



**Alcoholic Beverage Control Board
Meeting Agenda**

***Subject to change due to viral emergency**

Wednesday, May 6th, 2020

Third Judicial District

May 6th, 2020 at 1:00 pm

Call-in Number: 1-800-315-6338, code 69173#

All times are approximate.

● **ADMINISTRATION**

1:00 pm

A. Call to Order

1:00 pm

B. Roll Call

*Glenn Brady, Industry Member and Chair
Charles "Charlie" Cross, Rural Public Member
Sara Erickson, Public Member
Dana Walukiewicz, Industry Member*

*Glen Klinkhart, Interim Director
Joan Wilson, Assistant Attorney General
Carrie Craig, Records and Licensing Supervisor
James Hoelscher, Enforcement Supervisor*

● **EMERGENCY MEETING TO DISCUSS THE ABC BOARD'S RESPONSE RELATED TO COVID19 MATTERS**

1. Alcohol Server Education – Remove temporary allowance

*Glenn B. says in person training is being provided throughout the state. **Charlie C. motions to remove the temporary allowance. Dana W. seconds. None opposed, motion carries.***

2. Update from Staff
 - a. Status of Temporary Requests for Curbside Pick-up and Delivery

James Hoelscher, Enforcement Supervisor presents an update.

b. Enforcement matters relating to COVID-19

Received many complaints, but not regarding over-service. Glenn B. asks if there is an opportunity for random spot checks. Enforcement has checked curbside, no time to check delivery – man power and public complaints.

James H. mentions local option in Bethel – no package stores – a citizen says that a Restaurant/Eating Place licensee is selling curbside alcohol with no food, like a package store would operate. James H. asks for the Board's stance? Glenn B. asks if he has contacted local enforcement and James responds not yet, it is in the works. Not public safety concern.

Glenn B. asks the Director and Joan Wilson to verify with the local governing body. Joan Wilson says to start with the Governor's suspension order regarding intent – this isn't a question of revoking the permit. The licensee should ask for an exception for the exception.

Glenn B. suggests an advisory to clarify the activity for specific license types – who requires a food order with the alcohol.

James H. will reach out to the licensee and the Bethel Police Department.

Sara E. says the complaint is just a person, not the city – it isn't an issue. In her opinion, if it didn't come from the city, the Board shouldn't do anything.

Charlie C. says the Board does not have enough information about the situation. Let Enforcement do what they do, then the Board can make a decision. Glenn B. concurs and more research needs to be done.

Glenn staff matters: working remotely. Thanks staff for being flexible and adaptable.

3. Update from Industry on matters relating to COVID-19 response

Sarah Oates, President and CEO of CHARR, is present and gives a briefing. Current mandates for dine in purposes – a lot of places are waiting to reopen and there is not enough funds to open and then close once again. Most can only reopen once. They are getting a lot of questions from bars when they can reopen and a lot of confusion and who can open right now. Who qualifies? She would like clear guidance from Board. Sarah Oates states that premixed cocktails are confusing. Some licensees are selling mixers and shooters separately which she thinks is legal.

Glenn B. clarifies mixers and sealed shooters are complaint with the intent of the emergency regulations. Sarah Oates is correct. Sarah Oates requests an advisory be issued by staff.

James H. mentions that some mixers are made with wine and are within compliance for restaurant/eating place licenses but not with distilled spirits.

4. Telephonic Meetings (brief discussion of temporary abeyance of requirements under AS04.06.050)

- a. June board meeting to be telephonic

1:29 pm: Covered under governor's emergency orders. Joan Wilson, Assistant Attorney General, says the process is not difficult to get a suspension request which would be the best way.

*Glenn B. says this would require board action. **Sara E. motions to request temporary abeyance for meetings in the four judicial districts. Dana W. seconds. None opposed, motion carries.***

5. Temporary Licensed Premises modifications (form AB-14), refer to **3 AAC 304.185 Licensed Premises**

- a. 3 AAC 304.765 Limitation of Designation -- Board has discretionary control of designations within licensed premises
- b. 3 AAC 304.775 Certification of Designation – this defines posting requirements for designations
- c. 3 AAC 304.785 Termination of Designation and 3 AAC 304.795 Suspension or Revocation of Designations – this provides for expiration or termination of designations
- d. Discussion of temporary reduction of \$250 fee for temporary applications

Glenn B. provides introduction. Sarah Oates says the mandates require the functional floor plan to be changed. Reads 304.185(d). Industry would support relaxation – this would be helpful, especially not requiring a fee. If they want permanent changes, licensees should follow the normal process.

Sara E. motions to delegate temporary authority to approve modifications to floor plans 304.185(d). Dana W. seconds. Director Klinkhart says to recognize staff. Sarah Oates speaks about the definition of functional floor plan. James H. states Enforcement says it is the same interpretation. **None opposed, motion carries.**

Dana W. motions to adopt a provision to allow on a temporary basis premises change. Charlie C. seconds. None opposed, motion carries.

6. Next Emergency Meeting -- not scheduled at this time, but will reserve option to hold future meetings (if needed) with 72 hr notice.

2:44 pm: Will this need Board action? Joan Wilson suggests a meeting in one to two weeks.

Glenn B. says once there is language they will call a meeting with the required 72 hour notice.

● **Meeting Adjourns**

Charlie C. motions to adjourn. Dana W. seconds. None opposed, motion carries.

