved 5-0.

C. Delegate tie-breaking vote to the Director.

Tie breaking vote was not delegated because there were no items before the Board that would be considered a “conflict of interest”.

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

1. 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. License denied by Board at November 22, 2005 meeting.

AND

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

POSTPONED UNTIL NEXT MEETING BY APPLICANT

Attachment 2A-1

B. HEARING OFFICER DECISIONS

1. 05/06-2346 **New Seward Hotel/New Seward Saloon**; Snow Den Enterprises Inc; located at Lot 16 Block 9 in Seward; beverage dispensary – tourism license.

Recommendation:

- 60-day suspension;
- \$5000 fine;
- conditions be added to license that:
 - no employee be allowed to drink on duty;
 - licensee submit a plan by June 1, 2006 for mitigating noise from its premises, to be put in place no later than September 1, 2006.

Attachment 2B-1

Mr. Tull made the following motion, with a 2nd by Mr. Andrews :

Motion to adopt the recommended conditions of the Hearing Officer, with the following added conditions:

- **that no further breach of City or State sound ordinances occur within one (1) year**
 - **or an additional sixty (60) day suspension of the license would be automatically added**
- **no music after 11:00 pm until compliance with the mitigated noise plan**

Effective date of suspension to begin April 15, 2006

Approved 5-0

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

1. 04/05-4322 **BPO Elks Club #1351**; BPO Elks Club #1351; located at 11701 Brayton Dr in Anchorage; club license.

Voluntary relinquishment.

Read into the record

Attachment 2D-1

2. 04/05-4181 **Dynasty**; Brian Han; located at 809 E Loop Rd in Anchorage; restaurant/eating place license.

Voluntary relinquishment.

Read into the record

Attachment 2D-2

E. REQUEST FORMAL HEARING

F. SUSPENSION

1. 05/06-3363 **Las Margaritas**; Arturo R & Gloria N Esparza; located at 541 W Dimond Blvd in Anchorage; beverage dispensary license.

Staff request up to 45-day suspension for licensee conviction for furnishing alcoholic beverages to a minor.

Attachment 2F-1

Motion to suspend license for thirty (30) days with fifteen (15) suspended, with approval for the restaurant to remain operational during suspension; Motion approved 4-1 (Mr. Andrews voted against motion). Mr. Esparza asked that the suspension begin February 16, 2006.

2. 06/07-1033 **Sheep Creek Lodge**; Sheep Creek Lodge, Inc.; located at Mile 88.2 Parks Hwy in MatSu Borough; package store license.

Staff request up to 45-day suspension for licensee conviction for furnishing alcoholic beverages to a minor.

Attachment 2F-2

During testimony by Mr. Kartesz, President of Sheep Creek Lodge, Inc., he stated that he is no longer the owner of the property where the liquor license(s) are located, therefore, the Board made a motion to suspend both the package store license (06/07-1033) AND the beverage dispensary license (06/07-1032), both located at the same location, until such time as the Board receives and approves a legal transfer of both liquor licenses.

Approved 5-0

G. BOARD CONSIDERATION

1. 03/04-120 **Knik Kountry Liquor**; Knik Kountry Liquor Inc.; located at No Premises in MatSu Borough; beverage dispensary license.

AND

03/04-121 **Knik Kountry Liquor**; Knik Kountry Liquor Inc.; located at No Premises in MatSu Borough; package store license.

Licensee requests "Resurrect & Renewal" of licenses based on non-renewal. Licenses were due to renew during a time when transfer was pending.

This has been an issue in the past that the ABC Board Licensing Staff has made measures to correct in the last two years (policies and guidelines were not previously in place to handle this issue). The new database will also be an asset in this area.

Attachment 2G-1

Motion to Resurrect and Renew both licenses, with \$500 late renewal fee X2 refunded (total \$1000 refund) approved 5-0

2. 05/06-656 **Linwood Bar**; Miller & Miller Inc.; located at 257 Main St in Seldovia; beverage dispensary license.

Denial of Restaurant Designation Permit

Attachment 2G-2

Licensee agrees to withdraw Restaurant Designation Permit application

I. 06/07-3685 **Red Robin;** Restaurant Management Inc; located at No Premise in Anchorage; beverage dispensary license; wavier of operation.

2nd request

2005

Fees Paid

Attachment 3I

J. 06/07-78 **Arctic Circle Hot Springs;** Robert G Miller; located at Mile 8 Circle Hot Springs Rd in an Unorganized Area; beverage dispensary – tourism seasonal license; wavier of operation.

2nd request

2005

Fees Paid

Attachment 3J

K. 05/06-4547 **Chili's Grill & Bar;** Duke Investments LLC; located at 506 Mehar Ave in Fairbanks; **transfer of location** of a beverage dispensary license from No Premiese; backgrounds complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued January 13, 2006.

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA Approved 5-0

A. 06/07-98 Alibi, The; Alibi Inc.; located at 453 E Pioneer Ave in Kenai Peninsula Borough; **transfer of ownership** of a beverage dispensary license from 2-4 LLC; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued December 14, 2005.

