

State of Alaska
Alcoholic Beverage Control Board
July 13, 2005
Agenda

Board members present: Mike Gordon, Billy Andrews, Gail Niemi; and William Tull – via teleconference.

Duane Udland resigned his position prior July 13, 2005.

1. ADMINISTRATION

A. Approve Board minutes of May 5, 2005.

Approved 4-0

B. Delegate to the Director tie-breaking vote.

Approved 4-0

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 Street in Sitka; club license.

Hearing Officer's proposed decision on Accusation 03-03

Attachment B1

Board accepts the Hearing Officer decision with the following conditions added:

- 1. Mr. Aragon is no longer the American Legion Post #13 manager;**
- 2. American Legion Post #13 would be on notice that if any further issues with drugs were to occur, the license would be revoked without further proceedings;**
- 3. American Legion Post #13 would create a new bylaw addressing the issue of sale and use of drugs – if any, report to AMP#13 management and the American Legion Board.**

Counsel has until Monday, July 18 to accept these conditions;

If they are not accepted, the Board will make a new recommendation at the September 29, 2005 meeting after reviewing the record and tape of the July 13, 2005 Board meeting;

If accepted, the imposition of the hearing officer recommendation would be implemented, with Board conditions as outlined.

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

E. REQUEST FORMAL HEARING SUSPENSIONS

F. SUSPENSION

G. BOARD CONSIDERATION

1. 05/06-4500 **ERA Aviation N735AG**; Era Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds not complete. *See item 3E

“New” licensee will be transferring this license within the first year of operation. Under 13 AAC 104.175(d), the Board has the discretion to “*deny an application to transfer a license to another person if the license was issued to the licensee less than one year before the date of proposed transfer.*” The licensee is asking that the Board grant approval to the Director to issue a temporary approval to the proposed transferee prior to the next Board meeting.

Attachment G1

Approved 4-0 – Director allowed to issue a temporary approval to the transfer when complete application is received.

3. CONSENT AGENDA Approved 4-0

- A. 05/06-4479 ESS Support Services Worldwide (Whit-Talk)**
05/06-4480 **ESS Support Services Worldwide (Talk-Whit)**
05/06-4481 **ESS Support Services Worldwide (Anch-Grandview-Whit)**
05/06-4482 **ESS Support Services Worldwide (Whit-Grandview-Anch)**

Statewide Services Inc.; located on Alaska Railroad; common carrier-seasonal licenses; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued 5/12/05.

- B. 05/06-4483 Princess Tours (Denali-Whittier)**
05/06-4484 **Princess Tours (Whittier-Denali)**

Tour Alaska LLC; located on Alaska Railroad; common carrier – seasonal; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued May 12, 2005.

- C. 05/06-4472 Sockeye Thai;** Sarah Hagerty & Lyrik Pitzman; located at 4246 Homer Spit Rd in Homer; **new** restaurant/eating place – public convenience license; backgrounds complete.

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

- D. 04/05-4487 Specialty Imports;** Specialty Imports Inc.; located at 540 W 8th St in Juneau; **transfer of location** of a wholesale – general license from 4119 Ingra St; backgrounds complete.

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

- E. 05/06-4500 ERA Aviation N735AG;** ERA Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds complete.

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

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

Approved 4-0

A. 04/05-4061 **Aleutian Sports Bar & Grill**; LVS Adak LLC.; located at Bldg 35001 Transit Rd in Adak; **transfer & name change** of a beverage dispensary license from VFW Pat Kelly Post #5562; backgrounds not complete.

All statutory requirements have **not** been met (Dept. of Labor protests – no explanation). City of Adak does not protest.

B. 05/06-4099 **Alpenglow Restaurant**; ARAMARK Sports and Entertainment Services Inc.; located at Mile 238.2 Parks Hwy in Denali Borough; **transfer of ownership** of a beverage dispensary – tourism seasonal license from Grande Denali LLC; backgrounds not complete.

