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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 7-17-14
Number AB14-0767
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Hooligans Lodging & Saloon, Inc.	License Number 3134	Type of License Beverage Dispensary - Tourism
D.B.A. Copper Top Lounge	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Soldotna Police Department
Street or P.O. Box 44715 Sterling Highway	City, State Soldotna, AK	Zip 99669

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 6-23-14 this office received notification from the Soldotna Police Department that you were allowing persons to be served alcoholic beverages on an outside patio. Information from Soldotna officials were that the patio was constructed without permits and those city officials were not approving the construction. A check of ABC Board records revealed that the patio was not approved as an extension of your licensed premises. These are violations of Title IV

Your attention is directed to **3AAC304.185: Licensed premises, AS04.16.120: Removal or introduction of alcoholic beverages; AS04.16.150: Licensee responsible for violations and AS04.21.030: Responsibility of licensees, agents and employees.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**


Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: SPD Officer Mitchel Burdick
Filed By: <i>JR Hamilton</i>	Title: Investigator III

7009 2820 0001 7253 1869

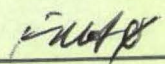
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Address</p>	
<p>1. Article Addressed to:</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p> </p> <p>Hooligans Lodging & Saloon, Inc. d.b.a. Copper Top Drinks & Dinner 44715 Sterling Hwy Soldotna, Ak 99669</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number</p> <p>7009 2820 0001 7257 0015</p> <p>(Transfer from service label)</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, February 2004</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501



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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: November 24, 2014

FROM: Cynthia Franklin
Director, ABC Board

RE: FuSions #598

Question for the Board:

- 1) Will the Board reduce or rescind the \$10,000 fine assessed against FuSions at the October 8, 2014 board meeting in light of Hong & Lees, Inc.'s letter surrendering its license?

On October 8, 2014 at its regular meeting, the board fined Hong & Lees, Inc., owner of FuSions, \$10,000.00 as a sanction for leasing its license, in addition to suspending the license until a management agreement approved by the director was in place. Since October 8, the director and enforcement supervisor met twice with Kisang Cho, majority owner of Hong & Lees.

Mr. Cho provided the director with a letter stating that he wishes to surrender beverage dispensary – tourism license # 598 and cease to sell alcohol at his business. Mr. Cho has requested that the board reduce or rescind the fine in light of his surrender of the license.

Mr. Cho expressed his intention to appear before the board in person on December 1, 2014, to explain his reasons for surrendering the license. The director informed Mr. Cho that because the board assessed the fine, only the board could vote to reduce or rescind the fine. Mr. Cho expressed his understanding of the process. Mr. Cho's letter is included in the board packet.

11/20/2014

Samovar Inn
720 Gambell st
Anchorage, AK 99501

Letter of intent for not renewing the Liquor License for Samovar Inn

I, Kisang Cho, Samovar Inn Owner, hereby declare that I do not wish to renew the liquor license for Samovar Inn bar, as of December 2014, and ask for a goodwill gesture of ABC board in dropping the \$10,000 charges applied to our company, Samovar Inn.

Once the \$10,000 fine is dropped, we do not ever want to renew or re-apply for the liquor license in the state of Alaska.

In fact, we do not ever want to acquire a liquor license from hence, as a company, Hong&Lees Inc. in the whole.

I am clarifying to the ABC board that this is not an attempt to simply avoid the penalty and then re-apply for the liquor license, but to lose the liquor license once and for all and then never to re-apply for it.

This is an earnest intention shown by me and my company in preparing for the ABC board meeting which is to be held in December 2014.

A handwritten signature in dark ink, appearing to be 'Kisang Cho', with a long horizontal line extending to the right.

Kisang Cho
Samovar Inn Owner

11/20/2014

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MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: November 24, 2014

FROM: Cynthia Franklin
Director, ABC Board

RE: Tequila Kitchen Express #5247

Question for the Board:

- 1) Should action be taken against Tequila Kitchen Express for failing to comply with the Board's directions at its 10-08-14 meeting and for failing to submit a transfer of ownership application as directed by the Board?

On October 8, 2014 at its regular meeting, the board ordered Tequila Kitchen Express to appear because it had failed to respond to a Notice of Violation. At the meeting, Josue Picasso appeared and stated that he had not received notifications from the board and that the ABC did not have his correct mailing address.

The board ordered Mr. Picasso to immediately update the licensee's mailing address with the ABC board in writing. The ABC did not receive any information in writing or otherwise from Mr. Picasso until after the licensing supervisor sent a certified letter November 12, 2014 informing Mr. Picasso that he must again appear before the board on December 1, 2014 for failing to respond. After receiving the letter, Mr. Picasso called agency staff and insisted he needed to text a new address, as he was in Las Vegas and his partner was in Los Angeles. Mr. Picasso finally provided a written address by email.

The ABC discovered on September 23, 2013 that changes among controlling interest of stock ownership in Tequila Kitchen Express, LLC, the company that is operating license 5247, had been made. At that time, agency staff informed Mr. Picasso in person that a transfer application needed to be filed, and the necessary paperwork was provided. Over the past 14 months, agency staff, including the director, have told Mr. Picasso numerous times that the transfer of ownership application must be completed. No transfer application has been filed to date, no documents have been provided, and no statutory requirements have been met, but Tequila Kitchen, LLC, continues to operate its license.

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MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: Thursday, November 13, 2014

FROM: Sarah D. Oates
Records & Licensing Supervisor

RE: Three Bears #1011

At the April 29, 2014 ABC Board of Directors Meeting, the Board gave delegated consent for the transfer of Package Store License #1011.

The transfer was from:

Eagle River Liquor, LLC d/b/a Eagle River Liquor located at 16535 Artillery Road

to:

Three Bears Alaska, Inc. d/b/a Three Bears located at 445 N Pittman Road, Ste B

On May 20, 2014, the final approval was received from Department of Labor, and the license was printed and issued, completed the transfer process to Three Bears.

On May 21, 2014, Michael E. Butler hand delivered a cover letter and court documents.

The first document, issued March 21, 2014, was a Domestic Relations Initial Order & Order to File Financial Documents, with Michael Butler listed as the plaintiff and Sun Sil Sims as the defendant. Sun S. Sims is 100% shareholder of Eagle River Liquor, LLC. One of the orders listed on this document states that: "In a divorce case, **you cannot sell or dispose of any marital or disputed property...**"

The second document, issued May 19, 2014, is an Order on Motion for Expedited Consideration of Motion for Preserve Assets. This consideration was denied, but the judge instructed the defendant to reference the "highlighted court order dated 3/21/14".

Mr. Butler is asking that the Board reconsider this transfer. His claim is that Eagle River Liquor, LLC and the corresponding liquor license are considered both marital assets and disputed property, and that the sale and transfer of this license would violate a court order issued prior to the original consideration of the license transfer by the Board.

This issue was tabled at the July 8, 2014 and October 8, 2014 Board of Directors Meetings.

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: November 24, 2014

FROM: Cynthia Franklin
Director, ABC Board

RE: Wild Alaskan License #5271

Questions for the Board:

- 1) Does AS 04.11.180, Common Carrier License, apply to vehicles that are not traveling with passengers?
- 2) What action, if any, should the board take regarding to license #5271?

AS 04.11.180 states that a common carrier license authorizes the holder to sell alcoholic beverages for consumption aboard a vehicle, boat, or train licensed by a state or federal agency for passenger travel, or aboard aircraft operated by an airline licensed by a state or federal agency for passenger travel.

The Wild Alaskan is a vessel currently anchored in a harbor outside Kodiak. When the ABC board granted the Wild Alaskan its common carrier license, its stated business plan was to conduct dinner cruises on the vessel. Since the license was issued, the Wild Alaskan changed its business plan to providing adult entertainment (dancers) on the vessel. The Wild Alaskan is accessed by customers via water taxi and the boat is anchored to a floating dock that customers use to get on the boat.

The Wild Alaskan can only have 12 passengers at a time on the vessel. The vessel is considered a "12 pack uninspected vessel" by the U.S. Coast Guard. Lt. Lovette of the U.S. Coast Guard about the status of the vessel explained that the vessel is inspected once per year by the Coast Guard and is subject to Coast Guard regulations.

Copies of the licensee's letters, staff letters, related emails, media articles and other related publically available documents are provided for the board members in their packets.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

October 30, 2014

Kimberly Riedel
Alaska Leader Tours
WILD ALASKAN
Liquor License #5271
Kodiak, Alaska

Kimberly@alaskaleadertours.com

Dear Ms. Riedel:

In accordance with 3 AAC 304.515(b) you are hereby directed to provide any and all business records related to charter passengers aboard the vessel Wild Alaskan to the ABC Board within ten days of receipt of this directive.

3 AAC 304.515. Inspection

(a) Licensees are considered to consent to the entry upon the licensed premises and inspection of the licensed premises at all reasonable times and in a reasonable manner by investigative personnel of the board or by other peace officers acting in their official capacity for the purpose of enforcing statutes and regulations related to alcoholic beverages.

(b) Licensees shall do all things reasonably necessary and appropriate to cooperate with investigative personnel and employees of the board and peace officers acting in their official capacity to enforce the statutes, regulations and ordinances related to alcoholic beverages, including permitting entry upon and inspection of the licensed premises and providing access, upon request at reasonable times, to business records at the written direction of the director.

Thank you in advance for your cooperation.

Sincerely,

Cynthia A. Franklin, Director



Alcoholic Beverage Control Board

Incident Report

CONFIDENTIAL

Incident: AB14001022

Incident Type: Liquor Law Violations [90G]
Incident time: 09/19/2014 22:00 - 09/20/2014 01:15
Reported time: 09/23/2014 09:43
Incident location: INNER HARBOR, Kodiak, AK USA 99697
Incident status: Closed by investigation
Summary: Investigation of Common Carrier License #5271; Wild Alaskan. Violation of license type, removal of alcoholic beverages from premises.

Incident Activities/Offenses

- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - AS04.11.180(a) - Common carrier License - Sell Not on Approved conveyance
- Alcohol - AS04.16.120(a) - Remove Alcohol From License Premises
- Alcohol - Receive Information About Possible Violation

Involved Persons/Organizations

WILD ALASKAN

Classification: Operator

ID: **Type:**

Address: None

E-mail: No known E-mail

Telephone:

Involved Addresses

- INNER HARBOR / Incident location / Kodiak, Alaska, USA 99697

CONFIDENTIAL

Involved Officers

- Assisting officer / #FRH0HAMILTON, FRANCIS J / Assisting officer
- Reporting unit / #ABCJABC JUNEAU ENFORCEMENT UNIT / Reporting unit
- Reporting officer / #SMJ0JOHNSON, STEVEN M / Reporting officer

Reports

General report

Author: #SMJ0 JOHNSON, S.

Report time: 09/26/2014 11:14

Narrative:

On approximately August 15, 2014 I, Investigator Steven Johnson, received information with regard to a licensed premises; specifically Wild Alaskan, license #5271 Common Carrier located in Kodiak, AK. The information received described the boat as never leaving the harbor of Kodiak. This would be in violation of Alcoholic Beverage Control Board licensing statute: AS 04.11.180(a) which states:

A common carrier dispensary license authorizes the holder to sell alcoholic beverages for consumption aboard a vehicle, boat, or train licensed by a state or federal agency for passenger travel, or aboard aircraft operated by an airline licensed by a state or federal agency for passenger travel.

On August 20, 2014 I received an email from Investigator Joe Bankowski relating a URL address with regard to a blog discussing experiences of dancers while working aboard the Wild Alaskan. (See attachment for hyperlink to URL)

I contacted Sergeant Michael Chiesa of the Kodiak Police Department and informed him I would be making a trip to Kodiak for the investigation. Sgt. Chiesa informed me I needed to speak with his supervisors with regard to this as there were other possible violations not related to Title IV.

On August 26, 2014 a conference call was made with Chief Wallace, Lt. Clumpner, of the Kodiak Police Department, Interim Director of the ABC Robert Beasley and me. During this meeting I was informed the vessel wild Alaskan had not moved from its anchorage in the harbor since approximately June of this year.

During the teleconference it was also discussed the possibility of narcotics use, dealing, possible sexual contact during dances, prostitution, and the presence of an underage dancer who has been drinking on the licensed premises. After the conference it was decided I and Investigator Joe Hamilton would go to Kodiak and gain access to the Wild Alaskan in an undercover manner.

On August 27, 2014 I received an email from Sergeant Tim Putney from Kodiak PD with a photograph attached of the female, Angelica Burton-Cabonce, who is reportedly 20 years old and dances on the Wild Alaskan as well as drinks alcohol. (See attached)

On September 18, 2014 at 1600 hours I attended a meeting at the Kodiak Police Department; also in attendance were Chief Wallace, Lt. Clumpner, Kodiak Detective Mike (last name unknown), KPD Sgt. Tim Putney, AST Sgt. Eric Olsen, Kodiak District Attorney Steve Wallace, USCG Special Agent Aaron Woods, and telephonically Anchorage FBI Agent Jolene Goeden. NOTE: 15 minutes prior to the meetings scheduled beginning owner/operator of the Wild Alaskan, Darren Byler came to the Kodiak Police Department to ask Lt. Clumpner a question with regard to size of letters on vehicles for advertising.

At the meeting I discussed with attendees the purposes for the ABC's investigation: Violation of license type i.e. Common Carrier and the boat not moving therefore not transporting passengers; possible underage drinking by an under aged employee and possibly sexual contact during private dances. Sgt. Eric Olsen informed me he had contact with the underage female in town during a traffic stop and verified the female was less than 21 years of age.

I was informed by members of the meeting there were illegal narcotics possibly being dealt out of the boat. There was no specific evidence but information about town that it was accessible there. I was also informed the Wild Alaskan has a 300 gallon waste holding tank that the operators have never paid to be emptied in Kodiak. The question posed was where is it being dumped?

I was informed by Special Agent Goeden of certain signs to look for possible abuse to the dancers, i.e. bruising in inconspicuous areas; around the legs, under the arms, and other not-so-obvious areas.

I informed the members I had approximately \$300 USC for buy funds for the investigation at which time they informed me that would not be near enough as it was expensive to get on the boat and if I could not "flash the cash" I would be made and more than likely told to leave. Chief Wallace and the UC detective authorized and gave me \$800 USC for funds for the operation. I was told \$200 was to be used to purchase narcotics if the opportunity arose. I signed for the monies in KPD's receipt book.

On September 19, 2014 at approximately 2130 hours I met with Investigator Joe Hamilton at the Kodiak Best Western Inn and discussed the evenings plan. We walked to the Inner Anchorage float dock located off West Marine Way. From the float dock we could see the Wild Alaskan in the harbor as it was lit up with flashing neon lights of varying colors. We waited for approximately twenty minutes until a boat that disembarked from the Wild Alaskan came to the dock to pick us up. As we were walking to the dock a white male came near us and was yelling in an excited manner. At first I believed him to be a drunken person, but during the boat ride over he seemed to be excited for the evening's events; not drunken. The white male informed us he was the brother of Darren, the owner of the club.

The boat ride took approximately 5 minutes to go from the dock to the Wild Alaskan. During the boat ride we were told to sign a form and pay the \$20 fee to get on board. We were then told it would be \$20 per hour to stay on board. The boat that took us to the Wild

Alaskan had the words "Oil Spill Response Vessels" painted on the side of it (see attached photo). Upon arriving at the Wild Alaskan we exited the boat and walked onto a large floating cement slab which was tied to the Wild Alaskan (see attached photograph) from the slab was a short plank to walk onto and into the Wild Alaskan.

Upon entering the Wild Alaskan; directly in front as you walk in was the stage with a fully nude blonde female finishing a dance, collecting monies on the dance floor and retaining her clothes. At the time of our arrival there were six other individuals, three dancers, a bartender, and three bounce staff. Investigator Hamilton and I went to the bar and each ordered a beer. We conversed briefly with one of the dancers and began to walk around. I walked towards the room in the rear which was for private dances. Investigator Hamilton called to me and informed me of a sign that stated "No Alcohol Beyond This Point". I informed Investigator Hamilton I needed to use the restroom which was located near the entrance/exit.

I went into the restroom and observed to signs on the wall; one of which read about the plumbing of the boat (see attached photograph) and the other read about nude photographs with favorite dancers (see attached photograph). The second sign also named the bar "Wild Alaskan Bar and Grill". Upon exiting the restroom I observed a bouncer standing directly in front of the door where he was not when I entered. I located Investigator Hamilton near the bar and we then sat at the chairs in front of the dance floor. We observed a sign behind the bar that read "Lap dances: \$40 for topless, \$60 full nude, per song".

We sat in front of the dance floor during a performance. When that performance was over Investigator Hamilton got up and walked away. I was then informed by a dancer that my friend had just purchased a private "lap" dance. I was walked to the back room and sat on the couch. The dancer proceeded to undress and straddle me. She asked me if I wanted to take my glasses off, but then said I did not need to as she would not be touching me. During the dance I kept my hands firmly on the couch as to not in any way touch the dancer. The dancer, except for being on my lap the entire time, only touched the side of my face and ear area with her hand and no other part of her body. When the song was over the dancer stood up, clothed and exited the room.

I exited after her and approached Investigator Hamilton who was sitting in front of the dance floor. At approximately 1045 hours, the bouncer came to us and asked if we were staying and if so he needed another \$20 from both of us of which we paid. I then went to the bar and purchased a beer at which time I approached a different dancer and paid for a private dance to be performed for Investigator Hamilton.

I exited the premises to go outside and smoke a cigarette, at which time I observed the ferry which had dropped us off, was dropping more people off. I reentered the premises, found my seat had been taken and went to the bar where I found Investigator Hamilton seated speaking with one of the dancers. While seated at the bar I counted 19 individuals on board the boat just inside the bar area.

I again exited to smoke a cigarette and Investigator Hamilton joined me. While outside on the slab we observed two patrons come outside with bottles of beer in their hand at which time the bouncer instructed them they need to put the beers back inside the bar area.

At no time while on board the Wild Alaskan did I observe the female fitting the description of the aforementioned underage female. At approximately 1245 hours, I and Investigator Hamilton were asked if we wanted to stay another hour and we declined. We got on board the ferry boat to take us back to the dock. While on board another patron entered with a beer in his hand. At no time was he told to get rid of the beer or put it back in the bar. The male subject took the beer of the boat and onto the dock where he went separate ways from Investigator Hamilton and I.

On September 20, 2014 at approximately 0900 hours I returned to the Kodiak Police Department and returned the remaining funds to Officer De La Fuente and received a copy of the receipt.

Nothing further to report at this time.

Supplementary report

Author: #FRH0 HAMILTON, F.

Report time:

Remarks:

Narrative:

After reviewing Investigator Johnsons report, I have nothing further to add.



PO Box 293, Kodiak, Alaska 99615

www.alaskaleadertours.com

info@alaskaleadertours.com

907-244-1785

Robert Beasley
Enforcement Unit Supervisor
State of Alaska
ABC Board
Robert.beasley@alaska.gov

SENT VIA EMAIL

October 20, 2014

Mr. Beasley,

Thank you for your communication in your letter dated October 14, 2014. I would like to address all of your concerns in this letter.

I respectfully and strongly disagree with all issues raised against the way I am legally doing business with my common carrier liquor license.

The complaints you have received from the public and government agencies are completely frivolous in nature without a shred of legal backing of any law breaking activities. The 120' Wild Alaskan has never been in or conducted business within the Kodiak Boat Harbor, but is legally anchored on State Waters outside the boat harbor in the channel. The concrete platform you refer to has been modified to qualify as a vessel by the US Coast Guard as is defined in 1USC3 and is registered by the State of Alaska as a vessel. The platform/vessel also is an appurtenance of the 120' Wild Alaskan that is not anchored but instead tied to the vessel; poses no hazard to navigation and provides a safe and stable egress for my passengers to legally load and unload from the water taxi to the Wild Alaskan. This vessel along with the Gulf Coast Responder which serves as the water taxi and the Wild Alaskan together produce a safe and comfortable channel charter opportunity for the public.

Mr. Beasley you are correct in stating that my original contact with the Board was to conduct dinner cruises with a common carrier license. Unfortunately the Coast Guard denied a waiver request allowing more than twelve paying passengers to be aboard a 12-pak uninspected vessel, making it impossible to make a profit with just 12 people at a time conducting dinner cruises. Therefore, as I had every legal right to do, I had to rebound with a plan to justify charging a \$20.00 per hour charter rate by providing adult entertainment charters in the channel with a 12 person limit. This was strictly a business decision to stay afloat financially.

As an adult entertainment hourly charter, I am still operating the vessel 100% legally as defined by Federal and State Statutes. I should not and cannot be punished for changing my "venue". I have a liquor license to sell liquor; the food is a side issue, which I plan on having up and running next summer.

It is my business plan, as well as my prerogative, to stay on anchor on State Waters in the Kodiak Channel while conducting hourly channel charters for financial and safety reasons. This is completely legal as defined by Alaska Statute 04.11.180. As I am sure you have already checked with the US Coast Guard and the Coast Guard will verify, that just because a 12-pak uninspected vessel anchors up while chartering, the vessel does not lose its passenger vessel status as well as its license for passenger travel. AS 04.11.180 clearly does not state the passenger vessel has to be underway to qualify for the common carrier liquor license. This is obvious, as multiple cruise ships anchor each summer off of crescent harbor in Sitka, Alaska while keeping their bars open under their common carrier liquor licenses. It is interesting to me why there are no complaints about these activities.

My Husband and I have invested hundreds of thousands of dollars in this new business opportunity, including mortgaging the vessels for loans. We run a legal, safe and extremely successful charter operation here in Kodiak. We have broken no laws and have committed no violations regarding selling and serving alcohol under our common carrier liquor license. We are currently paying City of Kodiak Sales Tax as well as harbor fees for two of our vessels associated with this business. It is no secret to you or anyone in this community that the intense scrutiny that we have experienced and the frivolous complaints you are receiving solely derive from providing adult entertainment aboard the charter vessel. You would have to agree, if we were solely serving food with an open bar there would be no complaints from the self-proclaimed "morality police" in Kodiak. Unfortunately, some of these people, such as City Manager Aimee Kniazowski, are in a fog crossing Church and State issues while holding high ranking positions in our local city government. Her complaints are strictly driven by emotion while her better judgment is obviously on holiday.

Please do not let Ms. Kniazowski fool the Board into thinking she has a safety concerns about my charters. It is my understanding that since my charter business in the channel opened in June of 2014 there has been as many as 23 police calls for assistance from other bars in Kodiak for bar fights and disturbances including ambulance rides to the hospital. We are proud to report we have not had to call the police at all for any bar related violence or safety issues. Ms. Kniazowski has made reckless and unfounded allegations of "inebriated patrons" left to negotiate docks and floats after being dropped off by the vessels water taxi. These allegations are completely preposterous since our professional bartender has been over vigilante on not over-serving patrons. And our 200 Ton USCG Licensed Captain for our water taxi service does not leave the dock until he visually makes certain that all passengers get up the short ramp from the water dock to the safety of the City Parking Lot. This is evident since we have not had one single incident of this type of allegation since we opened. Further, Ms. Kniazowski states in her complaint that the additional structure on the vessel where the bar is located is unlikely to improve the vessels ability to transport passengers. Once again, Ms. Kniazowski is inserting herself into US Coast Guard issues for which she has no knowledge or expertise in. This June, the Vessel successfully navigated to the Katmai Coast for our annual Bear Viewing Trips with no stability issues. In fact, this vessel has carried loads of crab pots when it was a Bering Sea Crabber which equals three times the weight of the cabin extension.

We are currently only allowed a total of 12 charter clients at a time while we have a staff of Captains and security personnel of 5 individuals. In fact our security staff equals 1/3 of the people at the bar on charter. There is no bar in Kodiak that has the ratio of security to customers that we do and could possibly be safer than our bar during a charter. This is just another example of Ms. Kniazowski's unfounded allegations against us concerning safety issues.

When my channel charter business first opened this summer, City Manager Aimee Kniazowski spent weeks soliciting the Coast Guard to permanently shut us down for any reason they could find. Fortunately for us her campaign with the Coast Guard was unsuccessful. We currently enjoy a good working professional relationship with the US Coast Guard and the City of Kodiak Harbormaster Office. Ms. Kniazowski has stooped so low as to allow her police department to harass members of my family as well as my company. I have in my possession an audio tape of one of her officers making illegal, harassing statements about my company: "I thought we shut that down" "I guess we will have to find another way to inconvenience them". My husband met with Ms. Kniazowski and complained of illegal targeting by the City's Police Department. The City Manager has done nothing to date on these complaints. Ms. Kniazowski's latest scheme is to solicit the ABC Board to shut us down as she attempted to do with the US Coast Guard. I guess this one of the many examples of the city finding another way to "inconvenience us". I would hope the ABC Board would not be duped while Ms. Kniazowski hides behind state and federal agencies to do her bidding for her. Of course, Ms. Kniazowski is aware of the fact that if she puts us out of business using her City Manager powers, she will expose the City of Kodiak to a multi-million dollar lawsuit. She knows she has no chance of winning because she is aware of the fact that we have broken no laws while legally operating a charter operation and are currently paying city sales tax and harbor fees. For this most obvious reason is why Ms. Kniazowski is soliciting the ABC Board to put us out of business to insulate the City of Kodiak from liability if she attempted to do it herself.

For the reasons stated above, I would respectfully request that the ABC Board continue to allow my company to make an honest living providing a first class entertainment opportunity here in Kodiak that the vast majority of the community does not have a problem with. If the board votes to take my liquor license, it would be financially devastating to me and my family. It would put us out of business as well as cause us to lose our vessels as they have been mortgaged to pay for this project. As I am sure you and the board are aware of, by pulling my license solely under the guise of "intent" and not the language stated in AS 04.11.180 would expose the State of Alaska to significant adverse liability for our damages. If the Board is truly concerned about the intent of the Common Carrier Statute, I would propose that they amend the statute with clear and unambiguous language regarding serving alcohol on anchor. Of course, we expect to be Grandfathered into the rules we are currently operating under since we made a major business decision and investment solely on the current language provided in AS 04.11.180.

Thank you for your reasonable consideration regarding this most important matter concerning our livelihood.

Sincerely,

Captain Kimberly Riedel-Byler
Alaskan Leader Tours

CC:

Cynthia Franklin, ABC Director, cynthia.franklin@alaska.gov

Aimee Kniazowski, City Manager, Kodiak, Alaska akniazowski@city.kodiak.ak.us

Sara Lovette, USCG Marine Safety Office, Kodiak Sarah.A.Lovette@uscg.mil

Lon White, Kodiak Harbormaster, lwhite@city.kodiak.ak.us

Roni Toldanes, Managing Editor, Kodiak Daily Mirror, ronitoldanes@kodiakdailymirror.com

'Stripper boat' finds success in Kodiak

By Heather Hintze (<http://www.ktva.com/authors/heather-hintze/>) 5:59 PM November 16, 2014

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KODIAK – It's been quite a ride for the Wild Alaskan, a crab boat turned strip club, since it opened in July.

"Business has been wildly successful," said owner Darren Byler. "We, of course, are in a big fishing port, we cater to a variety of commercial fishermen."

The Wild Alaskan is the first of its kind in Kodiak.

"It's nice to say I come to work on a \$3.5-million yacht," said exotic dancer Destiny Pitman.

A water taxi brings passengers to the boat, which charges \$20 per hour as a charter fee. Only 12 customers can be on the Wild Alaskan at one time. Dancers say they feel safe knowing the club monitors who's aboard.

"We're very well protected. We're treated like princesses out here," Pitman said. "We have a certain number of people that's allowed to be out here, which makes it even more exclusive, which adds to the money that we make."

Byler expected that Kodiak's only strip club would receive some negative attention when it started up. He says law enforcement agencies and the U.S. Coast Guard went too far when they briefly closed the club just a few days after it was up and running. Someone complained there were too many people aboard the water taxi.

"It was really embarrassing to us as a new business," Byler said. "And we didn't deserve it."

Kodiak's city manager, Aimée Kniazowski, says some people were worried about public safety. But, she says, Byler seems to have fixed any issues.

Kniazowski says even though the company pays city taxes, the city has nothing to do with the business because it's anchored in state waters with a state liquor license. She says her primary concern is the Wild Alaskan's permit that allows it to serve alcohol as a charter company when the vessel is routinely anchored just off Kodiak Island.

Byler adds it's the same kind of permit that allows major tour companies and cruise ships to let passengers drink alcohol while the ships are anchored outside Alaskan ports.

The boat isn't the only target of ridicule. Dancers say they've been harassed out in the community.

"I'm not going to let anyone make me feel ashamed of what I do. I enjoy my job," Pitman said. "You're always going to have that 10 percent that don't [expletive] agree with it, but honestly, if there weren't people going to the strip clubs, then we wouldn't be open."

Byler's bottom line: it's not personal, it's just business.

"I didn't invent this," he said. "It's been around for a while, so please give me the same respect that you give everyone else that's running a legal, viable business that's paying taxes. That's all we ask."

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Floating strip club flourishes in Kodiak

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Posted: Wednesday, November 19, 2014 7:41 am

Associated Press |

ANCHORAGE, Alaska - After a bumpy start, a floating strip club is finding prosperity in the waters off Kodiak.

Darren Byler, owner of Wild Alaskan, a crab boat converted to a strip club, tells KTVA-TV (<http://bit.ly/11iijyM>) that business has been "wildly successful" in the commercial fishing port.

Customers reach the club by water taxi. A few days after it opened, a complaint that the vessel was overloaded led to law enforcement agencies and the Coast Guard briefly closing the club.

Byler says the charge was unfounded, undeserved and embarrassing.

Kodiak's city manager Aimee Kniazowski says Byler addressed public safety concerns. She says it pays city taxes but operates in state waters.

The business charges \$20 per hour as a charter fee and allows only 12 customers on board at a time.

Information from: KTVA-TV, <http://www.ktva.com>

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Former crab boat now a floating strip club in Alaska

Posted on November 20th, 2014

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It's not a common business model, but turning a crab boat into an offshore strip club seems to be a hit in Kodiak, Alaska.

"Business has been wildly successful," owner Darren Byler told KTVA News. "We, of course, are in a big fishing port. We cater to a variety of commercial fishermen."

A water taxi brings passengers to the boat, which charges \$20 an hour as a charter fee. Only 12 customers can be on the Wild Alaskan at one time.

Byler said he expected that Kodiak's only strip club would receive some negative attention when it started. He said law enforcement agencies and the Coast Guard went too far when they briefly closed the club just a few days after it opened. Someone complained that there were too many people aboard the water taxi.

"It was really embarrassing to us as a new business," Byler said. But he seems to have fixed any issues and the club is open again.

[Click here for the full video report.](#)

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LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Hong & Lees, Inc.	FuSions	598	Licensee responsible for violations	AS 04.16.150	10/8/2014	120 Days Suspension of License with 30 Days Suspended. \$10,000 Fine. Must have no new violations for 1 year.
Muffin Man & Company, Inc.	Café 817	4449	Responsibility of licensee, agents, & employees & Licensed premises	AS 04.21.030 & 3 AAC 304.185 (c)	7/8/14	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Latin Connection Entertainment, LLC	Club Soraya	4353	Adulteration / Misbranding / False Advertising	3 AAC 304.405	7/8/14	30 Days suspension of license with 15 days suspended. \$1,000 fine. Must have no new violations for 1 year.
UMFA Inc.	De Canter Inn	297	Failure to have proper alcohol server training	AS 04.16.150	7/8/14	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Si Cha Sin	Nikko Garden	2069	Furnishing alcohol to persons under 21	AS 04.16.052(5)	7/8/14	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Young Hyon Kim	Sushi Garden, Inc. dba Kogi	5107	Responsibility of licensee, agents, & employees & Licensed premises	AS 04.21.030 & 3 AAC 304.185 (c)	4/29/14	30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Tomio Demura	Old Power House Restaurant	4325	Responsibility of licensee, agents, & employees & Licensed premises	AS 04.21.030 & 3 AAC 304.185 (c)	12/10/2013	30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.
Martin Mochan Kim	In & Out Bush Liquor #2	688	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/10/2013	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Jose Nanez	Chepo's Fiesta	2616	Furnishing alcohol to persons under 21 & Licensee responsible for violations	AS 04.16.052(5) & AS 04.16.150	12/10/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Jimmy Zhou	Jimmy Sushi Restaurant	5033	Furnishing alcohol to persons under 21	AS 04.16.052(5)	10/2/2013	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Kwang Su Yoon, SOE, LLC	Roma's	4595	Licensee responsible for violations	AS 04.16.150	10/2/2013	30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.
Chong Pak	Seoul Gate Restaurant	4941	Licensee responsible for violations	AS 04.16.150	5/30/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Anna Maria Markos Kaloumenou	Angelo's Restaurant	3458	Failure to have proper alcohol server training	04.21.025(c)	2/12/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Francisco Barajas	Aztecs Sports Bar and Grill	5042	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/5/2012	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Arturo & Gloria Esparza	Las Margaritas	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/16/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Duane LeFleur	Tustemena Lodge	207	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Sivisay & Malada Vongsamath	Thai House Restaurant	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nancy Elkins	Creekside Liquor	1119	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	\$500 Fine. Must have no new violations for 1 Year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
John Pattee	Avenue Bar	1184	Conduct contrary to the best interests of the public		12/7/11	90 Days suspension of alcohol sales with 76 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Sarah Lee Lo	Chiang Mai Ultimate Thai Restaurant	4459	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/7/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Levitta Lee Burks	Anchor Bar	61	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Gerald Berryman	H & H Lakeview Restaurant	3904	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Peter & Sherryl Scott	Inn Café	4351	Failure to have proper alcohol server training	AS 04.16.150	3/24/11	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Wesley J. & Linda M. Sherrill	Moose Pass Inn	752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Hye Suk Min	Peking Restaurant	4215	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	60 Days suspension of alcohol sales. \$3,000 fine.
Ming Tze Chen	168 E-Lu-Fa Restaurant	4936	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/13/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Monica S. Wirtz	Peking Wok Restaurant	2813	Failure to have proper alcohol server training & allowing employee to work without alcohol server training.	AS 04.16.150	12/13/10	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Dennis Freeman	West Rib Café and Pub	3667	No server card, pricing and marketing violations	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine for no server card. \$500 fine for pricing and marketing violations. Must have no new violations for 1 year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Fernando and Mary Nicolas	The Galley	1557	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. \$250 fine for having underage employees. Must have no new violations for 1 year.
Masahide & Kazuko Yamada	Yamaya Restaurant	3728	Furnishing alcohol to persons under 21	AS 04.16.052(5)	7/6/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Michael G. West	Dexter Roadhouse	1863	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 21 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Nancy Ida Milani-Henson	Bush Bottle Inn	2729	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Violation of Conditions imposed 2/26/10		9/30/10	35 Days previously suspended of the 45 days imposed to be served.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Albert W. Gartz	Northern Liquors	785	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Dong J. Yi	Tokyo Japanese Steakhouse	4731	Business name change without approval or transfer		2/26/10	\$2,500 fine.
Catarino & Maria Patricia Robles	Chico's Mexican Restaurant	4326	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Howard & Chum Sim	Tips Bar	1142	Failure to have proper alcohol server training	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Allowing impaired person to serve alcohol. Allowing drunken persons to remain on premises.	AS 04.16.030 AS 04.16.040	2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Juan Carlos Macias	Agave Restaurant	4854	Furnishing Alcohol to persons under 21	AS 04.16.180(b)	11/19/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Nohemi Reyes De Zambrano	La Fiesta Dos	3913	Failure to have proper alcohol server training	AS 04.16.150	7/14/09	30 Days Suspension of License with 15 Days Suspended
Filameno & Ana Bravos	El Chicano	3299	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales and \$2,000 fine. Must have no new violations for 1 year.
Deanna Peterson	FOE Aerie #4200	3133	Violating municipal ordinance (smoking)	AS 04.16.150	11/6/08	35 Days suspension of alcohol sales with 30 days suspended. \$1,000 fine.
Mayo	How How, Inc.	3796	Furnishing Alcohol to persons under 21	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 30 days suspended. \$2,000 fine.
Minas Charalambous	Froso's	1540	Failure to have proper alcohol server training	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine.
Gary & Franchesca Cogdill	Big Lake Liquor	118	Furnishing Alcohol to persons under 21, and failure to have proper alcohol server training	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Russell Wimmer, Jr.	Mendeltna Creek Lodge	2579	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$500 Fine.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Hye Suk Min	Peking Restaurant	4215	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	30 Days Suspension of License. \$1,500 Fine.
Richard Solis	3 Amigos Restaurant	3811	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
Tuyen & Tran Thuy Dinh	Airport Restaurant & Lounge	3759	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
C. Scott Bald & Carol Lallatin	Marina Restaurant	3021	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
Konstantinos Kanaras	Appollo Restaurant	3230	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of license with 4 days suspended.
Dana Ma	Fu Do	4109	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended.
Barbara Abbott	Tundra Lodge and R/V Park	1176	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 35 days suspended. \$1,000 Fine.
Dennis Selman	Club Paris	258	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Si Cha Sin	Nikko Garden	2069	Furnishing Alcohol to persons under 21	AS 04.16.150	7/11/07	30 Days suspension of license with 15 days suspended. \$1,000 fine with \$500 suspended.
Jennifer Lee	New Peking Chinese Restaurant	3239	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	45 Days suspension of license with 38 days suspended. \$500 Fine.

