

State of Alaska
Alcoholic Beverage Control Board
November 6, 2008
Agenda

Board Members present: Bob Klein; Joe DelDonno; Gail Neimi; Billy Andrews;
Via teleconference: Shirley Gifford

All non-administrative actions will be voted on via roll-call.

1. ADMINISTRATION

A. Approve minutes of the August 28, 2008 Board meeting.

Motion: Mr. DelDonno motions to approve

2nd: Ms. Gifford seconds the motion

Vote: 5-0 approved

B. Delegate tie-breaking vote to the Director.

Motion: Mr. Andrews motions to approve

2nd: Ms. Neimi seconds the motion

Vote: 5-0 approved

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

E. REQUEST FORMAL HEARING

F. SUSPENSION

1. 3133 Eagles #4200, Frat Order Of; Fraternal Order of Eagles Aerie #4200; located at 2055 Jordan Ave #1 in Juneau; club license.

Board consideration of suspension. (TAM)

Attachment 2F-1

Licensee (Peterson) requests postponement. Board does not feel it necessary to postpone.

Ms. Neimi declares a conflict of interest. Mr. Andrews does not agree with Ms. Neimi that a conflict exists. Mr. DelDonno agrees there is no conflict. Chairman Klein agrees that there is no conflict.

Ms. Neimi will vote as a Board member.

Motion: Mr. DelDonno motions to suspend the license for 35 days with 30 suspended (one year suspension with no violations) and \$1000 fine

2nd: Mr. Andrews seconds the motion

Discussion: Ms. Neimi - what does the 30 days suspended entail? If they violate a city ordinance will this cause a violation? Ms. Gifford feels the motion is light, that there is no remorse, and the licensee continues to violate the law (smoking ban in Juneau). Most license holders are responsible, but this licensee continues to flagrantly violate the law while a court case continues. Ms. Neimi feels the motion is good because it gives the club an opportunity to change their view and stop violating the law. Mr. Andrews agrees with Ms. Neimi – feels that if one more violation occurs, the 30 days suspended sentence will be imposed. Chairman Klein states that any kind of a violation should be an imposition of the 30 days remaining of the sentence.

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

G. BOARD CONSIDERATION

1. Youth in Action Project Attachment 2G-1
Discussed
2. NOVs and Responses Attachment 2G-2
Discussed
3. Internet Sales of Alcohol Attachment 2G-3
Chairman Klein requests that a work group be appointed to study this issue – adhoc committee
4. Regulations – Final Draft Attachment 2G-4

A few verbiage changes (Mr. Beasley & Ms. Carpeneti will correct) and then public notice/comment period. This should be done within several months.

Resealing wine regulation should be removed from current package and put through an emergency regulation process so that it can be approved sooner rather than later.

Motion: Ms. Neimi motions that proposed regulation AAC 104.410 be considered be an emergency regulation

2nd: Mr. DelDonno seconds the motion

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

3. CONSENT AGENDA

Motion: Ms. Gifford motions to approve as read
2nd: Mr. Andrews seconds the motion

Discussion:

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

A. 4838 Denali Park Grocery; Denali Park Grocery, Inc.; located at Mile 238.4 Parks Hwy in Denali Borough; **transfer of ownership, location & name change** of a package store license; from Longhorn Liquor, Inc., D.B.A. Beaver Liquor, located at Mile 136 Denali Hwy; backgrounds complete.

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

B. 4755 Don Jose's Mexican Restaurant; Don Jose's LLC; located at 924 Muldoon 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.

C. 3772 Circle M Bar; DEL Inc.; located at 1323 Old Richardson Hwy in Fairbanks North Star Borough; **transfer of ownership & name change** of a beverage dispensary license; from Circle M Incorporated, D.B.A. Circle M; backgrounds complete.

All statutory requirements have been met. Fairbanks North Star Borough did not respond within 60-day time period.

D. 4772 Lavelle's Bistro; Café de Paris Catering Co; located at No Premise in Fairbanks; **transfer of ownership, location & name change** of a restaurant/eating place license; from Alexandra Mayberry, D.B.A. Café Alex, located at 310 1st Ave; backgrounds complete.