B. 05/06-1377 Bling; Scruff-N-Porks Inc.; located at 1351 Cushman St in Fairbanks; **transfer of ownership & name change** of a beverage dispensary license from Muddy River, Inc., d.b.a Greyhound Lounge; backgrounds not complete.

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

C. 06/07-152 Bootleggers Cove; CP Anchorage Hotel 2 LLC; located at 500 W 3rd Ave in Anchorage; **transfer of ownership & name change** of a package store – tourism license from Hilton Hotels Corporation; backgrounds not complete.

AND

06/07-1043 **Bruins; CP Anchorage Hotel 2 LLC;** located at 500 W 3rd Ave in Anchorage; **transfer of ownership & name change** of a beverage dispensary license from Hilton Hotels Corporation; backgrounds not complete.

AND

06/07-1414 **Chartroom; CP Anchorage Hotel 2 LLC;** located at 500 W 3rd Ave in Anchorage; **transfer of ownership & name change** of a beverage dispensary - duplicate license from Hilton Hotels Corporation; backgrounds not complete.

AND

06/07-1157 **Top of the World; CP Anchorage Hotel 2 LLC;** located at 500 W 3rd Ave in Anchorage; **transfer of ownership & name change** of a beverage dispensary - duplicate license from Hilton Hotels Corporation; backgrounds not complete.

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

D. 05/06-3243 Crossing, The; The Crossing Inc.; located at 44789 Sterling Hwy in Soldotna; **transfer of ownership & name change** of a beverage dispensary license from Tides Inn Enterprises Inc, d.b.a. Tides Inn; backgrounds not complete.

All statutory requirements have been met. City of Soldotna does not protest. Temporary approval issued December 14, 2005.

E. 05/06-4544 2 Go Mart; Tesoro Northstore Company; located at 11120 Kenai Spur Hwy in Kenai; **transfer of ownership, location & name change** of a package store license from Kmart Corporation, located at No Premise, d.b.a. Kmart #2623; backgrounds not complete.

All statutory requirements have been met. City of Kenai does not protest. Temporary approval issued January 26, 2006

F. 05/06-233 **Corner, The;** Dean Charles Ojala (Personal Representative); located at No Premise in Nenana; **transfer of ownership and location** of a package store license from Mitchell & Kathleen Demientieff; backgrounds not complete.

AND

05/06-232 **Corner, The;** Dean Charles Ojala (Personal Representative); located at No Premise in Nenana; **transfer of ownership and location** of a beverage dispensary license from Mitchell & Kathleen Demientieff; backgrounds not complete.

THEN

05/06-233 **Corner, The;** Carol Udd; located at No Premise in Nenana; **transfer of ownership** of a package store license from Dean Charles Ojala (Personal Representative); backgrounds not complete.

AND

05/06-232 **Corner, The;** Carol Udd; located at No Premise in Nenana; **transfer of ownership** of a beverage dispensary license from Dean Charles Ojala (Personal Representative); backgrounds not complete.

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

G. 05/06-4543 **Breeze-In;** Breeze-In Corporation; located at 5730 Concrete Way in Juneau; **transfer of ownership, location & name change** of a package store license from Kmart Corporation, d.b.a. Kmart Liquor #3584, located at 6525 Glacier Hwy; backgrounds not complete.

All statutory requirements have *not* been met. Juneau does not protest.

H. 06/07-3794 **Excursion Restaurant;** Excursion Restaurant LLC (stock transfer); located at 255 Rink Creek Rd in Gustavus; **transfer of ownership** of a restaurant/eating place – tourism license; backgrounds not complete.

All statutory requirements have been met. City of Gustavus did not respond to notification (sent 11/8/05), but returned approved Restaurant Designation Permit.

I. 06/07-3755 **Hanger on the Wharf;** Tailwind, Inc. (stock transfer); located at #2 Marine Way Ste 100 in Juneau; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

All statutory requirements have been met. Juneau does not protest.

J. 06/07-4540 **Highliner Lodge;** Steve & Jill Daniels; located at 1014 Salmon Way in Pelican; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. Pelican has not responded (notice sent 12/1/05).

K. 06/07-4136 **Homer Brewing Company;** Homer Brewing Company Inc.; located at 1411 Lake Shore Dr in Homer; **transfer of ownership** of a brewery license from Karen Berger & Stephen McCasland; background not complete.

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

L. 05/06-1711 **Hopper Valley Roads End;** Frank Charles Bertrand III; located at Mile 42 Chiniak Rd in Kodiak Island Borough; **transfer of ownership** of a beverage dispensary license from Ernest Hopper & Patricia McCloskey; backgrounds not complete.

All statutory requirements have been met. Kodiak Island Borough does not protest.

M. 05/06-4539 **Juneau Bowling Center**; Juneau Bowling Center LLC; 608 W Willoughby in Juneau; **new** recreational site license; backgrounds not complete.