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
James S. Yang	Mr. D's	2457	Failure to have proper alcohol server training	AS 04.16.150	4/18/07	7 Days suspension of license and \$500 fine.
Tami Kilbourn	Sunset Strip	1098	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	7 Days suspension of license (all 7 days suspended) and \$500 fine.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	5 Days suspension of license. License suspension for alcohol sales only.
Benito Herrera	Jamico's Pizzeria	3889	Failure to have proper alcohol server training	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
Thomas Kirkman, Administrator	Craig Moose Lodge #1206	746	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
James Bass	Bing Brown's	126	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	1 Hour suspension of license.
John Riblett	Pizza Man	1533	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only.
Sandra Ramos	Jalapeno's Mexican Restaurant	3766	Furnishing Alcohol to persons under 21	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only. \$500 Fine.
Dennis Shaw	Salcha River Lodge	3487	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	5 Days Suspension

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Alfred Sousa	Talkeetna Motel	1287	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	5 Days Suspension
Byron Yang	Golden Pond	2845	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine with \$500 suspended.
Itsuro Tamaki	Kumagoro Restaurant	2276	Failure to have proper alcohol server training	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine.
Mary Lou Redmond	Diamond Jim's Package Store	2926	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$500 fine.
Ying Po Liu	Golden Shanghai	3467	Failure to have proper alcohol server training	AS 04.16.150	8/9/06	15 Days Suspension and \$1,000 Fine.
Charlampos Alefantinos	Bella Vista	107	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$1,000 fine.
Robert Clutts	Anchor River Inn	1309	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	4 Days Suspension beginning 10/16/06.
Carlos Gomez	Pancho's Villa Restaurant	74	Furnishing Alcohol to persons under 21	AS 04.16.150	6/15/06	7 Days Suspension beginning 6/30/06 and \$500 fine.
Emmanuel Xeninkakis	Nero's Pizza	3369	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension beginning 8/29/06 and \$500 fine.
Jose Nanez	Chepo's Fiesta		Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$500 Fine.
Lewis T. Johnson	Galena Liquor Store	433	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended. \$500 fine

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Patricia Estrada	Mangia! Mangia!	4281	Furnishing Alcohol to persons under 21	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended.
Marlene Marshall	Yukon Inn	1804	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension and \$1,000 fine.
Arturo Esparza	Las Margaritas	3363	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	30 Days Suspension of License with 15 Days Suspended
John Kartesz	Sheep Creek Lodge	1033	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	Licensee said he had sold business, but not transferred license. Board suspended licenses for package store (1032) & beverage dispensary (1033).

Tab

14



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5438
Fax: 907.263.5930

MEMORANDUM

TO: ABC Chair Klein, and members of the Board

DATE: November 12, 2014

FROM: Cynthia Franklin, Director *CF*

SUBJ: H&H Lakeview Restaurant
License No. 3904

Chair Klein, and members of the Alcoholic Beverage Control Board:

On December 23, 2013 at approximately 5:53 p.m. H&H Lakeview Restaurant licensee, James Berryman sold an alcoholic beverage to an Underage Buyer during a compliance check. Investigator Hamilton issued two uniform citations to Mr. Berryman; one for Count I furnishing an alcoholic beverage to a minor while working on a licensed premises in violation of AS 04.16.052(5), and Count II for allowing a minor to enter and remain on the license premises in violation of AS 04.16.052(2).

During court proceedings in Palmer District Court case 3PA-14-70 CR., as a result of a plea agreement, Mr. Berryman entered a plea of guilty to Count II for allowing a minor to enter and remain on the licensed premises. Count I for furnishing an alcoholic beverage to a person under 21 years of age was dismissed.

Mr. Berryman was given a \$250.00 fine, paid a \$50.00 court surcharge and was placed on probation for a period of one-year. No jail time was imposed.

Prior Convictions:

Licensee, James Berryman entered a plea of guilty on January 25, 2011 to one count of furnishing an alcoholic beverage to a person under 21 in Palmer District Court case 3PA-11-00088 CR., resulting from failing a compliance check. He was fined \$500.00 with a \$50.00 surcharge.



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 1-10-11
Number 11-0008
Page 1 of 1 page

Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
Gerald Berryman	3904	Beverage Dispensary
D.B.A. H & H Lakeview Restaurant MP 99.5 Parks Hwy	How Delivered [X] Certified Mail # 7009 2820 0001 [] In Person 7253 3504	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box HC 89, Box 616	City, State Willow, AK	Zip 99688

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 1-6-11, at about 1704 hours, H&H Lakeview Restaurant licensee James Gerald Berryman furnished an alcoholic beverage to a person under the age of 21. The incident occurred during a compliance check. Berryman was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 1-25-10, 0830 hours, Palmer District Court was assigned. Inv. Smyers conducted a tobacco inspection and we then departed the establishment.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. *Please include your Alcohol License Number in your response.

Shirley A. Gifford, Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5438
Fax: 907.263.5930

MEMORANDUM

TO: ABC Chair Klein, and members of the Board

DATE: September 29, 2014

THRU: Cynthia Franklin, Director *CF*

FROM: Robert Beasley, Enforcement Supervisor *RB*

RE: H & H Lakeview Restaurant
License No. 3904

On December 23, 2013 at approximately 5:53 p.m., H & H Lakeview Restaurant licensee, James Berryman, sold an alcoholic beverage to an Underage Buyer during a compliance check. Investigator Hamilton issued Mr. Berryman two uniform citations; one for Count I furnishing an alcoholic beverage to a minor while working on a licensed premises in violation of AS 04.16.052(5), and Count II for allowing a minor to enter and remain on the licensed premises in violation of AS 04.16.052(2).

During court proceedings in Palmer District Court, case 3PA-14-70 CR., as a result of a plea agreement, Mr. Berryman entered a plea of guilty to Count II for allowing a minor to enter and remain on the licensed premises. Count I for furnishing an alcoholic beverage to a person under the age of 21 was dismissed.

Mr. Berryman was given a \$250.00 fine, paid a \$50.00 court surcharge and was placed on probation for a period of one-year. No jail time or suspended jail time was imposed.



Alcoholic Beverage Control Board

Incident Report

Incident: AB13000534

Incident Type: Liquor Law Violations [90G]
Incident time: 12/23/2013 17:53 -
Reported time: 12/23/2013 17:53
Incident location: 99MILE PARKS HIGHWAY, TALKEETNA, Matanuska Susitna Borough AK USA 99676 (MILE MARKER 99.5) (Beat/zone: HHAA, TALKEETNA)
Incident status: Closed by arrest
Summary: On 12-23-13, at about 1753 hours, H & H Lakeview Restaurant licensee James Gerald Berryman sold an alcoholic beverage to a person under 21 (UB 13-008; age 19), and then allowed the underage person to remain on the licensed premises. Berryman was issued summonses for furnishing alcohol to a person under 21 and allowing an under 21 person on a licensed premises. A mandatory court date of 1-28-14, 0830 hours, Palmer District Court was assigned. The incident occurred during a compliance check.

Incident Activities/Offenses

- ABC - Compliance Check (covert)
- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - AS04.16.052(2) - Licensee Allow Minor on Alcohol Premises
- Alcohol - AS04.16.052(5) - Furnish Deliver To Minor While Licensee Working on Premises

Involved Persons/Organizations

BERRYMAN, JAMES GERALD

Classification: Arrested; Charged; Citation issued to; Interview; Owner

SID: AK0314100

DL: 0314100 AK

Gender: Male

DOB: 08/01/1937

Height: 5'7"

Weight: 155lb

Build:

Race: White

Hair Color: Gray or partially gray

Eye Color: Hazel

Address: 99 S PARKS HIGHWAY, Mile marker 99, TALKEETNA, Matanuska Susitna Borough AK USA 99676 Postal box: PO 86 Postal dist: 99676 (MILEPOST-H&H LAKEVIEW RESTAURANT) (Beat/zone: HHAA)

E-mail: LAKEVIEW@MTAONLINE.NET

Telephone: (FAX) (907) 733-2344

Telephone: (Landline) (907) 733-2415

H & H LAKEVIEW RESTAURANT

Classification: Operator

ID:

Type:

Bar

Address: 99MILE PARKS HIGHWAY, TALKEETNA, Matanuska Susitna Borough AK USA 99676
(MILE MARKER 99.5) (Beat/zone: HHAA, TALKEETNA)

E-mail: No known E-mail

Telephone:

Involved Addresses

- 99MILE PARKS HIGHWAY / Incident location / TALKEETNA, Alaska, USA 99676 (MILE MARKER 99.5)
(Beat/zone: HHAA, TALKEETNA)

Involved Officers

- Reporting unit / #ABCHABC ENFORCEMENT STATEWIDE / Reporting unit
- Reporting officer / #FRH0HAMILTON, FRANCIS J / Reporting officer

Reports

Arrest report

Subject: BERRYMAN, JAMES GERALD / Arrested; Charged; Citation issued to; Interview; Owner /
DOB: 08/01/1937 (77) Gender: Male (99 S PARKS HIGHWAY, Mile marker 99,
TALKEETNA, Matanuska Susitna Borough AK USA 99676 Postal box: PO 86 Postal dist:
99676 (MILEPOST-H&H LAKEVIEW RESTAURANT) (Beat/zone: HHAA) (Landline) (907)
733-2415 LAKEVIEW@MTAONLINE.NET) DL:AK:0314100

Author: #FRH0 HAMILTON, F.

Report time: 12/27/2013 10:11

Charges: (1) AS04.16.052(5) Furnish Deliver To Minor While Licensee Working on Premises ()
(2) AS04.16.052(2) Licensee Allow Minor on Alcohol Premises ()

General report

Author: #FRH0 HAMILTON, F.

Report time: 12/27/2013 10:24

Narrative:

OBSERVATION:

On 12-23-13, at about 1752 hours, Underage Buyer 13-008; age 19, herein referred to as UB, entered H & H Lakeview Restaurant. I remained outside. At about 1753 hours, UB sent me a total of three text messages essentially relating he had been sold an amber beer, no age or ID was asked for and that he had

paid. The third message described the server. UB paid for the beer with a recorded ten dollar bill and received change.

OFFICER ACTION:

At about 1757 hours, I entered the establishment and observed UB seated at the bar with a glass of beer in front of him. I took a photograph of UB seated with the beer. UB identified his server, gave me his ID and then departed the establishment. I then made contact with the server and advised him UB was underage and 19. He was asked to provide his ID and his server education card to me. He was identified as licensee James G. Berryman.

INTERVIEW #1, DI, J.G. BERRYMAN:

Conducted in a non-custodial manner. Berryman essentially related he was tired and this was "Bullshit". Berryman, using more explicatives, said he had just gotten off the loader and was relieving the bartender so he could cook a hamburger. His neighbor, a customer at the bar, said UB needed a beer. Berryman recalled serving UB an amber beer and did not check his ID. Berryman has been selling alcohol for 14 years and has received server education, TAP 116075, exp. 6-23-16, instructor E. Jenkins. I advised Berryman I was going to my vehicle to complete the summons. As I was leaving I heard him say something to the effect that I needed an ass whoopin.

OFFICER ACTION:

Berryman was issued summonses for furnishing alcohol to a person under 21 and allowing an under 21 person on a licensed premises. A mandatory court date of 1-28-14, 0830 hours, Palmer District Court was assigned. After discussing his Restaurant Designation Permit, I exited the establishment.

NOTE:

UB completed five compliance checks on 12-23-13. Two establishments sold UB an alcoholic beverage.

EVIDENCE:

Digital audio and photos.

CASE STATUS:

Closed with charges referred to the DAO for prosecution.

Defendant

Berry MAW James Gerald

Agency ID
ATCA

P 00355107

Plaintiff

SOA / DCCED

Agency

ABC

Agency case #

AB13-0534

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050(b) & (c) Minor ConsumingF&G Offense charged as strict liability violation ☐ Yes ☐ No

District Court at

Palmer

Judicial District: 3

Court Case#

DEFENDANT

DOB 8-7-37 Age Driver's Lic 0314100 State AK Class CDL APSIN ID SAME
 Hair White Eyes HAZ Race W Sex M Ht 5'7" Wt 160 Ph 733 2415 Wk Ph 733 2415
 Res Addr HC 89 Box 616 Willow 99688
 Mail Addr ☒ Same Employer H&H Lakeview

VEHICLE

Lic/Reg St Expires Yr Make Model Color ADF&G
 Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# USDOT#

OFFENSE

Date 12-23-13 Time 1753 ATN 114146658 CTN 001 Code 9931
 Location Mile 99.5 Parks Hwy Loc. Code HHAH ☐ Hwy Work Zone ☐ Safety Corridor
☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04-16.052(5)
 Offense: FURNISHING
 Over Limit MPH in a MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality ☐ Commercial Fishing
 COMPLAINT TO FOLLOW

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance:):

Game Restitution amount for taken illegally: \$ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points Bail/Fine \$ Surcharge \$ Total Due \$

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

FR [Signature]
Officer's SignatureI. R. Hamilton
Officer's Printed NameFR [Signature]
ID12-23-13
Date Served on Defendant

REQUIRED RESPONSE

- ☒ MANDATORY COURT APPEARANCE: You must appear on 1-28-14 at 0830 (AM/PM).
 If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: 435 S. Denali St Palmer

- ☐ CORRECTABLE. This citation will be dismissed if, within 30 days, you:

- ☐ Correct the defect and present the vehicle for inspection
☐ Show proof of a valid license
☐ Show proof of valid insurance

at any Alaska State Trooper Post or

If you do not, you must pay online or fill out the back of this form and mail it within 30 days to: (court or city)

- ☐ OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address)

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

Defendant Berryman, James Gerald
 Plaintiff SOA/DCCED Agency ABC

Agency ID ABCA P 00355106
 Agency case # AB 13-0534

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050(b) & (c) Minor Consuming
 F&G Offense charged as strict liability violation ☐ Yes ☐ No

District Court at Palmer Judicial District: 3 Court Case#

DEFENDANT

DOB 8-1-37 Age _____ Driver's Lic 0314100 State AK Class CDL APSIN ID Same
 Hair WHT Eyes HAZ Race W Sex M Ht 5'7" Wt 160 Ph 733 2415 Wk Ph Same
 Res Addr HC 89 Box 676 Willow 99688
 Mail Addr ☐ Same Employer HEA Lakeview

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____

Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 12-23-13 Time 1753 ATN 114146658 CTN 002 Code 9878

Location mile 99.5 Parks Hwy Loc. Code NHAA ☐ Hwy Work Zone ☐ Safety Corridor

☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04.16.052(2)

Offense: Allowing under 21 person on Lic. Palmer 805

Over Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality ☐ Commercial Fishing

Complaint To Follow

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

FR Hamilton FR 12-23-13
 Officer's Signature Officer's Printed Name ID Date Served on Defendant

REQUIRED RESPONSE

☒ MANDATORY COURT APPEARANCE. You must appear on 1-28-14 at 0830 AM/PM.
 If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest.
 For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: 435 S. Denali St. Palmer

☐ CORRECTABLE. This citation will be dismissed if, within 30 days, you:
☐ Correct the defect and present the vehicle for inspection
☐ Show proof of a valid license
☐ Show proof of valid insurance
 at any Alaska State Trooper Post or _____
 If you do not, you must pay online or fill out the back of this form and mail it within 30 days to: (court or city)

☐ OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) _____

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT PALMER
JUDGMENT

State of Alaska

vs.

Defendant:

DL/ID (☐ CDL)

Address:

DOB:

☒ AK ☐

Case No.: 3PA-14-70

CR

APSIN: 0314100

ATN: 114146658 CTN: 002

Offense Date: 12/23/13

Defendant is:

(☐ Amended Charge)

☒ **GUILTY** of Allow Minor on Licensed Premises

☐ Attempt ☐ Solicitation ☐ Conspiracy ☐ Gang-related

Statute/Reg./Ord.: 04.16.052(2)

Class: ☒ Misd.A ☐ Misd.B ☐ Misd.N ☐ Infrac./Viol.

☐ **NOT GUILTY** of _____

It is ordered that defendant is acquitted and discharged.

☒ **CTN Charges Dismissed** ct 1 furnishing

PLEA: ☒ Guilty ☐ No Contest

PLEA AGREEMENT: ☒ Yes ☐ No ☐ Partial

TRIAL: ☐ Court ☐ Jury

DV Offense per AS 18.66.990(3) & (5) ☐ Yes ☒ No

SOREG required per AS 12.63.010 ☐ Yes ☒ No

☐ Motor vehicle used in offense (AS 28.15.181(a))

☐ Traffic safety corridor ☐ Highway work zone

☐ Commercial vehicle offense:

☐ >26,000 lbs ☐ 15+ passengers ☐ Hazmat matls.

☒ **SUSPENDED IMPOSITION OF SENTENCE.** Imposition of sentence is suspended and defendant is placed on probation subject to the orders and conditions listed below.

SENTENCE IS IMPOSED AS FOLLOWS:

DIRECT COURT ORDERS

1. FINE: \$ 250 with \$ 0 suspended. Due: 7/4/14 Bail to Fine: \$ _____
2. POLICE TRAINING SURCHARGE due within 10 days: ☒ \$50 (Misd) ☐ \$10 (Infraction) ☐ None (Fine Under \$30)
3. JAIL: _____ days with _____ days suspended. Report at 7:30 a.m. on _____ to the Cordova Center, 130 Cordova Street, Anchorage or a bench warrant may be issued for your arrest.
4. ☐ Initial Jail Surcharge: ☐ \$50 per case. Due _____ to AG's Office, 1031 W. 4th Ave., #200, Anchorage, AK 99501.
5. ☐ Suspended Jail Surcharge: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
6. ☐ Defendant is ordered to complete the treatment recommended by an Alcohol Safety Action Program (ASAP) and pay costs. Report to MAT-SU/Anchorage ASAP within 5 days. This may include residential treatment up to _____ days plus required aftercare in addition to any jail time ordered above.
7. ☐ Defendant is ordered to pay restitution as stated in the Restitution Judgment and to apply for an Alaska Permanent fund dividend, if eligible, each year until restitution is paid in full.
☐ The amount of restitution will be determined as provided in Criminal Rule 32.6(c)(2).
8. ☐ Defendant is ordered to _____

CONDITIONS OF PROBATION. Defendant is placed on probation for 1 yr. years/months, subject to the following conditions:

9. ☒ Comply with all direct court orders listed above by the deadlines stated.
10. ☒ Commit no jailable offenses during the period of probation.
11. ☐ Perform _____ hours Community Work Service (CWS). Proof to the court by _____
12. ☐ Complete ☐ a state-approved domestic violence intervention program:
☐ an anger management program. Pay required fees. Contact the above program within five days after sentencing. Return to court periodically as ordered to prove compliance with and/or completion of the program. The first court date is _____ at 1:30 pm. Provide proof of completion to the court by _____
13. ☐ Have no contact, direct or indirect, with _____ unless that person's written consent has been supplied to the court.
14. Other: _____

I certify that a copy of this judgment was given to:

☒ Def ☐ Def Atty ☒ DA by 13 on 6/5/14

☒ DPS ☐ Anch Jail ☐ MSASAP/AASAP ☐ MSPT

☐ DMV, 1300 W. Benson Blvd., Anch., AK 99503

☐ w/ surr. lic.# _____ by yo on 6.4.14

Judicial Officer

Print Name: W.L. Eskille

Effective Date 6/4/14

In the District Court of the State of Alaska
Third Judicial District in Palmer, Alaska

AB13-0534
Agency Number

State of Alaska,

Plaintiff

vs.

James Gerald Berryman

DOB/ 8-1-37

ID/ 0314100

ATN: 114 146 658

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

VRA CERTIFICATION I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)
☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

CTN 001
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(5)

Complainant states that on or about the 23rd day of December, 2013, at or near Talkeetna in the Third Judicial District, State of Alaska, James Gerald Berryman, a **licensee** or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(5) and against the peace and dignity of the State of Alaska.

CTN 002
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(2)

Complainant states that on or about the 23rd day of December, 2013, at or near Talkeetna in the Third Judicial District, State of Alaska, James Gerald Berryman, a **licensee** or an agent or an employee of the licensee with criminal negligence allowed a person under the age of 21 years to enter and remain within a licensed premises.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(2) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer 13-008; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's establishment, H & H Lakeview Restaurant, a licensed liquor establishment in or near Talkeetna, where the Defendant sold UB a glass of Alaskan Amber beer, an alcoholic beverage and allowed the underage person to remain on the licensed premises. Further upon the statement of the Defendant that he did sell UB the alcoholic beverage. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control Board, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control Board.

I certify under penalty of perjury that the above information is true.

Signature of Complainant

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. A3 13-0534
Date: 12/23/13 Time In: 1752 Time Sold: 1753 Time Out: 1757
Name of Business: H+H Lakeview Restaurant
Store #: NA Alcohol License #: 39104
Address: mile 99.5 Parks Hwy

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: NA
Male (☒) Female () Hair Color white Eye Color Grey
Height 5'10" Weight 200 Age 60+ Glasses: ☒ Yes or No
Wearing JEANS, striped dress shirt

PURCHASE

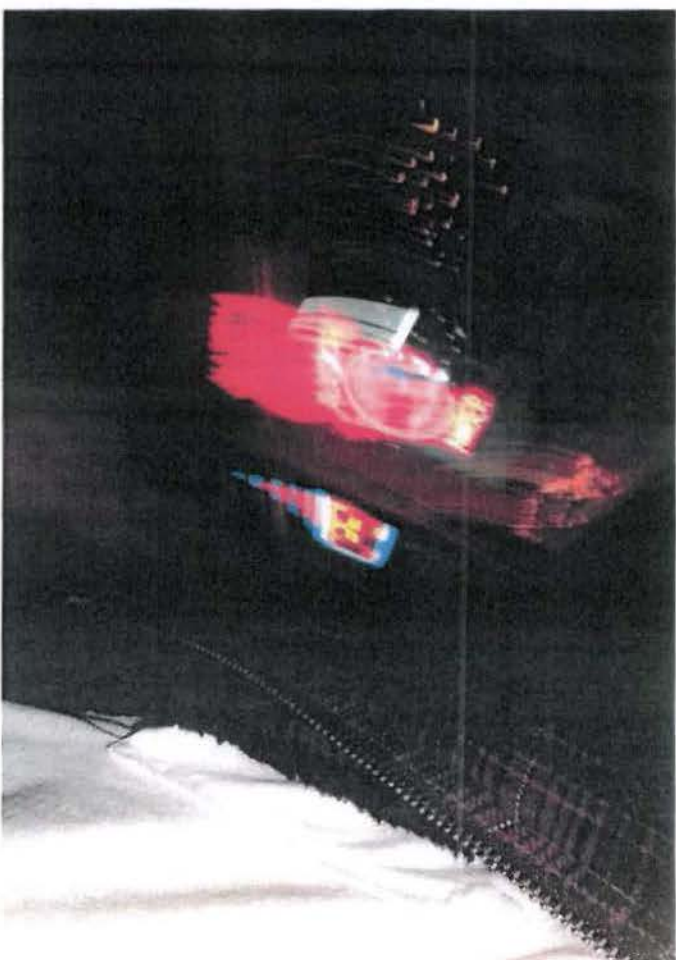
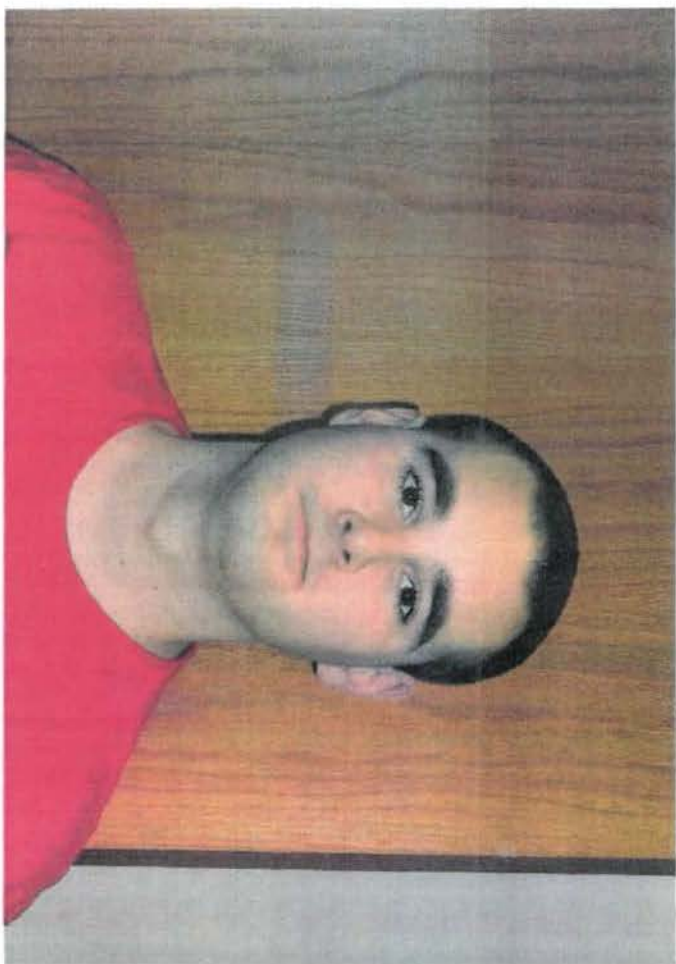
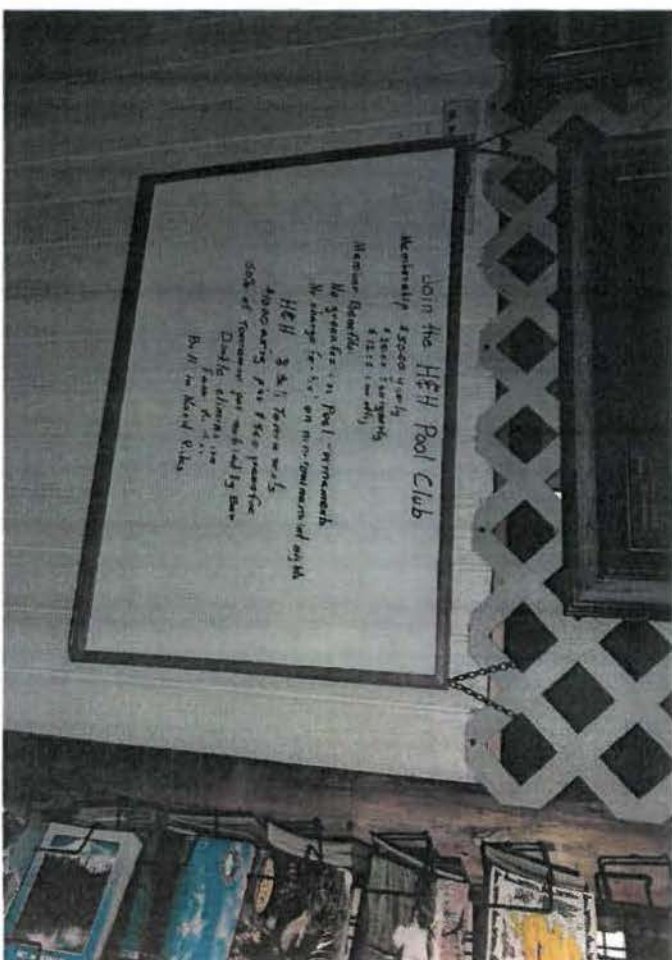
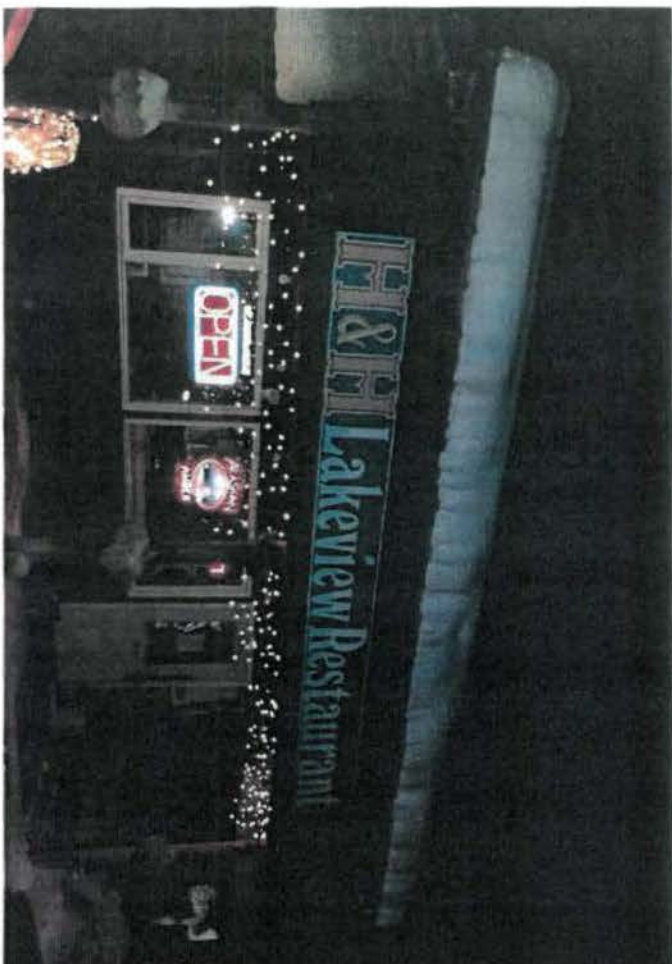
I purchased Alaska Amber, an alcoholic beverage and paid \$ 5.00
Describe Alcohol Purchased
I was not questioned as to my age (INSERT WAS OR WAS NOT)
I was not asked for my identification (INSERT WAS OR WAS NOT)

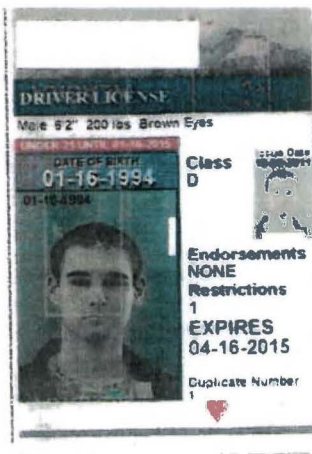
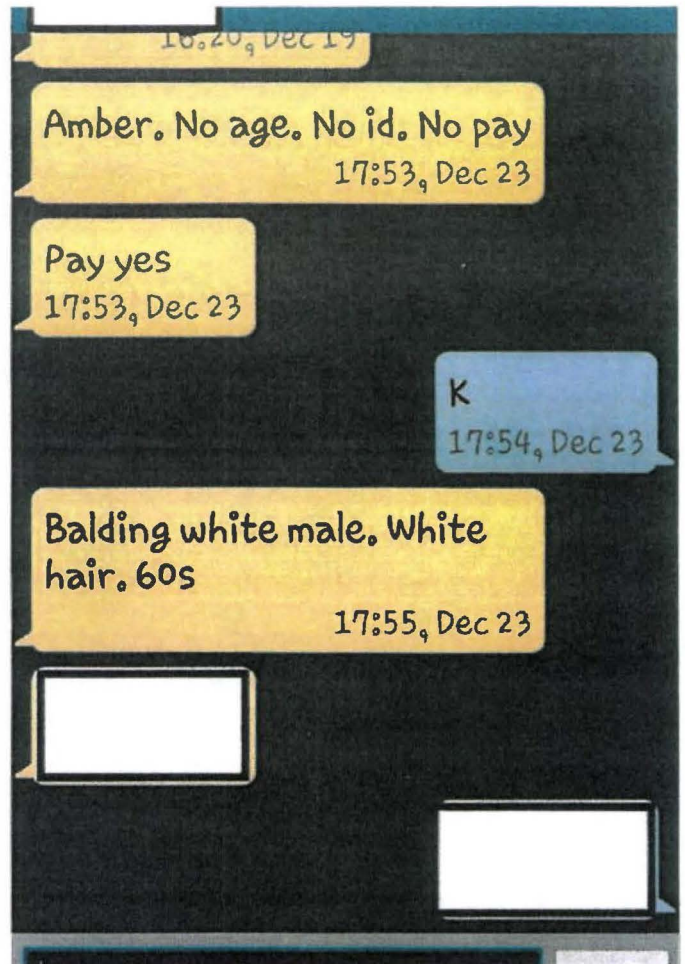
NOTES:

I entered the establishment, took a seat at the bar, was greeted by the elderly balding bartender. I asked for an Amber, was questioned about a bottle or glass. I answered a glass. I was served a pint of Amber without any inquiries to age or identification. I waited until the investigator arrived, then exited.

I have read the above statement and all the facts are true and correct

Buyer # 13-008 Age 19 DOB: 01-16-1994





Ending Mileage

Date

Starting Mileage

Weather

Total Mileage

Vehicle

12-23-13

Time	
1745	KODAK
1745	3/13
1736	KKK
1741	260

1752 H & H LAKEVIEW

1753 TROT AMBER PINE OUT 1757
Tired

JAMES GERALD BERRYMAN

Receipts
Sub 24

TAP 116075 E. JENKINS

6-23-16

14 YRS Selling

HC 89 Box 616

Willow 616 Box

99688

PA ABL 0374/100

8-1-37

18/9 10-8



U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Ending Mileage

Starting Mileage

Total Mileage

Time

22TH 122L E000 054E 900L
7006 3450 003 7321 4122

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 12-27-13
Number AB13-0534
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Gerald Berryman	License Number 3904	Type of License Beverage Dispensary
D.B.A. H & H Lakeview Restaurant, Mile 99.5 Parks Hwy	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # On-File <input type="checkbox"/> [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box HC89, Box 616	City, State Willow, AK	Zip 99688

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 12-23-13, at about 1753 hours, H & H Lakeview Restaurant licensee James Gerald Berryman sold an alcoholic beverage to a person under 21 (UB 13-008; age 19), and then allowed the underage person to remain on the licensed premises.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

*Please include your Alcohol License Number in your response.

Shirley A. Cote', Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton and UB 13-008
Filed By: <i>FR Hamilton</i>	Title: Investigator III

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT PALMER

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
JAMES GERALD BERRYMAN,)
)
Defendant.)
_____)

No. 3PA-S14-00070 CR

TRANSCRIPT OF PROCEEDINGS

June 4, 2014 - Pages 2 through 10

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COP HEARING

BEFORE THE HONORABLE WILLIAM L. ESTELLE
Superior Court Judge

Palmer, Alaska
June 4, 2014
3:14 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

UNKNOWN
Assistant District Attorney
515 East Dahlia Street
Suite 150
Palmer, Alaska 99645

FOR THE DEFENDANT:

PHILLIP PAUL WEIDNER
PHILLIP P. WEIDNER & ASSOCIATES
330 L Street, Suite 200
Anchorage, Alaska 99501

P R O C E E D I N G S

1

2

3

3

03:14:08

4

MR. WEIDNER: My client has a hearing problem. I think he can hear me if I speak loud if that's all right.

5

6

THE COURT: Sure. All right. I'll try to speak up and we do have some wireless headphones if that would help. I mean.....

7

8

9

MR. WEIDNER: Can you hear the judge?

10

MR. BERRYMAN: I can hear you good now.

11

MR. WEIDNER: All right.

12

THE COURT: All right. I'll try to speak up.

13

MR. WEIDNER: All right.

14

THE COURT: We do have wireless headphones. Somebody spent your oil money on them. It'd be a shame not to use them if you want them.

16

17

MR. WEIDNER: All right.

18

MR. BERRYMAN: My hearing aid wore out.

