

State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
December 5, 2012

● **Board Members Present:**

Bob Klein, Chair
Ellen Ganley, Vice Chair
Marvin Yoder, Member
Belen Cook, Member
Ethan Billings, Member - Telephonic

Staff Members Present:

Shirley Cote', Director
Christine Lambert, Records & Licensing Supervisor

ABC Board Counsel Present

Harriet Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report [8:48:15 AM](#) [TAB 1](#)

● **ADMINISTRATION**

A. Approve minutes of the September 5, 2012 Board Meeting [9:00:15 AM](#) [TAB 2](#)

Ellen Ganley **motions to approve the minutes**
Belen Cook **seconds the motion**
Motion carried

Roll call vote [9:01:36 AM](#)
Approved 5-0

● **PUBLIC TESTIMONY** [9:02:03 AM](#)

Period of time for public testimony on issues not on this agenda.
Please phone 1-800-315-6338 code 222

● **BOARD CONSIDERATION**

- A. 5164 Westmark Inn Skagway:** Westmark Hotels, Inc.; Skagway [9:35:21 AM](#) [TAB 3](#)
Third & Spring Street
New – Beverage Dispensary Tourism Duplicate
- Marvin Yoder **moves to table the decision until February 12, 2013 meeting**
Belen Cook **seconds the motion**
- Request licensee provide a detailed premises diagram**
- Roll call vote [9:42:21 AM](#)**
Approved 5-0
- B. 4737 City of Nulato Package Store:** City of Nulato [9:43:02 AM](#) [TAB 4](#)
163 Nik’aghun Street
Reduced Hours of Operation Request
- Belen Cook **motions to allow reduced hours for City of Nulato**
Ethan Billings **seconds the motion**
- Roll call vote [9:45:25 AM](#)**
Approved 5-0
- C. 3121 Motherlode Lodge:** B Jill Reese; Mat-Su Borough [9:58:41 AM](#) [TAB 5](#)
US Survey #3105
Third Waiver Fee Request
- Ellen Ganley **motions to approve 3rd waiver with understanding that 4th waiver will not be granted**
Belen Cook **seconds the motion**
- Roll call vote [10:02:31 AM](#)**
Approved 5-0
- Board approves delay of waiver fee payment until sale of license proceeds are available**
- D. 5166 Wings of Alaska:** SeaPort Airlines Inc.; Gustavus [10:04:52 AM](#) [TAB 6](#)
#5 Airport Road
New – Beverage Dispensary Tourism
- Ellen Ganley **motions to approve seasonal license**
Belen Cook **seconds the motion**
Roll call vote [10:15:51 AM](#)
Approved 5-0

E. Liability Insurance for Liquor Licensees

[10:24:53 AM](#)

[TAB 7](#)

Toby Smith from Rep. Gara's office presents to Board incident which began this discussion; an assault on licensed premises occurred and licensee did not have liquor liability insurance. Request mandatory liability insurance for liquor licensees.

Dale Fox, CHARR presents problems of requiring liability insurance. Assaults are not always covered under insurance policy. Only 2 insurance companies offer liability insurance in Alaska. Small pool of insured leads claims to increase cost of insurance. Cost of insurance can become prohibitive to obtain for licensees.

Mike Dennis, Insurance Broker informs Board that probably more than 95% of businesses carry liability insurance currently. Vast geography and scattered population will limit insurance companies willing to insure in Alaska. Fewer insurance companies will drive and increase the price of insurance.

Ellen Ganley believes that this is a topic for the local governing body to consider implementing.

F. **225 Chilkoot Charlie's:** Jadon Inc.; Anchorage
2435 Spenard Road
Request NOV's Removed from License File

[10:50:12 AM](#)

[TAB 8](#)

Max Garner, Attny. for Jadon Inc. requests the Board recommend removal of NOV 10-1362 and 12-0349 from liquor license files numbers 3817 & 225.

ABC Board requests of Director to: Present to the ABC Board February 2013 meeting policy that gives the Board greater assurance that dismissed NOV's will not be presented to the Board and/or the local governing body or used in making decisions regarding renewal of liquor license applications.

G. **4355 Kenai Landing:** Kenai Landing Inc.; Kenai
2101 Bowpicker
Change of Controlling Interest

[11:46:16 AM](#)

[TAB 9](#)

Board requested that all fingerprints for owners of 10% or more be submitted to the ABC Board before February 12, 2013 Board meeting.

