



**Alcoholic Beverage Control Board
Meeting Minutes
April 13, 2017
Telephonic Meeting**

Board Members Present:

Ellen Ganley, Vice Chair, Public Member
Bobby Evans, Rural Member
Thomas Manning, Industry Member
Rex Leath, Public Safety Member

Staff Members Present:

Erika McConnell, Director
Sarah Oates, Program Coordinator

Legal Counsel Present:

Harriet Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. **Call to Order** 1:08pm

● **REQUESTS FOR REINSTATEMENT AND RENEWAL**

A. **3375 Best Western Lake Lucille Inn and Lakeview Lodge:** 1:09pm **TAB 31**
Aurora Lodging Management, Inc. (BWLLI)
1300 W Lake Lucille Drive; Wasilla
License: Beverage Dispensary – Tourism

Renewal license application first received March 16, 2017.

Aaron Sperbeck, legal counsel for the licensee, provides testimony regarding serious medical issues of the licensee and mail forwarding issues that prevented the licensee from filing the renewal application timely.

Rex Leath asks if there is a plan in place to ensure that these issues are not recurring.

Aaron Sperbeck states that the licensee will have his general manager assist him with the business.

Sham Idnani, licensee, identifies himself for the record.

Rex Leath moves to reinstate the license with the stipulation that secondary contact information is provided to the staff within 30 days.

Bobby Evans seconds the motion.

Erika McConnell asks clarification on whether the motion is to both reinstate and renew the license.

Rex Leath states that it is.

Motion carries unanimously.

B. 4958 Ginger: Ginger, LLC
621 West 6th Avenue; Anchorage
License: Theatre

1:16pm

TAB 32

Renewal license application first received March 8, 2017.

Licensee not present to provide testimony.

Bobby Evans asks if this licensee is in compliance.

Erika McConnell brings up the issue regarding the requirement to show proof of right title or interest in 3 AAC 304.105(b)(6).

The Board members agree that more work needs to be done before deciding on an interpretation of this regulation.

Rex Leath moves to approve the renewal and reinstate the license with the clarification that a regulation project might be opened.

Bobby Evans seconds the motion.

Motion carries unanimously.

● **MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

1:22pm

TAB 33

Cezary Maczynski requests that the Board approve his license application conditional upon his conditional use permit being approved at the City of Bethel's next meeting.

Leif Albertson, Bethel City Council, provides testimony regarding legal alcohol sales in the City of Bethel and about the City Council's process for evaluation of liquor licenses. He states that the Board has three different protests before them for three different license applications and reasons. He states that one of them is regarding zoning requirements, and that one is because the applicant has not submitted a conditional use permit application. He states that the process is open, equitable, and transparent, and that there is the opportunity for appeal.

Patty Burley, Bethel City Attorney, provides testimony about the protests. She states that Kusko Liquor is scheduled for a hearing tonight regarding its CUP (conditional use permit). She states that the current recommendation is for denial of the CUP. She cites issues with the site plan that was provided by the applicant, including trespass issues. She says that Tundra Liquor Cache had a hearing and was denied, but that the applicant has appealed the denial to the appellate board. She

says that ACC Liquor Store has known since January that they need to apply for a CUP but has yet to do so. She adds that this is an area with a really high volume of alcohol issues.

Richard Robb, City of Bethel Mayor, provides testimony regarding reintroduction of legal sales of alcohol and states that the three protests are valid and should be respected.

Tom Manning joins the meeting.

1:35pm

Ellen Ganley asks Harriet Milks if the Board should make a decision on this today, considering the fact that none of the applicants have been issued a conditional use permit.

Harriet Milks states that if none of the applicants yet has a conditional use permit, then theoretically, none of them can be licensed at this point. She states that the Board could consider the factors under 3 AAC 304.112, but that the applicants should be able to be issued a license.

Erika McConnell asks the Mayor if the Planning Commission could grant a conditional use permit to more than one applicant if they both qualify.

Richard Robb states that each application for a conditional use permit is reviewed independently and that the City can issue as many CUPs as it wants.

Leif Albertson agrees with Mr. Robb's statement.

Rex Leath states that it doesn't seem that the applicants are in a state in which the Board could consider who to issue the license to.

