



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: January 31, 2016

RE: Kingdom Corp #2106

This matter was on the November 19, 2015 meeting and was tabled because no representative of the licensee appeared at the meeting. I personally spoke with a representative who promised to appear at the February 10, 2016 meeting to speak with the board.

This is a conviction of the licensee corporation for Responsibility of a Licensee, Agent or Employee under AS 04.21.030. An employee of the licensee, Kingdom Corp DBA Golden International, served an underage buyer on April 27, 2014. The employee, Mary May, was convicted for not having her server card (the furnishing charged was dismissed as part of a plea bargain) and the corporation was subsequently charged with Responsibility of Licensee, Agent or Employee.

Date of sale to minor: April 27, 2014

Date Licensee charged: June 12, 2015

Date of conviction: August 21, 2015

Prior violations: This licensee has had four violations involving furnishing alcohol to a minor between 2006 and 2014. Each incident involved a different server.

Recommendation: Suspend license as sanction for conviction of licensee for minor being furnished with alcohol.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT KENAI

JUDGMENT

State of Alaska vs. Defendant Kingdom Corporation APSIN 8392904 DOB DLN/ID () CDL DL/ID ST Address PO Box 3902 Soldotna AK 99669

Case No. 3KN-15-00824CR ATN 114451047 CTN 001 Plea (X) Guilty () No contest () Not guilty Plea Agreement (X) Yes () No () Partial Trial () Court () Jury DOV 04/27/2015

DEFENDANT IS ADJUDGED:

- () NOT GUILTY. It is ordered that defendant is acquitted and discharged. (X) GUILTY OF AS04.21.030: Responsibility of Licensee, Agent, Employee () Amended Charge Class: A Misdemeanor () Motor vehicle used in offense (AS 28.15.181(a)) () Traffic safety corridor () Highway work zone () CMV offense: () >26K lbs () 15+ psgr () hazmat () DV offense per AS 18.66.990(3)&(5) () Any appearance or performance bond exonerated () Sex offender reg. required by AS 12.63.100 () DISMISSED: () Cr. R. 43(a) ()

SENTENCE

SENTENCE IS IMPOSED AS FOLLOWS:

- 1. () SUSPENDED IMPOSITION OF SENTENCE. Imposition of sentence is suspended and defendant is placed on probation subject to the conditions below. 2. FINE. \$ 1000 with \$ 1000 suspended. Due . Bail to fine \$. () Credit court-ordered program fees to fine, including ASAP, if proof of payment to court clerk by fine due date. 3. JAIL. days with suspended. A warrant for your arrest will be issued unless you contact Wildwood Pretrial Facility by to arrange remand, and you remand as arranged but no later than . 4. SURCHARGES. a. Police Training Surcharge due immediately: (X) \$50 (misd) () \$10 (infrac/viol) () None (fine under \$30) b. () Initial Jail Surcharge of \$50 per case due now to AG's Office at 1031 W. 4th Ave., #200, Anch., AK 99501 c. () Suspended Jail Surcharge of \$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 sentenced to jail. 5. TREATMENT. a. () ASAP. Report for treatment to () Kenai () ASAP () within 10 days () by . Complete recommended treatment. Pay all related costs. This may include residential treatment up to days plus required aftercare in addition to any jail time ordered above. b. () Do not consume or buy alcohol for a period of days years from the date of this judgment. Any ID card issued per AS 18.65.310 must list the buying restrictions until the restriction expires. c. () Complete () state-approved DV intervention program () anger management program () mental health assessment. Follow all recommendations. Pay all fees. Submit quarterly compliance reports to Kenai District Attorney's Office () and the court clerk. 6. COMMUNITY WORK SERVICE (CWS). Complete hours of CWS. Submit proof of completion to the court by . CWS is () in lieu of jail () condition of probation () toward fine/surcharge at \$ per hour () incomplete CWS converts to 3 hours of jail per CWS hour. 7. RESTITUTION. Make restitution () as stated in the Restitution Judgment () in an amount determined pursuant to Crim. R. 32.6(c)(2). Apply for PFD each year eligible until restitution is paid in full. Restitution will continue to be civilly enforceable after probation expires. 8. LICENSE ACTIONS. Surrender defendant's () driver's () license to the court immediately. Such license or privilege to apply for such license is () revoked () suspended for days years. () A limited license is issued for days years with the following limits: 9. DNA. () Defendant must give DNA sample if requested by an officer on state's behalf (AS 11.41 offense). 10. OTHER ORDER(S). Submit proof of compliance to ABC Board

CONDITIONS OF PROBATION

Defendant is placed on probation for 1 years (X) months, subject to the following conditions:

- 1. Comply with all direct court orders listed above by the deadlines stated. 2. Obey all laws. 3. () Have no direct or indirect contact with . 4. () Other.

