

## Notice of Violation

(3AAC 304.525)

Licensee <b>Kito's Kave Bar &amp; Liquor</b>	License Number <b>589</b>	Type of License <b>Beverage Dispensary</b>
D.B.A. <b>Kito's Kave</b>	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency <b>Petersburg Police Department</b>
Street or P.O. Box <b>P.O. Box 1510</b>	City, State <b>Petersburg, AK</b>	Zip <b>99833</b>

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 the evening of January 1, 2016 Officer Dodson of the Petersburg Police Department attempted to do a bar check and was told in essence he did not have authority to do so.

Your attention is directed to

Please reference **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.

**You are directed to respond to the Director of the Alcohol Beverage Control Board either orally or 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 OR IN AN ACCUSATION FILED BY THE DIRECTOR.**

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

**Cynthia Franklin, Director  
Alcoholic Beverage Control Board  
550 W. 7<sup>th</sup> Ave. Suite 1600  
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.

<b>Receipt:</b>	<b>Violation Observed By: Officer Dodson</b>
<b>Filed By:</b>	<b>Title: Investigator III</b>

**From:** [Franklin, Cynthia A \(CED\)](#)  
**To:** [joe.ieremia@gmail.com](mailto:joe.ieremia@gmail.com)  
**Cc:** [Hoelscher, James C \(CED\)](#); [Johnson, Steven M \(CED\)](#)  
**Subject:** RE: Kito's Kave Bar & Liquor, License #589  
**Date:** Friday, January 15, 2016 2:30:35 PM

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Joe,

Thanks for the response. I would like to discuss your statements with James Hoelscher, our enforcement supervisor, next week. I am also copying Steve Johnson, who is our Southeast investigator. Investigator Hoelscher or Investigator Johnson will contact you if they determine that they need further clarification or response.

Cynthia Franklin, Director  
Alcoholic Beverage & Marijuana Control Boards  
907-269-0351

**From:** Joe Ieremia [<mailto:joe.ieremia@gmail.com>]  
**Sent:** Friday, January 15, 2016 12:44 PM  
**To:** Franklin, Cynthia A (CED)  
**Cc:** Kito's Kave  
**Subject:** Kito's Kave Bar & Liquor, License #589

Hello Cynthia,

I am writing in response to our recent Notice of Violation #AB16000013.

Kito's Kave Inc. would like to protest this violation as stated - "On the evening of January 1, 2016 Officer Dodson of the Petersburg Police Department attempted to do a bar check and was told in essence he did not have the authority to do so."

Officer Dodson did indeed perform a bar check and did not find any violations. Our local PD had originally filed and served papers for this alleged violation and after further internal investigation have since dropped all charges.

We instruct our staff to comply and assist with officer walk-throughs at our monthly employee meetings. We value the relationship that we have built with our local PD and consider them a great aide to the operation of our business.

As this is the first time that I personally have dealt with a notice of violation please let me know what else I may do to answer any further questions.

Sincerely,  
Joe Ieremia  
Owner Manager / Secretary  
Kito's Kave Inc.  
M: 801-560-7808



Alcoholic Beverage Control Board  
550 W. 7<sup>th</sup> AVE, SUITE 1600  
Anchorage, AK 99501

Date: 12/02/2015  
Number AB15000598  
Page 1 of 1

## Notice of Violation

(3AAC 304.525)

Licensee <b>Loyal Order of Moose #1092</b>	License Number <b>745</b>	Type of License <b>Club</b>
D.B.A. <b>Loyal Order of Moose</b>	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency <b>Petersburg Police Department</b>
Street or P.O. Box <b>PO Box 222,</b>	City, State <b>Petersburg, AK</b>	Zip <b>99833</b>

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 11/23/2015 Officer Kent Preston of the Petersburg Police Department issued bartender, Laura Oman, a borough citation for over service of a drunken person. The patron, who was injured in a fall, was transported to the local hospital and administered a breath test registering a .399 BAC.**

Your attention is directed to 04.16.030(a)(3) Prohibited conduct relating to a drunken persons.

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  
550 W. 7<sup>th</sup> Ave. Suite 1600  
Anchorage, Alaska 99501**

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DEC 21 '15 PM 12:30

# LOYAL ORDER OF MOOSE



PETERSBURG LODGE 1092 RONALD LINDSEY, ADMINISTRATOR 15 FRAM ST - 222 PETERSBURG, AK 99833 (907) 772-4616

Cynthia Franklin, Director

A.B.C. Board

In response to N.O.V. for License #745, I received the notice on 12/10/2015.

