

State of Alaska
Alcoholic Beverage Control Board
February 17, 2005
Agenda

Board members present: Mike Gordon; Ellen Ganley; Billy Andrews; Gail Neimi
Not present: Duane Umland

1. ADMINISTRATION

A. Approve Board minutes of November 23, 2004.

Approved

B. Elect new officers.

Mike Gordon – Chairman

Ellen Ganley – Vice Chair

C. Delegate to the director tie-breaking vote.

Approved

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

1. 04/05-56 **American Legion Post #13**; American Legion Post #13; located at 205 Lincoln St in Sitka; club license.

Delay in receiving Hearing Officer decision.

Attachment 2B-1

The Board wishes to move forward on this; no further negotiating; appoint new hearing officer to proceed.

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

2D-1 thru 2D-7 were read into the record

1. 03/04-3488 **Lost Creek Lodge**; 5th Trail Lodge Inc.; located at Caribou Hills in the Kenai Peninsula Borough; restaurant/eating place – seasonal license.

Attachment 2D-1

2. 03/04-2780 **Oaken Keg Spirit Shop #1848**; Oaken Keg Spirit Shops Inc.; located at 44224 Sterling Hwy in Soldotna; package store license.

Attachment 2D-2

3. 03/04-969 **Roadhouse, The**; Dorothy Olson & Clara Ness; located at Mile 4 Zimovia Hwy in Wrangell; beverage dispensary – tourism license.

Attachment 2D-3

4. 03/04-2009 **La Mex Too – Upstairs**; La Mexicana Inc.; located at 900 W Sixth Ave in Anchorage; beverage dispensary – duplicate license.

Attachment 2D-4

5. 03/04-4124 **Bremen, M/V**; HCC Hanseatic Cruise Catering Corp.; located in Alaskan waters; common carrier – seasonal license.

Attachment 2D-5

6. 03/04-4306 **MS Europa**; HCC Hanseatic Cruise Catering GMBH; located in Alaskan waters; common carrier – seasonal license.

Attachment 2D-6

7. 03/04-2934 **ERA Aviation 566EA**; Era Aviation Inc.; located in Alaskan skies; common carrier license.

AND

03/04-3721 **ERA Aviation N565EA**; Era Aviation Inc.; located in Alaskan skies; common carrier license.

AND

03/04-1730 **ERA Aviation N568JA**; Era Aviation Inc.; located in Alaskan skies; common carrier – seasonal license.

AND

03/04-1668 **ERA Aviation N569JA**; Era Aviation Inc.; located in Alaskan skies; common carrier – seasonal license.

Attachment 2D-7

E. REQUEST FORMAL HEARING SUSPENSIONS

F. SUSPENSION

G. BOARD CONSIDERATION

1. 05/06-2344 **Tony Roma's**; Eagle River Bowl LLC; located at 1420 E Tudor Rd in Anchorage; **transfer of ownership** of a beverage dispensary license; from BVG Inc.

License transfer was approved at the April 22, 2004 meeting of the ABC Board. Transfer was subsequently cancelled between the parties. Staff requests Board to read this cancellation into the record.

Read into the record

2. 03/04-876 **Pit Bar, The**; Davorie Kowalski; located at Mile 3.5 Seward Hwy in the Kenai Peninsula Borough; beverage dispensary license.

AND

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

A third 120-day extension was granted to the executor of the estate on November 23, 2004. At that time, the Board expressed a plan to review further options at the February 17, 2005 meeting if a complete transfer application was not received by this date.

Attachment 2G-2

Approve an extension until the May 5, 2005 Board meeting.

3. 05/06-3588 **AMVETS Post #49**; AMVETS Post #49 Inc.; located at 521 W Tudor Rd; club license.

Licensee requests return of \$500 penalty fee for late renewal filing.

Attachment 2G-3

Postpone until May 2005 meeting

4. 05/06-2639 **Rendezvous, The**; Toni Munsey & Val Flinders; located at 11652 Rezanof Way in the Kodiak Island Borough; beverage dispensary license.

Licensee requests return of \$500 penalty fee for late renewal filing.

Attachment 2G-4

No action

5. 04/05-323 **Harry's Restaurant**; Harry's Bar & Grill Inc.; located at 101 W Benson Blvd in Anchorage; beverage dispensary license.