Effective Date 8/13/15

I certify that I gave a copy of this judgment to:

- (X) DA (X) Def (X) Def Atty by In-Court Clerk on () (X) DPS () Jail () ASAP () Parks (X) ABC (X) Med () JS/ASTCOR () DMV by mail to 1300 W. Benson Blvd., Anch., AK 99503 () w/ surr. lic. # by Clerk/JA WSS on 8.21.15

- () District Court Judge Sharon A.S. Illsley () Magistrate Judge Martin C. Fallon (X) Magistrate Judge Jennifer K. Wells



Alcoholic Beverage Control Board

Incident Report

Incident: AB14000540

Incident Type: Liquor Laws [LIQU]
Incident time: 04/27/2014 12:53 -
Reported time: 04/27/2014 12:53
Incident location: 41776 STERLING HIGHWAY, SOLDOTNA, Kenai Peninsula Borough AK USA 99669 (Beat/zone: HDQF)
Incident status: Closed by arrest
Summary: On 04/27/14 at about 1253 hours, Golden International server Mary kathryn May furnished an alcoholic beverage to a person under 21 years of age, UB14-002; age 18. May had not taken an alcohol server education course at any point in her approximately 3 months of employment. May was issued summonses for furnishing alcohol to a person under 21 years of age and alcohol server education course and given a court date of 05/20/14 at 1330 hours, Kenai district court. A charge of Licensee responsible was also referred to the Kenai DAO on behalf of Kingdom Corporation.

Incident Activities/Offenses

- ABC - Compliance Check (covert)
- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - AS04.16.052(5) - Furnish Deliver To Minor While Licensee Working on Premises
- Alcohol - AS04.21.025 - Failure To Maintain Alcohol Server Card
- Alcohol - AS04.21.030(1) - Licensee to ensure business is lawful including ensuring compliance by staff with AS04 and regs, acting with reasonable diligence that staff are advised of AS04 and regs, by written acknowledgement or otherwise

Involved Persons/Organizations

GOLDEN INTERNATIONAL

Classification: Operator

ID: **Type:** Restaurant
Address: 41776 STERLING HIGHWAY, SOLDOTNA, Kenai Peninsula Borough AK USA 99669
(Beat/zone: HDQF)
E-mail: No known E-mail
Telephone:

HU, JERRY CHI

Classification: Interview; Mentioned in report
SID: AK6410938 **DL:** 6410938 AK
Gender: Male **DOB:** 08/04/1973
Height: 6'0" **Weight:** 265lb **Build:**
Race: Asian **Hair Color:** Black **Eye Color:** Black
Address: 234 RIVER WATCH STREET, SOLDOTNA, Kenai Peninsula Borough
AK USA 99669 (Beat/zone: HDQD)
E-mail:
Telephone: (Cellular phone) (907) 252-7661

HU, YIHUI

Classification: Interview; Operator
SID: AK7393868 **DL:** 7268926 AK
Gender: Female **DOB:** 06/13/1981
Height: 5'8" **Weight:** 162lb **Build:**
Race: Unknown **Hair Color:** Black **Eye Color:** Black
Address: None
E-mail:
Telephone: (Cellular phone) (907) 252-0693
Telephone: (Landline) (907) 262-7862

HU, YING CHIH

Classification: Interview; Licensee; Owner

SID: AK1003454 **DL:** 1003454 AK
Gender: Male **DOB:** 12/26/1942
Height: 5'9" **Weight:** 170lb **Build:**
Race: Asian **Hair Color:** Black **Eye Color:** Black
Address: None
E-mail:

KINGDOM CORPORATION, XX

Classification: Charged; Licensee

SID: AK8392904 **DL:**
Gender: Unknown **DOB:** 01/01/1901
Height: **Weight:** **Build:**
Race: **Hair Color:** Unknown or completely bald **Eye Color:** Unknown
Address: None
E-mail:

