

State of Alaska
Alcoholic Beverage Control Board
May 5, 2005
Agenda

Present: Mike Gordon; Billy Andrews; Gail Niemi; William Tull (new member)
Duane Udland not present

1. ADMINISTRATION

A. Approve Board minutes of February 17, 2005.

APPROVED

B. Elect new Vice Chair.

Gail nominates Billy Andrews – APPROVE 3-0 (Billy did not vote)

C. Delegate to the director tie-breaking vote.

APPROVE 4-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

E. REQUEST FORMAL HEARING SUSPENSIONS

F. SUSPENSION – (See Addendum)

G. BOARD CONSIDERATION

1. Removed

2. 04/05-3515 **Naukati Connection Liquor Store; Allen P. Richter; located at Lot 2 Block 3 in an unorganized area; package store license.**

Staff recommends imposition of conditions.

Attachment 2G-2

No Action

3. 04/05-885 **Pizza Mill, The; Robyn L. Moulton.; located at 808 Water St in Ketchikan; restaurant/eating place license.**

Staff recommends imposition of conditions.

Attachment 2G-3

Condition that license not operated as of 5/6/05 unless Ms. Moulton is physically present and not to resume unless and until Ms. Moulton is physically present and in sole control of the license. This condition accepted by the licensee. Motion to approve condition – APPROVE 4-0

4. 04/05-1579 **Viking Hall**; Sons of Norway-Bernt Balchen #2-46; located at 8141 Briarwood Street in Anchorage; club license.

Staff recommends exception as permitted by AS 04.11.110(b).

Attachment 2G-4

Move to approve exception under AS 04.11.110(b) – APPROVE 4-0

5. 05/06-4328 **Chinese Seafood Restaurant**; Nancy Wang; located at 3701 Spenard Road in Anchorage; restaurant/eating place license.

Request for refund of late filing fees for renewal (\$500).

Attachment 2G-5

DENIED 4-0

6. 05/06-83 **Asia Gardens/Brandy's**; Robert D & Fei Y Harding; located at 7828 Old Seward Hwy in Anchorage; beverage dispensary license.

Licensee requests refund of late filing fees for renewal (\$500) due to death of husband during December of renewal period. Application dated 1 day after deadline (Jan 3, 2005).

Attachment 2G-6

NO ACTION

7. 05/06-4158 **Bombay Deluxe Restaurant**; Bombay Deluxe Restaurant Inc; located at 555 W Northern Lights Blvd in Anchorage; restaurant/eating place license.

Licensee requests refund of late filing fees for renewal (\$500).

Attachment 2G-7

DENIED 4-0

8. 05/06-3746 **3 Amigos Mexican Restaurant**; Victor Hurtado; located at 360 Boniface Pkwy A30-31 in Anchorage; restaurant/eating place license.

Licensee requests refund of late filing fees for renewal (\$500). (Attachment: letter from ABC Board dated 1/18/05 sent to mailing address as listed on original transfer application; notification of impending renewal sent to same address on 9/30/04 – proper notice was issued.)

Attachment 2G-8

NO ACTION

9. 05/06-3526 **Trapper Creek Pizza Pub**; Trapper Creek Enterprises, Inc.; located at Mile 115.7 Parks Hwy in MatSu Borough; restaurant/eating place license.

Licensee requests refund of late filing fees for renewal (\$500).

Attachment 2G-9

DENIED 4-0

10. 05/06-855 **Grumpy's Liquor**; J&J Liquor Inc.; located at 20808 Bill Stephens Dr in Anchorage; package store license.

Licensee requests refund of late filing fees for renewal (\$500). Staff supports refund in this case. The license transfer was approved *after* renewal notices were sent out, therefore, the licensee did not receive proper renewal notification.

Attachment 2G-10

Motion to approve refund – APPROVE 4-0

11. **Consideration of statutory change to AS 04.11.370** “Suspension and revocation of licenses and permits”. (Joan Diamond – MOA)

Taken under advisement – NO ACTION

12. Zipper Shots: Jell-O –like alcoholic beverages in gelatin. Packaging could attract kids.

Attachment 2G-12

No action required

13. 05/06-1081 Squires Rest; Squires Rest LLC; located at 11806 Glacier Hwy in Juneau; beverage dispensary license.

Staff recommends imposition of conditions and restrictions.

