

State of Alaska
Alcoholic Beverage Control Board
Anchorage Meeting Minutes
December 1, 2014

Board Members Present:

Bob Klein, Chair
Ellen Ganley, Vice Chair (joined at 10:25 AM due to travel)
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member (telephonic)

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor
Robert Beasley, Enforcement Supervisor

ABC Board Counsel Present:

Harriet Milks, Assistant Attorney General

- **DIRECTOR BRIEFING** [9:06:55 AM](#)
 - A. Director's Report [9:07:01 AM](#) TAB 1

- **ADMINISTRATION** [9:22:40 AM](#)
 - A. Approve minutes of the October 8, 2014 Board Meeting [9:24:27 AM](#) TAB 2

Ethan Billings **motions to approve the minutes.**
Marvin Yoder **seconds the motion.**
Motion carries.
Approved 4-0

- **PUBLIC TESTIMONY** [9:25:43 AM](#)
 - A. Period of time for public testimony on issues not on this agenda.
Please phone 1-800-315-6338 code 69173

- **EXECUTIVE SESSION** [9:55:58 AM](#)

Marvin Yoder **motions to enter executive session.**
Bobby Evans **seconds the motion.**
Motion carries.
Approved 4-0

A. Budget & Staff Issues [1:40:20 PM](#)

Ellen Ganley **motions to enter executive session.**

Marvin Yoder **seconds the motion.**

Motion carries.

Approved 5-0

B. 5281 Northern Lights Spa: Basile Group, LLC [10:50:29 AM](#) **TAB 3**
Application for New Beverage Dispensary – Tourism License in Anchorage

Administrative Hearing Proposed Decision

Marvin Yoder **motions to accept the Administrative Law Judge’s recommendation (to deny the application).**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0

C. 5278 Paradise Café and Bakery: Joan Deering [10:51:30 AM](#) **TAB 4**
5295 Lunchbox.: Timberwolf Ventures, Inc.
Competing Applications for Final Restaurant / Eating Place License in Juneau

Administrative Hearing Proposed Decision & Proposals for Action

Marvin Yoder **motions to reject the Administrative Law Judge (ALJ)’s recommendation (to issue the license to Joan Deering).**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0

Daren Booten (of Timberwolf Ventures, Inc.) requests that the Board reconsider.

Marvin Yoder **motions to reconsider.**

Ellen Ganley **seconds the motion.**

Motion carries.

Approved 5-0

Cindy Franklin & Harriet Milks clarify what Board is considering.
Bob Klein clarifies that Board needs to determine if they will grant the license to Joan Deering with Timberwolf Ventures, Inc. rescinding its application.

Bob Klein **enters motion to persist on rejection of ALJ’s decision.**

Ellen Ganley **moves.**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0

Ellen Ganley **motions to approve Paradise license.**
Marvin Yoder **seconds the motion.**
Motion carries.
Approved 5-0

● **BOARD CONSIDERATION**

- A. **4173 Applebee's II:** Kodiak Apple, Inc. [1:27:31 PM](#) TAB 6
7611 Debarr Road; Anchorage
License: Beverage Dispensary

No Response to NOV

Sarah Oates **reports that licensee has since submitted written response to NOV. No action taken.**

- B. **110 Bering Sea Saloon:** Balassa Sobocienski [11:09:02 AM](#) TAB 7
No Premises; Nome
Transfer: Beverage Dispensary
From: Stanley Sobocienski (deceased)

Reconsideration of Transfer: Protest & Objection

Marvin Yoder **motions to uphold protest from City of Nome.**
Bobby Evans **seconds the motion.**
Motion carries.
Approved 5-0

- C. **3134 Copper Top Lounge:** Hooligans Lodging & Saloon, Inc. [1:30:43 PM](#) TAB 8
44715 Sterling Highway; Soldotna
License: Beverage Dispensary – Tourism

No Response to NOV

Sarah Oates **reports that licensee has since submitted written response to NOV. No action taken.**

- D. **598 FuSions:** Hong & Lees, Inc. [11:19:24 AM](#) TAB 9
720 Gambell Street; Anchorage
License: Beverage Dispensary

Reconsideration of Sanctions

Ellen Ganley **motions to reduce fine from \$10,000 to \$5,000 with condition that license is surrendered and expired.**
Marvin Yoder **seconds the motion.**
Motion carries.
Approved 4-1 (Ethan Billings votes no).

