

State of Alaska
Alcoholic Beverage Control Board
April 20, 2006
Agenda

Members present: Mike Gordon; Gail Niemi; Billy Andrews; Shirley Gifford;
Not Present: William Tull

1. ADMINISTRATION

A. Approve minutes of February 9, 2006 Board meeting.
APPROVED 4-0

B. Delegate tie-breaking vote to the Director.
APPROVED 4-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

1. 06/07-4532 **Ernesto's Taqueria**; Headhunters, Inc.; located at 328 Egan Dr in Valdez;

Application for *new* restaurant/eating place license applied for and *denied* (2 *for* and 3 *against*) at February 9, 2006 Board meeting based on background investigation of sole shareholder's affiliate/husband. **Attachment 2A-1**

2 motions: Rescind denial from February 9, 2006 Board meeting; and, Approve application: - APPROVED 4-0

2. 05/06-4527 **Kaladi Brothers Coffee**; Kaladi Brothers Coffee LLC; located at 621 W 6th 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 November 4, 2005.

AND

Restaurant Designation Permit, items 1, 2, 3 & 4.

License was *denied* 5-0 at November 22, 2005 Board meeting. Restaurant Designation Permit was not reviewed. **Attachment 2A-2**

Motion to rescind denial from November 4, 2005 Board meeting - DENIED 2-3 (Director Griffin cast tie-breaking vote for denial)

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

1. 04/05-1589 **Skipper's Seafood 'n Chowder House #314**; Skipper's Inc.; located at 3611 Minnesota Dr in Anchorage; restaurant/eating place license.

AND

04/05-1762 **Skipper's Seafood 'n Chowder House #315**; Skipper's Inc.; located at 601 E Dimond Blvd in Anchorage; restaurant/eating place license.

Voluntary relinquishment.

Read into the record

Attachment 2D-1

E. **REQUEST FORMAL HEARING**

F. **SUSPENSION**

1. 05/06-433 **Galena Liquor Store**; Galena Liquor Store Inc; located at Corner of 6th & H St in Galena; package store license.

Staff request up to 45-day suspension for licensee conviction.

Suspend for 45 days with 38 days suspended and \$500 penalty - APPROVED 4-0

Attachment 2F-1

2. 05/06-4281 **Mangia! Mangia!**; George E & Patricia L Estrada; located at 601 E Pioneer Ave Ste 124 in Homer; restaurant/eating place – public convenience license.

Staff request up to 45-day suspension for licensee conviction.

Suspend for 45 days with 38 days suspended and \$0 penalty - APPROVED 4-0; to begin within 30 days; restaurant to remain open

Attachment 2F-2

3. 06/07-1804 **Yukon Inn**; Marlene Marshall; located at Riverside Dr in Galena; beverage dispensary license.

Staff request up to 45-day suspension for licensee conviction.

Suspend for 45 days and \$1000 penalty - APPROVED 4-0; to begin within 3 months; \$1000 penalty to be paid with the 3-month period

Attachment 2F-3

G. **BOARD CONSIDERATION**

1. 04/05-3808 **Harbor Lights Restaurant, The**; Club Crème de Cordova Inc.; located at 531 First St in Cordova; beverage dispensary license.

Renewal filed for 2006/2007 period; waiver filed for 2005 calendar year, including penalty fees; check for fees total: \$5450 returned from First National Bank Alaska NSF. License to be considered expired under AS 04.11.540.

Resurrect & renew if fees (\$5450) are paid by close of business on 4/27/06 - APPROVED 4-0

Attachment 2G-1

2. 05/06-892 **Mike's Palace**; Kosta Mavrianos.; located at 201 Harbor Drive in Valdez; restaurant/eating place license.

Transfer was approved from Mike Panagis to Kosta Mavrianos at September 29, 2005 Board meeting. Mr. Mavrianos died in early December 2005 prior to finalization of transfer (license was not issued to Mr. Mavrianos by this office, nor was a temporary approval.) **Attachment 2G-2**

Rescind prior delegated approval for transfer - APPROVED 4-0

3. 04/05-3650 **Starvin' Marvin's**; Starvin Marvin's Inc.; located at 1663 # 7 Spit Rd in Homer; restaurant/eating place – public convenience license.