- H. 3009 Casa Grande: Ownership in Dispute; Anchorage** [12:09:51 PM](#) [TAB 10](#)
No Location
3rd Waiver Fee Request

Ellen Ganley **motions to approve 3rd waiver with understanding that 4th waiver for this license will not be granted**
Belen Cook **seconds the motion**

Roll call vote [12:16:26 PM](#)
Approved 5-0

Ellen Ganley **motions to waive the 3rd waiver fee**
Belen Cook **seconds the motion**

Roll call vote [12:18:27 PM](#)
Approved 5-0

- I. Regulation – Wine Clubs** [1:01:39 PM](#) [TAB 11](#)

Ellen Ganley **motions to accept emails and fax for the written order database**
Marvin Yoder **seconds the motion**

Roll call vote [1:24:20 PM](#)
Approved 5-0

Marvin Yoder **motions to amend prior motion requiring that the language in this proposed regulation be identical to the language in the existing regulation**
Ellen Ganley **seconds the motion**

Roll call vote [1:23:41 PM](#)
Approved 5-0

- J. Recommend Investigator Brandon Hunter to Carry Firearm** [9:47:15 AM](#) [TAB 12](#)

Belen Cook **motions to approve Investigator Hunter carry a firearm**
Ellen Ganley **seconds the motion**

Roll call vote [9:49:36 AM](#)
Approved 5-0

- K. Discussion From Work Group Session** [1:25:12 PM](#) **TAB 13**
1. Duplicate Licenses [1:26:05 PM](#)
Dale Fox, CHARR presents CHARR stakeholder meeting results. Most members were reluctant to see statute changes to duplicate license statutes. Members overall wanted ABC Board to interpret the duplicate licenses rather strictly. ABC Board has preferred, and members liked the following: Duplicate licenses should be under same roof, contiguous and not allowed outside of the building. Need for different rules regarding rules for hotels, resorts and golf courses. Resorts need more flexible rules due to large investments made to tourism.
- Harriett Milks, AAG states Board may want to begin by defining licensed premises and specific address. [1:38:01 PM](#)
- 2. Title 4 Review Steering Committee** [1:53:21 PM](#)
- L. TINT Paint Studio** [2:10:41 PM](#) **TAB 14**
- **EXECUTIVE SESSION** [2:34:09 PM](#)
Matters Required to be Confidential
- Marvin Yoder **motions to go into Executive Session**
Ellen Cook **seconds the motion**
Roll call vote [2:34:54 PM](#)
Approved 5-0
- Ellen Ganley **motions to come out of Executive Session** [3:25:22 PM](#)
Belen Cook **seconds the motion**
Roll call vote [3:25:26 PM](#)
Approved 5-0
- M. Cache Creek Lodge:** Cal Hutcheson; Mat-Su Borough [3:25:43 PM](#) **TAB 15**
Mile 114.8 Parks Hwy.
Renewal – Beverage Dispensary - Tourism
- Board will decide number of rooms licensee must have when transfer of ownership application received. No vote necessary.**
- N. Malemute Saloon/Ester Gold Camp:** Malemute Inc; Fairbanks [3:42:58 PM](#) **TAB 16**
North Star Borough
3175 College Road, Ste. 1
Renewal – Beverage Dispensary - Tourism
Number of rental rooms does not meet statute requirement
- Ellen Ganley **motions to waive population requirement**
Belen Cook **seconds the motion**
Roll call vote [3:46:39 PM](#)

Approved 5-0

● **TOURISM LICENSES - RENEWALS**

- 3927 Clarion Suites:** Chenega Commercial Holdings, LLC; Anchorage
1100-1110 W Eighth Ave.
Renewal – Beverage Dispensary - Tourism

TAB 17

1:55:54 PM

All statutory requirements have been met. Anchorage has been notified.

Belen Cook **motions to approve renewal application**
Marvin Yoder **seconds the motion**

Roll call vote 1:57:27 PM
Approved 5-0

- 954 Reluctant Fisherman Inn:** Cannery Row, Inc.; Cordova
407 Railroad Ave
Renewal – Beverage Dispensary - Tourism

TAB 18

1:57:39 PM

All statutory requirements have been met. Cordova has been notified.

Ellen Ganley **motions to approve renewal application**
Marvin Yoder **seconds the motion**

Roll call vote 1:59:01 PM
Approved 5-0

● **RESTAURANT EATING PLACE – PUBLIC CONVENIENCE**

- 5192 Clove Hitch Café:** Clove Hitch Café, LLC; Gustavus
1250 Gustavus Road
New – Restaurant Eating Place Public Convenience

TAB 19

1:59:12 PM

All statutory requirements have been met. Pending no protest from City of Gustavus.
Dept. of Environmental Conservation and State Fire Marshall's office approve.
Background investigations pending.