- E. **5247 Tequila Kitchen Express:** Tequila Kitchen Express, LLC [11:44:26 AM](#) TAB 10
2514 E Tudor Road; Anchorage
License: Restaurant / Eating Place

Failure to Comply with Board Requests

Marvin Yoder **motions to immediately suspend the license until all transfer paperwork is received by staff.**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0

- F. **1011 Three Bears:** Three Bears Alaska, Inc. [11:48:35 AM](#) TAB 11
22211 Birchwood Loop; Anchorage
License: Package Store

Reconsideration of Transfer

Marvin Yoder **motions to deny reconsideration of the transfer.**

Ellen Ganley **seconds the motion.**

Motion carries.

Approved 5-0

- G. **5271 Wild Alaskan:** Alaskan Leader Tours, LLC [11:57:06 AM](#) TAB 12
Alaskan Waters
License: Common Carrier

Operation of License

Bobby Evans **motions to revoke the license because it does not operate as a common carrier.**

Ellen Ganley **seconds the motion.**

Motion carries.

Approved 5-0

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions TAB 13

- B. **3904 H & H Lakeview Restaurant:** Gerald Berryman [12:45:26 PM](#) TAB 14
Mile 99.5 Parks Highway; Mat-Su Borough
License: Beverage Dispensary

Violation: Allowing Minor on Licensed Premises

Ellen Ganley **motions to suspend the license for 30 days with 16 suspended; \$1000 fine with no additional violations for one year.**

Marvin Yoder **seconds the motion.**

Motion carries.

Approved 5-0

Ellen Ganley **motions to approve all licenses with delegation.**

Marvin Yoder **seconds the motion.**

Motion carries.

Approved 5-0

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 [1:00:16 PM](#)
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.

Bob Klein pulls from Delegated Consent.
Marvin Yoder **motions to approve with delegation and allow Municipality to apply restrictions.**
Ethan Billings **seconds the motion.**
Motion carries.
Approved 5-0

4552 L.E.D Ultra Lounge & Grill: La Mexicana, Inc.; Anchorage [1:00:19 PM](#)
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.

Bob Klein pulls from Delegated Consent.
Marvin Yoder **motions to approve with delegation and allow Municipality to apply restrictions.**
Ethan Billings **seconds the motion.**
Motion carries.
Approved 5-0

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 [1:00:25 PM](#)
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.

Bob Klein pulls from Delegated Consent.
Marvin Yoder **motions to approve with delegation and allow
Municipality to apply restrictions.**
Ethan Billings **seconds the motion.**
Motion carries.
Approved 5-0

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.

END OF DELEGATED CONSENT AGENDA

● PROTESTS

[1:38:02 PM](#)

[TAB 16](#)

Ethan Billings **motions to uphold protest and approve with delegation.**

Marvin Yoder **seconds the motion.**

Motion carries.

Approved 5-0

5353 **Fairbanks Distilling Company:** Patrick Levy; Fairbanks

410 Cushman Street

New: Distillery

All statutory requirements have been met. Pending Department of Environmental Conservation. Background investigations pending.

City of Fairbanks protests pending issuance of Certificate of Occupancy.

● OBJECTIONS

[12:56:18 PM](#)

[TAB 17](#)

Marvin Yoder **motions to approve all licenses with delegation and allow Municipality to apply restrictions.**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0

4551 **L.E.D Ultra Lounge & Grill:** Robert Alexander; Anchorage

901 West 6th Avenue

Transfer: Beverage Dispensary – Duplicate

From: La Mexicana, Inc.

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

Background investigations pending.

Public objection.

4552 **L.E.D Ultra Lounge & Grill:** Robert Alexander; Anchorage

901 West 6th Avenue

Transfer: Beverage Dispensary – Duplicate

From: La Mexicana, Inc.

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

Background investigations pending.

Public objection.

4531 Tri-Grill: Robert Alexander; Anchorage
901 West 6th Avenue
Transfer: Beverage Dispensary
From: La Mexicana, Inc.

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

● **CONSENT AGENDA**

[1:35:24 PM](#)

TAB 18

Ellen Ganley **motions to approve all licenses.**
Ethan Billings **seconds the motion.**
Motion carries.
Approved 5-0

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.

