



Alcoholic Beverage Control Board
Meeting Minutes
July 9, 2019
907 Terminal Street (FNSB Assembly Chambers)
Fairbanks, Alaska

● **ADMINISTRATION**

9:00 am

A. Call to Order

B. Roll Call

Board Members Present

Bob Klein, Chair, Industry Member
Rex Leath, Vice Chair, Public Safety Member
Glenn Brady, Industry Member
Charlie Cross, Rural Member

Board Members Absent

Sara Erickson, Public Member

Staff Present

Erika McConnell, Director
John Church, Occupational Licensing Examiner

Legal Counsel Present

Harriet Milks, Assistant Attorney General

C. Approval of Agenda

None opposed to agenda as written, agenda is approved.

D. Approval of the April 29-30, 2019, Meeting Minutes

TAB 1

Glenn Brady moves to accept the meeting minutes.
Rex Leath seconds the motion.

None opposed, motion carries.

● **BOARD GOVERNANCE**

9:02 am

Charlie Cross declares a conflict of interest with a license involving NANA Management (License 5317).

Bob Klein recuses Charlie Cross for consideration and voting regarding this matter due to his financial interest.

Glenn Brady declares a conflict of interest with license that he is transferring. (Silver Gulch License 3487)

Chair Klein recuses Glenn Brady from consideration and voting regarding this matter due to his financial interest.

Harriet Milks requests that members disclose any conversations they may have had with licensees or representatives of licensees.

Bob Klein, Chair, mentions that he has spoken with legal counsel for the Muse license (5317) but that he does not find it to be an ex parte communication.

● **PUBLIC TESTIMONY**

9:05 am

- A. Public testimony is limited to issues not on this agenda and that are not proposed regulations. The call-in number is 1-800-315-6338, code 69173#.

Paul Thomas, Chairman of Big Lake CHARR, is present on the phone and reads a letter from Sarah Oates, President and CEO of Alaska CHARR regarding manufactures and how much alcohol they are able to offer to individuals. He indicates that this letter has been sent to the Alcohol Mailbox but that Sarah Oates was concerned that it would not get to the board because she had been informed the mailbox was inaccessible to AMCO staff.

Erika McConnell indicates that the office has had IT issues and will distribute the letter once access is established.

● **DIRECTOR'S REPORT**

9:10 am

TAB 2

Erika McConnell provides a summary of her report as listed in Tab 2.

● **BOARD INTERPRETATIONS**

9:11 am

- A. **Restaurant or Eating Place Licenses in Hotels**

TAB 3

Erika McConnell summarizes Tab 3 and goes over the results of her research.

Bob Klein asks if Sarah Oates, CEO of Alaska CHARR, or Alicia Maltby, Executive Director of Alaska Hotel & Lodging Association, had any recommendations.

Erika McConnell indicates that they did not provide any specific suggestions at this time.

Rex Leath poses questions regarding hunting guides who provide alcohol to their customers.

Erika McConnell indicates that in that instance a license would be required since clients are purchasing alcohol as part of a package.

Rex Leath asks if there is any way for an individual to receive something free with their purchase of a service.

Erika McConnell states that for the purposes of the conversation at hand they need to limit the topic to alcohol since it is the regulated product that the board has jurisdiction over.

Glenn Brady ask Rex Leath how prevalent the practice of offering free alcohol with guided trips is.

Rex Leath indicates that he does not have a definitive number but from personal experience has witness these offerings. He has concerns about the cost of inspecting or enforcing a new permit/license type for these activities.

Glenn Brady brings up the possibility of creating a new permit for this type of activity.

Rex Leath states that he is concerned about properly regulating the distribution of alcohol, but has concerns about the fiscal impacts of inspecting or enforcing a new permit.

Bob Klein indicates that he does not see an issue with hunting camps providing alcohol as long as it is not effecting the surrounding communities. He requests that for the purpose of this question the scope should be limited to hotels and restaurants that offer free alcohol. He suggests developing a list of criteria beyond which a hotel must be licensed.

Glenn Brady would like the scope of the question to be broad so that it is applicable to multiple business practices that may use free alcohol as a model. He would like to see restrictions on marketing using 'free alcohol' as a draw.

Bob Klein states that at this time the question should be limited to hotels. He asks the director to work with Sarah Oates and Alicia Maltby to develop a policy for the board to consider--a threshold under which a hotel may provide free alcohol without being licensed.

● **ENFORCEMENT REPORT**

9:36 am

TAB 4

James Hoelscher is present via phone to discuss his report in Tab 4 and states that there is a training course provider had not renewed their program for almost seven (7) years. He asks if the Board still is delegating authority to staff for review of these trainings.

Glenn Brady has concerns about some of the NOVs that have been issued in relation to server education and indicates that he would prefer not to delegate at this time until a deeper look is taken.

James Hoelscher discusses some of the issues that were discovered when examining this particular training program and why the issue was brought up to the board on previous agendas. He indicates the procedure that he would recommend for reviewing and renewing programs.

Bob Klein appoints a work committee to look into these training classes. Glenn Brady and Rex Leath will be the board members assigned to the committee and James Hoelscher will also participate.

A. Notices of Violation Issued and Licensee Responses

TAB 5

James Hoelscher brings forward the issue of Wild Honey Bistro (license #5607) not having a valid work permit for an underage employee.

James Hoelscher bring up the issue of Houston Lodge (license # 533) operating as “Triple J Roadhouse”; he explains the issues that can occur when a licensee is operating under a different DBA than what is listed with the office.

The board has a general discussion regarding the statutory requirements for DBA and the issues this type of violation creates for enforcement and licensing.