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

E. 4832 Tacos Cancun; Tacos Cancun Inc.; located at 1301 S Seward Meridian #C in Wasilla; **new** restaurant/eating place – public convenience license; backgrounds complete.

All statutory requirements have been met. City of Wasilla approves. Temporary approval issued.

F. 4765 Wal-Mart Supercenter #2188; Wal-Mart Stores Inc.; located at 18600 Eagle River Rd in Anchorage; **transfer of ownership, location & name change** of a package store license; from Pomposa Porterfiled, D.B.A. Circle S Liquors, located at No Premise; backgrounds complete.

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

G. 1031 Westmark Sitka Hotel; JL Sitka, Inc. and Westmark Hotels, Inc.; located at 330 Seward St in Sitka; **transfer of ownership & name change** of a beverage dispensary – tourism license; from Yoo Jin Lodging/Westmark Hotels, Inc., D.B.A. Westmark Sitka; backgrounds complete.

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

H. Waivers of Operation

1st Waiver	Fees Paid	2008
4165	Three Bears;	Three Bears Alaska, Inc., located at No Premise in Valdez; package store license
3820	Igloo Liquor;	Sunshine Liquor Inc.; located at Mile 188.5 Parks Hwy in Matsu borough; package store license.
4530	Dillinger's Restaurant and Hideout Lounge;	Pacific Rim, Inc.; located at 1288 Sadler Way in Fairbanks; beverage dispensary license.
4745	Anchorage BBQ;	Anchorage BBQ, Inc.; located at No Premise in Anchorage; beverage dispensary license.
4598	Thai House Restaurant;	Kwok Keung Wu; located at No Premises in Ketchikan; restaurant/eating place license.
4799	No DBA;	Creek Street Cabaret; located at No Premises in Ketchikan; beverage dispensary license.
3467	Lin's Asian Bistro;	Lin's Panda Garden, Inc.; located at 1900 Airport Way in Fairbanks; restaurant/eating place license. Transfer approved.
4749	Alaska Liquor Store;	G&C Inc.; located at No Premise in Skagway; package store license.
2nd Waiver	Fees Paid	2008
691	Malemute Saloon/Ester Gold Camp;	Malemute Inc.; located at 3660 Main St in Fairbanks North Star Borough; beverage dispensary – tourism license.
4597	No DBA;	Alaska Liquor Distributors, Inc.; located at No Premises in Fairbanks North Star Borough; package store license.
4605	No DBA;	Alaska Liquor Distributors, Inc.; located at No Premises in Fairbanks North Star Borough; package store license.
2565	Iron Horse, The;	John J. Sexton; located at No Premises in Fairbanks; beverage dispensary – seasonal license.
1711	Hopper Valley Roads End;	Frank Bertrand III; located at Mile 42 Chiniak Rd in Kodiak Island Borough; beverage dispensary license.

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

Motion: Mr. DelDonno motions to approve as read
2nd: Mr. Andrews seconds the motion
Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

A. 4811 Alaska Yacht Charters; Geoffrey Wilson & Debbie Bennett; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

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

B. 3458 Angelo's; Anna Maria Kaloumenou; located at 2625 Mill Bay Rd in Kodiak; **transfer of ownership & name change** of a restaurant/eating place license; from Kurani Inc., D.B.A. Pizza Hut #13; backgrounds not complete.

All statutory requirements have *not* been met (Dept. of Revenue). City of Kodiak does not protest.

C. 4819 Antler Room, The; The Antler Room Inc.; located at 1003 Pioneer Rd #A in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license; from Donnor LLC, D.B.A. Northward Cocktail Lounge, No Premises; backgrounds complete.

All statutory requirements have *not* been met (DED & Fire Marshal). City of Fairbanks does not protest.

D. 175 Breakwater Inn Restaurant & Lounge; Q Enterprises Inc.; located at 1711 Glacier Ave in Juneau; **transfer of ownership** of a beverage dispensary - tourism license; from O&K LLC; backgrounds not complete.

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

E. 239 Clam Shell Lodge; K.G.B. & Associates, LLC; located at 16895 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership** of a beverage dispensary - tourism license; from Rose K. Moorefield; backgrounds not complete.

AND

2795 Clam Shell Lodge; K.G.B. & Associates, LLC; located at 16895 Sterling Hwy in Kenai Peninsula Borough; **transfer of ownership** of a package store license; from Rose K. Moorefield; backgrounds not complete.

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

F. 3811 Dutch Harbor Fast Food 2; Tuyet Soung Thi Nguyen; located at 11 N 2nd St in Unalaska; **transfer of ownership & name change** of a restaurant/eating place license; from Richard Solis, D.B.A. 3 Amigos Restaurant, The, backgrounds not complete

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

G. 3117 **No Name;** Winglee Properties LLC; located at 101 Santa Claus Ln in North Pole; **transfer of ownership & name change** of a restaurant/eating place license; from There From Here Inc., D.B.A. Food Factory; backgrounds not complete.

All statutory requirements have been met. City of North Pole has not responded (notice sent 9/19/08).

H. 4833 **Odom Corporation, The;** The Odom Corporation; located at 1200 Well St in Fairbanks; **new** wholesale license; backgrounds complete.

All statutory requirements have **not** been met (Fire Marshal). City of Fairbanks does not protest.

I. 904 **Polaris Bar;** S.J. Investment LLC; located at 402 W Loman St in Nome; **transfer of ownership** of a beverage dispensary license; from Polaris Enterprises Inc. backgrounds not complete.

AND

905 **Polaris Bar;** S.J. Investment LLC; located at 200 Bering St in Nome; **transfer of ownership** of a package store license; from Polaris Enterprises Inc. backgrounds not complete.

All statutory requirements have **not** been met (Dept of Revenue). City of Nome does not protest.

J. 1060 **Snyder Mercantile;** TKE Merc LLC; located at Tenakee Ave & E St in Tenakee Springs; **transfer of ownership** of a package store license; from Lacano Investments, LLC; backgrounds not complete.

All statutory requirements have been met. City of Tenakee Springs has not responded (notice sent September 18, 2008).

K. 4824 **Thai and Chinese Cuisine;** Bounhom Choummittaphanh; located at 3020 Minnesota Dr #6 in Anchorage; **new** restaurant/eating place license; backgrounds not complete.

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

L. 1168 **Trappers Den;** Trappers Den Inc.; located at Mile 2 Tok Cutoff in an Unorganized Area; **transfer of ownership** of a beverage dispensary license; from Trappers Den Tavern Inc.; backgrounds not complete.

AND

432 **Trappers Den;** Trappers Den Inc.; located at Mile 2 Tok Cutoff in an Unorganized Area; **transfer of ownership** of a package store license; from Trappers Den Tavern Inc.; backgrounds not complete.

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

M. 4831 **Wasabi Bay Restaurant;** Chung W. Pak; located at 1448 S Cushman St in Fairbanks; **transfer of ownership, location & name change** of a restaurant/eating place license; from The Last Roundup LLC, D.B.A. Last Roundup Restaurant, located at No Premise; backgrounds not complete.

All statutory requirements have **not** been met (Fire Marshal). City of Fairbanks does not protest.

END DELEGATION CONSENT AGENDA

5. PROTESTS

A. 3925 Dogs Bar; Troy Poage; located at 150 Farmers Loop Extension in Fairbanks North Star Borough; beverage dispensary license; backgrounds complete.

Fairbanks North Star Borough has issued a letter stating that this license is currently operating in violation of the Borough's zoning code.

Attachment 5A

This protest should come before the Board as a protest of continued operation in January of the 2nd year of operation (2009).

Motion: No action

2nd:

Discussion:

Vote:

Borough attorney feels that this license should be revoked based on current violations of Title 4 and other state laws.

Mr. Poage plans to transfer to a new location soon.

Public testimony:

Rita Leake – constant crime, fights, guns, beatings; licensee cleans up the lot, but not the street where there is much debris; asking the Board to require doors to be closed.

