

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**Anchorage Meeting Minutes**  
**December 10, 2013**

**Board Members Present:**

Bob Klein, Chair  
Ellen Ganley, Vice Chair - Telephonic  
Ethan Billings, Member  
Marvin Yoder, Member  
Bobby Evans, Member

**Staff Members Present:**

Shirley Coté, Director  
Bob Beasley, Enforcement Unit Supervisor  
Christine Lambert, Records & Licensing Supervisor  
Gil Nelson, Administrative Assistant

**ABC Board Counsel Present:**

Harriett Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report [8:49:10 AM](#) [TAB 1](#)

● **ADMINISTRATION**

A. Approve minutes of the October 2, 2013 Board Meeting [9:04:36 AM](#) [TAB 2](#)

Ethan Billings **motions to approve the minutes**  
Marvin Yoder **seconds the motion**  
**Motion carried**

**Roll call vote** [9:04:51 AM](#)  
Approved 5-0

● **PUBLIC TESTIMONY**

[9:05:20 AM](#)

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

Robin Sue Jeffery  
Speaks to the term “knowingly allows” and discusses public harm  
of alcohol consumption. [9:05:52 AM](#)

B. Strategic Prevention Framework State Incentive Grant [9:40:43 AM](#) [TAB 3](#)  
Presentation by Diane Casto, DHSS

● **REGULATIONS**

- A. Recreational Site License [10:09:25 AM](#) **TAB 4**
- Sheri Musgrave, Alaska State Fair (Director Coté read letter into the record) [10:10:59 AM](#)
- Director Coté read proposed 3 AAC 304 Recreational Site License into record [10:13:05 AM](#)
- Director Coté provided history of the regulation review [10:14:07 AM](#)
- John Koltun, Anchorage Ski Club [10:17:51 AM](#)
- Joe Wooden, SMG – Sullivan Arena [10:30:42 AM](#)
- Robert Brewster, Alaska Club [10:42:41 AM](#)
- Fred Odsen, representing Minnesota Billiards [10:57:10 AM](#)
- Chris Meier, Alaska Travel Adventures [11:10:58 AM](#)
- Eric Moore, Valley Cinemas [11:16:35 AM](#)
- John Schweiger, Backstage Bistro/Valley Cinemas [11:31:44 AM](#)
- Ellen Ganley **motions to table discussion**
- Bobby Evans **seconds the motion**
- Motion carried**
- Roll call vote [11:43:32 AM](#)**
- Approved 5-0

● **BOARD CONSIDERATION**

- A. **838 Alaska Roadhouse Bar & Grill:** Alaska Roadhouse Co.; Kenai Peninsula Borough [1:03:15 PM](#) **TAB 5**  
**Request for transfer of security interest**
- No motion necessary
- B. **866 Pioneer Bar:** Old Times, Inc., Anchorage [1:16:24 PM](#) **TAB 6**  
**Clarification of transfer with security interest**
- No motion necessary

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions **TAB 7**

- B. 2616 Chepo's Fiesta:** Jose Nanez; Wasilla [1:34:08 PM](#) [TAB 8](#)  
**License: Beverage Dispensary**  
731 W Parks Highway
- Violations: 1. Furnishing Alcohol to a Person Under 21**  
**2. Failure to Maintain Alcohol Server Education**
- Marvin Yoder **motions to suspend liquor sales for 30 days with 30 days suspended, no further violations for one year**  
Ethan Billings **seconds the motion**  
**Motion carried**
- Roll call vote [1:45:49 PM](#)**  
Approved 4-1  
Bobby Evans voted No
- C. 688 In and Out Bush Liquor #2:** Kay, Inc.; Anchorage [1:46:34 PM](#) [TAB 9](#)  
(DBA Changed to In & Out Wine & Bush Liquor #2)  
**License: Package Store**  
1100 W Benson Blvd
- Violation: Furnishing Alcohol to a Person Under 21**
- Ellen Ganley **motions to suspend liquor sales for 45 days with 38 days suspended, \$500.00 fine and no further violations for one year**  
Bobby Evans **seconds the motion**  
**Motion carried**
- Roll call vote [1:54:56 PM](#)**  
Approved 4-1  
Ethan Billings voted No
- D. 4325 Old Power House Restaurant:** Ocean Enterprises of Alaska [1:55:38 PM](#) [TAB 10](#)  
Inc.; Kodiak  
**License: Beverage Dispensary**  
516 E Marine Way
- Violations: 1. Responsibility of Licensees, Agents, & Employees**  
**2. Licensed Premises**
- Bobby Evans **motions to suspend liquor sales for 30 days with 23 days suspended, no further violations for one year**  
Marvin Yoder **seconds the motion**  
**Motion carried**
- Roll call vote [2:14:13 PM](#)**  
Approved 5-0

