

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: 3/21/19

Licensee: Terlyn, LLC

DBA: Oasis Restaurant & Lounge

License #/Type: #3709 / Beverage Dispensary

Address: 734 University Avenue, Fairbanks, AK

AMCO Case #: AM19-0476

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.

On 03/20/2019 I noticed a sign posted on the outside of the Oasis Restaurant & Lounge advertising "FIREBALL FRIDAY ALASKA," "\$5.00" and the "THE LARGEST STATES #1 SHOT." The sign had no information to indicate Fireball shots are available all day, every day in a calendar week at the \$5.00 price.

Information I found states "Fireball Friday" is part of a National Campaign by Sazerac, the company that owns Fireball Whisky, to promote Fireball Cinnamon Whisky as a key driver of sales for on-premises accounts on Fridays. Information from Sazerac states "Fireball Friday - the only holiday that happens 52x a year!"

Your attention is drawn to AS 04.16.015(a)(3)& (5) & (b):

AS 04.16.015. Pricing and marketing of alcoholic beverages.

(a) On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not
(3) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during the same calendar week, except at private functions not open to the general public;
(5) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public;

(b) A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under (a) of this section.

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: M. Chiesa

Received by:

SIGNATURE: 

SIGNATURE:

Delivered VIA: Mail

Date:

From: [Samantha Lannet](#)
To: [CED AMCO Enforcement \(CED sponsored\)](#)
Cc: [Coach Curtis](#)
Subject: NOV for Oasis Restaurant and Lounge
Date: Wednesday, April 3, 2019 9:32:49 AM

To Whom it May Concern,

I am writing in response to the Notice of Violation dated 3/20/19 at the Oasis. According to the tracking number on the certified letter, we received the document on 3/25/19.

After reading the alleged violation, I must say that I disagree with the investigators interpretation of the statute that he claiming I am in violation of.

He claims that I am in violation of AS 04.16.015 a(3) & (5) & (b), which addresses pricing and marketing of alcoholic beverages.

(a) On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not

(3) sell, offer to sell or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverage during the same calendar week, except at private functions not open to the general public

THE PRICE OF \$5 FOR FIREBALL AT THE OASIS IS THE SAME PRICE EVERYDAY THAT IS SHOWN ON THE SIGN IN QUESTION. THE PRICE HAS BEEN \$5 SINCE WE BEGAN SELLING THE PRODUCT.

(5). Sell or offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the general public

THE PRICE OF \$5 FOR FIREBALL AT THE OASIS IS THE SAME PRICE EVERYDAY THAT IS SHOWN ON THE SIGN IN QUESTION. THE PRICE HAS BEEN \$5 SINCE WE BEGAN SELLING THE PRODUCT.

(b) a licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off premises, a practice prohibited under (a) of this section

THE PRICE OF \$5 FOR FIREBALL AT THE OASIS IS THE SAME PRICE EVERYDAY THAT IS SHOWN ON THE SIGN IN QUESTION. THE PRICE HAS BEEN \$5 SINCE WE BEGAN SELLING THE PRODUCT.

There is nothing I see in any part of the statute that suggests any violation at the Oasis. The promotion is to spotlight Fireball sales on Friday. There is nothing that suggests a discounted price. Please see the attached image from our POS system confirming the regular price.

I do understand how the investigator may have had questions about the Fireball promotion. However, I believe that the issue could have been resolved by contacting me or my manager to ask any questions and/or making efforts to clarify if a violation had occurred.

I ask that AMCO eradicate the NOV that was issued to the Oasis as well as issue an Advisory Notice to all BDL holders in the state so we are all on the same page. I will make whatever changes to the promotion signage in question that AMCO suggests.

Thank you,

Curt Franklin
907-322-7945

National Fireball Friday Program – Details & Social Media Copy Recommendations

Program Details:

- **Program Idea:** Fireball Friday - the only holiday that happens 52x a year!
- **Program Objective:** Fireball will OWN Friday - we will build this occasion through trial, promotions, consumer offers, digital partnerships, and engagement to further build fan loyalty and conversion. We want to give bartenders and accounts a fun occasion to celebrate and promote this high-energy bar holiday.
- For more program details contact your distributor or email bbowling@sazerac.com

Copy Recommendations:

- Oh, look at the time!
- Stock up and get ready to rock!
- It's #FireballFriday. Are you stocked up on the Dragon?
- It's officially Friday when the Fireball shows up!
- The only holiday that happens 52 times a year!
- It's time to slay dragons.
- No good story starts with "I'll have a water."
- WTF! Where's the Fireball?!
- You say Thursday. I say Fireball Friday Eve.

Hashtags:

- #FireballFriday
- #IgniteTheNite
- Special Packags
 - #PartyBucket
 - #Firebox
- Halloween
 - #IgniteFrightNite

Tastes Like Heaven,
BURNS LIKE HELL

WHISKY WITH NATURAL CINNAMON FLAVOR, 33% ALC/VOL, PRODUCED BY SAZERAC CO, FRANKFORT, KY. IGNITE THE NITE RESPONSIBLY

Fireball Fridays Heat up Weekend Sales

7/30/2018



We've all heard the hashtags for #SundayFunday and #MeatlessMonday, or #TBT for "Throwback Thursday." Now there's a new addition to our modern vernacular: "Fireball Fridays," courtesy of our friends at Sazerac. Starting August 1 and continuing through October 31, Sazerac is promoting Fireball Cinnamon Whisky as a key driver of sales for on-premise accounts through new "Fireball Friday" POS items, promotional kits, special offers for consumers and an aggressive digital marketing campaign across multiple channels.

