

Notice of Violation

(3AAC 304.525)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 5-8-18

License #/Type: # 2275 / Beverage Dispensary

Licensee: Garcia's Birchwood Ltd Partnership

Address: 11901 Business Loop Blvd, Eagle River, AK

DBA: Garcia's Cantina

AMCO Case #: AB18-0521

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

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

You have an unapproved transfer of controlling interest and an unreported change of ownership. Details are as follows:

Change in ownership:

Jason Hemphill - changed from 24% ownership to 30% ownership

Ronn Laurin - changed from 51% ownership to 40% ownership

Jose Rivas - changed from 25% ownership to 30% ownership

Date of unreported change of officers/ownership: 9/11/2017

Your attention is referred to AS 04.11.040(c): Board approval of transfers and AS 04.11.050: Reports required of corporations.

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

THE LAW OFFICES OF ERNOUF & COFFEY

A PROFESSIONAL CORPORATION

P.O. Box 212314

Anchorage, Alaska 99521

(907) 274-3385

September 26, 2018

Ms. Erika McConnell
Alcohol & Marijuana Control Office
550 West 7th Avenue
Suite 1940
Anchorage, Alaska 99501
VIA EMAIL

**Re: GARCIA'S BIRCHWOOD LTD
PARTNERSHIP
N.O.V. AB18-0521
Date of Incident: 5/8/18**

Dear Erika:

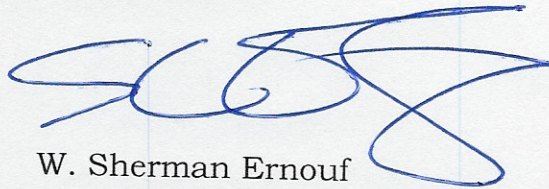
I am writing this letter on behalf of our client Garcia's Birchwood Ltd Partnership who operates the local restaurant Garcia's Cantina in Eagle River. Please let this letter serve as my client's formal response to NOV AB18-0521 dated May 8, 2018 which they were apparently sent via email and which they state they did not receive. You and I spoke about this matter briefly when I met with you several weeks ago. My client did receive a copy of this NOV via certified mail on September 19, 2018.

The facts in this matter are relatively simple. In late 2017, my clients erroneously and without intention to violate the law, transferred/reallocated the amounts of stock held by the members of Garcia's Birchwood Partnership. This reallocation effectively resulted in more than 10% of stock in the licensed entity changing hands. As we know, Title 4 requires a stock transfer for any transfer of stock equal to or more than 10% in the licensed entity. Unfortunately, my client was not aware of this requirement at that time. Since retaining this firm, my clients and I have discussed in depth the requirements of Title 4 relative to changes in stock ownership. All members of the partnership have a clear understanding of the law and wish to comport with it. Garcia's is a long-standing operator with a strong record of compliance and wants nothing more than to make the entity compliant with the law.

As such, this Firm has been engaged to perform the stock transfer which should have been effectuated in 2017. We have just started the advertising process and expect to be completed shortly and to be filed with your offices within the next few weeks.

My client sincerely apologizes for the error and has used this opportunity to re-educate themselves on the technical aspects of Title 4. I am available at any time to discuss this matter with you further should you feel such a discussion is necessary. Thank you for your time and courtesy in this regard.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'SHERMAN ERNOUF', with a large, stylized flourish extending to the right.

W. Sherman Ernouf

cc: Client



Alaska Alcoholic Beverage Control Board

Form AB-17: 2019/2020 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 liquor license that will expire on December 31, 2018. 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. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

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:	Garcia's Birchwood Ltd Partnership	License #:	2275
License Type:	Beverage Dispensary	Legal Ref.:	AS 04.11.090
Doing Business As:	Garcia's Cantina		
Premises Address:	11901 Business Blvd, Ste 104		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Eagle River		

Mailing Address:	11901 Business Blvd, Suite 104		
City:	Eagle River	State:	AK
ZIP:	99577		

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.

Contact Licensee:	Ronn Laurin	Contact Phone:	907 727 6298
Contact Email:	3amigos@garciascantinaandcafe.com		

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	Sherman Ernouf	Contact Phone:	907 274 3385
Contact Email:	sernouf@eclawfirm.org		



Form AB-17: 2019/2020 Renewal License Application

Section 2 - Entity or Community Ownership Information

This top 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). This number is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

Alaska CBPL Entity #:	37512D 3768 PD
-----------------------	---------------------------

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 community or entity, including a corporation, limited liability company, 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.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

Name of Official:	Jason Hemphill		
Title(s):	Treasurer / Secretary	Phone:	907 720 9921
Mailing Address:	13050 Wynn Ridge Circle		
City:	Eagle River	State:	AK
		ZIP:	99577

Name of Official:	Cantina, Inc.		
Title(s):	Partner	Phone:	% Owned: 0
Mailing Address:	11901 Business Blvd		
City:	Eagle River	State:	AK
		ZIP:	99517

Name of Official:	Barn Lavin		
Title(s):	President	Phone:	% Owned: 100
Mailing Address:	20537 Ptarmigan Blvd		
City:	Eagle River	State:	AK
		ZIP:	99577



Form AB-17: 2019/2020 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate (spouse)

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

This individual is an: applicant affiliate (spouse)

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

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

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

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 set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated: 2017 2018

- The license was regularly operated continuously throughout each year.
- The license was regularly operated during a specific season each year.
- The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
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.
- The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.
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, unless a complete copy of the form (including fees) has already been submitted for that year.

DEC 07 2018



Form AB-17: 2019/2020 Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

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 2017 or 2018?

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

Section 7 - 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, and 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.

RL

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 approved and on file with the Alcoholic Beverage Control Board.

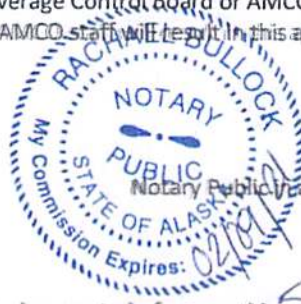
RL

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.

RL

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 or AMCO staff 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.

RL
Signature of licensee



Rachael Bullock
Signature of Notary Public

Ron Garcia
Printed name of licensee

Alaska
Notary Public and for the State of

My commission expires: 02/09/21

Subscribed and sworn to before me this 5th day of December, 2018.

Seasonal License? Yes No

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

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

Notice of Violation

(3AAC 304.526)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 5-8-18

License #/Type: # 2275 / Beverage Dispensary

Licensee: Garcia's Birchwood Ltd Partnership

Address: 11901 Business Loop Blvd, Eagle River, AK

DBA: Garcia's Cantina

AMCO Case #: AB18-0521

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board declines to act against your license, under the provisions of AS 44.62.330 - AS 44.62.330 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

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

You have an unapproved transfer of controlling interest and an unreported change of ownership. Details are as follows:

Change in ownership:

Jason Hemphill - changed from 24% ownership to 30% ownership

Roma Laurin - changed from 51% ownership to 40% ownership

Jose Rivas - changed from 25% ownership to 30% ownership

Date of unreported change of officers/ownership: 9/11/2017

Your attention is referred to AS 04.11.040(c): Board approval of transfers and AS 04.11.050: Reports required of corporations.

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

*Please send your response to the address below and include your alcohol license number in your response.

3 AAC 304.526 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date: