

State of Alaska
Alcoholic Beverage Control Board
February 5, 2004
Agenda

1. **ADMINISTRATION**

A. Nominate Chair.

Mike Gordon 4-0

Vice Chair – Ellen Ganley 4-0

B. Approve Board minutes of November 19, 2003.

Postponed until April 22, 2004 meeting

C. Delegate to the director tie-breaking vote.

Approved 5-0

2. **ADMINISTRATIVE MATTERS**

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. REVOCATION/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

1. 02/03-221 **Bridgewater Hotel**; Fountainhead Development, Inc.; Timothy Cerny – Pres; located at 723 First Ave in Fairbanks; beverage dispensary – tourism license.

Licensee *relinquishes* license.

Read into the record

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

G. BOARD CONSIDERATION

1. 04/05-4232 **Area 51**; Full Moon Inc.; Rick Mensik – VP; located at 537 Gaffney in Fairbanks; beverage dispensary license.

Licensee requests Board consideration to rescind restrictions on the hours of operation, placed on license upon transfer September 10, 2002 at the request of the City of Fairbanks.

Restrictions: *Operate only on Thursday, Friday and Saturday nights* **Attachment 2G-1**
Postponed until April 22, 2004 meeting, after City of Fairbanks has been notified regarding renewal

2. **CHARR** – Off premise TAM Course

Approved

3. 04/05-1949 **North Slope Restaurant**; beverage dispensary license
AND
04/05-3453 **Regal Eagle Brew Pub**; brew pub license

License transfers were approved by the Board on June 26, 2003. Transferor requests rescission of transfers.

Attachment 2G-3

Approval of June 26, 2003 rescinded

4. 02/03-4225 **Coldfoot Camp**; Sukakpak, Inc.; Brett Carlson – Pres; located at Mile 175 Dalton Hwy in an unorganized area; beverage dispensary license.

Licensee requests change in biennial years from 2002/2003 to 2003/2004. License was approved in 2002, but was not ready for operation and issued until 2003. *(License renewal and fees have been received, but not processed pending Board approval/denial)*

Attachment 2G-4

Approved 5-0

5. 04/05-753 **Millie's Moose River Inn**; Mildred Hirth (deceased); located at Mile 82.5 Sterling Hwy in Kenai Peninsula Borough; beverage dispensary license.

Owner is deceased. 90-day period for transfer has expired, but within that 90-day period, a request for extension of time has been received.

Attachment 2G-5

90-day extension approved 5-0 (May 6, 2004)

3. CONSENT AGENDA

Approved 5-0

A. **RESTAURANT DESIGNATION PERMITS**

Attachment 3A

B. **FILINGS**

- 1. 04/05-98 **The Alibi**; 2-4 LLC; Kathleen Belmonte – Mbr/Mgr; located at 453 E Pioneer Ave in Homer; **transfer of ownership & name change** of a beverage dispensary license from Sung Fernandez, dba Bayside Lounge; backgrounds complete.

All statutory requirements have been met. City of Homer does not protest. Temporary approval issued December 3, 2003.

- 2. 03/04-3478 **Brown Jug – Midtown**; Brown Jug Inc.; Lowell Shinn – Pres; no premise in Anchorage; package store license.

30-day waiver 1st request Fees paid

Attachment 3B-2

- 3. MOVED

- 4. 03/04-1377 **Greyhound Lounge**; Muddy River, Inc.; David Lambert – Pres; located at 1351 Cushman St in Fairbanks; **transfer of ownership** of a beverage dispensary license from Curtis Hatcher; backgrounds complete.

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

- 5. 03/04-644 **Marlintini’s Lounge**; BCM Inc (stock transfer); Ethan Billings – Pres; located at 9121 Glacier Hwy in Juneau; **transfer of ownership** of a beverage dispensary license from BCM Inc.; backgrounds complete.

All statutory requirements have been met. City & Borough of Juneau does not protest. Temporary approval issued November 26, 2003.

- 6. 03/04-806 **Office Lounge, The**; Nura Abdul-Halim; located at 545 E Northern Lights Blvd in Anchorage; **transfer of ownership** of a beverage dispensary license from Dorothy Cooper; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued December 31, 2003.

- 7. 04/05-4341 **Pachamama Café**; Ricki Ruth; located at 16535 Artillery Rd in Anchorage (Eagle River); **new** restaurant/eating place license; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued January 9, 2004.

- 8. 04/05-858 **Pike’s Landing**; Pike’s Waterfront Lodge, LLC; Jay Ramras – Mbr/Mgr; located at 4438 Airport Way in Fairbanks; **transfer of ownership** of a beverage dispensary license from There From Here Inc.; background complete.

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

9. 03/04-2258 **Regency Hotel**; Pacific Rim Associates I, Inc.; Michael Vivlimore – Pres; located at 95 10th Ave in Fairbanks; **transfer of ownership & name change** of a beverage dispensary – tourism license from William Stewart dba Regency Fairbanks Hotel; backgrounds complete.

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

10. 03/04-2739 **Sammy's**; Samuel Lee Richardson; located at 1801 Parks Hwy #D-0 in Wasilla; **transfer of ownership & name change** of a restaurant/eating place license from William & Patricia Gillen dba Lacie's Pizza; background complete.

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

11. 04/05-4345 **Shine's Sushi Restaurant**; Shine's Sushi Restaurant LLC; Shi Wu Huang – Mbr/Mgr; located at 11401 Old Glenn Hwy #103 in Anchorage (Eagle River); **new** restaurant/eating place license; background complete.

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

12. 04/05-2535 **Shoppers Cache**; Shoppers Cache Inc.; Vern Foster – Pres; located at 19223 Old Glenn Hwy in Anchorage (Chugiak); **transfer of ownership** of a package store license from Vern & Alice Foster; backgrounds complete.

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

13. 04/05-996; **Yukon Spirits**; Yukon Beverages, Inc.; Jon Ashbrook – Pres; located at 3801 Old Seward Hwy in Anchorage; **transfer of ownership** of a beverage dispensary license from Yukon Spirits LLC; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued December 9, 2003.

END CONSENT AGENDA

4. **DELEGATION CONSENT AGENDA**

Approved 5-0

A. 04/05-4346 **Bernie's**; Bernie V. Ballao; located at 320 Center St in Kodiak; **transfer of ownership, location & name change** of a beverage dispensary license from Shirley A. Fisk, located at 1223 Mill Bay Rd, dba Diamond Jim's Harvester Inn; backgrounds complete.

All statutory requirements have not been met – DEC has not responded. City of Kodiak does not protest.

B. 03/04-200 **Carousel Cocktail Lounge**; Tiempo Beverage Company, Inc.; Christopher Cox – Pres; located at 3206 Spenard Rd in Anchorage; **transfer of ownership** of a beverage dispensary license from Steve & Dorothy Cooper; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued December 18, 2003.

C. MOVED

D. MOVED

E. 04/05-4351 **Inn Café**; Peter & Sherryl Scott; located at 325 Elmwood in Palmer; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. City of Palmer does not protest. Temporary approval issued January 26, 2004.

F. 04/05-3837 **K-Beach Road Diner**; Ernesto Ramos; located at 38612 Kalifornsky Beach Rd in Kenai Peninsula Borough; **transfer of ownership** of a restaurant/eating place license from Donald Thompson; backgrounds not complete.

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

G. 04/05-3059 **Kenny Creek Lodge**; Kenny Creek Lodge LLC; Sylvia Quaintance – Mbr/Mgr; located at Block 15 Lot 8 Kenny Creek; **transfer of ownership** of a restaurant/eating place license from Sylvia & Robert Quaintance (same people under LLC structure); backgrounds not complete.

All statutory requirements have been met. Matsu Borough did not respond within 60 days.

