

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**August 28, 2008**  
**Agenda**

**Location: Nome - City Chambers**

**Anchorage – Alaska Housing Finance Corporation Building, 4300 Boniface Pkwy**

**Time: 8:45 – Director Briefing**

**All Board members present in Anchorage, two staff members present in Nome.**

**1. ADMINISTRATION**

**A. Approve minutes of the July 10, 2008 Board meeting.**

**Motion – Mr. Deldonno motions to approve**

**2<sup>nd</sup> – Mr. Andrews seconds the motion**

**Approved 5-0**

**B. Delegate tie-breaking vote to the Director.**

**Motion – Ms. Gifford motions to delegate tie-breaking vote to the Director**

**2<sup>nd</sup> – Mr. Deldonno seconds the motion**

**Approved 5-0**

**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. 3796 Ramada Ltd Hotel of Anchorage; How How Inc.; located at 207 Muldoon Rd in Anchorage; beverage dispensary – tourism license.**

**Board consideration of suspension/fine. (Furnishing/TAM)**

**Attachment 2F-1**

**Russell Nogg – attorney for How How Inc requests postponement**

**Ms. Gifford prefers not to allow a second postponement**

Mr. Beasley states that the Mayo's are planning to relinquish the license in October; recommendation – levy fine/closure, but suspend until end of October as long as no other violations occur (\$1000 fine and 45 days suspended – but suspend until end of Oct with no violations)

Mr. Andrews does not agree with Mr. Beasley.

**Ms. Gifford motions for 45 days suspension with 30 days suspended and a \$2000 fine; alcohol sales only**

**Mr. Andrews seconds the motion**

**No discussion**

**Approved 5-0**

**2. 3946 Hot Tamale;** Mario Valderrain; located at 112 N Turner St in Fairbanks; restaurant/eating place license.

Board consideration of suspension/fine. (TAM)

**Attachment 2F-2**

**No action – case was dismissed by the district attorney**

**3. 1540 Froso's;** Minas Charalambous; located at 35433 Kenai Spur Rd in Soldotna; restaurant/eating place license.

Board consideration of suspension/fine. (TAM)

**Attachment 2F-3**

**Motion – Mr. Andrews motions to suspend license for 45 days with 40 suspended – alcohol sales only - \$1000 fine**

**2<sup>nd</sup> – Mr. Deldonno seconds the motion**

**Discussion - Ms. Neimi wonders if the motion isn't a bit heavy; Mr. Deldonno & Ms. Gifford say that it is in line with other fines**

**Approved 5-0**

## **G. BOARD CONSIDERATION**

**1. Status of violations**

**Attachment 2G-1**

**Discussion – no action required**

**2. NOV Responses**

**Attachment 2G-2**

**Discussion – no action required**

**Staff directed to write a letter to the file addressing “Moose” question as to allowing a minor on the premises with a peace officer**

**Juneau Eagles – staff directed to write a letter regarding enforcement officers' action and presence on premises – Board backs up Mr. Hamilton - Mr. Beasley will respond to letter to the licensee**

### 3. CONSENT AGENDA

**Motion – Mr. Deldonno motions to approve as read**

**2<sup>nd</sup> – Ms. Gifford seconds the motion**

**Approved 5-0**

**A. 4795 Beluga Lake Lodge;** Beluga Lake Lodge Inc.; located at 204 Ocean Dr Lp in Homer; ; **new** beverage dispensary - tourism license; backgrounds complete.

All statutory requirements have been met. City of Homer 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. 762 F Street Station;** Station Inc. (stock transfer); located at 325 F St in Anchorage; **transfer of ownership** beverage dispensary license; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notice sent 1/14/08).

**D. 4781 I Luv Sushi;** Minjing Kim; located at 9220 Lake Otis Pkwy in Anchorage; **new** restaurant/eating place license; backgrounds complete.

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

**E. 4157 Rumrunners Old Towne Bar & Grill;** Basilio Gallo.; located at 415 E St in Anchorage; **transfer of ownership** of a beverage dispensary license; from Grizzly’s Inc., DBA Rumrunners Old Towne Bar; backgrounds complete.