Ellen Ganley and Tom Manning state that they agree.

Tom Manning moves to table this until the next meeting with the hope that they have more information on who could be passed through the Bethel City Council for a likely store.

Rex Leath seconds the motion.

Motion carries unanimously.

The Board members hang up because there is a recording playing back.

1:43pm

Meeting resumes.

1:45pm

- A. 5533 Kusko Liquor:** Cezary J Maczynski
801 Front Street; Bethel
License: Package Store

TAB 34

New license application.

Approvals: State Fire Marshal

Background investigations: Complete

City of Bethel protests.

- B. 5542 Tundra Liquor Cache:** Steve Chung
105 Hoffman; Bethel
License: Package Store

TAB 35

New license application.

Approvals: State Fire Marshal

Background investigations: Complete

City of Bethel protests.

- C. 5544 ACC Liquor Store:** The North West Company (Intl), Inc. TAB 36
1110 Bridge Avenue, Unit No. 1; Bethel
License: Package Store

New license application.

Pending: State Fire Marshal

Background investigations: Complete

City of Bethel protests.

● **RECREATIONAL SITE LICENSE RENEWAL APPLICATIONS** 1:46pm TAB 37

Erika McConnell reminds the Board that all recreational site licenses are being reviewed as they come up for renewal because it was identified in the 2014 legislative audit that some recreational site licenses were issued that were not in accordance with statutory requirements.

Harriet Milks adds that following that legislative audit, there was a proposed decision that was adopted by the Board from the Office of Administrative Hearings that recommended that the Board proceed to consider the renewal of recreational site licenses based upon the language in the statute.

- A. 1747 Anchorage Bucs:** Anchorage Bucs Baseball Club, Inc. 1:48pm TAB 38
Mulcahy Stadium – A Street & 16th Avenue; Anchorage

Erika McConnell states that this license seems to meet the definition of a rec site license.

Tom Manning moves to renew the rec site license for Anchorage Bucs.

Bobby Evans seconds the motion.

Motion carries unanimously.

- B. 3924 Alaska Raceway Park:** Top End, Inc. 1:50pm TAB 39
5819 S Race Way; Mat-Su Borough

Erika McConnell states that her opinion would be that this license meets the qualifications.

Tom Manning moves to renew this license.

Rex Leath seconds the motion.

Motion carries unanimously.

- C. 4895 AK Tuesday Night Fights:** AK Entertainment, LLC 1:53pm TAB 40
1001 S Mack Drive; Wasilla

Erika McConnell states that this license is located at the Menard Sports Center and that the events held are not just Tuesday Night Fights. She adds that she thinks it is reasonable to conclude that a sports complex meets the definition of a rec site license in statute.

Ellen Ganley states that she thinks it complies with the law, but it seems a little harder, maybe because of how it's described.

Erika McConnell asks Harriet Milks if it would be possible to condition the license to certain types of events.

Harriet Milks states that it was the AAG's recommendation that the Board renew the license based upon the definition in the statute. She says that if the Board does not know the events that the licensee is talking about, then it could condition it upon the events listed in the statute. She adds that if the Board conditions it upon events that are like those listed in the statute, it could be subject to another round of consideration to clarify that. She states that the inclusion of the word "includes" means that similar types of events could be included.

Ellen Ganley states that it's unclear whether these events are competitive.

Tom Manning moves to renew this license with the statement that they're doing this assuming that these are competitive events.

Harriet Milks states that that would be a reasonable interpretation of the statute.

Rex Leath seconds the motion.

Motion carries unanimously.

D. 4897 Denali Arts Council: Denali Arts Council
22249 S D Street; Mat-Su Borough

1:59pm

TAB 41

Ellen Ganley states that this one is problematic for her.

Erika McConnell states that this one seems to be the one that Ellen Ganley referred to earlier as being more appropriate to have a theatre license.

Tom Manning asks if the staff has recommended to this licensee to apply for a theatre license. Sarah Oates states that she is unaware of any communication to that effect, as the Board's evaluation of rec site licenses has been ongoing and is ultimately the Board's decision.

