

State of Alaska
Alcoholic Beverage Control Board
September 14, 2004
Agenda

Board members present: Mike Gordon, Ellen Ganley, Gail Niemi

1. ADMINISTRATION

A. Approve Board minutes of June 25, 2004.

Approved 3-0

B. Delegate to the director tie-breaking vote.

Approved 3-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

1. 03/04-3943 **Seaview Café & Bar**; Adrienne & Grant Stanley-Harris; located at Main St in the Kenai Peninsula Borough; restaurant/eating place – seasonal license.

Informal settlement of Accusation #04-06.

Attachment 2C-1

Approved 3-0

D. REVOCATION/VOLUNTARY RELINQUISHMENT/NON-COMPLIANT

E. REQUEST FORMAL HEARING

F. SUSPENSIONS

G. BOARD CONSIDERATION

1.. 04/05-192 **Call of the Wild**; Wild Call, Inc.; located at Big Lake in MatSu Borough; beverage dispensary license; renewal.

Renewal was approved by the Board with delegation, giving licensee 90-days to apply for transfer on April 22, 2004 due to background investigation results. At this time, no transfer application has been received. Staff requests denial of renewal. **Attachment 2G-1**

Motion to allow transfer application to be filed on or before October 22, 2004 - approved 3-0.

2. 04/05-150 **Boon Dox Bar**; Anne Burnett.; located at Mile 33 Richardson Hwy in Fairbanks North Star Borough; beverage dispensary license.

- AND -

3. 04/05-151 **Boon Dox Liquor Store**; Anne Burnett.; located at Mile 33 Richardson Hwy in Fairbanks North Star Borough; package store license.

Licensee deceased; Attorney for Personal Representative requests 90-day extension under AS 04.11.030(c) Licensee passed away July 9, 2004. Existing condition on this license that it be operational for 30 days in the 2004 calendar year. **Attachment 2G-2**

Approve 3-0 – same conditions apply that were declared at waiver approval.

4. 03/04-4101 **Bonanza Grill**; Jack O'Brien; located at No Premises in Fairbanks; beverage dispensary license.

- License transfer was approved by the Board on April 22, 2004.
- Re: lien in amount of \$11,040.
 - Board ruled to allow Mr. O'Brien to post escrow account for balance;
 - Allow lien holder 90 days to initiate legal action (July 21, 2004);
 - If no legal action, license transfer goes back before board;
 - Transfer approved 4-0 based on escrow posting.
 - Legal action was filed in Trial Courts 4th District July 22, 2004
- Intellitech Inc now disagrees with its former attorney's compilation of lien amount and cannot come to an agreement on a specific lien amount. **Attachment 2G-4**

No Action

5. Regulations regarding the banning of Vaporizing Alcohol Devices **Attachment 2G-5**
Postponed for staff to do more research

6. 04/05-4232 **Kodiak Jack's**; JSR, Inc.; located at 537 Gaffney in Fairbanks; beverage dispensary license.

Licensee requests time restrictions to be lifted based on "arbitrary, capricious and unreasonable" due to other licenses in the area without same restrictions. **Attachment 2G-6**

No Action; staff investigate police reports of establishment and that of other (5) establishments in vicinity; reconsider at November 23, 2004 meeting.

7. 04/05-4164 **Finn's**; Finn's LLC; located at 4287 Homer Spit Rd in Homer; restaurant/eating place – seasonal license.

Licensee requests refund of late penalty fees for renewal.

History: License renewal was received after February 28, 2004, with fees and penalty fees assessed. Based on circumstances (office captured PO address incorrectly in database), the Board allowed renewal at the June 25 Board meeting. **Attachment 2G-7**

Waive and return penalty fees approved 3-0

8. Conditions on McGrath Package Stores. **Attachment 2G-8**
Motion to replace decision of 4/22/04 with proposed language, deleting the last sentence ("My acknowledgement..."; approved 3-0

3. CONSENT AGENDA

Approved 3-0 (Item 18 removed from Consent Agenda)

A. FILINGS

1. 04/05-4369 **Majestic Valley Wilderness Lodge**; Jodi Lynn Talcott and Hilda Cordean Talcott; located at Mile 114.9 Glenn Hwy in the MatSu Borough; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued May 12, 2004.

2. 04/05-4429 **Alaska Liquor Store**; Isner, Inc.; located at 633 Stedman in Ketchikan; **transfer of location** of a package store license from 116 Front St; backgrounds complete.

