

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**January 30, 2008**  
**Agenda**

**Board members present: Billy Andrews; Gail Niemi; Shirley Gifford (via teleconference); William Tull**  
*not present*

*All Votes are via roll call*

**1. ADMINISTRATION**

**A.** Elect Chairman of the Board. – *Postpone until next meeting*

**B.** Elect Vice Chair. - *Postpone until next meeting*

**C.** Approve minutes of the September 6, 2007 Board meeting.

**Motion to approve - Shirley;**

**2<sup>nd</sup> – Gail;**

**Approved 3-0**

**D.** Approve minutes of the November 28, 2007 Board meeting.

**Motion to approve - Shirley;**

**2<sup>nd</sup> – Gail;**

**Approved 3-0**

**E.** Delegate tie-breaking vote to the Director.

**No motion**

**2. ADMINISTRATIVE MATTERS**

**A. INFORMAL CONFERENCES**

**B. HEARING OFFICER DECISIONS**

**C. SETTLEMENT AGREEMENT**

**D. VOLUNTARY RELINQUISHMENT OF LICENSE**

**1.** 06/07-2769 **Sheltered Seas**; West Travel, Inc.; located in Alaskan Waters; common carrier –  
seasonal.

**Attachment 2D-1**

**Motion to approve - Shirley;**

**2<sup>nd</sup> – Gail;**

**Approved 3-0**

**E. REQUEST FORMAL HEARING**

**F. SUSPENSION**



4. 06/07-3608 **Thai Cuisine – 2 – Restaurant**; Michey Chanthaboury; located at 3020 Minnesota Dr in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license; from Hyung Man Yang, D.B.A. Golden China Restaurant; backgrounds not complete.

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

License approval to be reconsidered for denial. License was approved with delegation at the November 28, 2007 meeting. **Attachment 2G-4**

**Motion to rescind prior approval Shirley**

**2<sup>nd</sup> – Gail**

**Approved 3-0**

**Discussion: to further deny this application would further clear up the issue**

**Motion to deny – Shirley**

**2<sup>nd</sup> – Gail**

**Approved 3-0**

**Sara Sathakdy speaking on applicants' behalf.**

5. **06-07-1946 Red Robin**; Regency Management, Inc.; located at No Premise in MatSu Borough; beverage dispensary license.

*HISTORY: At the April 2007 Board meeting, this license applied for and was approved for a 4<sup>th</sup> waiver. The approval was conditioned as follows:*

*“Mr. Tull motions to approve waiver, giving licensee until 12/31/07 to file a transfer application to a viable location; must show ownership or lease documents to property; must have full “development plans” in place; or, a transfer to another owner; if all of the above are not met, the license will expire; Licensee agrees to give up all appeal rights by the granting of this waiver; Ms. Gifford seconds the motion;  
Roll call – 5-0”*

At this time, this condition has not been met.

**Attachment 2G-5**

**Motion to deny waiver - Shirley**

**2<sup>nd</sup> – Gail**

**Approved 3-0 – license expires**



**H. 07/08-3039 Don Joses Mexican Restaurant;** Don Joses LLC; located at 205 S Willow St in Kenai; **transfer of ownership & name change** of a beverage dispensary license; from Carter Enterprises, Inc., d.b.a. Rosita's Mexican Restaurant; backgrounds complete.

All statutory requirements have been met. Kenai does not protest. Temporary approval issued.

**I. 07/08-4350 Three Amigos Mexican Restaurant;** Jaliscos, Inc.; located at No Premises in Anchorage; **transfer of ownership & name change** of a beverage dispensary license; from J & L Enterprises, d.b.a. Chepo's Fiesta; backgrounds complete.

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

**J. 08/09-4749 Alaska Liquor Store;** G&C Inc.; located at No Premises in Skagway; **transfer of ownership, location & name change** of a package store license; from Moe's Frontier Bar & Liquor Store Inc., d.b.a. Moe's Liquor Store, located between 4<sup>th</sup> & 5<sup>th</sup> on Broadway; backgrounds complete.

