



**Alcohol Beverage Control Board
Special COVID19 Meeting Agenda**
***Subject to change due to viral emergency**
Thursday, July 16th, 2020 at 09:00 am

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

All times are approximate.

● **ADMINISTRATION** **09:00 am**

A. Call to Order

8:59 am

B. Roll Call

Glenn Brady, Industry Member and Chair
Rex Leath, Public Safety Member and Vice Chair
Charles "Charlie" Cross, Rural Public Member
Sara Erickson, Public Member
Dana Walukiewicz, Industry Member

Glen Klinkhart, Interim Director
Joan Wilson, Assistant Attorney General
Jane Sawyer, Regulations Specialist
Carrie Craig, Records and Licensing Supervisor

Ann Potempa with DHSS Dr. McLaughlin & Dr. Zink

C. Approval of Agenda

Glenn B. discusses the restructuring of the agenda due to Dr. McLaughlin & Dr. Zink's availability.

● **PUBLIC TESTIMONY**

There will be no period for public testimony.

● **EXECUTIVE SESSION**

09:05 am

- #10 AI's Alaskan Inn; Allen Henry Choy LLC

AB-15 COVID Licensed Premises Extension Revocation

9:07 am: In Executive Session. Allen Choy, Sarah Alexander (licensees for #10) and Charles and Amanda Ingram (Alaska Soda Jerk) are present with AMCO staff and Board members.

9:43 am: Out of Executive Session

● **CONSIDERATION OF PERMITS**

9:44 am Drs. John McLaughlin, Anne Zink and Ann Potempa with DHSS are present on the phone. Glenn B. summarizes the issue at large. Joan Wilson asks if staff/board has defined "large gatherings". Glenn B. says, no – so to be fair, AMCO has stopped approving permits. Dana W. suggests letting the doctors speak since they have a limited time frame. Mandates versus guidelines as it pertains to large gatherings.

Dr. Zink speaks and says Covid-19 spreads easier in gatherings. Encourages people to remain six feet apart, wear masks and continue hand washing. There is not easy answer on how to reduce the harm/risk. Close indoor settings are risky. There are no new mandates regarding gatherings, just recommendations.

Glenn B: What risk is there for a large gathering outdoor music festival, beer garden?

Dr. Zink: The safest thing is to be in the houses and not go anywhere. Outdoors is safer. Large gatherings can be safely(ish) done. Distancing, masks, washing/sanitizing hands. Contract tracing. Devil is in the details.

Dr. McLaughlin: The dashboard now has case rates and maps. The closer to red, the higher of the risk of infection. The third map has alert levels: yellow, orange, red.

Dr. Zink: There are a ton of tools online for the public to utilize.

Joan Wilson: Asks about the consumption of alcohol affecting people's choices.

Dr. Zink: Choices may become altered and mask wearing becomes harder. Increased transmission and cases at bars. Discusses options from shutting down to limited operations. There are a lot of complicated factors involved.

Dr. McLaughlin: Alcohol does impair rational decision making.

Joan Wilson: asks if the May 29, 2020 large gathering document is still in effect?

Ann Potempa: Her office will send information to the Director to forward to the team about that.

Dana W.: Regarding the recent spike, will further mandates being implemented or on the radar?

Glenn B.: At what point will new mandates be triggered?

Dr. Zink: asks that every day. Communities mandate masks – not the state. It is a continuing discussion, talked about nationally, at state and local levels.

Director Klinkhart: If a licensee wants to do something, what should they ask before applying in order to make a good decision?

Dr. Zink: There are many different factors. What are they doing to mitigate the transmission? There is a business tool kit on website. How to implement that can be challenging.

Ann Potempa: There are bullet points and weekly meetings – large group website. Able to be downloaded and no cost.

Glenn B.: For consideration, it's not just risky to licensees and attendees – the industry is on the cusp of a second shutdown. Trying to balance for the greater good. Asks for the Board's thoughts, concerns.

Dana W.: It's a complex problem. We have to consider public safety. There should be more controls in place for larger events. Will need to be formulated quickly.

Glenn B.: states that the staff looks at this for larger gatherings already. People are waiting for the Board's decision whether or not alcohol can be sold, served, consumed. Speaks about the rodeo in Fairbanks this weekend. They need to make a decision today.

Sara E: We do have balance safety and economy and be as least disruptive as possible. There are no mandates. The Board and Director should not make that call. This is not a regular day to day issue – it's a political issue. She says she is bothered by the fact that Glenn B. made the decision with Director Klinkhart to stop issuing permits.

Joan Wilson: says the Board decided to delegate that authority.

Sara E: Disagrees, that wasn't the point or the intent.

Glenn B.: States that is not a fair representation. Her frustration is very focused on what is the Board's intent. He is not deciding for the Board.

Sara E: Disagrees. Why didn't he wait two days for this meeting?