MAY, MARY KATHRYN

Classification: Arrested; Charged; Interview

SID: AK7822685 **DL:** 7530598 AK
Gender: Female **DOB:** 12/22/1985
Height: 5'4" **Weight:** 150lb **Build:**
Race: White **Hair Color:** Brown **Eye Color:** Green
Address: 398 STARLITE LANE, SOLDOTNA, Kenai Peninsula Borough AK
USA
E-mail:
Telephone: (Cellular phone) (907) 598-7710

Involved Addresses

- 41776 STERLING HIGHWAY / Incident location / SOLDOTNA, Alaska, USA 99669 (Beat/zone: HDQF)

Involved Officers

- Reporting unit / #ABCH ABC ENFORCEMENT STATEWIDE / ABC
- Reporting officer / #FRH0 HAMILTON, FRANCIS J / ABC

Reports

Arrest report

Subject: MAY, MARY KATHRYN / Arrested; Charged; Interview / DOB: 12/22/1985 (29)
Gender: Female (398 STARLITE LANE, SOLDOTNA, Kenai Peninsula Borough AK USA
(Cellular phone) (907) 598-7710) FBI: 675249DC2 DL:AK:7530598

Author: #FRH0 HAMILTON, F. **Report time:** 04/30/2014 12:16

Charges: (1) AS04.21.025 Failure To Maintain Alcohol Server Card ()
(2) AS04.16.052(5) Furnish Deliver To Minor While Licensee Working on Premises
()

Proposed Charges Report

Subject: KINGDOM CORPORATION, XX / Charged; Licensee / DOB: 01/01/1901
(114) Gender: Unknown

Charges to be Considered:

AS04.21.030(1) Licensee to ensure business is lawful including ensuring compliance by staff with AS04 and regs, acting with reasonable diligence that staff are advised of AS04 and regs, by written acknowledgement or otherwise; : Adult; Inc: AB14000540; Offense Date:04/27/2014; : #FRH0 HAMILTON, F. ()

General report

Author: #FRH0 HAMILTON, F.

Report time: 04/30/2014 12:21

Narrative:

OBSERVATION:

On 04/27/14 at about 1247 hours, Underage Buyer 14-002; age 18, herein referred to as UB, entered Golden International. At about 1253 hours, UB sent a text message essentially relaying that she was furnished a Coors Light beer, her ID was checked, her age was not asked and she had not yet paid. The ID shown was a valid military dependent card which has the date of birth on the back of the card in the upper left corner. It reads, "1995OCT01".

OFFICER ACTION:

At about 1256 hours, Investigator Hamilton and I entered Golden International. Inv Hamilton took a photo of UB sitting at a table with an open bottle of Coors Light in front of her. UB visually identified the server as a female that was standing directly behind us asking if we needed a bigger table. The server was then identified by her AK OL as Mary Kathryn May.

INTERVIEW: M. K. May

Conducted in a non-custodial manner. May stated that she remembered UB's ID but was not familiar with military IDs. She looked on the back of the ID and saw a very small date printed on the bottom center of the card that read something to the effect of 93oct. May then realized the small date she was looking at was not the date of birth, which is clearly printed and identifiable on the upper left hand corner on the back of the card. May also realized that even if she was looking at the 93oct print that UB would still not have been 21. May ultimately stated that she got the math wrong. May did not have proof of attending alcohol server training. She showed me a food worker's training card and said that she assumed that was an alcohol server training card as well. May indicated that her manager Yihui (Sharon) Hu hired her about 3 months ago and asked her if she had completed alcohol server training. May told Sharon that she had attended the training because she thought that the food worker's training was the same thing. May stated that Sharon never confirmed what training she had actually completed. May stated she had served alcohol in Virginia for 4 years prior to moving to Alaska 3 years ago and they did not require an alcohol server education course.

OFFICER ACTION:

May was issued summonses for furnishing an alcoholic beverage to persons under the age of 21 and alcohol server education course. A mandatory court date of 05/20/14, 1330 hours, Kenai District Court was assigned.

Golden International manager Sharon Hu also arrived at the establishment.

