

State of Alaska
Alcoholic Beverage Control Board
Agenda Minutes
Thursday, November 19, 2009
Anchorage

[8:39:12 AM](#)

Board members present:

Chairman Bob Klein
Vice Chair Ellen Ganley
Member Joe DelDonno
Member Belen Cook
Member Ethan Billings

Staff members present:

Director Shirley Gifford
Licensing Supervisor Dawn Holland-Williams

● **DIRECTOR BRIEFING**

A. Director Memo

Attachment – A

1. Ten-year strategic plan
 2. Ten-year budget plan
 3. Licensing & Enforcement quarterly reports
- Chair Klein suggests a working meeting to discuss the plan

On the record - [9:07:46 AM](#)

● **ADMINISTRATION**

A. Approve minutes of the September 23, 2009 Board meeting.
Belen Cook **motions to approve**
Joe DelDonno **seconds the motion**
Approved 5-0 - [9:09:05 AM](#)

B. Delegate tie-breaking vote to the Director.
Ellen Ganley **motions to approve**
Joe DelDonno **seconds the motion**
Approved 5-0 - [9:09:40 AM](#)

- **Public Testimony** - Period of time for public testimony on issues that are not on this agenda.

[9:09:49 AM](#) Dan Coffey

[9:10:20 AM](#) Bethel licensee 32 years ago (Pruhs – Wild Goose Inn)

[9:16:02 AM](#) Wasilla Apple – 2:15

Public testimony closed at [9:17:09 AM](#)

- **INFORMAL CONFERENCES**

None

- **HEARING OFFICER DECISIONS**

None

- **SETTLEMENT AGREEMENTS**

144 Board of Trade Saloon; MJW, Inc.

Attachment - 144

Agreement was not received by the time of the meeting - postpone

- **VOLUNTARY RELINQUISHMENT OF LICENSE**

None

- **SUSPENSION**

4854 Agave Mexican Restaurant; Juan Carlos Macias
Restaurant/eating place license located at 236 Lincoln St in Sitka.

Attachment - 4854

Conviction: furnishing alcohol to a minor.

Ellen Ganley **motions to suspend** the license (beer & wine only) for 45 days with 38 suspended (one year period no further violations) with \$500 fine

Belen Cook **seconds the motion**

[9:35:00 AM](#)

Approved 5-0

- **BOARD CONSIDERATION**

NOV Notice of Violations

Attachment – NOV

[9:37:52 AM](#)

- **CONSENT AGENDA**

414 49'er Club; 49er Club Incorporated
Transfer of location of a beverage dispensary license to 4625 Old Airport Rd in Fairbanks; from 1199 Old Richardson Hwy; backgrounds complete.

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

4730 Alaska Avalanche; Alaska Avalanche Hockey Club LLC
Transfer of ownership of a recreational site license; located at 1001 S Mack Rd in Wasilla; from The Alaska Avalanche; backgrounds complete.

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

- 2847 Attic, The;** John J. Lounsbury
Transfer of location of a beverage dispensary license; located at 2701 Cushman St (upstairs) in Fairbanks; from No Premise; backgrounds complete.
 All statutory requirements have been met. Fairbanks does not protest. Temporary approval issued.
- 4771 Bayview Restaurant;** The Bayview Restaurant LLC
Transfer of ownership & location of a restaurant/eating place license; located at 407 Lincoln St in Sitka; backgrounds complete.
 All statutory requirements have been met. Sitka does not protest. Temporary approval issued.
- 4932 Gardens, The;** O'Malley Gardens L.L.C.
New recreational site license located at 11051 O'Malley Centre Dr in Anchorage; backgrounds complete.
 All statutory requirements have been met. Municipality of Anchorage does not protest.
- 4138 Gold Dredge No. 8;** Discovery Gold Tours, LLC
Transfer of ownership of a restaurant/eating place - seasonal license; located at 1755 Old Steese Hwy N in Fairbanks North Star Borough; from Westours Motorcoach Inc.; backgrounds complete.
 All statutory requirements have been met. Fairbanks North Star Borough does not protest.
- 1031 Westmark Sitka Hotel;** JL Sitka, Inc.
Transfer of ownership of a beverage dispensary - tourism license; located at 330 Seward St in Sitka; from JL Sitka Inc and Westmark Hotels Inc.; backgrounds complete.
 All statutory requirements have been met. Sitka does not protest. Temporary approval issued.

WAIVERS

1st Waivers Fees Paid 2009

- 68 Wagon's North Trading Post;** Helen M. Kennedy
 Package store license located at 3342 Chena Hot Springs Rd in Fairbanks North Star Borough.
- 398 515 Club;** Clark & Eddy Inc.
 Beverage dispensary license located at No Premise in Anchorage.
- 416 North Lakes Liquor #3;** North Lakes Liquor Inc.
 Package store license located at No Premise in MatSu Borough.
- 892 Mike's Palace;** Ok Hee Cho
 Restaurant/eating place license located at 201 Harbor Dr in Valdez.
- 1860 Gabbert's Fish Camp;** Gabbert's Camp LLC
 Beverage dispensary - seasonal license located at 2nd W Bend Alexander Creek in MatSu Borough.
- 3304 Red Robin Burger & Spirits Emporium;** Red Robin Alaska Inc.
 Beverage dispensary license located at No Premise in Anchorage.

3315 Petro Alaska Inc.; Petro Alaska Inc.
Package store license located at 4161 Tongass Ave in Ketchikan.

AND

4139 Petro Alaska Inc.; Petro Alaska Inc.
Package store license located at 11860 N Tongass Ave in Ketchikan Gateway Borough.

4356 Evangelos; K & G Enterprises LLC
Restaurant/eating place license located at No Premise in Wasilla.

4612 Nippon Maru; Mitsui O.S.K. Passenger Line, Ltd.
Common carrier license located in Alaskan Waters.

4772 Lavelle's Bistro; Café de Paris Catering Co.
Restaurant/eating place license located at No Premise in Fairbanks.

4878 Wal-Mart Supercenter #4474; Wal-Mart Stores Inc.
Package store license located at No Premise in Kenai.

AND

4669 Wal-Mart Supercenter #3813; Wal-Mart Stores Inc.
Package store license located at No Premise in Anchorage.

2nd Waivers Fees Paid 2009

4507 Trio Restaurant and Lounge; Market Basket Inc.
Beverage dispensary license located at No Premise in Fairbanks.

4598 Thai House Restaurant; Kwok Keung Wu
Restaurant/eating place license located at No Premise in Ketchikan.

4748 Latitudes; Unisea Inc.
Waiver of operation of a beverage dispensary license located at No Premise in Unalaska.

4749 Alaska Liquor Store; G & C Inc.
Package store license located at No Premise in Skagway.

● **CONSENT AGENDA (Cont. – added after final printing)**

828 Papadrews; Papadrew Inc.
Package store license located at 11957 Glacier Hwy in Juneau

1st Waiver 2009 Fees paid

4847 WildFin; WildFin, LLC
Beverage dispensary license located at 517 W 7th Ave Ste 100 in Anchorage.

2nd Waiver 2009 Fees paid

END CONSENT AGENDA

Joe DelDonno **motions to approve**

Belen Cook **seconds the motion**

[9:52:52 AM](#)

Approved 5-0

- **DELEGATED CONSENT AGENDA**

1334 Four Corners Lounge; Four Corners Lounge LLC

Transfer of ownership of a beverage dispensary license; located at 8000 E Palmer-Wasilla Hwy in MatSu Borough; from Four Corners Lounge, Inc.; backgrounds not complete.

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

4938 Great Denali Pizza Pub; White Bear Corporation

New restaurant/eating place - seasonal license; located at Mile 238.9 Parks Hwy in Denali Borough; backgrounds not complete.