Laura Pruett, Vice-President of Doris Jane Incorporated (licensee for #533 DBA Houston Lodge), via phone offers some clarification as to how they are operating the license. She indicates that they understand the concerns and will be taking steps to clarify through posting what establishment is proving which services and goods.

Erika McConnell brings up the issue of the Beverage Dispensary License currently having a restaurant designation but the restaurant is being operated by a separate entity.

Bob Klein and Glenn Brady both state that they do not see a problem with a Beverage Dispensary License offering food from a separate entity.

James Hoelscher indicates that the licensee no longer has a kitchen so cannot have a restaurant designation meaning minors would not be permitted to eat or work on the premises as allowed with that permit. He also states there may be financial interest implications with leasing out a portion of a licensed premises and receiving compensation for it.

● **LICENSING REPORT**

10:27 am

TAB 6

Mikal Milton, Records and Licensing Supervisor for AMCO, via phone, summarizes Tab 6.

● **BOARD CONSIDERATION**

10:29 am

A. Alaska Pacific Beverage Company, LLC

Reconsideration of new license applications.

Local governing body action: Municipality of Anchorage does not protest

Background investigations: complete

Temporary licenses issued.

- 1. 5744 49th State Brewing**
721 W 1st Avenue, Suite #49, Anchorage
License: Brewery
- 2. 5745 49th State Brewing**
721 W 1st Avenue, Suite #49, Anchorage

TAB 7

License: Winery

Director McConnell summarizes the Tab 7 and indicates that the issue has been resolved.

B. Bernard I Souphanavong

TAB 8

New license applications.

Local governing body action: Municipality of Anchorage does not protest

Background investigations: complete

1. 5731 Bernie's Bungalow Lounge

TAB 9

626 D Street, Anchorage

License: Beverage Dispensary – Duplicate (outdoor patio)

2. 5732 Bernie's Bungalow Lounge

TAB 10

626 D Street, Anchorage

License: Beverage Dispensary – Duplicate (downstairs area – Limbo Bar)

Erika McConnell summarizes Tabs 8-10.

Jessica Souphanavong, daughter of Bernard, is present and indicates that the licensee did want the duplicates issued to avoid any confusion in the future.

Glenn Brady moves to approve the applications for licenses 5731 and 5732 DBA Bernie's Bungalow Lounge.

Charlie Cross seconds the motion.

None opposed, motion carries.

C. Gold Miners Lodge Restaurant and Motel LLC

TAB 11

Renewal application.

NOV for violation of AS 04.11.450; City of Houston protests for non-operation.

1. 4380 Gold Miners Lodge Restaurant and Motel

TAB 12

20333 W Parks Highway, Houston

License: Restaurant or Eating Place

2. 4526 Gold Miners Lodge Restaurant and Motel

TAB 13

Mile 60.5 Parks Highway, Houston

License: Beverage Dispensary-Tourism

Erika McConnell summarizes Tabs 11-13 and recommends denial of the renewals for violating AS 04.11.450.

Bob Klein asks if there was a reason submitted for the protest by the City of Houston in 2019.

Erika McConnell indicates that the City of Houston protested due to not meeting their operating requirement.

DanaLyn Dalrymple, attorney for the licensee, is present via phone and summarizes the steps that the licensees are taking to address the protests. She indicates that a transfer will be submitted in time for the September meeting and requests that the board table the applications.

Glenn Brady moves to table consideration of these applications to the September meeting.

Rex Leath seconds the motion.

None opposed, motion carries.

D. RoughWoods LLC

TAB 14

Requesting time extension for transfer under AS 04.11.030(b).

Local governing body: City of Nenana

- 1. 3760 Rough Woods Inn & Cafe**
623 North A Street, Nenana
License: Restaurant/Eating Place
- 2. 5233 Rough Woods Inn & Cafe**
623 North A Street, Nenana
License: Brewpub

Erika McConnell summarizes Tab 14.

Danielle Gardner, legal counsel for the licensee, via phone indicates that the extension request is so long because there is a current lawsuit to determine who will take over RoughWoods LLC.

Bob Klein indicates that since the request is for such a long time that a background check must be completed by the personal representative of the estate.

Kari Irish, personal representative of the estate, via phone indicates they have no issue submitting fingerprints for a background check.

Glenn Brady moves to grant the one year extension from 7/9/2019 as long as background check is completed.

Rex Leath seconds the motion.

None opposed, motion carries.

E. Taek Young & Hee Hwan Lee

TAB 15

Requesting time extension for transfer under AS 04.11.030(b).

Local governing body: Kenai Peninsula Borough

- 1. 417 4 Royle Parkers**
36185 Kenai Spur Highway
License: Beverage Dispensary
- 2. 1295 4 Royle Parkers**
36185 Kenai Spur Highway
License: Package Store

Erika McConnell summarizes Tab 15.

**Glenn Brady moves to approve the requested time extension to September 8, 2019.
Charlie cross seconds the motion.
None opposed, motion carries.**

- F. 263 Coghill's:** Coghill's, Inc.
807 North A St, Nenana
License: Package Store
Local governing body: City of Nenana

TAB 16

Requesting time extension for transfer under AS 04.11.030(b).

Erika McConnell summarizes Tab 16.

**Glenn Brady moves to approve the 90-day time extension.
Charlie Cross seconds the motion.
None opposed, motion carries.**

- G. 1176 Tundra Lodge & R/V Park:** Barbara A Abbott
Milepost 1315 Alaska Hwy, Unincorporated
License: Beverage Dispensary - Seasonal

TAB 17

Requesting time extension for transfer under AS 04.11.030(b).