INTERVIEW: Yihui (Sharon) Hu

Sharon stated that May only works at Golden International part-time and has not been there long. Sharon said she had asked May for an alcohol server card and assumed that her experience in Virginia would qualify her to serve alcohol in Alaska. Sharon also stated that she has never verified if May in fact had completed any alcohol server training. Sharon said that she is only the manager and her mother and father-in-law (Ying Chin Hu) were the licensees. The official name of the licensee is Kingdom Corpoartion. Sharon said that her father-in-law was in the kitchen cooking. In essence, Sharon stated that she was not entirely familiar with the laws and regulations of Title 4 concerning alcohol server education.

INTERVIEW: Ying Chin Hu

Ying Hu said that he no longer has a valid alchol server card as he only cooks and does not serve alcohol. He allowed his alcohol server card to lapse sometime last year.

OFFICER ACTION:

During the course of the interviews, Sharon's husband also entered the establishment. He was identified as Jerry Chin Hu. Jerry made comments that his mother (licensee) does all of the paperwork for the

business and does not really understand the documents that she signs, including liquor license documents that require them to acknowledge they have an understanding of Title 4.

INFORMATION:

A charge of responsibility of licensees, agents, and employees was referred to the Kenai DAO on behalf of Kingdom Corporation.

On 04/27/14, UB completed 5 compliance checks. One establishment furnished UB an alcoholic beverage.

EVIDENCE:

Digital audio and photos. The Coors Light beer was left at the establishment.

CASE STATUS:

Closed. Summonses issued to May. A charge of responsibility of licensees, agents, and employees was referred to the Kenai DAO on behalf of Kingdom Corporation.



Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

Date: 04/30/14
 Number AB14-0540
 Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

| | | |
|---|---|---|
| Licensee Kingdom Corporation | License Number 2106 | Type of License Beverage Dispensary |
| D.B.A. Golden International 41776 Sterling Hwy | 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 PO Box 3099 | 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 04/27/14 at about 1253 hours, Golden International server Kathryn May furnished an alcoholic beverage to a person under 21 years of age (age 18). Kathryn May has also been employed for approximately 3 months and has not attended an alcohol server education course. Manager Sharon Hu stated she never verified if May had completed an alcohol server education course while acknowledging that she knows all servers must complete the course within 30 days of employment. These are violations 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, AS 04.21.025: Alcohol server education course and AS 04.21.030(1) 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.

***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: Underage Buyer 14-002, F.R. Hamilton |
| Filed By: <i>FR Hamilton</i> | Title: Investigator III |