I have talked to each sever in our employ stressing the importance of making sure no one is served that is in a drunken state.

I am having a servers meeting on 12/20/2015. In this meeting we will review the T.A.P. manual stressing the points of determining an intoxicated person. Determine how to handle a person that is in a drunken state. Insure that all servers are fully aware of the guidelines of the T.A.P. manual.

Regards

Ronald B. Lindsey, Administrator

Petersburg Moose Lodge #1092

Box 222

Petersburg AK. 99833

DEC 21 '15 PM 12:30

## Notice of Violation

(3AAC 304.525)

Licensee <b>Petersburg Lodge #1092</b>	License Number <b>745</b>	Type of License <b>Club</b>
D.B.A. <b>Loyal Order of Moose #1092</b>	How Delivered <input checked="" type="checkbox"/> Certified Mail # <b>On-File</b> <input type="checkbox"/> In Person	Law Enforcement Agency <b>Petersburg Police Department</b>
Street or P.O. Box <b>P.O. Box 222</b>	City, State <b>Petersburg, AK</b>	Zip <b>99833</b>

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 20 December 2015 at 2157 hours, Sgt. James Kerr and I went to the Moose Lodge (15 Fram Street) to perform a routine bar check. Upon entry to the Moose Lodge, I noticed Laura Oman sitting at one of the tables, a large pile of vomit beneath her chair. While trying to reach Ms. Oman to speak to her, Vicki Sokol (Moose Lodge Bar Manager) placed herself between myself and Ms. Oman in an attempt to keep me from speaking to her. Ms. Sokol continued to try and keep herself between me and Ms. Oman by zigzagging in front of me. Ms. Sokol stated that in essence, that there was no big deal and that a taxi had been called for Ms. Oman. Ms. Sokol then stated in essence that since the Moose Lodge is a private club that we (police) could not be inside. I moved past Ms. Sokol and made my way to Ms. Oman. Ms. Oman was slumped over in her chair with a pitcher set upon the table. Upon reaching Ms. Oman I determined that the pitcher was approximately 1/8 full of vomit. I attempted to speak to Ms. Oman when Mr. Robert Boseman, who had been seated near her, told me in essence that Ms. Oman didn't want to speak. I asked Mr. Boseman to give us some space so that Ms. Oman and I could speak. Mr. Boseman then complied and stepped to the side to allow me access to Ms. Oman. At this point, I noticed the strong smell of alcoholic beverage emanating from Ms. Oman, Ms. Oman also had vomit in her hair. Ms. Oman had watery eyes and a flushed red face. I asked Ms. Oman what happened, she was reluctant to answer. I then told Ms. Oman that she wasn't in trouble, I just wanted to make sure she was okay and asked her to confirm the amount of drinks she had in the Moose Lodge. Ms. Oman stated that in essence she wanted to go home and go to bed and that she had consumed "several" drinks.

During my interview with Ms. Oman I could hear Sgt. Kerr being verbally berated by Ms. Sokol and another patron, Robert Luhl. The essence of the conversation from Ms. Sokol revolved around the police authority and how the police were not welcome in the establishment. I could not ascertain what Mr. Luhl was saying to Sgt. Kerr.

I then asked to speak to the manager or bar tender. After asking a couple of times, for the owner or bartender, Ms. Sokol stated that she was in charge. I tried to ask Ms. Sokol a question, but was interrupted with the query in essence, if the police were allowed to be in the Moose Lodge. I told Ms. Sokol that we had authority to check the presence of any establishment that served liquor. Ms. Sokol in essence questioned the legality of police presence and claimed numerous times that we didn't have any authority in the establishment. With Ms. Sokol's refusal to answer any other questions I conferred with

Sgt. Kerr and left the establishment. Upon arrival back at the police station I contacted Steven Johnson at the



Your attention is directed to

**3AAC 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.

**Sec. 04.16.030(a)(1) Prohibited conduct relating to drunken persons.**

(a) A licensee, an agent, or employee may not with criminal negligence

(1) sell, give, or barter alcoholic beverages to a drunken person

**Sec. 04.16.040 Access of drunken persons to licensed premises.**

A drunken person may not knowingly enter or remain on premises licensed under this title.

**Sec. 04.16.150 Licensee responsible for Violation.**

A licensee may neither knowingly allow agents or employees to violate this title or regulations adopted under this title nor recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law or regulation.

