

State of Alaska
Alcoholic Beverage Control Board
April 17, 2008
Agenda

Board members present: Bob Klein; Shirley Gifford; Billy Andrews; Gail Niemi; Joe Deldonno

1. ADMINISTRATION

**A. Elect Chairman of the Board.
Ms. Niemi nominates Bob Klein;
Mr. Andrews seconds the motion
Approved 5-0**

**B. Elect Vice Chair.
Ms. Niemi nominates Shirley Gifford;
Mr. Andrews seconds the motion
Approved 5-0**

**C. Approve minutes of the January 30, 2008 Board meeting.
Postpone until July 10, 2008 meeting.**

**D. Delegate tie-breaking vote to the Director.
Ms. Gifford motions to approve;
Mr. Andrews seconds the motion
Approved 5-0**

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

**1. 06/07-4223 PHO Mailee; Mailee Nguyen; located at 3020 Minnesota Dr #20 in Anchorage;
restaurant/eating place. Attachment 2D-1
Read into the record.**

**2. 06/07-4579 Henry's Great Alaskan Restaurant; Henry's of Anchorage, Inc.; located at No
Premise in Anchorage; restaurant/eating place license. Attachment 2D-2
Read into the record.**

E. REQUEST FORMAL HEARING

F.

SUSPENSION

1. 08/09-3537 **Anchor Liquor Store; Sackett Inc.**; located at 229 Front St in Nome; package store license.

Board consideration of suspension.

Attachment 2F-1

Mr. Andrews motions to suspend for 45 days with 35 days suspended; \$2000 fine

Ms. Gifford seconds the motion

Discussion: Shirley and Billy discuss the Regional Wellness group from Nome, requesting assistance to fight the alcohol issue in Nome. Ms. Niemi agrees that Nome has an issue with alcohol and selling to minors, however, this is Mr. Sackett's first offense. Billy will not consider suspending or reducing part of the fine. Mr. Deldonno asks Mr. Sackett a few questions regarding ownership and TAM certification. Mr. Klein asks Mr. Sackett a few questions regarding average time spent in Nome - 20-25 days every 3-4 months (60 days per year).

Approved 5-0

BOARD CONSIDERATION

1. Retirement and Transition

Attachment 2G-1

Per memo to the Board, Mr. Griffin suggests:

1. Appoint Bob Beasley as acting director
2. Delegate authority (temporary approvals, et al) to Acting Director
3. Authorize acting or new director to enter into consulting contract with Director Griffin

Mr. Andrews motions for the Board to recommend that Governor Palin, Commissioner Monegan, and Deputy Commissioner Glass appoint Bob Beasley as acting director; and that Mr. Beasley act in this capacity until a new Director is appointed and begins service according to item number one (1) in the attached memo.

Mr. DelDonno seconds the motion.

Approved 5-0

Ms. Gifford motions to temporarily grant or deny temporary approvals (all applications) to the acting director, according to item number two (2) in the attached memo.

Mr. Andrews seconds the motion

Approved 5-0

Mr. Andrews motions that the Acting Director be allowed, in consultation with Commissioner Monegan, to enter into a consulting contract with Doug Griffin.

No Action

2. **Alcoholic Beverage Control – Discussion regarding alcohol issues in Nome Attachment 2G-2 (Original heading changed from “Alcoholic Beverage Control Board Expansion Proposal”)**
Discussion – no action required.

3. 07/08-3938 Peking Restaurant; Myong Sun Chong; located at 100 Gilman Rd in Unalaska/Dutch Harbor; **transfer of ownership** of a restaurant/eating place license; from Chil Sun Selle; backgrounds not complete.

All statutory requirements have been met. Unalaska/Dutch Harbor does not protest.

This transfer was approved with delegation on September 6, 2007. A temporary approval was later issued. It was later discovered that prior to the Board meeting, a lien had been placed on the license via fax. This fax was not placed in the file and was discovered after the fact. The amount owing is \$22,799.33.