H. 03/04-4304 **Knik Kountry Liquor**; Knik Kountry Liquor Inc.; Duane Hart – Pres; located at no premises in Matsu Borough; **transfer of ownership, location & name change** of a package store license from Troy & Barbara Jones; backgrounds complete.

All statutory requirements have not been met (Dept of Labor has not responded). Matsu Borough does not protest.

I. 03/04-3913 **La Fiesta Dos**; Ismael G. Ruiz; located at 1051 E Bogard Rd #8 in Wasilla; **transfer of ownership** of a restaurant/eating place license from Maria Rangel & Trinidad Ruiz; backgrounds complete.

All statutory requirements have been met. City of Wasilla has not responded.

J. 04/05-4349 **New Penthouse, The;** Senate Partnership, Inc.; Hugh Grant, Pres; located at 434 3rd St in Juneau; **transfer of location** of a beverage dispensary license from 175 S Franklin St; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau does not protest. Temporary approval issued January 22, 2004.

K. 04/05-4342 **Ofelia’s Restaurant;** Ofelia Restaurant LLC; Ofelia Shively – Mbr/Mgr; located at 4th St in Skagway; **new** restaurant/eating place – public convenience license; background complete.

All statutory requirements have not been met (DEC objects due to “Non-Passing” of inspection. City of Skagway does not protest. **Attachment 4K**

L. MOVED

M. 04/05-4344 **Siam Dishes;** Somphone Choummittaphanh & Southsakone Pheunmany; located at 338 Old Steese Hwy in Fairbanks; **transfer of ownership, location & name change** of a restaurant/eating place license from Richard & Su Hui Stumpf, located at 1101 Noble St, dba Oriental House Restaurant; backgrounds complete.

All statutory requirements *have not* been met (Fire Marshal has not responded). City of Fairbanks does not protest.

N. 04/05-4339 **Touch of Europe;** William & Galina Lidster; located at 333 W 4th Ave in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage *protests* – CUP has not been granted.

O. 04/05-4352 **Wines International;** Wines International LTD; Dale Stewart – Pres; located at #5 Salmon Landing Ste 108 in Ketchikan; **transfer of ownership, location & name change** of a beverage dispensary license from Ketchikan Brewing Co LLC, located at 602 Dock St #101, dba Ketchikan Brewing Co; backgrounds not complete.

All statutory requirements have *not* been met (Fire Marshal has not responded). City of Ketchikan does not protest.

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 04/05-4340 **Place, The;** Teekell Company, Alaska; Kazuko Teekell – Ltd Partner; located at 8801 Jewel Lake Rd in Anchorage; **new** beverage dispensary – duplicate license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on taxes owed in the amount of \$2130.83. **Attachment 5A**

Approved with delegation 5-0

6 OTHER FILINGS

A. 04/05-3371 **Brown Jug – Muldoon;** Brown Jug Inc; Lowell Shinn – Pres; no premise in Anchorage; package store license.

30-day waiver 3rd request Fees paid **Attachment 6A**

Approved 5-0 – letter stating “a 4th waiver will not be granted”

B. 03/04-3956 **Café Myriad;** Seward Street Restaurant Corp; B.E. Wostmann – Pres; located at 230 Seward St in Juneau; restaurant/eating place license.

30-day waiver 3rd request Fees paid **Attachment 6B**

Approved 5-0 – letter stating “a 4th waiver will not be granted”

C. 04/05-3828 **Asuka, M/S;** NYK Cruises Co Ltd; located in Alaskan Waters; common carrier – seasonal license.

30-day waiver 1st request Fees paid **Attachment 6C**

Request waiver of all or part of penalty fees.

Approved 5-0; Refund penalty fees

D. 04/05-3636 **Hanseatic, M/V;** Hanseatic Cruises GMBH; Georg Bremsteiner – Pres; located in Alaskan Waters; common carrier – seasonal license.

30-day waiver 1st request Fees paid **Attachment 6D**

Request waiver of all or part of penalty fees.