Erika McConnell summarizes Tab 17.

**Glenn Brady moves to approve the 90-day time extension request.
Charlie Cross seconds the motion.
None opposed, motion carries.**

- H. 1270 Bear's Den Liquor:** Three Bears Alaska, Inc.

TAB 18

Mile 1314 Alaska Highway, Tok
License: Package Store
From: Mile 1312 Alaska Highway, Tok

Transfer of location.
Local governing body action: no LGB
Pending: creditor
Background investigations: complete

Erika McConnell summarizes Tab 18. She requests clarification from the board on whether a petition is required to accompany applications of this type.

Steve Mierop, CFO of Three Bears Alaska, Inc., is present in person and summarizes the position of the licensee. He hands out a copy of the AB-12: Petition for discussion of some of the language with the board.

Bob Klein asks about the diagram provided in the tab that shows the license only moving ¾ of a mile but the address change indicates it has moved 2 miles.

Steve Mierop summarizes the address issue and why the mile markers seem inconsistent.

Bob Klein indicates that for this instance a petition should not be necessary as Tok is aware of the licensee and their business.

**Glenn Brady moves to approve the transfer application for license 1270 with delegation.
Charlie Cross seconds the motion.**

Rex Leath mentions that he has some concerns about allowing licensees in unincorporated areas to move without a petition. He wants to ensure communities have ample notice and opportunities to comment.

None opposed, motion carries.

Break at 11:10am. Return at 11:22am.

- I. **1536 The Sluice Box:** Alaska Adventure Services, LLC
Mile 82.2 Denali Highway
License: Beverage Dispensary - Seasonal

TAB 19

Requesting reinstatement, renewal, and transfer of license.

Local governing body action: pending Matanuska-Susitna Borough

Approvals: Department of Revenue

Pending: Department of Labor

Background investigations: complete

Erika McConnell summarizes Tab 19.

Colleen Kelley, licensee, via phone is available to address any question from the ABC Board and explain what was missing from the '17-'18 renewal application.

Glenn Brady moves to reinstate, renew, and transfer license 1536 with delegation.

Rex Leath seconds the motion.

None opposed, motion carries.

Glenn Brady and Erika McConnell discuss what was missing from the previous renewal in regards to the licensee's refund request.

Bob Klein indicates that the issue of a refund will not be taken up by the board.

Regarding the request for room service under 04.11.090(d).

Glenn Brady moves to approve room service for this license under 04.11.090(d).

Charlie Cross seconds the motion.

None opposed, motion carries.

- J. **3934 Residence Inn by Marriott:** JL 35th Avenue Hotel, LLC

TAB 20

1025 35th Avenue, Anchorage
License: Restaurant or Eating Place

Renewal application.

Local governing body action: Municipality of Anchorage does not protest
Restaurant or Eating Place license with less than 50% of sales from food.

Erika McConnell summarizes Tab 20.

Sherman Ernouf, legal counsel to the licensee, is present and requests that the application be tabled until the September meeting.

Erika McConnell indicates that the license does not have a current temporary license.

Glenn Brady moves to table consideration of license 3934 until the September meeting and directs the Director to issue a temporary to this licensee.

Charlie Cross seconds the motion.

None opposed, motion carries.

- K. 4665 Hutchinson Commercial Co:** Earla Hutchinson
Mile 161 Steese Highway, Circle
License: Package Store
Local governing body: no LGB

TAB 21

Appeal of license forfeiture under AS 04.11.030(b) and request for time extension.

Erika McConnell summarizes Tab 21.

Dick Hutchinson, licensee, is present to answer any questions from the ABC Board.

Glenn Brady moves to reinstate the license 4665 and grant a time extension of 90-days.

Rex Leath seconds the motion.

None opposed, motion carries.

- L. 4898 Panorama Pizza Pub:** The Perch Resort at Denali, Inc.
Mile 224 Parks Highway, Denali
License: Beverage Dispensary – Seasonal
From: Leslie LeQuire

TAB 22

Transfer of ownership, renewal, and reinstatement request.

Local governing body action: Denali Borough does not protest

Approvals: Department of Revenue, Department of Labor

Background investigations: pending

Temporary license issued

Erika McConnell summarizes Tab 22.

Glenn Brady moves to reinstate, renew, and transfer license 4898 with delegation.

Charlie Cross seconds the motion.

None opposed, motion carries.

M. 5231 Deckhand Dave's: Alaska Sustainable Seafoods LLC.
127/139 S Franklin, Juneau
License: Restaurant/Eating Place
From: Capitol Ventures LLC, DBA Neptune, no premises

TAB 23

Transfer of ownership and location and DBA change.

Local governing body action: City and Borough of Juneau does not protest

Approvals: Department of Environmental Conservation, Department of Revenue, Department of Labor

Background investigations: complete

Licensed premises review.

Temporary issued.

Erika McConnell summarizes Tab 23.

David McCasland, applicant, is present in person to address any questions from the ABC Board.

Glenn Brady ask for clarification of how the licensee is operating the premises.

Glenn Brady moves to approve the transfer of license 5321.

Rex Leath seconds the motion.

Paul Thomas, Alaska Cache Liquor, via phone has questions about whether individuals working for the other vendors can be under 21 as they would have to go through the premises to get to work.

Rex Leath ask for clarification on the entrances and exits to the premises.

The applicant, board and staff discuss possible solutions to the concern brought up by Paul Thomas.

Glenn Brady amends his motion to require a new licensed premises diagram be submitted that shows access to the other establishments for minor employees before the license is issued.