Renewal filed for 2006/2007 period; \$800 check returned from First National Bank Alaska NSF. License to be considered expired under AS 04.11.540. **Attachment 2G-3**

Resurrect & renew – APPROVED 4-0

4. **Club Millennium** – Youth club in Anchorage – Catering Permit issues **Attachment 2G-4**

Mike Gordon recused himself due to possible conflict of interest; Gail Niemi stood in as Chair; Delegate approval of catering permits to staff for catered events at this club – APPROVED 3-0

5. 04/05-4344 **Siam Dishes**; Somphone Choummittaphanh & Southsakone Pheunmany; located at 338 Old Steese Hwy in Fairbanks; restaurant/eating place license.

License expired due to failure to renew on or before February 28, 2006. **Attachment 2G-5**

Resurrect & renew with condition that complete application be into ABC office by close of business on April 27, 2006 – APPROVED 4-0

6. 06/07-4232 **Kodiak Jack's**; JSR Inc.; located at 537 Gaffney in Fairbanks; beverage dispensary license.

City of Fairbanks approves licensee's request to lift City's previously placed restrictions on license, which were upheld by Board. **Attachment 2G-6**

Uphold City of Fairbanks removal of conditions/restrictions – APPROVED 4-0

3. CONSENT AGENDA

APPROVED 4-0

A. 05/06-4548 **Brewsters**; Restaurant Concepts LLC; located at 354 Old Steese Hwy in Fairbanks; **transfer of ownership & name change** of a beverage dispensary license from Flannigan's Inc., d.b.a. Senior Flannigan's Steak Pit; backgrounds complete.

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

B. 06/07-2052 **Elf's Den**; Lunar Chin; located at 2556 Mistletoe in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary license from Elf's Den Inc.; backgrounds complete.

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

C. 06/07-4559 **Norwegian Wind**; NCL (Bahamas) Ltd; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds complete.

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

D. 06/07-4588 **Yorktown Clipper M/V**; West Travel Inc.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds complete.

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

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA APPROVED 4-0

A. 06/07-4555 **.406 Family Sports Cafe**; MITAK LLC; located at 10800 Kenai Spur Hwy in Kenai; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. Kenai does not protest. Temporary approval issued April 10, 2006.

B. 06/07-4424 **Anvik River Lodge**; Aurora Ventures, Inc.; located at N62, 52', 16.18, W160, 41' 56.8; **new** lodge license; backgrounds complete.

All statutory requirements have **not** been met (Dept. of Environmental Conservation has not responded). No local governing body.

C. 05/06-4574 **B&M Liquors**; Brian Gittlein & Matt Gittlein; located at No Premises in MatSu Borough; **transfer of ownership, location & name change** of a package store license from Casandra J. Alley, d.b.a. Silver Fox Liquors, located at Mile Post 50 Parks Hwy; backgrounds not complete.

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

D. 06/07-4550 **Bears Den Restaurant & Bakery**; Ernest & Laura Pruetz; located at 4505 Kalifonsy Beach Rd in Soldotna; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Soldotna approves. Temporary approval issued February 23, 2006.

E. 06/07-4558 **Brown Jug**; Brown Jug Inc.; located at No Premises in Anchorage; **transfer of ownership, location & name change** of a package store license from Billik Inn Ltd, d.b.a. Billik Inn, located at 6241 DeBarr Rd; backgrounds not complete.

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

F. 06/07-951 **Golden Eagle Saloon**; Abbko Inc.; located at 3630 Main St in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary license from Eugene E Reed III; backgrounds not complete.

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

G. 06/07-4545 **McGinleys Alaskan Pub**; Highwater LLC; located at 645 G St in Anchorage; **transfer of ownership, location & name change** of a beverage dispensary license from Billik Inn Ltd, d.b.a. Billik Inn, located at 6241 DeBarr Rd; backgrounds not complete.

All statutory requirements have not been met (building is not complete.) Municipality of Anchorage has not approved a Conditional Use Permit at this time (4/3/06).

H. 05/06-2069 **Nikko Garden**; Si Cha Sin; located at 36100 Kenai Spur Hwy in Kenai Peninsula Borough; **transfer of ownership & name change** of a restaurant/eating place license from Chung Soon Cho, d.b.a. Golden Dragon; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does protest. Temporary approval issued March 3, 2006.

I. 06/07-4564 **No Current DBA**; Alaska Liquor Distributors, Inc.; located at No Premises in Fairbanks; **transfer of ownership, location & name change** of a package store license from R&S&T, d.b.a. Ron's Liquor, located at 721 Gaffney Rd; backgrounds not complete.

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

J. 06/07-4557 **Northern Lights Pizzeria**; Nickolaos Manolakakis; located at 372 3rd Ave in Skagway; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal has not approved.) Skagway approves.