Christine Robbins – bar has been known to serve to under age persons (teens); a little girl got hit by a beer bottle tossed out of a car; Mike got hit by a beer bottle; inebriants driving up and down – it's a dead end street. Prostitution ring run out of the bar; curse on neighborhood; isn't safe for the kids; vandalism – car windows broken out by bottles & rocks; police called; hope that the Board will consider closing the bar.

Mike Moore – 38 year resident; bar owned by several different owners over the years; kids cannot cross the road (he will not allow them); would like to see the license suspended pending a location move; would not like to see the license revoked, but definitely suspended pending a move by January; prostitution, massage out of the bar are both unknown to him personally; future operation should be described in detail and surrounding residents should be given an opportunity to speak. Prior to current ownership, early years – quiet country bar, then disco bar, then biker bar, then underage (no alcohol). He did get hit by a bottle and then returned the bottle to the person(s) that threw it; this is not a “neighborhood” bar; would like to see the bar gone, license suspended.

6. OTHER FILINGS

Item A - is a Consent Agenda item – Chairman Klein has declared a conflict of interest regarding this item Mr. Andrews will sit in as the Chairman for this item.

A. Multiple licenses

Liquor Stores USA North Inc.; **transfer of ownership** of package store licenses; from Brown Jug, Inc.; backgrounds complete.

All statutory requirements have been met. City of Wasilla *AND* Municipality of Anchorage do not protest. Temporary approvals issued.

Attachment 6A

<u>License</u>	<u>D.B.A.</u>	<u>Location</u>	<u>City</u>
114	Brown Jug - Spenard	3900 Spenard Rd	Anchorage
162	Brown Jug - Eagle River	11221 Old Glenn Hwy	Anchorage
169	Brown Jug - Bragaw	1555 S Bragaw	Anchorage
395	Brown Jug - Fireweed	525 W Fireweed Ln	Anchorage
686	Brown Jug - Whaler	171 Muldoon Rd	Anchorage
759	Brown Jug - Mountain View	119 Klevin St	Anchorage
1072	Brown Jug - Minnesota	3727 Spenard Rd	Anchorage
1174	Brown Jug - Tudor	3561 E Tudor Rd	Anchorage
1461	Brown Jug Warehouse	4140 Old Seward Hwy	Anchorage
1561	Brown Jug - West Mt. View	131 S Bragaw	Anchorage
1941	Brown Jug - Independence Park	2101 Abbott Loop Rd	Anchorage
1967	Brown Jug - Northern Lights	5400 E Northern Lights Blvd	Anchorage
3322	Downtown Wine & Spirits	930 W 5th Ave	Anchorage
3886	Brown Jug - Dimond & Old Seward	8840 Old Seward Hwy Unit F	Anchorage
4069	Brown Jug - College Mall	2210 E Northern Lights Blvd	Anchorage
4520	Brown Jug / Northern Lights at Spenard	2710 Spenard Rd	Anchorage
4775	Brown Jug - Dimond & Victor	2203 W Dimond Blvd	Anchorage
4558	Brown Jug	No Premises	Anchorage
1410	Brown Jug - Wasilla	509 Parks Hwy	Wasilla
4453	Brown Jug #670	2521 East Mountain Village Dr	Wasilla

4558 **Brown Jug;** Brown Jug Inc.; located at No Premise in Anchorage; package store license. Transfer pending. (2007)

2nd Waiver Fees Paid 2008

Motion: Ms. Gifford motions to approve as a consent agenda item as read

2nd: Mr. DelDonno seconds the motion

Discussion:

Vote: Ms. Gifford – Yes; Mr. DelDonno – Yes; Ms. Neimi – Yes; Mr. Andrews - Yes

4-0 approved

B. 2145 2 Go Mart; Tesoro Northstore Company; located at no premises; package store license

4th waiver Fees Paid 2008

Motion: Mr. Andrews motions to deny the waiver
2nd: No second

Motion: Ms. Neimi motions to approve the waiver with condition that the license be operational in 2009 and no future waivers will be approved.
2nd: No second

Discussion: Mr. Odsen affirms that Tesoro understands that a future waiver will not be granted; Mr. Chang (TCCH) acknowledges that a future waiver will not be granted, but asks that the Board give him time until December 31, 2009 to be operational; Further discussion reveals that the 30-day requirement in 2009 would be fulfilled if operational by Nov 30, 2009; Matt Fink (agent for TCCH) states that if the license transfer is approved, a new transfer application will be submitted to transfer to TCCH's current licensed premise.

