

State of Alaska
Alcoholic Beverage Control Board
April 3, 2003
Agenda

1. **ADMINISTRATION**

- A. Approve Board minutes of January 30, 2003. **Approved 3-0 (members present)**
- B. Delegate to the director tie-breaking vote. **Approved 4-0**

2. **ADMINISTRATIVE MATTERS**

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

- 1. 03/04-1139 **Spenard Paradise Inn & Lounge**; Hyun Ju Song & Kyong Teak Song; 3001 Spenard Rd. – Anchorage; beverage dispensary – tourism license.

Mutually agreed upon settlement.

Attachment 2C-1

Staff is directed to monitor conditions imposed. Approved 4-0

D. NON-RENEWAL/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

- 1. 02/03-3372 **Brown Jug - Dimond**; Brown Jug, Inc.; Lowell Shinn – Pres; package store license.

Licensee voluntarily relinquishes license.

Attachment 2D-1

Read into record

- 2. 01/02-4000 **Whiskey Lake Lodge**; Terri Gagni; Whiskey Lake; restaurant/eating place license.

Licensee voluntarily relinquishes license.

Attachment 2D-2

Read into record

- 3. 01/02-2780 **Oaken Keg Spirit Shop #1848**; Oaken Keg Spirit Shops Inc.; 44224 Sterling Hwy – Soldotna; **renewal** of a package store license.

Notifications of renewal were sent to correct address (10/2002; 1/17/03; 2/14/03). Response was not received until after expiration date (2/28/03).

Attachment 2D-3

Resurrect and renew – approved 4-0

4. **Expired Licenses**

Approved 4-0

Attachment 2D-4

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

G. BOARD CONSIDERATION

1. 03/04-369 **BPO Elks Lodge #2537**; BPO Elks Lodge #2537; Russell Palmer – Pres; 339 Fairbanks St – Valdez; club license.

Request refund of \$500 late penalty fee.

History: Database mistake – unknown cause. All renewal correspondence was sent to wrong address. **Attachment 2G-1**

Refund of penalty fees approved 4-0

2. 02/03-358 **BPO Elks Lodge #1351**; BPO Elks Lodge #1351; Kenneth Odsather – Pres; 717 W 3rd Ave – Anchorage; club license.

Court Judgment: Plead guilty to “possession of gambling device”

Attachment 2G-2

1. Does this conviction apply to license? – YES 4-0

2. Suspension: 6 months with all but 45 days suspended. Delegate imposition of balance of suspension to the Director if any violations of Title IV occur in the next 2 years – bring back before the Board. 4-0

3. 03/04-1317 **Williams Express**; Williams Express Inc.; Diane Prier – Pres; No premises – Anchorage; package store license.

On November 19, 2002, re: 4 waiver of operation: Board gave licensee until April 1, 2003 to receive MOA approval for conditional use permit. Approval was not received.

No Action (previous conditions effective)

4. 03/04-1991 **Williams Express**; Williams Express Inc.; Diane Prier – Pres; No premises – Anchorage; package store license.

On November 19, 2002, re: 4 waiver of operation: Board gave licensee until April 1, 2003 to receive MOA approval for conditional use permit. Approval was not received.

No Action (previous conditions effective)

5. MOVED

6. REMOVED

7. 02/03-1925 **Windbreak Café**; A & W Windbreak Inc.; 2201 E Parks Hwy – Wasilla; beverage dispensary – tourism license.

On March 17, the hotel portion of this building was significantly damaged or destroyed by a fire. Plan of action to rebuild.

Approve construction of hotel as same floor plan/rooms (11) prior to fire. 4-0

8. **Flavored Malt Beverages** – Information on proposed federal regs.

Attachment 2G-8

9. **Brewpub licenses** issued under duplicate bev disp license.

Attachment 2G-9

- 10. 03/04-4258 **Orso Ristorante**; Brews Brothers LLC; Robert Acree – Mbr/Mgr; 737 W 5th Ave Ste 540 – Anchorage; **new** brewpub license (under a duplicate beverage dispensary license); backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest, however, the CUP (planning department) has not been approved and is on the agenda (MOA) for April 22.

Approved with Delegation. 4-0

3. CONSENT AGENDA Approved 4-0

A. ~~RESTAURANT DESIGNATION PERMITS~~ Attachment 3A

B. FILINGS

- 1. MOVED
- 2. MOVED
- 3. MOVED

- 4. 02/03-4256 **Strike Zone**; Fish Heads LLC; Robert Stevens – Mbr/Mgr; 3250 Palmer-Wasilla Hwy – Wasilla; transfer of **ownership, location & name** of a beverage dispensary license from Settler’s Bay Development Inc dba Legends At Settlers Bay, located at Mile 8 Knik Rd; background complete.