Attachment 2G-13

NO ACTION, but warning that if a violation of after hours operation occurs again, come back before the Board for imposition of conditions/restrictions.

Dismiss 2003 NOV

3. CONSENT AGENDA APPROVE 4-0

A. 05/06-4464 Fred Meyer #224; Fred Meyer Stores, Inc.; located at 930 Old Steese Hwy in Fairbanks North Star Borough; **transfer of location & name change** of a package store license from 19 College Rd, d.b.a. Fred Meyer #219; backgrounds not required.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued March 1, 2005.

B. 04/05-135 Last Frontier Bar; LCW LLC; located at 369 Muldoon Rd in Anchorage; **transfer of ownership** of a beverage dispensary license from Rance Brannon; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued March 8, 2005. (AK DIST OBJECTION presented at Board meeting)

C. 05/06-4465 Roundup Steak House; The Last Roundup LLC; located at 2701 S Cushman St in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license from Iris LLC, located at 900 Noble St, d.b.a. Iris Café & Saloon, The; background complete.

All statutory requirements have been met. City of Fairbanks does not protest. Temporary approval issued March 18, 2005.

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

1st Waiver request 2003 Fees paid (no penalty fees per 2/17/05 Board mtg)

AND

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

2nd Waiver request 2004 Fees paid (no penalty fees per 2/17/05 Board mtg) **Attachment 3D**

E. Expired 2003/2004 licenses **Attachment 3E**

F. 05/06-1744 Chuck E Cheese Pizza Time Restaurant; C & A Restaurants Inc; located at 308 E Northern Lights Blvd in Anchorage; restaurant/eating place license.

1st Waiver request 2004 Fees paid **Attachment 3F**

G. 05/06-2866 Anchor Inn & Lounge; Shumagin Corporation; located at Tract A, USS #55 in Sand Point; beverage dispensary – tourism license.

1st Waiver request 2004 Fees paid **Attachment 3G**

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

APPROVE 4-0

A. 05/06-4467 **229 Parks**; 229 Parks Inc.; located at Mile 229.7 George Parks Hwy in Denali Borough; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have **not** been met (Dept. of Environmental Conservation has not responded). Denali Borough does not protest.

B. 05/06-4470 **Alaska Centre for Creative Renewal**; The Alaska Centre for Creative Renewal LLC; located at Lot 4 USS 4734 Homer Recording District; **new** restaurant/eating place license (last license available; no other application has been received within 30 days of this application being received); backgrounds not complete.

All statutory requirements have **not** been met (State Fire Marshal has not responded). The Kenai Peninsula Borough does not protest.

C. 05/06-4468 **Austin's Alaska Adventures/Golsovia River**; Austin's Alaska Adventures, Inc.; located at the mouth of Golsovia River in an unorganized area; **new** beverage dispensary license; backgrounds not complete.

All statutory requirements have **not** been met (State Fire Marshal & DEC have not responded). No local governing body.

D. 05/06-4466 **American Legion Post 30**; Con Miller Post 30 The American Legion.; located at 3481 Old Richardson Hwy in Fairbanks North Star Borough; **new** club license; backgrounds not complete.

All statutory requirements have **not** been met (State Fire Marshal has not responded). Fairbanks North Star Borough does not protest.

E. 04/05-96 **Basin Liquor**; Bonnie L. & Anthony R. Wilson; located at Mile 182.3 Glenn Hwy in an unorganized area; **transfer of ownership** of a package store license from Jack & Bonnie Wilson; backgrounds not complete.

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

F 04/05-4161 **Benihana**; Benihana National Corp.; located at 1100 W 8th Ave in Anchorage; **transfer of ownership** of a beverage dispensary license from Alaska Tepanyaki LLC; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary issued March 18, 2005.

G. 05/06-1277 **Chicken Creek Saloon**; Chicken Alaska, Inc. (stock transfer); located at #1 Chicken Airport Rd in an unorganized area; **transfer of ownership** of a package store license; backgrounds not complete.

AND

05/06-1276 **Chicken Creek Saloon**; Chicken Alaska, Inc. (stock transfer); located at #1 Chicken Airport Rd in an unorganized area; **transfer of ownership** of a package store license; backgrounds not complete.

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

H. 04/05-1863 **Dexter Roadhouse**; Michael G. West; located at Mile 8 Taylor Hwy (near Nome) in an unorganized area; **transfer of ownership & name change** of a beverage dispensary license from Angelo & Edna Buffas d.b.a. Triple B Dexter Roadhouse; backgrounds not complete.