Ellen Ganley **motions to approve with delegation**
Marvin Yoder **seconds the motion**

Roll call vote 2:07:17 PM
Approved 5-0

5189 Golden China: Sunny Kim Song; City of Nome
231 W Front Street
New – Restaurant Eating Place Public Convenience

TAB 20
2:07:26 PM

All statutory requirements have been met. City of Nome does not protest. Dept. of Environmental Conservation and State Fire Marshall's office approve. Temporary license has been issued. Background investigations complete.

Ellen Ganley **motions to approve**
Belen Cook **seconds the motion**

Roll call vote **2:07:46 PM**
Approved 5-0

5186 Noodles: Crystal, LLC; City of Kodiak
1247 Mill Bay Road
New – Restaurant Eating Place Public Convenience

2:07:57 PM

All statutory requirements have been met. City of Kodiak does not protest. Dept. of Environmental Conservation approves. Temporary license has been issued. Background investigations pending.

Belen Cook **motions to approve with delegation**
Ellen Ganley **seconds the motion**

Roll call vote **2:08:23 PM**
Approved 5-0

5195 The Sourdough: Katherine R. Kysar
1316 Ocean Drive
New – Restaurant Eating Place Public Convenience

2:08:32 PM

All statutory requirements have been met. Pending City of Homer no protest. Dept. of Environmental Conservation and State Fire Marshall's Office approve. Background investigation pending.

Marvin Yoder **motions to approve with delegation**
Belen Cook **seconds the motion**

Roll call vote **2:09:00 PM**
Approved 5-0

- 5187 Zushi:** Daniel J. Yang; City of Wasilla
1731 E Palmer-Wasilla Hwy. #200
New – Restaurant Eating Place Public Convenience

TAB 23
2:09:07 PM

All statutory requirements have been met. City of Wasilla does not protest. Dept. of Environmental Conservation and State Fire Marshall's Office approve. Temporary license has been issued. Background investigation pending.

Ellen Ganley **motions to approve with delegation**
Marvin Yoder **seconds the motion**

Roll call vote 2:09:29 PM
Approved 5-0

● **DELEGATED CONSENT AGENDA**

TAB 24
9:03:34 AM

- 3674 1st & Last Liquor:** James & Janice Bruton; Outside City Limits, Unorganized Borough
Mile 1226 Alaska Hwy.
Transfer – Package Store
From: Michael E. Larson

All statutory requirements have been met. Dept. of Labor and Dept. of Revenue approve. Background investigations pending.

- 416 2Go Tesoro:** Tesoro Northstore Company; Mat-Su Borough
3600 E Palmer-Wasilla Hwy.
Transfer – Package Store
From: North Shore Liquor, Inc; dba North Store Liquor; 3610 N Burkeshore Drive

All statutory requirements have been met. Mat-Su Borough has lifted protest. Dept. of Revenue and Dept. of Labor approve. Pending lift of protest from Central Mat-Su Fire Dept.

- 62 Anchor Bar & Grill:** Tiny Wings, Inc.; City of Cordova
207 Breakwater Avenue
Transfer – Package Store
From: Dean Buser & Levitta Burks, dba Anchor Liquor Store

All statutory requirements have been met. City of Cordova does not protest. Dept. of Labor and Dept. of Revenue approve. Background investigations pending. Temporary has been issued.

61 Anchor Bar & Grill: Tiny Wings, Inc.; City of Cordova
207 Breakwater Avenue
Transfer –Beverage Dispensary
From: Dean Buser & Levitta Burks, dba Anchor Liquor Store

All statutory requirements have been met. City of Cordova does not protest. Dept. of Labor and Dept. of Revenue approve. Background investigations pending. Temporary has been issued.

110 Bering Sea Saloon: T & C Corporation; City of Nome
No Location
Transfer – Beverage Dispensary
From: Stanley Sobocienski

All statutory requirements have been met. City of Nome does not protest. Dept. of Labor and Dept. of Revenue approve.

2822 Big Johns: Irimi, Inc.; Kenai Peninsula Borough
41437 Sterling Hwy.
Transfer – Package Store
From: Sterling Liquor, Inc.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Dept. of Labor and Dept. of Revenue approve. Background investigations pending. Temporary has been issued.

3692 College Wine & Liquor: George & Dawn Rasmussen; Fairbanks North Star Borough
1986 College Road
Transfer – Package Store
From: dba Justa Store, No Location

All statutory requirements have been met. Fairbanks North Star Borough does not protest. State Fire Marshall's Office approves. Temporary has been issued.

5193 Era Aviation N842EX: Era Aviation, Inc.
Alaskan Skies
New – Common Carrier

All statutory requirements have been met. Temporary has been issued.

542 Geraldo's Restaurant: Garlic Lovers, Inc.; City of Fairbanks
701 College Road

Transfer – Beverage Dispensary

From: Kishan Group, Inc., dba Husky Lounge, 1521 E Cushman

All statutory requirements have been met. City of Fairbanks does not protest. Dept. of Environmental Conservation, Dept. of Labor and Dept. of Revenue approve. Temporary has been issued.