K. 06/07-4531 **Platinum Jaxx Bar & Grill**; Platinum Jaxx Inc.; located at 901 W 6th Ave in Anchorage; **transfer of ownership** of a beverage dispensary license from Jaxx Inc.; backgrounds not complete.

AND

06/07-4551 **Platinum Jaxx Bar & Grill**; Platinum Jaxx Inc.; located at 901 W 6th Ave in Anchorage; **new** beverage dispensary – duplicate license; backgrounds not complete.

AND

06/07-4552 **Platinum Jaxx Bar & Grill**; Platinum Jaxx Inc.; located at 901 W 6th Ave in Anchorage; **new** beverage dispensary – duplicate license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued March 21, 2006.

L. 06/07-902 **Polar Bar**; Krier, Inc. (stock transfer); located at 205 Front St in Nome; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

AND

06/07-903 **Polar Liquor**; Krier, Inc. (stock transfer); located at 205 Front St in Nome; **transfer of ownership** of a package store license; backgrounds not complete.

All statutory requirements have been met. Nome does not protest.

M. 06/07-4569 **Polelock Bar & Likker**; Bret Dittlinger & Mary Lemery; located at No Premises in MatSu Borough; **transfer of ownership & location** of a beverage dispensary license from Ruth Rebischke, located at Mile 38.5 Glenn Hwy; backgrounds not complete.

AND

06/07-4570 **Polelock Bar & Likker**; Bret Dittlinger & Mary Lemery; located at No Premises in MatSu Borough; **transfer of ownership & location** of a package store license from Ruth Rebischke, located at Mile 38.5 Glenn Hwy; backgrounds not complete.

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

N. 05/06-2664 **Rosen Restaurant**; Young B. Kwon; located at 3600 Minnesota Dr Ste. A in Anchorage; **transfer of ownership & name change** of a restaurant/eating place license from Jae Kyong Yoon, d.b.a. New York New York Restaurant; backgrounds not complete.

All statutory requirements have been met. Municipality does not protest. Temporary issued December 7, 2005.

O. 06/07-2822 **Sterling Liquor**; Sterling Liquor Inc.; located at Mile 91.5 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership & name change** of a package store license from Yukon Ed's Spirit Shop, Inc., d.b.a. Yukon Ed's Spirit Shop; backgrounds not complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued April 3, 2006.

P. 06/07-4563 **Trophy King Lodge**; TKL Associates LLC; located at 24916 Driftwood Ct in Kenai Peninsula Borough; **new** lodge - seasonal license; backgrounds not complete.

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

Q. 06/07-4562 **Tutka Bay Wilderness Lodge**; Jon L. Osgood; located at N59° 28.28' W151° 30.11' in an Unorganized Area; **new** lodge - seasonal license; backgrounds not complete.

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

R. 06/07-4590 **Westerdam, MS**; Holland American Line Inc.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

AND

06/07-4591 **Zuiderdam, MS**; Holland American Line Inc.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds not complete.

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

END DELEGATION CONSENT AGENDA

5. **PROTESTS** (*Most under AS 04.11.480(a))

A. 06/07-4549 **Snug Harbor Liquor**; Snug Harbor LLC; located at 1/8 Wilson Rd in Gustavus; **new** package store license in Gustavus; backgrounds not complete.

All statutory requirements have *not* been met (State Fire Marshal does not approve at this time – no plan in place). City of Gustavus *protests*. **Attachment 5A**

Motion to postpone until Municipal Election in October 2006

B. 06/07-2457 **Mr. D's**; Kings Inn Property Management LLC; located at 10352 Kenai Spur Hwy in Kenai; beverage dispensary – tourism license.

City of Kenai, and Kenai Peninsula Borough *protests* renewal based on nonpayment of taxes (\$18,519.91)*. **Attachment 5B**

Must reinstate LLC by close of business 4/27/06; uphold protest of renewal – APPROVED 4-0

C. 06/07-3209 **Alaskalanes**; Alaskalanes Inc.; located at 10639 Spur Hwy in Kenai; recreational site license.

City of Kenai, and Kenai Peninsula Borough *protests* renewal based on nonpayment of taxes (\$14,649.33)*. **Attachment 5C**

Uphold protest of renewal – APPROVED 4-0

D. 06/07-751 **Moose Pass Inn**; Wesley & Linda Sherrill; located at Mile 30 Seward Hwy in Kenai Peninsula Borough; restaurant/eating place license.

