



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: February 04, 2016

RE: Tacos Cancun #5102

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, Tacos Cancun, served an underage buyer on November 6, 2014 (Janessa Ruf was convicted of failing to have alcohol server card) and Gerardo Ramos was subsequently charged with Failing to Maintain Alcohol Server Card and the corporation, Tacos Cancun, Inc, was charged with violating Responsibility of Licensee, Agent or Employee.

Date of sale to minor: November 06, 2014

Date Licensee charged: February 10, 2015

Date Corporation charged: February 10, 2015

Date of convictions: October 9, 2015

Prior violations: None

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 PALMER
NOTICE OF NEXT COURT APPEARANCE AND HEARING RECORD

Defendant Serardo J. Ramos DOB: 2-12-86
Case # 3PA- 14-5879CR Charge(s) Fail Maintain Alc. Server Card
Case # 3PA- _____ Charge(s) _____
Case # 3PA- _____ Charge(s) _____

COP

Rights by: Video Court Pretrial Order Date: 10-9-15 Time: 3 am/pm
Ctrm/Media# 3 Log # 339417 Judicial Officer: DLZ Clerk: JL

Defendant Present In Custody Not Present Not in Custody
Counsel Present: DA: Bard Defendant: Parrin

Public Defender: Requested Appointed Denied Payment Ordered \$ _____
Def. Address: 1301 S Seward Meridian Skuy Phone #: _____ Occ: _____
Contact Public Defender: 907-707-1710 / 1-800-478-5661 Within 5 Days

Next Scheduled Hearing: Trial Assigned to Judge: _____ Rule 45 Expires: _____

- | | <u>Date and Time</u> | <u>Plea:</u> | <u>Petition to Revoke:</u> |
|---|----------------------|-------------------------------------|--|
| <input type="checkbox"/> Pretrial Conference | _____ | <input type="checkbox"/> Guilty | <input type="checkbox"/> ASAP-Argn/Adj |
| <input type="checkbox"/> Trial Call | _____ | <input type="checkbox"/> Not Guilty | <input type="checkbox"/> Other |
| <input type="checkbox"/> Preliminary Hearing | _____ | <input type="checkbox"/> No Contest | <input type="checkbox"/> Admit |
| <input type="checkbox"/> Change of Plea | _____ | <input type="checkbox"/> Deny | |
| <input type="checkbox"/> Bail hearing / CRP / ASAP / Status _____ | | | |
| <input type="checkbox"/> Finger Print Order _____ | | | |

FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.

Atty - No RI - Sent. comments
D - Allocutes
DA - Sent. comments

- Bail: _____
Exonerated: _____
- Conditions of Bail Release:**
- Obey all laws; attend all hearings
 - Keep in contact with your attorney
 - Notify attorney within 24 hours of change in address
 - No alcohol or illegal drugs
 - No contact direct or indirect w/:
 - Not to return to residence of:
 - No driving without valid OL
 - _____

4/1/15

Fine: 250 Fine Due: 6-1-16
Jail: _____ Report To Serve: _____
License Action: _____
Alcohol Screening Report to: _____ ASAP by: _____ Comply w/ recommendations.
Conditions of Sentence: No criminal violations 1 yr SIS
PTSC: SD DOC S/C: _____

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT PALMER
NOTICE OF NEXT COURT APPEARANCE AND HEARING RECORD

Defendant Jacob Cancun Inc DOB: _____
Case # 3PA- 143880CR Charge(s) Licensee Responsible for
Case # 3PA- _____ Charge(s) All Violations
Case # 2DA Charge(s) _____

Rights by: Video Court Pretrial Order Date: 10-9-15 Time: 3 am/pm
Ctrm/Media# 5 Log # 33947 Judicial Officer: DLZ Clerk: JA
Defendant Present In Custody Not Present Not in Custody
Counsel Present: DA: Beard Defendant: Parina

COP

Public Defender: Requested Appointed Denied Payment Ordered \$ _____
Def. Address: 1301 S. Seward Meadows Rd Phone #: _____ Occ: _____
Contact Public Defender: 907-707-1710 / 1-800-478-5661 within 5 Days

Next Scheduled Hearing: Trial Assigned to Judge: _____ Rule 45 Expires: _____

- | | <u>Date and Time</u> | <u>Plea:</u> | <u>Petition to Revoke:</u> |
|---|----------------------|-------------------------------------|--|
| <input type="checkbox"/> Pretrial Conference | _____ | <input type="checkbox"/> Guilty | <input type="checkbox"/> ASAP-Argn/Adj |
| <input type="checkbox"/> Trial Call | _____ | <input type="checkbox"/> Not Guilty | <input type="checkbox"/> Other |
| <input type="checkbox"/> Preliminary Hearing | _____ | <input type="checkbox"/> No Contest | <input type="checkbox"/> Admit |
| <input type="checkbox"/> Change of Plea | _____ | <input type="checkbox"/> Deny | |
| <input type="checkbox"/> Bail hearing / CRP / ASAP / Status _____ | | | |
| <input type="checkbox"/> Finger Print Order _____ | | | |

FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST.