Applicant requests ownership/entity type name change.

Attachment 2G-5

Request cancelled by owner

6. 04/05-4117 **Pilot House**; Pilot House Inc.; located at 485 Katlian St in Sitka; beverage dispensary license.

Due to legal proceedings license has been non-operational since 2001. No waivers of operation have been filed. Licensee requests Board consideration to forgive the waiver requirement due to issues surrounding the non-operation of the license.

Attachment 2G-6

Board requires waivers for the 2003 and 2004 calendar years, suspending the penalties for each year; total fees due \$

7. 05/06-3039 **Rosita's Mexican Restaurant (formerly Don Jose's Restaurant & Cantina)**; Carter Enterprises Inc.; located at 205 S Willow in Kenai; beverage dispensary license.

Licensee requests return of \$500 penalty fee for late renewal filing.

Attachment 2G-7

8. **HB 15 Seasonal alcoholic beverage licenses**

Attachment 2G-8

Discussed

9. **Fingerprint information for future renewals**

Attachment 2G-9

Discussed

~~10. 05/06-2346 **New Seward Hotel/New Seward Saloon**; Snow Den Enterprises Inc.; located at Lot 16 Block 9 in Seward; beverage dispensary – tourism license.~~

~~Licensee requests extension of premises.~~

~~**Attachment 2G-10**~~

11. 05/06-4336 **TSS The Topaz**; Topaz International Shipping Inc.; located in Alaskan Waters; common carrier – seasonal license.

1st request 2004 Fees paid

Due to the very short season for this type of common carrier, licensee requests penalty fees be waived, as well as a refund of the waiver fees.

Attachment 2G-11

Approved; refund penalty fees; do not refund waiver fees; staff directed to look into changing waiver requirements for common carriers

12. Alcohol content of flavored malt beverages

Attachment 2G-12

Discussed

13. 05/06-3455 American Summit Liquor; Clarence Woodall (deceased); located at Mile 142.5 Taylor Hwy in an unorganized area; package store license.

License renewed by personal representative. A transfer was approved with delegation to Margaret Jean Woodall at the September 14, 2004 meeting and is still pending response from the Department of Labor. The renewal has been accepted and was issued on December 22, 2004.

The Native Village of Eagle, Eagle Village IRA Council Chief has objected to the renewal.

Attachment 2G-13

No action; staff directed to work with Mr. Juneby and licensee to impose certain restrictions on the operation of the license under AS 04.11.395

14. ServSafe Alcohol Server Training Program

Attachment 2G-14

Discussed

3. CONSENT AGENDA - Approved

Items A –F: WAIVERS OF OPERATION

A. 04/05-3685 Red Robin Burger & Spirits Emporium; Restaurant Management Inc.; located at 4140 B St in Anchorage; beverage dispensary license.

1st request 2004 Fees paid

Attachment 3A

B. 04/05-1946 Red Robin; Restaurant Management Inc.; located at No Premises in the MatSu Borough; beverage dispensary license.

1st request 2004 Fees paid

Attachment 3B

C. 05/06-3951 Pacific Venus, M/V; Japan Cruise Line Inc.; located in Alaskan Waters; common carrier – seasonal license.

2nd request 2004 Fees paid

Attachment 3C

D. 05/06-3346 Kmart Liquor #3584; Kmart Corporation; located at 6525 Glacier Hwy in Juneau; package store license.

AND

05/06-3347 **Kmart Liquor #3623;** Kmart Corporation; located at 10480 Spur Hwy in Kenai; package store license.

AND

05/06-3348 **Kmart Liquor #7598;** Kmart Corporation; located at 3121 Airport Way in Fairbanks; package store license.

AND

04/05-3426 **Kmart #3580**; Kmart Corporation; located at 400 Rodeo Place in Anchorage; package store license.

1st request 2004 Fees paid **Attachment 3D**

E. 05/06-403 **Fo'c'sle Bar**; Focsle Inc.; located at No Premises; beverage dispensary license.

1st request 2004 Fees paid **Attachment 3E**

F. 05/06-3919 **Good Guys Grocery/Liquor Cabinet**; Liquor Cabinet Inc.; located at 118 Ole Johnson Rd in Kodiak; package store license.