AND

06/07-752 **Moose Pass Inn**; Wesley & Linda Sherrill; located at Mile 30 Seward Hwy in Kenai Peninsula Borough; package store license.

Kenai Peninsula Borough *protests* renewals based on nonpayment of taxes (\$1,272.52)*. **Attachment 5D**

Uphold protest of renewal – APPROVED 4-0

E. 06/07-3058 **Moosehead Saloon**; Any Day Now, Inc.; located at 808 S Colony Way in Palmer; beverage dispensary license.

City of Palmer *protests renewal* based on delinquent taxes (\$429.00) and unpaid utilities (\$346.00)*. **Attachment 5E**

Approve renewal with delegation – APPROVED 4-0

~~F. 06/07-1194 **Valley Hotel/Caboose Lounge**; Michelle & David's Caboose Lounge Inc.; located at 606 S Alaska St in Palmer; beverage dispensary license.~~

AND

~~06/07-1195 **Valley Hotel/Iron Horse Liquor**; Iron Horse Liquor Inc.; located at 606 S Alaska St in Palmer; package store license.~~

~~City of Palmer *protests renewal* based on delinquent taxes (\$5,379)*. **Attachment 5F**~~

G. 06/07-1801 **Klondike Restaurant & Lounge**; Harris S Yang; located at 1347 Bedrock St in Fairbanks; beverage dispensary - tourism license.

City of Fairbanks *protests renewal* based on delinquent taxes (\$49,151.53)*.

Attachment 5G

Uphold protest of renewal – APPROVED 4-0

H. 06/07-3489 **Arctic Bar**; Arctic Imik Inc.; located at 623 Old Steese Hwy in Fairbanks; beverage dispensary license.

City of Fairbanks *protests renewal* based on delinquent taxes (\$15,000.00)*.

Attachment 5H

Uphold protest of renewal – APPROVED 4-0

I. 06/07-4256 **Fish Heads Bar & Grill**; Fish Heads LLC; located at 3250 Palmer Wasilla Hwy in MatSu Borough; beverage dispensary license.

MatSu Borough *protests renewal* based on delinquent taxes (\$77,801.31)*; and based on violations of Borough ordinances (see white binders).

Attachment 5I

Uphold protest of renewal – APPROVED 4-0

6. OTHER FILINGS

A. 06/07-4556 **Gilpatrick's Hotel Chitina Inc.**; Gilpatrick's Hotel Chitina Inc.; located at Corner of Fairbanks & Main St in an Unorganized Area; **new** beverage dispensary - tourism license; backgrounds not complete

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

Attachment 6A

APPROVED with delegation - 4-0

B. 06/07-4554 **Grouse Ridge Shooting Grounds**; Grouse Ridge Inc.; located at 6967 E Tex Al Dr 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 March 31, 2006.

Restaurant Designation Permit approved for items 1, 2, 3, 4 in dining room only.

Attachment 6B

APPROVED with delegation with restrictions as listed on Restaurant Designation Permit - 4-0

Staff directed to look at issue of loaded firearms on licensed premise

7. BACKGROUND INFORMATION

8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

Date of next meeting: August 9, 2006

Location of next meeting: Fairbanks

**ADDENDUM
State of Alaska
Alcoholic Beverage Control Board**

2.

G. BOARD CONSIDERATION (Cont.)

7. 06/07-4540 **Highliner Lodge**; James & Jill Daniels; located at 1014 Salmon Way in Pelican; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Pelican protests (2 *for* and 3 *against*). At the February 9, 2006 Board meeting, the Board *Approved with Delegation*. (*This approval was based on staff's misreading of City's protest letter*).

Attachment 2G-7

Motion to RESCIND delegated approval from February 9, 2006 meeting - APPROVED 4-0

4. DELEGATION CONSENT AGENDA (Cont.)

S. 05/06-4560 **No Current DBA**; Fervid Enterprises LLC; located at No Premises in Juneau; **transfer of ownership, location & name change** of a beverage dispensary license from Alaska Bowl Inc., d.b.a. Channel Bowl, located at 608 Willoughby Ave; backgrounds not complete.

All statutory requirements have not been met Department of Labor has not responded). City of Juneau does not protest.

T. 06/07-4582 **Yoly's Bistro**; Mark & Yolanda Ifflander; located at 220 4th Ave in Seward; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Seward approves. Temporary approval issued April 17, 2006.

9. Work Session on ABC Board Sanctions

Attachment 9