AND

05/06-4280 **Mountaineer Grill**; ARAMARK Sports and Entertainment Services Inc.; located at Mile 238.4 Parks Hwy in Denali Borough; **transfer of ownership** of a beverage dispensary – tourism seasonal license from Grande Denali LLC; backgrounds not complete.

AND

05/06-4489 **Smoke Shack**; ARAMARK Sports and Entertainment Services Inc.; located at Mile 238.2 Parks Hwy in Denali Borough; **new** beverage dispensary – tourism seasonal license; backgrounds not complete. (Temporary approval issued May 17, 2005)

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

C. 05/06-4473 **Alexis Import/Export**; Bertin & Destinee Evina-Ze; located at 500 E Tudor Rd #10 in Anchorage; **new** wholesale – malt beverage/wine license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded.

D. 05/06-4486 **Alpine Garden Grill**; A.G.G. LLC; located at 259 MaCallister in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have **not** been met (DEC has not responded; State Fire Marshal **does not approve** at this time). MatSu Borough does not protest.

E. 05/06-1744 **Chuck E. Cheese's**; CEC Entertainment Inc.; located at 308 E Norther Lights Blvd in Anchorage; **transfer of ownership** of a beverage dispensary license from C&A Restaurants, Inc.; backgrounds not complete.

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

F 05/06-4501 **Clipper Odyssey**; New World Ship Management Co, L.L.C.; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

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

G. 05/06-4477 **Dancing Bears Fish Fry & Salmon Bake**; Tanya Parker; located at Mile 14 Talkeetna Spur Rd & Main St in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued 6/7/05.

H. 05/06-4476 **Grand View Café & RV Campground**; Glenn Hwy Hospitality LLC; located at Milepost 109.5 Glenn Hwy in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have **not** been met (DEC has not responded). MatSu Borough does not protest.

I. 05/06-2101 **Kachemak Bowl**; Mark W. Cooper; located at 672 East End Rd in Homer; **transfer of ownership** of a recreational site license from M. Phyllis Cooper; backgrounds not complete.

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

J. 05/06-4502 **Norwegian Dream**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

AND

05/06-4492 **Norwegian Sun**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete. **AND**

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

K. 05/06-4469 **Peanut Farm Sports Grill, The**; The New Peanut Farm Inc.; located at 5227 Old Seward Hwy in Anchorage; **new** beverage dispensary - duplicate license; background not complete.

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

L. 05/06-876 **Pit, The**; Clear Creek Investments, Inc.; located at Mile 3.5 Seward Hwy in Kenai Peninsula Borough; **transfer of ownership & name change** of a beverage dispensary license from Davorie Kowalski; backgrounds not complete.

AND

05/06-876 **Pit, The**; Clear Creek Investments, Inc.; located at Mile 3.5 Seward Hwy in Kenai Peninsula Borough; **transfer of ownership & name change** of a package store license from Davorie Kowalski; backgrounds not complete.

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

M. 05/06-4474 **Qdoba Mexican Grill**; Flavors West LLC; located at 702 E Benson Blvd 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 June 14, 2005.

N. 05/06-3943 **Seaview Café**; Adrienne L. Martin; located at Main Street in Kenai Peninsula Borough (Hope); **transfer of ownership** of a restaurant/eating place – seasonal license from Adrienni & Grant Stanley-Harris; background not complete.

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

O. 04/05-4405 **Dragon Inn**; Tides Complex Inc. (stock transfer); located at 5000 Glacier Hwy in Juneau; **transfer of ownership & name change** of a restaurant/eating place license d.b.a. Chinese Palace; backgrounds not complete.

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

P. 05/06-4493 **Wild Spice;** Heritage Northwest Inc.; located at 140 Seward St in Juneau; **new** restaurant/eating place license; backgrounds not complete.

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

Q. 05/06-3398 **Sunnahae Lodge;** Sunnahae Lodge LLC; located at 512 Water St in Craig; **transfer of ownership** of a beverage dispensary – tourism license from Shaan-Seet Inc.; backgrounds not complete.