Atty - no RII - Sent. Comments
D - Allocutes
DA - Sent. Comments

- Bail: _____
Exonerated: _____
- Conditions of Bail Release:**
- Obey all laws; attend all hearings
 - Keep in contact with your attorney
 - Notify attorney within 24 hours of change in address
 - No alcohol or illegal drugs
 - No contact direct or indirect w/:
 - Not to return to residence of:
 - No driving without valid OL
 - _____

Fine: 500 Fine Due: 6-1-16
Jail: _____ Report To Serve: _____
License Action: _____
Alcohol Screening Report to: _____ ASAP by: _____ Comply w/ recommendations.
Conditions of Sentence: No criminal violations
PTSC: SD DOC S/C: _____



Alcoholic Beverage Control Board

Incident Report

Incident: AB14001254

Incident Type: Liquor Laws [LIQU]
Incident time: 11/06/2014 15:04 -
Reported time: 11/06/2014 15:04
Incident location: 1301 S SEWARD MERIDIAN PARKWAY, WASILLA, Matanuska Susitna Borough AK USA 99654 (Beat/zone: HECE, WASILLA)
Incident status: Closed by arrest
Summary: On 11-6-14, at about 1508 hours, Taco's Cancun server Janessa Estella Ruf furnished an alcoholic beverage to a person under the age of 21 (Underage Buyer 13-011; age 19). When asked to provide proof of server education, she stated she has been an employee of 3 to 4 months but has not attended server education. Ruf further stated her employer, Gerardo Tafo Ramos, has told her several times she needed to get one. Charges of furnishing alcohol to a person under 21 and failing to obtain server education are being referred to the DAO for prosecution. The licensee on file for license # 5102 is Taco's Cancun, Inc. This organization is owned by Ramos. Ramos was present on the premises and asked to provide proof of attending server education. Ramos presented aTAP card which had expired on 7-18-14. Ramos agreed that he has asked Ruf several times to obtain server education and knew she did not have current training but kept her on the schedule. A charge of no server education is being referred for Ramos to the DAO for prosecution. A charge of licensee responsible for violations is being referred to the DAO on Taco's Cancun, Inc. 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(5) - Furnish Deliver To Minor While Licensee Working on Premises
- Alcohol - AS04.16.150 - Licensee Responsible for Alcohol Violations
- Alcohol - AS04.21.025 - Failure To Maintain Alcohol Server Card

Involved Persons/Organizations

RAMOS, GERARDO TAFOLLA

Classification: Interview; Licensee; Owner; Suspect

SID: AK7090451 **DL:** 7045832 AK
Gender: Male **DOB:** 02/12/1986
Height: 5'6" **Weight:** 190lb **Build:**
Race: White **Hair Color:** Black **Eye Color:** Brown
Address: 2201 RIDGEWOOD ROAD, WASILLA, Matanuska Susitna
Borough AK USA 99654 (Beat/zone: HECE, WASILLA)
E-mail:
Telephone: (Landline) (907) 376-3131

RUF, JANESSA ESTELLA

Classification: Arrested; Charged; Interview; Suspect

SID: AK8221947 **DL:** 7511212 AK
Gender: Female **DOB:** 04/26/1991
Height: 5'9" **Weight:** 127lb **Build:**
Race: White **Hair Color:** Brown **Eye Color:** Hazel
Address: 1953 W KENDRA CIRCLE, WASILLA, Matanuska Susitna Borough
AK USA 99654 (Beat/zone: HECE, WASILLA)
E-mail:
Telephone: (Landline) (907) 376-3131
Telephone: (Cellular phone) (907) 315-1046

TACO'S CANCUN

Classification: Operator

ID: **Type:** Restaurant
Address: 1301 S SEWARD MERIDIAN PARKWAY, WASILLA, Matanuska Susitna Borough AK
USA 99654 (Beat/zone: HECE, WASILLA)

E-mail: No known E-mail

Telephone:

TACOS CANCUN, XX

Classification: Charged; Licensee

SID: AK8503455

DL:

Gender: Unknown

DOB: 01/01/1901

Height:

Weight:

Build:

Race:

Hair Color: Unknown or completely bald

Eye Color: Unknown

Address: 1301 S SEWARD MERIDIAN PARKWAY, WASILLA, Matanuska
Susitna Borough AK USA 99654 (Beat/zone: HECE, WASILLA)

E-mail:

Involved Addresses

- 1301 S SEWARD MERIDIAN PARKWAY / Incident location / WASILLA, Alaska, USA 99654 (Beat/zone: HECE, WASILLA)

Involved Officers

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

Reports

Proposed Charges Report

Subject: RAMOS, GERARDO TAFOLLA / Interview; Licensee; Owner; Suspect /
DOB: 02/12/1986 (29) Gender: Male (2201 RIDGEWOOD ROAD,
WASILLA, Matanuska Susitna Borough AK USA 99654 (Beat/zone:
HECE, WASILLA) (Landline) (907) 376-3131) FBI: 330809MC8
DL:AK:7045832

Charges to be Considered:

AS04.21.025 Failure To Maintain Alcohol Server Card; : Adult; Inc:
AB14001254; Offense Date:11/06/2014; : #FRHO HAMILTON, F. ()

Proposed Charges Report

Subject: RUF, JANESEA ESTELLA / Arrested; Charged; Interview; Suspect / DOB: 04/26/1991 (24) Gender: Female (1953 W KENDRA CIRCLE, WASILLA, Matanuska Susitna Borough AK USA 99654 (Beat/zone: HECE, WASILLA)) FBI: 484456AE6 DL:AK:7511212

Charges to be Considered:

AS04.21.025 Failure To Maintain Alcohol Server Card; : Adult; Inc: AB14001254; Offense Date:11/06/2014; : #FRH0 HAMILTON, F. ()

AS04.16.052(5) Furnish Deliver To Minor While Licensee Working on Premises; : Adult; Inc: AB14001254; Offense Date:11/06/2014; : #FRH0 HAMILTON, F. ()