Rex Leath seconds the motion.

None opposed, motion carries.

The board is scheduled to consider executive session items at 12:00 noon and 12:30pm. The board moves into executive session at this time.

● **EXECUTIVE SESSION**

11:57 am

Glenn Brady moves to bring the Board into Executive Session to consider the Executive Session items and a personnel issue.

Charlie Cross seconds the motion.

None opposed, motion is carried.

Glenn Brady moves to leave executive session.

Charlie Cross seconds.

None opposed, motion is carried.

- A. **4733 No DBA:** Triplets, Inc.
No Premises
License: Beverage Dispensary

Appeal of denial of fourth waiver and renewal; OAH Case No. 18-0628-ABC

Glenn Brady moves to adopt administrative law judge's recommendation for the matter of license 4377.

Rex Leath seconds the motion.

None opposed, motion carries.

- B. **5095 Taku Lanes:** Taku Lanes, LLC
608 W Willoughby Avenue, Juneau
License: Recreational Site

Appeal of denial of renewal; OAH Case No. 19-0196-ABC

Glenn Brady moves to not adopt administrative law judge's hearing recommendation citing AS 44.64.060(e)(3).

Charlie Cross seconds the motion.

None opposed, motion carries.

- C. **4965 Piccolino's:** Piccolino's Restaurants, Inc.
551 W Parks Highway, Wasilla
License: Restaurant or Eating Place

Stipulated Agreement; OAH Case No. 19-0197-ABC

Glenn Brady moves to accept the stipulated agreement as presented.

Charlie Cross seconds the motion.

None opposed, motion carries.

Bob Klein states that when the board entered executive session a potential conflict of interest was cited; the board determined that there was no conflict and therefore no action will be taken.

● **BOARD CONSIDERATION CONTINUED**

1:26 pm

- N. **5317 Muse with Laura Cole:** Culinary Adventures with Laura Cole, LLC
625 C Street, Anchorage
License: Restaurant/Eating Place
From: NANA Management Services, LLC

TAB 24

Transfer of ownership and DBA change.

Local governing body action: pending Municipality of Anchorage

Approvals: Department of Revenue

Pending: Department of Labor

Background investigations: pending

Licensed premises review.

Erika McConnell summarizes Tab 24.

Sherman Ernouf and Dan Coffey, legal counsel for the licensee, and Brian Steele (Deputy Director of Anchorage Museum) are present in person to address questions from the board and clarify how the premises is operated.

Charlie Cross has recused himself from voting due to his involvement with NANA Management and therefore financial interest in this matter. Bob Klein has accepted his recusal.

Erika states that the restaurant/eating place license may not fit all the activities that the licensee is looking to cover. She states that allowing the expanded premises would be treating this license different from other licenses of this type.

Sherman Ernouf indicates that they understand Erika McConnell's concerns but that the premises has been licensed for years in a similar manner. They are concerned about having to go to Juneau to address the issues raised. He asks that the board allow them to at least keep their previous licensed premises.

Brian Steele discusses the new additions to the licensed premises that were not included in the previous licensed premises.

Glenn Brady moves to approve the transfer and DBA Change with previously approved license boundaries.

Rex Leath seconds the motion.

Rex Leath has concerns with approving a license that does not seem to match the statute and continuing to license the premises; he wants to ensure that all licensees are treated equally.

Dan Coffey states that if the board is uncomfortable with the operation of this license then they should give them time to work with Juneau to get statutes adjusted. He believes that moving the Director's recommendation would negatively affect the operations of the Anchorage Museum.

None opposed, motion carries.

Charlie Cross rejoins the meeting as a board member.

- O. 5800 Alaska Fine Wines:** Cynthia McMillin
33427 Sterling Highway, Sterling
License: Wholesale – Malt Beverage & Wine

TAB 25

New license application.

Local governing body action: pending Kenai Peninsula Borough

Approvals: Department of Environmental Conservation

Pending: State Fire Marshal

Background investigations: pending

Premises location.

Erika McConnell summarizes Tab 25; this tab is being brought to the board for consideration regarding the licensed premises being located in the garage of a personal residence.

Rex Leath poses questions about the residence and the accessibility of garage by minors.

Bob Klein asks Director McConnell if that question would be part of the inspection process.

Erika McConnell states that accessibility will be something that the enforcement team member who would inspect the premises will look at but that they wouldn't check to see if children had access to keys to the facility.

Glenn Brady moves to approve the application for license 5800 with delegation.

Rex Leath seconds the motion.

None opposed, motion carries.

- P. 5801 Devil's Club Brewing Company:** Devil's Club Brewing, LLC
100 North Franklin Street, Juneau
License: Winery

TAB 26

New license application.

Local governing body action: City and Borough of Juneau does not protest

Approvals: Department of Environmental Conservation

Background investigations: complete

Shared premises with brewery license #5517 dba Devil's Club Brewing Company.

Erika McConnell summarizes Tab 26.

Bob Klein has questions about where the winery equipment will be located on the premises.

Evan Woods, licensee, via phone indicates that the winery and brewery will be sharing equipment.

Glenn Brady asks if the licensee is aware of the discussions by the ABC Board regarding tasting rooms and the amount of alcohol they are allowed to offer to individuals, he indicates that the applicant should monitor the discussions going forward.

Glenn Brady moves to approve the new license application with delegation.

Charlie Cross seconds the motion.

None opposed, motion carries.

- Q. 5821 Hump Island Oyster Company:** Marble Seafoods, LLC
55 degrees 31.13 North, 131 degrees 46.02 West, Ketchikan
License: Restaurant/Eating Place

TAB 27

New license application.