19

THE COURT: Okay. Well, I tend to speak softly so I'll try to lean into the mike.

20

21

MR. BERRYMAN: Okay. So.....

22

MR. WEIDNER: Good afternoon, Your Honor.

23

THE COURT: Good afternoon.

24

MR. WEIDNER: We're here today on State verse James Gerald Berryman. The actual case number is 3PA-14-0007 CR. Mr.

25

1 Berryman was initially served with two citations, 1P00355106
2 and 100355107. 00355106 charge allowing a person under 21
3 persons -- allowing a person under 21 to remain on licensed
4 premises with criminal negligence. P00355107 charged that a
5 licensee, to wit, Mr. Berryman, had allegedly furnished
6 alcohol to a minor with criminal negligence. Those were the
7 subject then of a complaint in this matter, a two-count
8 complaint. The complaint in Count I charged furnishing of
9 alcoholic beverages to persons under the age of 21 by licensee
10 in violation of AS 04.16.052(5).

11 Count II charged furnishing of alcoholic beverages to
12 persons under the age of 21 by licensees in violation of
13 AS 04.16.052(2). There's going to be a guilty plea today
14 under Rule 11, the Alaska Rules of Criminal Procedure, to
15 Count II. Count I is going to be dismissed with prejudice.
16 I'll state in a moment, Your Honor, the basis of the -- the
17 factual basis for the plea. The defendant can acknowledge and
18 I also will represent to Your Honor that I've advised Mr.
19 Berryman of his rights to a trial by jury, his rights to a
20 unanimous verdict, his rights to call witnesses, his rights to
21 cross examine and confront witnesses, his rights to effective
22 assistance of counsel, his rights to remain silent, his rights
23 to a verdict being unanimous and other applicable rights.
24 I've shown him a copy of the statute to which he is pleading
25 and advised him of the elements of the statute. It's my

1 understanding he's doing so knowingly, voluntarily and with
2 knowledge of those rights.

3 I'll note for the record, Your Honor, that, as reflected
4 by the police reports and my investigation of the
5 circumstances that gave rise to this situation are as follows:
6 Mr. Berryman will be 77 years old in August. He's been in
7 Alaska since 1969. He has ran an establishment -- actually,
8 it's near my homestead on the Parks Highway but it's at
9 Mile 99. It's the H&H establishment. I don't know if Your
10 Honor's familiar with it or not but it's a.....

11 THE COURT: It's been around a long time, I believe.

12 MR. WEIDNER: It has. It certainly has and it serves a
13 very valuable function to the community both in terms of a
14 local watering hole, so to speak, but also a restaurant. He
15 does -- he is the owner. He is a licensee. He's actually
16 been supporting his aged wife for a number of years.

17 On the date in question, he was out plowing snow and he
18 came back in momentarily and one of his sons who was a -- the
19 bartender was back cooking so he did serve a drink to a person
20 who appears to have been under age. I've got photographic
21 proof and I've actually got witnesses to the fact that that
22 person -- and if Your Honor needed, you could see -- actually
23 looks to be considerably older than 21 but he was technically
24 a minor and I don't think that -- and I'm -- there's a
25 question as to whether or not the ID in question was properly

1 examined but Mr. Berryman is concerned though that there might
2 be a miscarriage of justice and he might get convicted by a
3 jury of the furnishing charge. So, as a result, under Alford,
4 he's going to plea to the allowing the minor on the premises.

5 The Alcohol Beverage and Control Board has sent some type
6 of appropriate notice on this and it hasn't been resolved yet
7 and we may well litigate the issues there but we're prepared
8 to plead guilty today to the allowing the minor on the
9 premises. In that regard, Mr. Berryman did have a -- what he
10 thought was a valid restaurant license to allow a minor to be
11 on the premises but the agent apparently told him that it
12 wasn't, that there was some problem with it. So he's going to
13 plead guilty under Alford to avoid the possibility of a
14 miscarriage of justice and a greater offense and that includes
15 the fact that he, apparently, has a number of years ago a
16 prior conviction for furnishing which was an -- again, very
17 interesting circumstances but that's the status of the case.

18 The agreement is a one-year SIS, the option of either 24
19 hours work service or a fine of \$250. He's going to pay the
20 fine and if you have any other questions, I'll be glad to
21 address them.

22 THE COURT: Okay. And how much time are you requesting to
23 pay the fine?

24 MR. WEIDNER: Sorry to have to ask this but does the court
25 system take credit cards or not? Do.....

1 THE COURT: Well, we -- I think we're on the verge of
2 allowing e-filing and paying but.....

3 MR. WEIDNER: Right.

4 THE COURT:that's only traffic tickets so far
5 so.....

6 MR. WEIDNER: Right.

7 THE COURT:I, frankly, don't know. Do you know,
8 Madam Clerk?

9 MR. WEIDNER: Well, in any -- how about if we just say 30
10 days?

11 THE COURT: That's fine.

12 MR. WEIDNER: I mean, he could pay it today with a credit
13 card but, if not, he'll pay it within 30 days.....

14 THE COURT: That's fine.

15 MR. WEIDNER:and any court costs within 30 days.

16 THE COURT: Okay. So Count I, the furnishing, is
17 dismissed and no probation to follow. Will this be a guilty
18 or no contest plea?

19 MR. WEIDNER: No contest.

20 DISTRICT ATTORNEY: I'm sorry, we don't accept no contest
21 pleas. It has to be.....

22 MR. WEIDNER: Well, it's guilty under *Alford* then.

23 THE COURT: Okay. And that.....

24 MR. WEIDNER: Under *Alford* verse *North Carolina*. I know
25 Your Honor's familiar with the case.

1 THE COURT: And I don't know that it nowadays makes much
2 difference but, in any event, Mr. Berryman, what is your
3 current mailing address?

4 MR. BERRYMAN: It's 8C89 Box 616, Willow. That's, of
5 course, Alaska, 99688.

6 THE COURT: 8C89 Box 616?

7 MR. BERRYMAN: Right.

8 THE COURT: 99688?

9 MR. BERRYMAN: Right.

10 THE COURT: Okay. And, with that, Mr. Berryman, anything
11 you'd like to say about the case?

12 MR. BERRYMAN: No, sir.

13 THE COURT: All right. Bear with me as I fill out the
14 paper work. The -- well, I'll accept the agreement, Mr.
15 Berryman, with the license starting with a 031. You've,
16 doubtless, been here a long time.

17 MR. BERRYMAN: It has.

18 THE COURT: And, as I recall, H&H has been there before
19 there was a bridge across the Susitna. So it's just the kind
20 of thing you run into when you're operating a license.....

21 MR. BERRYMAN: Right.

22 THE COURT:and you just know that the people they
23 send in there look like they're pushing 30 so it's -- you
24 know, I know you've had the conversation with Mr. Weidner but
25 it is what it is and I'll accept the agreement. The

1 furnishing is dismissed and it's a \$250 fine on Count II.
2 I'll accept the guilty plea and it's a suspended imposition of
3 sentence for one year so if you do the things you need to and
4 don't do things you shouldn't, you can get the conviction set
5 aside at the end of a year.

6 MR. BERRYMAN: Okay.

7 THE COURT: So, basically, the conditions -- and I wrote
8 down no probation. It's one year probation on conditions that
9 you pay a \$250 fine by July 4th so get it done before the
10 Independence Day. There's a \$50 misdemeanor surcharge payable
11 within 10 days at the clerk's office, one year probation on
12 conditions you comply with the direct court orders by the
13 deadlines and commit no jailable offenses and I don't believe
14 there was any bond and/or bail conditions but if there were,
15 those are vacated. So any questions, sir?

16 MR. BERRYMAN: One question. When does your probation
17 start?

18 THE COURT: Starts today and.....

19 MR. BERRYMAN: Okay.

20 THE COURT:ends a year from today so you can mark it
21 on your calendar.

22 MR. BERRYMAN: I'll watch.

23 THE COURT: All right. And, Mr. Weidner, anything else?

24 MR. WEIDNER: No.

25 THE COURT: All right. Well, thank you for helping out.

1 MR. WEIDNER: Always a pleasure, Your Honor. Have a nice
2 afternoon.

3 THE COURT: You too and.....

4 MR. BERRYMAN: You're going to send me a bill, huh?

5 THE COURT: With that, I'm out of files. We're off
6 record.

7 DISTRICT ATTORNEY: Thank you.

8 THE COURT: Good luck.

9 DISTRICT ATTORNEY: Have a nice afternoon, Judge.

10 (Off record)

11 03:24:21

12 END OF REQUESTED PORTION

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Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 1-10-11
Number 11-0008
Page 1 of 1 page

Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
Gerald Berryman	3904	Beverage Dispensary
D.B.A. H & H Lakeview Restaurant MP 99.5 Parks Hwy	How Delivered [X] Certified Mail # 7009 2820 0001 [] In Person 7253 3504	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box HC 89, Box 616	City, State Willow, AK	Zip 99688

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 1-6-11, at about 1704 hours, H&H Lakeview Restaurant licensee James Gerald Berryman furnished an alcoholic beverage to a person under the age of 21. The incident occurred during a compliance check. Berryman was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 1-25-10, 0830 hours, Palmer District Court was assigned. Inv. Smyers conducted a tobacco inspection and we then departed the establishment.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. *Please include your Alcohol License Number in your response.

Shirley A. Gifford, Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5438
Fax: 907.263.5930

MEMORANDUM

TO: ABC Chair Klein, and members of the Board

DATE: September 29, 2014

THRU: Cynthia Franklin, Director *CF*

FROM: Robert Beasley, Enforcement Supervisor

RB
RE: H & H Lakeview Restaurant
License No. 3904

On December 23, 2013 at approximately 5:53 p.m., H & H Lakeview Restaurant licensee, James Berryman, sold an alcoholic beverage to an Underage Buyer during a compliance check. Investigator Hamilton issued Mr. Berryman two uniform citations; one for Count I furnishing an alcoholic beverage to a minor while working on a licensed premises in violation of AS 04.16.052(5), and Count II for allowing a minor to enter and remain on the licensed premises in violation of AS 04.16.052(2).

During court proceedings in Palmer District Court, case 3PA-14-70 CR., as a result of a plea agreement, Mr. Berryman entered a plea of guilty to Count II for allowing a minor to enter and remain on the licensed premises. Count I for furnishing an alcoholic beverage to a person under the age of 21 was dismissed.

Mr. Berryman was given a \$250.00 fine, paid a \$50.00 court surcharge and was placed on probation for a period of one-year. No jail time or suspended jail time was imposed.



Alcoholic Beverage Control Board

Incident Report

Incident: AB13000534

Incident Type: Liquor Law Violations [90G]
Incident time: 12/23/2013 17:53 -
Reported time: 12/23/2013 17:53
Incident location: 99MILE PARKS HIGHWAY, TALKEETNA, Matanuska Susitna Borough AK USA 99676 (MILE MARKER 99.5) (Beat/zone: HHAA, TALKEETNA)
Incident status: Closed by arrest
Summary: On 12-23-13, at about 1753 hours, H & H Lakeview Restaurant licensee James Gerald Berryman sold an alcoholic beverage to a person under 21 (UB 13-008; age 19), and then allowed the underage person to remain on the licensed premises. Berryman was issued summonses for furnishing alcohol to a person under 21 and allowing an under 21 person on a licensed premises. A mandatory court date of 1-28-14, 0830 hours, Palmer District Court was assigned. The incident occurred during a compliance check.

Incident Activities/Offenses

- ABC - Compliance Check (covert)
- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - AS04.16.052(2) - Licensee Allow Minor on Alcohol Premises
- Alcohol - AS04.16.052(5) - Furnish Deliver To Minor While Licensee Working on Premises

Involved Persons/Organizations

BERRYMAN, JAMES GERALD

Classification: Arrested; Charged; Citation issued to; Interview; Owner
SID: AK0314100 **DL:** 0314100 AK
Gender: Male **DOB:** 08/01/1937
Height: 5'7" **Weight:** 155lb **Build:**
Race: White **Hair Color:** Gray or partially gray **Eye Color:** Hazel
Address: 99 S PARKS HIGHWAY, Mile marker 99, TALKEETNA, Matanuska Susitna Borough AK USA 99676 Postal box: PO 86 Postal dist: 99676 (MILEPOST-H&H LAKEVIEW RESTAURANT) (Beat/zone: HHAA)
E-mail: LAKEVIEW@MTAONLINE.NET
Telephone: (FAX) (907) 733-2344
Telephone: (Landline) (907) 733-2415

H & H LAKEVIEW RESTAURANT

Classification: Operator

ID: **Type:** Bar

Address: 99MILE PARKS HIGHWAY, TALKEETNA, Matanuska Susitna Borough AK USA 99676
(MILE MARKER 99.5) (Beat/zone: HHAA, TALKEETNA)

E-mail: No known E-mail

Telephone:

Involved Addresses

- 99MILE PARKS HIGHWAY / Incident location / TALKEETNA, Alaska, USA 99676 (MILE MARKER 99.5)
(Beat/zone: HHAA, TALKEETNA)

Involved Officers

- Reporting unit / #ABCHABC ENFORCEMENT STATEWIDE / Reporting unit
- Reporting officer / #FRH0HAMILTON, FRANCIS J / Reporting officer

Reports

Arrest report

Subject: BERRYMAN, JAMES GERALD / Arrested; Charged; Citation issued to; Interview; Owner /
DOB: 08/01/1937 (77) Gender: Male (99 S PARKS HIGHWAY, Mile marker 99,
TALKEETNA, Matanuska Susitna Borough AK USA 99676 Postal box: PO 86 Postal dist:
99676 (MILEPOST-H&H LAKEVIEW RESTAURANT) (Beat/zone: HHAA) (Landline) (907)
733-2415 LAKEVIEW@MTAONLINE.NET) DL:AK:0314100

Author: #FRH0 HAMILTON, F. **Report time:** 12/27/2013 10:11

Charges: (1) AS04.16.052(5) Furnish Deliver To Minor While Licensee Working on Premises ()
(2) AS04.16.052(2) Licensee Allow Minor on Alcohol Premises ()

General report

Author: #FRH0 HAMILTON, F. **Report time:** 12/27/2013 10:24

Narrative:

OBSERVATION:

On 12-23-13, at about 1752 hours, Underage Buyer 13-008; age 19, herein referred to as UB, entered H & H Lakeview Restaurant. I remained outside. At about 1753 hours, UB sent me a total of three text messages essentially relating he had been sold an amber beer, no age or ID was asked for and that he had

paid. The third message described the server. UB paid for the beer with a recorded ten dollar bill and received change.

OFFICER ACTION:

At about 1757 hours, I entered the establishment and observed UB seated at the bar with a glass of beer in front of him. I took a photograph of UB seated with the beer. UB identified his server, gave me his ID and then departed the establishment. I then made contact with the server and advised him UB was underage and 19. He was asked to provide his ID and his server education card to me. He was identified as licensee James G. Berryman.

INTERVIEW #1, DI, J.G. BERRYMAN:

Conducted in a non-custodial manner. Berryman essentially related he was tired and this was "Bullshit". Berryman, using more explicatives, said he had just gotten off the loader and was relieving the bartender so he could cook a hamburger. His neighbor, a customer at the bar, said UB needed a beer. Berryman recalled serving UB an amber beer and did not check his ID. Berryman has been selling alcohol for 14 years and has received server education, TAP 116075, exp. 6-23-16, instructor E. Jenkins. I advised Berryman I was going to my vehicle to complete the summons. As I was leaving I heard him say something to the effect that I needed an ass whoopin.

OFFICER ACTION:

Berryman was issued summonses for furnishing alcohol to a person under 21 and allowing an under 21 person on a licensed premises. A mandatory court date of 1-28-14, 0830 hours, Palmer District Court was assigned. After discussing his Restaurant Designation Permit, I exited the establishment.

NOTE:

UB completed five compliance checks on 12-23-13. Two establishments sold UB an alcoholic beverage.

EVIDENCE:

Digital audio and photos.

CASE STATUS:

Closed with charges referred to the DAO for prosecution.

Defendant

Berry MAAD James Gerald

Agency ID
ATCA

P 00355107

Plaintiff

SOA / DCCED

Agency

ABC

Agency case #

AB13-0534

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050(b) & (c) Minor ConsumingF&G Offense charged as strict liability violation ☐ Yes ☐ No

District Court at

Palmer

Judicial District: 3

Court Case#

DEFENDANT

DOB 8-7-37 Age _____ Driver's Lic 0314100 State AK Class CDL APSIN ID SAME
 Hair white Eyes haz Race W Sex M Ht 5'7" Wt 160 Ph 733 2415 Wk Ph 733 2415
 Res Addr HC 89 Box 616 Willow 99688
 Mail Addr ☒ Same Employer H&H Lakeview

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
 Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 12-23-13 Time 1753 ATN 114146658 CTN 001 Code 9931
 Location Mile 99.5 Parks Hwy Loc. Code HHAH ☐ Hwy Work Zone ☐ Safety Corridor
☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04-16.052(5)
 Offense: FURNISHING
 Over Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality ☐ Commercial Fishing
 Complaint to follow

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

FR [Signature]
Officer's SignatureI. R. Hamilton
Officer's Printed NameFR [Signature]
ID12-23-13
Date Served on Defendant

REQUIRED RESPONSE

- ☒ MANDATORY COURT APPEARANCE: You must appear on 1-28-14 at 0830 (AM/PM).
 If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: 435 S. Denali St Palmer

- ☐ CORRECTABLE. This citation will be dismissed if, within 30 days, you:

- ☐ Correct the defect and present the vehicle for inspection
☐ Show proof of a valid license
☐ Show proof of valid insurance

at any Alaska State Trooper Post or _____

If you do not, you must pay online or fill out the back of this form and mail it within 30 days to: (court or city)

- ☐ OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) _____

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

Defendant Berryman, James Gerald
 Plaintiff SOA/DCCED Agency ABC

Agency ID ABCA P 00355106
 Agency case # AB 13-0534

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050(b) & (c) Minor Consuming
 F&G Offense charged as strict liability violation ☐ Yes ☐ No

District Court at Palmer Judicial District: 3 Court Case#

DEFENDANT

DOB 8-1-37 Age _____ Driver's Lic 0314100 State AK Class CDL APSIN ID Same
 Hair WHT Eyes HAZ Race W Sex M Ht 5'7" Wt 160 Ph 733 2415 Wk Ph Same
 Res Addr HC 89 Box 676 Willow 99688
 Mail Addr ☐ Same Employer HEA Lakeview

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____

Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 12-23-13 Time 1753 ATN 114146658 CTN 002 Code 9878

Location mile 99.5 Parks Hwy Loc. Code NHAA ☐ Hwy Work Zone ☐ Safety Corridor

☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04.16.052(2)

Offense: Allowing under 21 person on Lic. Palmer 805

Over Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality ☐ Commercial Fishing

Complaint To Follow

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

FR Hamilton FR 12-23-13
 Officer's Signature Officer's Printed Name ID Date Served on Defendant

REQUIRED RESPONSE

☒ MANDATORY COURT APPEARANCE. You must appear on 1-28-14 at 0830 AM/PM.
 If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest.
 For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: 435 S. Denali St. Palmer

☐ CORRECTABLE. This citation will be dismissed if, within 30 days, you:
☐ Correct the defect and present the vehicle for inspection
☐ Show proof of a valid license
☐ Show proof of valid insurance
 at any Alaska State Trooper Post or _____
 If you do not, you must pay online or fill out the back of this form and mail it within 30 days to: (court or city)

☐ OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) _____

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT PALMER

JUDGMENT

State of Alaska

vs.

Defendant:

DL/ID (☐ CDL)

Address:

DOB:

☒ AK ☐

Case No.: 3PA-14-70

CR

APSN: 0314100

ATN: 114146658 CTN: 002

Offense Date: 12/23/13

Defendant is:

(☐ Amended Charge)

☒ **GUILTY** of Allow Minor on Licensed Premises
☐ Attempt ☐ Solicitation ☐ Conspiracy ☐ Gang-related

Statute/Reg./Ord.: 04.16.052(2)

Class: ☒ Misd.A ☐ Misd.B ☐ Misd.N ☐ Infrac./Viol.

☐ **NOT GUILTY** of

It is ordered that defendant is acquitted and discharged.

☒ **CTN Charges Dismissed** ct 1 furnishing

PLEA: ☒ Guilty ☐ No Contest

PLEA AGREEMENT: ☒ Yes ☐ No ☐ Partial

TRIAL: ☐ Court ☐ Jury

DV Offense per AS 18.66.990(3) & (5) ☐ Yes ☒ No

SOREG required per AS 12.63.010 ☐ Yes ☒ No

☐ Motor vehicle used in offense (AS 28.15.181(a))

☐ Traffic safety corridor ☐ Highway work zone

☐ Commercial vehicle offense:

☐ >26,000 lbs ☐ 15+ passengers ☐ Hazmat matls.

☒ **SUSPENDED IMPOSITION OF SENTENCE.** Imposition of sentence is suspended and defendant is placed on probation subject to the orders and conditions listed below.

SENTENCE IS IMPOSED AS FOLLOWS:

DIRECT COURT ORDERS

1. FINE: \$ 250 with \$ 0 suspended. Due: 7/4/14 Bail to Fine: \$
2. POLICE TRAINING SURCHARGE due within 10 days: ☒ \$50 (Misd) ☐ \$10 (Infraction) ☐ None (Fine Under \$30)
3. JAIL: _____ days with _____ days suspended. Report at 7:30 a.m. on _____ to the Cordova Center, 130 Cordova Street, Anchorage or a bench warrant may be issued for your arrest.
4. ☐ Initial Jail Surcharge: ☐ \$50 per case. Due _____ to AG's Office, 1031 W. 4th Ave., #200, Anchorage, AK 99501.
5. ☐ Suspended Jail Surcharge: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
6. ☐ Defendant is ordered to complete the treatment recommended by an Alcohol Safety Action Program (ASAP) and pay costs. Report to MAT-SU/Anchorage ASAP within 5 days. This may include residential treatment up to _____ days plus required aftercare in addition to any jail time ordered above.
7. ☐ Defendant is ordered to pay restitution as stated in the Restitution Judgment and to apply for an Alaska Permanent fund dividend, if eligible, each year until restitution is paid in full.
☐ The amount of restitution will be determined as provided in Criminal Rule 32.6(c)(2).
8. ☐ Defendant is ordered to _____

CONDITIONS OF PROBATION. Defendant is placed on probation for 1 yr. years/months, subject to the following conditions:

9. ☒ Comply with all direct court orders listed above by the deadlines stated.
10. ☒ Commit no jailable offenses during the period of probation.
11. ☐ Perform _____ hours Community Work Service (CWS). Proof to the court by _____
12. ☐ Complete ☐ a state-approved domestic violence intervention program:
☐ an anger management program. Pay required fees. Contact the above program within five days after sentencing. Return to court periodically as ordered to prove compliance with and/or completion of the program. The first court date is _____ at 1:30 pm. Provide proof of completion to the court by _____.
13. ☐ Have no contact, direct or indirect, with _____ unless that person's written consent has been supplied to the court.
14. Other: _____

I certify that a copy of this judgment was given to:

☒ Def ☐ Def Atty ☒ DA by 13 on 6/5/14
☒ DPS ☐ Anch Jail ☐ MSASAP/AASAP ☐ MSPT

☐ DMV, 1300 W. Benson Blvd., Anch., AK 99503

☐ w/ surr. lic.# _____ by yo on 6.4.14

Judicial Officer

Print Name: W.L. Eskille

Effective Date

AB13-0534
Agency Number

ATN: 114 146 658

VRA CERTIFICATION I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)
☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

CTN 001
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(5)

Complainant states that on or about the 23rd day of December, 2013, at or near Talkeetna in the Third Judicial District, State of Alaska, James Gerald Berryman, a **licensee** or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(5) and against the peace and dignity of the State of Alaska.

CTN 002
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(2)

Complainant states that on or about the 23rd day of December, 2013, at or near Talkeetna in the Third Judicial District, State of Alaska, James Gerald Berryman, a licensee or an agent or an employee of the licensee with criminal negligence allowed a person under the age of 21 years to enter and remain within a licensed premises.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(2) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer 13-008; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's establishment, H & H Lakeview Restaurant, a licensed liquor establishment in or near Talkeetna, where the Defendant sold UB a glass of Alaskan Amber beer, an alcoholic beverage and allowed the underage person to remain on the licensed premises. Further upon the statement of the Defendant that he did sell UB the alcoholic beverage. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control Board, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control Board.

I certify under penalty of perjury that the above information is true.

Signature of Complainant

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. AB 13-0534
Date: 12/23/13 Time In: 1752 Time Sold: 1753 Time Out: 1757
Name of Business: H+H Lakeview Restaurant
Store #: NA Alcohol License #: 39104
Address: mile 99.5 Parks Hwy

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: NA
Male (☒) Female () Hair Color white Eye Color Grey
Height 5'10" Weight 200 Age 60+ Glasses: ☒ Yes or No
Wearing JEANS, striped dress shirt

PURCHASE

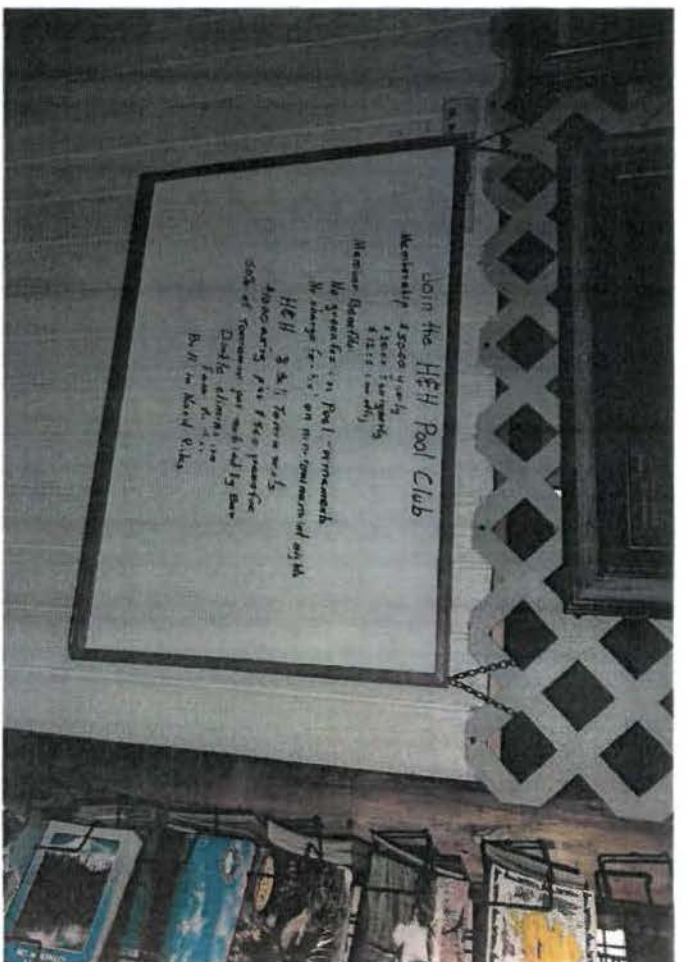
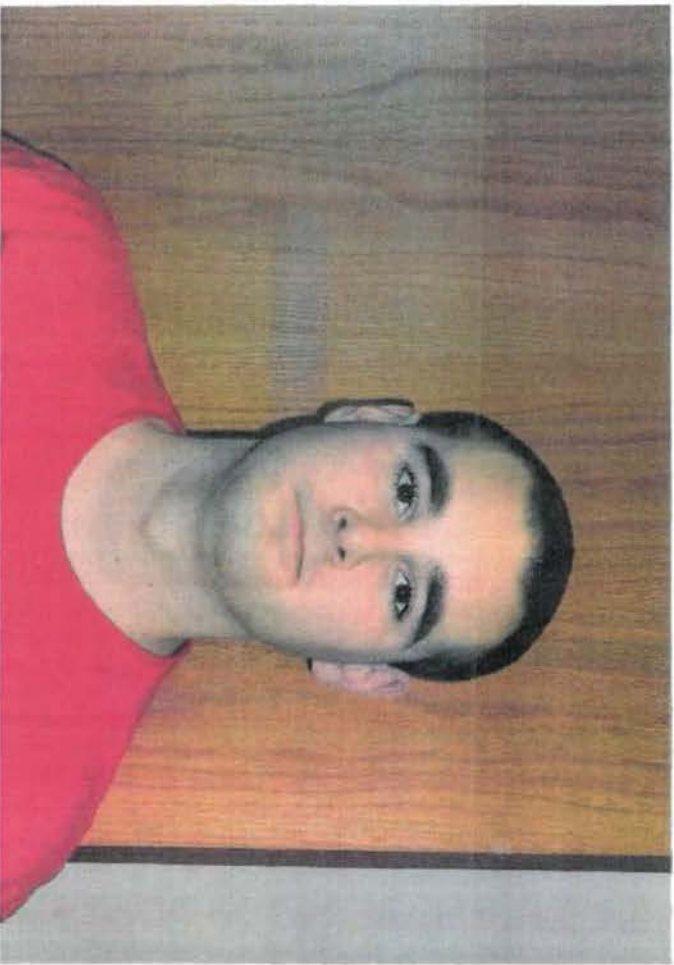
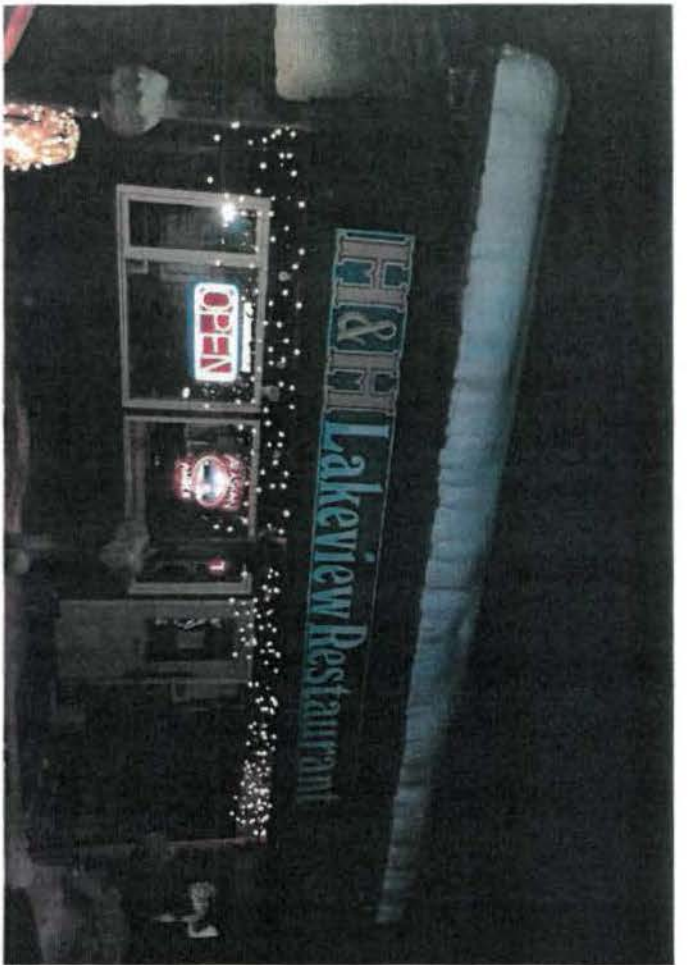
I purchased Alaska Amber, an alcoholic beverage and paid \$ 5.00
Describe Alcohol Purchased
I was not questioned as to my age (INSERT WAS OR WAS NOT)
I was not asked for my identification (INSERT WAS OR WAS NOT)

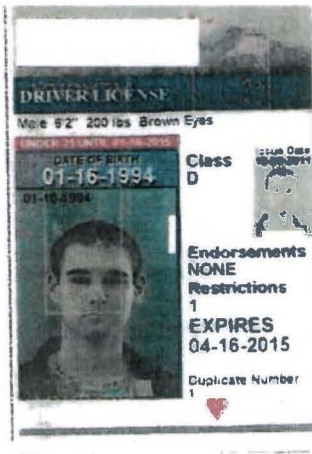
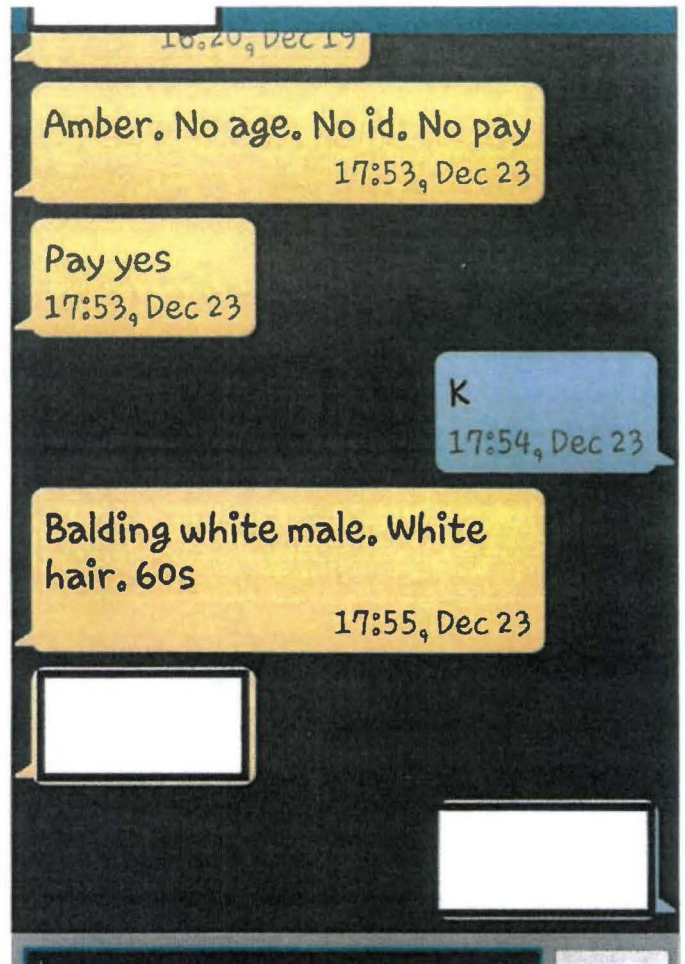
NOTES:

I entered the establishment, took a seat at the bar, was greeted by the elderly balding bartender. I asked for an Amber, was questioned about a bottle or glass. I answered a glass. I was served a pint of Amber without any inquiries to age or identification. I waited until the investigator arrived, then exited.

I have read the above statement and all the facts are true and correct

Buyer # 13-008 Age 19 DOB: 01-16-1994





Ending Mileage

Date

Starting Mileage

Weather

Total Mileage

Vehicle

12-23-13

Time	
1745	KODAK
1745	3/13
1736	KKK
1741	260

1752 H & H LAKEVIEW

1753 TROT AMBER PAID OUT 1757
Tired

JAMES GERALD BERRYMAN

Receipts
Sub 24

TAP 116075 E. JENKINS

6-23-16

14 YRS Selling

HC 89 Box 616

Willow 616 Box

99688

PA ABL 0374/100

8-1-37

18/9 10-8



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OFFICIAL USE

Ending Mileage

Starting Mileage

Total Mileage

Time

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 12-27-13
Number AB13-0534
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Gerald Berryman	License Number 3904	Type of License Beverage Dispensary
D.B.A. H & H Lakeview Restaurant, Mile 99.5 Parks Hwy	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # On-File <input type="checkbox"/> [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box HC89, Box 616	City, State Willow, AK	Zip 99688

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 12-23-13, at about 1753 hours, H & H Lakeview Restaurant licensee James Gerald Berryman sold an alcoholic beverage to a person under 21 (UB 13-008; age 19), and then allowed the underage person to remain on the licensed premises.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

*Please include your Alcohol License Number in your response.

Shirley A. Cote', Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton and UB 13-008
Filed By: <i>FR Hamilton</i>	Title: Investigator III

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT PALMER

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
JAMES GERALD BERRYMAN,)
)
Defendant.)
<hr/>)

No. 3PA-S14-00070 CR

TRANSCRIPT OF PROCEEDINGS

June 4, 2014 - Pages 2 through 10

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COP HEARING

BEFORE THE HONORABLE WILLIAM L. ESTELLE
Superior Court Judge

Palmer, Alaska
June 4, 2014
3:14 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

UNKNOWN
Assistant District Attorney
515 East Dahlia Street
Suite 150
Palmer, Alaska 99645

FOR THE DEFENDANT:

PHILLIP PAUL WEIDNER
PHILLIP P. WEIDNER & ASSOCIATES
330 L Street, Suite 200
Anchorage, Alaska 99501

P R O C E E D I N G S

3

03:14:08

MR. WEIDNER: My client has a hearing problem. I think he can hear me if I speak loud if that's all right.