All statutory requirements have been met. City of Ketchikan does not protest. Temporary approval issued July 20, 2004.

3. 04/05-4423 **Board Room**; Alaska Airlines, Inc.; located at 5000 International Airport Rd in Anchorage; **transfer of location** of a beverage dispensary - tourism license from 4750 International Airport Rd; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued August 12, 2004.

4. 04/05-4396 **Dockside Restaurant and Catering**; LaTonnie J Barlow; located at 107 Stikine Ave in Wrangell; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. City of Wrangell does not protest. Temporary approval issued August 24, 2004.

5. 03/04-3039 **Don Jose's Restaurant & Cantina**; Carter Enterprises, Inc.; located at 205 S Willow; **transfer of ownership** of a beverage dispensary license from don Jose's LLC; backgrounds complete.

All statutory requirements have been met. City of Kenai does not protest. Temporary approval issued July 20, 2004.

6. 03/04-3907 **Far North Package Store**; James A. Crabb; located at Mile 7.9 Circle Hot Springs Rd; **transfer of ownership** of a package store license from James & Sandra Crabb; backgrounds not complete.

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

7. 04/05-4417 **Last Roundup Restaurant**; The Last Roundup LLC; located at 2701 S Cushman in Fairbanks; **transfer of ownership, location & name change** of a restaurant/eating place license from There From Here, Inc., dba Food Factory, 1707 Cushman St; backgrounds complete.

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

8. 04/05-911 **Laura's Liquor Shoppe LLC**; Laura's Liquor Shoppe LLC; located at 608 1st St in Cordova; **transfer of ownership** of a package store license from Mary Barrow; backgrounds complete.

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

9. 04/05-3889 **Jamico's Pizzeria**; Benito Herrera; located at 3952 Mountain View Dr in Anchorage; **transfer of ownership** of a restaurant/eating place license from Andrija Spiroski; backgrounds complete.

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

10. 04/05-4428 **Little Tokyo**; SOE LLC; located at 315 Lincoln St Ste 112 in Sitka; **new** restaurant/eating place – public convenience license; backgrounds complete.

All statutory requirements have been met. City & Borough of Sitka does not protest. Temporary approval issued August 5, 2004.

11. 04/05-4431 **Maxine's Glacier City Bistro**; New Forme Inc.; located at Lot 44 Crow Creek Rd in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued June 24, 2004.

12. 04/05-4427 **Railway Cantina**; Nachobad LLC; located at 1401 4th Ave in Seward; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. City of Seward does not protest. Temporary approval issued August 10, 2004.

13. 03/04-2117 **Riversong Lodge**; Riversong Lodge, Inc.; located at Lake Creek on the Yentna River in MatSu Borough; **transfer of ownership** of a restaurant/eating place license from Within the Wild Adventure Company; backgrounds complete.

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

14. 03/04-4432 **Rum Locker**; Patel Enterprises Inc.; located at 276 Olsen Ln Ste 3 in Homer; **transfer of location** of a package store license from 1436 Sterling Hwy; backgrounds complete.

All statutory requirements have been met. City of Homer does not protest. Temporary approval issued August 6, 2004.

15. 03/04-4430 **Serenade of the Seas**; Royal Caribbean Cruises Ltd.; located in Alaskan Waters; **transfer of vessel** of a common carrier – seasonal license from Rhapsody of the Seas; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued July 7, 2004.

16. 04/05-4426 **Shanghai Grand**; Byeong Choi; located at 560 W Tudor Rd in Anchorage; **new** restaurant/eating place license; backgrounds complete.

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

17. 03/04-489 **Skinny Dick's Halfway Inn**; Moodar Corp; located at Mile 327.9 Parks Hwy in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary license from Richard Hiland; backgrounds complete.

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

18. 03/04-4294 **Tony Roma's**; Eagle River Bowl LLC; located at 1420 E Tudor Rd in Anchorage; **transfer of ownership** of a beverage dispensary – duplicate license (parent license previously transferred 4/22/04) from BVG Inc.; backgrounds complete.

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

Removed from Consent Agenda; Transfer of parent license rescinded 3-0 (transfer fell through); no action on this transfer

19. 04/05-4419 **Trophy Room Bar & Grill**; Twins Inc.; located at 2900 Parks Hwy in Wasilla; **new** beverage dispensary – tourism license; backgrounds complete.