Local governing body: Ketchikan Gateway Borough

Pending: Department of Environmental Conservation

Background investigations: completed

Premises location.

Erika McConnell summarizes Tab 27.

Bob Klein indicates he believes the menu is appropriate and applauds the licensee for their business plan.

Glenn Brady has questions regarding if the kitchen meets DEC requirements.

Bob Klein states that the DEC approval is pending.

Glenn Brady moves to approve the new license application for license 5821 with delegation.

Rex Leath seconds the motion.

None opposed, motion carries.

● **EXECUTIVE SESSION**

**D. ~~4733 No DBA:~~ Triplets, Inc. ~~12:00 pm~~
No Premises
License: Beverage Dispensary**

~~Appeal of denial of fourth waiver and renewal; OAH Case No. 18-0628-ABC~~

**E. ~~5095 Taku Lanes:~~ Taku Lanes, LLC ~~12:30 pm~~
608 W Willoughby Avenue, Juneau
License: Recreational Site**

~~Appeal of denial of renewal; OAH Case No. 19-0196-ABC~~

**F. ~~4965 Piccolino's:~~ Piccolino's Restaurants, Inc.
551 W Parks Highway, Wasilla
License: Restaurant or Eating Place**

~~Stipulated Agreement; OAH Case No. 19-0197-ABC~~

Executive Session occurred above at 12:00 noon.

● **RECREATIONAL SITE LICENSES**

2:30 pm

All Recreational Site Licenses considered below.

TAB 28

A. 3409 Gold Creek Salmon Bake: Alaska Travel Adventures Inc.
1061 Salmon Creek Lane, Juneau

TAB 29

Renewal application.

Local governing body action: pending City and Borough of Juneau

B. 4881 Alaska Travel Adventures: Alaska Travel Adventures Inc.
9999 Glacier Highway, Juneau

TAB 30

Renewal application for reconsideration.

Local governing body action: pending City and Borough of Juneau

- C. **4897 Denali Arts Council:** Denali Arts Council TAB 31
22249 S. D Street, Talkeetna

Renewal application for reconsideration.

Local governing body action: Matanuska-Susitna Borough protests due to debt owed.

- D. **4969 Fireweed Meadows:** Kylonnen Enterprises, LLC TAB 32
72749 Milo Fritz Avenue, Anchor Point

Renewal application for reconsideration.

Local governing body action: Kenai Peninsula Borough does not protest

- E. **5004 The Summit:** The Alaska Club, Inc. TAB 33
11001 O'Malley Centre Drive, Anchorage

Renewal application for reconsideration.

Local governing body action: pending Municipality of Anchorage

- F. **5711 The Old Tower Bar @ Eaglecrest:** South of the Border, LLC TAB 34
3000 Fish Creek Road, Juneau

New license application for reconsideration.

Local governing body action: City and Borough of Juneau does not protest

Erika McConnell summarizes Tabs 28-34.

Bob Klein asks if The Old Tower Bar @ Eaglecrest is a new license.

Erika McConnell indicates it is a new license and was mentioned specifically as the reason for an amendment to the statute in question on the Alaska State House Floor.

Glenn Brady moves to approve all recreational site license applications Items A-F (Tabs 29-34) listed above with delegation.

Charlie Cross seconds the motion.

Glenn Brady discusses concerns with this type of legislation because it creates issues with the ABC Board's interpretations and regulations.

None opposed, motion carries.

● **REQUESTS FOR REINSTATEMENT AND RENEWAL**

2:36 pm

- A. **3123 Hangar Lounge:** David K. Freeman TAB 35
Mile 1.5 S Big Lake Road, Wasilla
License: Beverage Dispensary - Seasonal

Reinstatement and renewal; request for refund of late renewal fee.

Local governing body action: pending Matanuska-Susitna Borough

Erika McConnell summarizes Tab 35.

Glenn Brady moves to reinstate and renew license 3123 with delegation.

Charlie Cross seconds the motion.

None opposed, motion carries.

- B. 5543 Yama Sushi:** Jung Gue Lee
351 Muldoon Road #B, Anchorage
License: Restaurant/Eating Place

TAB 36

Reinstatement and renewal.

Local governing body action: pending Municipality of Anchorage

Erika McConnell summarizes to Tab 36.

Glenn Brady moves to reinstate and renew license 5543 with delegation.

Rex Leath seconds the motion.

None opposed, motion carries.

● **PUBLIC HEARINGS – PROTESTS**

2:42 pm

- A. 61 Anchor Bar & Grille:** Tiny Wings Inc.
207 Breakwater Avenue, Cordova
License: Beverage Dispensary

TAB 37

Renewal application.

City of Cordova protests due to delinquent taxes owed.

Erika McConnell summarizes Tab 37 and states that the protest has been lifted.

Glenn Brady moves to renew license 61.

Rex Leath seconds the motion.

None opposed, motion carries.

- B. 527 The Moose Creek Lodge:** H54B, Inc.
3560 Old Richardson Highway, North Pole
License: Beverage Dispensary

TAB 38

Renewal application.

Fairbanks North Star Borough protests due to delinquent taxes owed.

Erika McConnell summarizes Tab 38.

Bill Hunt, part of group looking to purchase the license, is present in person and distributes a letter indicating that a group has reached an agreement with current licensee to purchase license. He requests an extension to deal with transfer and protest by the Fairbanks North Star Borough.

Glenn Brady asks about the security interest mentioned in the letter.

Erika McConnell indicates that she was not aware of a security interest prior to receiving this letter.