THE COURT: Sure. All right. I'll try to speak up and we do have some wireless headphones if that would help. I mean.....

MR. WEIDNER: Can you hear the judge?

MR. BERRYMAN: I can hear you good now.

MR. WEIDNER: All right.

THE COURT: All right. I'll try to speak up.

MR. WEIDNER: All right.

THE COURT: We do have wireless headphones. Somebody spent your oil money on them. It'd be a shame not to use them if you want them.

MR. WEIDNER: All right.

MR. BERRYMAN: My hearing aid wore out.

THE COURT: Okay. Well, I tend to speak softly so I'll try to lean into the mike.

MR. BERRYMAN: Okay. So.....

MR. WEIDNER: Good afternoon, Your Honor.

THE COURT: Good afternoon.

MR. WEIDNER: We're here today on State verse James Gerald Berryman. The actual case number is 3PA-14-0007 CR. Mr.

1 Berryman was initially served with two citations, 1P00355106
2 and 100355107. 00355106 charge allowing a person under 21
3 persons -- allowing a person under 21 to remain on licensed
4 premises with criminal negligence. P00355107 charged that a
5 licensee, to wit, Mr. Berryman, had allegedly furnished
6 alcohol to a minor with criminal negligence. Those were the
7 subject then of a complaint in this matter, a two-count
8 complaint. The complaint in Count I charged furnishing of
9 alcoholic beverages to persons under the age of 21 by licensee
10 in violation of AS 04.16.052(5).

11 Count II charged furnishing of alcoholic beverages to
12 persons under the age of 21 by licensees in violation of
13 AS 04.16.052(2). There's going to be a guilty plea today
14 under Rule 11, the Alaska Rules of Criminal Procedure, to
15 Count II. Count I is going to be dismissed with prejudice.
16 I'll state in a moment, Your Honor, the basis of the -- the
17 factual basis for the plea. The defendant can acknowledge and
18 I also will represent to Your Honor that I've advised Mr.
19 Berryman of his rights to a trial by jury, his rights to a
20 unanimous verdict, his rights to call witnesses, his rights to
21 cross examine and confront witnesses, his rights to effective
22 assistance of counsel, his rights to remain silent, his rights
23 to a verdict being unanimous and other applicable rights.
24 I've shown him a copy of the statute to which he is pleading
25 and advised him of the elements of the statute. It's my

1 understanding he's doing so knowingly, voluntarily and with
2 knowledge of those rights.

3 I'll note for the record, Your Honor, that, as reflected
4 by the police reports and my investigation of the
5 circumstances that gave rise to this situation are as follows:
6 Mr. Berryman will be 77 years old in August. He's been in
7 Alaska since 1969. He has ran an establishment -- actually,
8 it's near my homestead on the Parks Highway but it's at
9 Mile 99. It's the H&H establishment. I don't know if Your
10 Honor's familiar with it or not but it's a.....

11 THE COURT: It's been around a long time, I believe.

12 MR. WEIDNER: It has. It certainly has and it serves a
13 very valuable function to the community both in terms of a
14 local watering hole, so to speak, but also a restaurant. He
15 does -- he is the owner. He is a licensee. He's actually
16 been supporting his aged wife for a number of years.

17 On the date in question, he was out plowing snow and he
18 came back in momentarily and one of his sons who was a -- the
19 bartender was back cooking so he did serve a drink to a person
20 who appears to have been under age. I've got photographic
21 proof and I've actually got witnesses to the fact that that
22 person -- and if Your Honor needed, you could see -- actually
23 looks to be considerably older than 21 but he was technically
24 a minor and I don't think that -- and I'm -- there's a
25 question as to whether or not the ID in question was properly

1 examined but Mr. Berryman is concerned though that there might
2 be a miscarriage of justice and he might get convicted by a
3 jury of the furnishing charge. So, as a result, under Alford,
4 he's going to plea to the allowing the minor on the premises.

5 The Alcohol Beverage and Control Board has sent some type
6 of appropriate notice on this and it hasn't been resolved yet
7 and we may well litigate the issues there but we're prepared
8 to plead guilty today to the allowing the minor on the
9 premises. In that regard, Mr. Berryman did have a -- what he
10 thought was a valid restaurant license to allow a minor to be
11 on the premises but the agent apparently told him that it
12 wasn't, that there was some problem with it. So he's going to
13 plead guilty under Alford to avoid the possibility of a
14 miscarriage of justice and a greater offense and that includes
15 the fact that he, apparently, has a number of years ago a
16 prior conviction for furnishing which was an -- again, very
17 interesting circumstances but that's the status of the case.

18 The agreement is a one-year SIS, the option of either 24
19 hours work service or a fine of \$250. He's going to pay the
20 fine and if you have any other questions, I'll be glad to
21 address them.

22 THE COURT: Okay. And how much time are you requesting to
23 pay the fine?

24 MR. WEIDNER: Sorry to have to ask this but does the court
25 system take credit cards or not? Do.....

1 THE COURT: Well, we -- I think we're on the verge of
2 allowing e-filing and paying but.....

3 MR. WEIDNER: Right.

4 THE COURT:that's only traffic tickets so far
5 so.....

6 MR. WEIDNER: Right.

7 THE COURT:I, frankly, don't know. Do you know,
8 Madam Clerk?

9 MR. WEIDNER: Well, in any -- how about if we just say 30
10 days?

11 THE COURT: That's fine.

12 MR. WEIDNER: I mean, he could pay it today with a credit
13 card but, if not, he'll pay it within 30 days.....

14 THE COURT: That's fine.

15 MR. WEIDNER:and any court costs within 30 days.

16 THE COURT: Okay. So Count I, the furnishing, is
17 dismissed and no probation to follow. Will this be a guilty
18 or no contest plea?

19 MR. WEIDNER: No contest.

20 DISTRICT ATTORNEY: I'm sorry, we don't accept no contest
21 pleas. It has to be.....

22 MR. WEIDNER: Well, it's guilty under *Alford* then.

23 THE COURT: Okay. And that.....

24 MR. WEIDNER: Under *Alford* verse *North Carolina*. I know
25 Your Honor's familiar with the case.

1 THE COURT: And I don't know that it nowadays makes much
2 difference but, in any event, Mr. Berryman, what is your
3 current mailing address?

4 MR. BERRYMAN: It's 8C89 Box 616, Willow. That's, of
5 course, Alaska, 99688.

6 THE COURT: 8C89 Box 616?

7 MR. BERRYMAN: Right.

8 THE COURT: 99688?

9 MR. BERRYMAN: Right.

10 THE COURT: Okay. And, with that, Mr. Berryman, anything
11 you'd like to say about the case?

12 MR. BERRYMAN: No, sir.

13 THE COURT: All right. Bear with me as I fill out the
14 paper work. The -- well, I'll accept the agreement, Mr.
15 Berryman, with the license starting with a 031. You've,
16 doubtless, been here a long time.

17 MR. BERRYMAN: It has.

18 THE COURT: And, as I recall, H&H has been there before
19 there was a bridge across the Susitna. So it's just the kind
20 of thing you run into when you're operating a license.....

21 MR. BERRYMAN: Right.

22 THE COURT:and you just know that the people they
23 send in there look like they're pushing 30 so it's -- you
24 know, I know you've had the conversation with Mr. Weidner but
25 it is what it is and I'll accept the agreement. The

1 furnishing is dismissed and it's a \$250 fine on Count II.
2 I'll accept the guilty plea and it's a suspended imposition of
3 sentence for one year so if you do the things you need to and
4 don't do things you shouldn't, you can get the conviction set
5 aside at the end of a year.

6 MR. BERRYMAN: Okay.

7 THE COURT: So, basically, the conditions -- and I wrote
8 down no probation. It's one year probation on conditions that
9 you pay a \$250 fine by July 4th so get it done before the
10 Independence Day. There's a \$50 misdemeanor surcharge payable
11 within 10 days at the clerk's office, one year probation on
12 conditions you comply with the direct court orders by the
13 deadlines and commit no jailable offenses and I don't believe
14 there was any bond and/or bail conditions but if there were,
15 those are vacated. So any questions, sir?

16 MR. BERRYMAN: One question. When does your probation
17 start?

18 THE COURT: Starts today and.....

19 MR. BERRYMAN: Okay.

20 THE COURT:ends a year from today so you can mark it
21 on your calendar.

22 MR. BERRYMAN: I'll watch.

23 THE COURT: All right. And, Mr. Weidner, anything else?

24 MR. WEIDNER: No.

25 THE COURT: All right. Well, thank you for helping out.

1 MR. WEIDNER: Always a pleasure, Your Honor. Have a nice
2 afternoon.

3 THE COURT: You too and.....

4 MR. BERRYMAN: You're going to send me a bill, huh?

5 THE COURT: With that, I'm out of files. We're off
6 record.

7 DISTRICT ATTORNEY: Thank you.

8 THE COURT: Good luck.

9 DISTRICT ATTORNEY: Have a nice afternoon, Judge.

10 (Off record)

11 03:24:21

12 END OF REQUESTED PORTION

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Delegated Consent Agenda December 1, 2014

- 62 Anchor Liquor Store:** Tiny Wings, Inc.; Cordova
201 Breakwater Avenue #2-3
Transfer: Package Store
From: 207 Breakwater Avenue

All statutory requirements have been met. State Fire Marshal approves.
Pending City of Cordova. Background investigations complete.

- 4345 Blue Ginger Cafe:** Shine's Sushi Restaurant, LLC; Anchorage
11401 Old Glenn Highway, Ste 103
Stock Transfer: Restaurant / Eating Place
From: Shi Wu Huang (80%) and Min Hui Zheng (20%) to Zhi Hao Zhang (100%)

All statutory requirements have been met. Departments of Labor and Revenue approve.
Pending Municipality of Anchorage. Background investigations pending.

- 1992 Brown Jug:** Liquor Stores USA North, Inc.; Anchorage
No Premises
Transfer: Package Store
From: Mark A. Sollenberger d/b/a Indian House Liquor Store; 27327 Seward Highway

All statutory requirements have been met. Municipality of Anchorage does not protest.
Department of Labor approves. Pending Department of Revenue.
Background investigations complete.

- 4106 Fireweed Restaurant:** A Plus A, LLC; Haines
Historic Building #37 Blacksmith Road
Transfer: Restaurant / Eating Place
From: Fireweed Forest, LLC

All statutory requirements have been met. Department of Labor approves.
Pending City & Borough of Haines and Department of Revenue.
Background investigations pending.

- 5360 Horizon Air – Deadhorse:** Horizon Air Industries, Inc.
Alaskan Skies
New: Common Carrier – Single Destination

All statutory requirements have been met. Background investigations pending.
Temporary has been issued.

4551 L.E.D Ultra Lounge & Grill: La Mexicana, Inc.; Anchorage
901 West 6th Avenue

Transfer: Beverage Dispensary – Duplicate

From: Platinum Jaxx, Inc. d/b/a Platinum Jaxx Bar & Grill

All statutory requirements have been met. Department of Revenue approves.
Pending Municipality of Anchorage and Department of Labor.
Background investigations complete.

4552 L.E.D Ultra Lounge & Grill: La Mexicana, Inc.; Anchorage
901 West 6th Avenue

Transfer: Beverage Dispensary – Duplicate

From: Platinum Jaxx, Inc. d/b/a Platinum Jaxx Bar & Grill

All statutory requirements have been met. Department of Revenue approves.
Pending Municipality of Anchorage and Department of Labor.
Background investigations complete.

5350 Pasta Avanti: Pasta Avanti, LLC; Anchorage
302 G Street

New: Restaurant / Eating Place

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

5344 Raven Landing Center: Retirement Community of Fairbanks; Fairbanks
1222 Cowles Street

New: Restaurant / Eating Place

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

5343 Sherri's at 5th: Sherri Warnke and Jubal Bryant; Anchorage
137 West 5th Avenue

New: Restaurant / Eating Place

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

5354 Tide Pool Café & Bakery: Bieri & Bieri, LLC; Seldovia
257 Main Street
New: Restaurant / Eating Place – Public Convenience

All statutory requirements have been met. State Fire Marshal approves.
Pending City of Seldovia and Department of Environmental Conservation.
Background investigations complete.

4531 Tri-Grill: La Mexicana, Inc.; Anchorage
901 West 6th Avenue
Transfer: Beverage Dispensary
From: Platinum Jaxx, Inc. d/b/a Platinum Jaxx Bar & Grill

All statutory requirements have been met. Department of Revenue approves.
Pending Municipality of Anchorage and Department of Labor.
Background investigations complete.

3560 Walgreens #16024: Walgreens Co.; Fairbanks North Star Borough
1350 Sportsman Way
Transfer: Package Store
From: Fairbanks Golf Course, Inc. d/b/a Fairbanks Golf course; 1735 Farmers Loop Road

All statutory requirements have been met. State Fire Marshal approves.
Departments of Labor and Revenue approve. Pending Fairbanks North Star Borough.
Background investigations pending.

5356 Zudy's Café: Zudy's Café, LLC; Seward
501 Railway Avenue
New: Restaurant / Eating Place – Public Convenience

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

Tab

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CITY OF FAIRBANKS

Office of the City Clerk
800 CUSHMAN STREET
FAIRBANKS, ALASKA 99701-4615
OFFICE: 907-459-6702
FAX: 907-459-6710
cityclerk@ci.fairbanks.ak.us

October 7, 2014

Maxine Andrews, Business Registration Examiner
Alcohol Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

Please be advised that at the regular meeting of October 6, 2014, the Fairbanks City Council voted to **PROTEST** the following NEW Distillery License:

D.B.A:	Fairbanks Distilling Company , License #5353
Licensee/Applicant:	Patrick Levy
Physical Location:	410 Cushman Street, Fairbanks, Alaska

The Fairbanks Building and Fire Departments informed the Council that a Certificate of Occupancy has not yet been issued for the building. The Council voted to protest the license until a Certificate of Occupancy has been issued and allowed lifting the protest once it was issued.

Alaska Statutes section 04.11.480(a) provides that "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, or unreasonable."

Should you need further information do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Janey Hovenden".

Janey Hovenden, MMC
City Clerk

cc: Patrick Levy, d/b/a Fairbanks Distilling Company
Building Department
Finance Department
File

Tab

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September 24, 2014

Anchorage Assembly
Amanda Moser Deputy Clerk
moserak@muni.org

Alcohol Control Board
Sarah Oates
Sarah.oates@alaska.gov

RE: License # 4531,4551,4552
Robert Alexander Tri Grill/Led Ultra Lounge

Dear Municipal Assembly,

I am not supportive of another bar / night club being approved across the street from our home. In 2006 we had asked for clear guidelines to be addressed before issuing the Platinum Jacks License. We had suggested that as the fine dining restaurant they were representing to be that the hours be limited to 11pm, same hours that La Mex operated and similar to restaurants in the area. Unfortunately they were approved with only verbal assurances to remain a fine dining restaurant and within a couple of month they were a Party bar with loud music till 2am and dangerous street activity till after 3am.

We have many concerns and ask for your protection. We want the downtown to be safe for other families in the area and visiting tourist. This location is next to several hotels, we look to have a positive atmosphere in any new venture that takes over this license. If this is truly a Restaurant they should be happy to close by a decent hour and not request 2am!

We did not contest Platinum Jaxx in 2006 only, because it was represented to be a fine dining establishment, with music and dancing for an older crowd secondary. Good food, wine and a quiet dining experience that was what they promised. I believe we were all misled. Platinum Jaxx quickly became a well known party bar, **known for drugs, drunkenness, and violence**. We do not want this again. We feel our life was disrupted and threaten by the activities of the bar for 7 years. We quickly learned calling the staff or the police did not help us. The staff only warned their Patron of the police. And the police told us there was not much they could do but drive by. By the time the police would get there- they had been warned and dispersed - Only to later return and the noise would start again. Since there is no parking for their Patrons would park in front of our house and even in our private lot. When we confronted them they would be rude and threatening. We do not want to experience this again. If there is a transfer of licensee for this location we strongly request very strict guidelines, defiantly limited hours! Please do not allow the opportunity for another party bar. Repercussions need to be in place- so quick action can be taken to rectify the problem. Please keep our downtown area and our home safe.

Sincerely, Mary Kulstad 907-242-6600 618 I Street

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Consent Agenda December 1, 2014

- 5031 Anchorage Brewing Company:** Anchorage Brewing, LLC; Anchorage
148 W 91st Avenue
Transfer: Brewery
From: 717 W 3rd Avenue

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

- 5324 BurgerFi:** Manifest Destiny, LLC; Anchorage
600 E Northern Lights Blvd #118
New: Restaurant / Eating Place

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

- 5352 Casa Mexican Restaurant:** Ronnie 4, Inc.; Anchorage
720 Muldoon Road
New: Restaurant / Eating Place

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

- 5355 Ranch House Lodge:** Ranch House Lodge, LLC; Outside/Unorganized
Mile 173 Glenn Highway (Glennallen)
New: Package Store

All statutory requirements have been met. State Fire Marshal approves.
Background investigations complete.

- 2496 Texas Roadhouse, Inc.:** Texas Roadhouse Holdings, LLC; Anchorage
9001 Old Seward Highway
Transfer: Beverage Dispensary
From: Sourdough Mining Co., an Alaskan Restaurant, Inc. d/b/a Sourdough Mining Co.;
5200 Juneau Street

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

851 The Broiler: Rodfather's, LLC; Juneau
9109 Mendenhall Mall Road
Transfer: Restaurant / Eating Place
From: 8745 Glacier Highway, Ste 448

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

Tab

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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: <u>612</u>		Waiver Fee	\$ <u>1250.00</u>
License Type: <u>Beverage Dispensing</u>		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) <u>Mat-Su Borough</u>		Total Submitted	\$ <u>1250</u>
Name of Licensee:		*The fee is non-refundable	
Doing Business As (Business Name) <u>King Mountain Lodge</u>		Telephone Number: <u>(907) 745-4280</u>	
Mailing Address: <u>P.O. Box 1177</u> <u>Chickaloon, AK 99674</u>		Street Address or Location of Business <u>34097 N. Glenn Hwy</u> <u>City: Chickaloon</u>	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: <u>2014</u>	Is this license for sale? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary. <u>Darlene Whaley was unable to work at the lodge because she had to stay home and take care of her 87 year old disabled Mother. Michael Hedrick was injured and unable to work from Nov 2013 - Sept 2014. The pipes in the lodge froze and broke and we have no funds to do repairs.</u></p>	

Signature of Licensee(s)	
Signature <u>Michael C. Hedrick</u>	Signature <u>Darlene M. Whaley</u>
Name (Please Print) <u>Michael C. Hedrick</u>	Name (Please Print) <u>Darlene M. Whaley</u>
Date <u>Oct 13, 2014</u>	Date <u>Oct 13, 2014</u>

11595

Law Offices Ernouf & Coff 9072744258

p.4

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: # 4738		Waiver Fee	\$ 1,250 ⁰⁰
License Type: Beverage Dispensary		Penalty (if applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) Matsu Borough		Total Submitted	\$ 1,250 ⁰⁰
Name of Licensee: Knik Country Liquor, Inc.		*The fee is non-refundable	
Doing Business As (Business Name) Big Su Lodge		Telephone Number:	
Mailing Address: 7362 W Parks Hwy. #712 Wasilla AK 99654		Street Address or Location of Business no premise	
		City:	

Waiver Request InformationThis waiver application is the: ☒ 1st Request ☐ 2nd Request ☐ 3rd Request ☐ Other

Waiver Request for Calendar Year: 2014

Is this license for sale? ☒ Yes ☐ No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

The license was involuntarily transferred last year, & is located at a no premise the licensee is looking for a buyer to purchase the license.

Signature of Licensee(s)

Signature <i>Dwaine Hart</i>	Signature
Name (Please Print) Dwaine Hart	Name (Please Print)
Date	Date

Waiver App 02/20/2013

Document Date: Not dated # Pages: 1

Notary Name: Anna Mae Alcon Second Circuit

Doc. Description: Waiver of Operation Application

Anna Mae Alcon
Notary Signature
FAX No. 907 878 100
Date 10/14/14



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees* <u>11478</u>	
Liquor License Number: <u>757</u>		Waiver Fee	\$ <u>750.-</u>
License Type: <u>Package Store</u>		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) <u>MOA</u>		Total Submitted	\$ <u>750.00</u>
Name of Licensee: <u>D.A.W.G. Inc</u>		*The fee is non-refundable	
Doing Business As (Business Name) <u>Liquor Locker</u>		Telephone Number:	
Mailing Address: <u>PO BOX 672549</u> <u>Chugiak, AK 99567</u>		Street Address or Location of Business <u>20146 Pilots Road Suite D.</u> City: <u>Chugiak</u>	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: <u>2014</u>	Is this license for sale? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary. <u>See attached</u>	

Signature of Licensee(s)	
Signature <u>Wanda K. Gates</u>	Signature
Name (Please Print) <u>WANDA K. GATES</u>	Name (Please Print)
Date <u>Oct. 20, 2014</u>	Date

October 20, 2014

ABC Board,

We are applying for a waiver
for our Liquor Locker License for the
2014 year - #757.

In 2013 we were open 4 months
and lost our clerk - put the license
up for sale and sold it to Holiday - after
tying it up for over a year - they backed
out. We are now in the process of a
law suit against them.

In May, 2014, I was hospitalized
3 times - went through 2 surgeries
including open heart surgery in late
August 2014 and I am still recovering,
but unable to work at this time.

My partner is laid up with a bad
knee.

On Oct 15 and 16 we cleaned

- 2 -

the liquor store and got it ready
to open on Friday, Oct. 17, 2014.

We planned to open at 3:00 to 11:00 pm
and at 10:00 am our new clerk and
Janitor broke her ankle and will be
laid up for 4 to 6 weeks - and can't work.

We have never applied for a
waiver before - But do to the
circumstances - we are in need
of one. We have owned it since
April of 1995 and also own the
Birchwood Saloon on the same
property.

Thank you,

Wanda Gates - V Pres. of
D.A.W.G. INC

688-0659 home 227-2120-cell

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

11725
AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number:	4733	Waiver Fee	\$ 1250.00
License Type:	Beverage Disp AS 04.11.090	Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized)	City of Wasilla	Total Submitted	\$ 1250.00
Name of Licensee:	TRIPLETS Inc	*The fee is non-refundable	
Doing Business As (Business Name)	None	Telephone Number:	907352-1700
Mailing Address:	2900 E Parks Hwy Wasilla AK 99654	Street Address or Location of Business	3100 E Parks Hwy City: Wasilla AK 99654

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2014	Is this license for sale? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

License was purchased in 2014, July from Wasilla Apple Inc. At this time we have no set plans for putting it in to use, may even sell it.

Signature of Licensee(s)	
Signature	Signature
Name (Please Print)	Name (Please Print)
Date	Date

John E Emmi
11/5/14
ERNEST J Emmi
11/14/14

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees* <u>11594</u>	
Liquor License Number: <u>1435</u>		Waiver Fee	\$ <u>625.00</u>
License Type: <u>Beverage Dispensary Tourism - Seasonal</u>		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) <u>Outside City Limits</u> <u>Matsv Borough</u>		Total Submitted	\$ <u>625.00</u>
Name of Licensee: <u>Peggy Watson</u>		*The fee is non-refundable	
Doing Business As (Business Name) <u>Wolverine Lodge</u>		Telephone Number: <u>509-999-3689</u>	
Mailing Address: <u>304 SE Main Street</u> <u>Wilbur, WA 98185-8804</u>		Street Address or Location of Business <u>142 Lake Louise Junction Rd</u> <u>City: (Lake Louise)</u>	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: <u>2014</u>	Is this license for sale? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

I have been in foreclosure with Robert Farmer for the past two 1/2 years to get Wolverine Lodge back and ~~before~~ just recently got the Lodge back. I live in Washington and it is impossible to come back to Alaska and open for 30 days. So I have requested the Waiver. Any questions please call me at 509-999-3689

Thank you
Peggy Watson

Signature of Licensee(s)	
Signature <u>Peggy Jo Watson</u>	Signature
Name (Please Print) <u>Peggy Jo Watson</u>	Name (Please Print)
Date <u>Nov. 4, 2014</u>	Date

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MEMORANDUM

TO: Robert Klein, Chair
and Members of the ABC Board

DATE: Tuesday, November 25, 2014

FROM: Sarah D. Oates
Records & Licensing Supervisor

RE: Bering Sea Saloon #110

Question for the Board:

- 1) Should the Board approve a third waiver of operation for beverage dispensary license #110 DBA Bering Sea Saloon?

On November 26, 2013, a waiver of operation application for the 2013 calendar year was submitted to licensing staff by T&C, Inc. Payment was not submitted with the application, and staff informed Trudy Sobocienski that the application was not considered complete until payment was received. At the time, T&C, Inc. was in the process of purchasing the license from the Estate of Stanley Sobocienski.

On June 23, 2014, the transfer application to T&C, Inc. was rescinded.

A check for the \$2,500 waiver fee plus the \$1,000 late fee was received on September 29, 2014, along with a letter from the personal representative of the estate, Edna (Becka) Baker, authorizing the waiver application.

At the Board's regular meeting on October 8, 2014, the Board tabled discussion of the third waiver until the December 1, 2014 meeting and requested that a new waiver application be filed for the 2013 calendar year, to be completed and signed by Ms. Baker. This new application is included in the board packet.

Waiver of Operation Application

License Information		Fees*	
Liquor License Number: 110		Waiver Fee	\$ -0-
License Type: Beverage Dispensary		Penalty (If applicable)	\$ -0-
Local Governing Body: (City, Borough or Unorganized) City of Nome Nome, Alaska		Total Submitted	Already Paid
Name of Licensee: Stanley L. Sobocienski		*The fee is non-refundable	
Doing Business As (Business Name) Bering Sea Saloon		Telephone Number: (907) 443-2392 (home)	
Mailing Address: Box 1437 Nome, Alaska 99762		Street Address or Location of Business No Premise	
		City:	

Waiver Request Information	
This waiver application is the: <input type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input checked="" type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No It is in the process of being transferred to Balassa Sobocienski.
Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.	
<i>See Continuation Sheets attached hereto.</i>	

Signature of Licensee(s)	
Signature <i>Frederick J. Olson,</i> <i>Attorney at Law</i>	Signature
Name (Please Print) Estate of Staley L. Sobocienski Edna Baker, Personal Representative	Name (Please Print)
Date <i>by Frederick J. Olson, Esq.</i> November 20, 2014	Date

Continuation Sheet for Waiver of Operation Application
Liquor License Number 110:

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

This Waiver of Operation Application for calendar year 2013 is being submitted at the request of the Board's staff in lieu or supplementation of the Waiver of Operation Application dated November 26, 2013 by Mr. Columbus Sobocienski on behalf of the former prospective purchaser of the license, T&C, Inc.. The 2013 waiver fee has been paid.

Following the death of the licensee, Stanley L. Sobocienski, a probate proceeding was begun in the Anchorage Superior Court in January, 2011. Significant litigation ensued between the heirs and legatees of the Estate (including the current Personal Representative Edna Baker, and the decedent's son, Columbus Sobocienski). That litigation was ultimately settled in mediation via a Settlement Agreement dated on or about May 26, 2011 and an Agreement to Convey Beverage Dispensary License dated as of January 6, 2012.

The Estate applied to the ABC Board to transfer the license with a retained security interest pursuant to the terms of the Settlement Agreement to T&C, Inc., a corporation owned by Columbus and Trudy Sobocienski. The transfer application to T&C, Inc. was approved with delegated consent by the ABC Board on December 5, 2012 on the condition that T&C, Inc. pay all remaining claims against the license. Under the terms of the sale agreement, T&C, Inc. was also required to pay the sum of \$60,000.00 on or before May 13, 2014.

In point of fact, T&C, Inc. did not pay the liens against the license (including most notably the sum of \$5,300.23 owed by the decedent to Alaska Distributors). In the meanwhile, however, T&C, Inc. filed waiver applications for 2012 and 2013. In the 2012 application, T&C, Inc. represented it had paid off all lien obligations except for Alaska Distributors and that it expected to pay off that lien by January 31, 2013 and be operating in 2013. In its 2013 waiver application dated November 26, 2013, T&C, Inc. advised the Board that Trudy Sobocienski had two major surgeries in the fall of 2012 and was still recovering, but that T&C was expecting to get a commercial loan from Wells Fargo and had a goal to open in March 2014 in time for the Iditarod.

When the deadline of May 13, 2014 for payment of the \$60,000 to the Estate came and went, the Estate requested the ABC Board staff to allow the withdrawal of the transfer application to T&C, Inc. which was granted.

The Estate thereafter applied to transfer the license to the decedent's surviving spouse and beneficiary under the will, Balassa (Balla) Sobocienski, and that transfer was approved with delegated consent by the Board on October 8, 2014.

The Estate is prepared to pay the lien claim of Alaska Distributors. The Estate objects to the validity of a purported claim against the license filed by the law firm represent T&C, Inc. in the Estate litigation in the stated amount of \$111,984.55.

The Estate also objects to the purported claim of Columbus and Trudy Sobocienski in the amount of \$129,000 as apparently asserted in the letter dated November 19, 2014 from Matthew Claman, Esq. of the Lane Powell firm to Director Franklin in this matter. T&C, Inc. breached its obligations under the pertinent Settlement Agreement. The allegedly existing pre-settlement claims of T&C against the Estate or the license (the validity of which are denied by the Estate) are not somehow resurrected under the settlement documentation or in this proceeding or otherwise.

The Estate has been unable through no fault of its own to operate the license because the legal issues of its ownership have been (and in a very real sense) remain tied up in Estate litigation. The Estate litigation was settled, but T&C, Inc. breached its obligations under the settlement arrangements, which has impeded the Estate's ability to transfer or put the license into operation.

The Estate respectfully requests that the ABC Board grant this waiver application for 2013, and is separately asking the Board to approve the transfer to Balassa Sobocienski notwithstanding the Lane Powell law firm or T&C, Inc. objections.

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Lic	Name	Off Date	Case	#	Offense
61	Anchor Bar and Grill	8/23/2014	AB14-0869	1	Prohibited conduct relating to drunken person
61	Anchor Bar and Grill	2/23/2011	11-0224	1	Furnishing alcohol to a person under 21
61	Anchor Bar and Grill	2/23/2014	11-0224	1	Allowing under 21 person on licensed premises
456	Gold Hill Liquor	10/25/2014	AB14-1166	1	Furnishing alcohol to a person under 21
456	Gold Hill Liquor	1/3/2008	08-0038	1	Furnishing alcohol to a person under 21
615	Kings X Lounge	10/13/2014	AB14-1111	1	Prohibited conduct relating to drunken person
615	Kings X Lounge	10/13/2014	AB14-1111	1	Access of drunken person to licensed premises
615	Kings X Lounge	8/23/2014	AB14-0869	1	Access of drunken person to licensed premises
615	Kings X Lounge	11/5/2013	AB13-0278	1	Furnishing alcohol to a person under 21
615	Kings X Lounge	11/5/2013	AB13-0278	1	Allowing under 21 person on licensed premises
615	Kings X Lounge	12/5/2008	08-1581	1	Furnishing alcohol to a person under 21
615	Kings X Lounge	12/5/2008	08-1581	1	Allowing an under 21 person on a licensed premises
897	The Place Bar & Motel	9/27/2014	AB14-1031	1	Furnishing alcohol to a person under 21
897	The Place Bar & Motel	9/27/2014	AB14-1031	1	Allowing under 21 person on licensed premises
999	Oaken Keg #3410	10/24/2014	AB14-1154	1	Furnishing alcohol to a person under 21
999	Oaken Keg #3410	10/24/2014	AB14-1154	1	Licensed premises
999	Oaken Keg #3410	10/24/2014	AB14-1154	1	No server education
999	Oaken Keg #3410	10/24/2014	AB14-1154	1	Responsibility of licensees, agents and employees
999	Oaken Keg #3410	7/31/2004	04-0647	1	Furnishing alcohol to a person under 21
999	Oaken Keg #3410	5/10/2000	00-0044	1	Furnishing alcohol to a person under 21
1043	Bruins	10/15/2014	AB14-1113	1	Furnishing alcohol to a person under 21
1043	Bruins	10/15/2014	AB14-1113	1	Allowing under 21 person on licensed premises
1043	Bruins	1/9/2013	13-0033	1	Furnishing alcohol to a person under 21
1043	Bruins	1/9/2013	13-0026	1	Furnishing alcohol to a person under 21
1043	Bruins	1/9/2013	13-0026	1	Allowing under 21 person on licensed premises
1043	Bruins	11/29/2009	09-2038	1	Furnishing alcohol to a person under 21
1043	Bruins	11/29/2009	09-2038	1	Allowing under 21 person on licensed premises
1071	Speedway Inn	10/25/2014	AB14-1161	1	Furnishing alcohol to a person under 21
1071	Speedway Inn	10/25/2014	AB14-1161	1	Allowing under 21 person on licensed premises
1071	Speedway Inn	4/27/2007	07-0963	1	Furnishing alcohol to a person under 21
1071	Speedway Inn	4/27/2007	07-0963	1	Allowing under 21 person on licensed premises
2614	2 Go Mart #10	9/10/2014	AB14-0929	1	Furnishing
2614	2 Go Mart #10	5/23/2005	03-0059	1	Furnishing

Lic	Name	Off Date	Case	#	Offense
2684	Kasilof Riverview Lodge	9/28/2014	AB14-1034	1	Furnishing
2684	Kasilof Riverview Lodge	3/5/2013	13-0271	1	Furnishing
2684	Kasilof Riverview Lodge	7/26/2010	10-1190	1	Furnishing
2684	Kasilof Riverview Lodge	7/7/2006	06-1223	1	Furnishing
2684	Kasilof Riverview Lodge	7/7/2006	06-1223	1	Fail to show server education
3039	Don Jose's Mexican Restaur	9/27/2014	AB14-1032	1	Furnishing
3039	Don Jose's Mexican Restaur	9/27/2014	AB14-1032	1	Fail to show server education
3039	Don Jose's Mexican Restaur	9/27/2014	AB14-1032	1	Responsibility of licensees, agents and employees
3039	Don Jose's Mexican Restaur	11/16/2012	12-1239	1	Furnishing
3039	Don Jose's Mexican Restaur	12/1/2010	10-2096	1	Furnishing
3039	Don Jose's Mexican Restaur	12/1/2010	10-2096	1	Allowing under 21 person on licensed premises
3039	Don Jose's Mexican Restaur	6/12/2008	08-0670	1	Furnishing
3134	Copper Top Lounge	6/23/2014	AB14-0767	1	Licensed premises
3134	Copper Top Lounge	6/23/2014	AB14-0767	1	Removal or introduction of alcoholic beverages
3134	Copper Top Lounge	6/23/2014	AB14-0767	1	Licensee responsible for violations
3134	Copper Top Lounge	6/23/2014	AB14-0767	1	Responsibility of licensees, agents and employees
3134	Hooligan's Lodging & Saloon / Cop	1/6/2006	06-0223	1	Prohibited conduct relating to drunken persons
3134	Copper Top Lounge	1/6/2006	06-0223	1	Prohibited conduct relating to drunken persons
3134	Hooligan's Lodging & Saloon / Cop	11/19/2006	06-2403	1	Furnishing alcohol to a person under 21
3134	Hooligan's Lodging & Saloon / Cop	11/19/2006	06-2403	1	Allowing an under 21 person on a licensed premises
3134	Copper Top Lounge	11/19/2006	06-2403	1	Furnishing alcohol to a person under 21
3134	Copper Top Lounge	11/19/2006	06-2403	1	Allowing under 21 person on licensed premises
3134	Hooligan's Lodging & Saloon / Cop	3/2/2010	10-0757	1	Allowing an under 21 person on a licensed premises
3134	Hooligan's Lodging & Saloon / Cop	5/5/2010	10-0758	1	Prohibited conduct relating to drunken persons
3134	Copper Top Lounge	5/7/2010	10-0758	1	Prohibited conduct relating to drunken persons
3134	Hooligan's Lodging & Saloon / Cop	3/22/2014	AB14-0418	1	Allowing under 21 person on licensed premises
3134	Hooligan's Lodging & Saloon / Cop	3/22/2014	AB14-0418	1	Posting of Warning Signs
3134	Copper Top Lounge	3/22/2014	14-0418	1	Allowing under 21 person on licensed premises
3134	Copper Top Lounge	3/22/2014	14-0418	1	Posting of warning signs
3134	Hooligan's Lodging & Saloon / Cop	Multiple 2013	AB13-0129	1	Pricing and marketing
3134	Copper Top Lounge	Multiple 2013	13-0129	1	Pricing and marketing
3322	Downtown Wine & Spirits	9/10/2014	AB140933	1	Furnishing
3666	Happy Face	9/20/2014	AB14-1030	1	Price and marketing

Lic	Name	Off Date	Case	#	Offense
3666	Happy Face	9/20/2014	AB14-1030	1	Licensee responsible for violations
3738	W.M. Likors	9/28/2014	AB14-1035	1	Furnishing alcohol to a person under 21
3738	W. M. Likors	3/23/2014	AB14-0422	1	Furnishing alcohol to a person under 21
3745	College Town Pizzeria	10/25/2014	AB14-1162	1	Furnishing alcohol to a person under 21
3745	College Town Pizzeria	4/3/2012	12-0422	1	Furnishing alcohol to a person under 21
4065	Bear Tooth Theatre Pub	9/11/2014	AB14-0935	1	Furnishing alcohol to a person under 21
4065	Beartooth Theatre Pub	3/18/2014	AB14-0399	1	Pricing and marketing
4123	Ding How	9/5/2014	AB14-0926	1	Warning Signs
4123	Ding How	9/5/2014	AB14-0926	1	No server education
4123	Ding How	7/21/2008	08-0867	1	Furnishing alcohol to a person under 21
4123	Ding How	7/21/2008	08-0867	1	No server education
4173	Applebee's II	8/28/2014	AB14-0874	1	Furnishing alcohol to a person under 21
4173	Applebee's II	8/28/2014	AB14-0874	1	Allowing under 21 person on licensed premises
4183	Acapulco Restaurant	9/28/2014	AB14-1036	1	Furnishing alcohol to a person under 21
4183	Acapulco Restaurant	7/7/2008	08-0840	1	Furnishing alcohol to a person under 21
4183	Acapulco Restaurant	7/17/2008	08-0840	1	Warning signs
4183	Acapulco Restaurant	7/17/2008	08-0840	1	No server education
4183	Acapulco Restaurant	11/19/2006	06-2402	1	Furnishing alcohol to a person under 21
4183	Acapulco Restaurant	11/19/2006	06-2402	1	Access of under 21 person to licensed premises
4183	Acapulco Restaurant	11/19/2006	06-2402	1	Responsibility of licensees, agents and employees
4183	Acapulco Restaurant	11/19/2006	06-2402	1	Licensee responsible for violations
4353	Club Soraya / Playhouse	July 2014	AB14-1039	1	Licensed premises
4353	Club Soraya / Playhouse	July 2014	AB14-1039	1	Financial Interest
4353	Club Soraya	10/24/2013	AB13-0191	1	Adulteration, misbranding, false advertising
4376	Fred Meyer #017	9/27/2014	AB14-1032	1	Furnishing alcohol to a person under 21
4376	Fred Meyer #017	12/31/2005	05-1348	1	Furnishing alcohol to a person under 21
4667	City Diner	10/24/2014	AB14-1176	1	Warning Signs
4667	City Diner	10/24/2014	AB14-1176	1	Licensed premises
4667	City Diner	3/15/2007	07-0514	1	Furnishing alcohol to a person under 21
4667	City Diner	3/15/2014	07-0514	1	Allowing under 21 person on licensed premises
4933	Hula Hands	10/21/2014	AB14-1138	1	No server education
4933	Hula Hands	10/21/2014	AB14-1138	1	Accessibility of license and licensed premises to inspe
4933	Hula Hands	2/5/2013	13-0083	1	Furnishing alcohol to a person under 21

Lic	Name	Off Date	Case	#	Offense
4933	Hula Hands	2/5/2013	13-0083	1	No server education
4933	Hula Hands	2/5/2013	13-0083	1	Licensee rsponsible for violations
5120	Alaska Wine Guy	9/18/2014	AB14-0990	1	Furnishing alcohol to a person under 21
5150	Yakitori Sushi House	10/30/2014	AB14-1196	1	Furnishing alcohol to a person under 21
5185	Phonatik Vietnamese Cusin	10/15/2014	AB14-1112	1	Furnishing alcohol to a person under 21
5301	Houston Lodge	9/24/2014	AB14-1027	1	No server education
5316	The Red Chair Café	9/11/2014	AB14-0936	1	No server education



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-27-14
Number AB14-0869
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Tiny Wings, Inc.	61	Beverage Dispensary
D.B.A. Anchor Bar & Grill 207 Breakwater Avenue	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Cordova Police Department
Street or P.O. Box PO Box 1429	City, State Cordova, AK	Zip 99574

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 8-23-14, at about 2025 hours, Tina Veneta Fox was observed walking in the downtown area of Cordova displaying signs of drunkenness and entering your establishment. After being in the bar about five minutes, bartender Rachel D. Vanluyk served an alcoholic beverage to her. This is a violation of Title IV.

