

# 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: License #/Type:  
Licensee: Address:  
DBA: AMCO Case #:

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 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. 7<sup>th</sup> Ave, Suite 1600**  
**Anchorage, Alaska 99501**  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator:

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA:

Date:

**THE LAW OFFICES OF ERNOUF & COFFEY**

*A PROFESSIONAL CORPORATION  
P.O. Box 212314  
Anchorage, Alaska 99521  
(907) 274-3385*

April 26, 2018

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

**Re: D of Alaska, Inc.  
N.O.V. AB19-0382  
N.O.V. AB19-0383**

Dear Erika:

I am writing this letter on behalf of our client D. of Alaska, Inc. that operates the Denny's restaurants in Alaska. Please let this letter serve as my client's formal response to NOV AB19-0382 and NOV AB19-0383 both dated March 7, 2018.

It should be noted that our offices has filed a stock transfer for the license located at the Debarr location. It should also be noted that we made a formal request to your staff on March 6, 2019 to expire the license at the Denali Street location since my client longer intends on operating that facility—it is closed. I think that this would make the corresponding Notice of Violation mute.

Prior to the issuance of these violations, our offices has been back and forth with staff regarding their requested changes of officials and when and how such changes should be effectuated. My client has and will continue this process through to completion and to your satisfaction.

Simply put, my clients made an honest and genuine mistake in changing their ownership percentages without alerting the ABC Board. My client has no prior violations of law in Alaska over many years of operations and takes pride in this fact. Rest assured that this has been a learning experience for my client and I can guarantee that they will not make a similar mistake in the future.

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,

s/ W. Sherman Ernouf  
Law Offices of Ernouf & Coffey, P.C.  
P.O. Box 212314  
Anchorage, Alaska 99521

cc: Client



Alaska Alcoholic Beverage Control Board

**Master Checklist: Renewal Liquor License Application**

Doing Business As:	Denny's	License Number:	5450
License Type:	Restaurant/Eating Place		
Examiner:	Randi	Transaction #:	1149730

Document	Received	Completed	Notes
AB-17: Renewal Application	10/4	10/28	
App and License Fees	10/4	10/4	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit	10/4	10/28	
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
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	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

Waive     Protest     Lapsed

LGB 2 Response:

Waive     Protest     Lapsed





**Alaska Alcoholic Beverage Control Board**  
**Restaurant or Eating Place License**  
**Form AB-17a: 2020/2021 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 restaurant or eating place liquor license that is due to renew by December 31, 2019. 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 and submitted to AMCO's main office before any license renewal application will be reviewed. 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:	D. of Alaska, Inc.	License #:	5450
License Type:	Restaurant/Eating Place		
Doing Business As:	Dennys		
Premises Address:	3950 DeBarr Road		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Russian Jack		

Mailing Address:	1345 Rudakof Circle #102				
City:	Anchorage.	State:	Alaska	ZIP:	99500

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:	David M Fickes	Contact Phone:	907-333-6276
Contact Email:	dot@alaska.c@gmail.com		

**Optional:** If you wish for AMCO staff to communicate with an 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:		Contact Phone:	
Contact Email:			



Section 2 – Entity or Community Ownership Information

Licenses who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are corporations or LLCs must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below 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

Alaska CBPL Entity #: 155520 D

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.

Initials [Signature]

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.

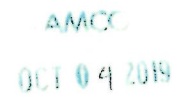
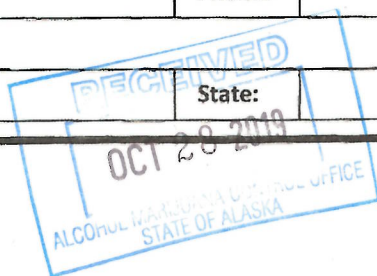
- If the applicant is a corporation, the following information must be completed for each shareholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
• If the applicant is a limited liability organization, the following information 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. You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official: David M Ficks
Title(s): President / Secretary
Phone: 907-333-6796
% Owned: 100%
Mailing Address: 1345 Rudakof Circle #102
City: Anchorage State: Alaska ZIP: 99508

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

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







# Form AB-17a: 2020/2021 Restaurant Renewal License Application

## Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. 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.

The following information must be completed for each licensee and each affiliate.

This individual is an:  applicant  affiliate

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

This individual is an:  applicant  affiliate

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

## Section 4 – 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 set forth in AS 04.21.025 and 3 AAC 304.465.

Initials



## Section 5 – License Operation

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

2018    2019

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.*

AMCO  
OCT 04 2019



Alaska Alcoholic Beverage Control Board  
**Form AB-17a: 2020/2021 Restaurant Renewal License Application**

**Section 6 – Violations and Convictions**

Applicant violations and convictions in calendar years 2018 and 2019:

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes  No

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 2018 or 2019?

Yes  No

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.

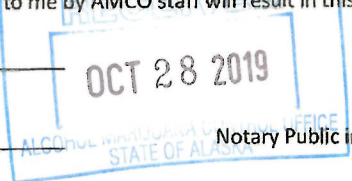
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic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

I am submitting as part of this application a completed copy of Form AB-33: Restaurant Receipts Affidavit, to provide evidence to the ABC Board that this establishment met the food sales requirement set forth in AS 04.11.100(e).

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.

*David M. Fickes*  
 Signature of licensee



*HB*  
 Signature of Notary Public

David M Fickes  
 Printed name of licensee

Notary Public in and for the State of Alaska

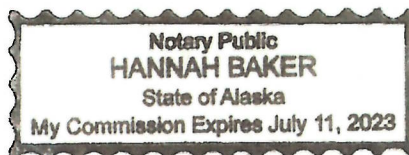
My commission expires: July 11 2023

Subscribed and sworn to before me this 2<sup>nd</sup> day of October, 2019.

Seasonal License? Yes  No

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

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					





# 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: 3/7/19

Licensee: D. of Alaska, Inc

DBA: Dennys

License #/Type: Restaurant / Eating Place #5450

Address: 3950 Debarr Road, Anchorage, AK

AMCO Case #: AB19-0382

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. Details are as follows:

Change in ownership:

David Fickes – originally 50%, changed to 100%

Casey Tetslaff – originally 50%, changed to 0%

Date of unreported change of ownership: 1/28/2019

Your attention is referred to AS 04.11.040: Board approval of transfers

**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.**

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Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)



Issuing Investigator: J. Hamilton

SIGNATURE:

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

**THE LAW OFFICES OF ERNOUF & COFFEY**

*A PROFESSIONAL CORPORATION  
P.O. Box 212314  
Anchorage, Alaska 99521  
(907) 274-3385*

April 26, 2018

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

**Re: D of Alaska, Inc.  
N.O.V. AB19-0382  
N.O.V. AB19-0383**

Dear Erika:

I am writing this letter on behalf of our client D. of Alaska, Inc. that operates the Denny's restaurants in Alaska. Please let this letter serve as my client's formal response to NOV AB19-0382 and NOV AB19-0383 both dated March 7, 2018.

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Simply put, my clients made an honest and genuine mistake in changing their ownership percentages without alerting the ABC Board. My client has no prior violations of law in Alaska over many years of operations and takes pride in this fact. Rest assured that this has been a learning experience for my client and I can guarantee that they will not make a similar mistake in the future.



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,

s/ W. Sherman Ernouf  
Law Offices of Ernouf & Coffey, P.C.  
P.O. Box 212314  
Anchorage, Alaska 99521

cc: Client