All statutory requirements have been met. City of Wasilla does not protest. Temporary approval issued August 4, 2004.

20. 03/04-4414 **Turnagain Vines**; Turnagain Vines LLC; located at 511 W 41st Ave Unit E in Anchorage; **transfer of location** of a winery license from 3431 Boniface Pkwy; backgrounds complete.

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

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

Approved 3-0

A. 03/04-3455 **American Summit Liquor**; Margaret Jean Woodall.; located at Mile 142.5 Taylor Hwy in an unorganized area; **transfer of ownership** of a package store license from Clarence R. Woodall (deceased); backgrounds not complete.

All statutory requirements have *not* been met – Dept of Labor has not responded. There is no local governing body.

B. 03/04-2411 **Bear Creek Lodge**; John & Melanie Bowman; located at 19702 Hope Highway in the Kenai Peninsula Borough; **transfer of ownership** of a restaurant/eating place license from Walter & Susan Thompson; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued July 15, 2004.

C. 04/05-4395 **Boston's**; Goethe LLC.; located at 1119 Old Steese Hwy in Fairbanks; **transfer of ownership & location** (stock transfer) of a beverage dispensary license from No Premises; backgrounds not complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued August 18, 2004.

D. 04/05-4405 **Chinese Palace**; Tides Complex, Inc.; located at 5000 Glacier Hwy in Juneau; **transfer of ownership, location & name change** of a restaurant/eating place license from Murray Damitio, dba Pizzaria Roma, located at No Premises; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau does not protest. Temporary approval issued July 27, 2004.

E. 04/05-1314 **Elfin Wet Goods**; Cross Sound Marketing Association, Inc.; located at Elfin General Store in Elfin Cove; **transfer of ownership** of a package store license from Wards Cove Packing Company; backgrounds not complete.

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

F. 04/05-4437 **Frosty Bear Ice Cream Parlor & The Den Restaurant**; Willie “D” and Me Inc.; located at 639 E Pioneer Ave; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Homer does not protest. Temporary approval issued August 10, 2004.

G. 04/05-4290 **Half Rack Liquor**; Nancy Meehan; located at Mile 3 in MatSu Borough; **transfer of ownership & name change** of a package store license from Patricia M. Bosch, dba the Party Store; backgrounds not complete.

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

H. 03/04-209 **Mad Fish Restaurant, The**; Catherin K. Fitzgerald.; located at 221 Main in Seldovia; **transfer of ownership** of a restaurant/eating place license from James & Catherine Haralson; backgrounds not complete.

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

I. 04/05-4411 **Manrique's Brasserie**; Richard & Lara Flynn Manrique.; located at 701 W 36th Ave in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage has not responded yet. (Notice sent May 8, 2004)

O. 03/04-4433 **Mountain Market**; Mountain Corporation.; located at 151 3rd Ave S in Haines Borough; **transfer of ownership, location & name change** of a package store license from Wards Cove Packaging Company, dba Haines Packaging Company, located at Mile 5.5 Mud Bay Rd; backgrounds not complete.

All statutory requirements have *not* been met (Dept of Labor & State Fire Marshal have not responded). Haines Borough does not protest.

P. 04/05-4415 **Party Store Liquors**; Sandra K. Wright.; located at 5100 E Fireweed Rd in MatSu Borough; **transfer of ownership, location & name change** of a package store license from Castle Liquor Inc., dba Save-U-More Liquor #3, located at Mile 36.5 Parks Hwy; backgrounds complete.

All statutory requirements have *not* been met (no response from Dept of Revenue). MatSu Borough does not protest.

Q. 03/04-4436 **Chili's Grill & Bar**; Duke Investments LLC; located at No Premises in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license from Intellitech Inc., dba Buffalo Bob's, located at 1705 S Cushman St; backgrounds not complete.

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

R. 03/04-954 **Reluctant Fisherman Inn**; Cannery Row, Inc.; located at 407 Railroad Ave in Cordova; **transfer of ownership** of a beverage dispensary - tourism license from Reluctant Fisherman Inc; backgrounds not complete.

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

S. .04/05-2973 **Rice Bowl**; William K. Wong; located at 810 E 6th Ave in Anchorage; **transfer of ownership** of a beverage dispensary license from Toy & Kim Low & William Wong; backgrounds complete.