All statutory requirements have been met. MatSu Borough does not protest.

- 5. 03/04-1140 **Time Out Lounge**; Apple Core Inc; Ronald Okerlund – Pres; 4600 Old Seward Hwy – Anchorage; transfer of **ownership** of a beverage dispensary license from Sundance Inc.; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued March 10, 2003. **Attachment 3B-5**

C. WAIVERS

- 1. 02/03-3981 **Alaska Express**; Timberwolf Ventures Inc.; Michael J. Tripp – Pres; 439 S Franklin St - Juneau; package store license.

30 day waiver 1st request Fees paid
History – 1st waiver approved for 1999

Attachment 3C-1

- 2. MOVED

- 3. 03/04-3951 **M/V Pacific Venus**; Japan Cruise Line Inc; Yasou Iritani – Pres; Alaskan Waters; common carrier license.

30 day waiver 1st request Fees paid
1st waiver approved for 2000
Request waiver of penalty fees.

Attachment 3C-3

4. 03/04-3400 **Rhapsody of the Seas, M/V**; Royal Caribbean Cruises Ltd.; Bonnie Biumi, Acting CFO; Alaskan Waters; common carrier license.

30 day waiver 1st request Fees paid

Attachment 3C-4

5. 03/04-4107 **Seven Seas Mariner, M/V**; Radisson Seven Seas Cruises Inc; Mark Conroy – Pres; Alaskan Waters; common carrier license.

30 day waiver 1st request Fees paid

Attachment 3C-5

END CONSENT AGENDA

4. **DELEGATION CONSENT AGENDA Approved 4-0**

- A. 03/04-4270 **Alaska Rendezvous**; Alaska Rendezvous Lodge Inc; Theo Meiners – Pres; Mile 45.6 Richardson Hwy – Outside Valdez; **new** beverage dispensary license; background not complete.

AND

Moved from delegation – approved 4-0

- B. 03/04-4271 **Alaska Rendezvous**; Alaska Rendezvous Lodge Inc; Theo Meiners – Pres; Mile 45.6 Richardson Hwy – Outside Valdez; **new** package store license; background not complete.

All statutory requirements have not been met – No response from State Fire Marshall (Notice sent 2/7/03). No local governing body.

Moved from delegation – approved 4-0

- C. 03/04-2282 **Grizzly Pizza & Gift Shop**; Jason Williams & Niles Williams; Mile 92.7 Richardson Hwy – Unorganized borough; transfer of **ownership** of a beverage dispensary license from Billy & Marianne Williams; backgrounds not complete.

AND

- D. 03/04-477 **Grizzly Liquor**; Jason Williams & Niles Williams; Mile 92.7 Richardson Hwy – Unorganized borough; transfer of **ownership** of a package store license from Billy & Marianne Williams; backgrounds not complete.

All statutory requirements have been met. There is no local governing body.

- E. 03/04-4259 **Kodiak Island Brewing Company**; Kodiak Island Brewing Company LLC; Benjamin L Millstein – Mbr/Mgr; 338 Shelikof Ave – Kodiak; **new** brewery license; background not complete.

DEC has not approved “yet” – they are still in the plan review process because the building is not complete. All other statutory requirements have been met. City of Kodiak does not protest.

- F. 03/04-213 **Chatanika Lodge**; Terron Inc. (stock transfer); Ronald Franklin – Pres; Mile 28.5 Steese Hwy – FNSB; transfer of **ownership** of a beverage dispensary license; backgrounds not complete.

AND

- G. 03/04-214 **Chatanika Lodge**; Terron Inc. (stock transfer); Ronald Franklin – Pres; Mile 28.5 Steese Hwy – FNSB; transfer of **ownership** of a package store license; backgrounds not complete.

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

- H. 02/03-1691 **Peking Palace**; Joon K. Choi; 500 E Benson Blvd – Anchorage; transfer of **ownership** of a restaurant/eating place license from Young Ja Choi; backgrounds not complete.

All statutory requirements have been met. The **Mun. of Anch** has not responded. (Notice sent 1/27/03, MOA received notice on 1/30/03. Clerk stated it is on the MOA Agenda 4/8/03 – they plan to protest due to taxes owed – ~~but this will not make the 60-day statutory requirement.~~)

- I. 03/04-4262 **Pizza Express**; Hector Barragan; 236 Lincoln St Ste 106 – Sitka; **new** restaurant/eating place license; background not complete.

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

- J. 03/04-968 **Riverview Quick Stop**; Riverview Quick Stop Inc.; Lester Fickes – Pres; 1316 Badger Rd – FNSB; transfer of **ownership** of a package store license from Lester & Dorothy Fickes; backgrounds not complete.