● **BEVERAGE DISPENSARY TOURISM – NEW**

[9:24:39 AM](#)

**TAB 11**

- 5252 Navigator Lounge:** Allstar Alliance Company; Kodiak Island Borough  
1633 Airport Way (Kodiak Airport)  
**New – Beverage Dispensary – Tourism**

All statutory requirements have been met. Kodiak Island Borough and Dept. of Environmental Conservation approve. Background investigations complete. Temporary has been issued.

Marvin Yoder **motions to approve**  
Ethan Billings **seconds the motion**  
**Motion carried**

**Roll call vote** [9:28:45 AM](#)  
Approved 5-0

● **DELEGATED CONSENT AGENDA**

[9:14:20 AM](#)

**TAB 12**

- 5262 Aha Oriental Kitchen:** Moonstone, LLC; Fairbanks  
996 Blair Road  
**New – Restaurant / Eating Place**

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

- 4466 American Legion Post 30:** Con Miller Post 30 The American Legion;  
Fairbanks North Star Borough: 3614 Old Richardson Highway  
**Transfer – Club**  
From: 3481 Old Richardson Highway

All statutory requirements have been met. Fairbanks North Star Bor. does not protest. Pending Dept. of Environmental Conservation and State Fire Marshal. Background investigations complete.

- 1085 Kharacters:** Wonderful, LLC; Homer  
3851 Shelford Street  
**Transfer – Beverage Dispensary**  
From: L & S, Inc.

All statutory requirements have been met. Dept. of Labor approves. Pending City of Homer and Dept. of Revenue. Background investigations pending.

**5263 Lemongrass Thai Cuisine:** Navachai, Inc.; Fairbanks North Star Borough  
388 Old Chena Pump Road, Ste K  
**New – Restaurant / Eating Place**

All statutory requirements have been met. Fairbanks North Star Borough approves.  
Dept. of Environmental Conservation approves. Background investigations pending.  
Pending State Fire Marshal.

**3460 Long Creek Trading Post:** Long Creek Trading Post, LLC; Fairbanks North Star Bor.  
8721 Steese Highway  
**Transfer – Package Store**  
From: Larry W. Walters

All statutory requirements have been met. Dept. of Labor and Revenue approve.  
Pending Fairbanks North Star Borough. Background investigations pending.

**534 No DBA:** Burkeshore Marina Enterprises, LLC; Houston  
No Premises  
**Transfer – Package Store**  
From: Edward Evans, Inc. d/b/a Houston Lodge

All statutory requirements have been met. Dept. of Revenue approves.  
Pending City of Houston and Dept. of Labor. Background investigations pending.

**2847 No DBA:** Scruff N Pork's, Inc.; Fairbanks  
No Premises  
**Transfer – Beverage Dispensary**  
From: John J. Lounsbury d/b/a The Attic; 2701 Cushman Street

All statutory requirements have been met. Dept. of Labor approves.  
Pending City of Fairbanks and Dept. of Revenue. Background investigations complete.

**5264 The Norwegian Rat:** M&M Holdings, Inc.; Unalaska  
1906 Airport Beach Road  
**New – Beverage Dispensary**

All statutory requirements have been met. City of Unalaska does not protest.  
Pending Dept. of Environmental Conservation and State Fire Marshal.  
Background investigations pending.

**5248 Vino's:** Vino's, Inc.; Fairbanks North Star Bor.  
4371 Dartmouth Road, #A  
**New – Wholesale – Malt Beverage and Wine**

All statutory requirements have been met. Fairbanks North Star Bor. does not protest.  
Pending State Fire Marshal. Background investigations complete.

**4438 White Mountains Café:** Long Creek Trading Post, LLC; Fairbanks North Star Bor.  
8721 Steese Highway  
**Transfer – Restaurant / Eating Place**  
From: Larry W. Walters

All statutory requirements have been met. Dept. of Labor and Revenue approve.  
Pending Fairbanks North Star Borough. Background investigations pending.