All statutory requirements have been met. City of Craig does not protest. Temporary approval issued June 30, 2005.

R. 04/05-4133 **Tabe Nara Restaurant;** Tabe Nara Inc.; located at 639 W International Airport Rd #1A in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Lian Di Zheng & Fang Song Lin d.b.a China King Restaurant; ; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued June 17, 2005.

S. 05/06-4499 **Three Bears;** L & J Enterprises, Inc.; located at 8151 E Palmer-Wasilla Hwy in MatSu Borough; **transfer of ownership, location & name change** of a package store license from Zackery & Anjaneete Steer, d.b.a. Sheep Mountain Lodge, located at Mile 113.5 Glenn Hwy; backgrounds not complete.

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

T. 05/06-4491 **Yorktown Clipper;** New World Ship Management Co, LLC; 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 May 20, 2005.

U. 05/06-4496 **Crab Pot Restaurant, The;** Crab Pot Inc.; located at 303 Adams St in Seward; **new** restaurant/eating place – public convenience license; backgrounds not complete.

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

V. 05/06-4478 **White Pass & Yukon Route (NB)**

05/06-4511 **White Pass & Yukon Route (SB)**

Pacific & Arctic Railway & Navigation Co; located on the White Pass & Yukon Railroad; **new** common carrier – seasonal licenses; backgrounds not complete.

All statutory requirements have been met. There is no local governing body.

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 04/05-4488 **R.J.'s Lounge & Grill**; Roy J. Stoltz; located at 3450 Airport Rd in Fairbanks; **transfer of location & name change** of a beverage dispensary license from 1703 30th Ave, d.b.a. RJ's Lounge; backgrounds not complete.

All statutory requirements have not been met (DEC has not responded. City of Fairbanks *protests* pending issuance of Certificate of Occupancy by the Fairbanks Building Department. **Attachment 5A**
Approve with delegation 4-0

B. 05/06-2489 **Jonesville Café**; Austin & Lori Hobbs; located at Mile 61 Glenn Hwy in MatSu Borough; restaurant/eating place license.

MatSu Borough *protests* renewal based on delinquent property taxes in the amount of \$3492.54; failure to pay \$100 processing fee for each license renewal; and failure to obtain 2005 MSB business license.

Approve with delegation 4-0

Attachment 5B

C. REMOVED

D. REMOVED

E. 05/06-3898 **Y2K Liquors**; Vision Investment Group Inc.; located at 6020 Old Seward Hwy in Anchorage; **transfer of ownership** of a package store license from Sun Yi Lee; background not complete.

All statutory requirements have *not* been met (Dept. of Labor *protests*). Municipality of Anchorage *protests* based on delinquent property taxes in the amount of \$716. **Attachment 5E**
Approve with delegation 4-0

6 OTHER FILINGS

A. 05/06-4471 **King Salmon Lodge**; King Salmon Lodge LLC; located at Mile 1 Naknek River Rd in Bristol Bay Borough; **new** beverage dispensary – tourism seasonal license; background not complete.

All statutory requirements have *not* been met (DEC has not responded). No official response from the Bristol Bay Borough, however, a resolution forwarded with affidavit states that the Bristol Bay Borough “does not oppose a new tourism license...with conditions that it sells only to fishing tourism package guests”. **Attachment 6A**

Approve with delegation with condition that license sells only to fishing tourism package guests 4-0

B. 05/06-4485 **Sicily's Pizza**; Sicily's Pizza, Inc.; located at 1201 E Dimond Blvd in Anchorage; **new** restaurant/eating place license; background not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notice sent May 5, 2005.) *Special note:* this is a new application to replace a license that missed the renewal deadline for the period ending December 31, 2005. The population limitation will support this license.
Approve 4-0

7. BACKGROUND INFORMATION

Date of next meeting: September 29, 2005

Location of next meeting: Nome/Anchorage