Glenn B. apologizes. The number of emergency meetings is a significant burden on the Board and staff. Set the issue aside. The Board has to decide how to move forward.

Rex L. states the Board needs to strive to be consistent on how to treat licensees. Trying to promote business. They need to step back, use the DHSS guidelines and let the businesses decide. Let the industry move forward with permits and put personal concerns aside. Review as normal. If there are concerns, put them on pause. It's for DHSS to decide what is more dangerous.

Charlie C. adds there is a lot of room for improvement of professional communication. Stick to the facts, stay above board and be timely to make helpful decisions. Would like to have more conversations about all these things. Subtract things not on the agenda. Wants to do something meaningful for the public.

Glenn B. summarizes the issue. Staff needs guidance. Asks the Director if the applications come with a plan.

Director Klinkhart states staff has come up with language for applicants to sign off on.

Dana W. says the industry can police itself. He has heard from the permit applicant and relies upon staff and the Director with the Covid-19 mitigation plan. Look at site plans and do a thorough review.

Glenn B. says that has been delegated to the Director. Staff resources are very limited. Narrow focus on Title 4, not health mandates.

Director Klinkhart speaks about trying to find win/win. The onus is on the applicant. Add the DHSS link to our website for resources and we do our due diligence.

Glenn B. says the vast majority of licensees are responsibly and want to do the right thing. The risk is larger - the future of the entire industry. 1: guidance for process of reviewing permit applicants. Proposed language to add to the applications acknowledging health safety guidelines. Is the Board okay with that as their response?

Joan Wilson asks mandate compliance with guidelines or review?

Glenn B. asks how does the Board want to see compliance. 2: delegation of the review to the director. Focus on 1.

Sara E. suggests that licensees sign a statement that they agree to comply. Its on them. Can't be policed.

Rex L. says authority to insure licensees follow all laws and regulations. Can't we leave the process as is – and if they don't can't, we go in and take action.

Joan Wilson states that guidelines are not rules/regulations. There would be no recourse for the Board to enforce.

Glenn B. says large gatherings of people carry risk. That's fact. We are grappling with if alcohol can be at an event.

Joan Wilson says other professional boards have guidelines. Impose civil liability, as in licensees could face civil liability. Require the applicants to review the guidelines. Contractual action in exchange for the permit.

Glenn B. asks "you shall, will" is that enforcement liability?

Joan Wilson suggests starting with recommendations then move to mandates, if there are issues.

Sara E. says don't do anything.

Dana W. wants the requirement and to be able to respond to complaints. There should be follow-up allowed.

Glenn B. asks Joan if there is a middle ground. Acknowledgment of guidelines, failure to comply may result in future action?

Joan Wilson suggests specific language.

Dana W. motions to add the following language to permit applications "By my signature below I affirm that I have read the guidelines for large social gatherings posted on AMCO's website in conjunction with

this application and agree to abide by its terms as applicable to the event I am hosting. Failure to do so may result in additional investigation or actions by this office or the board on future applications.” Rex L. seconds. None opposed, motion carries.

Glenn B. asks about part 2: to discuss delegation of review of permit apps. Should this be discussed?

Sara E. says no, Director Klinkhart can handle his job. If more meetings are needed for larger decisions, then so be it.

Glenn B. says noted. No action needed on the delegation piece.

● **RESPONSE TO COVID19:**

09:15 am

- **Consideration to make permanent regulation project: Curbside/Home Delivery** TAB 1
No oral comments/testimony will be taken for this project during this meeting. Written comment may be submitted through 7.15.20 by 4:30 pm. Public notice and project draft can be found at this link <http://notice.alaska.gov/198520> or on our website.

11:19 am: **Dana W. motions to adopt as permanent but has a sunset clause of November 15, 2020. Sara E. seconds.**

Dana W. asks what would happen if the governor extends beyond November?

Joan Wilson says the date is drawn from suspension order. If they extend past that date they would need another permanent regulation project.

Glenn B. says the intent is that it is linked with the Governor’s health mandates.

Joan Wilson says the Governor’s authority is linked to the public health emergency.

Discussion of local option. Future discussion in August. More data on how to resolve this. Glenn B. asks if the Board can advise? Joan Wilson confirms, but they will be making the decisions regardless. Has the city of Bethel been in communication with the licensee?

None opposed, motion carries. Charlie Cross was not available for the vote.

- **Discussion regarding minimum operating requirements under AS 04.11.330 & 3 AAC 304.170.** TAB 2

11:39 am: Glenn B. asks clarifying questions. Carrie Craig answers. **Dana W. motions to adopt the proposal. Rex L. seconds. There is no discussion. None opposed, motion passes.**

● **Adjourn**

11:46 am: **Sara E. motions to adjourn. Rex L. seconds. None opposed, motion passes.**