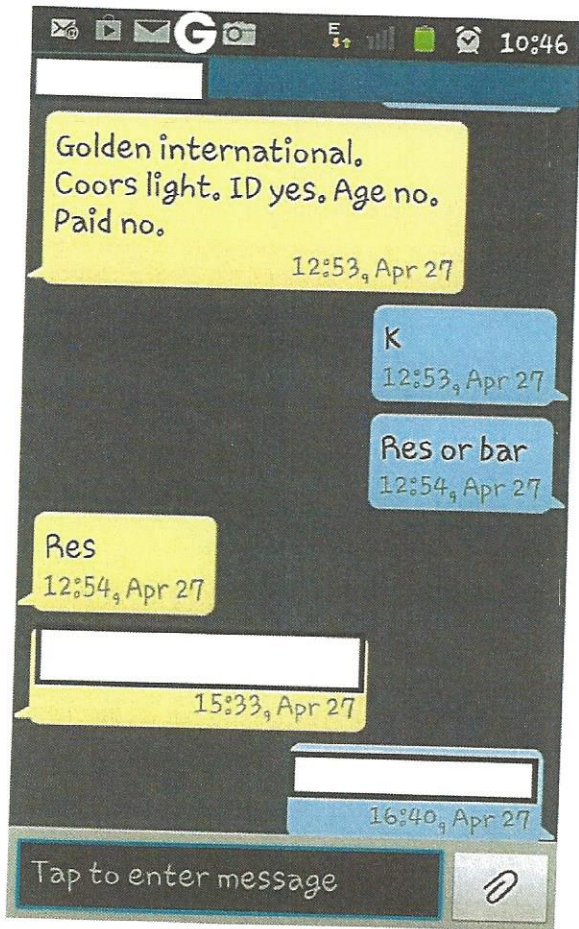
UNITED STATES UNIFORMED SERVICES

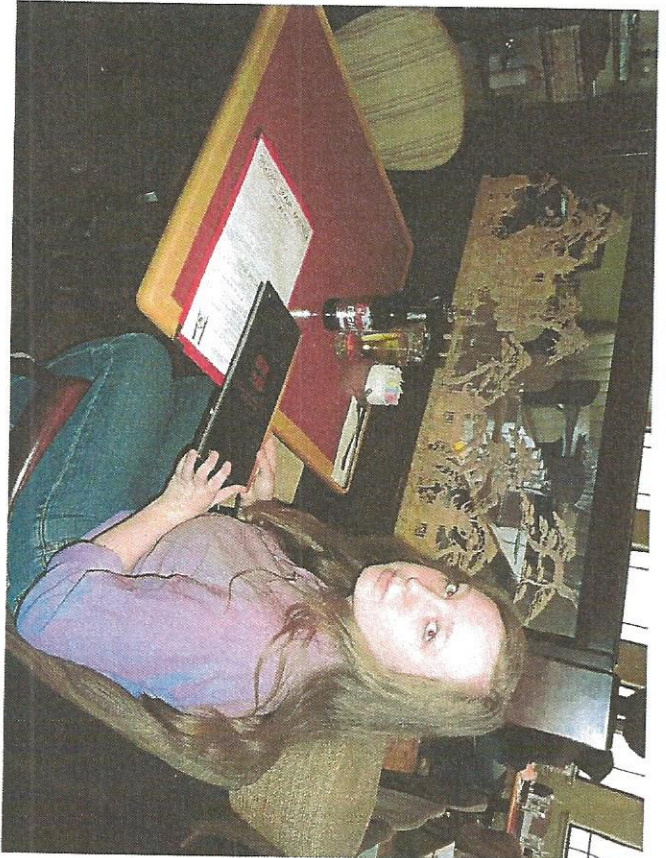
| | | |
|---|--------------------------|--------------------|
| | EXPIRATION DATE | 2016SEP30 |
| | SPONSOR SERVICE / STATUS | USAF/RET |
| | SPONSOR RANK / PAY GRADE | SMSGT / E8 |
| | DoD ID NUMBER | [REDACTED] |
| SIGNATURE | [REDACTED] | SPONSOR |
| | | RELATIONSHIP CH |
| AUTHORIZED PATROUNGE EXCHANGE COMMISSARY MWR | | |

IDENTIFICATION AND PRIVILEGE CARD

| | | | | |
|---------------|-----------------|----------|-----------|-----------|
| DATE OF BIRTH | BENEFITS NUMBER | | | |
| 1995OCT01 | 005870966-02 | | | |
| [REDACTED] | | | | |
| DATE OF ISSUE | MEDICAL | CIVILIAN | EFF DATE | EXP DATE |
| 2012OCT16 | DIRECT: YES | YES | 2012OCT16 | 2016SEP30 |
| [REDACTED] | | | | |

DD FORM 1173 OCT 93 PROPERTY OF US GOVERNMENT OUSD(P&R) OCT 2005





TIME

~~XXXXXXXXXXXXXXXXXXXX~~
~~ROSEMARIE BEZINA~~
~~LURFLUH~~
~~22 SEP 80~~
~~P. Box 577 S.W.~~
~~AP 11/10/6~~
~~18266~~

Ending Mileage

Date

Starting Mileage

Weather

Total Mileage

Vehicle

TIME

~~XXXXXXXXXXXXXXXXXXXX~~

IN AT 1247

1753 GOLDEN INTERNATIONAL
 COORS LITE, ID YES, AGE NO

THOUGHT THAT, DID MATH
WRONG

SERVED ALC FOR 4 YEARS
 SERVING 10 YEARS (FOOD)
 WORK HERE 2-3 MONTHS

3 YEARS
 NO TAMS CARD
 VIRGINIA SOLD ALC.

1315 (SHARON) YIHUI HU
 AK # 7268926 6/13/81
 PO Box 3902
 SOLDOTNA, AK 99669
 5'8" 162 lbs. BLK EYES

 MANAGER, NAT LICENSEE

 TAP # 120150
 EXP: 8/14/16

 PH # 907-252-0693
 BIZ # 262-7867
 KINGDOM CORPORATION
 IS LICENSEE PO BOX 3019

Ending Mileage _____ Date _____
 Starting Mileage _____ Weather _____
 Total Mileage _____ Vehicle _____

| TIME | DAD (LICENSEE) |
|------|---------------------|
| | XINCH CHIN HU |
| | AK # 1003454 |
| | 12/16/42 |
| | PO Box 3902 |
| | SOLDOTNA, AK 99669 |
| | 243 RIVERWATCH |
| | (HUSBAND OF SHARON) |
| | JERRY CHI HU |
| | 6410938 08/04/73 |
| | PO Box 3902 |
| | 6'0" 280 lbs. BLK |
| | SOLDOTNA, AK 99669 |
| | LEFT @ 1347 |

