

State of Alaska
Alcoholic Beverage Control Board
September 11, 2003
Agenda - MINUTES

1. ADMINISTRATION

- A. Approve Board minutes of June 26, 2003. **Approved**
- B. Delegate to the director tie-breaking vote. **Approved**

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. REVOCATION/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

02/03-4102 **Baker Brewpub**; Point Baker Trading Post Inc.; Herb Hoyt – Pres;
Brewpub located at Lot 40 Point Baker.

Voluntary relinquishment

Attachment 2D

Read into the record

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

G. BOARD CONSIDERATION

1. TIPS – Training Intervention Procedures

Approved 4-0

- 2. 02/03-419 **Bostons**; Goethe, LLC; located at no premises in Fairbanks

History and Board decision as of November 19, 2002:

30 day waiver 2nd request Fees pad

History:

1999 – 1st waiver

2000 – 2nd waiver

2001 – Transfer of ownership

2001 – 1st waiver

Motion to approve with conditions that license is operational by September 30, 2003.

License will die, waiver all appeal rights. Approved 4-0

Attachment 2G-2

Motion to reconsider – 2nd

Motion to change date to 8/31/04 due to: good faith effort put forth; closing deal fell apart; re-plat completed; financing took time; closing complete; foundations constructed; now winter setting in. Approved 4-0

3. 02/03-2874 **Knik Kountry Liquor #3**; Knik Kountry Liquor Inc; Duane Hart – Pres; located at Palmer Wasilla Hwy & Trunk Rd in Mat-Su Valley; package store license.

Licensee requests move in current complex, one door down.

Attachment 2G-3

Approved 4-0

4. **Flavored Malt Beverages**

Attachment 2G-4

No action

5. **Legislative Priorities**

Attachment 2G-5

Discussed, no action

6. **Future of Compliance Checks**

Attachment 2G-6

Discussed, no action

3. CONSENT AGENDA Approved 4-0 (Items B-1 and B-3 were moved out of Consent Agenda and approved separately 4-0)

A. RESTAURANT DESIGNATION PERMITS

Attachment 3A

B. FILINGS

1. 03/04-2884 **Fred Meyer**; Fred Meyer Stores, Inc.; Darrell Webb – Pres; located at no premises in Anchorage; **transfer of ownership & name change** of a package store license from Seibu Alaska Inc, dba O’Malley’s on the Green; backgrounds complete.

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

2. 02/03-4322 **BPO Elks Club #1351**; BPO Elks Lodge #1351; Jill Kerich – Pres; located at 11701 Brayton Dr in Anchorage; **transfer of location and name change** of a club license from 717 W 3rd Ave dba BPO Elks Lodge #1351; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued August 22, 2003.

3. 03/04-1912 **Gold Rush Saloon**; Down River Inc.; David Lambert – Pres; located at 3399 Peger Rd in Fairbanks; **transfer of ownership** of a beverage dispensary license from O&W Corporation; background complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued August 29, 2003.

4. 03/04-4314 **Gallo’s Restaurant #3**; Gallo’s Mexican Restaurant, Inc.; Abraham Gallo – Pres; located at Lot 1, CSK Sbdv in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license from Dingo, Inc, dba Elbow Room, located at 410 2nd Ave; background complete.

All statutory requirements have been met. City of Fairbanks does not protest. A temporary approval for *closing purposes only* was issued on July 10, 2003.

5. 03/04-4310 **Main Street Café**; Good Dog Enterprises, LLC; Gerald M. Crowley – Mbr/Mgr; located at Main St in Talkeetna; **new** restaurant/eating place license; background complete.

Statutory requirements have been met. The Matsu Borough does not protest. Temporary approval issued August 29, 2003.

END CONSENT AGENDA

4. **DELEGATION CONSENT AGENDA** *Approved 4-0 (Items 4-J {see information listed} and 4-O were moved out of Delegation Consent Agenda and approved separately 4-0)*

A. 03/04-3759 **Airport Restaurant & Lounge**; Tuyen Dinh & Tran Thuy Dinh; located at Unalaska Airport Terminal; **transfer of ownership** of a beverage dispensary – tourism license from Thuan Duc Thi Nguyen; backgrounds not complete.