Attachment 2G-3

Ms. Gifford motions that the Board should not recognize the Peterkin lien as owing from Peking restaurant

Ms. Niemi seconds the motion

Approved 5-0

3. CONSENT AGENDA

Ms. Gifford motions to approve the Consent Agenda as read;

Ms. Niemi seconds the motion;

Approved 5-0

A. 8/09-4754 Skagway Brewing Company; Skagway Brewing Company; located at 750 Broadway Ave in Skagway; **transfer of ownership, location & name change** of a beverage dispensary license; from Moe's Frontier Bar & Liquor Store Inc., DBA Moe's Frontier Bar, located at 4th & 5th on Broadway; backgrounds complete.

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

B. 07/08-4503 Three Bears; Three Bears Alaska Inc.; located at 445 N Pittman Rd in MatSu Borough; **transfer of ownership & name change** of a package store license; from Alaska Premium Spirits LLC, DBA Alaska Premium Spirits; backgrounds complete.

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

C. 08/09-4769 St. Elias Brewing Company; St. Elias Brewing Co.; located at 434 Sharkathmi Ave in Soldotna; **new** brewpub license; backgrounds complete.

AND

08/09-4768 **St. Elias Brewing Company;** St. Elias Brewing Co.; located at 434 Sharkathmi Ave in Soldotna; **new** restaurant/eating place – public convenience license; backgrounds complete.

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

D. 07/08-4763 **Bobby's Downtown;** Delta Epsilon, Inc.; located at 609 2nd Ave in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license; from Jack I. O'Brien, located at No Premises, DBA Bonanza Grill; backgrounds complete.

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

E. 08/09-4759 **Fantasies;** Debco Inc.; located at 1911 E 5th Ave in Anchorage; **new** beverage dispensary – duplicate license; backgrounds complete.

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

F. 08/09-170 **Mt. View Liquor & Grocery;** Frank H. Trudeau; located at Healy & Coal St in Denali Borough; **transfer of ownership & name change** of a package store license; from Donna Merryman & Ed Rose, DBA Mountain View Liquor & Grocery; backgrounds complete.

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

G. 08/09-3147 **Point After;** Chen Mong Inc.; located at No Premises in Fairbanks; beverage dispensary license.

Waiver 1st Request 2007 Fees Paid

H. 08/09-4570 **Polelock Bar & Likker;** Bret Dittlinger & Mary Lemery; located at No Premises in MatSu Borough; package store license.

Waiver 1st Request 2007 Fees Paid

I. 08/09-4783 **Star Princess;** Princess Cruise Lines Ltd; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds complete.

AND

08/09-4784 **Tahitian Princess;** Princess Cruise Lines Ltd; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds complete.

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

J. 07/08-4560 **Solstice Lounge;** Fervid Enterprises; located at 423 W Willoughby Ave in Juneau; beverage dispensary license.

Waiver 2nd Request 2007 Fees Paid

K. 07/08-1711 **Hopper Valley Roads End;** Frank C. Bertrand III; located at Mile 47 Chiniak Rd in Kodiak Island Borough; beverage dispensary license.

Waiver 1st Request 2007 Fees Paid

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

**Mr. Andrews motions to approve the Delegation Consent Agenda as read;
Ms. Gifford seconds the motion;
Approved 5-0**

A. 08/09-4744 Alaska Treetops Fishing Lodge; Alaska Tree Tops LLC; located at 383 Spruce St in Seldovia; **new** lodge license; backgrounds not complete.

All statutory requirements have *not* been met (Fire Marshal & DEC). Seldovia does not protest.

B. 07/08-762 F Street Station; Station Inc. (Stock transfer); located 325 F St in Anchorage; **transfer of ownership** of a beverage dispensary; from Station Inc. (stock); backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notice sent 1/14/08).

C. 08/09-3627 Kenai Star MV; Seward Wildlife Cruises LLC; located in Alaskan Waters; **transfer of ownership** of a common carrier - seasonal license; from Kenai Marine Inc.; backgrounds not complete.

All statutory requirements have *not* been met (Labor). Kenai Peninsula Borough does not protest.