Rex Leath states that in light of what was discussed with the last application, he does not think that they meet what they need to for this license under AS 04.11.210 and that the Board should really consider that.

Tom Manning states that he recalls that the administrative judge became involved when the Board denied a rec site license [The Summit], and that he recalls the Board ended up renewing that license with a statement that the board would not renew it again and that the licensee needed to find a different kind of license. He asks when this license was first issued.

Harriet Milks clarifies that the reason why the ALJ [Administrative Law Judge] found fault in the Board's nonrenewal of the rec site license mentioned was because the ALJ found that the license was improperly singled out for non-renewal.

Sarah Oates states that it looks like this license was first issued in June of 2009.

Bobby Evans says it looks like the Board has another one that clearly does not meet the statute, and he asks Harriet Milks how and when they can start denying them.

Harriet Milks states that she does not feel comfortable advising the Board on that because she represented the staff in the matter below, but that she could just tell the Board what is a matter of public record now, and that is that in the judge's decision, the judge didn't say when the Board could start. She adds that part of the argument was that you have to start somewhere, but the judge felt that the Board didn't have any particularly persuasive reason to start with the Alaska Club and then not apply that particular reason to all of the other

recreational site licenses that were coming up for renewal. She states that it is up to the Board on when and how it starts applying the statute as written, but that the Board has to be applying it consistently.

Ellen Ganley suggests that to be consistent, to renew this license with the same warning that they have two years to figure out an alternative because they don't meet the criteria of a recreational site license.

Bobby Evans states that he disagrees because they do not meet the requirements and that he cannot approve this.

Rex Leath states that in this situation, as long as they look at each of these licensee with the same perspective to ensure consistency, and also if the Board looks at each request and compares it to the statutory requirements, then he thinks the Board is on pretty good ground. He adds that he could not vote to give another two years to this license when they have basically flat-out told the Board that they do not meet the requirements.

Tom Manning states that he could agree with Rex and Bobby when it comes to a new license, but when it comes to one that has renewed maybe four times now, that it puts them in a different situation.

Tom Manning moves to renew this with the clear notification that they do not fit the statute and that they would not be able to get this kind of a license in the future. No second.

Rex Leath asks Tom Manning to clarify if this would be for two years.

Tom Manning asks if there is an option to do a one-year renewal.

Harriet Milks states that she will let Ms. Oates answer this question, and she points out that she does not know all of the rec site licenses that will come before the Board, but that there may be some where there isn't another license type that works for them, and they may have to just stop selling alcohol. She says if the Board decides that its policy is going to be to renew a license to give the licensee a period of time to find another license that would work, that she sees a problem with this: that strategy isn't really tied to the language of the statute – if the Board is going to be considering applications based upon whether or not they meet the requirements in the statute, then saying it's going to renew a license in order to give the licensee time to come up with another license just doesn't have anything to do with the situation, and there may be a practical problem with that.

Sarah Oates reads to the Board a section of AS 04.11.680(a) that says "...all licenses issued under this title other than a retail stock sale license are effective for the two calendar years ending December 31, unless a shorter period is prescribed by the board or by law."

Harriet Milks says that the Board could assign a license a shorter period. She reminds the Board that its job is to enforce the statute, and not to be business helpers or advisors.

Rex Leath moves to deny this renewal of this application.

Bobby Evans seconds the motion.

Motion carries, 3-1 (Tom Manning votes No).

Harriet Milks recommends that the Board obtain a copy of the ALJ's proposed decision and look at what the Board adopted as its final decision, for some guidance.

- E. 5023 Kenai River Brown Bears:**
Kenai Peninsula Youth Foundation, Inc.
Soldotna Sports Center – 530 Arena Drive; Soldotna

2:18pm

TAB 42

Erika McConnell states that this appears to meet the statutory requirements of a rec site license.

Rex Leath asks for clarification if these are the only events that they are planning to serve alcohol at.

Licensee is not present to answer questions.

Tom Manning moves to renew this recreational license.

Bobby Evans seconds the motion.

Motion carries unanimously.

● **PROTESTS OF NEW AND TRANSFER APPLICATIONS**

- A. 5017 Crazy Hook:** Anchoragean, LLC **2:21pm** **TAB 43**
601 W 36th Avenue #8; Anchorage
License: Restaurant / Eating Place
From: Larry's Cocoon, LLC DBA Larry's Cocoon

Transfer of ownership and DBA change.