All statutory requirements have been met. Juneau does not protest. Temporary approval issued December 23, 2005.

N. 06/07-4546 **Kenai River Brewing Co**; Kenai River Brewing Company; located at 241 N Aspen St Ste 100 in Soldotna; **new** brewery license; backgrounds not complete.

All statutory requirements have **not** been met (Dept of Environmental Conservation has not responded). City of Soldotna does not protest.

O. 05/06-3696 **La Fiesta Mexican Restaurant**; Pedro A. Gonzales; located at 132 W Evergreen Ave in Palmer; **transfer of ownership** of a restaurant/eating place license from Ramon R Gonzalez; backgrounds not complete.

All statutory requirements have been met. City of Palmer has not responded (notice sent 12/12/05).

P. 06/07-4537 **Railway Cantina**; Jennifer DesErnia; located at 1401 4th Ave in Seward; **new** restaurant/eating place – public convenience seasonal license; backgrounds not complete.

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

Q. 06/07-4435 **Ronnie**; Ronnie, Inc.; located at 8901 Jewel Lake Rd in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Ul Yon Kuk, d.b.a. Shogun; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued January 6, 2006.

R. 06/07-4542 **Trees RV Park & General Store, The**; Larry & Rebecca Dunham; located at Milepost 10.2 Mitkof Hwy in an Unorganized Area; **new** package store license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued January 5, 2006.

S. 06/07-3733 **Twisted Fish Company**; Up the Creek, Inc.; located at 550 S Franklin St in Juneau; **transfer of ownership** of a restaurant/eating place license from Up the Creek Inc.; backgrounds not complete.

All statutory requirements have been met. Juneau does not protest.

T. 05/06-4509 **Wolffie's**; Anchorage Community Theatre Inc.; located at 301 W 64th St in Anchorage; **new** club license; backgrounds not complete.

All statutory requirements have been met. Anchorage does not protest. Temporary approval issued November 29, 2005.

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 05/06-3917 Twin Rivers Liquor; Twin Rivers Liquor Corporation; located at 66475 Oil Well Rd in Kenai Peninsula Borough; package store license.

Kenai Peninsula Borough *protests continued operation* based on nonpayment taxes (\$3317.50).

AS 04.11.480(a)

Attachment 5A

PROTEST LIFTED 2/8/06

B. 05/06-466 Good Time Charlies; Charles L Cunningham; located at 42140 Sterling Hwy in Kenai Soldotna; beverage dispensary license.

Kenai Peninsula Borough *protests continued operation* based on nonpayment taxes (\$4221.64).

AS 04.11.480(a)

Attachment 5B

Protest upheld 5-0

C. 05/06-930 Stas; Ella, Inc.; located at 59217 East End Rd in Kachemak; beverage dispensary license.

Kenai Peninsula Borough *protests continued operation* based on nonpayment taxes (\$5390.76).

AS 04.11.480(a)

Attachment 5C

PROTEST LIFTED 2/8/06

D. 05/06-426 Frontier Club; Boulder Investments Inc.; located at 440 Old Richardson Hwy in Fairbanks; beverage dispensary license.

City of Fairbanks *protests renewal* based on delinquent taxes (\$9050.08). AS 04.11.480(a) **Attachment 5D**

Protest upheld 5-0

E. 05/06-3946 Hot Tamale; Mario H Velderrain; located at 112 N Turner Street in Fairbanks; restaurant/eating place license.

City of Fairbanks *protests renewal* based on delinquent taxes (\$799.47). AS 04.11.480(a) **Attachment 5E**

PROTEST LIFTED 2/8/06

6. OTHER FILINGS

A. 06/07-1946 Red Robin; Restaurant Management Inc; located at No Premises in MatSu Borough; beverage dispensary license; wavier of operation.

3rd request

2005

Fees Paid

Attachment 6C

Approved 5-0

B. 06/07-1701 Party Time Plaza Liquor; JL & AL Company; located at No Premises in Anchorage; package store license; waiver of operation.

2nd request

2004

Fees Paid

Approved 5-0

AND

06/07-1701 **Party Time Plaza Liquor;** JL & AL Company; located at No Premises in Anchorage; package store license; waiver of operation.

Approved 5-0 with condition that license must operate in 2006.

BACKGROUND INFORMATION

A. 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).

Attachment 7A

Denied 2-3

Vote: Approve: Yes, Niemi; Yes, Gordon; No, Tull; No, Andrews; No, Gifford

8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

Date of next meeting: April 20, 2006 Location of next meeting: Anchorage

**ADDENDUM
State of Alaska
Alcoholic Beverage Control Board
February 9, 2006**

2. Cont.

G. BOARD CONSIDERATION

4. 06/07-56 **American Legion Post #13**; American Legion Post #13; located at 205 Lincoln St in Sitka; club license.

Staff requests Board reconsideration of informal settlement agreement which was accepted 5-0 on November 22, 2005.

Board instructs staff to begin a formal investigation regarding the conduct of this club during its Board imposed license suspension.