



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the  
Alcoholic Beverage Control Board

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 1156 Tony's Liquor

**Requested  
Action:** License renewal

**Statutory  
Authority:** AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

AS 04.11.330(a)(3): "(a) An application requesting renewal of a license shall be denied if... (3) the applicant has not operated the licensed premises for at least 30 eight-hour days during each of the two preceding calendar years, unless the board determines that the licensed premises are under construction or cannot be operated through no fault of the applicant;"

3 AAC 304.170(j): "If a license is exercised only to satisfy the minimum operating requirement under AS 04.11.330(a)(3) or 3 AAC 304.107(c)(1), a licensee has the burden of proof to show that the licensed premises was operated in a similar fashion to other licensed premises of the same type and shall, at a minimum,

- (1) provide signage, of sufficient size and visibility to show that the premises is open for business, stating business name and hours of operations;
- (2) offer for sale at the licensed premises, as appropriate to the type of license, a variety of malt beverages, wines, and distilled spirits;
- (3) visibly display the alcoholic beverages stock in a licensed package store premises;
- (4) provide seating in beverage dispensary licensed premises for at least one-half of the maximum number allowed by the occupancy permit;
- (5) comply with all state or municipal health, fire, and zoning laws or ordinances required for the operation of business;
- (6) maintain a record of all purchases of alcoholic beverages for resale on the licensed premises; and
- (7) record sales with a cash register that retains a record of transactions."

**Staff Rec.:** The board has required waivers of other applicants who have not submitted all required elements of 3 AAC 304.170(j). However if waivers are required for 2016

and 2017, they would be the third and fourth waivers, and the qualifications for those waivers are not met, which would lead to license denial. Despite missing the proof of 3 AAC 304.170(j)(3), AMCO is satisfied that the licensee met minimum operating requirements for 2016 and 2017.

**Background:** In the renewal application for this package store license, the licensee indicated that the license was only operated to meet the minimum requirements, in both 2016 and 2017. Investigation by AMCO Enforcement shows that the license was not able to provide all the information required by 3 AAC 304.170(j). Specifically, the licensee did not provide a photo showing the display of alcoholic beverages stock in the package store premises ((j)(3)). While the remaining requirements were provided and appear to show that the license was operated, the minimum requirements of regulations were not met.

This license had a first waiver of operations approved in 2009 and a second waiver of operations approved in 2011.

Attachment: AB-30 for 2016  
AB-30 for 2017  
Renewal application



Alcohol and Marijuana Control Office  
 550 W 7th Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<http://www.commerce.alaska.gov/aml/aml.asp>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-30: Proof of Minimum Operation Checklist**

**What is this form?**

This form is required for any license that was exercised only to satisfy the minimum operating requirement of 30 eight-hour days in a calendar year under AS 04.11.330(a)(3) or 3 AAC 304.107(c)(1). A licensee has the burden of proof to show that the licensed premises was operated in a similar fashion to other licensed premises of the same type by maintaining and providing specific types of documentation, required by 3 AAC 304.170(j).

Please note that a licensee who has operated a licensed premises only to satisfy the minimum operating requirement for more than one calendar year must submit a complete copy of this form, including documentation, for each year.

**Section 1 – Establishment Information**

Enter information for the licensed establishment.

Licensee:	Coke, LLC	License Number:	1156		
License Type:	Package Store				
DBA:	Tommy's Liquor				
Premises Address:	518 W. Marine Way				
City:	Meridian	State:	Alaska	ZIP:	99615

**Section 2 – Calendar Year & Proof of Operation (All Licenses)**

Calendar Year 2016

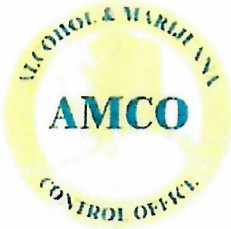
Extra documentation may be provided in addition to all items listed below, but a license will not be found to have met the requirements set forth in 3 AAC 304.170(j) unless all mandatory documentation required below has been submitted.

You must be able to certify each statement below. Read and sign your initials next to each of the following:

- 1. I am attaching photos showing the signage displayed at my establishment during all hours of operation, of sufficient size and visibility to show the premises was open for business, and stating my business name and hours of operation.
- 2. I am attaching a list of the variety of malt beverages, wines, and distilled spirits (as appropriate) that were offered for sale at the licensed premises during all hours of operation.
- 3. I am attaching a record of all purchases of alcoholic beverages made by this license for resale on the licensed premises of this establishment.
- 4. I am attaching cash register/point of sale system receipts showing all alcoholic beverage transactions on the premises of this establishment.







Alcohol and Marijuana Control Office  
 550 W 7th Avenue, Suite 1600  
 Anchorage, AK 99501

alcohol.marijuana@alaska.gov  
<http://www.alaska.gov/amco/>

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-30: Proof of Minimum Operation Checklist

### Section 3 – Additional Proof Required of Specific License Types

The following must be submitted for *package stores*. Read and sign your initials next to each statement.