Approvals: Department of Labor, Department of Revenue

Background investigations: Pending

Municipality of Anchorage protests pending certifications from the Anchorage Fire Department and the Building Safety Official.

Bobby Evans moves to approve with delegation.

Tom Manning seconds the motion.

Motion carries unanimously.

- B. 5523 Wingstop:** D and M Wingteam 5, LLC **2:22pm** **TAB 44**
1818 W Northern Lights Blvd, Suite 105; Anchorage
License: Restaurant / Eating Place

New license application.

Background investigations: Complete

Municipality of Anchorage protests pending a special land use permit approved by the Planning Department Director.

Tom Manning moves to approve with delegation.

Bobby Evans seconds the motion.

Motion carries unanimously.

- C. 5548 Round Table Pizza:** Snodlock Investments, LLC **2:23pm** **TAB 45**
800 E Dimond Blvd, Suite 208; Anchorage
License: Restaurant / Eating Place

New license application.

Background investigations: Pending

Municipality of Anchorage protests pending a special land use permit approved by the Planning Department Director and certification from the Building Safety Official.

*Liz Ashlock, applicant, identifies herself for the record and states that something should have been sent from the Planning Department about this.
Tom Manning moves to approve with delegation.
Bobby Evans seconds the motion.
Motion carries unanimously.*

● **OBJECTIONS**

- A. 1377 No DBA: Papa Sugar Daddy’s, LLC** **2:25pm** **TAB 46**
No Premises; Fairbanks
License: Beverage Dispensary
From: Wilde Berry, LLC DBA Grizzli’s; 44 College Road, Suite B

Transfer of ownership, location, and DBA change.
Local governing body action: Pending City of Fairbanks
Approvals: Department of Revenue
Background investigations: Complete
Objections received from the Department of Labor and multiple creditors.

*Dennis Swarthout, largest creditor, provides testimony that he is in favor of this transfer.
Curtis Hatcher, transferee, provides testimony regarding contracts for the license. He reads AS 04.11.360(4)(B) for the record.
Sarah Oates states that she had a conversation with Mr. Hatcher after the Board meeting last week about this exact issue, and that she has asked Mr. Hatcher whether he had transferred this license with a security interest agreement, which is what this statute is referencing and is elaborated on in 3 AAC 304.107. She adds that Mr. Hatcher stated that he had not and that the contract he was referencing was for the license itself; she reminded Mr. Hatcher that AS 04.11.670 specifically states that a license issued under this title is not subject to foreclosure and may not be used as collateral to secure a debt.*

Ellen Ganley states that it sounds like this should be tabled until after the Board has heard from the City of Fairbanks.

*Tom Manning moves to table this to the next meeting.
Rex Leath seconds the motion.
Motion carries unanimously.*

● **BEVERAGE DISPENSARY – TOURISM LICENSE APPLICATIONS**

- A. 3759 Airport Restaurant: Airport Restaurant, LLC** **2:34pm** **TAB 47**
Unalaska Airport Terminal; Unalaska
License: Beverage Dispensary – Tourism
From: Tuyen & Tran Thuy Dinh DBA Airport Restaurant & Lounge

Transfer of ownership and DBA change.
Local governing body action: Pending City of Unalaska
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

*Tom Manning moves to approve with delegation pending the City of Unalaska.
Rex Leath seconds the motion.
Motion carries unanimously.*

- B. 5532 Mat-Su Resort:** Mat-Su Resort, LLC **2:36pm** **TAB 48**
1850 Bogard Road; Mat-Su Borough
License: Beverage Dispensary – Tourism Duplicate

New license application.

Local governing body action: Matanuska-Susitna Borough does not protest
Pending: State Fire Marshal, Department of Environmental Conservation
Background investigations: Complete

*Tom Manning moves to approve with delegation.
Bobby Evans seconds the motion.
Motion carries unanimously.*

- C. 5546 Kannery Grill:** Ocean Shores, Inc. **2:37pm** **TAB 49**
451 Sterling Highway; Homer
License: Beverage Dispensary – Tourism

New license application.