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

I. 04/05-1405 **Dillingham Liquor Store**; Brannon Rentals LLC; located at lot 6 & 7 Dillingham Townsite in Dillingham; **transfer of ownership** of a package store license from Rance Brannon & Paul Brannon; background not complete.

All statutory requirements have been met. City of Dillingham has not responded (notification sent January 19, 2005.)

J. 05/06-3037 **ERA Aviation – N881-EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier license; backgrounds not complete.

AND

05/06-2933 **ERA Aviation – N882-EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier license; backgrounds not complete.

AND

04/05-4055 **ERA Aviation – N883-EA**; ERA Aviation Inc. (stock transfer); located in Alaskan Skies; **transfer of ownership** of a common carrier license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued April 15, 2005.

K. 05/06-2787 **Olsen's Liquor Store**; Paula Enterprises, LLC; located at 1.25 Mile Willow Ln in Dillingham; **transfer of ownership** of a package store license from Emily M. Brannon; background not complete.

All statutory requirements have *not* been met (Dept. of Labor has not responded). The City of Dillingham has not responded (notification sent March 21, 2005).

L. 04/05-825 **Panhandle Bar**; BJV, Inc.; located at 312 W 4th Ave in Anchorage; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued April 8, 2005.

M. 05/06-216 **Reilly's**; Reilly's L.L.C.; located at 317 W Fireweed Ln in Anchorage; **transfer of ownership** of a beverage dispensary license from JP&R Inc, d.b.a. Cheechako Bar.; backgrounds not complete.

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

N. 05/06-753 **Robin's Nest, The**; Barbara Pennington & Susan Gilbertson; located at No Premises in Kenai Peninsula Borough; **transfer of ownership** of a beverage dispensary license from Ardis Oaks, d.b.a. Millie's Moose River Inn; backgrounds not complete.

All statutory requirements have *not* been met (Dept. of Labor has not responded. Kenai Peninsula Borough does not protest. Temporary approval issued December 15, 2004.

O. 04/05-352 **Latitudes**; Latitudes Inc.; located at 28 N 2nd St in Unalaska; **transfer of ownership & name change** of a beverage dispensary license from Elbow Room LLC, d.b.a. Elbow Room Bar; backgrounds not complete.

All statutory requirements have been met. City of Unalaska does not protest. Temporary approval for *closing purposes only* issued April 27, 2005.

P. 05/06-3286 **Salty Sals Liquor Cabinet**; House of Liquors, Inc.; located at 326 Lincoln St in Sitka; **transfer of ownership & name change** of a package store license from Loretta J. Ness, d.b.a. Korner Kache Liquors; backgrounds not complete.

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

Q. 05/06-930 **Stas**; Ella, Inc.; located at 59217 East End Rd in Kachemak; **transfer of ownership & name change** of a beverage dispensary license from Robert & Delores Connelly, d.b.a. Connelly House; backgrounds not complete.

AND

05/06-931 **Stas**; Ella, Inc.; located at 59217 East End Rd in Kachemak; **transfer of ownership & name change** of a package store license from Robert & Delores Connelly, d.b.a. Connelly House; backgrounds not complete.

All statutory requirements have been met. City of Kachemak does not protest. Temporary approval issued March 31, 2005.

R. 05/06-1153 **Tony's Bar**; Seward Alaska Ventures Inc.; located at 235 4th Ave in Seward; **transfer of ownership** of a beverage dispensary license from Stipan Sam Banic; backgrounds not complete.

AND

05/06-1154 **Tony's Liquor Store**; Seward Alaska Ventures Inc.; located at 235 4th Ave in Seward; **transfer of ownership** of a package store license from Stipan Sam Banic; backgrounds not complete.

All statutory requirements have been met. City of Seward does not protest. Temporary approvals issued April 22, 2005.

S. 04/05-1242 **Willow Tree Inn**; Paula Enterprises, LLC; located at 1.25 Mile Willow Ln in Dillingham; **transfer of ownership** of a beverage dispensary license from Rance & Emily Brannon; backgrounds not complete.

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

T. 04/05-4181 **Dynasty**; Brian Han; located at 809 E Loop Rd in Anchorage; **transfer of ownership** of a restaurant/eating place license from Jin-Hee Yun; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notification sent March 11, 2005 – 60 days *has not expired*).