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

**F. 4671 Celestial Meads;** Michael Kiker; located at 600 W 58<sup>th</sup> Ave in Anchorage; **transfer of location** of a winery license; from 700 W 41<sup>st</sup> Unit H; backgrounds complete.

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

**END CONSENT AGENDA**

#### 4. DELEGATION CONSENT AGENDA

**Motion – Mr. Andrews motions to approve as read**

**2<sup>nd</sup> – Ms. Neimi seconds the motion**

**Approved 5-0**

**A. 4823 Alaska on the Home Shore;** Alaska on the Home Shore Co; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

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

**B. 4809 Alaska Sportsman’s Bear Trail Lodge;** Alaska Sportsman’s Lodge LLC; located at 21 King Salmon Creek in Bristol Bay Borough; **new** lodge - seasonal license; backgrounds not complete.

All statutory requirements have **not** been met (DCED and State Fire Marshal). Bristol Bay Borough has not responded – notification sent June 16, 2008.

**C. 4787 Casa del Sol;** Casa del Sol LLC; located at 158 Holmgren Pl 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.

**D. 4826 Era Aviation – N881EA;** Era Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds not complete.

**AND**

4827 **Era Aviation – N882EA;** Era Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds not complete.

**AND**

4828 **Era Aviation – N883EA;** Era Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds not complete.

**AND**

4829 **Era Aviation – N889EA;** Era Aviation Inc.; located in Alaskan Skies; **new** common carrier license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approvals issued.

**E. 3717 Glacier Bay Country Inn;** Glacier Bay Country Inn LLC; located at 1 Mile Tong Rd in Gustavus; **transfer of ownership** of a restaurant/eating place license; from Ken & Sandra Marchbanks; backgrounds not complete.

All statutory requirements have been met. City of Gustavus does not protest. Temporary approval issued.

**F.** 4798 **Lodge at Black Rapids, The;** The Lodge at Black Rapids LLC; located at 227.4 Richardson Hwy in an unorganized area; **new** restaurant/eating place – tourism license; backgrounds not complete

All statutory requirements have been met. No local governing body. Temporary approvals issued.

**G.** MOVED

**H.** 4816 **Mayan Palace;** Taco Azteca Incorporated; located at 3401 Airport Way in Fairbanks; **transfer of ownership, location & name change** of a beverage dispensary license; from TKKO Inc., DBA Sunset Strip, located at 345 Old Richardson Hwy; backgrounds not complete.

All statutory requirements have *not* been met (Depts. of Revenue). Fairbanks does not protest.

**I.** 4362 **Settler's Bay Lodge;** Settler's Bay Lodge Inc.; located at 5801 S Knik-Goose Bay Rd in MatSu Borough; **transfer of ownership** of a beverage dispensary license; from Settlers Bay Investments Incorporated; backgrounds not complete.

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

**J.** 4815 **Anchorage Golf Course;** Anchorage Cleek Corporation, Inc.; located at 3651 O'Malley Rd in Anchorage; **new** golf course license; backgrounds not complete.

**AND**

2696 **O'Malley on the Green;** Anchorage Cleek Corporation, Inc.; located at 3651 O'Malley Rd in Anchorage; **transfer of ownership** of a beverage dispensary license; from Alyeska Resort Management Company; backgrounds not complete.

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

**K.** 4814 **Trapper Jack's Pub & Grub;** JTF Investments of Alaska, LLC; located at Mile 14 Spur Rd in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (DEC & Fire Marshal). MatSu Borough does not protest.

**L.** 4822 **Tunnels End Café & Espresso;** Tunnels End Espresso & Eatery LLC; located at 12 Harbor Lp in Whittier; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have *not* been met (Fire Marshal). City of Whittier approves.

**M.** 4810 **Wildman Lake Lodge;** Wildman Lake Lodge, Inc.; located at Lot 1, ALS # 87-131A in Lake & Peninsula Borough; **new** lodge - seasonal license; backgrounds not complete.

All statutory requirements have *not* been met (DEC). Lake & Peninsula Borough has not responded – notice sent 6/23/08.

