

State of Alaska
Alcoholic Beverage Control Board
November 19, 2002
Agenda

1. **ADMINISTRATION**

- A. Approve Board minutes of June 11, 2002.
- B. Approve Board minutes of September 10, 2002.
- C. Delegate to the director tie-breaking vote.

2. **ADMINISTRATIVE MATTERS**

A. Informal Conferences

- 1. 01/02-110 **Bering Sea Saloon** – beverage dispensary license
Accusation # 02-01

Attachment 2A-1

Postponed for settlement negotiations

- 2. 02/03-2808 **Dimond Liquor** – package store license
Accusation # 02-10

Attachment 2A-2

Allowed to operate until January 1, 2003 w/ NO VIOLATIONS (cause for immediate closure). Close on January 2, 2003 – 30-day closure; sell license – new owner not to open until February 1, 2003 (30 days from closure). Hong Kim must sell the license and will not operate the license after January 2, 2003.

- 3. 02/03-2742 **Anchorage Billiard Palace** – beverage dispensary license
Accusation # 02-09

Attachment 2A-3

Settlement accepted; dismiss accusation. 3-0

B. Hearing Officer Decisions

C. Settlement Agreement

D. Renewal/Non-Renewal/Voluntary Relinquishment

- 1. 02/03-599 **Birch Garden;** Westmark Hotels Inc.; Steve Leonard – VP; 820 Nobel St – Fairbanks; beverage dispensary license. Voluntary relinquishment to allow “duplicate” license (**Bear N Seal**) to be designated as the “parent” license.

Attachment 2D-1

Motion to approve; approved 3-0

2. 02/03-2963 **Central Motor Inn Bar**; Cathy A. Davis (Davis-Nielsen); 125 Mile Steese Hwy – Central; beverage dispensary license. Non-renewal.

- Renewal document not complete

No action – license did not renew.

Attachment 2D-2

3. REMOVED

4. 02/03-4005 **Villa Italia**; Orozco Enterprises Inc; 11401 Old Glenn Hwy Ste 103 – Eagle River; restaurant/eating place license.

Voluntary relinquishment – no longer in business.

Attachment 2D-4

Accepted

*****The following (#5,6,7,8,9 & 10) are subject to removal prior to the Board meeting.***

5. 02/03-192 **Call of the Wild**; Wild Call Inc; James Thurston – Pres; North Big Lake; beverage dispensary license.

Non-Renewal based on failure to submit complete renewal application.

Attachment 2D-5

REMOVED

6. 02/03-3469 **BPO Elks Lodge #2706**; David Caswell – LK (officer); 44640 Parkway Ave – Soldotna; club license.

Non-Renewal based on failure to submit complete renewal application (requested finger print cards for new officers).

Attachment 2D-6

No Action Taken

7. 02/03-3658 **BPO Elks Lodge #1842**; William B. Davis – Pres; 2600 Berrys Resort Rd – Palmer; club license.

REMOVED

AND

8. 02/03-94 **BPO Elks Lodge #1842**; William B. Davis – Pres; 2600 Berrys Resort Rd – Palmer; beverage dispensary license.

Non-Renewal based on failure to submit complete renewal application (requested finger print cards for new officers).

Attachment 2D-7

REMOVED

9. **REMOVED**

10. 02/03-745 **Loyal Order of Moose Lodge #1092**; Ron Lindsey – Gov; 103 F St – Petersburg; club license.

Non-Renewal based on failure to submit complete renewal application (requested finger print cards for new officers). **Attachment 2D-10**

REMOVED

E. Request Formal Hearing

F. Suspensions

1. 02/03-2808 **Dimond Liquor**; Hong T. Kim; 1901 W Dimond Blvd – Anchorage; package store license.

Postponed from September 10, 2002 Board meeting. Owner convicted - selling to an intoxicated person. Other incidents included – see attachment.

Request 45-day suspension. **Attachment 2F-1**

See Page 1

2. 02/03-326 **Kooteeya Bar**; Kooteeya Inc; James Austin – Pres; Front St – Hoonah; beverage dispensary license.

VP/Manager of establishment convicted with the charge “Drunken Person on Licensed Premises”.