Annmarie Billingsley, attorney for the FNSB, present in person indicates that the Borough is not interested in an extension or renewal and intends to continue their protest since funds were not received by the deadline.

Rick Quinn, individual referenced in Bill Hunt's letter, via phone indicates that they were unaware of severity of the issues. He wants to request time to deal with outstanding debts and indicates that there was a security interest in the license when it was previously transferred.

Erika McConnell indicates that the posting appears to not have been done with proper wording and no documents appear to be in the file that show a finalized security interest.

Glenn Brady asks what happens to the license if the board chooses not to renew it.

Erika McConnell indicates that the license would go away.

Harriet Milks questions whether a security interest that was perfected could "resurrect" a license that has been expired, though it appears this security interest was not perfected.

After discussion it was determined that the protest was upheld and abeyance was granted; since the protest remains in place, the license is forfeit.

- C. 1346 Shell Lake Lodge: Zoe A Brinker**
Shell Lake Lot 12, Shell Lake
License: Beverage Dispensary

TAB 39

Renewal application.
Matanuska-Susitna Borough protests due to delinquent taxes owed.

Erika McConnell indicates that the protest has been lifted.

Glenn Brady moves to renew license 1346.
Charlie Cross seconds the motion.
None opposed, motion carries.

- D. 4353 No DBA: Kenneth Fuller**
No Premises, Anchorage
License: Beverage Dispensary

TAB 40

From: Latin Connection Entertainment, LLC DBA Playhouse, at 333 W 4th Avenue, Suite 207,
Anchorage

Renewal; transfer of ownership and location, and DBA change.
Approvals: Department of Labor – Employment Security; Department of Revenue
Pending: creditors
Background investigations: complete

Municipality of Anchorage protests due to poor license operation. Objections received from Department of Labor – Workers Compensation and multiple creditors. Comment received from the Downtown Community Council.

Erika McConnell summarizes Tab 40.

Todd Sherwood, Assistant Municipal Attorney, and Mandy Honest, Business License Official, via phone are available to discuss the application. They indicate that the transfer has not been heard by the Assembly yet.

John Colver, legal representative for Ken Fuller, via phone discusses the issues raised by the Municipality regarding the previous licensee.

Russ Reno, Downtown Community Council, via phone indicates that they would like to protest the renewal of the Playhouse due to poor operations but that they would welcome a new ownership structure.

Regarding license 4353 Glenn Brady moves to rescind previous renewal approval, deny renewal, and up-hold the protest with a 60-day abeyance and table consideration of the transfer until the September meeting.

Charlie Cross seconds the motion.

None opposed, motion carries.

E. 5760 Bear Tooth Theatrepub and Bear Tooth Grill: Film-On Productions LLC

TAB 41

1230 W 27th Avenue, Anchorage

License: Package Store

New license application.

Background investigations: complete

Municipality of Anchorage protests pending certification from Anchorage Fire Department and issuance of special land use permit.

Erika McConnell summarizes Tab 41.

Glenn Brady moves to rescind prior approval for license 5760, deny the application, and uphold the protest with a 180-day abeyance.

Charlie Cross seconds the motion.

None opposed, motion carries.

F. 5761 Rebels Roost Lodge: Jesse L Atkinson

TAB 42

Mile 22 Yentna River, Talkeetna

License: Restaurant or Eating Place

New license application.

Pending: Department of Environmental Conservation; State Fire Marshal

Background investigations: complete

Matanuska-Susitna Borough protests due to debts owed.

Erika McConnell summarizes Tab 42.

Jesse Atkinson, applicant, via phone indicates that the protest from the Borough should be lifted shortly.

Glenn Brady moves to rescind prior approval of license 5761, deny the application, and uphold the protest with a 30-day abeyance.

Charlie Cross seconds the motion.

None opposed, motion carries.

- G. 5775 Johnny Chicago's:** Johnny Chicago's Restaurants, LLC
751 E 36th Ave Suite 107, Anchorage
License: Restaurant/Eating Place

TAB 43

New license application.

Background investigations: complete

Municipality of Anchorage protests pending special land use permit from planning department.

Erika McConnell indicates that the protest has been lifted.

Glenn Brady moves to approve the new license application for 5755.

Charlie Cross seconds the motion.

None opposed, motion carries.

- H. 5780 Jazz Bistro "Havana Nights":** Bluenote Create Inc.
529 4th Avenue, Fairbanks
License: Restaurant or Eating Place

TAB 44

New license application.

Pending: Department of Environmental Conservation

Background investigations: complete

City of Fairbanks protests pending issuance of certificate of occupancy.

Erika McConnell summarizes Tab 44

Glenn Brady moves to rescind the board's prior approval and uphold the protest of license 5780 with a 180-day abeyance.

Charlie Cross seconds the motion.

None opposed, motion carries.

● **PUBLIC HEARINGS – OBJECTIONS**

3:20 pm

- A. McGuire's Tavern & Liquor Inc.**
Transfer of controlling interest.
From: Allan Anderson 95% and Allan Anderson II 5%
To: Allan Anderson II 100%

TAB 45

- 1. 679 McGuire's Tavern**
Main Street, McGrath
License: Beverage Dispensary

TAB 46

Local governing body action: City of McGrath does not protest
Approvals: Department of Labor - Employment Security, Department of Revenue
Background investigations: complete
Department of Labor - Workers Compensation objects due to non-compliance.

2. 680 McGuire's Tavern

TAB 47

Main Street, McGrath

License: Package Store

Local governing body action: City of McGrath does not protest

Approvals: Department of Labor - Employment Security, Department of Revenue

Background investigations: complete

Department of Labor - Workers Compensation objects due to non-compliance.