All statutory requirements have *not* been met (Fire/DEC). Denali Borough does not protest.

2935 Haru; Hi Chun Kang

Transfer of ownership & name change of a restaurant/eating place license; located at 729 Dimond Blvd. in Anchorage; from Kurani Inc., D.B.A. Pizza Hut #11; backgrounds not complete.

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

4933 Hula Hands Restaurant; Makau'a Enterprises Inc.

New restaurant/eating place license located at 501 W Fireweed Ln in Anchorage; backgrounds not complete.

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

3494 Lone Star Steakhouse & Saloon; Lone Star Steakhouse & Saloon of Alaska Inc.

Transfer of ownership (stock) of a beverage dispensary license; located at 4801 C St in Anchorage; backgrounds not complete.

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

4817 Manhattan Pizza; Manhattan Pizza LLC

Transfer of ownership of a restaurant/eating place license; located at 2602 Spenard Rd in Anchorage; from William L. Perkins Jr.; backgrounds not complete.

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

1015 Sea Inn; Sea Inn Properties LLC

Transfer of ownership of a beverage dispensary license; located at 8 Alley Way in Dillingham; from Sea Inc.; backgrounds complete

All statutory requirements have been met. Dillingham has not responded (notice sent 9/16/09).

1852 Tanana Sand Bar; City of Tanana

Transfer of location of a package store - community license to 249 Front St in Tanana; from 249 Third St.; backgrounds complete.

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

4725 Wings 'N Things; WingWorld Inc.

Transfer of ownership & name change of a restaurant/eating place license; located at 701 W 36th Ave Unit A17 in Anchorage; from Jens H. & Annelise Hansen; D.B.A. Olympic Sandwich & Catering; backgrounds not complete.

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

1140 Time Out Lounge; Icy Ivan Inc.

Transfer of ownership of a beverage dispensary license; located at 4600 Old Seward Hwy in Anchorage; from Apple Core Inc.; backgrounds not complete.

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

4912 Baranof Island Brewing Company; Baranof Island Brewing Company LLC

New brewery license; located at 212 Smith St Unit 4 in Sitka; backgrounds not complete.

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

END DELEGATED CONSENT AGENDA

Belen Cook **motions to approve**
Joe DelDonno **seconds the motion**

9:55:28 AM

Approved 5-0

Back on the record after lunch - [1:36:17 PM](#)

● **PROTESTS**

4584 Zephyr; Zephyr LLC

Attachment 4584

Restaurant/eating place license; located at 200 Seward St in Juneau. City & Borough of Juneau *protests* based on delinquent sales tax.

Present – CBJ – Beth McEwen; Joan Rumsburg; Barbara Ritchie
Hadar Suyum; Ben Brown - Atty

[1:40:50 PM](#)

Licensee is current on present fees & taxes, but cannot make payment on past amounts

Joe DelDonno **motions to uphold the protest**

Belen Cook **seconds the motion**

[1:48:06 PM](#)

Approved 5-0

2844 Sandbar, The; Sandbar Inc. **Attachment 2844**
Beverage dispensary license; located at 2525 Industrial Blvd in Juneau. City & Borough of Juneau *protests* based on delinquent sales tax.

Present – CBJ – Beth McEwen; Joan Rumsburg; Barbara Ritchie
Gail Neimi

[1:38:34 PM](#)

Ellen Ganley **motions to approve renewal with delegation, pending the removal of protest by the City & Borough of Juneau by December 30, 2009**

Joe DeIDonno **seconds the motion**

[1:40:33 PM](#)

Approved 5-0

3925 Rabbit's Foot; Rabbit's Foot Inc. **Attachment 3925**
Transfer of ownership, location & name change of a beverage dispensary license; located at 1000 Chena Hot Springs Rd in Fairbanks North Star Borough; from Todd Poage, located at 150 Farmers Lp Ext, D.B.A. Dogs Bar; background not complete.