After discussion Mr. DelDonno seconds the motion

Vote: Mr. Andrews-No; Ms. Gifford-No; Ms. Neimi-Yes; Mr. DelDonno-Yes;
Chairman Klein-No
2-3 Denied

Reconsideration: Mr. Odsen requests that the Board reconsider the denial of the waiver.

Motion: Mr. DelDonno motions to reconsider the denial of the waiver
2nd: Ms. Neimi seconds the motion

Discussion: Ms. Gifford – 1st motion by Mr. Andrews was to deny the waiver; the second motion was to grant with stipulations; Mr. Fink stated that his client doesn't want restrictions put on the waiver – she knows this is a reputable company, but its important that we get the license operational. She would like to see more of a commitment to operate.

Vote: Mr. Andrews – No; Ms. Gifford – No; Ms. Neimi – Yes; Chairman Klein – No;
Mr. DelDonno – Yes
2-3 Denied

B. 2145 Jewel Lake Liquor; T.C.C.H. Incorporated; located at No Premise in Anchorage; **transfer of ownership & name change** of a package store license; from Tesoro Northstore Company, D.B.A. 2 Go Tesoro; backgrounds complete.

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

The buyer does not wish the Board to consider the transfer since the waiver was denied. Seller would like the transfer to be considered. Buyer reconsiders – would like action on the transfer.

Motion: Ms. Neimi motions to approve the transfer
2nd: Mr. DelDonno seconds the motion

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

Mr. Odsen requests that the Board allow administrative change from existing Dimond (TCCH) license to current license (putting 2145 license at Dimond location).

Motion: No motion

FYI: A waiver of operation for 2008 should be filed. This would constitute a *fourth* waiver for this license. License is transferring from No Premise to No Premise, therefore, will not be operating if approved.

Minutes: November 28, 2007:

Mr. Andrews motions to approve the waivers(2nd – 2006; 3rd – 2007) with the condition that there will be no additional waivers, and the license be transferred and operated for the required 30 – eight hour days in 2008; Ms. Neimi seconds the motion; Approved 4-0

HOWEVER: *Upon review of the tape for this meeting, while the implication of the Board in discussion was to have the license operational in 2008, the motion was to “Approve the third waiver, and have an application in prior to the November 2008 Board meeting.”* **Attachment 6B**

Option – substitute one of the No Premise licenses (2614 or 4859) to replace 2145 in this transfer.

Tesoro is not in agreement with this option; Mr. Odsen (attorney for Tesoro) requests that the Board reconsider its decision on the denial of the 4th waiver.

Mr. Fink feels that the time for waivers should reset. If the waiver is denied today, then TCCH will just apply for that “new” license. Re-affirms Mr. Odsen’s request to reconsider the denial of the waiver.

C. REMOVED

D. 4818 Treasures Angels; Treasures Angels (Company’s); located at 2022 E Northern Lights Blvd (originally applied for at 2376 E Tudor Rd) in Anchorage; **new** package store license; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage declined original location (Tudor), and has returned application packet to applicant until notice by the ABC Board of acceptance of complete application for Northern Lights location. **Attachment 6D**

A complete application for transfer is not before the Board, therefore, no action.

Motion: Ms. Gifford motions to go into executive session
2nd: Mr. Andrews seconds the motion
5-0 approved

Discussion:

Motion: Mr. Andrews motions to go out of executive session
2nd: Mr. DelDonno seconds the motion
5-0 approved

E. 1119 **Tatsuda Liquor Store; Focsls Inc.;** located at No Premise in Ketchikan; package store license.

3rd Waiver 2008 Fees Paid Attachment 6E

Motion: Ms. Gifford motions to approve; further amended after discussion: will not consider a 4th waiver request; staff to issue letter stating no further waivers will be granted
2nd: Ms. Neimi seconds the motion; Ms. Neimi seconds the amended motion

Discussion: Mr. Andrews asks what the Board's history is when considering 3rd waivers.