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

## **END CONSENT AGENDA**

### **4. DELEGATION CONSENT AGENDA**

**Motion to approve – Shirley**

**2<sup>nd</sup> – Gail**

**Approved 3-0**

**A. 08/09-4723 Café Croissant;** We Bake Inc.; located at 3002 Spenard 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

**B. 07/08-4443 Bristol Bay Lodge;** LML-AK, LLC; located 16 Miles NW of village of Aleknagik in an Unorganized area; **transfer of ownership** of a beverage dispensary - tourism license; from Bristol Bay Lodge Inc.; backgrounds not complete.

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

**C. 07/08--3082 El Rodeo Mexican Restaurant;** Ismael & Marisol Sanchez; located at 385 Muldoon Rd in Anchorage; **transfer of ownership** of a restaurant/eating place license; from Cliserio Dela Torre; backgrounds not complete.

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

**D. 08/09-4747 Fireweed Meadows;** Kyllonen Enterprises, Inc.; located at 72749 Milo Fritz Ave in Kenai Peninsula Borough; **transfer of ownership, location & name change** of a beverage dispensary license; from Jack Nicholas & Earle Robbins, located at Mile 35 Kenai Spur Hwy, d.b.a. Bishop Creek Bar; backgrounds not complete.

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

**E.** 08/09-4358 **Fireweed Road House**; Valerie Robin Dunnigan; located at Mile Post 288.5 Parks Hwy in an Unorganized area; **transfer of ownership** of a beverage dispensary – tourism license from Keith Super; backgrounds not complete.

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

**F.** 07/08-4689 **Ivory Cove, The**; The Kishan Group Inc.; located at 200 5<sup>th</sup> Ave in Seward; **transfer of ownership** of a beverage dispensary – tourism license; from Hotel Edgewater LLC, d.b.a. The Yard Arm; backgrounds complete.

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

**G.** 08/09-4743 **Matsu Resort**; MSR, Inc.; located at 1850 Bogard Rd in MatSu Borough; **new** beverage dispensary – tourism duplicate license; backgrounds complete.

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

**H.** 07/08-2766 **Red Dog Saloon**; Alaska Red Dog Saloon, LLC; located at 278 S Franklin in Juneau; **transfer of ownership** of a beverage dispensary license; from Red Dog Saloon Inc., backgrounds not complete.

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

**I.** 08/09-4739 **Shine’s Sushi & Buffet**; Shine’s Asian Valley Restaurant LLC; located at 301 W Parks Hwy in Wasilla; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal & Dept. of Environmental Conservation have not responded). ~~~~~

**J.** 07/08-4407 **Trio Restaurant and Lounge**; Market Basket, Inc.; located at 1235 Airport Way #1 in Fairbanks; **transfer of ownership** of a beverage dispensary license; backgrounds complete.

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

**K.** 07/08-4732 **Winestyles**; Fifer LLC; located at 11109 Old Seward Hwy Ste 2 in Anchorage; **new** package store license; backgrounds not complete.

All statutory requirements have been met. Anchorage does not protest. Temporary approval issued.

**L.** 08/09-4568 **Kodiak Bar & Grill**; Kodiak Bar Corp; located at 225 E 5<sup>th</sup> Ave in Anchorage; **transfer of ownership** of a beverage dispensary license; from Robin Alessi; backgrounds not complete.

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

**M.** 07/08-4756 **Jester's Palace**; Nenana Industries, Inc.; located at 1<sup>st</sup> & A St in Nenana; **transfer of ownership, location & name change** of a beverage dispensary license; from Carol Udd, d.b.a. The Corner Bar, located at No Premise; backgrounds not complete.

**AND**

07/08-4757 **Jester's Palace**; Nenana Industries, Inc.; located at 1<sup>st</sup> & A St in Nenana; **transfer of ownership, location & name change** of a package store license; from Carol Udd, d.b.a. The Corner Bar, located at No Premise; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal objects – no plan in place; Dept. of Labor has not responded). Nenana does not protest.

**N.** 07/08-3123 **Hangar, The**; David K. Freeman; located at 4304 S Big Lake Rd in MatSu Borough; **transfer of ownership & name change** of a beverage dispensary license; from C & M Enterprises, d.b.a. Hangar Lounge, background not complete.