Ethan Billings **motions to approve delegated consent agenda**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote [9:17:00 AM](#)**  
Approved 5-0

#### **END OF DELEGATED CONSENT AGENDA**

#### ● **PROTESTS**

A. **321 Chili's Bar and Grill:** Peppers North, LLC; Anchorage [2:14:48 PM](#) **TAB 13**  
800 E Dimond Blvd, #162  
**Transfer – Beverage Dispensary**  
From: George's Homestead Lounge, LLC  
d/b/a George's Homestead Lounge; 10240 Old Seward Highway

All statutory requirements have been met. Dept. of Revenue approves.  
Background investigations completed. Pending Dept. of Labor.  
**Anchorage protests pending approval from Anchorage Fire,  
Planning, and Health & Human Services.**

Ellen Ganley **motions to uphold protest and delegate consent if  
protested lifted**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote [2:17:15 PM](#)**  
Approved 5-0

- B. 5260 Hard Rock Café:** Hard Rock Café International (STP), Inc.; [1:30:18 PM](#) [TAB 14](#)  
Anchorage: 415 E Street  
**New – Beverage Dispensary – Duplicate**

All statutory requirements have been met.

Background investigations complete.

**Anchorage protests pending approval from Anchorage Health & Human Services Department. Protest has been lifted per Director Coté.**

Marvin Yoder **motions to uphold protest and delegate consent if protested lifted**

Bobby Evans **seconds the motion**

**Motion carried**

**Roll call vote** [1:33:43 PM](#)

Approved 5-0

- C. 5154 I Luv Sushi:** B.M.K., LLC; Anchorage [2:17:38 PM](#) [TAB 15](#)  
3826 Spenard Road  
**Transfer – Restaurant / Eating Place**  
From: Tempura Kitchen, LLC

All statutory requirements have been met. Depts. of Revenue & Labor approve. Background investigations complete.

**Anchorage protests due to taxes owed to the MOA and pending approval from Anchorage Fire & Building Safety Depts.**

Marvin Yoder **motions to uphold protest and delegate consent if protested lifted**

Ethan Billings **seconds the motion**

**Motion carried**

**Roll call vote** [2:18:10 PM](#)

Approved 5-0

D. 1. **4200 No DBA:** Texas Roadhouse Holdings, LLC;

[2:18:20 PM](#) TAB 16

Anchorage: No Premises

**Transfer – Beverage Dispensary**

From: Duke Investments, LLC d/b/a Chili’s Grill & Bar;  
1811 Abbot Road

All statutory requirements have been met.

Anchorage does not protest. Dept. of Revenue approves.

Background investigations pending. Dept. of Labor approves.

**Lien prohibiting transfer from former employee, Evanjelina Gonzalez.**

2. **4200 Texas Roadhouse:** Texas Roadhouse Holdings, LLC;

Anchorage: 1154 North Muldoon Road

**Transfer – Beverage Dispensary**

From: No Premises; No DBA

All statutory requirements have been met.

**Anchorage protests pending approval of Conditional Use Permit and Anchorage Fire Dept.**

Marvin Yoder **motions to uphold protest and delegate consent if protested lifted**

Bobby Evans **seconds the motion**

**Motion carried**

**Roll call vote** [2:48:58 PM](#)

Approved 5-0

● **CONSENT AGENDA**

[9:12:50 AM](#)

TAB 17

**4694 La Mex:** La Mexicana, Inc.; Anchorage

2550 Spenard Road

**Transfer – Beverage Dispensary**

From: No Premises d/b/a La Mex Too

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

Background investigations complete. Temporary has been issued.

**4356 Backstage Bistro:** Coming Attractions Theatres, Inc.; Wasilla

3331 E Old Matanuska Road

**Transfer – Restaurant / Eating Place**

From: K & L Enterprise, LLC d/b/a BurgundyHorse; 300 W Swanson Avenue

All statutory requirements have been met. Dept. of Revenue approves. City of Wasilla does not protest. Pending Dept. of Labor. Background investigations complete.



**2385 Party Time Plaza Liquor:** Trader Jim's, Inc.; Anchorage  
5520 Lake Otis Parkway, Ste 107  
**Stock Transfer – Package Store**  
From: Jae Gak Lee (50%) to Ae Kyong Lee

All statutory requirements have been met. Anchorage does not protest.  
Depts. of Labor & Revenue approve. Background investigations complete.

**5231 Suwanna Café:** Suwanna Café, LLC.; Juneau  
8800 Glacier Highway, Ste 100  
**New – Restaurant / Eating Place**

All statutory requirements have been met. City & Borough of Juneau does not protest.  
Dept. of Environmental Conservation approves. Background investigations complete.

**5261 The Rack:** Paul & Mikki's, Inc.; Dillingham  
3310 Nina Way  
**New – Restaurant / Eating Place**

All statutory requirements have been met. Dillingham does not protest.  
Dept. of Environmental Conservation & State Fire Marshal approve.  
Background investigations complete.