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. _____

Date: 4-27-14 Time In: _____ Time Sold: _____ Time Out: _____

Name of Business: Golden International

Store #: _____ Alcohol License #: 2106

Address: 41774 Sterling Hwy

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: _____

Male () Female () Hair Color dark blonde Eye Color _____

Height 5'4" Weight 120 Age 20s Glasses: Yes or No

Wearing grey pants and black apron

PURCHASE

I purchased Coors Light, an alcoholic beverage and paid \$ 0.00
Describe Alcohol Purchased

I was not questioned as to my age (INSERT WAS OR WAS NOT)

I was asked for my identification (INSERT WAS OR WAS NOT)

NOTES:

I entered the establishment at about _____ and was to sit anywhere I wanted. I sat down and the waitress asked if I wanted anything to drink, to which I said a Coors Light. She asked for my ID and I presented it to her. She had trouble finding it and I told her it was on the back. She looked at it and said okay. She left and returned with the alcohol, and I asked for a menu. I texted Joe Hamilton and she came back with my menu. While waiting I get up to look at the buffet. When the investigators came in, I was photo graphed and gave them my ID. I then left.

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

Buyer # 14-002 Age 18 DOB: 10/01/1995

Division of Corporations, Business and Professional Licensing

Name(s)

| Type | Name |
|------------|---------------------|
| Legal Name | KINGDOM CORPORATION |

Entity Details

Entity Type: Business Corporation

Entity #: 31491D

Status: Good Standing

AK Formed Date: 12/5/1983

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2015

Entity Mailing Address: P.O. BOX 3902, SOLDOTNA, AK 99669

Entity Physical Address: MILE 91.5 STERLING HWY, SOLDOTNA, AK 99669

Registered Agent

Agent Name: Robert C. Brink

Registered Mailing Address: 34735 CHINOOK RUN DRIVE, STERLING, AK 99672

Registered Physical Address: 34735 CHINOOK RUN DRIVE, STERLING, AK 99672

Officials

| AK Entity# | Name | Titles | Percent Owned |
|------------|----------|---|---------------|
| | Celia Hu | Director, Shareholder, Treasurer, Secretary | 50 |
| | Tom Hu | Director, President, Shareholder | 50 |

Filed Documents

| Date Filed | Type | Filing | Certificate |
|------------|-----------------|--------|-------------|
| 12/5/1983 | Creation Filing | | |
| 1/9/1987 | Biennial Report | | |
| 1/30/1989 | Biennial Report | | |
| 1/30/1991 | Biennial Report | | |
| | | | |

Defendant MAY MARY KATHRYN
Last First Middle Suffix

Agency ID ABCA P 00355473

Plaintiff SOA/DLED Agency ABL

Agency case # 782-AB14-0540

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 KENAI Judicial District: 3RD Court Case# _____

DOB 12/24/85 Age 25 Driver's Lic 7530598 State AK Class D APSIN ID 7822685
Hair BRN Eyes GRN Race W Sex F Ht 5'4" Wt 140 Ph 598-7710 Wk Ph _____
Res Addr 398 STARLITE LANE SOLDOTNA, AK 99609
Mail Addr Same 125 N. BRINKLEY ST. SOLDOTNA, AK Employer _____

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# _____

Date 04/27/14 Time 1253 ATN 114 451 0348 CTN 001 Code _____
Location 41776 STEELING HWY Loc. Code _____ Hwy Work Zone Safety Corridor
 Statute Regulation Ordinance Adopted by reference Section AS 04.21.025 (c)
Offense: ALCOHOL SERVER EDUCATION
Over Limit _____ MPH in a _____ MPH Zone Damage Only Injury Fatality Commercial Fishing
GOLDEN INTERNATIONAL RESTAURANT

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.

[Signature] Officer's Signature J. BANKOWSKI Officer's Printed Name JEBZ ID 04/27/14 Date Served on Defendant

REQUIRED RESPONSE

MANDATORY COURT APPEARANCE. You must appear on 05/20/14 at 1:30 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: 125 TRADING BAY RD. KENAI, AK

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.