Holiday Season

Unlike New Year's Eve or the night before Thanksgiving, or other big on-premise sales nights that only come once a year, Friday is a holiday we can celebrate 52 times a year. With the Fireball Fridays push, Sazerac aims to strengthen Friday sales by bringing the holiday spirit to on-premise accounts each and every week. Just like any other holiday, the spirit starts with decorations. To that end, accounts will have access to customizable posters, table tents and other printed materials to engage with consumers on-site.

Promotional kits will also include consumer shirts, reusable blinking red glasses, coasters, keychains and pop-sockets for phones. Staff can also pick up a special "Fireball Friday" countdown clock, branded bartender shirts and bottle openers, tabletop USB chargers (to power all the digital consumer engagement) and more. When consumers step into an account committed to Fireball Fridays, they will know it's not just Friday, it's a holiday.

Digital Fire

Sazerac is heavily promoting Fireball Fridays through social media, with paid, targeted content on Facebook and Instagram to help stoke consumer interest and awareness in the push. In addition, Sazerac has partnered with several apps to create special offers and content to help drive the campaign all week long. In addition to paid media, Sazerac is working with key influencers on social media to amplify the Fireball Friday message while working behind the scenes with Google AdWords on search engine management to help drive consumers to the Fireball Friday message.

Snapchat users can scan a custom “snapcode,” printed on all Fireball Friday posters, to interact with the brand and unlock an exclusive Fireball Friday filter. The filter is a fun way to encourage consumers to share the Fireball brand and message organically through their own networks. Sazerac has also built a custom fire-themed playlist on Spotify and sponsored 30 minutes of commercial-free listening for consumers getting ready to head out to the bar. And, of course, Fireball has a partnership with the original hotness app, Tinder. Users are invited to take part in a sweepstakes game to “match with the dragon” for a chance at digital prizes via a spin-the-wheel game within the app. Consumers who are not on Tinder can also take part in the sweepstakes by texting “Fireball Friday” to 811-811 for a chance to win digital gift cards from vendors such as Lyft, Pandora, AMC Theatre and more. The game runs all week long, with special bonus prizes available only on Fridays.

Keep the Fires Burning

Friday is a great day for on-premise sales, but Sazerac recognizes there is still room for growth, and by committing to this program, accounts can take a shot at turning Fridays into a financial powerhouse. Talk to your Breakthru Sales Consultant to place your Fireball order and find out how you can leverage this program into a weekly win for your business.

READ NEXT ARTICLE (/NEWS/BECOMING-SOCIAL-WITH-LEAH-CAPLANIS) SEE ALL GROUP NEWS (/NEWS)

ABOUT (/ABOUT) **LOCATIONS (/LOCATIONS)** **PORTFOLIO (/PORTFOLIO)**

ACCOUNT SERVICES (/ACCOUNT-SERVICES) **CAREERS (/CAREERS)**

CONTACT US (/CONTACT-US)

PARTNER PORTAL (/PARTNER-PORTAL)

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**THE LARGE
STATES #1 SH**

Tastes Like Heaven,
BURNS LIKE HELL

fireballwhisky.com

PLEASE DRINK RESPONSIBLY

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Alaska Alcoholic Beverage Control Board

Form AB-17: 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 liquor license that are 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:	Terlyn, LLC	License #:	3709
License Type:	Beverage Dispensary		
Doing Business As:	Oasis Restaurant & Lounge		
Premises Address:	734 University Ave		
Local Governing Body:	Fairbanks North Star Borough		
Community Council:	None		
Mailing Address:	734 University Ave		
City:	Fairbanks	State:	AK
		ZIP:	99709

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:	Curt Franklin	Contact Phone:	1-907-458-8020
Contact Email:	curtfran68@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:			

**Form AB-17: 2020/2021 Renewal License Application****Section 2 – Entity or Community Ownership Information**

Licensees 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 #:	600600
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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 **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:	Curtis D. Franklin				
Title(s):	member/manager	Phone:	1-907-322-7445	% Owned:	75%
Mailing Address:	3760 Mitchell Ave.				
City:	Fairbanks	State:	AK.	ZIP:	99709

Name of Official:	Chad M. Franklin				
Title(s):	member	Phone:	1-907-799-0865	% Owned:	25%
Mailing Address:	212 Slater Dr.				
City:	Fairbanks	State:	AK.	ZIP:	99701

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

**Form AB-17: 2020/2021 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

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:

2018 2019

The license was regularly operated continuously throughout each year.

☒	☒
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The license was regularly operated during a specific season each year.

☐	☐
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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.

☐	☐
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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.

☐	☐
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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.



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

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

☒☐

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?

☐☒

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 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 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.

Signature of licensee

Signature of Notary Public

Curtis D Franklin

Notary Public in and for the State of Alaska

Printed name of licensee

My commission expires: Sep. 4 2022

State of Alaska
NOTARY PUBLIC

Brittany S.

My Commission Expires Sep 4, 2022

Subscribed and sworn to before me this 19 day of November, 2019.

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):					2800.00