Proposed Charges Report

Subject: TACO'S CANCUN / Operator / 1301 S SEWARD MERIDIAN PARKWAY, WASILLA, Matanuska Susitna Borough AK USA 99654 (Beat/zone: HECE, WASILLA)

Charges to be Considered:

AS04.16.150 Licensee Responsible for Alcohol Violations; Inc: AB14001254; Offense Date:11/06/2014; : #FRH0 HAMILTON, F. ()

Proposed Charges Report

Subject: TACOS CANCUN, XX / Charged; Licensee / DOB: 01/01/1901 (115) Gender: Unknown (1301 S SEWARD MERIDIAN PARKWAY, WASILLA, Matanuska Susitna Borough AK USA 99654 (Beat/zone: HECE, WASILLA))

Charges to be Considered:

AS04.16.150 Licensee Responsible for Alcohol Violations; : Adult; Inc: AB14001254; Offense Date:11/06/2014; : #FRH0 HAMILTON, F. ()

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. AB 14-1254
Date: 11/6/14 Time In: 1504 Time Sold: 1508 Time Out: 1511
Name of Business: Taco Cancun
Store #: _____ Alcohol License #: 57065102
Address: 1301 S. Seward Meridian

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: N/A
Male () Female () Hair Color Brown Eye Color Brown
Height 5'9" Weight 130 Age 22 Glasses: Yes or No
Wearing pink shirt

PURCHASE

I purchased AK Amber, an alcoholic beverage and paid \$ 13.69
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 walked in to the rest. and order a Deluxe Burrito and AK Amber. I girl did ask my for my T.D and said I gave it to her and she said okay and then I waited for joe

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

Buyer # B-011 Age 19 DOB: Nov 28, 1994

Today 15:08

Taco Cancun
ID Yes
Age no
Ak amber



Text Message Send

I The I'm

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A S D F G H J K L

↑ Z X C V B N M ↵

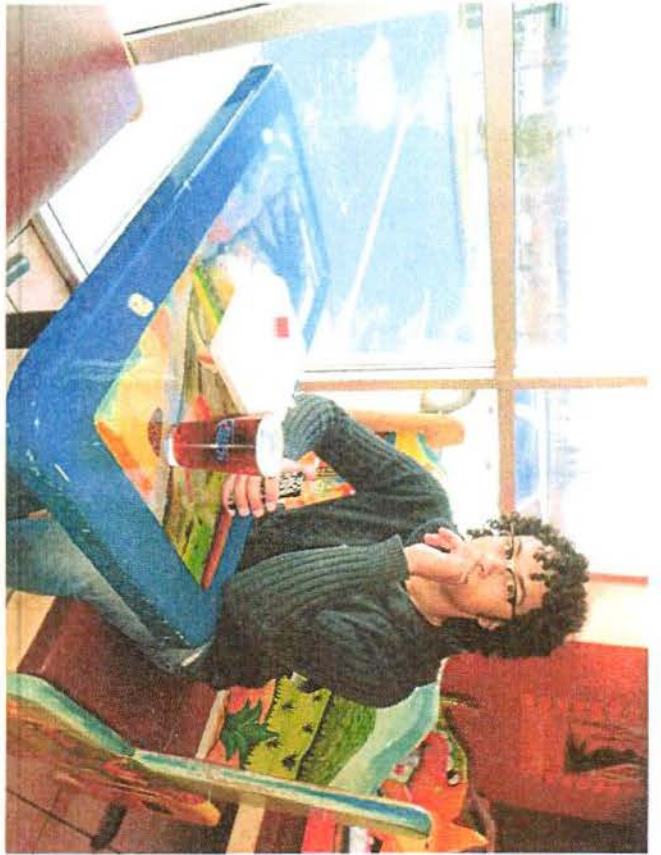
123 😊 🎤 space return

UNITED STATES UNIFORMED SERVICES

		EXPIRATION DATE 2015NOV27
		SPONSOR SERVICE / STATUS USAF/RET
SPONSOR RANK / PAY GRADE MSGT / E7		DD ID NUMBER [REDACTED]
SIGNATURE [REDACTED]		SPONSOR [REDACTED]
RELATIONSHIP CH		AUTHORIZED PATRONAGE EXCHANGE RWR COMMISSARY
IDENTIFICATION AND PRIVILEGE CARD		

DATE OF BIRTH 1994NOV28	BENEFITS NUMBER 000175815-04			
[REDACTED]				
DATE OF ISSUE 2014JAN31	MEDICAL DIRECT: YES	CIVILIAN YES	EFF DATE 2018JAN31	EXP DATE 2015NOV27
[REDACTED]				

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



710 J. Longway viny

OWNER

Ending Mileage

Date

Starting Mileage

Weather

Total Mileage

Vehicle

11-6-14

Time	
1504	Toco's Cancun
	1508 Text Ed yes NO
	Ah Amber
	1511 left
	wrong month
	Ah Amber
	Asked where DOB was
	3-4 month ago server Ed
	TOO TO Get CARD
	Asked more than five times
	owner Jerry Ramos
	JANESSA ESTELA RUIZ
	7511212 AOL 4-26-91
	315 1046 cell wk
	Gerardo TAFOLLO Ramos
	AOL 7045832 2-12-86
	608 N. Bliss St Apt D
	Anch AA 996575
	7-18-14 Exp
	TAP 104796 Shepard

Division of Corporations, Business and Professional Licensing

Name(s)

Type	Name
Legal Name	Taco's Cancun, Inc.