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

**O.** 08/09-4740 **Acapulco Mexican Restaurant**; Hector Santana; located at 10672 Kenai Spur Hwy, Ste 108 in Kenai; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. Kenai does not protest. Temporary approval issued.

**P.** 07/08-4712 **Chicken Gold Camp & Outpost**; Chicken Gold Company; located at ¼ Mile Airport Rd in an Unorganized area; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

**END DELEGATION CONSENT AGENDA**

**5. PROTESTS**

**A. 07/08-3748 Silver Gulch Brewing & Bottling Co.;** Silver Gulch Brewing & Bottling Inc.; located at 2195 Old Steese Hwy North in Fairbanks North Star Borough; brewery license.

State of Alaska, Department of Revenue, Tax Division *protests continued operation* of license based on non-payment of taxes from September 2006 to present. **Attachment 5A**

FYI – licensee intends to relinquish license while simultaneously filing for transfer of a beverage dispensary license and filing application for a brewpub license. Applications have been received but returned for corrections.

**Motion to approve with delegation – Shirley**

**2<sup>nd</sup> – Gail**

**Approved 3-0 – delegate to director**

**6. OTHER FILINGS**

**A. 06/07-3980 Mi Ranchito;** Maria Diaz; located at No Premise in Sitka; restaurant/eating place license.

- 1. 08/09 Renewal Fees: \$800
- 2. 2005 Waiver Fees: \$1300 (300 + 1000 penalty fee)
- 3. 2006 Waiver Fees: \$1600 (600 + 1000 penalty fee)
- 4. 2007 Waiver \*\* Fees: \$2200 (1200 + 1000 penalty fee)
- 5. Proof of pending transfer – full transfer application has not been received; however, 2-page transfer application (fax copy) was received with renewal/waivers. **Attachment 6A**

**FYI: \*\*Fees have not been receipted at this time.**

**Motion to approve – 1st, 2<sup>nd</sup>, 3<sup>rd</sup> waivers – Shirley**

**2<sup>nd</sup> – Gail**

**3-0**

**B 06/07-235 Circle S Liquors;** Pomposa Porterfield; located at 22189 N. Birchwood Lp in Anchorage; package store license

Waiver	4 <sup>th</sup> Request	2006 Fees paid (\$7000)
<b>AND</b>		
Waiver	5 <sup>th</sup> Request	2007 Fees received (not receipted - \$12,000)
Renewal	2008/2009	Fees receipted

A transfer application has been received and appears to be nearly complete (a few items can be corrected via telephone). This transfer is to Wal-Mart Stores, Inc., and has not been reviewed pending action by the ABC Board on these waivers. **Attachment 6B**

**Motion to approve – Gail motions to approve 4<sup>th</sup> & 5<sup>th</sup> Waiver with operation within 120 days by Walmart**

**2<sup>nd</sup> – Shirley**



**Discussion: 3-0**

**7. BACKGROUND INFORMATION**

**8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

Date of next meeting: **April 17, 2008**

Location of next meeting: **Anchorage**

**ABC Board  
ADDENDUM  
January 30, 2008**

**G. BOARD CONSIDERATION (Cont.)**

**6. Penalties for Furnishing Alcohol to Minors**

**Attachment 2G-6**

**Discussion by Board and staff**

**No action required at this time**

**7. 08/09-3313 Eagles #4200, Frat Order of;** Fraternal Order of Eagles Aerie # 4200; located at 2055 Jordan Ave #1 in Juneau; club license.

Consideration of imposing conditions on license to conform to smoking/tobacco use ordinance which has been adopted by the City & Borough of Juneau.

**Attachment 2G-7**

**Discussion by CBJ citizens and Board**

**No action taken**

**3. CONSENT AGENDA (Cont.)**

**See page 5 – approved 3-0**

**K. 08/09-4750 Anchorage Billiard Palace;** B.P. Billiards LLC; located at 3400 C St in Anchorage; **transfer of location** of a beverage dispensary license; from No Premises; backgrounds complete.

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