All statutory requirements have been met. FNSB does not protest.

- K. 03/04-4263 **Shelter Cove Lodge**; Shelter Cove Enterprises LLC; Linda Lewis – Mbr/Mgr; 703 Hamilton Dr – Craig; **new** beverage dispensary -tourism license; backgrounds not complete.

All statutory requirements have been met. City of Craig does not protest.
City of Craig has placed conditions on license with approval of licensee:

1. Service of alcohol to lodge guests, and their guests;
2. Service of alcohol to participants of private functions at the lodge;
3. Service of alcohol to all others is limited to service with meals only at those times when the lodge is providing restaurant service to the public.

Temporary approval issued March 3, 2003.

Attachment 4K

- L. 02/03-1130 **Thorn's Showcase Lounge**; Thorn's Showcase Lounge LLC; Louis Thorn – Mbr/Mgr; 208 4th Ave – Seward; transfer of **ownership** of a beverage dispensary license from Steven Thorn; backgrounds not complete.

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

- N. 03/04-4273 **Weeping Trout Sports Resorts**; Kiana Corporation; Debra Schnabel – Pres; USS 3625 Lot 5 Chilkat Lake Sbdv – Haines Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Haines Borough does not protest.

- Q. 02/03-411 **Fort Davis Roadhouse**; Michels Business Ventures LLC; Terrence Michels – Mbr/Mgr; 1-1/4 Mile Nome-Council Hwy – Nome; transfer of **ownership** of a beverage dispensary license from EH Inc.; backgrounds complete.

All statutory requirements have been met (DEC has not responded, 2nd notice sent 3/17/03). City of Nome does not protest.

- R. 02/03-1860 **Gabbert's Fish Camp**; Keith L. Gabbert; 2nd West Bend Alexander Creek – MatSu Borough; transfer of **ownership** of a beverage dispensary license from Sherry L. Patterson; backgrounds complete.

All statutory requirements have been met (Dept. of Labor has not responded.)
MatSu Borough has not responded within statutory time limit.

- S. 02/03-1946 **Red Robin**; Restaurant Management Inc.; Fred Rosenberg – Pres; No Premises; transfer of **ownership, location & name** of a beverage dispensary license from Southern Cross Investments Inc, dba Golden Nugget, located at 3250 Palmer/Wasilla Hwy; background complete.

All statutory requirements have been met. MatSu Borough does not protest. One creditor *objects* to transfer based on \$16,756.14 bankruptcy proof of claim.

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

- A. 03/04-1147 **Elbow Room**; Dingo Inc; Robert Parker, Sr. – Pres; 410 2nd Ave – Fairbanks; **renewal** of a beverage dispensary license;

-AND –

Postponed

- B. 03/04-191 **Elbow Room/Cabaret**; Dingo Inc.; Robert Parker, Sr – Pres; 410 2nd Ave – Fairbanks; **renewal** of a beverage dispensary – duplicate license.

City of Fairbanks protests renewal. Protest issues *attached*.

Attachment 5A

Postponed

- C. 03/04-814 **Bradley House**; Nakada Corporation; Kazuko Bradley – Pres; 11321 Old Seward Hwy – Anchorage; transfer of **ownership** of a beverage dispensary license; backgrounds not complete.

Statutory requirements have not been met. Dept. of Revenue, Tax Division protests based on non-payment of corporate taxes. Municipality of Anchorage has not responded.

Protest lifted prior to meeting. Approved with delegation 4-0

- D. MOVED

- E. 03/04-2024 **Klondike Kate's Bare Trap Saloon**; West Fork Inc.; 6119 Seward Hwy – Anchorage; **renewal** of a beverage dispensary license.

Municipality of Anchorage protests renewal based on license's continued nonuse. **History**: 3rd waiver approved for 2002 on November 19, 2002. **Attachment 5E**

1. Protest found arbitrary, capricious, & unreasonable

2. Renewal approved 4-0

- F. 02/03-3209 **Alaskalanes**; Alaskalanes Inc.; 10639 Spur Hwy – Kenai; recreational site license.

City of Kenai protests license continuance based on unpaid taxes. This protest was dated 1/30/03 and received in the ABC Board office on 2/4/03.

Attachment 5F

Postponed until next meeting

- G. 02/03-2801 **Katmai Motel Restaurant & Lounge**; Eaglechief, Inc.; 10800 Kenai Spur Hwy; Beverage dispensary – tourism license.

City of Kenai protests license continuance based on unpaid taxes. This protest was dated 1/30/03 and received in the ABC Board office on 2/4/03.

Kenai Peninsula Borough objects to license continuance based on unpaid taxes.