**You are directed to respond to the Director of the Alcohol Beverage Control Board either orally or 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 OR IN AN ACCUSATION FILED BY THE DIRECTOR.**

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

**Cynthia Franklin, Director  
Alcoholic Beverage Control Board  
550 W. 7<sup>th</sup> Ave. Suite 1600  
Anchorage, Alaska 99501**

**A Response is Required**

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<b>Receipt:</b>	<b>Violation Observed By: Officer Preston</b>
<b>Filed By:</b>	<b>Title: Investigator III</b>





# Birch Horton Bittner & Cherot

*a professional corporation*

**Aaron D. Sperbeck**

Respond to Anchorage Office  
T 907.263.7214 • F 907.276.3680  
asperbeck@bhb.com

January 21, 2016

**VIA ELECTRONIC DELIVERY**

[cynthia.franklin@alaska.gov](mailto:cynthia.franklin@alaska.gov)

Ms. Cynthia Franklin, Director  
Alcoholic Beverage Control Board  
550 W. 7<sup>th</sup> Ave., Suite 1600  
Anchorage, AK 99501

Re: Petersburg Moose Lodge #1092  
ABC License No. 745  
Notice of Violation No. AB15000740

Dear Ms. Franklin:

Please be advised that Birch Horton Bittner & Cherot ("Firm") has been retained by Petersburg Moose Lodge #1092 (d/b/a Loyal Order of Moose #1092), License No. 745 ("Lodge"), to respond to a Notice of Violation ("NOV") it received regarding an alleged incident, occurring on or about December 20, 2015. The NOV was issued on January 11, 2016 and was received by my client on January 14, 2016.

As to the substance of the NOV, a citation and summons was issued to Lodge Manager Vicki Sokol on December 22, 2015 after she allegedly engaged in prohibited conduct involving an intoxicated person. This firm represents Ms. Sokol in the underlying criminal matter and understands that the State District Attorney's Office has filed a Complaint under Alaska Statute 04.16.030(a)(3), to which Ms. Sokol has entered a plea of not guilty. Ms. Sokol is vigorously contesting this charge on the basis that she did not serve a single drink to anyone that night and moreover, the person alleged to have been over served was suffering from a documented stomach virus, not alcohol intoxication. It is my intention to await the outcome of any criminal proceedings before rushing to judgment on this matter, just as I trust you will do the same.

Nonetheless, please know Ms. Sokol has worked in the industry for over 29 years, and with the Lodge for over 25 of those years, and this is the first incident I am aware of in which she has ever been accused of an offense involving the over service of alcohol. Before returning to work, Ms. Sokol met with her supervisor to review procedures for monitoring and evaluating customer intoxication and will continue to receive additional informal training and supervisor evaluation in the coming weeks. The Lodge takes these allegations very seriously and has an impeccable record of compliance with local and state law.

Additionally, the Lodge Administrator has met with staff under his supervision to review the T.A.P manual and to stress the importance of identifying signs of over intoxication and determining best practices for caring for the individual. I am confident that each employee is well

# Birch Horton Bittner & Cherot

*a professional corporation*

Ms. Cynthia Franklin, Director  
Alcohol Beverage Control Board  
January 21, 2016  
Page 2 of 2

aware of their duties and obligations in this respect. Every effort will be made to ensure that no further incidents of this nature happen again.

I thank you for considering this response to the NOV. Please do not hesitate to contact me if you have any questions.

Sincerely,

BIRCH HORTON BITTNER & CHEROT

A handwritten signature in blue ink, appearing to read 'A. D. Sperbeck', is written over the typed name.

Aaron D. Sperbeck

ADS:vsf

cc: Client



Alcoholic Beverage Control Board  
 550 W. 7<sup>th</sup> Ave, Suite 1600  
 Anchorage, AK 99501

Date: 12-8-15  
 Number AB15-0638  
 Page 1 of 1 Page

## Notice of Violation

(3AAC 304.525)

Licensee <b>Benito Herrera</b>	License Number <b>3889</b>	Type of License <b>Restaurant / Eating Place</b>
D.B.A. <b>Jamico's Pizzeria</b> 3952 Mountain View Drive	How Delivered [ X ] Mail Receipt on file. [ ] In Person	Law Enforcement Agency <b>Anchorage Police Department</b>
Street or P.O. Box <b>4651 Reka Drive, Apt 15</b>	City, State <b>Anchorage, AK</b>	Zip <b>99508</b>

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 received an Accusation and Notice of your right to an Administrative Hearing.