Erika McConnell indicates that the Department of Labor – Workers Compensation has lifted their objection.

Glenn Brady moves to approve the transfers for licenses 679 and 680.

Charlie Cross seconds the motion.

None opposed, motion carries.

B. 1242 Willow Tree: DMV4 Properties, LLC

TAB 48

513 Wood River Road, Dillingham

License: Beverage Dispensary

From: Paul G Brannon Testamentary Trust U/W, LLC dba Willow Tree Inn

Transfer of ownership with security interest agreement and DBA change.

Local governing body action: pending City of Dillingham

Pending: Department of Labor- Workers Compensation, Department of Revenue

Background investigations: pending

Department of Labor- Employment Security objects due to non-compliance

Erika McConnell summarizes Tab 48, she indicates that the Department of Labor – Employment Security objection has been lifted.

Glenn Brady moves to approve the transfer of license 1242 with delegation.

Charlie Cross seconds the motion.

None opposed, motion carries.

Break at 3:26pm. Back in session at 3:36pm

C. 5533 ACC Liquor Store: The North West Company (International) Inc.

TAB 49

811 3rd Avenue, Bethel

License: Package Store

From: Cezary Maczynski DBA Kusko Liquor, 801 Front Street

Transfer of ownership and location, and DBA change.

Local governing body action: pending City of Bethel

Approvals: Department of Environmental Conservation, Department of Labor- Workers Compensation

Pending: State Fire Marshal
Background investigations: pending
Two public objections received; Department of Labor – Employment Security objects due to non-compliance.

Erika McConnell summarizes Tab 49.

Jeff Cichosz, Director of Operations for North West Company - Anchorage, is present to answer questions and discuss the security plan for the location.

Anmei Goldsmith, legal counsel for The Northwest Company (International), Inc., is present to discuss the steps the applicant has taken to gain approval from the local planning commission and their discussions with the City of Bethel.

Bob Klein asks about the voluntary conditions placed on the license.

Jeff Cichosz summarizes some of the conditions voluntarily place on the license.

Cezary Maczynski, current licensee, present in persons discusses the history of the license and the objections from members of the public.

Bob Klein asks about the protest proposed by one of the City Council members.

Anmei Goldsmith indicates that the protest was a resolution that was introduced but was not passed on a vote of 5-1.

Walter Pickett, General Manager for North West Commercial Company, speaks to the qualifications of the licensees.

Glenn Brady has questions regarding the operations of the other package store licenses in Bethel.

Erika McConnell indicates that of the three licenses that were approved in the area only one is operating at this time.

Charlie Cross has questions about employee training as he has concerns about alcohol in rural areas.

Jeff Cichosz states the steps that the applicant is going to take to address these concerns and ensure alcohol is distributed safely and responsibly.

Glenn Brady notes that the previous license that the applicants ran did not receive any NOVs during their operations, but recommends that the applicant remain vigilant to ensure they work with the community.

Erika McConnell indicates that since the license was not operated in 2018 an AB-29 waiver would be necessary.

Cezary Maczynski notes that he was unaware of the requirement of a waiver.

Glenn Brady moves to approve the transfer of license 5533 with delegation including submission of an AB-29 waiver for 2018.

Charlie Cross seconds the motion.
None opposed, motion carries.

- D. 5755 Ski Land:** Far North Alpine Ventures, LLC
2315 Skiland Road, Fairbanks
License: Restaurant/Eating Place

TAB 50

Reconsideration of new license application.

Local governing body action: Fairbanks North Star Borough does not protest
Approvals: Department of Environmental Conservation, State Fire Marshal
Background investigations: complete
Public objection received.

Erika McConnell summarizes Tab 50.

Donna Goulding, Volunteer and Secretary for the Fairbanks Ski Patrol, is present to read a letter from the Fairbanks Ski Patrol addressing the objections the ABC Board has received.

Lance Parrish, as resident of Fairbanks, testifies in person in support of issuance of the license and summarizes his letter.

Charles "Chuck" Johnson, individual, is present to support the issuance of the license.

Jim Cerney, individual, is present in person to testify in support of the issuance of the license.

Malcolm Pearson, individual, is present in person to testify in support of the issuance of the license.

Cheryl Berrong, individual, is present in person and reads two letters of support for the issuance of the license.

Sandra Rolfe, legal counsel for the Barnes's, is present to speak to the Barnes's letter and their objections.

Devan Larson, Operation Manager for Ski Land, is present to discuss the food offered by Ski land.

Brooke Estes, Business Manager for Ski Land, is present to discuss the objections received and address the questions about whether or not the facility has a restaurant facility.

Andrew Cox, member of Far North Ventures, is present to support the issuance of the license.

Glenn Brady moves to approve the license with delegation.
Charlie Cross seconds the motion.

Erika McConnell states that this license was previously approved with delegation at the last meeting; the board can put on the record that the objection has been considered but no action will be taken.

Bob Klein as chair states that the board has considered the objection and decided not to act on the objection at this time; their previous approval with delegation stands. No objections from the board are received.

Glenn Brady states that, for the record, he is familiar with the operations of this establishment and he is always happy to see business thrive. Regarding the objection, he states that he encourages the community to continue to work together towards resolution of the concerns. He does not believe that there will be a traffic increase due to issuance of this license.

- E. 5826 High Mark Distillery, Inc.:** High Mark Distillery, Inc.
2270 Royal Street, Warehouse #1, Kenai
License: Distillery

TAB 51

New license application.