Entity Details

Entity Type: Business Corporation

Entity #: 108720

Status: Good Standing

AK Formed Date: 5/14/2007

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2015 File Biennial Report

Entity Mailing Address: 2201 W RIDGEWOOD DR , UNIT B, WASILLA, AK 99654

Entity Physical Address: 2201 W RIDGEWOOD DR , UNIT B, WASILLA, AK 99654

Registered Agent

Agent Name: Gerardo T. Ramos

Registered Mailing Address: 1301 SEWARDIAN MERIDIAN PKWK # D, WASILLA, AK 99654

Registered Physical Address: 1301 SEWARD MERIDIAN PKWK # D, WASILLA, AK 99654

Officials

AK Entity#	Name	Titles	Percent Owned
	Gerardo T. Ramos	Director, President, Shareholder, Secretary, Treasurer, Vice President	100

Filed Documents

Date Filed	Type	Filing	Certificate
5/14/2007	Creation Filing		
5/31/2007	Initial Report		
4/1/2010	Biennial Report		

8/15/2011	Agent Change		
8/15/2011	Biennial Report		
12/9/2013	Biennial Report		
3/4/2014	Agent Change		

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

AB14-1254
Agency Number

State of Alaska,

Plaintiff

Misdemeanor
Criminal Complaint

vs.

No. _____ Cr.

Janessa Estella Ruf

Defendant

DOB/ 4-26-91
ID/ 8221947

ATN: 114 451 758

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 6th day of November, 2014, at or near Wasilla in the Third Judicial District, State of Alaska, Janessa Estella Ruf, 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 6th day of November, 2014, at or near Wasilla in the Third Judicial District, State of Alaska, Janessa Estella Ruf, 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 13-011; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, Taco's Cancun, a licensed liquor establishment in Wasilla, where the Defendant furnished UB a glass of Alaskan Amber beer, an alcoholic beverage. When Investigator F.R. Hamilton, Alcoholic Beverage Control Board, asked the Defendant to provide proof of attending formal server education, she stated she has not been to a server class and has been working at the establishment for 3 to 4 months. Finally, UB was a person whose age was verified by Investigator Hamilton 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 (F.R. Hamilton)

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

AB14-1254
Agency Number

State of Alaska,

Plaintiff

vs.

Gerardo Tafolla Ramos

DOB/ 2-12-86

ID/ 7090451

ATN: 114 451 767

Defendant

) Misdemeanor
) Criminal Complaint

) No. _____ Cr.

) CTN 001

) ALCOHOL SERVER EDUCATION COURSE

) A.S. 04.21.025(c)
)

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 6th day of November, 2014, at or near Wasilla, in the Third Judicial District, State of Alaska, Gerardo Tafolla Ramos, 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(a) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Investigator F.R. Hamilton, Alcoholic Beverage Control Board. The Defendant's establishment, Taco's Cancun, a licensed liquor establishment in Wasilla, had failed an underage compliance check. As a result of that failure, being the owner/licensee of the establishment, the Defendant was asked to provide proof of current server education. The Defendant provided Inv. Hamilton an expired TAP card, #104796, expired on 7-18-14. The Defendant has been the licensee for over 3 years.

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



Signature of Complainant (F.R. Hamilton)

In the District Court of the State of Alaska

AB14-1254
Agency Number

Third Judicial District in Wasilla, Alaska

State of Alaska,

Plaintiff

vs.

Taco's Cancun, Inc.

DOB/

ID/ 8503455

ATN: 114 451 767

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

CTN 001
LICENSEE RESPONSIBLE
FOR VIOLATIONS
A.S. 04.16.150

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 6th day of November, 2014, at or near Wasilla in the Third Judicial District, State of Alaska, Taco's Cancun, Inc., owned by Gerardo Tafolla Ramos, a licensee,

Did either knowingly allow agents or employees to violate this title or regulation 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 this licensee violates a law or regulation.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.150 and against the peace and dignity of the State of Alaska.

This complaint is based upon Investigator F.R. Hamilton, Alcoholic Beverage Control Board (ABC), who had conducted an underage compliance check at Taco's Cancun, a licensed liquor establishment in Wasilla. According to ABC Board records, the establishment's licensee of record is Taco's Cancun, Inc., which is 100% owned by Gerardo Tafolla Ramos. As a result of that compliance check, on-duty server of 3 to 4 months Janessa E. Ruf was asked to provide proof of attending formal server education. Ruf advised Inv. Hamilton that although she has been told more than five times to obtain server education by Ramos, she has failed to do so. Although she has failed to obtain server education, Ramos continued to put her on the schedule to serve, a violation of AS 04.21.025(c). When Ramos was asked to provide proof of server education, Inv. Hamilton was given an expired TAP card, #104796, expired on 7-18-14, a violation of AS 04.21.025(c).

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



Signature of Complainant (F.R. Hamilton)

AUDIO RECORDING REQUEST

Please allow up to 15 business days to complete your order. Large requests may take longer.

Today's Date: 11/10/15

STATE OF WASHINGTON
THIRD DISTRICT JUDICIAL CENTER
2015 NOV 10 PM 2:46
CLERK TRIAL COURTS
BY: DEPUTY CLERK

Select One: CD only (\$20 per CD, \$20 min required at time of order)
 CD and Log Notes (add'l fee of \$5 for first set of log notes and \$2 for subsequent log notes)

Select One: Call for pick-up Mail to address below State agency pick-up box

For Agencies/Attorneys only: ALCOHOL & MARIJUANA CONTROL OFFICE
 Name of law office or agency

Check here if court appointed (If requesting Grand Jury hearing, an Entry of Appearance must be attached).

Requested by: INV. JOE BANKOWSKI

Address: 550 W. 7TH AVE
STE 1600

Phone Number: _____

Case Number: 3PA-14-03880 / 3PA-14-03879

Case Name: ST. V. TALIS CANWU / ST. V. RAMOS, GERARDO

Hints for listing media numbers and log numbers: On the log notes for the desired hearing, the media/CD/tape number is generally located in the upper left quarter of the first page. The lot numbers are the timestamps – hours, minutes, and seconds – either handwritten in that upper left area, or listed down the left margin (on typed log notes).

Attach a copy of the log notes or fully complete the information below.
 Failure to specify information accurately and completely may delay order processing.

NOTE: If the hearing took place before 2009, *complete* log notes **must** be attached to this request.

Hearing Date	Type of Proceeding	Tape #, CD #, or Media # <small>(CourtSmart only: log notes may use Ct. Rm. # in place of media #)</small>	Beginning Log #	End Log #
(3880) 10/9/15	COP	CD	33947	41214
(3879) 10/9/15	COP	CD	33947	41214

Cost per CD/tape is \$20.
 A \$20 minimum is required at the time the order is placed.
 Unclaimed requests will be destroyed 90 days after initial pick-up notification.

OFFICE USE ONLY

Receipt Number _____
 Amount Paid _____

Name _____ Voicemail _____
 Amount Owed _____
 Date Called/Mailed 11-10-15
K92

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT PALMER

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 GERARDO T. RAMOS,)
)
 Defendant.)
 _____)
)
 STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 TACO'S CANCUN, INC.,)
)
 Defendant.)
 _____)

Nos. 3PA-S14-03879 CR
3PA-S14-03880 CR

TRANSCRIPT OF PROCEEDINGS

October 9, 2015 - Pages 2 through 21

TRANSCRIPTION SUPPORT SERVICES

2180 East 56th Street, #M115

Anchorage, Alaska 99507

(907) 333-6256 or (907) 744-7500 (cell)

lsfoley@acsalaska.net

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COP HEARING

BEFORE THE HONORABLE DAVID L. ZWINK
District Court Judge

Palmer, Alaska
October 9, 2015
3:39 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

RAYMOND E. BEARD
Assistant District Attorney
District Attorney's Office
515 East Dahlia Street
Suite 150
Palmer, Alaska 99645

FOR THE DEFENDANT:

GREGORY S. PARVIN
LAW OFFICE OF GREGORY S. PARVIN
900 South Check Street
Wasilla, Alaska 99654

P R O C E E D I N G S

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03:39:39

THE COURT: -- with his which is 14-3879. Why don't you tell me how all this is going to work together?

MR. PARVIN: Yeah, Your Honor, what's going to happen is Gerry's going to plea guilty in his individual capacity for not having a server card and he, as the authorized sole partner so shareholder, in Taco's Cancun will be entering a guilty plea to -- for responsibility for licensee being responsible for servers. There was a -- an employee who served a minor --

THE COURT: Mm-hmm.

MR. PARVIN: -- for which he'll be sentenced. He's just going to plea open. There's no sentencing agreement that -- well, an offer has been made but he's -- we're going to plea.

THE COURT: Okay.

MR. PARVIN: When I say we are going to plea, I mean Gerry's going to plea.

THE COURT: Right.

MR. BEARD: Mr. Horton, is it bo -- on both or did you want removal of (indiscernible)?

THE COURT: And you've gone over with Mr. Ramos his Rule 11 advisement?

MR. PARVIN: Your Honor, I have.

1 THE COURT: You believe he's acting in a knowing and
2 voluntary manner?

3 MR. PARVIN: He is. I believe he is.

4 THE COURT: Okay. (Pause) Okay. Mr. Ramos, you're here
5 to plead guilty in these two cases, once yourself as an
6 individual and once on behalf of your business?

7 MR. RAMOS: Yes, Your Honor.

8 THE COURT: Now, each of these charges is a Class A
9 misdemeanor. It means it has a maximum of a year in jail and
10 a \$10,000 fine but there is no minimum other than surcharges
11 of up to \$100. You understand that also?

12 MR. RAMOS: Yes, Your Honor.

13 THE COURT: Now, for he one with yourself individually,
14 the state would have to prove on or about November 6th of
15 2014, you failed to maintain proof of approved alcohol server
16 education on the licensed premises for which you were
17 responsible. You understand that?

18 MR. RAMOS: Yes, Your Honor.

19 THE COURT: Okay. And you're the sole proprietor of that
20 -- of Taco's Cancun?

21 MR. RAMOS: Yes, Your Honor.

22 THE COURT: Okay. And in 14-3880 where it's state versus
23 the business itself, Taco's Cancun, the state would have to
24 prove that, you know, you are the proprietor, that you're the
25 one who's responsible this licensed -- the licensed business

1 and let me just go back to the statute again. I just read it
2 and then closed it. You had one of your employees violate
3 some of the alcohol code; in this case, by serving alcohol to
4 minors, that you were aware that she had not finished her
5 server education and had the appropriate documentation and
6 that you were acting either recklessly or with criminal
7 negligence to prevent that. You understand that, sir?