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

T. 04/05-4435 **Shogun**; Ul Yon Kuk; located at 8901 Jewel Lake Rd in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued August 20, 2004.

U. 04/05-1097 **Sunrise Inn**; Quartz Creek Enterprises Inc.; located at Mile 45 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership (stock transfer)** of a package store license; backgrounds not complete.

AND

V. 04/05-1096 **Sunrise Inn**; Quartz Creek Enterprises Inc.; located at Mile 45 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership (stock transfer)** of a beverage dispensary – tourism license; backgrounds not complete.

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

W. 03/04-4434 **Trophy**; Randy L. Wood; located at Milepost 1420 Alaska Hwy in Delta Junction; **transfer of ownership & name change** of a beverage dispensary license from Trophy Lodge Inc., dba Trophy Lodge; backgrounds not complete.

All statutory requirements have *not* been met (no response from Dept of Labor). City of Delta Junction has not responded (60-day limit was Sept 12, 2004).

X. 04/05-1608 **Villa Nova Restaurant**; Elena Inc.; located at 5121 Arctic Blvd Ste 1 in Anchorage; **transfer of ownership** of a restaurant/eating place license from That's Italian LLC; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued August 20, 2004.

Y. 04/05-1031 **Westmark Sitka Hotel**; Yoo Lin Lodging Inc/Westmark Hotels Inc. (Operator); located at 330 Seward St in Sitka; **transfer of ownership & name change** of a beverage dispensary - tourism license; backgrounds not complete.

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

Z. 03/04-3719 **Wilderness Adventurer, M/V**; BB Acquisition LLC; located in Alaskan Waters; **transfer of ownership** of a common carrier - seasonal license from Glacier Bay Park Concessions Inc.; backgrounds not complete.

- AND -

AA. 04/05-3854 **Wilderness Discoverer, M/V**; BB Acquisition LLC; located in Alaskan Waters; **transfer of ownership** of a common carrier - seasonal license from Glacier Bay Park Concessions Inc.; backgrounds not complete.

- AND -

AB. 04/05-3237 **Wilderness Explorer, M/V**; BB Acquisition LLC; located in Alaskan Waters; **transfer of ownership** of a common carrier - seasonal license from Glacier Bay Park Concessions Inc.; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued July 30, 2004.

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

A. 04/05-613 **Chickaloon Trading Post**; Chickaloon Trading Post, Inc.; located at Mile 76.3 Glenn Hwy in MatSu Borough; **transfer of ownership & name change** of a package store license; backgrounds complete.

All statutory requirements have been met. MatSu Borough *protests* based on CUP requirement has not been met and 2004 MSB Business License has not been obtained.

Two creditor *objections* in the total amount of \$3438.51.

Attachment 5A

Creditors lifted liens; transfer approved with delegation 3-0

B. 04/05-2296 **Kaze Restuarant**; Chae P. Jun; located at 930 W 5th Ave in Anchorage; **renewal** of a restaurant/eating place license.

- Municipality of Anchorage *protests* renewal based on delinquent property taxes. Attempted to contact owner via phone and US Mail without response (letter sent to file address on file returned by Post Office).

- License renewal received/postmarked on time in 2003; however, check for fees was returned by the bank as NSF.

Attachment 5B

NSF check made good; renewal approved with delegation (pending lifting of protest by MOA)

C. 04/05-908 **Polelock Bar & Likker**; Ruth Rebischke.; located at Mile 38.5 Glenn Hwy in MatSu Borough; **RE-transfer of ownership & name change** of a beverage dispensary license Funny Farm LLC, dba Funny Farm Bar & Liquor; backgrounds not complete.

- AND -

D. 04/05-909 **Polelock Bar & Likker**; Ruth Rebischke; located at Mile 38.5 Glenn Hwy in MatSu Borough; **RE-transfer of ownership & name change** of a package store license from Runny Farm LLC, dba Funny Farm Bar & Liquor; backgrounds not complete.

All statutory requirements have been met. MatSu Borough has not responded (June 30, 2004 notification)

Attachment 5C

Re-Transfer approved with delegation; renewal fees to be paid within 7 days (on or before September 21, 2004)

6 **OTHER FILINGS**

A. 03/04-1989 **O’Brady’s Burgers & Brew #1**; Shamrock North Corporation; located at 800 E Dimond Blvd Ste 159 in Anchorage; **transfer of ownership** of a restaurant/eating place license; backgrounds complete.