Initials

5a. I am attaching photos showing how the stock of alcoholic beverages was displayed on the licensed premises of my package store during all hours of operation.

NOT AVAILABLE  
 KA

The following must be submitted for *beverage dispensaries*. Read and sign your initials next to each statement.

Initials

5b. I am attaching documentation showing that seating was provided on the licensed premises of my beverage dispensary for at least one-half of the maximum number allowed by the occupancy permit.

As a liquor licensee, I declare under penalty of perjury that my establishment complies with all state or municipal health, fire, and zoning laws or ordinances required for the operation of the business, and that this form, including all attachments, is true, correct, and complete.

*Patricia Almeter*  
 Signature of licensee



*M. Velasco*  
 Notary Public in and for the State of Alaska.

*Patricia Almeter*  
 Printed name of licensee

My commission expires: 04/01/2019

Subscribed and sworn to before me this 27th day of December 2017.

OFFICE USE ONLY			
Investigator:	M. CHIESA	Date:	01/06/2018
Req. 1 met? (Y/N):	YES	Req. 2 met? (Y/N):	YES
Req. 3 met? (Y/N):	YES	Req. 4 met? (Y/N):	YES
Req. 5a/b met? (Y/N):	NO	Burden of Proof Met?	YES/NO
Comments: LICENSEE DID NOT HAVE PHOTOS OF ALCOHOL STOCK. HOWEVER LICENSEE DID PROVIDE ADDITIONAL INFO. TO SUPPORT MIN. OPERATING REQUIREMENTS WERE MET. ADDITIONALLY, I INTERVIEWED EMPLOYEES WHO SUPPORTED			

[Form AB-30] (rev 10/26/2017) THE STATEMENTS MADE BY LICENSEE.

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Alaska Alcoholic Beverage Control Board

**Form AB-30: Proof of Minimum Operation Checklist**

**What is this form?**

This form is required for any license that was exercised only to satisfy the minimum operating requirement of 30 eight-hour days in a calendar year under AS 04.11.330(a)(3) or 3 AAC 304.107(c)(1). A licensee has the burden of proof to show that the licensed premises was operated in a similar fashion to other licensed premises of the same type by maintaining and providing specific types of documentation, required by 3 AAC 304.170(j).

Please note that a licensee who has operated a licensed premises only to satisfy the minimum operating requirement for more than one calendar year must submit a complete copy of this form, including documentation, for each year.

**Section 1 – Establishment Information**

Enter information for the licensed establishment.

Licensee:	CAB INC	License Number:	1156
License Type:	Package Store		
DBA:	Tony's Bar & Liquor		
Premises Address:	518 W. MARINE WAY		
City:	Kodiak	State:	Alaska
		ZIP:	991015

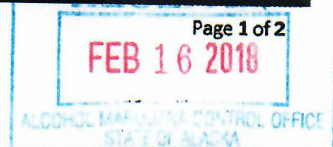
**Section 2 – Calendar Year & Proof of Operation (All Licenses)**

Calendar Year 2017

Extra documentation may be provided in addition to all items listed below, but a license will not be found to have met the requirements set forth in 3 AAC 304.170(j) unless all mandatory documentation required below has been submitted.

You must be able to certify each statement below. Read and sign your initials next to each of the following:

- |  |                                     |
|--|-------------------------------------|
|  | Initials                            |
| 1. I am attaching photos showing the signage displayed at my establishment during all hours of operation, of sufficient size and visibility to show the premises was open for business, and stating my business name and hours of operation. | <input checked="" type="checkbox"/> |
| 2. I am attaching a list of the variety of malt beverages, wines, and distilled spirits (as appropriate) that were offered for sale at the licensed premises during all hours of operation.  | <input checked="" type="checkbox"/> |
| 3. I am attaching a record of all purchases of alcoholic beverages made by this license for resale on the licensed premises of this establishment.   | <input checked="" type="checkbox"/> |
| 4. I am attaching cash register/point of sale system receipts showing all alcoholic beverage transactions on the premises of this establishment.   | <input checked="" type="checkbox"/> |
- record of all transactions are provided*







Alaska Alcoholic Beverage Control Board  
**Form AB-30: Proof of Minimum Operation Checklist**

**Section 3 – Additional Proof Required of Specific License Types**

The following must be submitted for *package stores*. Read and sign your initials next to each statement.

Initials

5a. I am attaching photos showing how the stock of alcoholic beverages was displayed on the licensed premises of my package store during all hours of operation.

*PA*

*see letter attached. Not Available*

The following must be submitted for *beverage dispensaries*. Read and sign your initials next to each statement.

Initials

5b. I am attaching documentation showing that seating was provided on the licensed premises of my beverage dispensary for at least one-half of the maximum number allowed by the occupancy permit.

As a liquor licensee, I declare under penalty of perjury that my establishment complies with all state or municipal health, fire, and zoning laws or ordinances required for the operation of the business, and that this form, including all attachments, is true, correct, and complete.