**5257 Tokyo Garden:** Young S. Tang; Anchorage  
550 W Tudor Road  
**New – Restaurant / Eating Place**

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

**4459 Turnagain Arm BBQ Pit:** Turnagain Arm BBQ, LLC; Anchorage  
3637 Old Seward Highway  
**Transfer – Restaurant / Eating Place**  
From: Chiang Mai, Inc. d/b/a Chiang Mai Ultimate Thai

All statutory requirements have been met. Anchorage does not protest. Dept. of Labor &  
Revenue approve. Background investigations complete. Temporary has been issued.

Marvin Yoder **motions to approve consent agenda**  
Ethan Billings **seconds the motion**  
**Motion carried**

**Roll call vote [9:14:08 AM](#)**  
Approved 5-0

● **FIRST AND SECOND WAIVERS**

[9:18:26 AM](#)

**TAB 18**

**1<sup>st</sup> Waivers**

**5157** Asuka II, MV

**License:** Common Carrier  
Alaska Waters

**410** Forks Roadhouse

**License:** Beverage Dispensary  
No Premises; Matanuska-Susitna Borough

**4835** Henri Hawaii

**License:** Beverage Dispensary  
201 E Northern Lights Blvd, Ste B; Anchorage

**996** La Bodega

**License:** Package Store  
194 Olympic Mountain Loop #C107; Anchorage

**1248** Nome Liquor Store

**License:** Package Store  
205 Front Street; Nome

**4686** Sicily's Pizza

**License:** Beverage Dispensary  
259 S McCallister Drive; Matanuska-Susitna Borough

**2<sup>nd</sup> Waivers**

**5170** La Bodega

**License:** Package Store  
1200 W Northern Lights Blvd, Ste F; Anchorage

**2267** Red Robin

**License:** Beverage Dispensary  
No Premises; Anchorage

Ellen Ganley **motions to approve first and second waivers ( all deemed no operation due to no fault of licensee)**

Marvin Yoder **seconds the motion**

**Motion carried**

**Roll call vote** [9:20:49 AM](#)

Approved 5-0

**END OF CONSENT AGENDA**

● **THIRD WAIVERS**

- 110 Bering Sea Saloon [2:49:48 PM](#) TAB 19  
**License:** Beverage Dispensary  
No Premises; Nome  
  
**Postponed until next meeting – licensee not available**
- 534 Houston Lodge [2:50:29 PM](#) TAB 20  
**License:** Package Store  
No Premises; Houston  
  
Ethan Billings **motions to approve with warning that a fourth waiver will not be granted**  
Marvin Yoder **seconds the motion**  
**Motion carried**  
  
**Roll call vote [2:52:09 PM](#)**  
Approved 5-0
- 826 No DBA (Serrano’s, LLC) [2:52:50 PM](#) TAB 21  
**License:** Beverage Dispensary  
No Premises; Anchorage  
  
Marvin Yoder **motions to approve with warning that a fourth waiver will not be granted**  
Bobby Evans **seconds the motion**  
**Motion carried**  
  
**Roll call vote [2:55:28 PM](#)**  
Approved 5-0
- 2267 Red Robin [2:55:49 PM](#) TAB 22  
**License:** Beverage Dispensary  
No Premises; Anchorage  
  
Marvin Yoder **motions to approve with warning that a fourth waiver will not be granted**  
Ethan Billings **seconds the motion**  
**Motion carried**  
  
**Roll call vote [2:58:02 PM](#)**  
Approved 5-0

● **EXECUTIVE SESSION**

- A. Subject that would tend to prejudice the reputation and character of a person.

12:29:51 PM TAB 23

Marvin Yoder **motions to go into executive session**  
Ethan Billings **seconds the motion**  
**Motion carried**

**Executive Session Ends** 1:02:58 PM

- B. Subject that would tend to prejudice the reputation and character of a person.

2:58:33 PM TAB 23

Marvin Yoder **motions to go into executive session**  
Ethan Billings **seconds the motion**

**Executive Session Ends** 3:16:57 PM

**Meeting Adjourned** 3:18:23 PM

● **NOTICE OF VIOLATION**

- A. Notices of Violation Issued and Licensee Responses

TAB 23

● **NEXT ABC BOARD MEETING February 11, 2014 - Juneau**

Minutes reviewed & approved by:

Shirley A. Coté, Director Shirley A. Coté

Date: 12/16/13

Christine C. Lambert, Rec.& Lic. Supervisor Christine C. Lambert

Date: 12-16-13