All statutory requirements have *not* been met - FIRE *objects* based on no plan review in place. DEC has not responded.

Fairbanks North Star Borough *protests*, stating that relocation and transfer of the license would *not be in the best interests of the public.*

[10:40:04 AM](#)

Sally Stupik – FNSB Chief of Staff
Troy Poage - applicant
Cynthia Klepaski – FNSB Attorney

Cynthia [10:40:40 AM](#)

Sally Stupik [10:43:29 AM](#)

Mr. Poage (Mr. Klein) [10:44:16 AM](#)

Mr. Poage – thinks zoning is proper for this type of business – zoning was approved

Mr. Klein – What conditions were applied in previous meetings? –

Ms. Klepaski - restricted hours of operation; restricted operation to pizza-type business;

Mr. Klein – when were the three meetings? [10:50:16 AM](#)

Ms. Klepaski - Sept 10 – postponed; Sept 24 – resolution – conditions – alcohol served only when pizza/food is served; no alcohol after 2AM; postponed again until Oct. 8 – passed the protest

At the first meeting – 10 people testified; 3rd meeting - 7 people testified; 2nd meeting - many people testified (over 30 - Some people testified multiple times)

Discussion: [10:53:14 AM](#)

Ms. Ganley states that she listened to all of the testimony on the radio – many people were very concerned with a license at that location. “Premise” was referred to as a “rotting pile of logs”

Ellen Ganley **motions to deny the license transfer based on the protest by the FNSB**
Belen Cook **seconds the motion**

Request by Mr. DeIDonno to postpone until Mr. Poage can come up with a comprehensive plan.

Approved 5-0

- **OTHER FILINGS**

4446 Alaska 1910; Elizabeth Rollins **Attachment 4446**
Beverage dispensary license located at No Premise in Fairbanks North Star Borough.

Application for "1st" waiver. License history shows an agreement between licensee and former Director Griffin, through AAG Linda Kesterson, that no further waivers would be approved for this license.

Fees have not been accepted. Licensee provided a credit card number, but based on the difference in fees, staff chose not to charge fees until direction received from Board.

"1st" waiver fees would be \$1250.00

"6th" waiver fees would be \$40,000.00

[9:17:28 AM](#) [9:24:28 AM](#) (document refers to no future waivers)
[9:28:12 AM](#) Postpone until next meeting

4620 Highliner Lodge & Charters; James S. & Jill W. Daniels **Attachment 4620**
Application for restaurant designation permit denied by Pelican.

Began 10:09

[10:16:50 AM](#)

Was Pelican arbitrary, capricious, or unreasonable?

[10:20:09 AM](#)

Ellen Ganley **motions to approve** the issuance of the restaurant designation permit

Joe DelDonno **seconds the motion**

[10:23:19 AM](#)

Approved 5-0

4605 Justa Store; Michael Rasmussen **Attachment 4605**
Transfer of ownership, location, & name change of a package store license; located at 446 Old Chena Pump Rd in Fairbanks North Star Borough; from Alaska Liquor Distributors Inc., located at No Premise, D.B.A. No D.B.A.; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded (60 days as of 11/14/09.)

Begin approx 9:55

[10:03:21 AM](#)

Ellen Ganley **motions to approve** the license with delegation

Joe DelDonno **seconds the motion**

[10:09:27 AM](#)

Approved 5-0

4597 No DBA; Alaska Liquor Distributors, Inc. **Attachment 4597**
Package store - seasonal license located at No Premise in Fairbanks North Star Borough.

3rd Waiver 2009 Fees Paid

Dawn Murphy
Bill Vivlamore
[11:22:57 AM](#)

Ellen Ganley **motions to approve** the 3rd waiver with the understanding that there will be no future waivers for this license.