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

Registered business name issue. Owner of Alaska registered business name “O’Brady’s Burgers & Brew” objects to issuance of license under this name.

Attachment 6A

Motion to postpone until November 23, 2004 meeting approved 3-0 (more information requested)

B. 04/05-4349 **Penthouse, The**; Senate Partnership Inc.; located at 434 3rd St in Juneau; beverage dispensary license; backgrounds complete.

All statutory requirements have been met. City & Borough of Juneau does not protest, however, there are conditions requested – see attached. **Attachment 6B**

Approve with conditions 3-0

7. **BACKGROUND INFORMATION**

A. 04/05-521 **Home Liquor**; Thibodeau's Market Inc.; located at 425 W Willoughby Ave in Juneau; **transfer of ownership (stock)** of a package store license; backgrounds complete.

- AND -

B. 04/05-661 **Kenny's Liquor Market**; Thibodeau's Market Inc.; located at 619 Willoughby Ave in Juneau; **transfer of ownership (stock)** of a package store license; backgrounds complete.

- AND -

C. 04/05-1129 **Liquor Barrel**; Thibodeau's Market Inc.; located at 5245 Glacier Hwy in Juneau; **transfer of ownership (stock)** of a package store license; backgrounds complete.

- AND -

D. 04/05-4422 **Thibodeaus Valley Liquor**; Thibodeaus Market Inc.; located at 9106 Mendenhall Mall Rd in Juneau; **transfer (approved with delegation at 6/25/04 meeting)**; backgrounds complete.

All statutory requirements have been met. City & Borough of Juneau does not protest. Background information on Peter J. Thibodeau – President & 70% shareholder.

Attachment 7A

All transfers approved with background checks for the next 5 years – 3-0

E. 04/05-2900 **Ron's Liquor**; R&S&T Inc.; located at 3505 Airport Way in Fairbanks; **transfer of ownership (stock transfer)** of a package store license.

Background on Terrence Nicholson. Approved with delegation at the June 25, 2004 meeting.

Attachment 7E

Motion to rescind delegated approval from June 25, 2004 meeting – rescinded 3-0

F. 03/04-3612 **Ward Cove Market & Liquor**; Four Seas Investors LLC; located at 7196 N Tongass Hwy in Ketchikan Gateway Borough; **transfer of ownership** of a package store license from Tatsuda's Supermarket Inc.; backgrounds complete.

All statutory requirements have been met. Ketchikan Gateway Borough does not protest. Background on Craig Carson.

Attachment 7F

Approved 3-0

G. 04/05-4420 **I Luv Sushi**; Minjung Kim; located at 9220 Lake Otis Pkwy in Anchorage; **new** restaurant/eating place license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Background information on affiliate, Moon Kim was received after temporary approval was issued. Temporary approval issued July 23, 2004

Attachment 7G

Approved with background checks for the next 5 years for affiliate– 3-0

8. **EXPIRED LICENSE**

A. 02/03-3147 **Ah Sa Wan**; Chen-Mong Inc.; located at 600 Old Steese Hwy in Anchorage; **restaurant/eating place license.**

License renewal received/postmarked on time in 2003; however, check for fees was returned by the bank as NSF.

Attachment 8A

Fees paid; removed from agenda

B. 02/03-3980 **Mi Ranchito**; Maria Diaz; located at 1315 Sawmill Creek Rd in Sitka; **restaurant/eating place license.**

License renewal received/postmarked on time in 2003; however, check for fees was returned by the bank as NSF.

Attachment 8B

Fees paid; removed from agenda

Date of next meeting: **November 23, 2004**

Location of next meeting: **Anchorage**

State of Alaska
Alcoholic Beverage Control Board
September 14, 2004
Agenda Addendum

9. BOARD CONSIDERATION

A. 03/04-876 Pit Bar, The; Davorie Kowalski; located at Mile 3.5 Seward Hwy in the Kenai Peninsula Borough; beverage dispensary license.

- AND -

B. 03/04-877 Pit Bar, The; Davorie Kowalski; located at Mile 3.5 Seward Hwy in the Kenai Peninsula Borough; package store license.

Licensee deceased; Personal Representative requests *second* 120 day extension under AS 04.11.030(c). Licensee passed away April 14, 2004.

Attachment 9A

**HISTORY: 120-day extension approved June 25, 2004 ending October 24, 2004.
Further extension approved until November 23, 2004 meeting.**