Your attention is directed to **AS 04.16.030: Prohibited conduct relating to drunken persons** and **AS 04.16.040: Access of drunken persons to licensed premises.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 1951

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton CPD D. Johnson
Filed By: <i>FR Hamilton</i>	Title: Investigator III

9/12/14

ABC Control Board

Violation AB14-0869

I wanted to let you know that the Anchor Bar & Grill will now be conducting quarterly alcohol training with our employees to help prevent another violation.

Brooke Johnson, Secretary
Tiny Wings Inc



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-30-14
Number AB14-1166
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Gold Hill, Inc.	456	Package Store
D.B.A. Gold Hill Liquor 3040 Parks Highway	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box PO Box 60395	City, State Fairbanks, AK	Zip 99706

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-25-14, at about 1721 hours, Gold Hill Liquor clerk Samantha Lillian Caramanoff sold an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7006 3450 0003 7321 3620

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JK Hamilton</i>	Title: Investigator III

Gold Hill, Inc.
DBA: Gold Hill Imported Beers and Fine Wines

P.O. Box 60395
Fairbanks, AK 99706
3040 Parks Hwy
Fairbanks, Ak 99709
License # 456

Alcoholic Beverage Control Board
Mr. Joe Hamilton,

This letter is in response to case number AB14-1166 for Samantha Caramanoff.

Gold Hill, Inc. Policy on violation of AS 04.16.052 will be as follows:

On First violation of AS 04.16.052 any Employee including New Hire or Rehired Employees will not be put on schedule to work until next available TAPS class is taken and passed.

This policy will be included in with the next paycheck stubs due November 14, 2014 to each employee of Gold Hill, Inc.

Sincerely,

Susan Osborne
Hal Osborne

Susan and Hal Osborne Owners
Gold Hill, Inc. DBA: Gold Hill Imported Beers and Fine Wines



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10/16/14
Number AB14-1111
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee Jag LLC	License Number 615	Type of License Beverage Dispensary
D.B.A. Kings X Lounge 1027 E 5th Ave	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # <input type="checkbox"/> [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box PO Box 243282	City, State Anchorage, AK	Zip 99524

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10/13/14 at about 1530 hours, The ABC Board received an anonymous telephone call reporting that there were drunken persons entering Kings X Lounge. I responded to area and observed two drunken adult males on the premises. APD was called to assist and one of the drunken males left the area before their arrival. Peter Kokrine was arrested by APD for drunken person on licensed premises. The bartender, Jill Kirkman, was contacted and admitted to serving both drunken males. A charge of prohibited conduct relating to drunken persons against Jill Kirkman was referred to the DAO. These are violations of Title IV.

Your attention is directed to **AS 04.16.030 and AS 04.16.040: Prohibited conduct relating to drunken persons and Access of drunken persons to licensed premises.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.


***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2330

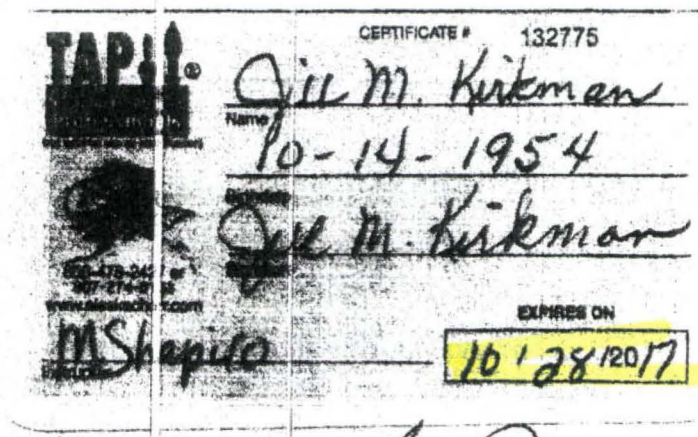
A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: J. Bankowski
Filed By: 	Title: Investigator III

10-28-17

- 1) We had staff meeting and told everyone to be more Alert.
- 2) Employee who got violation was retrained
- 3) Back door locked during day shift to keep out homeless that want to use bathroom
- 4) Check more on bottles being brought in



employees
New
Tap Card
for retraining

[Signature]

owner Kingsix

Oct. 27, 2014

To Whom It may concern:

On the day of question, Mike the guy in the yellow jacket came in and shared one (1) pitcher with another pitcher. Then I asked him to leave the premises. Also there was a guy named Peter, he had shared 3 pitchers with 3 other people. He didn't act intoxicated at that time. Many times we have taken bottles away from some people who think they can bring in their own alcohol. I have sincerely monitored everyone that comes in since this incident.

Joe M. Kukman



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB14-1031
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee John R. Young	License Number 897	Type of License Beverage Dispensary - Tourism
D.B.A. The Place Bar & Motel 53791 Sparrow Lane	How Delivered [X] Certified Mail # 7009 2820 0001 [] In Person 7253 2101	Law Enforcement Agency Kenai Police Department
Street or P.O. Box PO Box 1037	City, State Kenai, AK	Zip 99611

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

+

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-27-14, at about 1625 hours, The Place Bar & Motel bartender Debra Palfi Ziegler furnished an alcoholic beverage to a person under 21 and allowed the under 21 person to remain on the licensed premises. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

To whom it may concern,

In reference to the violation on 9-27-14 at the Place Bar+motel Debra Ziegler Palfi was filling in for a sick bartender. She is my Caregiver for ALS and does not work for the bar. Debra did ask for the mans Identification but due to her bad eyes. She read the I.D. Wrong. This has been taken very seriously and we appologize for the mishap. We have posted signs stating that we no longer accept Vertical, expired, military, and Foreign I.D.s. also no passports. The choice to serve each customer will be at the bartenders discretion. We will do every thing in our power to ensure this will never happen again. We would like to keep the good track record we have had in our 28 years in business

Sincerely

John R Young
(owner)

Licence number-897
The Place Bar



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-29-14
Number AB14-1154
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Safeway Inc.	License Number 999	Type of License Package Store
D.B.A. Oaken Keg #3410 30 College Road	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Fairbanks Police Department
Street or P.O. Box PO Box 29096, MS6531	City, State Phoenix, AZ	Zip 85038-9096

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-24-14, at about 1931 hours, clerk Paul Elwin Acklin sold an alcoholic beverage to a person under the age of 21. Further investigation revealed that Safeway management was allowing Acklin to work in the liquor store selling alcoholic beverages for at least two months prior to obtaining alcohol server education as required by AS 04.21.025(c). Contact was made with Wonderful Joy Stagdon, manager, who has expired server education as of May 2014 but continues to supervise liquor store employees in violation of AS 04.21.025. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052(5): Furnishing of alcoholic beverages to persons under the age of 21 by licensees and 3AAC304.185: Licensed premises, AS 04.21.025: Server education and AS 04.21.030: Responsibility of licensees, agents and employees.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2149

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton & UB 13-012
Filed By: <i>FR Hamilton</i>	Title: Investigator III



Loss Prevention Department
1121 124th Avenue NE
Bellevue, WA 98005

November 7, 2014

Cynthia Franklin, Director
Alcohol Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

Re: Notice of Violation Number: AB14-1154
Oaken Keg Spirit Shop #3410; **License # 999**
30 College Rd., Fairbanks

Dear Ms. Franklin,

This communication is Safeway's response to Notice of Violation AB14-1154. As part of an ABC compliance check inspection, a Safeway employee sold alcoholic beverage to a minor on 10/24/2014. Subsequent investigation conducted by Safeway's Loss Prevention Department fully identified the checker number being used at the time of this transaction. The checker number is assigned to employee Paul Acklin, Date of Hire 07/29/2014.

Safeway takes the unlawful sale of alcoholic products to an under aged person very seriously. Pursuant to Safeway policy, our standard response to the sale of an age restricted product to an underage customer is the termination of employment.

In order to prevent future violations, the following steps will be taken:

- Store Management will ensure that the consequences of future violations are made known to all employees.
- Store Management will have all employees who operate Oaken Keg check stands to re-acknowledge Safeway's policy regarding alcohol sales by reviewing and re-signing Safeway's sale of alcohol products policy.
- Store Management will increase management oversight by observing employees who operate check stands to ensure that the Date of Birth Lock is utilized appropriately.
 - This will help to insure that the company policy and procedures prohibiting the sale of age restricted products to minors, and the requirement to check identification of all customers, and enter the date of Birth shown on the customer's identification, are being followed.

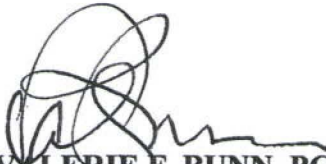
Safeway has a very aggressive employee training program that includes a significant portion related to procedures regarding the sale of alcohol & tobacco products.

- Safeway has engaged a private company (The BARS Program) to conduct in-house third-party compliance checks at this store.

Safeway's policy states, among other things, the following:

- "All Anchorage area stores including Eagle River and Girdwood **MUST** ask all customers for valid ID each time they make a purchase. All other Alaska stores, if you have previously reviewed the customer's ID and verify their age, ask for their date of birth and enter that date into the system. Under no circumstance should the DOB prompt be bypassed. Store management will coordinate with Safeway's training department for any additional retraining needed"

Thank you for bringing this matter to our attention. Should you have any questions please feel free to contact me.



VALERIE F. BUNN, PCI
Loss Prevention Manager
Safeway, Inc., (425) 201-6339



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-20-14
Number AB14-1113
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
CP Anchorage Hotel 2, LLC	1043	Beverage Dispensary
D.B.A. Bruins 500 W. 3 rd Avenue	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 740 Centre View Blvd	City, State Crestview Hills, KY	Zip 41017-5434

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-15-14, at about 1741 hours Bruins bartender Kenneth Kekoa Gheen furnished an alcoholic beverage to a person under 21 and then allowed the underage person to remain on the licensed premises. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2125

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

Date: 10/21/14

Alcohol License # 1043

From: Ryan Akkaya

Hilton Anchorage, 500 W 3rd Ave., Anchorage

To: Director of the Alcoholic Beverage Control Board

Re: Action Plan for "Notice of Violation"

To whom it may concern:

In response to the most recent inspection that took place at our Hotel's restaurant (Bruin's) on 10/15/2014, we have taken following actions immediately:

- Employees who served alcohol to minors have been terminated of employment
- All employees who serve alcohol have been re-trained about checking ID's of those who look 40 years old or younger
- Hotel management will order a "legal age calendar" to make it easy for employees to determine legal age to consume alcohol
- Hotel management will ensure to obtain proper alcohol server certification from all new employees
- Hotel management has ensured all alcohol server certifications are up to date
- A refresher training of alcohol service will be performed every 6 months
- Proper signs are displayed in areas where alcohol is served
- F&B Managers and Supervisors have been constantly monitoring employees and consumers
- Managers will continue training the staff about Alcoholic Beverage Control Board rules and regulations on a daily basis during stand up meetings

Should you have any questions, please contact me at 907.272.7411 or via email at ryan.akkaya@hilton.com

Sincerely,

Ryan Akkaya
Director of Operations





Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-28-14
Number AB14-1161
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Kelco Properties, Inc.	License Number 1071	Type of License Beverage Dispensary
D.B.A. Speedway Inn 2488 Lions Drive, NP	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box 3254 Riverview Drive	City, State Fairbanks, AK	Zip 99709

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-25-14, at about 1458 hours, Speedway Inn bartender Randi Kay Vanblarcom sold an alcoholic beverage to a person under 21 and then allowed the under aged person to remain on the licensed premises. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

7009 2820 0001 7253 2132

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-012
Filed By: <i>JR Hamilton</i>	Title: Investigator III

Kelco Properties, Inc.
1855 Van Horn
Fairbanks AK99701

To: Cynthia Franklin

11/06/2014

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage Alaska 99501

In reply to via lotion number AB14-1161

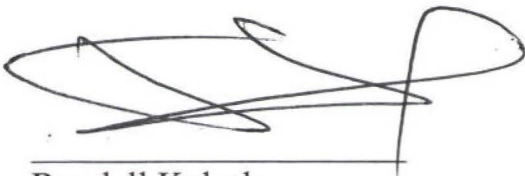
We have placed Randi Kay on a one week un- paid leave with the instruction to re take her TAP class, we also ask Randi Kay to spend her time off to research different kinds of ID's to get more familiar with military or other state ID's.

We have schedule a meeting with all of our employees to address this issue.

We are seriously thinking about only accepting State of Alaska issued ID's from now on to help our Bartenders to easily identify ID's,

State of Alaska has made it very easy to identify any miner or a- fenders ID's.

We'd like to offer our apologies for this violation and will strongly address this issue at our meeting.

A handwritten signature in black ink, appearing to read 'Randall Kelsch', with a horizontal line underneath it.

Randall Kelsch



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-12-14
Number AB14-0929
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Tesoro Northstore Company	2614	Package Store
D.B.A. 2Go Tesoro #10 500 Hollywood Drive	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 19100 Ridgewood Pkwy	City, State San Antonio, TX	Zip 78259

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-10-14, at about 1416 hours, 2 Go Mart clerk Shayla Markita Williams sold an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 1999

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III



Tesoro Northstore Company
1211 East Huffman Road
Anchorage, AK 99515

September 23, 2014

State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501
Attn: Robert L. Beasley, Interim Director

License No. 2614

Re: Notice of Violation dated September 12, 2014 ("**NOV**") filed by F.R. Hamilton ("**Investigator**") against Tesoro Northstore Company d/b/a 2Go Tesoro #10 ("**Licensee**") at the retail store located at 500 Hollywood Drive ("**Location**")

Dear Mr. Beasley:

This letter shall serve as Licensee's response to the NOV. Pursuant to the NOV, Investigator observed Licensee's Customer Service Associate, Shayla Markita Williams, selling an alcoholic beverage to a person under the age of 21 at the Location on September 10, 2014 ("**Incident**"). Such Incident is a violation of AS 04.16.052.

Licensee works hard to ensure that all of its store employees perform restricted product sales in accordance with the law. Accordingly, Ms. Williams who was employed by Licensee in February of 2014, completed Licensee's initial internal training for restricted product sales on February 25, 2014. Additionally, Ms. Williams completed the Techniques of Alcohol Management Course provided by CHARR on March 18, 2014. She also received in-house training conducted in February 2014.

It is Licensee's policy that all store employees verify the legal age of every customer who purchases alcohol by entering their date of birth ("**DOB**") into Licensee's point of sale ("**POS**") operating system. When Licensee questioned Ms. Williams about the Incident, she stated that she had "mis-entered the year" into the POS; however, it is evident that she entirely mis-entered the DOB for the individual in question. As of September, 2014, Ms. Williams is no longer employed by Licensee.

Licensee takes the Incident seriously and will continue to work diligently to prevent a reoccurrence of improperly performed restricted product sales. Further review of Licensee's policies, practices and expectations will be emphasized and conducted with its store employees and its managers to ensure correct future performance practices and compliance.

Thank you,

James Sturley,
Regional Manager - Alaska
Tesoro Northstore Company

cc: Diane Laguna, Tesoro 2Go Retail Area Manager



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB14-1034
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Joanne & Joseph Browning	License Number 2684	Type of License Package Store
D.B.A. Kasilof Riverview Lodge 57440 Sterling Highway	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box PO Box 254	City, State Kasilof, AK	Zip 99610

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-28-14, at about 1333 hours, Kasilof Riverview Lodge clerk Robin Lee Hansen sold an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2088

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

Oct 10th

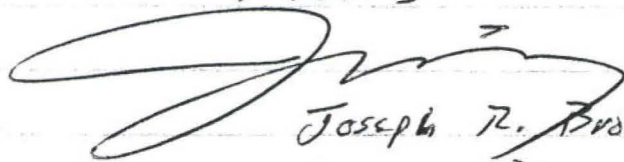
I have known Robin Hanson for thirty years. She's been an employee for over ten years. I know for a fact that she would never purposefully sell cigarettes or alcohol to minors on purpose.

I have always paid for any classes my employees need to do their job, I have stickers and calendars to remind them of legal ages for selling alcohol or cigarettes.

If she were a short time employee, I would have terminated her for this last infraction, she is on notice that this is her last chance. For the record I don't believe officers should be using I.D. that we never see, In thirty years of being in business, I've never had a minor try to buy alcohol with military dependent I.D.

If there is anything else you feel I need to do please feel free to contact me at 262-1573

Thanks



Joseph R. Browning
Kaslo Riverview



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB14-1032
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Fred Myers Stores Inc.	License Number 3039	Type of License Beverage Dispensary
D.B.A. Don Jose's Mexican Restaurant 205 S. Willow Street	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Kenai Police Department
Street or P.O. Box 2052 E. Northern Lights Blvd	City, State Anchorage, AK	Zip 99508

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-27-14, at about 1534 hours, Don Jose's Mexican Restaurant bartender Charles Colby Baltzell furnished an alcoholic beverage to a person under 21. When asked to provide proof of server training, Baltzell could not and was told to stop serving alcohol. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**, **3AAC304.465: Alcohol server education** and **AS 04.21.030: Responsibility of licensees, agents and employees.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2026

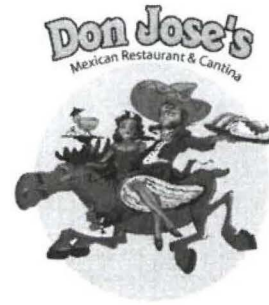
A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: F.R. Hamilton & UB 13-012
Filed By: <i>FR Hamilton</i>	Title: Investigator III

Don José's LLC

2052 E Northern Lights Blvd
Anchorage, AK 99508
(907) 279-5115 phone (907) 279-5114 fax



Date: October 6, 2014

RE: Notice of Violation for Lic. No 3039 at 205 S Willow St Kenai , AK 99611

Dear Mr. Beasley,

The violation took place when the patron presented a government id that the bartender was not familiar with. The id featured two dates one underneath the other which caused the confusion. The bartender has since been trained to be thorough in reviewing the presented documents. The violation that occurred on 9/27/2014 has been discussed with the owners and the following precautions have been taken to prevent further occurrences:

1. All employees of the above referenced location have been trained on the importance to check ids presented by patrons for the date of birth.
2. The owners are discussing the possibility of refusing to accept government id cards to prove the age of the patrons and to only accept state issued id cards and driver's license cards as well as passports.
3. Management advised all alcohol serving employees of the importance to have their current TAM cards on hand and available to present to the ABC personnel and any other authorized persons.

Charles Baltzell's TAM card is enclosed to prove that he did, in fact, have the right to serve alcohol on 9/27/2014.

Please let me know if you have any other questions regarding this issue.

Thank you,

Ekaterina Filina

Ekaterina Filina,
Accountant



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-15-14
Number AB14-0933
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Liquor Stores USA North Inc.	3322	Package Store
D.B.A. Downtown Wine & Spirits 930 W. 5 th Ave	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box PO Box 190027	City, State Anchorage, AK	Zip 99519

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-10-14, at about 1512 hours, Downtown Wine & Spirits clerk Jacob Sam Payenna sold an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2040

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

**LIQUOR STORES USA NORTH dba
BROWN JUG
P O BOX 190027
ANCHORAGE, AK 99519-0027
563-3815**

Bob Beasley
Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

09/15/14

RE: Notice of Violation 14-0933
License # 3322

Dear Mr. Beasley,

I want to take this opportunity to respond to the Notice of Violation, 14-0933. As stated in the Notice, on 09/10/14 former Brown Jug employee Jacob Payenna did make a sale of alcoholic beverages to an underage person in violation of AS 04.16.052.

Mr. Payenna's conduct in this matter does not meet the professional standard of care we require our employees to exercise at Brown Jug. Accordingly, his employment was immediately terminated, he was trespassed from all Brown Jug locations, and a notice regarding the circumstances of his termination was posted on our internal website. All employees see this notice each time they clock in and out. We have made it very clear to all employees that the sale of alcohol to a minor will result in criminal prosecution, and immediate termination of employment.

At Brown Jug, we make every effort to prevent the sale of alcohol to minors. All store employees are required to attend a 'TAPS' alcohol server class before working in a store, and they are required by company policy to be in possession of the server card while at work. Since July of 1998, we have seized over 2425 ID cards from minors attempting to make a purchase at a Brown Jug location. Additionally since 2002, we have performed over 6300 in-house policy compliance tests on our employees to ensure that they are requesting ID from customers as required by company policy. Employees that fail to request ID from an in-house mystery shopper as required by company policy are immediately terminated. Each day when an employee reports for work, they sign a statement advising that they understand the policy regarding ID checks, and that they will follow the policy. Each time a transaction occurs on one of our registers, a pop up appears, reminding the employee that "Age Verification Is Required", displaying the "on or before" date of birth to legally make a sale. Additionally, any employee that successfully passes an ABC compliance test is eligible for a \$250 bonus.

If you have any questions regarding this letter, please do not hesitate to call.

Sincerely,

Liquor Stores USA North, Inc.,



O C Madden III CFE
General Manager



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-26-14
Number AB14-1030
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Hyang-Suk & Chae Myong Yuk	License Number 3666	Type of License Restaurant / Eating Place Public Convenience
D.B.A. Happy Face	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # On-File <input type="checkbox"/> [] In Person	Law Enforcement Agency Homer Police Department
Street or P.O. Box 4400 Homer Spit Road	City, State Homer, AK	Zip 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-20-14, the Alcoholic Beverage Control Board received an e-mail advising that Happy Face was offering reduced prices on beer, wine and sake from 9pm to 12am. On 9-25-14, Officer R. Browning, Homer PD, verified the complaint and observed the sign was still posted. This is a violation of Title IV.

Your attention is directed to **AS 04.16.015: Pricing and marketing** and **AS 04.16.150: Licensee responsible for violations**.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2033

A Response is Required

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Receipt:	Violation Observed By: Officer R. Browning, Homer PD
Filed By: <i>RL Hamilton</i>	Title: Investigator III

October 1, 2014

Dear ABC Board,

This is in response to the phone call of 9/26/14 informing us we were not allowed to advertise alcohol sales. We stopped that ad on 9/26/14.

Also, at no time did we sell alcohol at a discount. The half price items were food appetizers ONLY.

There are no longer any physical signs advertising a Happy Hour.

We regret the mistake and it will not happen again in the future.

License # 36666

Happy Face Restaurant

4400 Homer Spit Rd.

Homer, Alaska 99603

contact: Glenda Koen 907-299-0049

Leet Kim LLC

Happy face

Happy Hour



Sushi

Beer

Wine

Sake

9pm-12am.



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB14-1035
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Wildman TR Inc.	3738	Package Store
D.B.A. W. M. Likors 19194 Sterling Hwy	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box PO Box 724	City, State Cooper Landing, AK	Zip 99572

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-28-14, at about 1750 hours, W. M. Likors clerk Thomas Jeremy Otto sold an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

***Please include your Alcohol License Number in your response.**

Shirley A. Cote', Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2014

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JR Hamilton</i>	Title: Investigator III



WILDMAN TR INC.

Po Box 724

Cooper Landing, AK 99572

Phone 907-595-1456, Fax 907-595-1888

Toll Free 866-595-1456

October 7, 2014

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

License Number 3738

Dear Sirs:

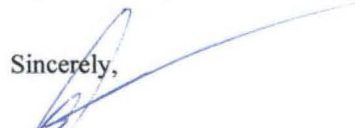
We are in receipt of the notification of the violation of Title IV on September 28, 2014 by Thomas Otto. It is with extreme distress that we find our company writing another letter to you, due to an employee's failure to perform their duties to the standards we have adhered to for numerous years.

We have spoken to the employee and documented his file that any future violations will be an immediate termination. He is very aware of the situation and we pointed out after watching the security system some warning signs that we saw in the customers behavior. Thomas did check his ID and failed to mentally compute that he was under the age.

At this time, we are implementing a few new polices. We will ask the customer verbally their age and they must answer correctly or we will not sell. If our customer presents a military ID, they must provide a second piece of valid picture ID preferably a state ID or drivers license or we will not sell. We are upgrading our POS system with an additional software that requires inputting of the date of birth and it must be entered manually from the ID. This will mean each customer will be carded. We will come up with our own test like the one taken at the TAP classes and each year have everyone take it to refresh their memory on the laws and rules. If they fail they will have to sit in another TAP class and pay again for a new card. We are impressing the fact that our employees must have their attention on our customers as this will alert them to anything suspicious but is also good customer service. Anyone who sells to a minor will submit to a drug test and based on the circumstances be subject to immediate firing. There will be no second offenses tolerated.

If you have any additional suggestions that we may implement, please contact me so we can discuss those additional measures.

Sincerely,


Cheryl E. James
Sec/Tres.



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-28-14
Number AB14-1162
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Two Seas, Inc.	License Number 3745	Type of License Restaurant / Eating Place
D.B.A. College Town Pizzeria 3549 College Road	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Fairbanks Police Department
Street or P.O. Box 425 Kelsey Park Road	City, State Fairbanks, AK	Zip 99712

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-25-14, at about 1633 hours, College Town Pizzeria server Sofia Mikhailovna Cavens sold an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7006 3450 0003 7321 3583

A Response is Required

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Receipt:	Violation Observed By: UB 13-012
Filed By: <i>JK Hamilton</i>	Title: Investigator III

Two Seas, Inc
dba College Town Pizzeria
License # 3745
425 Kelsey Park Rd
Fairbanks, AK 99712

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

11/1/2014

To whom it may concern,

It has been brought to our attention that an employee furnished alcohol to a person under the age of 21. It is our standing policy that everyone must show ID to purchase as there are other factors other than just the age that can prevent someone from purchasing alcohol. Sofia is aware of this policy and that she violated it. Our corrective action:

- 1) Sofia Cavens will be formally written up and be on suspension for 6 months. If in this timeframe she is observed breaking our policy and not checking ID, even if the person is personally known and over the age of 21, she will be terminated.
- 2) Our manager will be informing everyone with a TAPS card of this infraction and the steep personal fine and reminding them of our policy.
- 3) We will proactively look for infractions by reviewing our security footage at random to ensure ID is being checked on every customer, regardless of age.

Thank you,

Eric Cray



President
Two Seas, Inc



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-15-14
Number AB14-0935
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Film-On Productions LLC	4065	Beverage Dispensary
D.B.A. Bear Tooth Theatrepub 1230 W. 27 th Ave.	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 1317 W. Northern Lights Blvd Ste 8	City, State Anchorage, AK	Zip 99503

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-11-14, at about 1436 hours, Bear Tooth Theatrepub bartender Aubry Kay Watkins furnished an alcoholic beverage to a person under. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2057

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>RL Hamilton</i>	Title: Investigator III

Bear Tooth Theatrepub & Grill
1230 West 27th Avenue
Anchorage, AK 99503

September 25, 2014

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

Dear Mr. Beasley,

Subject: License Number 4065, Violation Number AB14-0935

Enclosed you will find the action plan employed at the Bear Tooth Theatrepub & Grill in response to violation AB14-0935.

On 9/11/14, one of our staff members, Aubry Watkins, violated AS 04.16.052 by furnishing an alcoholic beverage to a person under the age of 21. This person was working in conjunction with the ABC Board during a random compliance check. Ms. Watkins asked for ID and while checking the date of birth, allowed herself to be distracted by another guest who was asking a question about our menu. By not slowing down and taking the time to apply her full attention to the task at hand, she misread the date of birth of the ID holder, and then poured him the drink requested.

This was a grave and disappointing mistake both for Ms. Watkins and for the Bear Tooth. This is the first time, to the best of our knowledge, that an employee of the company has failed an AS 04.16.052 compliance check in our 18 year history. Ms. Watkins is an experienced bartender with many years of alcohol service both at the Bear Tooth and in other bars and restaurants. She has generally shown a diligence in checking IDs and communicates regularly with her managers about any concerns she may have with patrons. Within the hour prior to this violation, she had asked and verified ID for a 48-year-old woman. She is far from what an employer might consider to be someone with questionable judgment. Given her experience level, this violation came as a particular shock and has been a very eye-opening experience for us as a company. We are keenly aware of the need for ongoing training and oversight of alcohol service.

In the week following the violation, we began the arduous process of scrutinizing our existing alcohol policies, training programs, and staff management techniques to determine where improvements could be made to avoid a similar circumstance in the future. To that end, we have begun implementing the following changes:

Alcohol service staff TAP audit. We began our TAP card audit with the department in which Ms. Watkins worked. Though Ms. Watkins had a valid TAP card, we decided to use this violation as an opportunity to audit the entire alcohol service staff in this area (Bear Tooth Grill). In addition to verifying employee files, managers took the time to confirm with any staff person with an approaching expiration date that they would not be allowed to work with an expired TAP card and the importance of swift renewal. Our front of house (FOH) manager, Amara Liggett, oversaw this audit. The administrative office is carrying out an audit of the Theatrepub FOH staff as we transition into a new protocol for TAP records and tracking.

Revisions to TAP card tracking procedures. I have enclosed the memo laying out the procedural change for TAP card tracking. Prior to this change, FOH managers were responsible for auditing TAP card records in the employee files of their staff. While FOH managers have the most direct contact with their staff, they also have very little administrative time given our business volume and patterns. To this end, our administrative department will now maintain a database of TAP card numbers and expiration dates, and work with FOH managers to ensure all staff hold valid TAP cards. We currently use a similar system to track municipality required Food Worker training and certification. This system has proven an effective method combining the efforts of both administration and managers. Again, though this is not directly related to the recent violation, we felt it is an area we could strengthen and improve.

New alcohol policies and existing policy revisions. The alcohol policy enclosed was taken from our Policy and Procedure Manual. All employees are required to read this manual as soon as they are hired and to sign an internal document stating that they have read, understood, and will follow all company policies as stated in the Policy and Procedure Manual. Following the recent violation by Ms. Watkins, we have revised our alcohol policy in order to strengthen and clarify both verbiage and consequences to breaking policies. We have also added policy that makes working with an expired TAP or failing compliance checks a fire-able offense. Our goal in doing so is to make clear from the beginning of employment the seriousness of alcohol service, as well as the ramifications for breaking company policy. Both the original and revised policies are enclosed. We would welcome any suggestions of our new policy by the Alcoholic Beverage Control Board.

Revisions to existing company orientation. All new employees must attend our company orientation within their first week of employment. During this orientation, employees learn about our company history, some of our guiding principles, and important policies are reiterated. Prior to the violation, alcohol abuse was addressed in the 'no tolerance' section. We have revised this to include a provision stating any staff member who fails a compliance check will be immediately terminated, and failure to maintain valid TAP certification may result in discipline or termination.

New alcohol policy training. We have taken this opportunity to revise our training procedures by including additional training of our alcohol policy and the steps of ID verification. New employees will now read our alcohol policy while completing initial employment paperwork, be reminded of our zero tolerance policies during a company-wide orientation, and go through a step-by-step alcohol policy training during their first week of work. Additionally, on days two and three of training, the trainer is asked to report if the trainee remembered to ask for ID when necessary.

All staff memo regarding new procedures and recent violation. Alcohol service staff will be informed of the recent violation and subsequent new alcohol-related policies. We feel it important to share the circumstances of the failed compliance check with our staff. We want alcohol service staff to understand how important each step of ID verification is, and that everyday distractions cannot interfere with this aspect of their job. They will be informed of the changes to the company orientation and training, and reminded of the resources throughout the building to assist in ID Verification. These resources include stickers prominently displayed on computers and workstations displaying the birth year of a 21 year-old, several copies of the ID checking reference guide, and yellow ID verification forms.