Last meeting Board was told by counsel that new management would be established. To date, this has not been completed. **Attachment 2F-2**

Motion to impose 45-day suspension. Approved 3-0; Motion amended to delay suspension for 45 days, to affect sale of the license. Approved 3-0. (Begin suspension on Jan 3, 2003 until Feb 17, 2003.)

G. Board Consideration

1. **Brewpub License** with duplicate – discussion
2. **Alaska Airlines**: Alaska Airlines would like to request that all of their licenses be renewable at one time (currently **12** licenses expire in 2002, and **92** expire in 2003). **Attachment 2G-2**

Staff directed to look at a regulation change.

3. 01/02-4106

Fireweed Restaurant; Fireweed Bakery & Café Inc.; Abraham Gillett – Pres; Historic Blvd #37 Blacksmith Rd – Haines; restaurant/eating place license;

Request to change biennial dates from 2001/2002 to 2002/2003.

Condensed history:

6/00: applied for R/E Place License – lost in a 3-way “lottery”

4/01: re-applied when Haines and Haines Borough merged (population allowed one new license) – was approved in a 2-way “lottery” 11/01

1/02: License forwarded to SE investigator Ed Kalwara (business closed for season with owner out of the country until 4/02)

4/02: license issued.

Attachment 2G-3

Approved – 4-0

4. **Café De Par;** Package store – seasonal – No longer a valid license.

Notice of rights to hearing to be sent (Nov 20, 2002)

5. 01/02-2346 **New Seward Saloon;** Snow Den Enterprises Inc.; Brad Snowden – Pres; Lot 16 Block 9 – Seward; beverage dispensary – tourism license.

Interested person requests public hearing regarding non-renewal or conditions on 03/04 renewal.

Attachment 2G-5

No action to be taken at this time.

3. CONSENT AGENDA Approved 3-0 (Bob Klein abstained)

A. **Restaurant Designation Permits**

Attachment 3A

B. 02/03-1410 **Brown Jug – West Wasilla;** Brown Jug Inc; 509 Parks Hwy - Wasilla; transfer of **ownership & name** of a package store license from MRT Inc d.b.a. C & D Liquor #2; background complete.

All statutory requirements have been met. City of Wasilla does not protest. Temporary approval issued October 4, 2002.

Attachment 3B

AND

C. 02/03-1561 **Brown Jug – West Mt. View;** Brown Jug Inc; 131 S Bragaw - Anchorage; transfer of **ownership & name** of a package store license from MRT Inc d.b.a. C & D Liquor #3; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued October 4, 2002.

Attachment 3C

AND

- D. 01/02-4069 **Brown Jug – Lake Otis**; Brown Jug Inc; 2210 E Northern Lights Blvd - Anchorage; transfer of **ownership & name** of a package store license from MRT Inc d.b.a. C & D Liquor #4; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued October 4, 2002. **Attachment 3D**

AND

- E. 01/02-686 **Brown Jug – Muldoon Rd**; Brown Jug Inc; 171 Muldoon Rd - Anchorage; transfer of **ownership & name** of a package store license from MRT Inc d.b.a. C & D Liquor #1; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued October 4, 2002. **Attachment 3E**

END CONSENT AGENDA

4. **DELEGATION CONSENT AGENDA** Approved 3-0 (Duane Udland abstained) – see item 4-J – removed from Del.Con. Agenda.

- A. 02/03-4247 **Brewsters**; Restaurant Concepts LLC; Gary Falls – Mbr/Mgr; 3578 Airport Way – Fairbanks; transfer of **ownership, location & name** of a beverage dispensary license from Jack O’Brien, d.b.a. Bonanza Grill, no premises; backgrounds not complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued October 16, 2002. **Attachment 4A**

- B. 02/03-2997 **Bush Pilot Restaurant and Lounge**; NANA Management Services LLC; John Rense-VP; 6450 Airport Way Ste #7 – Fairbanks Int’l Airport; transfer of **ownership** of a beverage dispensary – tourism license from Guys With Tools Inc; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued October 16, 2002. **Attachment 4B**

- C. 02/03-4230 **Camel Rock Lounge**; Dimond Center Hotel LLC; Michael Beal – CEO; 800 E Dimond Blvd – Anchorage; **new** beverage dispensary – tourism license; background not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued September 19, 2002. **Attachment 4C**

- D. 02/03-4236 **Hilton Garden Inn**; Borealis Lodging LLC; James P. Koeller – Mbr; 100 W Tudor Rd – Anchorage; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued October 23, 2002. **Attachment 4D**

- E. 02/03-4234 **Isanotski Liquors**; Isanotski Liquors Inc.; Kenneth Smith – Pres; 185 Unimak Dr – False Pass; **new** package store license; backgrounds not complete.