Local governing body action: City of Homer does not protest
Pending: State Fire Marshal, Department of Environmental Conservation
Background investigations: Pending

*Bobby Evans moves to approve with delegation.
Tom Manning seconds the motion.
Motion carries unanimously.*

● **BEVERAGE DISPENSARY – DUPLICATE LICENSE APPLICATIONS**

- A. 5553 Mean Queen:** Mean Queen, LLC **2:38pm** **TAB 50**
205 Harbor Drive – Downstairs; Sitka
License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending City & Borough of Sitka
Approvals: Department of Environmental Conservation
Background investigations: Complete

*Tom Manning moves to approve with delegation.
Rex Leath seconds the motion.
Motion carries unanimously.*

- B. 5554 49th State Brewery – Dining Room 2 Service Bar:** **2:42pm** **TAB 51**
Northern Hospitality Group, Inc.
717 West 3rd Avenue; Anchorage

License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending Municipality of Anchorage

Background investigations: Complete

Sarah Oates informs the Board that the licensee currently holds one license at this address; when 49th State Brewing purchased this license from Snow Goose, all of the bars that they're applying for duplicate licenses for were portable bars, like on wheels, which meant that technically, under the statute, they did not require duplicate licenses. She adds that this licensee is very interested in public health and public safety which is shown by the licensee's actions to plumb in fixed bars to make them safer. The licensees met with Ms. Oates and the former director multiple times to determine the best route and course of action to make all of their bars legal under AS 04, even though this will make it more expensive for the licensee. She adds that these areas have all been operational; the only thing that's changed is that the licensee has plumbed these in to be permanent fixtures to, in the licensee's words, improve public health. She reads AS 04.11.090(e) for the record.

Ellen Ganley states that they will take license numbers 5554, 5555, 5556, 5557, and 5558 as a group.

Rex Leath moves to approve with delegation.

Tom Manning seconds the motion.

Motion carries unanimously.

C. 5555 49th State Brewery – Christensen Drive Level Banquet Room East Bar: TAB 52

Northern Hospitality Group, Inc.

717 West 3rd Avenue; Anchorage

License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending Municipality of Anchorage

Background investigations: Complete

D. 5556 49th State Brewery – Christensen Drive Level Banquet Room West Bar: TAB 53

Northern Hospitality Group, Inc.

717 West 3rd Avenue; Anchorage

License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending Municipality of Anchorage

Background investigations: Complete

E. 5557 49th State Brewery – Roof Top Deck Bar: TAB 54

Northern Hospitality Group, Inc.

717 West 3rd Avenue; Anchorage

License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending Municipality of Anchorage

Background investigations: Complete

- F. 5558 49th State Brewery – 3rd Ave Level Theater:** **TAB 55**
Northern Hospitality Group, Inc.
717 West 3rd Avenue; Anchorage
License: Beverage Dispensary – Duplicate

New license application.

Local governing body action: Pending Municipality of Anchorage
Background investigations: Complete

● **RESTAURANT / EATING PLACE – PUBLIC CONVENIENCE LICENSE APPLICATIONS**

- A. 5541 Valley Cinema:** Coming Attractions Theatres, Inc. **2:46pm** **TAB 56**
3331 E Old Matanuska Road; Wasilla
License: Restaurant / Eating Place – Public Convenience

New license application.

Local governing body action: City of Wasilla does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete

Sarah Oates paraphrases AS 04.11.400(g) and explains to the Board the legal procedures to obtain a public convenience license. She confirms that going by the population figures provided by the City of Wasilla, the applicant has submitted enough required signatures. Tom Manning moves to approve this application. Rex Leath seconds the motion.

Bobby Evans asks if the Board normally sees a menu for these. Sarah Oates states that the applicant was required to submit a menu, and she apologizes for it not being in the Board packet. She adds that there was a regular restaurant or eating place license that was formerly located at this premises, but the licensee transferred that license over to the Extreme Fun Center where it had formerly held a recreational site license, and now they are applying for a public convenience license at this location.