D. 08/09-3440 Star of the Northwest M/V; Seward Wildlife Cruises LLC; located in Alaskan Waters; **transfer of ownership** of a common carrier - seasonal license; from Kenai Marine, Inc.; backgrounds not complete.

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

E. 08/09-4770 Level II; Level II LLC; located at 407 Lincoln St in Sitka; **transfer of ownership, location & name change** of a restaurant/eating place license from Maria Diaz, located at 1315 Sawmill Creek Rd, DBA Mi Ranchito; backgrounds not complete.

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

F. MOVED

G. 08/09-4767 North Bowl/Dales Diner; Frontier Enterprise LLC; located at 3250 Palmer Wasilla Hwy in MatSu Borough; **new** recreational site license; backgrounds not complete.

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

H. 08/09-1955 Olds River Inn; Circle B, LLC; located at Mile 30 Chiniak Hwy in Kodiak Island Borough; **transfer of ownership & name change** of a beverage dispensary - tourism license; from Omar Stratman, DBA Northand Ranch Resort, backgrounds not complete.

All statutory requirements have been met. Kodiak Island Borough has not responded (notice sent 1/8//08).

I. 07/08-4074 Point MacKenzie General Store; JA Wendt LLC; located at 22481 Point MacKenzie Rd in MatSu Borough; **transfer of ownership** of a restaurant/eating place license; from Marie & Collin Towse; backgrounds not complete.

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

J. 08/09-1930 **Roller Bay Bar**; Ketchikan Entertainment Center LLC; located at 2050 Sea Level Dr in Ketchikan; **transfer of ownership & name change** of a beverage dispensary license; from DL & Lori Coates, Dwight McBride & George Tipton, DBA Ketchikan Entertainment Center; backgrounds complete.

All statutory requirements have been met. Ketchikan has not responded (notice sent 1/16/08).

K. 08/09-1160; **Totem Bar and Liquor Store**; Andermans' Totem Bar and Liquor Store LLC; located at 116 Front St in Wrangell; **transfer of ownership** of a package store license; from Brink Inc.; backgrounds not complete.

All statutory requirements have been met. Wrangell has not responded (notice sent 1/28/08).

L. 08/09-4776; **Glacier Creek Distillery**; Glacier Creek Distillery LLC; located at 7931 Cootrell-Campus Dr in MatSu Borough; **new** distillery license; backgrounds not complete.

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

M. 08/09-4751; **La Dolce Vita**; Salvatore Fava; located at 6728 Lake Otis Pkwy in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

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

N. 08/09-4758; **Turkey Red**; Turkey Red LLC; located at 550 S Alaska St in Palmer; **new** restaurant/eating place – public convenience license; backgrounds not complete.

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

O. 08/09-4359; **Cosmic Kitchen**; Cosmic Kitchen Inc.; located at 510 E Pioneer Ave in Homer; **transfer of ownership** of a restaurant/eating place license; from John Hogan & Michelle Wilson; backgrounds not complete.

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

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 08/09-4431 **Maxine's Glacier City Bistro**; New Forme Inc.; located at Lot 44 Crow Creek Rd in Anchorage (Girdwood); **transfer of ownership (stock)** of a restaurant/eating place license; from New Forme Inc.; backgrounds complete.

- State of Alaska, Department of Labor *protests* due to unresolved Federal Tax ID issues;
- A *lien* has been placed in the amount of **\$1429.66** by Anchorage Publishing Inc.;
- Municipality of Anchorage *protests* based on Fire Code violations. **REMOVED** Attachment 5A

Ms. Gifford motions to delegate approval of the transfer, with a deadline of 30 days; and motions to approve renewal;

Mr. Andrews seconds the motion

Approved 5-0

B. 08/09-4770; Mighty Dollar; Patrick Kohls; located at 1457 Stacia in Fairbanks; **transfer of location & name change** of a package store license; from No Premise, DBA No DBA; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal has not responded). Fairbanks protests based on community testimony. **Attachment 5B**

Director requests that this item be postponed until the Fairbanks meeting on July 10, 2008;
No action taken

6. OTHER FILINGS

A. 08/09-4735 China Sea Restaurant; Young S. & Kyung O. Yoo; located at Lot 6 & 7 Whittier Harbor Triangle; **new restaurant/eating place – public convenience seasonal license;** backgrounds complete.