Joe DelDonno **seconds the motion**

[11:30:00 AM](#)
Approved 5-0

4605 No DBA; Alaska Liquor Distributors, Inc.; **Attachment – 4605**
Package store license located at No Premise in Fairbanks North Star Borough. (License is pending transfer of ownership/location – see page 8).

3rd Waiver 2009 Fees paid

[1:50:45 PM](#)

Is this fee required if the application is not acted upon?

Refund fees based on no action

Joe DelDonno **motions to instruct staff to refund fees for the waiver**

Ellen Ganley **seconds the motion**

[1:52:14 PM](#)
Approved 5-0

4374 Bear Creek Winery; Bear Creek Winery LLC **Attachment 4374**
Winery license renewal; located at 60203 Bear Creek Rd in Kachemak.

Objection to renewal from community member.

[10:24:18 AM](#)

[10:31:11 AM](#) Mr. Fry

[10:32:55 AM](#) Mrs. Fry

[10:37:11 AM](#) [10:37:11 AM](#) [10:37:12 AM](#)

Joe DelDonno **motions to approve**

Ellen Ganley **seconds the motion**

[10:37:51 AM](#)

Approved 5-0

- **BACKGROUND INFORMATION**

None

- **MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

None

- **EXPIRED LICENSES**

None

Date of next ABC Board meeting: **February 26, 2010**

Location of next ABC Board meeting: **Juneau**

ADDENDUM

- **BOARD CONSIDERATION (Cont.)**

Final regulations, prepared for approval by the Lieutenant Governor

Attachment – REG

[2:46:37 PM](#)

wineries selling to damp areas – what about other retailers?

Informational only!

Request approval to allow Destination Resort licensee to apply for catering

Attachment – DR

permits for whale watching cruises (for cruise ship passengers/staff while in port).

[2:48:45 PM](#)

- **OTHER FILINGS (Cont.)**

4504 Gold Rush Deli; Upriver Inc.

Transfer of location of a beverage dispensary license; located at 3399 Peger Rd # C in Fairbanks; backgrounds complete.

All statutory requirements have been paid. Fairbanks does not protest.

Joe DelDonno **motions to approve** the transfer of location

Ellen Ganley **seconds the motion**

[2:14:04 PM](#) - **Approved 4-1**

4505 Gold Rush Deli; Upriver Inc.

3rd Waiver 2009 Fees to be paid if waiver is required

No action on waiver application

[1:56:10 PM](#)

[2:14:47 PM](#)

Dan Coffey discussion.

Wasilla Apple Inc – Talkeetna location will not work – fuel oil spill

4th waiver? (submitted to the Board at the meeting – fees to be paid).

Director’s recommendation is to allow a 4th waiver, with no future waivers allowed for this license, based on the fact that there appears to have been a fuel oil spill within the premise, making it inoperable.

[2:33:20 PM](#)

Ms. Cook would prefer a motion to approve a 4th waiver with operation by Dec 1, 2010 and waiver of future appeal, no future waivers

Joe DelDonno motions to approve this final waiver; license must operate 30 days by Dec 2010; staff is responsible for drafting language stating that there will be no future waivers and that the licensee waives right to appeal

Belen Cook seconds the motion

Mr. Coffey agrees that this is the last waiver and that appeal rights are waived.

[2:35:57 PM](#) - **Approved 5-0**

- **BOARD CONSIDERATION (Cont.)**

175 Breakwater Inn Restaurant & Lounge; Q Enterprise Inc.

Beverage dispensary – tourism license located at 1711 Glacier Ave in Juneau.

Letter requesting board action/conditions to be placed on the license based on neighborhood issues related to the change in management of the bar within the licensed premise.

[1:52:29 PM](#)

No action

Ft Yukon - [2:54:29 PM](#)

The City of Fort Yukon is operating a city-run package store without benefit of an election for such. Director Gifford and AAG Novak are working closely with the City of Fort Yukon to place the correct language on a ballot for the voters to approve or deny a City-operated package store in the next election.

Meeting adjourned: [3:03:59 PM](#)