5184 Hawk's Rest LLC: Hawk's Rest LLC; Municipality of Anchorage
601 W 58th Ave. M14

New – Wholesale Malt Beverage & Wine

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary license has been issued. Background investigations pending.

4970 Kay's Family Restaurant: CNY, Inc.; Municipality of Anchorage
3002 Spenard Road #101

Transfer – Restaurant Eating Place

From: Bistro 907 LLC

All statutory requirements have been met. Dept. of Labor and Dept. of Revenue approve. Pending no protest from Municipality of Anchorage. Background investigations pending.

5185 Phonatik Vietnamese Cuisine: Chheum Enterprises; Municipality of Anchorage
901 E Dimond Blvd. #A

New – Restaurant Eating Place

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary license has been issued. Background investigations pending.

901 Polar Bar: Polar Bar, Inc.; Municipality of Anchorage
507 E Fifth Avenue

Transfer – Beverage Dispensary

Stock transfer from Everett Vaughn to Sheilah Buffington & Stanley Simmons (33.3% each)

All statutory requirements have been met. Anchorage does not protest. Background investigations pending.

5182 Port Chilkoot Distillery: Port Chilkoot Distillery, LLC; City & Borough of Haines
34 Blacksmith Street
New - Distillery

Not all statutory requirements have been met – waiting on TTB approval. Haines does not protest. State Fire Marshall’s Office approves. Background investigations pending.

1081 Squires: Shayz, LLC; City of Juneau
11806 Glacier Highway
Transfer – Beverage Dispensary
From: Auke Bay Inn, Inc., dba Auke Bay Inn

All statutory requirements have been met. City of Juneau does not protest. Dept. of Labor and Dept. of Revenue approve. Temporary license has been issued. Background investigations pending.

4715 The Odom Corporation: The Odom Corporation; City of Juneau
3143 Channel Drive
Transfer – Wholesale – Malt Beverage & Wine
From: 2266 Industrial Blvd.

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

5181 Ursa Major Distilling: Robert Borland; Fairbanks North Star Borough
3738 Mariposa Lane
New - Distillery

All statutory requirements have been met. Fairbanks North Star Borough does not protest. State Fire Marshall’s Office approves. Temporary license has been issued. Background investigations pending.

5150 Yakitori Sushi House: Choonchit Shim; Municipality of Anchorage
2834 E. Tudor Road, Ste. B
New – Restaurant Eating Place

All statutory requirements have been met. Anchorage does not protest. Temporary license has been issued. Background investigations complete.

Marvin Yoder motions to approve delegated consent agenda
Belen Cook seconds the motion

Roll call vote [9:07:11 AM](#)
Approved 5-0

END OF DELEGATED CONSENT AGENDA

● **FIRST AND SECOND WAIVERS - CONSENT**

TAB 25
9:07:39 AM

1st Waivers

- 4948** Alaska Wine & Spirits
License: Package Store
No Location, Anchorage
- 1441** Acres Beverage Center
License: Package Store - Seasonal
Airport Road/Richardson Hwy, Valdez
- 209** Mad Fish Restaurant
License: Restaurant Eating Place - Seasonal
221 Fulmor Ave., Seldovia
- 1019** Seldovia Liquor Store
License: Package Store
281 Main Street, Seldovia
- 5114** Winter Dreams
License: Package Store
2300 E 88th Ave., Anchorage
- 4528** Yes International Bistro
License: Restaurant Eating Place
3801 Debarr Road, Anchorage
- 2nd Waivers**
- 4948** Alaska Wine & Spirits
License: Package Store
No Location, Anchorage
- 1294** Gwin's Lodge
License: Package Store
No Location, Kenai Peninsula Borough
- 484** Gwin's Lodge
License: Beverage Dispensary
No Location, Kenai Peninsula Borough

416 North Shore Liquor, Inc.
License: Package Store
3610 N Burkeshore Drive, Mat-Su Borough

Ellen Ganley **motions to approve first & second waivers**
Marvin Yoder **seconds the motion**

Roll call vote [9:09:18 AM](#)
Approved 5-0

● **THIRD WAIVERS**

3009 Casa Grande – See Board Consideration Tab 10
License: Beverage Dispensary
No Location, Anchorage

● **NOTICE OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses

TAB 26

● **NEXT ABC BOARD MEETING – February 12, 2013**

[9:09:36 AM](#)

Minutes reviewed & approved by:

Shirley A. Coté, Director *Shirley A. Coté*

Christine C. Lambert, Records & Licensing Supervisor *Christine C. Lambert*