Third Judicial District in Kenai, Alaska

State of Alaska,

Plaintiff

vs.

Mary Kathryn May

DOB/ 12/22/1985

ID/ 7822685

ATN: 114 451 038

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 27th day of April, 2014, at or near Soldotna in the Third Judicial District, State of Alaska, Mary Kathryn May, 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
ALCOHOL SERVER EDUCATION COURSE
A.S. 04.21.025(c)

Complainant states that on or about the 27th day of April 2014, at or near Soldotna, in the Third Judicial District, State of Alaska, Mary Kathryn May, a licensee, agent, or employee who sells or serves alcoholic beverages, did not complete an approved alcohol server education course within 30 days after being employed at a licensed liquor establishment.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.21.025(c) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer UB 14-002; age 18, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, Golden International, a licensed liquor establishment in or near Soldotna, where the Defendant furnished UB a 12-oz bottled Coors Light, an alcoholic beverage. Further upon the statement of the Defendant that she did furnish UB the alcoholic beverage. When asked to provide proof of completing a recognized alcohol server education course, defendant stated that she has not attended a recognized alcohol server education course. Defendant stated she has been employed at the establishment for approximately three months. Finally, UB was a person whose age was verified by Investigator J. Bankowski, 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

Third Judicial District in Kenai, Alaska

State of Alaska,

Plaintiff

vs.

Kingdom Corporation

DOB/

ID/ 8392904

ATN: 114 451 047

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

CTN 001

RESPONSIBILITY OF LICENSEES,

AGENTS, AND EMPLOYEES

A.S. 04.21.030

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

Complainant states that on or about the 27th day of April 2014, at or near Soldotna in the Third Judicial District, State of Alaska, Kingdom Corporation, did, as, a licensee, fail to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.21.030(1) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Investigator J. Bankowski, Alcoholic Beverage Control Board. A compliance check was being conducted at Golden International, a licensed liquor establishment which is owned by Kingdom Corporation. Kingdom Corporation is owned by Cecilia Hu and Tom Hu (Ying Chin Hu). As a result of failing the compliance check by serving an 18 year-old a beer, a violation of AS 04.16.052(5), the three-month server was found to not have any alcohol server education, a violation of AS 04.21.025(c). Ying Hu has been a licensee for multiple years. Ying Hu was asked to provide proof of alcohol server education. It was determined that Ying Hu had let his server education lapse sometime in the prior year, another violation of AS 04.21.025(c).

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

Signature of Complainant (J. Bankowski)

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 KINGDOM CORPORATION,)
)
 Defendant.)
 _____)

No. 3KN-S15-00824 CR

TRANSCRIPT OF PROCEEDINGS

August 13, 2014 - Pages 2 through 7

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COP HEARING

BEFORE THE HONORABLE JENNIFER K. WELLS
Magistrate

Kenai, Alaska
August 13, 2014
1:59 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF: NICHOLAS TORRES
Assistant District Attorney
District Attorney's Office
120 Trading Bay Drive
Suite 200
Kenai, Alaska 99611

FOR THE DEFENDANT: ERIC DERLETH
Attorney at Law
386 Heath Place
Soldotna, Alaska 99669

P R O C E E D I N G S

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2 100

3 01:59:48

4 THE COURT: -- as 3KN-15-824, State of Alaska v. Kingdom
5 Corporation. Mr. Derleth?

6 MR. DERLETH: Yes, Your Honor. Sharon Who is before you.
7 She's the president of Kingdom Corporation and was at the time
8 this incident occurred which was over a year ago but,
9 essentially, she's going to plead on behalf of the corporation
10 guilty and receive just a straight fine, all suspended,
11 \$1,000, all 1,000 suspended, one year of probation, to obey
12 all laws. That's it and if they're not already in compliance,
13 they will provide to the ABC Board in Anchorage -- or I think
14 it's in Anchorage or Juneau that they are -- Kingdom
15 Corporation and Golden International Restaurant are in full
16 compliance but they've already done that quite some time ago.
17 They took care of it right away, over a year ago, and Ms. Who
18 can explain that in a little more detail about letting go of
19 the person that was the problem in getting TAM cards in line
20 and there have been no compliance issues. ABC has not taken
21 any action against their license, I don't believe. So they
22 are in full compliance.