All statutory requirements have been met. City of Whittier *approves*.

FYI:

- **Original notification faxed to City of Whittier on August 8, 2007;**
- **Board directed staff to re-notify City of Whittier (faxed early December 2008, but a fax receipt was not kept);**
- **January 4, 2008, applicant visited with Staff and asked that the City of Whittier be re-notified**
- **January 4, 2008, Staff created a new fax notification and faxed copy while customer was still in office;**
- **Staff provided a copy of fax notification to the applicant to be hand-delivered to the City of Whittier;**
- **March 21, 2008, Staff received email from City of Whittier noting that “paperwork” was sent to ABC “a few months ago” (was not received);**

- **April 7, 2008, fax noting “approval” was received by Staff indicating that the City Council had voted for “approval” of the license on December 18, 2007.**

Mr. Deldonno motions to approve as a Consent Agenda item;
Ms. Gifford seconds the motion;
Approved 5-0

7. BACKGROUND INFORMATION

8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

9. EXPIRED LICENSES

Attachment 9

Mr. Andrews motions to approve attached list;
Ms. Gifford seconds the motion;
Approved 5-0

Date of next meeting: July 10, 2008

Location of next meeting: Fairbanks

**ABC Board
ADDENDUM
April 17, 2008**

G. BOARD CONSIDERATION (Cont.)

4. Copies of Notice of Violations

Attachment 2G-4

Board requests that NOV's be prepared on a spreadsheet in the future

F. SUSPENSION

2. 07/08-258 Club Paris; H & T Inc.; located at 417 W 5th Ave in Anchorage; beverage dispensary license.

Board consideration of suspension.

Attachment 2F-2

Mr. Andrews motions to suspend for 45 days with 38 suspended; \$2000 fine; alcohol sales suspended only; serve within two (2) months

Ms. Gifford seconds the motion

Discussion – Ms. Niemi feels the fine is a bit heavy handed; minor served, but situation was not as bad as the Nome situation; would prefer that part of the fine be suspended;

Ms. Niemi amends the motion to suspend for 45 days with 38 suspended; a \$1000 fine; alcohol sales only; to be served within two (2) months;

Ms Gifford seconds the motion;

Approved 5-0

3. 07/08-1176 Tundra Lodge & R/V Park; located at Milepost 1315 Alaska Hwy in an Unorganized area; beverage dispensary license.

Board consideration of suspension.

Attachment 2F-3

Mr. Andrews motions to suspend for 45 days with 35 suspended; \$1000 fine; alcohol sales only; to be served within 60 days

Ms. Gifford seconds the motion

Approved 5-0

Mr. Andrews directs staff to discuss restroom issues/ideas with licensee.

4. 07/08-4109 Fu Do Restaurant; Mong Chen Inc.; located at 2600 E Tudor Rd in Anchorage; beverage dispensary license.

Board consideration of suspension.

Attachment 2F-4

**Ms. Gifford motions to suspend for 45 days with 38 suspended; \$ 0 fine; restaurant remain open
Mr. Andrews seconds the motion;
Approved 5-0**

5. 07/08-4259; Kodiak Island Brewing Company; Kodiak Island Brewing Company LLC; located at 338 Shelikof Ave in Kodiak; brewery license.

Board consideration of suspension.

Attachment 2F-5

Postpone until Fairbanks meeting

BOARD CONSIDERATION (Cont.)

5. Limited Peace Officer Powers for ABC Board Investigators
AAG Carpeneti requests that this item be postponed until the Fairbanks meeting
No action taken

Attachment 2G-4

6. New Item

Chairman Klein requests that the Board give blanket approval for all alcohol-training programs.
Ms. Gifford motions to approve;
Ms. Niemi seconds the motion;
Approved 5-0

Attachment 2G-4