Bobby Evans asks if this application is complete. Sarah Oates states that this application has been determined to be complete, and that if the staff had had concerns about the menu or whether or not this is a bona fide restaurant, that the staff would have brought this application to the Board independently to make that determination.

Bobby Evans asks if there is a cover memo. Erika McConnell apologizes for there not being one and states that she will ensure that there will always be one for the future.

Motion carries unanimously.

● **FIRST AND SECOND WAIVERS** **2:53pm** **TAB 59**

*Ellen Ganley states that these could be dealt with together.
Tom Manning moves to approve the waivers.
Rex Leath seconds the motion.
Motion carries unanimously.*

- A. 76 The Narrows Bar, LLC:** The Narrows Bar, LLC
148 S Franklin Street; Juneau
License Type: Beverage Dispensary

First waiver application.
- B. 301 No DBA:** Foxglove, LLC
No Premises; Mat-Su Borough
License Type: Beverage Dispensary

First waiver application.
- C. 414 No DBA:** David Worel
No Premises; Fairbanks North Star Borough
License Type: Beverage Dispensary

First waiver application.
- D. 635 La Mex:** La Mexicana, Inc.
No Premises; Anchorage
License Type: Beverage Dispensary

First waiver application.
- E. 3487 Salchaket Roadhouse:** Thompson Ventures, LLC
No Premises; Fairbanks North Star Borough
License Type: Package Store

First waiver application.
- F. 4584 No DBA:** Doug Trucano
No Premises; Juneau
License Type: Restaurant / Eating Place

First waiver application.
- G. 4584 No DBA:** Doug Trucano
No Premises; Juneau
License Type: Restaurant / Eating Place

Second waiver application.
- H. 4991 Turnagain Arm BBQ Pit:** Turnagain Arm BBQ Pit, LLC
27957 Seward Highway; Anchorage
License Type: Restaurant / Eating Place

First waiver application.

- I. **5426 Skagway Spirits, LLC:** Skagway Spirits, LLC
9th and Alaska Street; Skagway
License Type: Distillery

First waiver application.

● **REGULATIONS**

2:55pm

Erika McConnell informs the Board that the projects for A, B, and C are being brought back to the Board because of public noticing errors, and that items D, E, and F are drafts that are being brought to the Board at the Board's request to consider opening regulations projects.

Jed Smith speaks to the Board about the common carriers, alcohol server education, and consumption at wineries regulations projects and states that the projects would require a new vote by the Board.

Rex Leath moves to adopt the alcohol server education, common carriers, and consumption at wineries regulations drafts.

Tom Manning seconds the motion.

Motion carries unanimously.

A. Alcohol Server Education

- 1. Draft (No New Public Comments Received) **TAB 60**

B. Common Carriers

- 1. Draft; New Public Comment Received **TAB 61**

C. Consumption at Wineries

- 1. Draft (No New Public Comments Received) **TAB 62**

D. Background Checks

3:05pm

- 1. Draft **TAB 63**

Jed Smith states that this regulations project was opened at the Board's request to deal with the issue of large corporations having corporate officers who live outside of the country.

Sarah Oates reminds the Board that this issue first came up because of Royal Caribbean, which has 50-some directors who would have to be fingerprinted. She states that the language that the Board requested would exempt certain officers from certain corporations from having to submit fingerprints for background checks. She said that a very small number of corporations would qualify for this, and that a small number of corporations have this issue.

Tom Manning states that he thought the issue was international and that this draft language seems pretty broad compared to what the Board has talked about at earlier meetings. He asks if this gives with marijuana laws.

Erika McConnell states that there is a residency requirement for marijuana, so these problems do not occur with that industry.

Rex Leath asks if all three elements of subsection (3) would apply.

Sarah Oates states that she believes the intent would be to have an “and” so that the corporation would have to meet all of the requirements, but that the word should probably be added to make that clear.

Erika McConnell clarifies for the record that no regulations project has been opened for either D, E, or F, so the Board would need to make a motion to open a regulations project if it is interested in going forward with this.