*Patricia Almeter*  
 Signature of licensee



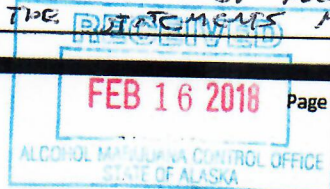
*[Signature]*  
 Notary Public in and for the State of Alaska.

*Patricia Almeter*  
 Printed name of licensee

My commission expires: February 01, 2021

Subscribed and sworn to before me this 16<sup>th</sup> day of February, 2018.

OFFICE USE ONLY			
Investigator:	<i>M. C. Tress</i>	Date:	<i>2/16/2018</i>
Req. 1 met?(Y/N):	<i>YES</i>	Req. 2 met?(Y/N):	<i>YES</i>
Req. 3 met?(Y/N):	<i>YES</i>	Req. 4 met?(Y/N):	<i>YES</i>
Req. 5a/b met? (Y/N):	<i>NO</i>	Burden of Proof Met?	<i>NO</i>
Comments: <i>LICENSEE DID NOT HAVE PHOTOS OF ALCOHOL STOCK. HOWEVER LICENSEE DID PROVIDE ADDITIONAL INFORMATION TO ME TO SUPPORT MINIMUM OPERATING REQUIREMENTS WERE MET. ADDITIONAL I INTERVIEWED EMPLOYEES AND SUPERVISOR THE REQUIREMENTS WERE MET.</i>			





Alaska Alcoholic Beverage Control Board

Package Store License

**Form AB-17b: 2018/2019 Renewal License Application**

**What is this form?**

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

**This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	CNG, Inc.	License #:	1156
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	Tony's Liquor		
Premises Address:	518 Marine Way		
Local Governing Body:	City of Kodiak (Kodiak Island Borough)		
Community Council:	None		

Mailing Address:	PO Box 999		
City:	Kodiak	State:	AK
		ZIP:	99615

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	Patricia Almeter		
Contact Phone:	907-942-2099	Business Phone:	907-512-486-9489
Contact Email:	P.Almeter@att.net		

Seasonal License?    Yes     No

If "Yes", write your six-month operating period: \_\_\_\_\_







Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

Section 2 - Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

Yes  No

If "Yes", disclose the name of the individual and the reason for this authorization:

George Gutter JR - His co-owner 50%

Section 3 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an:  applicant  affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					







Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2018/2019 Renewal License Application

**Section 4 – Entity Ownership Information**

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>  
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	103786
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.



This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a **corporation**, the following information must be completed for each **stockholder who owns 10% or more** of the stock in the corporation, and for each **president, vice-president, secretary, and managing officer**.
- If the applicant is a **limited liability organization**, the following information must be completed for each **member with an ownership interest of 10% or more**, and for each **manager**.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each **partner with an interest of 10% or more**, and for each **general partner**.

Entity Official Name:	Patricia Almeter			
Title(s):	Director, Treasurer President, Shareholder	Phone:	907-942-2091	% Owned: 57
Mailing Address:	PO Box 1365			
City:	Hodiak	State:	AK	ZIP: 99615

Entity Official Name:	George Coetter JR.			
Title(s):	Director, Secretary, Shareholder Vice President	Phone:	907-654-5535	% Owned: 43
Mailing Address:	518 W. Marine Way #207			
City:	Hodiak	State:	AK	ZIP: 99615

Entity Official Name:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:





Alaska Alcoholic Beverage Control Board

Package Store License

**Form AB-17b: 2018/2019 Renewal License Application**

**Section 5 – License Operation**

**Check a single box for each calendar year that best describes how this liquor license was operated:**

	2016	2017
The license was regularly operated continuously throughout each year, for 8 or more hours each day.	<input type="checkbox"/>	<input type="checkbox"/>
The license was regularly operated during a specific season each year, for 8 or more hours each day.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.</i>	<input type="checkbox"/>	<input type="checkbox"/>

**Section 6 – Violations and Convictions**

**Applicant violations and convictions in calendar years 2016 and 2017:**

	Yes	No
Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

**Section 7 – Alcohol Server Education**

**Read the line below, and then sign your initials in the box to the right of the statement:**

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

Initials AS







Alaska Alcoholic Beverage Control Board

Package Store License

**Form AB-17b: 2018/2019 Renewal License Application**

**Section 8 – Written Orders**

Written orders in calendar years 2016 and 2017:

Yes No

Did you sell alcoholic beverages in response to written orders in calendar years 2016 or 2017?

**Section 9 – Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

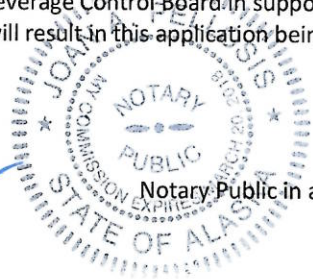
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

P. Almeta  
 Signature of licensee

Patricia Almeta  
 Printed name of licensee



Joan A. Pelloni  
 Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 03/20/2018

Subscribed and sworn to before me this 26<sup>th</sup> day of December, 20 17.

License Fee:	\$ 1500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 1700.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