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

F. 4750 **No DBA;** Bret Dittlinger & Mary Lemery; located at No Premises; package store license.

3rd Waiver 2008 Fees Paid Attachment 6F

Motion: Ms. Gifford motions to approve, with a condition that the Board will not consider a 4th waiver request; staff to issue letter stating no further waivers will be granted
2nd: Mr. DelDonno seconds the motion

Discussion:

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

7. **BACKGROUND INFORMATION**

8. **MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

9. **EXPIRED LICENSES**

Date of next meeting: February 24, 2009

Location of next meeting: Juneau

**ABC Board Agenda
November 6, 2008**

ADDENDUM

3. CONSENT AGENDA (Cont.)

Motion – Ms. Gifford motions to approve as read

2nd Mr. DelDonno seconds the motion

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;

Chairman Klein-Yes

5-0 approved

H. Waivers (Cont.)

1st Waiver Fees Paid 2008

4721 **Hanseatic, M/V**; Sea Chefs Cruise Management GmbH; located in Alaskan Waters; common carrier license.

4748 **Latitudes**; Unisea Inc.; located at No Premise in Unalaska; beverage dispensary – seasonal license.

2614 **2 Go Tesoro**; Tesoro Northstore Company; located at No Premise in Anchorage; package store license.

4367 **La Costa Loca Restaurant**; Sorayas Incorporated; located at 333 W 4th Ave Ste 208 in Anchorage; beverage dispensary license.

2nd Waiver Fees Paid 2008

4589 **2 Go Tesoro**; Tesoro Northstore Company; located at No Premise in Anchorage; package store license.

4504 **Jalapenos Tequila Bar/Jalapenos Mexican Restaurant**; Upriver Inc.; located at No Premises in Fairbanks; beverage dispensary license.

4580 **Glacier City Restaurant**; Glacier City Restaurant, Inc.; located at Girdwood Elementary School Subdivision Tract E-3 in Anchorage (Girdwood); beverage dispensary license.

4. DELEGATED CONSENT AGENDA (Cont.)

Motion: Mr. Andrews motions to approve as read

2nd: Mr. DelDonno seconds the motion

Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;

Chairman Klein-Yes

5-0 approved

N. 3059 **Kenny Creek Lodge**; Kenny Creek Lodge, LLC; located at 13800 S Walters Lp in MatSu Borough; **transfer of ownership (stock transfer)** of a restaurant/eating place license; backgrounds not complete.

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

O. 4817 **Manhattan Pizza**; William L. Perkins; located at 2602 Spenard 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.

6. OTHER FILINGS (Cont.)

G. 4569 **Applebee's**; Wasilla Apple, Inc.; located at No Premise in MatSu Borough; beverage dispensary license.

3rd Waiver Fees Paid 2008 **Attachment 6G**

Motion: Ms. Gifford motions to approve and that a 4th waiver will NOT be granted
2nd: Mr. DelDonno seconds the motion
Discussion: Mr. Meyers (representative for Applebee's) understands that a 4th waiver will NOT be granted and that the license must be operational in 2009 for the statutorily required time (30 8-hour days).
Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved

H. 4825 **Spenard Roadhouse**; Stars of Gold LLC; located at 1049 W Northern Lights Blvd in Anchorage; **transfer of ownership, location & name change** of a beverage dispensary license; from BVG Inc., D.B.A. Joeys, located at 1420 E Tudor Rd; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage *protests* based on *pending* Fire Marshal review.

Motion: Mr. Andrews approve with delegation
2nd: Ms. Neimi
Vote: Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes;
Chairman Klein-Yes
5-0 approved
AND

2nd Waiver Fees Paid 2008

Postpone until next meeting if Necessary; FYI: It is likely that this license will operate the 30 required 8-hour days in 2008. BVG, Inc. and/or Stars of Gold LLC are asking for a refund of the waiver fees *if* a temporary approval is issued prior to December 1, 2008.

Motion: No motion