Fire inspection not complete. City of False Pass does not protest.

- F. 02/03-4244 **Landing Restaurant, The**; Leonard's Landing Lodge Inc.; Leonard A. Siebert – Pres; Bl 3 Lot 6, ASLS 73-137 Bldg 179 – Yakutat; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. City of Yakutat does not protest.

- G. 02/03-4246 **Ludvig's Bistro**; Ludvig's Bistro Inc; Collette Nelson – Pres; 256 Katlian St – Sitka; **new** restaurant/eating place; backgrounds not complete.

All statutory requirements have been met. City of Sitka does not protest. Temporary approval issued Oct. 8, 2002. **Attachment 4G**

- H. 02/03-4035 **Midnight Sun Bar & Grill**; Pike's Waterfront Lodge LLC (Membership change); Jay Ramras – Mbr/Mgr; 1850 Hosselton Rd – Fairbanks; transfer of **ownership** of a beverage dispensary – tourism license; controlling interest change from Paul Carter and Jay Ramras to Jay Ramras; background not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest.

- I. 02/03-1142 **Tips Bar**; Hae Won Incorporated; 12349 Old Glenn Hwy – Eagle River; transfer of **ownership** of a beverage dispensary license from Billy & Carole Estep; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued September 13, 2002. **Attachment 4I**

- J. 01/02-2568 **Today's Pizza**; Tamara DeGross; 4608 Spenard Rd - Anchorage; transfer of **ownership** of a restaurant/eating place license from Sophia Rosen; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued September 12, 2002. **Attachment 4J**

Removed from Delegated Consent Agenda – See Addendum (pg 13)

- K. 01/02-4077 **Wolf Run Restaurant**; Joshua & Jennifer Rinslishbacher; 3360 Wolf Run – FNSB; transfer of **ownership & name** of a restaurant/eating place license from James C. Long, d.b.a. Wolf Run Dessert & Dinner House; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued October 9, 2002. **Attachment 4K**

- L. 03/04-1794 **Chitina Liquor**; Wayne Robertson; 33.5 Edgerton Hwy – unorganized area; transfer of **ownership & name** of a package store license from Wayne & Lori Robertson d.b.a. Lori's Chitina Liquor; background not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued September 26, 2002. **Attachment 4L**

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

6. **WAIVER OF OPERATION**

Attachments 6A-H

Waivers (6A-6H) approved 4-0

- A. 02/03-859 **A-K Korral**; Club Lamar Inc; Harry Gray – Pres; 2421 E Tudor Rd – Anchorage; beverage dispensary license.

30 day waiver 2nd request Fees paid

- B. 02/03-4186 **Fred Meyer**; Fred Meyer of Alaska, Inc.; Warren Bryant – Pres; Northgate Dr & Old Glenn Hwy – Eagle River; package store license.

30 day waiver 2nd request Fees paid
(1st waiver request from this owner – 2nd waiver in history of license)

- C. 02/03-536 **Howling Dog Saloon**; 2160 Old Steese Hwy – FNSB; beverage dispensary – tourism seasonal license.

30 day waiver 1st request Fees paid

- D. 02/03-2780 **Oaken Keg**; Oaken Keg Spirit Shops, Inc.; 44424 Sterling Hwy - Fairbanks; restaurant/eating place license.

30 day waiver 1st request Fees paid

- E. 03/04-3193 **Tidewater Café**; Gregory & Elizabeth Anderson; Mile 78.5 Seward Hwy - Girdwood; restaurant/eating place license.

30 day waiver 1st request Fees paid

- F. 03/04-3423 **Maasdam**; Holland American Line – Westours Inc.; Alton Lanterman – Pres; Alaskan Waters; common carrier – seasonal.