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

B. 02/03-2742 **Anchorage Billiard Palace**; The Club Company; Rance Brannon – Pres; located at 4848 Old Seward Hwy in Anchorage; **transfer of ownership** of a beverage dispensary license from Griffco, Inc.; background not complete.

AND

C. 02/03-3165 **Hot Rods**; The Club Company; Rance Brannon – Pres; located at 4848 Old Seward Hwy in Anchorage; **transfer of ownership** of a beverage dispensary – duplicate license from Griffco, Inc.; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approvals issued for *both* licenses August 25, 2003.

D. 03/04-4326 **Chico’s Mexican Restaurant**; Catarino & Maria Patricia Robles; located at 435 Dock St in Ketchikan; **transfer of ownership, location & name change** of a restaurant/eating place license from Darin Perue, dba Creek Street Café, located at 127 Stedman St; backgrounds not complete.

All statutory requirements have been met. Local governing body does not protest.

E. 03/04-4311 **Chinooks Waterfront**; FAM-Alaska Inc; Gene Minden – Pres; located at 1404 4th Ave in Seward; **new** brewpub license; backgrounds not complete.

All statutory requirements have been met. City of Seward has not responded (over 60 days). Kenai Peninsula Borough has no objections.

F.03/04-4289 **Empress of the North**; American West Steamboat Company LLC; Scott Taylor – Mgr; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued August 7, 2003.

G. 03/04-3800 **Iris Café & Saloon**; Iris LLC; Myong Christensen – Mbr/Mgr; located at 900 Noble St in Fairbanks; **transfer of ownership** of a beverage dispensary license from Melodee A Weber; background not complete.

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

H. 02/03-442 **Glacier Bear Lodge**; Glacier Bear Lodge, Inc. (stock transfer); Martha Donohue – Pres; located at 812 Glacier Bear Rd in Yakutat; **transfer of ownership (stock)** of a beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. Local governing body has not responded within statutory time frame. *Three (3) creditors have issued a protest until fees are received.*

I. 03/04-2069 **Golden Dragon**; Chung Soon Cho; located at 36100 Spur Hwy in the Kenai Peninsula Borough; **transfer of ownership** of a restaurant/eating place license from Chon Won Cho; backgrounds not complete.

All statutory requirements have been met. The Kenai Peninsula Borough does not protest.

J. 02/03-3134 **Hooligan's Lodging & Saloon**; Sally Hoskins; located at 44715 Sterling Hwy in Soldotna; **transfer of ownership & name change** of a beverage dispensary – tourism license from Happy Trails Inc, dba Goodnight Inn/Goodnight Out Lounge; backgrounds not complete.

All statutory requirements have been met. City of Soldotna does not protest. Temporary issued July 29, 2003.

Accusation #02-03 will be dismissed as a result of the transfer

K. 03/04-4309 **Luce's**; David & Janice Luce; located at 9 Mile Yentna River in the Matsu Borough; **new** restaurant/eating place license; backgrounds not complete.

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

L. 02/03-469 **The Liquor Store**; K&T Enterprises, Inc.; Tae Kyung Ham – Pres; located at 867 E Loop Rd in Anchorage; **transfer of ownership** of a package store license from Keum Wook Chung; backgrounds not complete.

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

M. MOVED

N. 03/04-1011 **Spirits**; Jason Dutch; located at 16535 Artillery Rd in Anchorage; **transfer of ownership & name change** of a package store license from James & Chia Herrington, dba Eagle River Liquors; background not complete.

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

O. 03/04-4318 **Tonsina River Lodge**; Tonsina Lodge LLC; Mark Gager – Mbr/Mgr; located at Mile 79 Richardson Hwy; **new** beverage dispensary – seasonal license; background not complete.

AND

P. 03/04-4319 **Tonsina River Lodge**; Tonsina Lodge LLC; Mark Gager – Mbr/Mgr; located at Mile 79 Richardson Hwy; **new** package store – seasonal license; background not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued June 25, 2003.