On shift coaching and spot-checking. We acknowledge that the most effective tool we can employ is ongoing coaching and oversight. We are working with our management staff to identify daily ways in which they can reaffirm all aspects of alcohol management. From simply orally testing if a staff member could recount what date of birth a 21 year would have, to going over difficult situations with staff members and coaching them through how they could have handled things differently, we will strive for the highest level of alcohol management at our establishment.

I would welcome any recommendations from the ABC Board if there were areas I have not addressed adequately in our action plan. I am particularly embarrassed that this violation occurred at the Bear Tooth under my leadership and would take seriously any suggestions you may offer. Thank you for your time in reviewing the items of our action plan. Please let me know if there are any areas where you would enjoy further clarification, or if you have any concerns.

Best Regards,



Stephanie Johnson
General Manager, Bear Tooth Theatrepub & Grill
1230 West 27th Avenue
Anchorage, AK 99503
beartoothsteph@gmail.com
www.beartooththeatre.net



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 09/08/14
Number AB14-0926
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee	License Number	Type of License
Kenny H Lee	4123	Restaurant/Eating place
D.B.A.	How Delivered [X] Certified Mail # [] In Person	Law Enforcement Agency
Ding How Restaurant		Anchorage Police Department
Street or P.O. Box	City, State	Zip
1265 Muldoon Rd	Anchorage, AK	99504

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 09/05/14 I conducted a routine inspection of your licensed premises. I contacted Jong Lee who identified herself as a manager. Lee was unable to show proof of valid alcohol server education. Alaska Charr was contacted and advised that Lee's alcohol server education (TAP #104483) had expired on 07/09/14. All managers of licensed premises are required to have valid alcohol server education. It was also noted that two of the required alcohol warning signs were not posted in the premises.

Your attention is directed to AS 04.21.065 Posting of Warning Signs and AS 04.21.025 Alcohol Server Education Course

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.

***Please include your Alcohol License Number in your response.**

Robert Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2293

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Recelpt:	Violation Observed By: J. BANKOWSKI
Filed By: [Signature]	Title: INVESTIGATOR III

Kenny H. Lee
Lic # 4123

NOV # AB14-0926

received 09/30/14

John

TAPIT
Training for Alcohol
Professionals
Not valid for use as identification

800-478-2427 or
907-274-8133
www.alaskachart.com

NAME JONG R LEE
BIRTHDATE 8/15/1963
SIGNATURE *Jenny R*
EXPIRES ON 9/18/2017
INSTRUCTOR M Shapiro



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB14-1036
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Juan A. Rodriguez	4183	Restaurant / Eating Place - Public Convenience
D.B.A.	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency
Acapulco Restaurant		Soldotna Police Department
Street or P.O. Box	City, State	Zip
44758 Sterling Hwy, Ste A	Soldotna, AK	99669

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-28-14, at about 1607 hours, Acapulco Restaurant server Veronica Delgado-Aranda furnished an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2095

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-012
Filed By: <i>JL Hamilton</i>	Title: Investigator III

Beasley, Robert L (CED)

From: Franklin, Cynthia A (CED)
Sent: Tuesday, October 28, 2014 2:56 PM
To: Hamilton, Joe (CED); Beasley, Robert L (CED)
Subject: FW: ABC+Board+Website+Question

From: juanjr85 [<mailto:juanjr85@yahoo.com>]
Sent: Tuesday, October 28, 2014 1:45 PM
To: Franklin, Cynthia A (CED)
Subject: ABC+Board+Website+Question

Mrs. Cynthia,

I am the owner of the Acapulco in Soldotna. My license number is 4183. In the restaurant we have a policy to check IDs every time. We have a calendar which tells us the date and year for which to sell alcohol to. Two weeks after the violation Monday the 13th of this month, we had two people come in with under age Id's. We called the police following the ABC board protocol. Miss Veronica went to court last Friday and is taking care of things. If you have any other questions please feel to call me anytime at (907) 252-7270.

ATT. Juan A. Rodriguez

Sent via the Samsung Galaxy S® 5 ACTIVE™, an AT&T 4G LTE smartphone



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 09/30/14
Number AB14-1039
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee Latin Connection Entertainment, LLC	License Number 4353	Type of License Beverage Dispensary
D.B.A. Club Soroya 333 W 4th Ave	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # <input type="checkbox"/> [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 4110 Northstar St	City, State Anchorage, AK	Zip 99503

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: In July of 2014, Hector Ortiz of Latin Connection Entertainment, LLC informed members of the ABC Board of his intention to give Club Soroya a new name and new atmosphere. Mr. Ortiz was informed that he would need to complete a DBA change and pay the accompanying \$250 fee. In July or August of 2014, Club Soroya reopened as "The Playhouse". As of this date, a DBA change has not been completed. Further investigation revealed that "The Playhouse" is now being operated by Scott Martin under what has been described as a management agreement. A copy of this management agreement must be provided to the ABC Board.

Your attention is directed to **3 AAC 304.185 Licensed Premises** and **AS 04.11.450 Prohibited Financial Interest**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.


***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2323

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: J. Bankowski
Filed By: 	Title: Investigator III

Hamilton, Joe (CED)

From: Oates, Sarah D (CED)
Sent: Wednesday, October 22, 2014 8:14 AM
To: Hamilton, Joe (CED); Bankowski, Joe (CED)
Subject: FW: ABC Question

Your response to the most recent Club Soraya/Playhouse NOV.

Sarah Daulton Oates

Records & Licensing Supervisor | Alcoholic Beverage Control Board
2400 Viking Drive | Phone: 907.269.0356 | Fax: 907.334.2285

Please consider the environment before printing this e-mail.



Less paper is better for us and our environment.

From: hector ortiz [<mailto:hectoro@gci.net>]
Sent: Tuesday, October 21, 2014 7:33 PM
To: Oates, Sarah D (CED)
Subject: ABC Question

Reference Liquor Violation.

I have decided not add any partners or management agreements to the license.

I changed the DBA from Club Soraya to Play to Playhouse and provided the new business license to Maxine at the ABC office. I paid the required fee and she issued me a new license certificate with Playhouse as DBA.



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-30-14
Number AB 14-1032
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee Fred Meyer Stores, Inc	License Number 4376	Type of License Package Store
D.B.A. Fred Meyer #017 43843 Sterling Hwy	How Delivered [X] Certified Mail # [] In Person	Law Enforcement Agency Soldotna Police Department
Street or P.O. Box PO Box 305103	City, State Nashville, TN	Zip 37230-5103

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-27-14, 1851 hours, Fred Meyers #017 clerk Debra Lynn Weaver sold an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensee

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2002

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: F.R. Hamilton	Title: Investigator III

What's on your list today? You'll find it at

Fred Meyer

FRED MEYER STORES • P.O. Box 42121 • Portland, OR 97242-0121 • 3800 SE 22nd Ave. • Portland, OR 97202-2999 • 503 232-8844 • <http://www.fredmeyer.com>

VIA U.S. MAIL AND EMAIL

October 7, 2014

Alcoholic Beverage Control Board
ATTN: Ms. Cynthia Franklin
2400 Viking Drive
Anchorage, AK 99501

**Re: Fred Meyer Stores, Inc., License Number 4376,
Number AB-14-1032, Date of Violation Notice: 09-30-14**

Dear Ms. Franklin,

This is in response to the Notice of Violation Fred Meyer received dated September 30, 2014. Fred Meyer has terminated the employment of the clerk cited in the violation notice. In addition, all employees working in the liquor area of the store have reaffirmed, in writing, their commitment to uphold Fred Meyer store policies that prevent minors from accessing alcohol, and to comply with any and all Alaska state liquor laws.

If you need any additional information, please contact me.

Sincerely,



Annie Ellis
Regulatory Assistant

cc: Nona Soltero
Sharon Munkers



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10/28/14
Number AB14-1176
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee	License Number	Type of License
Time to Eat, LLC	4667	Restaurant/Eating Place
D.B.A.	How Delivered	Law Enforcement Agency
City Diner	<input checked="" type="checkbox"/> Certified Mail # <input type="checkbox"/> In Person	Anchorage Police Department
Street or P.O. Box	City, State	Zip
3000 Minnesota Drive	Anchorage, AK	99503

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10/24/14 at about 1021 hours, I conducted a routine inspection of your licensed premises. The inspection revealed that the liquor license and the 3 required warning signs were not posted and could not be located anywhere on the premises. These are violations of Title IV.

Your attention is directed to AS 04.21.065 Posting of Warning Signs and 3 AAC 304.185 Licensed Premises

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.


***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2354

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: J. Bankowski
Filed By: 	Title: Investigator III



October 31, 2014

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

On 10/24/14 City Diner (License number 4667) was issued a citation for not having our warning signs posted. The signs have been located on our premises and posted according to regulations.



Lori Kaltenbach
Managing Partner

3000 Minnesota Drive Spenard, Alaska 99503
907-277-CITY



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10/21/14
Number AB14-1138
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee	License Number	Type of License
Makau'a Enterprises, Inc.	4933	Restaurant/Eating Place
D.B.A. Hula Hands 501 W Fireweed Ln	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # <input type="checkbox"/> [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 4636 Mountain View Dr	City, State Anchorage, AK	Zip 99508

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10/21/14 at about 1104 hours, I conducted a routine inspection of your licensed premises and spoke with manager Charmaine Felix. Felix was unable to show proof of having current alcohol server education. The physical liquor license and corresponding restaurant designation were also not present and could not be located on the premises. These are violations of Title IV.

Your attention is directed to 3 AAC 304.465 Alcohol Server Education Course and AS 04.11.630 Accessibility of License and Licensed Premises Inspection.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. Failure to respond within 10 days will result in a mandatory appearance before the ABC Board at the next Board meeting.


***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2347

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: J. Bankowski
Filed By: 	Title: Investigator III



**Makaua Enterprises Inc.
dbaHula Hands Restaurant**

4630 Mountain View Drive
Anchorage, AK 99508
Phone (907) 278-4852
Fax (907) 278-0009
Email HulaHands@acsalaska.net

To: Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501


Friday, October 24, 2014

RE: Notice of Violation
Date: 10/21/2014

- 1) Liquor License: We obtained a copy on 10/24/2014 and took directly to restaurant and insured it was posted on wall near register area.
- 2) Restaurant Designation Permit: Received a new card in the mail 10/24/14, also posted on wall near register area.
- 3) Employee TAM card: We have enacted a file folder which a copy of all TAM and Food Cards are maintained by on site managers.
- 4) Prevention of reoccurrence:
 1. We have instructed all managers to perform a building walk through in and outside once a week, insuring all permits is visible, TAM and Food Cards in file folder are current.
 2. GM/OP's will inspect once a month to insure permits are current and visible.

Thank you for your time and concern in this matter. Please don't hesitate to contact my office at 907-278-0009 should you have any questions.

Regards,


Corinna K. Kanai'na
Office Manager

10/24/14



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-19-14
Number AB14-0990
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee AWG, Inc.	License Number 5120	Type of License Package Store
D.B.A. Alaska Wine Guy 3700 Old Seward	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 4655 Cascade Circle	City, State Anchorage, AK	Zip 99502

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-18-14, at about 1542 hours, Alaska Wine Guy clerk Matthew Earl Monroe sold an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2071

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>RL Hamilton</i>	Title: Investigator III



3606 Rhone Circle
Suite 110
Anchorage, AK 99508
t: 907/274-3385
f: 907/274-4258

September 23, 2014

Bob Beasley, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
VIA FACSIMILE AND EMAIL

Re: **Notice of Violation AB14-0990**
AWG, Inc.
D/B/A : Alaska Wine Guy

Dear Bob:

This office represents AWG, Inc. relative to the aforementioned Notice of Violation. This letter will provide you with an overview of the events leading up to this violation and our client's actions in dealing with the factual matters asserted in the NOV. My client takes these matters extremely seriously and will continue to work hard to insure compliance with Title 4 to the letter.

One of my client's most seasoned and experienced employees was involved in this incident. At the time this incident occurred, my client's employee was busy and not feeling well physically. The underage informant was actually carded, but our employee miscalculated and sold the alcohol. Had it been any other employee, my client would have terminated employment for such action. In this instance and because the involved employee is one of the best employees at the store, he will be given a "last" and second chance.

However, my client has used this event as an example to all of the employees. New signs were put up behind the counter to remind all employees of the cut-off date and an employee meeting was held to review the principles of safe and legal sales. While mistakes can and do happen, my client takes these matters very seriously. Should you wish to speak to my client and I about this or any other matter, we would gladly come down to meet with you to discuss my client's actions and reactions in this case.

Thank you for your time and courtesies in this matter. Should you have any questions or concerns, please feel free to contact me directly at anytime.

Sincerely,

A handwritten signature in cursive script, appearing to read "A B Shawcross".A handwritten word in cursive script, appearing to read "for".

W. Sherman Ernouf

cc: Client



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 11-4-14
Number AB14-1196
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Choonchit Shim	License Number 5150	Type of License Restaurant / Eating Place
D.B.A. Yakitori Sushi House 2834 E. Tudor Road	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 139 A Burton Street	City, State Anchorage, AK	Zip 99504

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-30-14, at about 1246 hours, Yakitori Sushi House server Takako Mukaiyama-Taylor furnished an alcoholic beverage to a person under 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Recelpt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

From :Yakitori sushi house

To:Cynthia Franklin , Director

We are really appolized what was happed on 10/30/14 .The sever Takako Mukaiyana-Talor was severd wine to the person under 21. We are really surprised that was happed in my restaurant.

We will make sure will not happed in the future :

We will traning more often to the sever.

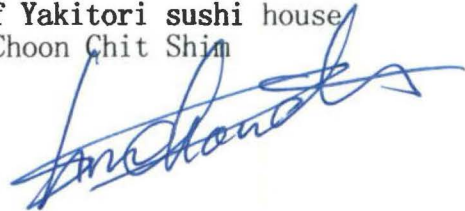
Remind the sever all the time and then checking Id please take the time no mater how busy we are.

Make sure see the pic of the Id date and year .Make sure would not sever Alcoholic to Under 21 person .

We will make more sign in the beverages area for Reminder .

We will do our best as we could , We promisd will not happed again.

Owner of Yakitori sushi house
Choon Chit Shin

A handwritten signature in blue ink, appearing to read 'Choon Chit Shin', written over the printed name.



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-16-14
Number AB14-1112
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee Chheum Enterprises LLC	License Number 5185	Type of License Restaurant / Eating Place
D.B.A. Phonatik Vietnamese Cuisine & Lounge	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 901 E. Dimond Blvd, Ste A	City, State Anchorage, AK	Zip 99515

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-15-14, at about 1457 hours, Phonatik Vietnamese Cuisine & Lounge server Kim Chi Thi Nguyen furnished an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Cynthia Franklin, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2118

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

October 20, 2014

Alcohol Beverage Control Board,

On the date of October 15, 2014, one of Phonatik's server made a mistake and served alcohol to an underage person in our facility. Kim Chi Nguyen was immediately taken off the floor and was questioned as to what went wrong.

I immediately took action and retrained her on the basics when looking for proper identification with date of birth, photo of the individual and the legal age of drinking, today's date in the year 1993.

We will assure that all other tap card holders in our facility follow simple guidelines when verifying identification before serving alcohol.



Santhony Chheum
License #5185
Owner/ Operational Manager
907-602-6713



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 9-15-14
Number AB14-0936
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Muddsuckers, Inc.	5316	Restaurant / Eating Place
D.B.A.	How Delivered	Law Enforcement Agency
The Red Chair Cafe	[X] Certified Mail # On-File [] In Person	Anchorage Police Department
Street or P.O. Box	City, State	Zip
337 E. 4 th Ave	Anchorage, AK	99501

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-11-14, at about 1538 hours, The Red Chair Cafe server Diadrey Ann Witt furnished an alcoholic beverage to a person under the age of 21. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

7009 2820 0001 7253 2064

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: UB 13-011
Filed By: <i>JL Hamilton</i>	Title: Investigator III

To

Robert L. Beasley, Interim Director
Alcoholic Beverage Control Board
2400 Viking Dr.
Anchorage, Alaska 99501

09.25.2014

RE: Muddsuckers, Inc. License Number 5316 response to Violation of Title IV by The Red Chair Café server Diadrey Ann Witt on 9-11-14.

Dear Mr. Beasley,

Prior to this violation, it has been The Red Chair Café's policy to card all guests who request alcoholic beverages. We have also had 'Born by Date' notices at each server point of sale station and on the beer cooler and wine storage room wall.

As a result of Ms. Witt's violation, we have increased the number of 'Born by Date' notices to include: on the server daily task board; in the break room; and additional notices around the server station. We have also started including a discussion on the born by date during weekly server meetings and the management is pop quizzing staff on the floor during service.

It is our belief that these steps will reduce the future chances of a miscalculation occurring again.

Sincerely,



David Seube

General Manager, The Red Chair Café
bossdude@theredchaircafe.com

The Red Chair Café

Tel 907-270-7780
Fax 907-277-7774

337 E 4th Ave.
South Entrance
Anchorage, AK 99501

www.theredchaircafe.com
feedback.box@theredchaircafe.com



Tab


22



ALASKA TITLE 4 REVIEW

FOR THE
Alaska Alcoholic Beverage
Control Board

Recommendations for Statutory Change
November 2014



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INTRODUCTION

“The board shall control the manufacture, barter, possession, and sale of alcoholic beverages in the state. The board is vested with the powers, duties and responsibilities necessary for the control of alcoholic beverages...” ASo4.06.090(a)

The recommendations in this report are built from a two-year process initiated by the Alcoholic Beverage Control (ABC) Board to engage a diverse group of stakeholders to determine how to improve the structure, organization, specific policies and associated implementation in Title 4, Alaska’s statutes regarding regulation and control of alcoholic beverages in the state. Title 4 is recognized to be in many ways outdated, confusing or otherwise ineffective in carrying out the intent of the statutes. The ABC Board is tasked with interpreting and enforcing the laws of Title 4; this process is intended to benefit the Board as it carries out its mission, as well as benefitting the many other organizations and individuals whose work, community or business is affected by alcohol control laws and regulations.

In May 2012, the ABC Board convened a stakeholder group of approximately 30 people engaged in the alcohol industry, public health, local government, law enforcement, public safety, education, community advocacy and other sectors. The group identified some of the priority issues in statute to address. The stakeholders met again on January 22, 2013 to form five subcommittees to address the priority topics identified by the large group: Licensing, the Role of the ABC Board, Underage Drinking, Local Option and Internet Sales of Alcohol. A Steering Committee composed of ABC Board members, staff and the chairs of each subcommittee formed to coordinate the work of the five subcommittees and make decisions about which proposals to include in the final set of recommendations. Agnew::Beck Consulting was contracted in July 2013 to provide administrative and analytical support to the subcommittees in conducting their review of the Statutes and associated Alaska Administrative Code sections.

The subcommittees met regularly (once or twice a month) to review their assigned portions of the statutes and regulations related to Title 4, to develop recommendations for improving the statutes and to document their rationale, level of consensus and further issues to be resolved for each recommendation. Four of the subcommittees have developed sets of recommendations that have since been presented for inclusion in this legislative package. The fifth subcommittee, Internet Sales, has discussed the issue of shipments of alcohol from out-of-state companies to individuals through online sales, which bypasses the state’s regulatory and taxation system. The subcommittee identified the point in the shipment process to focus regulation: the major package carriers (UPS, FedEx, DHL), through which alcohol travels into the state; because the U.S. Postal Service is also considering allowing shipment of alcohol, however, the subcommittee has no recommendation until this decision is made at the federal level. On March 25, 2014, the subcommittees prepared summary presentations and shared their progress to date with the larger stakeholders group to gauge the level of stakeholder support for the subcommittees’ proposals.

Following the stakeholders’ meeting, the subcommittees continued to refine and develop additional recommendations within their topic areas. In preparation for the legislative process and the introduction of a draft bill, Carmen Gutierrez was contracted to prepare draft statute language to

reflect the changes to Title 4 proposed by the subcommittees. The Steering Committee reviewed the subcommittees' sets of recommendations and determine which will be included in the final package described in this summary through meetings on September 26 and November 6, 2014. The Steering Committee relied on the same consensus-based process that the subcommittees have used to determine which proposals to bring forward for consideration.



This report summarizes the final set of recommendations by subcommittee, the intent of the proposed changes, and if relevant, implications that will require resolution during the legislative process or through ABC Board regulations.

LICENSING

This subcommittee reviewed the statutes related to alcohol licensing (Chapter 04.11), as well as accompanying regulations regarding licensing (3 AAC 304, Articles 2, 3 and 4). The subcommittee took a comprehensive approach to reviewing individual license types, seeking to create a rational system of licensing of alcohol businesses in order to achieve the following goals:

- Balance preserving and promoting a fair business climate for Alaska businesses with protecting the public health;
- Retain the framework of the three-tier system of alcohol regulation while considering exceptions to the rule that may have other economic, social or regulatory benefits; and
- Make Title 4 a clear and consistent framework for use by licensees, the ABC Board and enforcement personnel.

Because past legislative and administrative decisions over time have created a system that is in many ways misaligned and convoluted, each individual proposal below should be considered in the context of the other proposals as well as what remains the same as current statute. The subcommittee's individual recommendations are inter-related and intended to work effectively as a whole to improve the structure overall.

RECOMMENDATIONS

Recommendation F-1. Adjust License Fees to Reflect Current ABC Budgetary Needs | Update all license fees according to the relative administrative costs of each, and collect sufficient revenue to cover the ABC Board's required activities, as recommended in RB-3 (Revise ABC Board Budget to Adequately Fund Needed Activities).

INTENT OF PROPOSED CHANGES

This recommendation represents one thread of several discussions that the subcommittees have had about the ABC Board budget, and the fiscal impacts other recommendations may have. While the Role of the Board Subcommittee has primarily addressed expenditures (enforcement, education and other activities of the ABC Board), the Licensing Subcommittee focused on the revenues of the Board, which determines its projected annual budget.

As a state agency, the ABC Board's annual budget is prepared by the Director and is not to exceed the estimated revenue that the Board will collect from license applications, renewals and other administrative fees in that year (AS 04.11.590). The fees associated with each license have generally not been increased since the statutes were originally enacted in 1980. Although the number of licenses has increased somewhat with population growth, they have not kept up with increasing costs, which now constrain the Board's ability to conduct its mandated education and enforcement activities. Some of the recommendations in this proposal may also require additional resources (primarily in the form of staff time) to implement.

The subcommittee reviewed current license fees, including application, renewal, transfer, permit and other administrative fees. Using information from the ABC Board's budget, the subcommittee estimated the current total revenue available to the Board from these fees. As a comparison exercise, the subcommittee also projected that if fees had been tied to inflation between 1980 and 2014, they would now be more than double the current amounts.

Based on a set of assumptions about the resources needed to fund the Board's activities and about the relative administrative and enforcement costs of all license types, the subcommittee developed a proposed fee structure by license tier and individual license type. Assumptions include:

- Some license types require more enforcement than others, and those with a great deal of interaction with the public (retail licenses) require more enforcement and compliance activities on the part of agency staff.
- New license applications and transfers have much higher administrative costs than renewals and most fees, particularly staff time to process the applications and conduct due diligence required by statute.
- The license fees reflect the fact that although some licenses (particularly those considered seasonal) may have limited operations, the administrative costs for processing an application and ongoing enforcement costs are similar.
- In addition to the costs of administering the license system, there are many other education and enforcement costs related to alcohol regulation: investigating unlicensed establishments and illegal alcohol sales, enforcing local option laws, and consulting with local law enforcement on cases. Fees should be equitably borne by all licensees to cover these other costs not directly related to license administration. These activities are important to public health, public safety and (particularly when dealing with unlicensed establishments) protecting the interests of businesses that do follow the laws and regulations.

The subcommittee also considered the process of reviewing fees: without a mechanism for regular updates to license fees, the gap between revenue and cost may grow again in the future. The subcommittee proposes keeping all license fees in statute (rather than moving them to regulations) and including statutory language that requires periodic review of all license fees by the ABC Board not less than every ten years, perhaps during every other cycle of the agency's five-year sunset review. The subcommittee does not recommend tying increases directly to inflation, rather to consider the effect of rising costs on the overall budget over time.

The subcommittee strongly feels that this recommendation should be accompanied by, and not adopted without, a clear plan and proposed budget from the ABC Board regarding the activities and programs it will conduct with this increased revenue. The subcommittee requests that the Director prepare a draft budget based on the parameters provided through this review process. ABC Board staff have indicated that the primary increase in expense would be staff resources to complete additional compliance and education activities. One idea the subcommittee discussed is hiring Level 1 or 2 investigator staff to complete standard compliance checks; compliance is currently completed by Level 3 and 4 staff, whose grade and experience would be best applied to more complex investigations.

Recommendation M-1. Simplify Manufacturing Licenses | Keep three manufacturing license types: Brewery (AS 04.11.130), Winery (AS 04.11.140), Distillery (AS 04.11.170). Remove Bottling Works (AS 04.11.120) and Brewpub (AS 04.11.135) license types.

INTENT OF PROPOSED CHANGES

The subcommittee identified two license types within the Manufacturing tier that can be covered within other license types and through the other proposals in this section. There are three basic categories of alcoholic beverages that can be legally manufactured: beer and malt beverages, wine and equivalent products made from fruits, and distilled spirits. (Other non-traditional alcohol products, such as powdered alcohol, are currently illegal in Alaska). This recommendation is primarily aimed at simplifying and reducing the number of license types. The subcommittee recognizes a need to differentiate between manufacturers of different products, but believes these three license types are sufficient, one for each of the product types. The other two manufacturing licenses, Bottling Works and Brewpub, could be successfully converted into one of these three license types. However, in order to remove Brewpub, other changes need to be made to statute (M-2 and M-3) to provide an equivalent framework for the concept.

Recommendation M-2. Retail License for Manufacturer | Add-on retail licenses specifically for manufacturers to allow limited on-site consumption and off-site sales.

INTENT OF PROPOSED CHANGES

A strict interpretation of the three-tier system would not allow manufacturers to engage in any retail operations, but it is now common in American craft production to include retail components for on- or off-site consumption. Alaska currently allows some of these activities, primarily for Brewery licenses, but production limits for manufacturers limit the capacity of Alaska businesses to compete with outside manufacturers not under this restriction. Manufacturers are currently not allowed to hold retail licenses (Beverage Dispensary Licenses, Restaurant/Eating Place Licenses) and have restricted on-site operations: limited hours and quantities for sale, no live entertainment. The Brewpub license was created as an exception to these restrictions; it allows only the production and sale of beer and has strict limitations on the allowed volume of sales.

Recommendations M-2 and M-3 propose to allow manufacturers to have access to a retail add-on license (the equivalent structure of a Brewpub license). The terms for sampling, on-site and off-site sales are comparable to what is allowed for Breweries and (as of 2014) Distilleries. This proposal would create three license types that correspond with the three Manufacturer licenses; a licensee would only be eligible for an add-on license if the licensee holds the corresponding base license to manufacture that product. The retail add-on license would allow the licensee to:

- provide limited free samples, sized roughly according to the relative alcohol content: no more than **12 oz** for beer and malt beverages, **6 oz** wine and **1.5 oz** distilled spirits per customer per day. (These quantities differ slightly from what the subcommittee proposes to be defined as a standard drink size in AS 04.16.015 Pricing and Marketing: 16 oz for beer and malt beverages, 6 oz for wine, and 1.5 oz for distilled spirits.) The licensee would determine the best method for tracking customers' consumption per day.
- sell limited quantities for onsite consumption, proportional to the current statutory limits for Breweries: **36 oz** of beer, **18 oz** of wine, **3 oz** of distilled spirits. Onsite operations have

all of the restrictions currently in the Brewery license (no seats at a fixed bar, no live entertainment, limited hours of operation). As with all Retail licenses, these licenses would be subject to server education and signage requirements.

- sell limited quantities to individuals for offsite consumption, proportional to the alcohol content of the product and following current industry standard units of measurement for containers of the different product types: **15.5 gal** of beer (one standard keg), **9L** (twelve standard bottles, or one case) of wine; **1.5L** (two standard bottles) of distilled spirits.

This retail add-on license would remove and relocate some activities currently in manufacturers' licenses, making the basic three Manufacturer license types solely for production. The base Manufacturer license would only allow sales to other licensees and out-of-state entities. Furthermore, the Manufacturer-Retail license (add-on) would, unlike the base Manufacturer licenses, be subject to statutory population limits for the same community or catchment area in which the base license is located (see Recommendations P-1 and P-3). This reflects the public health principle of limiting the number of retail outlets that provide public access to alcohol, particularly in small communities with few allowed retail licenses. The Manufacturer Retail Licenses would require an application and community review process separate from the base license, and the retail license could be suspended or revoked independently from the base license if retail operations are non-compliant with the law.

IMPLICATIONS TO CONSIDER

- Ensure that operations currently permitted in Bottling Works and Brewpub are incorporated into the Manufacturer Retail Licenses and other statutes as needed, and provide a mechanism to convert current Bottling Works and Brewpub licensees into their respective new license types.

Recommendation M-3. Manufacturer Allowed to Hold a Restaurant Eating Place License | Remove the restriction in Prohibited Financial Interest (AS 04.11.450), which does not allow Manufacturers to hold an REPL (04.11.100).

INTENT OF PROPOSED CHANGES

As noted in M-2, a strict interpretation of the three-tier system would not allow manufacturers to engage in retail operations, but it is increasingly common for manufacturers to develop brew house or restaurant concepts featuring their products. AS 04.11.450, Prohibited Financial Interest, prohibits a Manufacturer licensee from holding a Beverage Dispensary License or Restaurant Eating Place License, and a current Brewery or Distillery license only allows limited on-site consumption with an earlier closing time than a typical REPL. This framework also prohibits a manufacturer from completely bypassing distribution through a wholesaler, another feature of the three-tier system. The exception currently in statute is the Brewpub license, which was created to essentially replicate the concept but allows a BDL licensee or REPL licensee to manufacture a limited amount of product, to self-distribute (sell directly to the public) and sell to out-of-state distributors up to a limited annual volume. The result is an imbalance between licensees' access to the same concept, depending on which license they hold and whether they already have substantial in-state brewing operations.

Recommendation M-3 would remove the restriction on Brewery and Winery (not Distillery) licensees holding and operating an REPL. Rather than allowing the licensee to supply their own

retail outlets at cost with no limits, only an REPL owned by a manufacturer in the same catchment area would be allowed to supply themselves directly. A manufacturer could obtain an REPL in another geographic area, but would have to purchase their product through a wholesaler like any other retail licensee. The REPL would operate as any other license of its type, with a requisite food sales requirement on the licensed premises; the food requirement would only apply to the licensed premises of the restaurant and would not take into account any other licenses' sales receipts (see Recommendation R-4). This proposal would not change the manufacturer's existing ability to self-distribute to other licensees in and out of the state; it is intended to prevent the development of "tied houses," where a manufacturer dominates a market by operating retail outlets that feature exclusively or primarily their own products.

This change complements removing the Brewpub license (Recommendation M-1); it allows the same activities while remaining under the population limits for REPLs. This provision would give manufacturers more flexibility in retail operations, while prohibiting many of the defining features of a "bar" allowed under a BDL. Manufacturers could choose to produce their products with no retail operations, apply for a Retail license and conduct the same activities that are currently allowed under the Manufacturing license types, and/or apply for an REPL to develop a restaurant.

Recommendation W-1. Adjust Scaling of Wholesale License Fees and Simplify Supplier Reporting | Adjust fees for both Wholesale licenses (both listed in AS 04.11.160) to retain current maximum but reduce burden on small operators; remove the requirement to provide a full list of suppliers to the ABC Board.

INTENT OF PROPOSED CHANGES

Wholesalers have the most complicated fee structure of any license type, and multiple reporting requirements. There are currently two license types in the Wholesale license statute (AS 04.11.160), General Wholesale and Malt Beverage and Wine Wholesale, with separate schedules of annual and biennial fees that are paid according to the size of the licensee's business (dollar sales transacted). Wholesale licensees have a multi-part fee structure: a biennial fee for all licensees; for General Wholesale, a flat fee for each distribution point; and two other scaled fees based on sales volume and number of suppliers. In addition, Wholesale licensees must provide written letters of certification from all suppliers every two years to verify that they are the primary suppliers in Alaska for each product, another protective feature within the three-tier system that prevents wholesalers from having competing relationships with a supplier of a particular product line.

The subcommittee seeks to simplify Wholesale license types to improve licensing and enforcement, retain a fee structure that is fair to all distributors but places less financial burden on small distributors, and retains the primary source supplier system while saving administrative costs by streamlining the reporting process. The subcommittee recommends halving the fees owed for each tier of business transacted, except that the maximum allowable fee remains the same at the highest tier (over \$1 million in annual sales). Because large wholesalers conduct business well above \$1 million annually and smaller operators rarely approach this number, this seemed a reasonable threshold to maintain without disclosing confidential business information. The table on the following page indicates the current and proposed fees.

In addition, the subcommittee discussed the primary source provision which requires a Wholesale licensee to provide a current supplier list for all the products they sell, and submit any changes in supplier or product line to the ABC Board within 10 days. This provision creates an administrative burden on both licensees and ABC staff, who do not proactively review the lists to address any conflicting reports. The subcommittee recommends a simpler requirement that a Wholesale licensee must, on application or renewal of the license, sign an affidavit that they are the duly appointed wholesaler for all of the product lines they sell. Because wholesalers have a business interest in ensuring that they have exclusive relationships with suppliers, any issue of a non-exclusive supplier would be discovered and brought to the Board's attention by the licensees, and does not require staff time to maintain a list. The Board would have the ability to request a supplier list from the Wholesale licensee when a question arises, according to the licensee's signed affidavit. Because there is an existing fee calculated based on the licensee's number of suppliers, the licensee's affidavit would also require either writing in the total number of suppliers, or self-reporting on their affidavit using the range identified in statute (1 to 25, 26 to 50, 51 to 75 and over 75).

General Wholesale: Proposed Fee Scale		
Annual Business Transacted (\$ sales)	Current Fee	Proposed Fee
up to \$100k	\$0	\$0
>\$100k to \$150k	\$500	\$250
>\$150k to \$200k	\$1,000	\$500
>\$200k to \$250k	\$1,500	\$750
>\$250k to \$300k	\$2,000	\$1,000
>\$300k to \$350k	\$2,500	\$1,250
>\$350k to \$400k	\$3,000	\$1,500
>\$400k to \$500k	\$4,000	\$2,000
>\$500k to \$600k	\$5,000	\$2,500
>\$600k to \$700k	\$6,000	\$3,000
>\$700k to \$800k	\$7,000	\$3,500
>\$800k to \$1M	\$9,000	\$4,500
over \$1M	\$10,000	\$10,000

Limited Wholesale: Proposed Fee Scale		
Annual Business Transacted (\$ sales)	Current Fee	Proposed Fee
up to \$20k	\$0	\$0
>\$20k to \$50k	\$300	\$150
>\$50k to \$100k	\$1,000	\$500
>\$100k to \$150k	\$1,500	\$750
>\$150k to \$200k	\$2,000	\$1,000
>\$200k to \$400k	\$4,000	\$2,000
>\$400k to \$600k	\$6,000	\$3,000
>\$600k to \$800k	\$8,000	\$4,000
over \$800k	\$10,000	\$10,000

Recommendation W-2. Align State Statute with Federal Law Regarding Trade Practices |
Add provisions in Title 4 to match current federal law regarding trade practices and agreements between retailers and wholesalers or manufacturers.

INTENT OF PROPOSED CHANGES

This recommendation addresses provisions currently missing in state statutes regarding the relationships between manufacturers, wholesalers and retailers. While the Federal Alcohol Administration (FAA) Act and Alcohol Tax and Trade Bureau (TTB) regulations apply to wine and distilled spirits, they exempt malt beverages at the federal level and leave the matter to states to enact equivalent laws. Alaska is among a handful of states that do not have similar provisions in state law.

The provisions are decades old and address problems previously rampant in the alcohol industry prior to Prohibition. In 1933, a report to prepare America for legal alcohol and its regulation, *Toward Liquor Control* (also referred to as the “Rockefeller Report”), provided guidance to policymakers as they set up regulatory systems for alcohol. Issues identified included a variety of practices that hampered retailers’ ability to make independent purchasing decisions about which products to sell. The intent of the provisions is to prevent undue influence over or coercion of a retailer by a manufacturer or wholesaler, such that they prevent the retailer from purchasing products from or conducting business with whomever they choose.