8 MR. RAMOS: Yes, Your Honor.

9 THE COURT: Okay. Now, I'll listen to both what the state
10 has to say, what your lawyer has to say and I'll also give you
11 a chance to speak before I make any decisions but by pleading
12 guilty, you're admitting that these things are true, you're
13 giving up your right to have a jury trial, to see and question
14 the state's witnesses, to appeal and to be presumed innocent,
15 all of which you could keep by continuing with the not guilty
16 plea which was entered before this time. You understand that
17 likewise?

18 MR. RAMOS: Yes, Your Honor.

19 THE COURT: You've had enough time to go over all of this
20 with Mr. Parvin?

21 MR. RAMOS: Yes, Your Honor.

22 THE COURT: Anything else you wanted to ask him?

23 MR. RAMOS: No, Your Honor.

24 THE COURT: Okay. You have questions about anything I've
25 gone over?

1 MR. RAMOS: No, Your Honor.

2 THE COURT: Okay. Are you under the influence of anything
3 that might affect your judgment today?

4 MR. RAMOS: No, Your Honor.

5 THE COURT: Anybody forcing you to do this?

6 MR. RAMOS: No, Your Honor.

7 THE COURT: And any other deals out there anyplace in
8 exchange for your plea?

9 MR. RAMOS: No, Your Honor.

10 THE COURT: And any questions about anything else I've
11 gone over then?

12 MR. RAMOS: No. No, Your Honor.

13 THE COURT: I do find Mr. Ramos is acting in a knowing,
14 voluntary and intelligent manner. There's an adequate factual
15 basis for the charges both in 14-3879 and 14-3880. Mr. Beard?

16 MR. BEARD: Your Honor, first addressing 3879, Mr. Ramos,
17 in his individual capacity, a check of his criminal history
18 doesn't show anything of relevance. There was a operating
19 without a vehicle insurance back in 2004, nothing else.

20 In regards to this, looks like when ABC had done their
21 compliance check, they found the one violation. They also
22 checked Mr. Ramos as a server, found that his TAM card had
23 expired about three to four months earlier. I believe the ABC
24 gives about a 30-day period -- grace period. I do not see
25 that he had any other prior violations to this so the state

1 had offered as a resolution a one-year suspended imposition of
2 sentence with a \$250 fine, same offer that was given to the
3 other server and that case is already closed with that offer.

4 Then moving to 3880, Taco's Cancun, Mr. Ramos, in his
5 representative capacity, again, I don't see any information
6 about Taco's Cancun having any other prior violations.
7 However, of course, they're responsible for the violations
8 that do occur at their facility. In this case, it appears
9 that Mr. Ramos, acting as the owner of the company, he was
10 aware that both he and the other server -- looks like both of
11 the -- or, excuse me, his had expired for about three to four
12 months and the other -- the employee, Ms. Ruff, I don't
13 believe that she'd ever acquired the -- that she had had the
14 server education herself and yet both of the individuals were
15 -- they were working in the capacity to serve alcohol.

16 The state did extend an offer to Taco's Cancun. Of
17 course, corporate comes down to the monetary sanctions. I see
18 this is a Class A (indiscernible) the maximum fine up to
19 \$500,000. I had conferred with the ABC individuals to find
20 out what is typical.

21 THE COURT: I'm sorry, where are you showing that amount
22 on this particular offense?

23 MR. BEARD: I show that under 12.55.035(c)(1)(B) --

24 THE COURT: Okay. I'm sorry, to do this. It's clearly
25 not what I advised and --

1 MR. BEARD: -- and I did to --

2 THE COURT: It's clearly not what I advised so let me go -

3 -

4 MR. BEARD: Oh, I don't --

5 THE COURT: -- 12.55 --

6 MR. BEARD: 35 -- I believe it follows under Subsection C,
7 a defendant that is an organization may be sentenced to pay a
8 fine not in exce -- not exceeding the greatest of -- in this
9 case, it would be 1-bravo, \$500,000 for a Class A misdemeanor
10 offense that does not result in death.

11 THE COURT: But does that apply to Title IV violations
12 because that's what this is?

13 MR. BEARD: Does Title IV have a separate sentence in
14 here?

15 MR. PARVIN: It does.

16 MR. BEARD: Well, I mean, the first with us is -- let me
17 just go back to it here.

18 THE COURT: I recall contacting our OSPA asking them if
19 they wanted to take this case and, of course, they did not so
20 -- they'd allow us to proceed on it. Penalties for violation.
21 Mr. Parvin, do you -- or somebody?

22 MR. PARVIN: I handled Ms. Ruff's case.

23 THE COURT: Ah. In this one we have the corporate.

24 04.16.150. (Pause) Go back to what I had been looking at a
25 minute ago and I know starting at 04.16.180, someone refers to

1 a person. Mr. Parvin, you want to jump in on this one?

2 MR. PARVIN: I didn't bring a statute book, Your Honor,
3 and I don't -- we've been going under the assumption that
4 there's a maximum -- a possibility of that kind of a high-end
5 sentence and it would make sense that that would be the case
6 given the types of conduct this type of violation, in theory,
7 could bring up but I anticipated that -- you know, that we're
8 -- it isn't going to get anywhere near that for sanction.