2nd request 2004 Fees paid **Attachment 3F**

Consent Agenda - approved

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

A. 04/05-68 **10 Mile Mercantile;** Jimmy & Tracy Walters.; located at 3342 Chena Hot Springs Rd in the Fairbanks North Star Borough; **transfer of ownership & name change** of a package store license from Paul Heimsath, dba Skip's Cache; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded (notification sent November 29, 2004).

B. 05/06-3230 **Apollo Restaurant;** Konstantinos Kanaras; located at 229 4th Ave in Seward; **transfer of ownership** of a restaurant/eating place license from Argyrios & Deborah Danakos; backgrounds not complete.

All statutory requirements have been met. City of Seward has not responded (notification sent November 29, 2004).

C. 04/05-4174 **Big Daddy's Bar-B-Q & Banquet Hall;** RTG LLC; located at 107 Wickersham St in Fairbanks; **transfer of ownership & name change** of a beverage dispensary license from Sharon Duskin dba The Hideaway; backgrounds not complete.

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

D. 04/05-4453 **Brown Jug #670;** Brown Jug Inc.; located at 2521 E Mountain Village Dr in Wasilla; **transfer of ownership, location & name change** of a package store license from Northwest Retail Ventures dba Alaska Marketplace #581; backgrounds not complete.

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

E. 04/05-192 **Call of the Wild;** Wild Call Inc. (stock transfer); located at Big Lake; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

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

F 04/05-4459 **Chiang Mai Ultimate Thai Restaurant;** Tom S. Praethong; located at 3637 Old Seward Hwy in Anchorage; **transfer of location & name change** of a restaurant/eating place license from 830 E 36th Ave dba Thai House Restaurant; backgrounds not complete.

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

G. 04/05-2925 **China Express/Sorabol;** China Express/Sorabol LLC; located at 425 W 5th Ave in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Jong Kim; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued February 1, 2005.

H. 04/05-242 **Clear Sky Lodge;** Rabideau's Clear Sky Lodge, Inc.; located at Mile 280 Parks Hwy in Denali Borough; **transfer of ownership** of a beverage dispensary license from Clear Sky Lodge Inc.; backgrounds not complete.

AND

04/05-243 **Clear Sky Lodge;** Rabideau's Clear Sky Lodge, Inc.; located at Mile 280 Parks Hwy in Denali Borough; **transfer of ownership** of a package store license from Clear Sky Lodge Inc.; backgrounds not complete.

All statutory requirements have *not* been met (Dept of Labor has not responded.) Denali Borough has not responded (notification sent October 26, 2004).

I. 05/06-576 **Club Manchu;** Randall G. Kelsch; located at 2712 Jessie St in Fairbanks; **transfer of ownership** of a beverage dispensary license from Roxy Grey; background not complete.

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

J. 04/05-4456 **Da Mi;** Myong Su Shin; located at 642 E 5th Ave 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 December 20, 2004.

K. 04/05-330 **Duffy's Roadhouse;** Ethel Lorene Ellis; located at 63 Tok Cutoff in an unorganized area; **transfer of ownership** of a package store license from Richard Clary; background not complete.

AND

04/05-329 **Duffy's Roadhouse;** Ethel Lorene Ellis; located at 63 Tok Cutoff in an unorganized area; **transfer of ownership** of a beverage dispensary license from Richard Clary; background not complete.

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

L. 04/05-442 **Glacier Bear Lodge;** Glacier Bear Lodge, Inc. (stock transfer); located at 812 Glacier Bear Rd in Yakutat; **transfer of ownership** of a beverage dispensary - tourism license; backgrounds not complete.

All statutory requirements have been met. City of Yakutat has not responded (notified December 2, 2004).

M. 04/05-4236 **Hilton Garden Inn;** Apple Six Services Anchorage I, L.L.C.; located at 100 W Tudor Rd in Anchorage; **transfer of ownership** of a beverage dispensary - tourism license from Borealis Lodging LLC; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued December 15, 2004.

N. 04/05-4354 **Homewood Suites**; Apple Six Services Anchorage II, LLC; located at 140 W Tudor Rd in Anchorage; **transfer of ownership** of a beverage dispensary – tourism license from 365 Lodging LLC; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued December 15, 2004.