Local governing body action: pending City of Kenai and Kenai Peninsula Borough
Pending: State Fire Marshal's Office
Background investigations: completed
Department of Environmental Conservation objects due to non-compliance.

Erika McConnell summarizes Tab 51.

Bob Klein has concerns that there is no still on the premises, the previous license that this establishment held was closed after the regulation requiring 80% of liquor be distilled in State was passed.

Erika McConnell notes that licensing staff does not typically look for all equipment needed for each manufacturing type.

Glenn Brady notes that a bottling works license may be more appropriate for this establishment.

Glenn Brady moves to table to application. (To resolve the missing items on the diagram)

Charlie Cross seconds the motion.

None opposed, motion carries.

● **SECURITY INTEREST TRANSFERS & INVOLUNTARY RETRANSFERS**

4:52 pm

- A. GWB Entertainment Inc.**

TAB 52

From: Vagabond Inn, Inc.

Transfer of ownership with security interest agreement.

- 1. 1189 Vagabond Inn**

TAB 53

38515 Kalifornsky Beach Road, Kenai

License: Beverage Dispensary

Local governing body action: pending Kenai Peninsula Borough

Approvals: Department of Revenue

Pending: Department of Labor

Background investigations: pending

- 2. 1190 Vagabond Inn Liquor Store**

TAB 54

38515 Kalifornsky Beach Road, Kenai

License: ~~Beverage Dispensary~~ [Correction: Package Store]

Local governing body action: pending Kenai Peninsula Borough

Approvals: Department of Revenue
Pending: Department of Labor
Background investigations: pending

Erika McConnell summarizes Tabs 52-54 and states the purpose of the Security Interest documents being brought to the board.

***Glenn Brady moves to approve the transfers of licenses 1189 with security interest and delegation.
Charlie Cross seconds the motion.
None opposed, motion carries.***

● **TOURISM LICENSES – NEW & TRANSFER APPLICATIONS**

4:57 pm

A. 1788 Latitude 62 Lodge: Latitude 62 LLC

TAB 55

22687 S. Talkeetna Spur Road, Talkeetna

License: Beverage Dispensary - Tourism

From: Mac Stevens at 99% and Nancy Trump at 1%

To: Nancy Trump at 100%

Transfer of controlling interest and renewal.

Local governing body action: Matanuska-Susitna Borough does not protest

Approvals: Department of Revenue; Department of Labor

Background investigations: complete

Temporary license issued.

***Glenn Brady moves to approve the transfer of controlling interest and renewal for license 1788.
Charlie Cross seconds the motion.
None opposed, motion carries.***

B. 2948 Cape Fox Lodge: Cape Fox Lodge, LLC

TAB 56

800 Venetia Way, Ketchikan

License: Beverage Dispensary - Tourism

From: Cape Fox Hotel Corporation

Transfer of ownership.

Local governing body action: City of Ketchikan does not protest, pending Ketchikan Gateway Borough

Approvals: Department of Revenue; Department of Labor

Background investigations: complete

***Glenn Brady moves to approve the transfer of license 2984 with delegation.
Charlie Cross seconds the motion.
None opposed, motion carries.***

- C. 5794 Hyatt Place Anchorage:** Midtown Hotel Investors LLC
101 E Tudor Road, Anchorage
License: Beverage Dispensary - Tourism

TAB 57

New license application.

Local governing body action: Municipality of Anchorage does not protest

Background investigations: complete

Temporary license issued.

Glenn Brady moves to approve the new license application for license 5794.

Charlie Cross seconds the motion.

None opposed, motion carries.

- D. 5817 The Hanger:** AKWA, Inc.
1633 Airport Way, Kodiak
License: Beverage Dispensary – Tourism

TAB 58

New license application.

Local governing body action: pending Kodiak Island Borough

Pending: Department of Environmental Conservation

Background investigations: pending

Erika McConnell summarizes Tab 58 she asks the board to clarify what they consider to be an airport terminal.

Glenn Brady states that he believes any DOT property within an airport could qualify as a terminal.

Erika McConnell cautions the board about approving licenses that do not seem to meet statutory definitions.

Glenn Brady moves to approve the new license application for license 5817 with delegation.

Charlie Cross seconds the motion.

None opposed, motion carries.

● OUTDOOR RECREATION LODGE LICENSES – NEW LICENSE APPLICATIONS

- A. 5779 Cove Peaks Lodge:** True Life Adventures Alaska, LLC
50815 Halibut Cove, Homer
License: Outdoor Recreation Lodge - Seasonal

TAB 59

New license application.

Local governing body action: Kenai Peninsula Borough does not protest

Approvals: Department of Environmental Conservation

Pending: State Fire Marshal

Background investigations: complete

Glenn Brady moves to approve license 5779 with delegation.
Rex Leath seconds the motion.
None opposed, motion carries.

The board decides to take the application for 5816 at this time because the applicant is present in person.

● **DELEGATED CONSENT AGENDA – NEW, TRANSFER, AND RENEWAL APPLICATIONS**

GG. 5816 Ajimi Japanese Restaurant: Ajimi, Inc.
69 College Road, Fairbanks
License: Restaurant/Eating Place

New license application.

Local governing body action: pending City of Fairbanks and Fairbanks North Star Borough
Pending: Department of Environmental Conservation
Background investigations: pending

~~Public objection received.~~ (Correction - Rescinded)

Glenn Brady moves to approve license 5816 with delegation.
Charlie Cross seconds the motion.
None opposed, motion carries.

The board is requested to vacate the room due to a scheduling conflict within the venue.

● **ADJOURN**

5:14 pm

Remaining items on the agenda to be considered at a special meeting at the call of the chair.