9 (Pause)

10 THE COURT: What fine was the state recommending,
11 presuming that's the direction you're going, Mr. Beard?

12 MR. BEARD: We initially had given the offer of \$2,500 and
13 then later when Mr. Parvin and I were talking, we were willing
14 to reduce that down to a thousand dollars if Mr. -- if Taco's
15 Cancun was going to be accepting the change of plea by that
16 next trial call and I think we were -- oops, I think we were
17 pretty close on that. When I contacted the Alaska -- ABC and
18 asked them what is typical that they're aware of -- and the
19 agent that I spoke to was Mr. Hamilton who was the
20 investigating officer in this case --

21 THE COURT: Mm-hmm.

22 MR. BEARD: -- he had said that that appeared to be what
23 he would think would be the appropriate range of the offenses
24 for a first time violation of this sort, something in that
25 area of the one thousand to the \$2,500, initially seeing that

1 there were two servers who were out of compliance. He thought
2 it might have been towards the higher end. However, in order
3 to resolve the cases and we could see that in this area, Mr.
4 Ramos is -- although he's acting in two capacities, that means
5 he is individually taking both hits --

6 THE COURT: Okay.

7 MR. BEARD: -- for it and he's -- and Taco's Cancun will
8 still have to address the Alcohol Beverage Control for
9 whatever kind of licensing action they may have. So there's
10 probably still a potential for more action that's going to be
11 in the future and, therefore, the state thought the \$1,000 for
12 the initial violation is appropriate, I think something in
13 that range of the 1,000 to 2,500 but the state would certainly
14 be satisfied with anything in that range.

15 THE COURT: Well, let me -- in trying to just deal with
16 what the real possible penalties are. I have other things for
17 me to look at.

18 MR. BEARD: If I recall correctly, the --

19 THE COURT: All right. Look at -- one of the things to
20 look at is Chapter 85 in Title XII which says the provisions
21 of this title apply to all criminal actions and proceedings in
22 all courts except where a specific provision is otherwise made
23 which would seem to mean then that that sentencing information
24 also would have -- that sentencing statute would also apply to
25 some -- a crime under 04.

1 MR. BEARD: And I approached on that same area. I know
2 that Title IV does have some specific penalties but I could
3 not find anything as a specified penalty under the 04.16.150.

4 THE COURT: Yeah, the default then becomes the A
5 misdemeanor.

6 MR. BEARD: Yes, Your Honor, and if I recall correctly --
7 and I'm not certain that I do -- when I did call OSPA to find
8 out if they wanted to handle the case, I did ask about the
9 sentencing ranges, how do they approach when they're dealing
10 with the corporate defendants. They were under the same
11 impression, if I recall correctly, that it does fall under the
12 default.

13 THE COURT: Now, the interesting aspect though is that
14 Taco's Cancun is a sole proprietorship and I can't find a
15 definition for organization in Title XII but in Title XI is
16 organization means a legal entity including a corporation,
17 company, association, firm, partnership, joint stock company,
18 foundation, institution, government society, union, club,
19 church or any other group of persons organized for any
20 purpose. That seems to indicate more than a sole
21 proprietorship.

22 MR. BEARD: Yes, Your Honor, and I believe in this case,
23 Taco's Cancun is a corporation.

24 MR. PARVIN: They are incorporated.

25 MR. BEARD: The -- it's listed as Taco's Cancun,

1 Incorporated, so --

2 MR. PARVIN: The corporation documents or licensing is
3 provided in discovery incorporated -- duly incorporated in
4 2007.

5 THE COURT: Okay. I guess out of abundance of caution,
6 Mr. Ramos, I'm going to say as far as the case against Taco's
7 Cancun, if the case could also prove that you fit the
8 definition of organization, then the maximum fine becomes
9 \$500,000. If not, then the maximum fine is \$10,000. I'm not
10 planning on getting anywhere near \$500,000. I'm not planning,
11 frankly, in getting anywhere near \$10,000. It'll be less than
12 that but you understand though that that's the possible range
13 here.

14 MR. RAMOS: Yes, Your Honor.

15 THE COURT: If they can prove the organization, it'd be up
16 to -- well, it's a half a million bucks.

17 MR. RAMOS: Yes, Your Honor.

18 THE COURT: Okay. Does that make you change your mind
19 about entering your pleas here today?

20 MR. RAMOS: No, Your Honor.

21 THE COURT: Okay. Very good. Thank you. I do accept
22 that now as being fully advised and knowing and voluntary.

23 Mr. Beard, anything else you wanted to add?

24 MR. BEARD: Nothing, Your Honor.

25 THE COURT: Mr. Parvin?

1 MR. PARVIN: Yes, Your Honor, I'd let Mr. Beard know that
2 we were -- the intent -- our intent was to just enter a guilty
3 plea and leave it to Your Honor to set what was an appropriate
4 sentence. There is no minimum sentence for these kinds of
5 crimes and I feel strongly about these cases sometimes. I
6 just do. There is a need, no question about it, to sanction
7 and investigate and prosecute and have convicted irresponsible
8 bar owners or liquor store owners or whomever else and that's
9 necessary and I think it's perfectly appropriate. It should
10 happen. There should be civil liability, there should be
11 criminal liability for people who are bad actors in this
12 context and so don't take my comments that I'm going to make,
13 you know, that we should just turn a blind eye when there have
14 been violations.

15 That said, when you are setting a sentence, I think it's
16 important to know the facts of the case. This is a
17 corporation that we're talking about but that corporation is
18 Gerry Ramos. In 2007, as a young guy, he figured he would
19 give a try of opening up his own business so in the strip
20 mall, he opened Taco's Cancun and it's been going pretty well.
21 I think it has a much bigger -- it's a lunch place, primarily.
22 People go there for dinner but he's -- as he's working the
23 place 12, 15 hours a day, seven days a week for that long,
24 people go there for lunch. It's not a bar and I'll get to
25 that in a minute.