The subcommittee proposes to enact state statute(s) similar to the Federal Alcohol Administration Act (Title 27, Chapter 8, Subchapter 1, Section 205) which define “unfair competition and unlawful practices” as they relate to relationships between suppliers/wholesalers and retailers, including the following issues:

- **Commercial Bribery:** providing a bribe, promotional bonuses or other compensation by a distributor to a retailer in exchange for an exclusive relationship or an agreement not to purchase other products.
- **Tied Houses:** part ownership by a manufacturer in a retail establishment, which provides leverage for selling some products and not others.
- **Exclusive Outlets:** requiring a retailer to have an exclusive relationship with one distributor.
- **Consignment Sales:** conditional sales of products which may involve the trade of other products in exchange to circumvent normal distribution relationships.

These practices are already illegal under federal law for wine and distilled spirits, but limited resources and federal staff in Alaska has prevented their enforcement for these products, and existing state statutes do not give the ABC Board the ability to enforce them.

To avoid excessive detail in statute, the subcommittee recommends putting most of the specific language about these practices into regulation. The subcommittee recognizes that this will stop many practices that are common in Alaska, but that many other practices of a similar nature may not be currently prohibited at the federal level. The regulations should adhere as closely as possible to current federal regulations, and not be made more restrictive than current federal law.

IMPLICATIONS TO CONSIDER

- It is the understanding of the subcommittee that prohibited acts would not include the concept of Recommendation M-3, allowing a manufacturer to hold a Restaurant Eating Place License, but regulations should reflect this. Federal laws prohibit only partial ownership, and exempt exclusive ownership of both establishments by the same licensee.

Recommendation P-1. Population Limits Apply to Retail Licenses Only | Apply population limitations on the number of licenses only to retail-tier licenses (excluding Tourism and Public Convenience).

INTENT OF PROPOSED CHANGES

There is a shared interest among community members, public health advocates and license holders to regulate the number of available licenses; to determine the best mechanisms to regulate public access to alcohol in Alaska's communities; and to protect the investment value of existing licenses. The number of allowed liquor licenses of each type is determined by each community or borough's population, as outlined in AS 04.11.400. The goal of the system is to control public access to alcohol and mitigate the social costs of alcohol consumption in a community by setting limits on the density of retail outlets. The effect of the system, because some retail licenses are in high demand and are transferrable to a new owner, is to create a limited supply of licenses, which sets the market value for some license types for a sale and transfer among businesses.

The current system has allowed a much higher density of outlets than the statute intended. Statute allows each community or borough to have 1 REPL per 1,500 people, and 1 per 3,000 people for each other license type. This applies to all Manufacturing, Wholesale and Retail licenses, but not to Tourism, Duplicate or Public Convenience licenses. Most communities are over-licensed with retail establishments because existing licensees were grandfathered when the limitations were codified, or exempted from the limit. In addition, when a new license type is added, a new set of licenses are created under the population limits. Adding types increases outlet density beyond statutory intent.

The subcommittee recommends that population limits apply only to Retail licenses, not to Manufacturing (except their licensed retail operations) and Wholesale licenses. Tourism and Public Convenience Licenses would remain exempt (see Recommendation P-3 for more about Public Convenience), as well as Destination Resort, Outdoor Recreation Lodge and Conditional Contractor Permit. Considered jointly with the subcommittee's other recommendations, the overall intended effect is to control the theoretical maximum number of retail licenses that could be issued in a community by limiting the number of license types and making the existing license types more versatile with endorsements on a license.

Recommendation P-2. ABC Board Advisory Opinion on Proposed Legislation | Require the ABC Board to issue an advisory opinion on proposed legislation regarding Title 4.

INTENT OF PROPOSED CHANGES

Any statutory change to Title 4 is brought before the Legislature for consideration. Legislators or their aides typically call upon ABC Board staff for feedback, and staff is available during all hearings to answer questions. However, deliberation is not conducted by the Board for official opinions on bills, even when the statutory change may have significant impacts on other portions of Title 4 or on the overall alcohol regulation system. The ABC Board is not prohibited from issuing opinions on proposed legislation related to Title 4. However, despite being the regulatory body charged with implementing and enforcing these laws, the Board has no formal advisory role in proposed changes.

The subcommittee recognizes that statute must not constrain the Legislature's decision making process. Therefore the subcommittee recommends that the process of statutory change for Title 4 would benefit from the formal input and perspective of the ABC Board. The ABC Board would be

formally empowered, but not required, to issue an advisory opinion on active legislation for proposed changes to Title 4 to benefit legislators as they deliberate on the implications of the proposed statute. The Board could issue an opinion on its own, or seek public and stakeholder input to inform its opinion on matters with significant impacts.

Recommendation P-3. Seasonal Tourism Restaurant License | Place a permanent moratorium on issuing new Public Convenience licenses, and replace existing licenses with a new license type that allows for seasonal REPL licenses in small communities and unincorporated areas.

INTENT OF PROPOSED CHANGES

As noted in Recommendation P-1, most but not all license types are subject to the statutory population limits. A Public Convenience License is one exception: subsection (e) and (g) of the Population Limitations (AS 04.11.400) allows an REPL to be located 18 or more miles outside of a city's limits or with a signed petition of nearby residents. Public Convenience Licenses are not transferrable, and therefore have no market value. There are currently 57 Public Convenience Licenses, nine of which are seasonal. Most are located in small communities that have otherwise been issued the maximum number of allowed REPLs, notably in Homer (12), Seward (7) and the rural Kenai Peninsula (10). To date, Public Convenience licensees have not been associated with significant enforcement problems, but circumvent the population limitation system. From the public health perspective, this weakens the control on the number of retail access points to alcohol in a community. From the industry perspective, exempt license types create loopholes to obtain a retail license at a lower cost. The process for obtaining a license is administratively cumbersome for the ABC Board when determining whether petition signatures are valid, and the Board faces difficulty in determining what constitutes "public convenience" in each case.

The ABC Board would like to respond to the demands of the seasonal visitor (tourist, traveler and worker) market in small communities with few retail licenses allowed under the population limits while addressing issues with Public Convenience licenses. The subcommittee proposes a permanent moratorium on issuing new Public Convenience licenses and converting existing Public Convenience Licenses to a new license type (Tourism REPL). Existing licenses would be grandfathered for the short term and allowed one transfer of ownership at the same location to provide an opportunity to sell the business, or pass it to the current owner's family or business partner. Following the one allowed transfer, the license would be retired. The Tourism REPL is a parallel concept to the Tourism BDL, but with a different set of parameters and a different scheme for determining eligibility. The Tourism REPL would function as a standard restaurant but would be a seasonal license, with an operating limit of 6 months of each calendar year. The 6 months would not need to be contiguous, to accommodate businesses with summer and winter visitors. The license would require annual renewal, including documentation of the intended season start and end date(s).

The number of Tourism REPLs would be limited by a modified population limit, which the ABC Board would calculate using a formula and publish annually for each catchment area. Tourism REPLs would only be available within local government jurisdictions with a population under 20,000, which excludes larger cities and boroughs outside of small communities. To determine the number allowed per community, the Board would rely on a modified population count for numbers published by DCCED, which tracks visitor counts above 4,000 annually in each community (the

license type would only be available in communities with more than 4,000 visitors annually). Using a rolling multi-year average of visitor counts and the current number of year-round residents, the formula would use a modified population calculation as follows:

$$(Average\ annual\ tourism\ count) / (Length\ of\ season\ [6]) = Estimated\ average\ monthly\ visitor\ population$$

This number would yield a modified monthly population estimate during the standard tourist season (6 months), which would be used in the existing formula to yield the number of additional REPLs available to serve this population:

$$(Modified\ population\ estimate) / 1500 = (Number\ of\ Tourism\ REPLs,\ rounded\ to\ nearest\ whole\ number)$$

Tourism REPLs would be transferrable and would require the same application and transfer process as other license types, including the regulation of where the license can be transferred. To account for existing Public Convenience Licenses in a catchment area, the number of allowable Tourism REPLs will take into account any current Public Convenience Licenses in the same area. For unincorporated areas without a local government, the ABC Board will follow the petition procedure outlined in AS 04.11.460(b), which is administratively cumbersome but provides a process for rural areas with very few residents and limited local government structure.

Recommendation R-1. Duplicate Beverage Dispensary Licenses; Large Resort Endorsement | Clarify the parameters that would allow and require a duplicate license for Beverage Dispensary Licenses (AS 04.11.090); create a Large Resort Endorsement within the BDL that allows Duplicate BDLs within the same resort complex.

INTENT OF PROPOSED CHANGES

Beverage Dispensary Licenses (BDLs) have a strict definition of premises. “Premises” is defined as one room with a fixed counter or service bar. Additional rooms in one establishment require Duplicate licenses, even in the same building. Duplicates are not allowed at non-contiguous establishments, even under the same ownership. Large resort and other large hotel properties that have multiple establishments on what may be a multi-acre property, have also been granted Duplicate licenses to execute their concept, even when in separate buildings. This is one of the primary exceptions to the general definition. Lack of clarity regarding duplicate licenses has made it difficult for the ABC Board to consistently determine when a Duplicate License is appropriate and should be issued. Single establishments with multiple bar rooms have had Duplicates, while other establishments have used Duplicates to create what appear to be two different establishments, but physically adjacent and under the same business entity. Others have applied to use a Duplicate elsewhere in a larger property, citing the example of existing resorts or hotels that have been granted Duplicates as precedent.

The subcommittee recommends a logical framework for Duplicate Licenses that allows businesses some flexibility in operation decisions, but restricts the situations in which a Duplicate would be allowed. The definition of BDL Premises remains the same: a single room with a fixed, plumbed bar. The subcommittee proposes the following parameters for determining when a Duplicate is required:

- *Duplicates are allowed and required* if in the same building, the establishments are held by the same owner, and separated either by unlicensed or contiguous licensed premises.

- *Duplicates are allowed and required* if the licensee is a hotel, motel, resort or similar business catering to the travelling public, in the same building or readily accessible within convenient walking distance, and both licenses are operated by the same business entity.
- *Duplicates are not allowed* in any other situation except with a Large Resort Endorsement.

Because the design and operation of a large resort property or hotel is materially different from a BDL with multiple rooms, the subcommittee proposes creating a Large Resort Endorsement. It is primarily an exception to the rule proposed for Duplicate Licenses: having such an endorsement would make the licensee exempt from the requirement that a Duplicate must be in the same building, if all of the licensed premises are within resort boundaries and under the licensee's control (i.e., not leased to or operated by a separate entity). A Large Resort would be defined as 10 or more acres, with outdoor recreational activities and overnight lodging for the public. This endorsement would have a one-time fee and application but cannot be transferred with the license, even at the same location. This mechanism provides the basis for which the licensee could apply for Duplicates to be located in different buildings in some cases.

IMPLICATIONS TO CONSIDER

- Determine which existing licensees would require grandfathered status or no longer be eligible for a Duplicate license, and how to address these situations.

Recommendation R-2. Recreational Site License | Ensure that the strict definition of "Recreation" is applied to current and potential Recreational Site License holders; implement a sunset provision to review and revoke any licenses that do not meet the statutory definition (AS 04.11.210).

INTENT OF PROPOSED CHANGES

There are currently two primary licenses that allow on-site consumption by the general public: the BDL and the REPL, both of which tend to be in high demand due to the population limitations on retail licenses. There are other license types that allow on-site beer and wine consumption in specific circumstances, including: Recreational Site, Golf Course, (University) Pub and Theatre. The ABC Board has received several applications for other license types, particularly the Recreational Site, with many attempts to stretch the definition of "recreation" beyond the statutory definition of a sporting event. The statute was broadly interpreted by a 2011 memo issued by the Attorney General's office, which outlines "event based" and "activity based" forms of recreation, all of which would be eligible for a Recreational Site License. While the "event based" definition conforms with AS 04.11.210, the "activity based" definition reads as follows: "An activity-based recreational site license will allow the licensee to sell beer and wine during times the recreational activity is taking place. An activity-based recreational site license includes the following recreational activities, or other recreational activities having substantially similar characteristics – baseball, softball, football, soccer, running, skiing, skating, dog sledding, curling, gymnastics, zip lines, volleyball, climbing, hiking, fitness activities, golf, bowling, billiards, hiking, rafting, and boating." A number of licenses have since been issued under this broadened definition, many of which would not qualify if re-evaluated under the statutory definition. It is difficult for the ABC Board to make fair and consistent decisions and to comply with the intent and letter of statute, as these other license types become more available or broadly interpreted. Current licensees voiced concern that the value of BDLs will

be diminished by expansion of other license types. Public health and community advocates would like to avoid any proliferation that increases the density of retail outlets beyond statutory intent. Given the limited number of most license types available, pressure on the Board is likely to continue in the future to creatively adapt this and other license types.

After reviewing the existing statute and the proposed regulation to define “recreational activities” issued by the ABC Board for review in August 2013, the subcommittee determined that the issue is not in statute, but with how it has been interpreted. The subcommittee supports the proposed regulation as it has been drafted, but determined that the statute itself is sufficient and must be interpreted more narrowly when reviewing Recreational Site License applications, and that the policy memo that broadens the intent of the statute should be nullified because it does not appear to have statutory basis. To clarify the intended use of the license, its name should be changed to better reflect its intent: for example, “Sporting Event License” or a similar name reflecting use at specific recreational events, not necessarily all recreational activities.

The primary implication for returning to a strict statutory interpretation is whether existing licenses granted under a stretched definition of recreational activities should be revoked, as they were issued without proper legal basis. The subcommittee weighed the existing licensees’ investment against the benefits of closing a growing loophole, and recommends that the ABC Board should not renew licenses that do not fit this definition. Instead, it should provide a sunset period to allow non-conforming licensees to depreciate their investment in the license or alter their operations to comply with AS 04.11.210. In the next renewal period for each Recreational Site License, the ABC Board would issue a memo explaining that all licenses of this type will be reviewed by staff and a recommendation made whether it meets the statutory definition of a Recreational Site. Licensees would be given four renewal periods (eight years) to submit an appeal to the ABC Board explaining how they comply with statute or which operational changes they would make (e.g. instituting a seasonal league) to come into compliance. At the end of this period, licenses that are no longer in compliance would not be renewed.

Recommendation R-3. Package Store On-Site Product Sampling Endorsement | Create a separate Endorsement to allow on-site sampling at Package Stores (AS 04.11.150).

INTENT OF PROPOSED CHANGES

Currently Brewpubs, Wineries and Breweries allow on-site sampling of products and limited sales to individuals for off-site consumption. Package Store Licenses prohibit onsite consumption of alcohol, but the “growler bar provision” (subdividing containers) was recently added in regulation to allow package stores to re-package beer into a growler (a 32-oz or 64-oz container provided by or purchased by the customer) for consumption off-site. There has been advocacy to allow onsite sampling at Package Stores. Alaska has not allowed this activity in the past, but many other states allow sampling either as a part of a license or a separate permit for a third party.

Along with reorganizing Package Stores’ existing permits as identified in statute (Recommendation R-6), the subcommittee proposes creating a new Package Store Sampling Endorsement, which would allow a Package Store licensee to provide a limited number of free samples of alcoholic beverages on premises. The subcommittee looked to the Manufacturer Retail permit for guidance on sample size, and would include the same limits for the *total* amount of equivalent-alcohol samples

served: no more than **12** oz of beer, **6** oz of wine or **1.5** oz of distilled spirits, or a combination not to exceed the equivalent of any of the three. Determining how to track the total product(s) sampled per customer would be left to the licensee, who would present their plan to the ABC Board. The licensee and employees would assume liability for serving and training, and the same retail signage would be required. Sampling activities would be allowed during package stores' hours of operation.

Because this proposal substantially expands the type of activities allowed at a Package Store, the subcommittee discussed ways to mitigate the potential neighborhood impacts of free sampling at establishments with no previous onsite consumption. The subcommittee proposes that the endorsement require specific review by the community, and may trigger additional requirements at the local level such as a Conditional Use Permit provision allowing onsite consumption. Further limitations on the schedule of sampling activities could be placed on the endorsement through a conditional use permit, e.g. allowing sampling for only four consecutive hours or not before noon. The endorsement would require bi-annual renewal with the license. The subcommittee considered a one-year "probation" period in the first year of operation by the package store during which the endorsement could be revoked with public protest. To address concerns that free sampling would be leveraged in a proliferation of public advertising for free alcohol, the subcommittee recommends codifying restrictions in statute and regulation regarding advertising (such as in Pricing and Marketing, AS 04.16.015). Public advertising of free sampling would not be permitted, including banners on the exterior of the premises, newspaper ads and other circulars, TV and radio advertising, or handheld signs on street corners. Advertising directed at existing customers would be permitted, including opt-in mailing lists, social media directed toward a network of opt-in followers, and banners or flyers inside the store that are not visible from the exterior.

Recommendation R-4. Clarifying Restaurant Food Requirement | Clearly define in statute the calculation of 50% food sales (AS 04.11.100) as the ratio of food sales receipts to alcohol sales receipts for on-site consumption.

INTENT OF PROPOSED CHANGES

The subcommittee discussed the ratio of food to alcohol required as part of a Restaurant Eating Place License to define a *bona fide* restaurant, as well as specific examples of existing REPL holders that may or may not meet the statutory requirement. The subcommittee did identify an ambiguity in statute: the statute requires "that gross receipts from the sale of food upon the licensed premises constitute no less than 50 percent of the gross receipts of the licensed premises for each of the two preceding calendar years." As defined, non-food sales could include alcohol, merchandise or other receipts.

The subcommittee discussed the food requirement particularly in the context of a Manufacturer holding an REPL and whether they could successfully meet this requirement. The subcommittee recommends that the statute be re-worded to indicate a more specific calculation: gross receipts of food sales measured against gross receipts of alcohol sold for on-premises consumption. This ratio excludes any other sales, such as merchandise or alcohol sales for off-premises consumption.

Recommendation R-5. Golf Course License and Endorsement | Retain the current Golf Course License (AS 04.11.115), allow a Golf Course to hold a BDL, create a Golf Course Endorsement; adapt AS 04.16.049, 3 AAC 304.715, 3 AAC 304.725 and 3 AAC 304.745 to allow minors to play or work on the golf course or clubhouse.

INTENT OF PROPOSED CHANGES

In reviewing the Golf Course License and Restaurant Endorsement (previously Restaurant Designation Permit), the subcommittee discovered that, unlike a provision for REPLs, there is no provision permitting minors to work on or play on a golf course if it has been designated a licensed premises. While the general intent of Title 4 is to not allow minors to be on licensed premises and not serve alcohol as part of employment, the lack of a provision regarding minors on licensed golf course premises appeared to be an oversight and, to the subcommittee's knowledge, is not currently being enforced because it would prevent minors from participating in golfing activities. The holder of a Golf Course License is also currently prohibited from holding a BDL per AS 04.11.115. Although they can serve beer and wine throughout their property (clubhouse and course), there has been pressure in the past to allow all alcohol products to be served under this license.

The subcommittee proposes retaining the Golf Course License as a beer and wine license, but allowing a Golf Course licensee to obtain a BDL if desired and one is available. A Golf Course License would be required in either case in order to serve beer and wine on the course; it is the required foundation for allowing the course to be licensed premises. The applicant and the Board may determine which portion(s) of the course are within the premises boundaries. If a Golf Course obtains a BDL and wishes to serve all alcoholic beverages on its course, extending the BDL's licensed premises would require a Golf Course Endorsement. Without the Endorsement, the BDL premises is limited to a one-room clubhouse; with the Endorsement, part or all of the course itself could be considered licensed premises. The Endorsement would also include language clarifying that minors would be allowed to work or play on the course. The Golf Course License (and a BDL also held by the licensee with a Golf Course Endorsement) would include a provision to allow minors to work on the licensed premises, similar to the Restaurant Endorsement, with the requisite requirements on the licensee to ensure that minors do not have access to purchase, consume or serve alcohol while on licensed premises.

Recommendation R-6. Theatre License | Move the Theatre License into statute and out of regulation 3 AAC 304.695 as an add-on license to a BDL or REPL.

INTENT OF PROPOSED CHANGES

The Theatre License, which functions as a regular license type, is not included in statute. Only one is currently in use, available to an existing licensee to provide concessions at a theatre at its own establishment or, as written, a site separate from its own licensed premises. In practice, it functions as a year-round catering concessions contract between a licensee and an otherwise non-licensed premises, and can circumvent local limits in Anchorage on the number of events allowable at a single venue in a calendar year. The subcommittee proposes this license type currently in regulation (3 AAC 304.695) should be codified in statute. A Theatre license is currently only available to existing BDL and REPL holders, and despite its current use, does not mandate an exclusive contract with a single venue. The subcommittee identified this perception of exclusivity as being a point of frustration for other retail license holders, but is not required in statute or regulation.

Recommendations R-7A through N. Endorsements and Permits | Create a clear statutory framework for Endorsements and Permits, with all types defined in statute as well as regulation.

INTENT OF PROPOSED CHANGES

As noted throughout most of the other recommendations, the current system of licenses, designations and permits is often inconsistent or convoluted, in part because it has been changed piecemeal and several new license types have been added to address a variety of special situations. Many of these situations have to do with the extent of the licensed premises and which activities are or are not allowed on the premises: for example, a Bowling Alley is treated with a special provision within the BDL statute, while a Golf Course and a Recreational Site are two separate license types. Furthermore, there are permits or licenses that are defined only in regulation (e.g. the Theatre license), and other permits that are defined within specific license statutes but which are more functionally similar to endorsements. Finally, the system of permits, particularly Catering Permits, has been difficult to monitor and implement both at the state and local level.

The subcommittee's general approach to this topic was to examine which provisions should be a distinct license defined in statute, which provisions allowed licensees to conduct certain activities and/or expand the boundaries of their premises (suggesting the need for an endorsement), and which provisions were truly temporary permits that should be refined and inserted into statute, not regulation. The subcommittee recommends including the following guidelines for each category in an educational document for the general public (not in statute itself):

- *License* defines activities allowed daily on its licensed premises.
- *License Type* is a general category of license activities, based on the three-tier system: Manufacturer, Wholesale, Retail.
- *Permit* allows time-limited catering and serving activities on other premises; allows eligible non-profit organizations to host fundraising events.
- *Endorsement* expands the boundaries of the licensed premises to suit activities associated with some businesses: bowling alley, golf course, theatre, etc. It is similar to Restaurant designation in current statute.

Some endorsements have already been defined in previous recommendations, as they apply directly to a specific recommendation. The remaining list of endorsements and permits below is proposed to be inserted as a series of individual statutes. In most cases, the language describing the permit or endorsement has not changed, only its inclusion in statute. In other cases, language may be expanded or narrowed to clarify the intended use of the endorsement or permit, and to which license(s) it applies.

R-7A | Bowling Alley Endorsement | The subcommittee proposes removing this from the BDL statute (AS 04.11.090), but only making it available to BDL holders. Because there was previously no definition for a bowling alley, the subcommittee proposes the following definition: it must have at least six (6) lanes. This endorsement requires additional information from the applicant about the specific premises and hours during which alcohol is to be served, when minors are not allowed in that area.

R-7B | Package Store Shipping Endorsement | The subcommittee proposes relocating this portion of AS 04.11.150(g-h) into a new statute and endorsement on a Package Store license. The endorsement would not require renewal, but is non-transferrable. The fee for this endorsement would be \$200 because it has associated administrative costs associated with the Written Order Database and compliance with Local Option laws.

R-7C | Package Store Delivery Endorsement | The subcommittee proposes relocating this portion of AS 04.11.150(i-j) into a new statute and endorsement on a Package Store license. The endorsement would not require renewal, but is non-transferrable. The fee would be \$50, because it has minimal administrative cost to execute.

R-7D | Package Store Re-Packaging Endorsement | The subcommittee proposes relocating this portion of regulation 3 AAC 304.365 into a new statute and endorsement on a Package Store license. The endorsement would not require renewal, but is non-transferrable. The fee would be \$50 because it incurs minimal administrative cost for review.

Package Store Onsite Sampling Endorsement | See Recommendation R-3.

Large Resort Endorsement | See Recommendation R-1.

R-7E | Permits | The subcommittee recommends that all permits be clearly defined in statute, with language that limits alcohol service permits to *only* those defined in Title 4. This will eliminate the creation of new permits in regulation, which has contributed to the confusion of which permits are available to whom. A new statute will define a permit, indicate its time-limited nature and list types of permits. After reviewing the cost associated with issuing, inspecting and enforcing permits, the subcommittee proposes that the fee for retail permits should be \$50 per day (except the Retail Stock Sale, previously a 90-day license to sell inventory of a closing business). ABC Board staff indicated that multi-day events tend to have a higher administrative cost for the Board because they are of a larger scale and more elaborate operations. Because enforcement costs for permits will likely rise over time with inflation, the language in statute should read “no less than \$50 per day,” which gives the Board discretion to increase permit fees in regulation to better reflect the cost of enforcement.

Provisions that should apply to all permit types:

- The subcommittee recommends removing the provision that permits must be surrendered back to the ABC Board after their use (AS 04.11.230 and AS 04.11.240). This requirement dates back to the practice of issuing permits in hardcopy only, with the only copy given to the permit holder to be returned to the ABC Board following the event. Staff verified that this provision is no longer enforced because permits are stored electronically.
- To clarify the application process, the subcommittee recommends outlining in the general Permits statute the procedure for applying for a permit, including: obtaining approval from local law enforcement and other local authorities to conduct the event; submitting to the Board an annotated diagram to indicate the licensed premises for the permitted activity (including entrances, exits, serving points and other considerations), and other procedural issues duplicated across individual permits.

R-7F | Beverage Dispensary Caterer's Permit (AS 04.11.230; 3 AAC 304.685) | The current statute is named “Caterer's Permit,” but because it is specific to BDL holders, the group recommends changing the name to Beverage Dispensary Caterer's Permit. Originally defined in statute to be used for events such as conventions, sporting events and picnics, it includes a provision that allows its use for “social gatherings,” which has caused considerable confusion and has been broadly applied. This catering permit is intended for events with a specific attraction or celebrating a holiday. Other events that are not open to the public (e.g., family gatherings, weddings, company parties) do not require a catering permit under most circumstances. The subcommittee recommends removing the phrase “social gathering,” adding more examples of allowed events (e.g. street fairs, concerts, festivals) and changing the fee to \$50 per day, not per event.

R-7G | Restaurant Caterer's Dining Permit (3 AAC 304.680) | This permit, currently only in regulation, allows an REPL or a Golf Course to provide beer and wine for a dinner event. The subcommittee recommends changing the phrase “banquet or dinner event” to “meal or dining event” to broaden the allowable events to a brunch or lunch event, if desired. This permit is intended to be the analog to a BDL Caterer's Permit, but requires food service at the event, similar to the REPL's food sales requirement.

R-7H | Club Caterer's Permit (3 AAC 304.690) | The subcommittee proposes no changes to the activities of this permit, other than to move it into statute. The fee would be changed from \$100 per permit to \$50 per day; currently organizations are limited to three (3) events per calendar year.

R-7I | Non-profit Event Permit (AS 04.11.240) | The subcommittee proposes renaming the “Special Event Permit” as the name causes considerable confusion and because it is only available to non-profit organizations for fundraising activities. This permit does not currently allow service of distilled spirits, only beer and wine. This permit is already located in statute (AS 04.11.240) and allows an organization up to five events per calendar year.

R-7J | Art Exhibit Permit (3 AAC 304.697) | The subcommittee proposes no changes to this permit other than its fee: currently an organization can pay \$50 per event or a total of \$100 for a year-round permit of up to 12 events. The subcommittee recommends changing the fee to \$50 per day and removing the full-year fee option.

R-7K | Alcoholic Beverage Auction Permit (3 AAC 304.699) | The subcommittee proposes renaming this permit from “Wine Auction Permit,” moving it into statute, and allowing any alcoholic beverage to be auctioned, with no other changes to the permit. This permit would only be available to non-profit organizations and can be used with or without another event permit, and either at the licensed premises of a BDL, REPL or Club, or at non-licensed premises. It does not allow onsite consumption of the products being auctioned.

R-7L | Retail Stock Permit (AS 04.11.200) | This license type is effectively a 90-day permit for a Package Store to sell its inventory directly to other licensees prior to closing its operation, an activity normally prohibited under the three-tier system. Because this is a special situation and requires a Package Store License to qualify, the group recommends making this a permit. The fee would remain at \$100 for the entire 90-day period, rather than \$50 per day like other permits.

New proposed permits | The subcommittee recommends creating two new permits that would allow some other licensees to self-cater a specific event promoting their product(s), represented in

R-7M and R-7N. Other licensees can, in theory, use a BDL Caterer's Permit to host an event outside of their normal operations, under the purview of the "social gathering" category within that permit (see Recommendation R-7F), but this option is rarely used by Manufacturers and is a broad interpretation of "social gathering." These two proposed permits allow Manufacturers and Package Stores to host their own events on a limited basis, and would not limit the ability of licensees to partner with each other to produce an event on already-licensed premises.

- **R-7M | Manufacturer Event Permit** (AS 04.11.230; new permit proposed)| The Manufacturer Event Permit would allow a Manufacturer licensee (Brewery, Winery and Distillery) to host up to six (6) events per license per calendar year in the same geographic catchment area of the base license (for example, a Fairbanks licensee must hold the event in Fairbanks). The event may be held on- or off-premises, and the host is limited to serving their own products. The event must be no more than four hours long, with no alcohol served after 9 p.m. Food must be served with the alcoholic beverages. The applicant must obtain local law enforcement approval (as currently required by BDL Catering Permits). The cost of the permit would be \$50 per day. The host can charge attendees a flat fee for admission, as wine tasting events and non-profit fundraisers currently allow. An applicant must already hold a Manufacturer's Retail License (Brewery, Winery or Distillery Retail) in order to qualify (Recommendation M-2).
- **R-7N | Package Store Event Permit** (AS 04.11.230; new permit proposed)| This permit allows a Package Store to host up to six (6) events per license per calendar year in the same geographic catchment area that the base license is held (for example, a Fairbanks licensee must hold the event in Fairbanks). While the Package Store is the permit holder, they must demonstrate that they are working in cooperation with a BDL to host the event. The event may be held on- or off-premises of the licensee, and must be no more than four hours long, with no alcohol served after 9 p.m. Food must be served with the alcoholic beverages. The applicant must obtain local law enforcement approval (as currently required by BDL Catering Permits). The cost of the permit would be \$50 per day. The host can charge attendees a flat fee for admission, as wine tasting events and non-profit fundraisers currently allow.

ROLE OF THE ABC BOARD

The Role of the ABC Board subcommittee reviewed the statutes related to the powers, duties and structure of the ABC Board itself, as well as the Board's larger role in promoting responsible alcohol industry operations, responsible consumption of alcohol and enforcement of the law. These included Chapter 6 of Title 4, AS §04.06.010 to §04.06.100.

RECOMMENDATIONS

Recommendation RB-1. Strengthen Reporting Requirements for Municipal Enforcement |

Include in statutory requirements that municipalities submit quarterly reports on Title 4 enforcement activities to the ABC Board.

INTENT OF PROPOSED CHANGES

The ABC Board depends upon municipal police and peace officers, VPSOs and the Alaska State Troopers to enforce Title 4, in addition to the Board's own investigator staff. Where local municipalities have their own police departments, the State provides matching funds back to the local police department (commonly referred to as a "refund") from the General Fund equal to the licensing fees collected within that jurisdiction. The funds are encouraged but not required to be used for Title 4 enforcement activities; municipalities are required by regulation 3 AAC 304.610 to provide quarterly reports on enforcement activities, but this is a difficult provision to enforce. Furthermore, the ABC Board currently has no formal mechanism to engage in planning efforts with local governments on education and enforcement beyond coordinating on individual investigations. Police departments have been required by regulation to report on their activities, but receive no direction about what enforcement is most appropriate or how best to allocate the funds. Some departments are more responsive and some reports more robust than others. If a law enforcement agency reports no violations, it is unclear if violations did not occur, if preventative measures were successful, or if no action was taken. Lack of clarity about what is required and why reduces the efficacy of this reporting requirement.

In 2014, the former director of the ABC Board issued a white paper recommending that:

1. Current specific reporting requirements in code (3 AAC 304.610) be written into statute (AS 04.11.610);
2. Municipal police department reporting be standardized into a uniform format; and
3. The ABC Board work with local municipalities to develop enforcement, education and prevention plans to make best use of the refunds.

In addition to reporting on enforcement activities as recommended in the white paper, the subcommittee recommends that these reports require municipalities to document their intended use of these funds for education and prevention activities, including developing action plans in collaboration with ABC Board staff. Including these activities in statute rather than regulation clarifies that they are a requirement, which will result in more consistent reporting from local governments. The reporting format should allow police departments to comment on education and

prevention activities, and would not mandate that the funds be specifically spent on enforcement of Title 4. The requirements are not intended to be so onerous as to place a burden on local enforcement agencies; the subcommittee recommends allowing for some flexibility in the format of reporting (for example, an electronic system and a paper system to choose from).

IMPLICATIONS TO CONSIDER

- Consider the resources that would be necessary for the ABC to work with municipal police departments on developing enforcement, prevention and education plans.
- The subcommittee recommends soliciting input and discussion from the local law enforcement community before developing detailed requirements for planning and reporting, to ensure that it is an effective system for all.
- Should an enforcement, education and prevention plan be required as condition of receiving funds? Activities may vary by community and which issues are listed as priorities.

Recommendation RB-2. Community Analysis of Written Order Database | Allow data about alcohol purchases (written orders) to be reported/made available, aggregated at the region or community level, for analysis and community self-assessment.

INTENT OF PROPOSED CHANGES

Currently, all written orders for alcoholic beverages to local option communities purchased through package stores in the state must be recorded in a database maintained by the ABC Board (AS 04.06.095; 3 AAC 304.645).¹ This database is used to track orders to local option communities that allow alcohol importation (coordinating orders from multiple stores) and to enforce a monthly maximum purchase of alcoholic beverages allowed per individual by these communities. The data are confidential, available only to the ABC Board, a law enforcement officer, probation or parole officer, and on a limited basis to a package store licensee, agent or employee when they determine whether to fill an order. Individuals may request reports of their own data, but the information is not available to the public and database is purged annually. The written order database is generally seen as a successful tool, and the data it contains is potentially valuable information for Local Option communities to understand the flow of alcohol in their own area. Because all of the data is confidential as required by statute, not having access to this information at even an aggregated level is a missed opportunity.

The subcommittee proposes adjusting the language of statute to preserve the confidentiality of individual purchasers, while allowing an aggregated form of the data (at the community, ZIP code or region level) to be provided to communities and other researchers upon request. This change would require a longer archival period for the data than annual purges, but would still only make data available in a limited format to the general public. Access to the aggregate data would be useful for state and community analysis, and could be limited to those within a certain community or geographic area.

¹ The written order database was created in 2007, in response to the problem of individuals in local option communities making several maximum orders at different package stores and thereby exceeding the monthly limit per individual. Package stores enter the amount of alcohol ordered by an individual to ensure that the order will not exceed the monthly maximum per individual that is set by state law. Effectively, the written order database plays the monitoring role of a community distribution center in communities without a central distribution point.

Recommendation RB-3. Revise ABC Board Budget to Adequately Fund Needed Activities |

Determine the necessary funding level to carry out the ABC Board’s mission and core functions, and adjust revenue (fee amounts) accordingly to meet that need, as recommended in F-1 (Adjust License Fees to Reflect Current ABC Budgetary Needs).

INTENT OF PROPOSED CHANGES

The ABC Board’s budget includes costs associated with quarterly Board meetings, enforcement activities, education activities for applicant and current licensees, and administrative functions associated with licensing and other Title 4 provisions. The ABC Board Director develops the budget based on the estimated amount of fees collected through applications and renewals of licenses.

The subcommittee compared the Board’s current budget to the costs of its current duties (as defined in Title 4) and any this proposed set of recommended changes to Title 4, and determined that the budget would likely need to increase in order to better perform the Board’s enforcement duties and to engage in more education and outreach (Recommendation RB-4). Additional activities proposed by the subcommittee include:

- Increased funding for research and data evaluation to measure program performance;
- Additional Board outreach and education activities (e.g., additional Board meetings or “listening sessions” in rural communities, beyond the required minimum of at least one meeting in the four judicial districts);
- Additional investigation and enforcement resources for addressing issues such as non-licensed establishments and sales;
- Investigator I level staff to perform routine compliance checks, which would allow Investigator III and IV level staff to perform more complex investigations; and
- Additional staff resources to investigate and prosecute local option cases.