END DELEGATION CONSENT AGENDA

5. **PROTESTS**

6 **OTHER FILINGS**

A. 04/05-335 **Eagles #1971, Frat Order of;** Fraternal Order of Eagles #1971; located at 121 Hazelet St in Valdez; club license.

This renewal was incomplete when received and the check was not cashed when received because of the incomplete filing. A letter was sent to the “then” Commander of the club via Certified Mail (see attached). This file was then “filed” while we waited for the renewal to be re-submitted. The completion of this renewal was not followed up by staff until recently. We contacted the club immediately and gave them approximately 3 weeks to comply. We were immediately contacted by Tom Gilson, Secretary of the club. Mr. Gilson returned a completed application, fingerprint cards, and sent a new check in the correct amount, including late filing fees. The club is now in compliance with Title 10 (Corporations).

Licensee requests \$500 penalty fee be waived due to the fact that the fees were correctly submitted with original application for renewal. **Attachment 6A**

Move to refund – APPROVE 4-0

7. **BACKGROUND INFORMATION**

A. 05/06-2411 **Bear Creek Lodge;** John & Melanie Bowman; located at 19702 Hope Highway in Kenai Peninsula Borough; transfer of ownership approved at September 14, 2004 meeting pending background results. Temporary issued 7/15/04; revoked 4/12/05 based on background results.

Background on John Bowman.

Attachment 7A

Move to approve with warning that if there is future criminal behavior (APSIN) this license will come back before the Board – APPROVE 4-0

Date of next meeting: **Wednesday, July 13, 2005**

Location of next meeting: **Fairbanks**

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

8. SUSPENSION

A. 04/05-414 49'er Club; 49er Club Incorporated; located at 6 Mile Old Richardson Hwy in Fairbanks North Star Borough; beverage dispensary license.

Staff recommends imposition of a 45-day suspension.

Attachment 8A

Move to approve imposition of 45-day sentence to begin May 9, 2005 – APPROVED 4-0

B. 05/06-1047 Silver Spur; Jacobson Brothers, Inc.; located at 285 Old Richardson Hwy in Fairbanks; beverage dispensary license.

Staff recommends imposition of a 45-day suspension.

Attachment 8B

Move to approve 30 day suspension; Amended motion: move to approve 20-day suspension – vote 2-2 – Director votes NO; Amended motion fails; Move to approve 30-day suspension APPROVED 4-0; Further clarification: Closure to begin on June 7, 2005 for 30 days.

9. DENIAL OF RENEWAL

A. 05/06-3315 Petro Alaska Inc; Petro Alaska Inc; located at 4161 Tongass Avenue in Ketchikan; package store license.

AND

05/06-4139 Petro Alaska Food Mart North; Petro Alaska Inc; located at 11860 N Tongass Hwy in Ketchikan Gateway Borough; package store license.

Staff recommends denial of renewal.

Attachment 9A

Motion to approve renewal with conditions on 05/06-4139 and 05/06-3315 and 04/05-2773. Conditions to include the Corporate Bylaw restricting Mr. Beck from becoming an officer, director or employee of the company – APPROVED 4-0

B. 05/06-4121 El Mariachi; Michelle Mendez; located at 541 Third Ave in Fairbanks; restaurant/eating place license.

Staff recommends denial of renewal.

Attachment 9B

Move to deny renewal – APPROVE 4-0

ADDENDUM (pg 2)

4. DELEGATION CONSENT AGENDA (cont.)

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

All statutory requirements *have not* been met (State Fire Marshal has not responded.) Kenai Peninsula Borough has lifted its prior protest based on letter of non-objection by the Funny River Road Church.

Attachment 4U

Motion to move to Delegation Consent Agenda (Pg 4) APPROVE 4-0

~~2A. INFORMAL CONFERENCE~~

~~**1. 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.~~

~~Discussion regarding Accusation 04 05.~~

Attachment 2A-1

6. OTHER FILINGS (cont.)

B. 05/06-172 Breakers Bar; Breakers Bar Corporation; located at 243 Front St in Nome; **transfer of ownership** of a beverage dispensary license from Wayne Locke; backgrounds complete.

All statutory requirements have been met. City of Nome does not object. Letter of objection from William Artus on behalf of Kenneth Battley through Thomas Reardon (security interest).

Attachment 6B

Motion to approve transfer – APPROVE 4-0