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

**VIOLATION:** As a result of an inspection on 12-4-15, two employees were found to have expired server education. This is not only a violation of Title IV, but a violation of a municipal ordinance requiring server education. On 12-7-15, it was learned that you have sold the business 3 years ago to Jose Diaz and you no longer have a lease for the property. After selling, you completed the renewal process with whom you sold the business to but failed to notify the Alcoholic Beverage Control Board of your intension. These are violations of Title 04.

Your attention is directed to **AS04.21.025: Alcohol server education, AS04.21.030: Responsibility of licensees, agents, and employee's, AS04.11.580: Surrender of destruction of license, 3AAC304.195: Surrender of license, 3AAC105: Application generally.**

**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**  
 550 W. 7<sup>th</sup> Ave, Suite 1600  
 Anchorage, Alaska 99501

### A Response is Required

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

12-29-15

To Whom it MAY CONCERN.

I, Benito Herrera no longer have a contract  
with Jamkos Pizzeria and my liquor license  
is going to expire on the day of 12-31-15  
I talked with one of the  
Alcohol Beverage Control Board Representative  
To inform that I am not up date the license  
I talked with Jose' Diaz  
AND they already renewed the  
Alcohol card permit.

I am sorry for the inconvenience  
AND the problems it caused

Benito Herrera.  
Benito Herrera

License Number  
3889

**SENDER: COMPLETE THIS SECTION**


**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature Benito Herrera  
 Addressee  
 Agent

B. Received by (Printed Name) BENITO HERRERA  
 C. Date of Delivery 12-24

1. Article Addressed to:

  
 Benito Herrera  
 4651 Reka Drive, Apt 15  
 Anchorage, AK 99508

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)

7014 0150 0000 9499 0566

PS Form 3811, February 2004

Domestic Return Receipt

02595-02-M-1540





Alcoholic Beverage Control Board  
 550 W. 7<sup>th</sup> Ave, Suite 1600  
 Anchorage, AK 99501

Date: 1-20-16  
 Number AB15-00686  
 Page 1 of 1 Page

## Notice of Violation

(3AAC 304.525)

<b>Licensee</b> Larry's Cocoon, LLC	<b>License Number</b> 5017	<b>Type of License</b> Restaurant / Eating Place
<b>D.B.A.</b> Larry's Cocoon 601 W. 36 <sup>th</sup> Avenue	<b>How Delivered</b> Via e-mail to cocoon148@rocketmail.com	<b>Law Enforcement Agency</b> Anchorage Police Department
<b>Street or P.O. Box</b> 132 E. 45 <sup>th</sup> Avenue	<b>City, State</b> Anchorage, AK	<b>Zip</b> 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 12-18-15, an inspection was conducted at your premises. It was learned that you added and were promoting a grand opening for Asiana Garden 2 while leaving your signage up for Larry's Cocoon. The establishments menu was changed to Asiana Garden 2. On 12-23-15, an advisory notice was delivered to your establishment advising you were in violation of 3AAC304.185, licensed premises. As of 1-19-16, you have not corrected your signage issue with the Alcohol and Marijuana Control Office.

Your attention is directed to 3AAC304.185: 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 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**  
 550 W. 7<sup>th</sup> Ave, Suite 1600  
 Anchorage, Alaska 99501

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<b>Receipt:</b>	<b>Violation Observed By:</b> F.R. Hamilton
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Filed By: *JR Hamilton*

Title:  
Investigator III



**From:** [Hamilton, Joe \(CED\)](#)  
**To:** [Hoelscher, James C \(CED\)](#)  
**Subject:** Fwd: Notice of Violation  
**Date:** Friday, January 22, 2016 4:01:50 PM

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Sent from my iPhone

Begin forwarded message:

**From:** Larry Pun <[cocoon148@rocketmail.com](mailto:cocoon148@rocketmail.com)>  
**Date:** January 22, 2016 at 15:30:16 AKST  
**To:** "Hamilton, Joe (CED)" <[joe.hamilton@alaska.gov](mailto:joe.hamilton@alaska.gov)>  
**Subject: Re: Notice of Violation**

After conversation and guidance from you 1/20,  
we have completed as of today:  
1. Remove the out-door sign for Asiana Garden 2  
2. All menu shows Larry's Cocoon on front page  
Hope these will satisfy removal of violation

Larry Pun

Sent from my iPhone

On Jan 20, 2016, at 3:20 PM, Hamilton, Joe (CED) <[joe.hamilton@alaska.gov](mailto:joe.hamilton@alaska.gov)>  
wrote:

Please read this carefully and respond within ten days of receiving this.

Thank you.

Joe Hamilton  
Alcohol & Marijuana Control

<Larry's Cocoon 5017 NOV.doc>