1 As -- in terms of the facts of this case, he told this
2 young employee who had been working for him -- she had told
3 the police officers as he had told --- he told her five -- at
4 least five times you got to get your card, you got to get your
5 card. I'm doing it next week, I'm a -- got -- we're going to
6 do it and she didn't do it. By the same token, he thought he
7 had his card and it expired. He went down the next day, got
8 it renewed and it was back up and running. I asked him if he
9 fired the girl and he said -- and he looked at me like I --
10 like why would I fire her for that. You know, it was a -- she
11 got the card and we sell so little beer, so little alcohol
12 that he wouldn't have fired her even if it was, as I've come
13 to know Gerry.

14 In terms of the alcohol and the sales and all of that,
15 I'd asked him about it and he said, frankly, the licensing,
16 the insurance costs, all of the things that are associated
17 with the almost non-existent beer sales that he has, says it's
18 almost not worth it. Well, why even bother and he says so
19 it's a -- because one of his customers might want a beer with
20 their lunch or some -- a customer might want a beer. I asked
21 him how many cases of beer he goes through and he said I don't
22 think it's cases and I think he's talking about annually.
23 Maybe not but I didn't go that far into it.

24 He's a small business owner. He employs a very few
25 people. We had to miss last week because he has one relief

1 cook who couldn't get in so he couldn't come to court because
2 he does the cooking, he does the waiting the tables, he does
3 the bussing, he does the whole works. He's rightfully proud
4 of the little business that he's built and he's also fully
5 aware of the mistake that he made both with not having his
6 license -- or having his expire and then -- but then what does
7 he do, fire her? And I guess that -- I mean, maybe that's the
8 answer.

9 It -- the thing that kind of doesn't -- I used to smoke.
10 I walked into a smoking -- to a store and I saw this girl just
11 bawling her eyes out. She'd been looking for a job for months
12 and months and months but she'd just been fired because she
13 sold a undercover guy in one of these operations a pack of
14 cigarettes. Yes, we should not be selling cigarettes to
15 minors. Yes, Gerry should not be -- he should have fired her
16 when she didn't have her card or he should have fired her when
17 she didn't catch the light -- the police reports are clear.
18 The girl picked up the license. She looked at the license but
19 they got the math wrong and sold him the beer anyway.

20 The Board had gone out with this 19-year-old and had gone
21 to 24 establishments. Twenty percent of them had sold alcohol
22 to a minor that night and it's commendable that they're going
23 out and doing that kind of work. I'm not suggesting that it's
24 not but at the same time, the consequences are serious. What
25 I would -- in terms of sentencing, either -- a sanction needs

1 myself, that I lost track of -- you know, of that, to making
2 sure, you know, she had it and myself, as well, for that TAM
3 card that I -- that had expired. I did not -- was aware of
4 it. It's one of those things our -- if it's -- doesn't get
5 posted or it doesn't -- a reminder to get it renewed, you
6 know, with that being a -- of a -- being a self-employed owner
7 in a small place, I mean, you really keep track of that really
8 easy. It doesn't pop out your mind that you have to go renew
9 it. So it was one of those things that I wasn't aware of that
10 until the -- that investigator actually asked me for it that I
11 knew when I went and grab it from the office, it was expired
12 already and that was when I noticed that it was expired but
13 other than that, I don't got much to say. I did talk to Greg
14 and -- you know, after the incidence and I really was really
15 not even thinking of having alcohol and beverages there
16 anymore because of the fees that I pay to that ABC Board. I
17 nearly -- I have to pay insurance for alcohol as well and I
18 have to hire people that are over 21 and it's always a -- you
19 know it's not a full-service place so it's harder for them to
20 make their money off the tips or, you know -- so it came to a
21 point that, you know, I was also thinking about it. I don't
22 really make money off of this and my business is not really
23 supporting itself or -- from alcohol. Most of our income that
24 we do it is from food and it's -- you know, and it got to a
25 point it got me thinking about that and --

1 THE COURT: Are you still serving alcohol there now or --

2 MR. RAMOS: I still am and the thing that I still -- I am
3 serving alcohol because I just renewed the license this year.
4 I mean, so I already paid all the fees and everything all so I
5 really -- you know, with all this trouble you know, if it is
6 too much, you know, that -- trouble for, you know, having this
7 -- situations like this, you know, it -- I don't know if I'm
8 going to be able to -- I mean, I'm going to serve any alcohol
9 and, you know, once it expires, the license.

10 THE COURT: Mm-hmm. Well, I mean, a lot of people do like
11 having a beer with Mexican food and --

12 MR. RAMOS: Yeah.

13 THE COURT: -- so it's not much of a surprise there.

14 MR. RAMOS: And I do have customers, they do, you know,
15 like have a Mexican beer, a draft beer, you know, while
16 they're --

17 THE COURT: Right.

18 MR. RAMOS: -- having a dinner or, you know, before going
19 to the movies or something but it's not that people go and
20 have drinks. It's not a --

21 THE COURT: Right, it's not like the Mug Shot or
22 something.

23 MR. RAMOS: Yeah. So --

24 THE COURT: Okay. I'll do it this way. I think on Mr.
25 Ramos's individual one, 3879, the SIS with a \$250 fine, giving

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THE COURT: And --

MR. PARVIN: Mr. Camozie's (ph) going to stick around and get the paper work. I've got to head down there.

THE COURT: Okay. Mr. Beard, anything else?

MR. BEARD: Nothing, Your Honor.

THE COURT: Okay. Go ahead. There you go. Mr. Camozie will get the paper work.

(Off record)

04:12:44

END OF REQUESTED PORTION