The subcommittee strongly feels that this recommendation should be accompanied by a requirement for the ABC Board Director to produce a detailed plan for the increased expenditures. This recommendation is offered in tandem with the Licensing Subcommittee’s Recommendation F-1, which proposes a scheme for increasing revenue increase through adjustments to current license and permit fees. Both subcommittees look to the ABC Board Director to develop a proposed budget for general review. Education activities conducted by ABC Board staff should also be adequately funded, including: informing licensees of changes to statute or regulation, providing licensees and employees of the industry with information regarding other related changes (e.g., the new Alaska driver’s license design), and educating local governments and other partners on effective implementation of the law (Recommendation RB-4).

Recommendation RB-4. ABC Board as Lead Agency for Alcohol Education Efforts |

Designate the ABC Board as lead agency in a multi-department, public-private sector education effort about responsible alcohol use and applicable laws.

INTENT OF PROPOSED CHANGES

The ABC Board has the responsibility of approving the alcohol server education courses provided by the alcohol industry. Although the ABC Board does not have an explicit charge in statute to provide alcohol education, ABC staff conduct training classes upon request to licensees and their agents and employees, law enforcement, university students and citizens. According to AS 04.06.090 Powers and Duties, the Board can undertake necessary activities to control and regulate alcohol production and sale, but the only activities specified include granting licenses, enforcement, and notification of changes to Title 4 and associated regulations. ABC Board staff, industry members, local governments, enforcement agencies and other partners value the Board's education activities to help all stakeholders understand and comply with the law, particularly to prevent youth access to alcohol. In addition to the ABC Board efforts, there are currently a variety of efforts through the Alaska Mental Health Trust Authority, the State of Alaska Department of Health and Social Services, and local partners on alcohol education, but there is no centralized coordination of these efforts and inconsistent partnerships between the public and private sector education efforts.

The subcommittee discussed the role of education to various audiences (licensees, employee servers, law enforcement, youth and the public) in promoting responsible use and sales of alcohol, and recommends designating the ABC Board as the lead agency in developing a comprehensive plan and budget for education about the responsible use of alcohol and following alcohol laws, in cooperation with other agencies and stakeholders. This effort would not replace existing programs such as the grants that fund substance abuse prevention through the Division of Behavioral Health, but provide a more formal role for the ABC Board to share information about Title 4 and alcohol regulation.

The current niche of the ABC Board is being the primary agency with which licensees interact regarding Title 4 and other alcohol related issues. Coordination between the ABC Board and other agencies focused on reducing the financial and social costs of alcohol use would promote better communication about issues among all stakeholders. This existing relationship with the alcohol industry is ideal for communicating necessary information (e.g., changes in statute, regulation or policy) that affects business operations or requirements. Other education activities for the Board include educating the public through messaging campaigns about alcohol laws, particularly regarding furnishing minors; social host laws; open container laws; and when a catering permit is required. While local governments may produce educational materials in this area, the ABC Board could produce materials such as a Frequently Asked Questions (FAQ) document or brochures to educate the general public about alcohol laws.

IMPLICATIONS TO CONSIDER

- Education and collaboration with partners in the public and private sector are not currently included in the ABC Board's mission, either in Title 4 or in the Governor's Budget documentation for the agency. The subcommittee discussed, but did not make a specific language change recommendation, for including these functions explicitly in the Board's mission statement or its powers and duties.

- Assemble a plan and budget for educational efforts led by the ABC to address: Who would educational activities target (e.g., public, licensees, servers)? Who would be responsible for implementing and evaluating program effectiveness of these educational activities the ABC Board would coordinate? What are the messages that the education would convey?

Recommendation RB-5. Composition of the ABC Board | Retain the current number of members but add designated seats: 1 public health, 1 public safety, 2 industry and 1 rural public member; include provision for Director's background in filling the designations.

INTENT OF PROPOSED CHANGES

The qualifications for members of the ABC Board are written in AS 04.06.020, specifying that two members must be engaged in the industry; that no two members can be in the same line of business; that three members should represent the general public, one from a rural area; and that the public members or their immediate family cannot have a financial interest in the industry. While members of other sectors involved with alcohol regulation, particularly public health and public safety, have served on the Board in past years, there is no formal designation for these seats. The ABC Board is intended to control alcohol because it has serious public health and social costs in communities; currently law enforcement and protection of public health are important aspects of the Board's mission, but have no designated representation on the Board except when an individual with those qualifications is appointed.

This recommendation does not change the number of Board members, but creates more designated seats from within the total of five seats. From the three existing public seats, one would become a seat for someone with a public health background, defined as an individual working within the last five years in the field whose charge is to promote wellness and prevent disease through research, evaluation, community-level health interventions, and other activities (a distinct field from medical and health care). Another seat would be designated for someone with a public safety background, defined as an individual charged with enforcing and upholding law. The third public seat would remain a member of the general public who lives in a rural area, as currently defined in statute, and the other two seats would remain industry representatives.

Furthermore, the composition of the Board may be altered if the ABC Board Director, considered a non-voting member of the Board, has the same background as any of the sectors listed above. If the Director could qualify for the public health, public safety or industry seat, the corresponding seat would become another public member: a Director with an industry background would result in one industry seat on the Board; a Director with a public health background would result in no designated seat for public health; and a Director with a public safety background would result in no designated seat for public safety. The group discussed whether this would result in an imbalance on the Board, but determined that while the Director is a non-voting member, the position affords the Director a great deal of influence over the Board's policies, from issuing permits to issuing temporary licenses to developing the Board's meeting agendas.

The subcommittee also discussed the current definition of financial interest, as non-industry members on the Board are restricted from having industry ties through their own or their immediately family's interests. The subcommittee recommends defining "financial interest" consistently with that included in AS 04.11.450 Prohibited Financial Interest, and referencing it in AS 04.06.020.

IMPLICATIONS TO CONSIDER

- Ensuring clear definitions of “public health” and “public safety”
- Possible impacts on ABC Board composition by marijuana regulation, until such time as a separate Marijuana Control Board is created.

Recommendation RB-6. Update Title 4 Sanctions | Review sanctions for all Title 4 sections; revise penalties to be more proportionate to the crime and more consistently enforced.

INTENT OF PROPOSED CHANGES

This recommendation proposes that sanctions for Title 4 provisions be revised as outlined in the attached table. These revised sanctions treat certain activities as serious offenses (such as selling without a license, or selling illegally in a local option area) and treat most other activities as undesirable, but more likely to be stopped if the law is consistently enforced at the minor offense level. The serious offenses are proposed to remain at the felony or misdemeanor level, as they currently are in statute. The less serious offenses are proposed to be made minor offenses (also referred to as violations), which is intended to make them more easily enforced.

With some exceptions, most of the criminal penalties for violations of Title 4 are currently class A misdemeanors. In the experience of those working in the enforcement and prosecution of Title 4, as well as an examination of Alaska’s court data from the past five years, this penalty is often seen as being relatively high, resulting in inconsistent enforcement and prosecution of the offenses. Of the 21,000 cases related to Title 4 filed in the last five years, nearly 40 percent (37.8%) were dismissed, suggesting a lack of resources to prosecute and/or a disinterest in pursuing charges on the part of the State. If penalties are strict but inconsistently enforced, they are not effective deterrents.

Minor offense violations are less onerous to initiate into the court system; a law enforcement officer can write a ticket, and if the offender does not attend a court hearing, the Court will simply require payment of a fine. Many of the proposed fines are applied per unit, rather than per incident, to make the cost of violating the law more commensurate with the profit the offender seeks to capture by not following the law. Reducing the severity of these penalties in the statute but increasing the potential fines is intended to increase the consistency of enforcement and address the concern of the fine becoming a cost of doing business.

By making the enforcement process more streamlined for law enforcement officers (who write the tickets) and the courts (who act on the cases), these changes are also intended to bring more cases and convictions before the ABC Board, who can then review the case and impose administrative sanctions as appropriate. This recommendation includes proposed statutory language requiring the Court to provide the Board with notifications of all Title 4 convictions, not only those initiated by ABC Board investigative staff. Currently, those cases initiated by local law enforcement agencies do not always reach the Board, and staff has limited resources to seek out this information. Receiving more data about Title 4 violations will help the Board establish whether a licensee has a pattern of behavior that requires additional assistance and education to conduct business in a lawful manner, or if the licensee has disregarded the law because they believe it is more profitable to do so than to be a responsible operator, which requires punitive action.

This recommendation proposes retaining the current system of administrative sanctions in which the Board has discretion to act based on the facts of the case. Currently, administrative sanctions are based on precedent sanctions applied: the ABC Board Director maintains a database of past sanctions applied and provides it as a reference when the Board considers sanctions for current violations. Based on precedents, there is now a loose standard (e.g., 45-day penalty suspending license) but no formal structure to the administrative sanction(s) applied to individual cases. The Board ultimately has discretion to follow or disregard precedent and to focus on each case individually. In addition, the subcommittee recommends that for violations of AS 04.16.030 Conduct Involving Drunken Persons, which penalizes the agent or employee of a licensee, the Board should increase compliance checks or inspections upon a conviction, to place more scrutiny on the licensee and determine if it was an isolated incident or an indicator of a larger compliance problem.

Recommendations for specific sections of Title 4 are included in the Local Option (AS 04.16.200(g)) and Underage Drinking subcommittee recommendations (AS 04.16.052, AS 04.16.050).

LOCAL OPTION

The Local Option subcommittee reviewed the statutes related to AS 04.11.491, which allows individual communities to limit or prohibit the availability of alcohol within their community.

RECOMMENDATIONS

Recommendation LO-1. Repeal Local Option #4 | Repeal section 04.11.491(b)(4) (Local Option #4), which bans the sale and importation of alcohol, not possession.

INTENT OF PROPOSED CHANGES

This recommendation proposes repealing AS 04.11.491(b)(4), the fourth local option available to communities. Originally, Sec. 04.11.491(b) included four choices for communities; the fourth bans the “sale and importation” of alcohol, not its possession. Because selling, importing or producing alcohol is illegal but possession is not in these communities, it is difficult for law enforcement to seize, destroy, investigate and successfully prosecute a case because an individual may claim they “found” the product and were not connected with other activities.

The fifth option, which bans “sale, importation and possession” of alcohol, was later added to statute as a means of closing the loophole created by Local Option 4. Few communities have chosen to adopt Local Option 4 since Local Option 5 was available, but few have chosen to change from Local Option 4 to Local Option 5 because changing among the local options requires repeal and a new vote of the community. Currently, 43 communities have adopted Local Option 4, and 34 have adopted Local Option 5. This recommendation proposes that the communities that have Local Option 4 currently either hold a new election or be grandfathered in.

Recommendation LO-2. Increase Enforcement and Prosecution Resources | Include in recommendation RB-3 (revised ABC Board budget to adequately fund needed activities) adequate budget for increased dedicated prosecutors and investigators for Title 4, particularly local option law enforcement.

INTENT OF PROPOSED CHANGES

This recommendation proposes that additional staff resources be dedicated to the Alaska State Troopers Statewide Drug Enforcement Unit to investigate local option related cases, and that the number of dedicated state prosecutors for Title 4, local option related crimes be increased. The State Troopers Statewide Drug Enforcement Unit currently has six rural investigators, three based in Anchorage, and there is one dedicated prosecutor for Title 4 offenses based in Anchorage; their caseload is considerable. The intent of this recommendation is to provide more staff resources to investigate and prosecute alcohol related crimes in rural Alaska, crimes that often lead to serious violent crimes. In addition to the limited staff capacity of local police, VPSOs, Title 4 investigators and State Troopers in rural areas, the limited staff availability and high turnover of Assistant District Attorneys is a barrier to prosecuting cases. Without sufficient prosecution staff, cases brought by investigators will continue to be dismissed.

Recommendation LO-3. Increase Local Option Perimeter | Increase the local option boundary from a 5-mile radius from the village center defined by AS 04.11.508 to a 10-mile radius.

INTENT OF PROPOSED CHANGES

This recommendation proposes expanding the local option area to a 10-mile radius from the designated center of the community. The current boundary for a local option statute is defined as five miles' radius from the post office or other defined central public building in the community. In some areas of the state, several villages have enacted local option laws that with the five-mile radius, leaving a patchwork of enforceable and unenforceable territory. Extending the boundaries of the local option areas to close the gaps between local option areas would make it easier to enforce the law across a larger region. Expanding the local option area would also make it more difficult for bootleggers to continue the practice of traveling just outside the local option perimeter created by the 5-mile radius to conduct their operations. Transporting alcohol the extra distance would drive up the cost of doing business because of the high cost of fuel, potentially enough to deter some operations.

This recommendation also proposes that lodges that have been legally operating under an outdoor recreation lodge license (AS 04.11.225) within the expanded perimeter be grandfathered in under the expanded radius, such that a lodge with the outdoor recreation lodge license could operate and serve alcohol beyond the five-mile radius and within the new 10-mile radius. Any overlapping jurisdictions are already accounted for in AS 04.11.508 subsections (b) and (c).

Recommendation LO-4. Increase Mandatory Minimum Penalty for Bootlegging | Increase the mandatory minimum penalty for bootlegging at the class A misdemeanor level (AS 04.16.200(g)), with increasing penalties for multiple offenses and per-unit fine for the volume of alcohol being illegally sent, brought or transported into the local option community.

INTENT OF PROPOSED CHANGES

Sec. 04.16.200 defines the penalties for bootlegging, which include class A misdemeanor and class C felony offense levels. Because of the lucrative nature of bootlegging in rural areas and perceived low level of risk if caught, threat of punishment under AS 04.16.200 is not a deterrent for the misdemeanor level offense.

The minimum penalty upon conviction of a class A misdemeanor includes imprisonment and fines that increase with prior convictions as detailed in Sec 04.16.200(g). This recommendation proposes to raise the minimum fine to \$3,000 (instead of \$1,500) for the first offense and increase subsequent fines by \$1,500, as indicated in the table below:

The recommendation also proposes imposing an additional fine of \$500/container containing 750 mL or less alcohol. If the container contains more than that 750mL, then each 750mL will count as a single container for the purpose of setting the fine. This combination of flat and per-unit financial penalties is intended to be punitive, rather than absorbed as a cost of doing business.

Recommendation LO-5. Clarify Language Regarding Homebrew Ingredients | Make possession of homebrew ingredients and/or equipment with intent to produce alcohol illegal in all local option communities.

INTENT OF PROPOSED CHANGES

This recommendation proposes revising AS 04.16.035 so that “A person residing in an area that has adopted a local option to prohibit the sale, importation, and possession of alcoholic beverages under AS 04.11.491(a)(5) or (b)(4) any local option area may not possess sugar, artificial sugar, malt, yeast, or any other material or equipment with the intent to use them to create an alcoholic beverage.”

As currently written, the statute is enforceable only in 34 (Local Option 5) communities. As proposed, the statute would be enforceable in all 108 Local Option Communities.

UNDERAGE DRINKING

The Underage Drinking subcommittee reviewed the statutes related to reducing and preventing underage consumption of alcohol (AS 04.16.049 to AS 04.16.160). Because of the difficulties of effectively addressing underage drinking through law enforcement alone, the subcommittee discussed Title 4 within the context of a multi-strategy approach that includes enforcement, education, prevention and changing social norms. The multi-strategy approach is informed by the following:

- Underage alcohol consumption is a significant public health and public safety concern.
- Local municipal strategies (aligned with state regulations) can be tailored to individual communities to address local needs (e.g., minor curfew, truancy laws, alternative courts).
- Evidence shows that a strong focus on efforts to decrease alcohol availability to underage individuals – both in social and retail settings – reduces youth alcohol use.
- No single strategy can create sustainable and significant community and population change.

These recommendations are supported by the state-level plan *Alaska's Strategies to Prevent Underage Drinking*, which represents the work of a number of state-level agencies and departments, including the Department of Health and Social Services, the Alcoholic Beverage Control Board, the Division of Juvenile Justice, the Alaska Native Justice Center, the University of Alaska Anchorage Justice Center, the Alaska Mental Health Trust Authority, and the Alaska Court System.

RECOMMENDATIONS

Recommendation UAD-1. Employee Penalty for Selling Alcohol to a Minor | Reduce the penalty for a licensee, agent or employee selling alcohol to a minor (Sec. 04.16.052) from a class A misdemeanor to a minor offense violation.

INTENT OF PROPOSED CHANGES

As currently written, Sec. 04.16.052 (furnishing of alcoholic beverages to persons under the age of 21 by licensees) applies to licensees, their agents or employees. It is a class A misdemeanor with a penalty that may include fines, jail time and suspension or revocation of the license upon conviction. As a misdemeanor, the penalty is perceived to be too severe and disproportionate to the offense to be effectively and consistently enforced. This recommendation proposes reducing the penalty to a minor offense violation to ensure swifter and more consistent enforcement. The proposed change would reduce the penalty for a licensee, agent or employee of a licensee selling alcohol to an underage person from a misdemeanor to a violation with a criminal fine of \$250-\$500. The fine range gives the judge or magistrate some discretion in adjusting the penalty for mitigating circumstances.

Research on deterrence shows that to be effective, there must be a credible threat that a significant negative consequence will occur, and the threat must be perceived to be swift and certain for the effect to be maintained over time. This recommendation is considered a best practice by the Pacific

Institute for Research and Evaluation, and is also a recommendation from *Analysis of Strategies Designed to Reduce Sales of Alcohol and Tobacco to Underage Persons Preliminary Report*, 2012 UAA Justice Center.

Recommendation UAD-2. Sanctions to Employers for Employee Sales to Minors | Increase the consistency and certainty of sanctions to licensees upon conviction of violating Sec. 04.16.052.

INTENT OF PROPOSED CHANGES

As currently written, Sec. 04.16.052 (furnishing of alcoholic beverages to persons under the age of 21 by licensees) applies to licensees, their agents or employees. This recommendation proposes additional provisions (AS 04.16.XXX) that would require the ABC Board to apply additional administrative sanctions against licensees upon the conviction of the licensee, agent or employee for violating Sec. 04.16.052, including fines and possible license suspension. Similar administrative remedies are already available to the ABC Board, but existing statutes give the Board more discretion to set fine amounts and suspend or revoke license than the proposed statute language, making it less certain which, if any, penalties licensees can expect. The proposed administrative sanctions include a first conviction fine of \$250 to the licensee, with increasing fine amounts for subsequent convictions. Upon subsequent convictions, the licensee may request a hearing with the ABC Board to present evidence of mitigating circumstances (e.g., the licensee implemented their own additional training or has a history of responsible law-abiding conduct regarding their license to sell alcohol) and thereby reduce the fine imposed by the ABC Board upon the licensee. The fines are intended to be punitive for licensed businesses with a pattern of violations (greater than simply a cost of doing business), but not punitive to a generally well-managed licensed business with occasional violations that may occur. The proposal also includes provision requiring the Court to alert the ABC Board upon conviction of the Sec. 04.16.052 violation, so there is more certainty and transparency where ABC Board notifications of violation are concerned for this offense. By increasing the certainty of administrative sanctions to the licensee, these proposed provisions are intended to create a stronger incentive for the licensee to increase and improve oversight to ensure their agents and employees do not knowingly sell alcohol to minors.

Research on deterrence shows that to be effective, there must be a credible threat that a significant negative consequence will occur, and the threat must be perceived to be swift and certain for the effect to be maintained over time. This recommendation is considered a best practice by the Pacific Institute for Research and Evaluation, and is also a recommendation from *Analysis of Strategies Designed to Reduce Sales of Alcohol and Tobacco to Underage Persons Preliminary Report*, 2012 UAA Justice Center.

Recommendation UAD-3. Statewide Keg Registration | Require all beer kegs purchased in the state to be registered.

INTENT OF PROPOSED CHANGES

The proposed addition to statute would require the registration of all beer kegs purchased in the state. This recommendation proposes a minimum container size of four (4.0) gallons to ensure that the regulation will apply to standard kegs (15.5 gallons), pony kegs (5.5 gallons), and brewery sampler kegs (5.0 gallons).

The ability to track the purchase of a keg confiscated at a party would be beneficial in pursuing charges for adults who supply alcohol to underage persons. Anchorage and Juneau municipal codes currently require registration for all keg purchases. In Juneau and nationally, reports from law enforcement agencies suggest that keg registration substantially reduces young people's keg use. Implementation of beer keg registration is considered a best practice by the Institute for the Study of Social Change and the Pacific Institute for Research and Evaluation. This is also a recommendation from *Alaska's Strategies to Prevent Underage Drinking*, 2013.

Recommendation UAD-4. Clarify Wording on Required Signage | Revise the ABC requirements for warning signs posted at licensee establishments to make it clear that minors are prohibited from being on premises, with the exception of certain circumstances.

INTENT OF PROPOSED CHANGES

AS 04.21.065(b) requires that warning signs posted at licensee establishments including one that says, "A person under 21 years of age who enters these premises in violation of law could, under AS 04.16.049(e) be civilly liable for damages of \$1,000."

The civil fine amount listed in 04.16.049(e) is \$1,500. This recommendation proposes to change the required language for this signage to read:

WARNING: An unaccompanied person under 21 years of age who enters these premises in violation of law ~~could~~ can, under AS 0416.049(e) be civilly liable for damages of \$1,500 and be subject to criminal charges.

The proposed language changes are intended to clarify the intent of the signage and more effectively deter minors from illegally entering licensed establishments. The ineffectiveness of existing signage is reflected in a recent case involving a minor entering a retail establishment and attempting to purchase alcohol, in which the minor claimed that he did not know he was not supposed to be there. The jury decided that despite the licensee posting the warning signs as required by law, it was still not clear to the minor that he was prohibited from being on premises.

Recommendation UAD-5. Minor Consuming Alcohol (MCA) as Violation | Restore Minor Consuming Alcohol (AS 04.16.050) to a true violation.

INTENT OF PROPOSED CHANGES

This recommendation proposes to make the Minor Consuming Alcohol offense (AS 04.16.050) a true violation with a fine of \$500 regardless of the number of prior convictions, with provisions for the fine to be reduced upon completion of a state-approved alcohol education or treatment program within six (6) months of the court hearing. The proposal removes mandatory completion of alcohol education or treatment, community work service, and suspension or revocation of driver's license.

This proposal would restore AS 04.16.050 to a minor offense violation. As an unclassified offense that has been interpreted more closely to a misdemeanor than a violation, the penalty is perceived to be too severe and disproportionate to the offense to be effectively and consistently enforced. A minor with a first-time or repeat MCA commits an offense that is permanently, publicly maintained in Court View. A third ("habitual") MCA offense becomes a class B misdemeanor that may result in penalties that are less harsh than those for first-time or repeat MCA. For example, if the minor is

under age 18, the case is referred to the Division of Juvenile Justice, which has strict confidentiality rules and would not make the records publicly available. If the minor is 18-20 years old, the case would be referred to District Court where it again would be maintained in Court View and available for the public to see. An individual with a permanent public record may have difficulty securing employment, enlisting in the military, and face other barriers related to having such a record. By restoring AS 04.16.050 to a true violation, this proposal is intended to ensure swifter and more consistent enforcement. As a violation, the offense would no longer go on the permanent public record.

The proposal to make the penalty the same regardless of the number of prior convictions is intended to result in more immediate consequences for the minor, and to make the offense more easily (and therefore likely to be) enforced. If unpaid, the fine will be deducted from the minor's Permanent Fund Dividend, which may alert a parent or guardian if they are not previously aware of the charge against their child. For subsequent convictions, the fine amounts will accrue, and this is believed to be an adequate deterrent to repeat offenses.

Removing mandatory completion of alcohol education or treatment, community work service, and suspension or revocation of driver's license are all necessary to restore the MCA to a true violation, as these provisions are the reason the Alaska Supreme Court decided that it must be treated as a criminal offense.² To accomplish the aim of providing restorative justice to the extent possible, the proposal includes a fine reduction for the completion of a state-approved alcohol education or treatment program within six (6) months of the court hearing. The minor would be directed to the state Alcohol Safety Action Program (ASAP)/Juvenile Alcohol Safety Action Program (JSAP) office to identify a program that would satisfy this provision; the ASAP office would certify completion and forward the certification to the Court for the fine reduction. The fine reduction is intended to create an incentive for the minor to seek and complete the education or treatment.

² Minor Consuming Alcohol is currently considered an unclassified offense. AS 04.16.050 was originally written as a violation, but the Alaska Supreme Court ruled that it must be treated as a criminal offense. The Alaska Supreme Court decided that if a valuable license was affected, then the individual is entitled to a defense lawyer, jury trial, etc. There are five minor offenses in this group: 1) first MCA, 2) repeat MCA, 3) refusing to submit to a chemical test, 4) driving after consuming, 5) operating a vehicle within two days of receiving an MCA (first or repeat). These are found in Rule 18 of the Minor Offense Code, which lists minor offenses that must be filed as criminal cases, assigned criminal case numbers, and for which criminal procedures apply because the drivers' license (a valuable license) could be suspended or revoked.

APPENDIX A

ABC BOARD TITLE 4 REVIEW STAKEHOLDERS

	Name	Organization or Agency	Sector(s) Represented
1	Aleesha Towns-Bain *	Rasmuson Foundation	Public Health
2	Amanda Moser	Municipality of Anchorage	Licensing Specialist
3	Amber Willis	Alaska State Fair	Recreational Site Licensee
4	Anna Nowak	Anchorage Municipality [former]	Former Licensing Specialist
5	Anthony Henry	Anchorage Police Department	Law Enforcement
6	Barb Miller *	Midnight Sun Brewing	Brewery Licensee
7	Beth McEwen *	City and Borough of Juneau	Local Governing Body
8	Bob Beasley *	ABC Board Staff	Acting Director / Enforcement
9	Bob Klein *	ABC Board	Industry Member
10	Bob Winn *	Self Employed	Liquor Industry
11	Bobby Evans	ABC Board	General Public Member/Rural
12	Charlie Daniels *	Volunteers of America	Public Health
13	Chris Lambert	ABC Board Licensing Supervisor	Law Enforcement
14	Chris Simon *	Department of Education	Education
15	Chris Thompson	Alaska State Troopers	Law Enforcement
16	Christine Lambert *	ABC Board [former]	Former Licensing Specialist
17	Curtis Vic	Alaska State Troopers	Law Enforcement
18	Cynthia Franklin *^	Anchorage Municipality [former]	Local Governing Body [former]
19	Dale Fox *	Alaska CHARR	Liquor Industry
20	Danna Grammer *	Stellar Wines Distributing	Wholesale Licensee
21	Dick Rosston *	Private Attorney	Rep. Resort+Package Store Lic.
22	Don Grasse *	K & L Distributors	Wholesale Licensee
23	Doran Powell	Chilkoot Charlie's	Beverage Dispensary Licensee
24	Dorcas Bloom *	Retired	Public Health/Education
25	Ellen Ganley *	ABC Board	General Public Member
26	Eric Olsen	ABC Board Investigator	Law Enforcement
27	Eric Pratt *	Anchorage Police Department	Law Enforcement
28	Ethan Billings	ABC Board	Industry Member
29	Fred Odsen *	Private Attorney	Rep. Package Store+Rec. Site Lic.
30	George Gatter *	Tony's Bar	Beverage Dispensary Licensee
31	Glenn Brady *	Silver Gulch Brewing	Brewery+Package Store Licensee
32	James Cockrell	Alaska State Troopers	Law Enforcement
33	James Hoelscher	Village Public Safety	Law Enforcement
34	Jan Hill *	SEARHC	Tribal Health
35	Jeff Jessee *	Mental Health Trust Authority	Public Health
36	Joe Darnell	Behavioral Health	Public Health
37	Joe Hamilton	ABC Board Staff	Law Enforcement
38	Joel Kadarauch	Odom Corporation	Wholesale Licensee

39	John Novak	Asst. Attorney General, Dept. Public Safety	Law Enforcement
40	Johni Blankenship	Kenai Peninsula Borough	Local Governing Body
41	Katie Baldwin-Johnson *	Mental Health Trust Authority	Public Health
42	Kate Burkhart	ABADA	Public Health
43	Kevin Blanchette *	Alaska State Troopers	Law Enforcement
44	Kyle Wark *	First Alaskans	Tribal Health
45	L. Diane Casto *	Behavioral Health	Public Health
46	Laura Porter	Mat-Su School District	Education
47	Liz Medicine-Crow *	First Alaskans	Tribal Health
48	Mark Mew	Anchorage Police Department	Law Enforcement
49	Marny Rivera *	University of Alaska Anchorage	Education
50	Marvin Yoder *	ABC Board	General Public Member
51	Matt Felix	NCADDJ-retired	Public Health
52	Matt Jones *	Bear Tooth Grill + Theatrepub	Beverage Dispensary Licensee
53	Mike Dodge	HottStixx	Beverage Dispensary Licensee
54	Molly Poland	Hooligans	Beverage Dispensary Licensee
55	Natasha Pineda	Mental Health Trust Authority	Public Health
56	Paul Thomas *	Alaska Cache Liquor	Package Store Licensee
57	Peggy Phillips	Fairbanks North Star Borough	Local Governing Body
58	Pete Burns *	Humpy's Alaskan Alehouse	Beverage Dispensary Licensee
59	Randy McCain	Eagles Lodge	Club Licensee
60	Rebecca Neagle	Sitnasuak Native Corporation	Public Health
61	Rich Sayers	Anchorage Golf Course	Golf Course Licensee
62	Robert McCormick	Glacier Brewhouse/Orso	Beverage Dispensary Licensee
63	Sara Clark *	Behavioral Health	Public Health
64	Sarah Oates	ABC Board Staff	Licensing Specialist
65	Sheri Musgrave *	Alaska State Fair	Recreational Site Licensee
66	Shirley Coté *	ABC Board Staff [retired]	Former Director
67	Susan Osborne	Gold Hill Liquor	Package Store Licensee
68	Teri Tibbett	ABADA	Public Health
69	Trish Smith	Volunteers of America, Alaska	Public Health
70	Tony Newman	Division of Juvenile Justice	Public Health
71	Walt Monegan *	Retired	Law Enforcement

** All of the stakeholders listed above were invited to the March 25, 2014 meeting and have been involved in the process since 2012. Names indicated with (*) attended the March meeting.*

^ Cynthia Franklin, formerly a prosecutor with the Municipality of Anchorage, became the next ABC Board Director as of September 22, 2014. Her participation in this process to date has been in her former role.

APPENDIX RB-1.

PROPOSED SANCTIONS + FINES FOR TITLE 4 STATUTES

“**Recommendation**” column indicates result of discussions to date

“**Fine Amount**” column indicates the proposed fine, and whether it is per unit sold/provided or per incident. A fine is only listed for those sanctions proposed to be Violations; Misdemeanors would remain as currently indicated in statute.

**Note:* The committee has reviewed the statutes regarding license types, permits and proposed endorsements in AS 04.11 and is developing a framework for how related offenses should be detailed in statute, to be inserted.

TITLE 4 (EXCLUDING LICENSES, ENDORSEMENTS, PERMITS; SEE FOLLOWING TABLES)

Statute	Prohibited Conduct	Recommendation	Fine Amount
AS 4.11.010 non-option Including <i>Subsection (c)</i>	License or permit required to sell, mfg, possess for sale, etc	Remain a Misdo	No change
AS 4.11.040	Board approvals of transfers	Violation (Minor Offense)	\$100/incident
4.11.045	Reports required of limited liability organizations.	Violation (Minor Offense)	\$250/incident
4.11.050	Reports required of organizations	Violation (Minor Offense)	\$250/incident
4.11.055	Reports required of partnerships	Violation (Minor Offense)	\$250/incident
4.11.060	Nonresident distiller, brewer, winery or wholesaler	Violation (Minor Offense)	\$100/liter or part thereof
4.11.090 - .255, but for 4.11.150(g) is a B misdo	Licenses and permits & how they may be utilized Licensed package store shipment to local option area	<i>See following tables*</i>	<i>See recommendations in following tables*</i>
4.11.499(a)	Prohibition of importation or purchase after election (depending on quantity)	Remain a Misdo	No change
4.11.499(b)	Prohibits purchase of alcohol from a person who sent, transported or brought alcohol into local option community	Remain a Misdo	No change
4.16.010	Defined hours of sale & presence on licensed premises	Violation (Minor Offense)	\$100/hour or part thereof in excess of allowed hours [per-patron fines applied to patron, not licensee]
4.16.015	Pricing & marketing of alcoholic beverages	Violation (Minor Offense)	\$50/beverage
4.16.020	(a) 3 rd party solicitation of alcoholic beverages; purchase on behalf of another	Violation (Minor Offense)	\$100/incident

APPENDIX RB-1. PROPOSED SANCTIONS + FINES FOR TITLE 4 STATUTES

Statute	Prohibited Conduct	Recommendation	Fine Amount
	(b) Licensee, agent, may not knowingly permit the solicitation of alcoholic beverages; purchase on behalf of another		
4.16.030	Prohibited conduct relating to drunken persons (a)(1) sell, barter or give to drunken person (a)(2) allow another person to sell, barter or give (a)(3) allow drunken person to enter and remain (a)(4) permit a drunken person to sell or serve (b) person compensated for transporting may not knowingly deliver alcoholic beverages to drunken person	Violation (Minor Offense)	\$250/incident
4.16.035	Possession of ingredients for homebrew in certain areas	Remain a Misdo	No change
4.16.040	A drunken person may not knowingly remain on licensed premises	Violation (Minor Offense)	\$250/incident
4.16.045	Obligation to enforce restrictions in licensed premises	Violation (Minor Offense)	\$50/beverage
4.16.047	Access of persons with restriction on purchasing alcohol	Remain a Misdo	No change
4.16.049	A person <21 yrs may not knowingly enter & remain on licensed premises	Violation (Minor Offense)	\$500/incident
4.16.050	Minor Consuming Alcohol	Violation (Minor Offense)	\$500 (with provision to reduce the fine to \$50 by completing alcohol education/treatment)
4.16.051	Furnishing alcohol to persons under 21 yrs, unless person acted w/ criminal negligence & has a prior w/in the last 5 yrs or person receiving alcohol negligently causes serious physical injury or death to another, then C felony	Remain a Misdo	No change

APPENDIX RB-1. PROPOSED SANCTIONS + FINES FOR TITLE 4 STATUTES

Statute	Prohibited Conduct	Recommendation	Fine Amount
4.16.052	Licensee furnishes alcohol to persons under 21	Violation	\$250-500/incident
4.16.055	Room rental for purposes of providing alcoholic beverages to person <21	Remain a Misdo	No change
4.16.060	Purchase by or delivery to persons under 21 yrs	Violation (Minor Offense)	\$500/incident
4.16.070	Sales on election day	<i>Committee recommends removing from statute</i>	n/a
4.16.080	Sales or consumption at school events	Violation (Minor Offense) <i>"Sales": strike, provisions covered elsewhere</i>	\$100/beverage
4.16.090	Prohibition of Bottle Clubs	Remain a Misdo	No change
4.16.110	Sale of certain alcoholic beverages prohibited	Remain a Misdo	No change
4.16.120	Removal or introduction of alcoholic beverages	Violation (Minor Offense)	\$50/beverage
4.16.125	Alcoholic beverages transported by common carrier	Remain a Misdo	No change
4.16.130	Stock confined to licensed premises	Violation (Minor Offense)	\$250/incident
4.16.160	Restriction on purchasing alcoholic beverages as part of a sentence	Remain a Misdo <i>Re-number so that 04.16.047 and 04.16.160 are consecutive</i>	No change
4.16.170	Alcoholic beverages may only be sold by a licensed person	Remain a Misdo	No change
4.16.172	Certain licensees may only sell alcohol that comes from other primary source sellers	Remain a Misdo	No change
4.16.175	Furnishing alcoholic beverages in aid of gambling enterprise	Remain a Misdo <i>Recommend re-wording to clarify intent re: gambling enterprise</i>	No change
4.16.220(a)(4)	Alcohol on licensed premises that does not bear federal excise stamp	<i>Does not need an associated sanction, it is administrative</i>	n/a
4.21.060	Warehousing of alcoholic beverages	Violation (Minor Offense)	\$250/incident