O. MOVED

P. 05/06-479 **Grog Shop, The**; MSA, Inc.; located at 369 E Pioneer Ave in Homer; **transfer of ownership** of a package store license from Patel Enterprises Inc.; backgrounds not complete.

AND

05/06-2531 **Homer Liquor & Wine Company**; MSA Inc.; located at 4241 Homer Spit Rd in Homer; **transfer of ownership** of a package store license from Patel Enterprises Inc.; backgrounds not complete.

AND

05/06-3176 **Patel's**; MSA, Inc.; located at 4470 Homer Spit Rd in Homer; **transfer of ownership** of a package store license from Patel Enterprises Inc.; backgrounds not complete.

AND

05/06-3472 **Patel's #2**; MSA, Inc.; located at 3789 Homer Spit Rd in Homer; **transfer of ownership** of a package store license from Patel Enterprises Inc.; backgrounds not complete.

AND

Q. 05/06-4432 **Rum Locker**; MSA, Inc.; located at 276 Olsen Ln Ste 3 in Homer; **transfer of ownership** of a package store license from Patel Enterprises Inc.; backgrounds not complete.

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

R. 05/06-519 **Howard Johnson Plaza Hotel**; Hallelujah Corporation; located at 239 W 4th Ave in Anchorage; **transfer of ownership & name change** of a beverage dispensary – tourism license from Sunstone Hotel Properties, Inc.; backgrounds not complete.

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

S. 05/06-4458 **Iris Café and Saloon**; J & Y Enterprises Inc.; located at 900 Noble St in Fairbanks; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued January 1, 2005.

T. 04/05-3370 **McKinley Denali Salmon Bake**; Denali Visions 3000 Corporation; located at Mile 238.5 Parks Hwy in Denali Borough; **transfer of ownership** of a beverage dispensary - tourism license from MT McKinley Hospitality Services Inc; backgrounds not complete.

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

U. 04/05-4452 **Noble's Diner**; Good Eats LLC; located at 4133 Mt. View Dr 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 December 20, 2004.

V. 05/06-2985; **Pagoda Restaurant**; First Security Investment, Inc. (stock transfer); located at 431 N Santa Clause Ln in North Pole; **transfer of ownership** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. City of North Pole has not responded as of 1/26/05. (Notification sent 11/29/04)

~~**W.** 04/05-2184 **Point Lodge, The**; The Point Lodge, LLC; located at Mile 17.2 Lake Louise Rd in the MatSu Borough; **transfer of ownership** of a beverage dispensary—tourism license from Snowshoe Corporation; backgrounds not complete.~~

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

X. 05/06-4347 **Ray's Place**; Ray's Place LLC; located at 2412 Spenard Rd in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Hong Kong Restaurant Inc. dba Hong Kong Restaurant; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded as of 1/256/05 (notice sent 11/30/04)

Y. 04/05-2592 **Red Diamond Liquor Barn**; Dablemont Enterprises Inc.; located at 43335 K-Beach Rd in the Kenai Peninsula Borough; **transfer of ownership** of a package store license from Don E. Dablemont; backgrounds not complete.

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

Z. 05/06-2003 **Senor Flannigan's Steak Pit**; Flannigan's Inc. (stock transfer); located at 354 Old Steese Hwy in Fairbanks; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

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

AA. 05/06-4461 **Tebughna Sunset Café, The;** Tebughna Corporation; located at 78 B St in Tyonek; **transfer of ownership, location & name change** of a restaurant/eating place license from Shirleyville Enterprises LLC, located at Granite Point in Shirleyville; backgrounds not complete.

AND

05/06-4462 **Tebughna Sunset Liquor Store, The;** Tebughna Corporation; located at 78 B St in Tyonek; **transfer of ownership, location & name change** of a package store license from Shirleyville Enterprises LLC located at Granite Point in Shirleyville; backgrounds not complete .

All statutory requirements have *not* been met (no response from State Fire Marshal). Kenai Peninsula Borough does not protest.

AB. Moved

AC. 05/06-207 **Tustemena Lodge;** Duane P. Lafleur; located at Mile 111 Sterling Hwy in the Kenai Peninsula Borough; **transfer of ownership** of a beverage dispensary – tourism license from John H. Cook; backgrounds not complete.