Sarah Oates states that it was her recollection that it was the Board’s intent to still require that any applications who are residents of Alaska to be fingerprinted, and that this proposed exemption under subsection (3) would only be of the qualifying officers of the qualifying corporations. She provides an example and states that the intent was to have the corporation file an affidavit to cover the officers who live internationally, but that the officers in Alaska or the United States would still be required to submit fingerprints for background checks. She states that the proposed language doesn’t seem to clearly relay that intent, if that is the Board’s desire.

Ellen Ganley agrees with Ms. Oates’s recollection.

Tom Manning states that Ms. Oates’s recollection was his understanding, as well, but that the proposed language seems to allow a corporation to just have an agent in the state of Alaska and that nobody would be subject to a background check.

Harriet Milks agrees that it could be read that way and says that the Board could put this off until the language clearer.

Rex Leath states that he feels it is vital to postpone this until it is clear.

No action.

E. Bona Fide Restaurant / Licensed Premises

3:18pm

1. Draft

TAB 64

Jed Smith states that this draft language establishes guidelines on what qualifies as a bona fide restaurant or eating place. He states that staff worked with DEC to use their methods for determining what qualifies as a restaurant.

Tom Manning requests that subsection (g)(3) be amended to read “for consumption at tables or counters in a dining area on the premises”.

The Board members agree.

Rex Leath asks how this would apply to food trucks.

Ellen Ganley states that they haven’t really gone to providing licenses to food trucks yet, except maybe one.

Tom Manning states that they required that the food truck come up with a dining area.

The Board members discuss options for changing the language to provide for options other than tables for the consumption area.

The Board members agree that Tom Manning's motion is adequate.

Sarah Oates points out that amending 3 AAC 304.305 would make these requirements only of restaurant or eating place licenses. This could pose a problem, as there are many different license types that can apply for designation as a bona fide restaurant, and putting this language in this specific section would limit these requirements to just restaurant or eating place licenses and not to other license types that are seeking designation as a bona fide restaurant.

Harriet Milks recommends putting the definition of bona fide restaurant in the definitions section [3 AAC 304.990].

Tom Manning moves to open a regulation project on bona fide restaurants and licensed premises, and he asks that some of the concerns raised be considered.

Bobby Evans seconds the motion.

Motion carries unanimously.

Erika McConnell asks the Board to clarify for the record that the intent of the Board is to have the staff make some changes to this draft based on the issues discussed today and then bring it back to the Board at the July meeting for the Board to review it and decide whether to send it out for public comment.

The Board agrees that that was the intent.

F. Tribal Identification

3:37pm

1. Draft

TAB 65

Tom Manning asks if the information required of package stores when checking identification is present on federally recognized tribal identification cards.

Rex Leath asks if there is a list of federally recognized tribes.

Harriet Milks states that there is an official federal statutory list (or that it might be in the Code of Federal Regulations).

Dale Fox states that in the past, the ABC Board has said that tribal ID cards are not recognized because they don't have an expiration date.

Sarah Oates states that she has to leave the meeting in order to catch a flight, but that Jane Sawyer is present to take notes for the rest of the meeting.

Tom Manning moves to open a regulations project on this, and he voices a concern that an ID be required to state a birthdate.

Bobby Evans seconds the motion.

Motion carries unanimously.

Ellen Ganley clarifies that this should be brought back to the Board in July, as well.

● **NEXT ABC BOARD MEETING**

3:43pm

Erika McConnell states that she has transmitted all of the information regarding holding a Board meeting in Denali versus Fairbanks to the Commissioner's office, and that she will let the Board know as soon as she hears back.

Next Board meeting will take place on July 12, either in Fairbanks or Denali.

David McGivney states that he is calling on behalf of Doug Trucano regarding license #4584 that the Board considered earlier. He states that Mr. Trucano was notified in February about a license that he had purchased in November that the renewal of the license was delinquent and that he would have to pay the late fee. He requests that Mr. Trucano be refunded the late fee because the former licensee didn't renew the license on time, and Mr. Trucano assumed that the license had been renewed.

3:44pm

Erika McConnell requests that this matter be brought back at the July meeting to give her time to do some research.

● **ADJOURN**

3:50pm

*Bobby Evans states that he is signing off.
The Board members agree to adjourn.*

Minutes prepared by:



Sarah D. Oates
Program Coordinator

Reviewed and approved by:



Erika McConnell
Director