

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: 3/31/20

License #/Type: 5607

Restaurant/Eating Place-Public Convenience

Licensee: Broad Point LLC

Address: 106 W. Bunnell Street, Unit 2, Homer, AK

DBA: Wild Honey Bistro

AMCO Case #: 20-0404

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 3-30-20 AMCO received complaints that your establishment was selling bottles of alcohol for off premises consumption. A review of your Facebook page and a conversation with licensee Melody Livingston, confirmed the complaints. According to the licensee, from March 19-30, seven bottles had been sold for off premises consumption totaling \$210.00.

Your attention is directed to;

AS 04.11.100(a) A restaurant or eating place license authorizes a restaurant or eating place to sell beer and wine for consumption only on the licensed premises

AS 04.16.120(a) a person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises & (c) Notwithstanding (a) of this section, a person may remove from licensed premises the unconsumed portion of one or more bottles of wine that were partially consumed with a meal if (1) the original or a similar type of cork is reinserted in each bottle by the licensee and the cork can only be removed by a corkscrew or other similar device, or (2) each bottle is sealed or packaged by the licensee in a manner set by the board.

AS 04.16.150: Licensee responsible for violations: A licensee may neither knowingly allow agents or employees to violate this title or regulations adopted under this title nor recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law or regulation.

AS 04.21.030(2): Responsibility of licensees, agents, and employees.

The licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes, but is not limited to (2) to ensuring the compliance of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction. This is where the emergency order comes into play about not consuming on the premises.

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:

From: [Hamilton, Joe \(CED\)](#)
To: [Melody Livingston](#)
Subject: [File: Wild Honey alcohol sales](#)
Date: Tuesday, March 31, 2020 11:29:53 AM

From: (null) [mailto:melodyliving@yahoo.com]
Sent: Monday, March 30, 2020 6:09 PM
To: Hamilton, Joe (CED) <joehamilton@alaska.gov>
Subject: Wild Honey alcohol sales

Here is a pic of the report ran regarding to go alcohol sales. Thank you for informing me of my error in judgement in this regard. I have removed all references to alcohol take out from Facebook and have discontinued sales of all alcohol. I am deeply sorry for violating the rules of my license. I am trying to adapt to the changes needed during this pandemic and while being there for my customers. This is an unusual time and we have not done anything like this in the past (have not made this mistake) and we will not make the same mistake in the future. Please let me know if you need anything else.
Thank you again.

Melody Livingston
Wild Honey Bistro

Beer And Wine: Sparkling Bottle

All Sparkling Bottle sales from Mar. 19, 2020 to Mar. 30, 2020 at Wild Honey Bistro.
This item was sold in 1 unique combination.

7 TOTAL SOLD 0 W/ MODIFIERS 0 W/ DISCOUNTS 7 W/ TAXES 7 UNITS SOLD

Item Name	Items Sold	Unit	Gross Sales	Discounts	Net Sales	Taxes
Sparkling Bottle	7	Each	\$210.00	\$0.00	\$210.00	\$15.75
Regular @ \$30.00 Tax: Homer Sales Tax (additive), 4.5% Tax: KPB Tax (additive), 3%	7	Each	\$210.00	\$0.00	\$210.00	\$15.75

Sent from my iPhone