Q. 03/04-4304 **Turnagain Vines**; Turnagain Vines LLC; Keith Hoffman – Mbr/Mgr; located at 3431 Boniface Pkwy in Anchorage; **new** wholesale – malt beverage & wine license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued July 21, 2003.

R. 03/04-2730 **Fisherman’s Wharf Restaurant**; Fisherman’s Warf Inc.; Randy Held – Pres; located at #2 Marine Way Ste 125 in Juneau; **transfer of ownership** of a restaurant/eating place license from Randy Held; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau has not responded. 60 day period ends on 9/10/03.

S. 03/04-4325 **Old Power House Restaurant**; Ocean Enterprises of Alaska Inc.; Tomio Demura; located at 516 E Marine Way in Kodiak; **transfer of ownership, location & name change** of a beverage dispensary license from Breakers Bar & Liquor Store, Inc., dba Breakers Bar, located at 320 Center Ave; backgrounds not complete.

All statutory requirements have been met. City of Kodiak does not protest. Temporary approval issued August 18, 2003.

T. 03/04-4324 **Catalyst, M/V**; Pacific Catalyst Expeditions LLC; Hugh Reilly III – Mbr/Mgr; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

AND

U. 03/04-4323 **Westward, M/V**; Pacific Catalyst Expeditions LLC; Hugh Reilly III – Mbr/Mgr; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body.

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

A. 02/03-859 **A-K Korral**; AOK, Inc; Curtis Nading – Pres; located at 341 W Tudor Rd Ste 103 – Anchorage; **transfer of ownership** of a beverage dispensary license from Club Lamar, Inc; backgrounds not complete.

Municipality of Anchorage protests based on unpaid taxes in the amount of \$1156.58. Seven (7) holds against license. **Attachment 5A**

Approved with delegation 4-0

B. 02/03-4290 **The Party Store**; Patricia M. Bosch; located at Mile 3 Wasilla Fishhook in the Matsu Borough; **transfer of ownership & location** of a package store license; background not complete.

Statutory requirements have been met. Matsu Borough *protests* – CUP has not been issued, but has been applied for. **Attachment 5B**

Approved with delegation 4-0

C. 03/04-4305 **Polaris Distributors**; Koala Inc; Chang H. Lee – Pres; located at 6020 Old Seward Hwy #1 in Anchorage; **new** wholesale – general license; background not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* – letter attached. **Attachment 5C**

Denied 4-0 licensee is an affiliate of another licensee – prohibited financial interest (AS 04.11.450)

D. 03/04-3556 **Spirits of Alaska #1**; T&M Enterprises Inc.; Bridget Thompson – Pres; located at 1139 Gambell St in Anchorage; **renewal** of a package store.

Municipality protests based on unpaid property taxes. (\$958.84) **Attachment 5D**

Taxes paid prior to Board meeting; however, 2nd protest based on old taxes was received. 2nd protest was received AFTER the 60-day period, therefore there was no action on 2nd protest. Approved with delegation 4-0. A warning was also issued to the proposed owners that the kitchen must be complete before transfer application can be approved.

E. 03/04-4321 **Laos Restaurant**; Norasith N Phetphommasouk; located at 300 W 36th Ave in Anchorage; **new** restaurant/eating place license; background not complete.

The Municipality of Anchorage *protests* based on no conditional use permit for this premise. **Attachment 5E**

Approved with delegation 4-0

6. **WAIVER OF OPERATION**

A. 03/04-3950 **Buffalo Bob's**; Intellitech Inc; Gary Kranenburg – Pres; located at no premises in Fairbanks; beverage dispensary license.

30-day waiver 1st request Fees paid (2002 period) **Attachment 6**

Approved 4-0

7. **OTHER FILINGS**

A. 03/04-4320 **Legends of the Mountain**; Baranof Ventures Inc.; Joseph Tolliver Jr – Pres; located at 412 Washington in Seward; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Seward does not object. Temporary approval issued on July 9, 2003.

A beverage dispensary license owned by same licensee expired in 2002. **Attachment 7A

Approved with delegation 4-0

8. **BACKGROUND INFORMATION**

A. 02/03-326 **The Office Bar**; The Office Bar Limited Liability Company; Mary Erickson – Mbr/Mgr; located at Front St in Hoonah; **transfer of ownership & name change** of a beverage dispensary license from Kooteeya Inc, dba Kooteeya Bar; background not complete.