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

Delegation Consent Agenda - Approved

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 04/05-4450; **Tiffany's Café**; Dixie D. Dixon; located at 3030 Denali St #1 in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on CUP has not been approved at this time.

Staff request biennial years be changed from 04/05 to 05/06 since license was not approved/operated in calendar year 2004.

Attachment 5A

Approved with delegation; change biennial years to 05/06

B. 05/06-4454; **Bridge Salmon Bake & Grill, The**; The Bridge Inc.; located at 221 W Ship Creek Ave in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage protests (not specified).

Attachment 5B

Approve with delegation

~~**C.** 04/05-2319 — **One Stop Liquors**; Amy Bowen; located at 5455 Kenai Spur Hwy in Kenai; package store license.~~

~~City of Kenai protests the continued existence of license under AS 04.11.330(b) and AS 04.11.480(a).~~

Attachment 5C

D. 04/05-2457 **Mr. D's**; Kings Inn Property Management LLC; located at 10352 Kenai Spur Hwy in Kenai; beverage dispensary – tourism license.

City of Kenai protests the continued existence of license under AS 04.11.330(b) and AS 04.11.480(a).

Attachment 5D

Protest upheld

E. 04/05-3697 **Old Town Village Restaurant**; PM & SJ Vozar and RW & SL Strawn; located at 1000 Mission Avenue #100 in Kenai; restaurant/eating place license.

City of Kenai protests the continued existence of license under AS 04.11.330(b) and AS 04.11.480(a).

Attachment 5E

Protest upheld

F. 04/05-3209 **Alaskalanes**; Alaskalanes Inc.; located at 10639 Spur Hwy in Kenai; recreational site license.

City of Kenai protests the continued existence of license under AS 04.11.330(b) and AS 04.11.480(a).

Attachment 5F

Protest upheld

G. 04/05-4256 Fish Heads Bar & Grill; Fish Heads LLC; located at 3250 Palmer Wasilla Hwy in MatSu Borough; beverage dispensary license.

MatSu Borough protests the continued existence of license under AS 04.11.480(a).

Attachment 5G

Protest upheld

H. 05/06-4460 Kenai River Raven Lodge; Kenai River Raven LLC; located at .2 Funny River Rd in Soldotna; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal has not responded). Kenai Peninsula Borough protests based on close proximity to church.

Attachment 5H

6 OTHER FILINGS

A. 04/05-4455 William A. Egan and Civic Convention Center; SMG of Alaska Inc.; located at 621 W 6th Ave in Anchorage; **new** theatre license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded as of 1/25/05.

Staff requests biennial year change from 04/05 to 05/06 since license was not approved/operated in calendar year 2004.

Approve with delegation; change biennial years to 05/06

B 04/05-3591 Hooters; Titanic Wings LLC.; located at 701 E Tudor Rd in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (Dept. of Labor has not responded). Municipality of Anchorage does not protest. ~~Two creditor objections in the total amount of \$2494.17 have been received.~~

Attachment 6B

Approve with delegation

7. BACKGROUND INFORMATION

A. 05/06-1915 Thane Ore House; George H. Jefferson; located at 4400 Thane Rd in Juneau; **transfer of ownership** of a restaurant/eating place license from George A. Jefferson; backgrounds not complete.

All statutory requirements have *not* been met (Dept. of Rev. has not responded.) City & Borough of Juneau does not protest.

Motion to approve failed; transfer denied

8. EXPIRED LICENSE

Date of next meeting: **May 5, 2005**

Location of next meeting: **Anchorage**

ADDENDUM
State of Alaska
Alcoholic Beverage Control Board
February 17, 2005

9. CONSENT AGENDA (cont.)

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

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

Consent Agenda (cont.) - Approved

10. DELEGATED CONSENT AGENDA (cont.)

A. 05/06-4463 **Café Saigon**; Café Saigon, Inc.; located at 1951 Anka St in Juneau; **transfer of ownership, location & name change** of a restaurant/eating place license from Fisherman’s Wharf, Inc., dba Fisherman’s Wharf, located at #2 Marine Way; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau does not protest.

B. 05/06-3956 **Barcar’s**; Barry & Cariene Shaw; located at 230 Seward St in Juneau; **transfer of ownership & name change** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau does not protest.

Delegation Consent Agenda (cont.) - Approved