Approved 5-0; Refund penalty fees

E. 04/05-2320 **Trophy Sports Hunting & Fishing Lodge;** Donald Ridl; located at 41150 Sterling Hwy in Kenai Peninsula Borough; beverage dispensary – seasonal license.

30-day waiver 1st request Fees paid

AND

30-day waiver 2nd request Fees paid

Request refund of all or part of penalty fees. Attachment 6E

1st & 2nd waivers approved 5-0

Request for refund of fees denied for lack of motion

F. 03/04-3349 **Goldrush Liquors**; Goldrush Liquors, Inc.; Susan Clay – Pres; located at 8601 Old Seward Hwy in Anchorage; **transfer of ownership & name change** of a package store license from Kmart Corporation, dba Kmart Liquors #7569; backgrounds complete.

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

Two issues:

Creditors: Approved with delegation; agreement of monetary satisfaction contingent upon ABC Counsel approval

Transfer: Motion – to approve with condition that Mr. Clay have no liquor distribution in Alaska

Action – Denied 3-2

Votes: Billy Andrews– NO

Gail Neimi– YES

Duane Udland – YES

Ellen Ganley – NO

Mike Gordon - NO

G. 03/04-4350 **Chepo’s Fiesta Mexican Restaurant**; J&L Enterprises Inc.; Jose Nanez – Pres; located at 223 E 5th Ave in Anchorage; **transfer of ownership, location & name change** of a beverage dispensary license from Hong Kong Restaurant Inc, dba Hong Kong Restaurant, located at 2413 Spenard Rd; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded. (60 days ends on 2/5/04) Transferor requests that this transfer be provisionally approved as of March 10, 2004.

Attachment 6G

Approved with delegation 5-0 with approval date of March 10, 2004

AND (related filing)

H. 04/05-4347 **Hong Kong Restaurant**; Hong Kong Restaurant, Inc.; Tung Choi Yan – Pres; located at 2412 Spenard Rd in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (11/25/03). This premise is currently licensed as a beverage dispensary, and therefore holds a CUP for full beverage service. *The beverage dispensary license is pending transfer to Chepo’s Fiesta Mexican Restaurant (see Other Filings).*

Approved with delegation 5-0 with approval date of March 10, 2004; Condition: if transfer to Chepo’s Fiesta Mexican Restaurant is not finalized as of March 10, 2004, both applications are rescinded.

7. **BACKGROUND INFORMATION**

A. 04/05-4348 **Ernestos Taqueria**; Amalia S. Estrada; located at 328 Egan Dr in Valdez; **new** restaurant/eating place license; backgrounds complete.

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

Background on affiliate Ernesto O. Hernandez.

Attachment 7A

Denied 5-0 based on criminal background

B. 04/05-4343 **Polaris Distributors**; Justin Choi; located at 801 E 82nd Ave B15 in Anchorage; **new** wholesale – malt beverage & wine license; background complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Background on Justin Choi. **Attachment 7B**

Denied 5-0 based on criminal background

C. 04/05-204 **George’s Casino Bar**; G & P Inc.; located at 505 Main St in Kenai; beverage dispensary license; New corporate shareholder.

Background on Jason D. Miller. **Attachment 7C**

Approved 5-0; conditions: Obtain letter from Kenai Police Department regarding Mr. Miller; background checks for 5 years; any problems, the license will go before the Board for possible suspension and/or revocation.

Date of next meeting: April 22, 2004

Location of next meeting: Anchorage

**State of Alaska
Alcoholic Beverage Control Board
November 19, 2003
Agenda**

ADDENDUM

8. BOARD CONSIDERATION

A. City of Mc Grath package store licenses.
Trooper request to put restrictions on Mc Grath package store licenses.

04/05-678 **Joe’s Bar**; Valkyrie L. Magnuson

04/05-1463 **Alaska Commercial Company**; Alaska Commercial Company

03/04-680 **McGuire’s Tavern**; McGuire’s Tavern & Liquor Inc. **Attachment 8A**

Postponed until April 22, 2004 meeting.