AND

- G. 03/04-2132 **The Noordam**; Holland American Line – Westours Inc.; Alton Lanterman – Pres; Alaskan Waters; common carrier – seasonal.

AND

- H. 03/04-925 **SS Rotterdam**; Holland American Line – Westours Inc.; Alton Lanterman – Pres; Alaskan Waters; common carrier – seasonal.

30 day waiver 2nd request (each) Fees paid

7. **OTHER FILINGS**

- A. 02/03-10 **Al's Alaskan Inn**; Allen Henry Choy LLC; Allen Choy – Mbr/Mgr; 7830 Old Seward Hwy – Anchorage; beverage dispensary – tourism license.

Requests diagram extension, which would include adding a bar to an upstairs room that is open and connected to the first floor bar area. **Attachment 7A**

Direction to staff – no duplicate necessary for this type of premise diagram layout.

- B. 01/02-3501 **Applebee's**; Apple Alaska LLC; John Pargeter – Mbr/Mgr; No Premises – Mat-Su (outer Wasilla area); transfer of ownership and name of a beverage dispensary license from John & Marisa Neil, d.b.a. Tokosha Mountain Lodge; backgrounds complete.

Mat-Su Borough does not protest at this time, however, the proposed premises did not work out and a CUP has not been issued. No premises at this time. For purposes of closing, a temporary approval was issued on October 2, 2002.

Attachment 7B

Approved with delegation 4-0

- C. 02/03-4243 **Big Hurran (Nikki's)**; Robert McGuffey; Mile 16 Council Hwy – Unorganized area outside of Nome; **new** restaurant/eating place – seasonal license; backgrounds not complete.

Dept. of Env. Cons. and State Fire Marshall have not inspected.

The current “building” is described by the owner as temporary until the main dining room is converted. (He stated that he didn’t want to go to the expense of completing the main dining area if he couldn’t get the license for the temporary building.) The temporary building is described as a mobile trailer – the diagram shows storage, sink, refrigerator, stove, and service counter – no seating. “The seating is all outside, which also has a horseshoe pit area, and a trampoline for the kids.” The second diagram shows the proposed dining room, which appears to be across the driveway and parking areas from the temporary trailer. The “dining room” and “beer & wine storage” is separated from each other by the “main house”. See pictures and a new diagram. **Attachment 7C**

Move to postpone so that staff can ask for more information on premise diagram and owner intentions. Approved 4-0

- D. 02/03-4227 **The Lonely Lady Café**; Andrea R. Everly; 4625 Old Airport Way – FNSB; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest.

Motion to approve with conditions that Mr. Stalman NOT be allowed to participate in the management or conduct any work on the premises. Approved with delegation. 4-0

- E. 03/04-4233 **The Inn at Whittier**; The Inn at Whittier, LLC; Kirk Loeffler & Edward Cronick – Mbr/Mgr; Lt 5 Bl 1 Harbor Lp Rd – Whittier; **new** beverage dispensary tourism license; backgrounds not complete.

The City of Whittier does not protest.

- The building is not complete; therefore, State Fire Marshall and Dept. of Environmental Conservation have not inspected the premises.
- Applicant requests 2003/2004 biennial period since the building is not expected to be completed until sometime in the year 2003.

Move to approve with delegation – approved 4-0; move to allow biennial period of 03/04 - approved 4-0.

F. 01/02-4198 **Williams Express**; Williams Express Inc; Diane Prier – Pres; 7383 W Parks Hwy – Mat-Su Borough; transfer of **ownership, location & name** of a package store license from Sutton Liquor Inc, dba Sutton Liquor, located at Mile 59.5 Glenn Hwy; backgrounds complete.

All statutory requirements have been met. Mat-Su Borough does not protest.

**Conditions imposed by Mat-Su Borough:*

- Hours of operation: 10am-1am Mon/Sat; 12 noon –1am Sunday.
Christmas/New Years close at midnight
- Advertise: no alcoholic beverages advertised on sign pole. Advertise only on building mounted sign no larger than 30”x50” **Attachment 7F**

Correction – above stated conditions are not conditions on the license. Approved with delegation 4-0

Date of next meeting: **January 30 – 31, 2003**

Location of next meeting: **Juneau**