END OF CONSENT AGENDA

● **FIRST WAIVERS**

[1:36:50 PM](#)

TAB 19

Ellen Ganley **motions to approve all waivers.**
Ethan Billings **seconds the motion.**
Motion carries.
Approved 5-0

612 King Mountain Lodge: King Mountain Lodge, LLC; Mat-Su Borough
34097 N Glenn Highway
License: Beverage Dispensary

4738 Knik Kountry Liquor: Knik Kountry Liquor, Inc.; Mat-Su Borough
No Premises
License: Beverage Dispensary

757 Liquor Locker: D.A.W.G., Inc.; Anchorage
20146 Pilots Road, Suite D
License: Package Store

4733 No DBA: Triplets, Inc.; Wasilla
No Premises
License: Beverage Dispensary

1435 Wolverine Lodge: Peggy J. Watson; Mat-Su Borough
16.2 Lake Louise Junction Road
License: Beverage Dispensary – Tourism

●	THIRD WAIVERS	<u>11:07:42 AM</u>	<u>TAB 20</u>
110	Bering Sea Saloon: Stanley L. Sobocienski; Nome No Premises License: Beverage Dispensary Request withdrawn by Fred Odsen after protest of transfer upheld.		
●	NOTICES OF VIOLATION		
	A. Notices of Violation Issued and Licensee Responses		<u>TAB 21</u>
●	TITLE 04 STATUTE REVIEW	<u>2:24:53 PM</u>	<u>TAB 22</u>
	Role of the ABC Board		
	RB-1	<u>3:12:00 PM</u>	
	RB-2	<u>3:18:16 PM</u>	
	RB-3	<u>3:19:28 PM</u>	
	RB-4	<u>3:23:48 PM</u>	
	RB-5	<u>3:27:14 PM</u>	
	RB-6	<u>3:27:58 PM</u>	
	Local Option		
	LO-1	<u>3:31:08 PM</u>	
	LO-2	<u>3:31:56 PM</u>	
	LO-3	<u>3:38:02 PM</u>	
	LO-4	<u>3:40:46 PM</u>	
	LO-5	<u>3:43:18 PM</u>	
	Meeting Adjourned For the Day.	<u>3:49:42 PM</u>	

State of Alaska
Alcoholic Beverage Control Board
Anchorage Meeting Minutes
December 2, 2014

Board Members Present:

Bob Klein, Chair
Ellen Ganley, Vice Chair
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member (telephonic)

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor

ABC Board Counsel Present:

Harriet Milks, Assistant Attorney General

● **TITLE 04 STATUTE REVIEW**

TAB 22

Call to order	<u>9:08:26 AM</u>
Licensing	<u>9:10:38 AM</u>
F-1	<u>9:13:11 AM</u>
M-1	<u>9:15:51 AM</u>
M-2	<u>9:18:05 AM</u>
M-3	<u>9:18:57 AM</u>
W-1	<u>9:22:54 AM</u>
W-2	<u>9:24:09 AM</u>
P-1	<u>9:28:08 AM</u>
P-2	<u>9:28:39 AM</u>
P-3	<u>9:30:53 AM</u>
R-1	<u>9:43:38 AM</u>
R-2	<u>9:47:11 AM</u>
R-3	<u>9:49:19 AM</u>
R-4	<u>9:57:09 AM</u>
R-5	<u>9:57:27 AM</u>
R-6	<u>10:00:57 AM</u>
R-7 (A-N)	<u>10:02:10 AM</u>
Underage Drinking	
UAD-1	<u>10:12:16 AM</u>
UAD-2	<u>10:13:21 AM</u>
UAD-3	<u>10:22:14 AM</u>

UAD-4

[10:23:12 AM](#)

UAD-5

[10:24:48 AM](#)

Discussion about future processes

[10:32:46 AM](#)

- **NEXT ABC BOARD MEETING**
February 11-12 in Juneau

[10:52:54 AM](#)

- **EXECUTIVE SESSION**

[10:58:52 AM](#)

Ellen Ganley **motions to enter executive session.**

Ethan Billings **seconds the motion.**

Motion carries.

Approved 5-0.

- D. **5332 Wings N Things: Wings 'N Things, Inc.;** Anchorage
701 West 36th Avenue A-17
New: Restaurant / Eating Place

[11:22:40 AM](#)

TAB 5

Consideration of New License

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

Ethan Billings **seconds the motion.**

Motion carries.

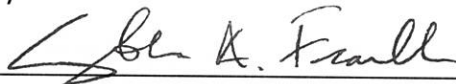
Approved 5-0.

Meeting Adjourned

[11:24:24 AM](#)

Minutes reviewed and approved by:

Cynthia A. Franklin, Director



Date

12/03/14

Sarah D. Oates, Records & Licensing Supervisor



Date

12/03/14