23 THE COURT: All right. Thank you. Mr. Torres, is this
24 the state's understanding?

25 MR. TORRES: It is, Your Honor.

1 THE COURT: And, Ms. Who, is this your understanding?

2 MS. WHO: Yes. Uh-huh.

3 THE COURT: So do you understand that -- excuse me -- if
4 you take the state's offer, that means you're giving up the
5 right to fight this and you're giving up the right to require
6 the state to prove this beyond a reasonable doubt at trial?

7 MS. WHO: Yes. Mm-hmm.

8 THE COURT: And if we'd had a trial, the state would have
9 had to convince six jurors of the guilt of the corporation.
10 If they couldn't do that, the corporation could not be
11 convicted. Do you understand you're giving that up?

12 MS. WHO: Yes. Mm-hmm.

13 THE COURT: In that trial, you'd be able to look at,
14 listen to and ask questions of witnesses, you'd be able to
15 bring in your own witnesses, the corporation would be able to
16 call its own witnesses. Do you understand you're giving all
17 of that up?

18 MS. WHO: Yes. Mm-hmm.

19 THE COURT: Are you sick or under the influence of
20 anything that would make hard to understand what's happening
21 today?

22 MS. WHO: No.

23 THE COURT: Has anybody made threats or promises other
24 than this offer to get you to do this?

25 MS. WHO: No. Mm-hmm.

1 THE COURT: Do you understand -- well, I guess the
2 immigration consequences wouldn't apply to a corporation. Do
3 you understand that if I accept these agreements, you would
4 not be able to appeal them to another court?

5 MS. WHO: Yes. Mm-hmm.

6 THE COURT: The charging document does state a factual
7 basis. Therefore, what plea would you like to enter to this
8 crime of not living up to your responsibility of licensee,
9 agent and employee?

10 MS. WHO: Guilty.

11 THE COURT: I'll accept the guilty plea, enter judgment of
12 conviction, go on to consider the sentence. Mr. Torres, any
13 comments in aid of sentencing?

14 MR. TORRES: Thank you, Your Honor. I'd invite the court
15 to accept this agreement. It looks like, if anything, as you
16 can tell from the all suspended fine that it's a bit of an
17 educational experience, I think, for the restaurant and for
18 the community at large and so I think this is an appropriate
19 resolution and it -- judging from what Mr. Derleth has said, I
20 doubt that Kingdom Corporation or that Golden International
21 will be back again.

22 THE COURT: All right. Thank you. Mr. Derleth?

23 MR. DERLETH: Thank you, Judge.

24 MS. WHO: Thank you.

25 MR. DERLETH: The Who family has been running a restaurant

1 in this area for a very, very long time. Her husband I've
2 known since he was a very little boy so they've been at this
3 for decades. They've had no problems. This was an
4 inadvertence and the father that she replaced as the
5 president, that had already happened but -- so there was
6 transition issues but they got on it immediately, fixed the
7 problem immediately, have never had a problem before and have
8 never had one since. I think this -- like Mr. Torres said,
9 it's a good reminder to follow those laws very carefully.
10 Title 4 is not to be toyed with.

11 THE COURT: Well said. So, Ms. Who, you do not have to
12 say anything. Anything you'd like to add to your lawyer's
13 comments?

14 MS. WHO: No. Thank you.

15 THE COURT: I'll accept the parties' agreement. There is
16 a \$50 police training surcharge, \$1,000 fine, \$1,000
17 suspended. The corporation is on probation for one year on
18 the condition that it follow all court orders and obey all
19 laws and submit proof of compliance to the ABC Board which
20 sounds as though it has happened.

21 MS. WHO: Mm-hmm.

22 THE COURT: Anything else from either party?

23 MR. DERLETH: No, Your Honor. May we be excused?

24 THE COURT: Yes, thank you.

25 MR. DERLETH: That's it.

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MS. WHO: Okay.

MR. DERLETH: Hold on, if you have any questions, just give me a shout but there's really not anything else for you to do.

(Off record conversation)

(Off record)

02:04:02

END OF REQUESTED PORTION

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TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 7 are a true, accurate, and complete transcript of proceedings in Case No. 3KN-S15-00824 CR, State of Alaska v. Kingdom Corporation, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

October 4, 2015

Linda S. Foley, Transcriber