This objection was dated 1/22/03 and received in the ABC Board office on 2/4/03.

Attachment 5G

1. Staff directed to draft an accusation; postponed until next meeting

H. 03/04-656 **Linwood Bar**; Jonal Inc (stock transfer); Elizabeth Bieri – Pres; 257 Main St – Seldovia; transfer of **ownership** of a beverage dispensary license; backgrounds not complete.

AND

Approved with delegation 4-0

I. 03/04-657 **Linwood Liquor Store**; Jonal Inc (stock transfer); Elizabeth Bieri – Pres; 257 Main St – Seldovia; transfer of **ownership** of a package store license; backgrounds not complete.

All statutory requirements have *not* been met – DOR – Tax Division protests for failure to file taxes. City of Seldovia did not respond within statutory time limit. Kenai Peninsula Borough does not object.

Approved with delegation 4-0

6. **WAIVER OF OPERATION**

A. 02/03-3371 **Brown Jug – Muldoon**; Brown Jug Inc.; Lowell Shinn – Pres; No Premises – Anchorage; package store license.

30 day waiver 2nd request Fees paid
1st waiver approved for 2001

Attachment 6A

Bob Klien removed himself due to conflict of interest
Approved 3-0

7. **OTHER FILINGS**

A. 03/04-4260 **Alaska’s Own North Country Wine**; Arnold R. Phillips; Mile ½ Alice Dr – Ninilchik; **new** winery license; background not complete.

All statutory requirements *have not* been met. State Fire Marshal *objects* to license – plan has not been filed with their office. Kenai Peninsula Borough does not protest.

Approved with delegation 4-0

B. 03/04-2847 **Miners Home Saloon**; John Lousnbury; 126 N Turner – Fairbanks; **renewal** of a beverage dispensary license.

City of Fairbanks and owner have agreed to certain conditions to be placed on license in order for renewal not to be protested.

Attachment 6B

Renewal approved condition; contact Richard Finney with conditions 4-0

C. REMOVED

8. **BACKGROUND INFORMATION**

- A. 03/04-4255 **The Bar-B-Q Pit**; Ok Joo Hong; 1160 W Dimond Blvd - Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

Background information on Mike D. Hong.

Attachment 8A

Approved with delegation 4-0

- B. 03/04-4261 **Subzero**; Hook, Line & Sinker Inc.; William Opinsky – Pres; 612 F St – Anchorage; **duplicate** beverage dispensary; backgrounds not complete.

All statutory requirements have been met. **Municipality of Anchorage has not responded.**

Background information on James L. Maurer.

Attachment 8-B

Approved with delegation 4-0

- C. 03/04-4257 **Tsaina Lodge, The**; Alaska Mountain Adventures LLC; David S. Raynor – Mbr/Mgr; Mile 35 Richards Hwy – Unorganized borough; **new** beverage dispensary license; background complete.

All statutory requirements have been met. There is no local governing body. Temporary approval issued February 18, 2003.

Background information on David Scott Raynor.

Attachment 8-C

Approved license 4-0

- D. 02/03-4169 **Haines Liquor**; Alaska Business Growth Corporation; Michael Ward – Pres; No premises – Haines; **delegated transfer of ownership, location & name** of a package store license; backgrounds complete.

Background information on Michael Ward and Kevin Shore.

Attachment 8-D

Approved license 4-0

Date of next meeting: _____

Location of next meeting: _____

Addendum

9. CONSENT AGENDA

- A. 02/03-3188 **AKLAQ, Incorporated**; Jack Lewis – Pres; No Premises – Anchorage; transfer of **ownership, location & name** of a beverage dispensary license from Mountain Jams Entertainment LLC dba Max’s Bar & Grill, located at Crow Creek Rd in Girdwood; backgrounds not complete.

All statutory requirements have not been met – DOR – Tax Division and Dept. of Labor have not responded, and reminders have been sent. Municipality of Anchorage does not protest.

Approved with delegation 4-0

10. NON-RENEWAL

- A. 01/02-3670 **Blondie’s Alaskan Steak & Seafood**; Blondie’s Ltd.; Wendy Gaskins – Pres; 333 W 4th Ave Ste 228 – Anchorage; beverage dispensary license.

Licensee attempted to file renewal on February 28, 2003 – postmarked on 2/28/03. “Renewal” included page one of a two-page application, and a check in the amount of \$2700. This did not include the statutorily required penalty fee of \$500.

Attachment 10A

Resurrect & renew - approved 4-0

11. OTHER ITEMS

- A. Sunset Extension

Attachment 11A

Doug should update the Board on #5,6,7 at the next meeting

- B. Common Carrier Legislation

Attachment 11B