All statutory requirements have been met. The City of Hoonah does not protest. Temporary issued August 4, 2003.

Background information on Mary Erickson.

Attachment 8A

Approved 4-0

B. 03/04-4328 **Chinese Seafood Restaurant**; Nancy Wang; located at 3701 Spenard Rd in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. The Municipality of Anchorage does not protest. Temporary approval issued August 22, 2003.

Background information on affiliate Li H. Wang.

Attachment 8B

Approved 4-0 with conditions that Mr. Wang submit fingerprint cards annually for 5 years, and Mr. Wang NOT be involved in the serving of alcohol.

C. 02/03-2951 **AMVETS Post #4**; AMVETS Post #4; located at 43335 Kalifonsky Beach Road in Kenai Peninsula Borough; club license - new officer listed.

Background information on Forrest J. Ellis.

Attachment 8C

REMOVED

D. 03/04-3031 **Eagles #4174, Frat Order of**; Peters Creek Aerie #4174, FOE; located at Mile 21.5 Old Glenn Hwy in Anchorage; club license – new officer listed.

Background information on Christopher Calkins.

Attachment 8D

REMOVED

Date of next meeting: November 19, 2003

Location of next meeting: Anchorage/Nome teleconference

ADDENDUM

2. ADMINISTRATIVE MATTERS (Continued)

E. REQUEST FORMAL HEARING

02/03-56 **American Legion Post #13**; American Legion Post #13; located at 205 Lincoln St in Sitka; club license.

Accusation #03-03

Attachment 2E

No Action; Director instructed to proceed to formal hearing

G. BOARD CONSIDERATION

7. 02/03-2965 La Casita Del Mar Restaurant; Maria Meza; located at 4133 Mountain View Drive in Anchorage; restaurant/eating place license.

Accusation #03-02

Attachment 2G-7

No Action; Director instructed to appoint hearing officer

8. 02/03-536 Howling Dog Saloon; Howling Dog Inc.; located at 11.5 Mile Steese Hwy in Fairbanks North Star Borough; beverage dispensary – tourism license.

Staff requests direction on standards for operation of a tourism license. **Attachment 2G-8**
Change season to July 1-Dec 31 Approved 4-0; No Action; Delegated to Director – provisional approval to activate license under current ownership with management agreement – must demonstrate that cabins are habitable (insulated for winter habitation) at the November 19, 2003 meeting.

7. OTHER FILINGS (Continued)

B. 03/04-4316 Nuveau Pizza; Tom Traibush & Naomi Sundberg; located at 235 2nd St in Juneau; **new** restaurant/eating place license; backgrounds not complete.

DEC and FIRE have not responded (remodel plans are being drawn up by architect and have not been submitted.) City of Juneau does not protest, with condition that the restaurant be operational by June 30, 2004. **Attachment 7B**

Approved with delegation; accept City of Juneau conditions - operational by June 30, 2004.

2. ADMINISTRATIVE MATTERS (Continued)

H. COURT DECISION/BOARD CONSIDERATION ON REMAND

9. 0/0-3285 Alaska 1910; Elizabeth H. Rollins; located at 1403 Old Richardson Hwy in Fairbanks North Star Borough; beverage dispensary license.

Rollins v. ABC Board. Court has remanded this matter to the Board to issue a remedy consistent with the Court's finding that Ms. Rollins was entitled to a warning that no further waivers of the operating requirement would be granted for her beverage dispensary license located in the Fairbanks North Star Borough.

Attachment 2H-9

REMOVED

7. OTHER FILINGS (Continued)

03/04-4122 Sternwheeler Tanana Chief; Greatland River Tours Inc; located in Alaskan Waters; common carrier – seasonal license.

Licensee requests change in hours to 10am-midnight (currently 10am – 10pm).

Current conditions listed on license:

- 1) Hours of operation 10am-10pm
- 2) Dock at property zoned for commercial docking
- 3) Alcohol beverage service begins no more than 30 minutes prior to departure and ends upon docking following the trip.

Staff directed to investigate further and schedule for the November meeting.