**N.** 4493 **Wild Spice;** Dong Joon Yi & Kwang Su Yoon; located at 140 Seward St in Juneau; **transfer of ownership** of a restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (Labor). City of Juneau does not protest.

**O.** 1090 **Cattle Company Steakhouse (stock transfer);** ARG Enterprises, Inc.; located at 300 Tudor Rd in Anchorage; **transfer of ownership & name change** of a beverage dispensary license; from ARG Enterprises, Inc., D.B.A. Stuart Anderson's Cattle Company; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage has not responded (notice sent 6/24/08).

**P** 4806 **Trapper Creek Trading Post;** Trapper Creek Trading Post LLC; located at Mile 11.5 Parks Hwy in MatSu Borough; **new** restaurant/eating place license; backgrounds not complete.

All statutory requirements have *not* been met (Fire Marshal). MatSu Borough **protests** based on taxes owed (\$129.51).

**FYI:** 13 AAC 104.145(g)(1) Protest - requires the amount of delinquent taxes to be at least **\$200.**

## **END DELEGATION CONSENT AGENDA**

### **5. PROTESTS**

#### **A. REMOVED**

**B.** 4804 **Polaris Distributors;** Chang Lee; located at 601 W. Parks Hwy in Wasilla; **new** wholesale license; backgrounds not complete.

All statutory requirements have not been met (Fire Marshal). City of Wasilla protests based on:

- no application for a business license
- address is already occupied as a Chevron service station
- no change of use permit on file

**FYI:** this applicant was denied the issuance of a wholesale license in 2003 (in Anchorage) by the Board based on the fact that his affiliate at the time held ownership in a package store license.

**Additional:** Lease for this property states (page 5): **USE:** The premises shall be used and occupied only for the purpose of a **Church.** **Attachment 5B**

**Motion – Ms. Gifford motions to uphold the protest**

**2<sup>nd</sup> – Mr. Deldonno seconds the motion**

**Applicant notified of meeting, but did not respond, applicant does have appeal rights**

**Approved 5-0**

**6. OTHER FILINGS**

**Item A - is a Consent Agenda item**

**A. 4760 Evangelos;** K & G Enterprises LLC; located at 2530 E Parks Hwy in Wasilla; **transfer of ownership, location & name change** of a beverage dispensary license; from B&S Ventures Inc.; located at Mile 49 Parks Hwy in MatSu Borough; DBA Dead Dog Saloon; backgrounds complete.

All statutory requirements have been met. City of Wasilla **AND** MatSu Borough approve. Temporary approval issued.

*FYI: this license is being transferred based on AS 04.11.400(m) – transfer of a beverage dispensary license from a borough into an organized city within the borough.*

**Motion – Mr. Andrews motions to approve as a consent agenda item**

**2<sup>nd</sup> Ms. Gifford seconds the motion**

**Approved 5-0**

**B. 533 Houston Lodge;** Doris Jean Incorporated; located at 16966 W Parks Hwy in Houston; **transfer of ownership** of a beverage dispensary license; from Houston Lodge, Inc.; backgrounds not complete.

**AND**

**534 Houston Lodge;** Edward Evans Incorporated; located at 16966-A W Parks Hwy in Houston; **transfer of ownership** of a package store license; from Houston Lodge, Inc.; backgrounds not complete.

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

A former licensee continues to hold a security interest the licenses. The former licensee asserts a lien, but agrees to the approval of the transfer of both licenses, with payment at closing. **Attachment 6B**

**Motion – Mr. Deldonno motions to approve with delegation**

**2<sup>nd</sup> – Ms. Neimi seconds the motion**

**Approved 5-0**

*Item C is a Consent Agenda item.*

**C. 4775 Brown Jug – Dimond & Victor;** Brown Jug, Inc.; located at 2203 W Dimond Blvd in Anchorage; **transfer of location & name change** of a package store license; from 2534 Spenard Rd, D.B.A. Brown Jug – Chilkoots; backgrounds complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued. Objection attached. **Attachment 6C**

**Mr. Klein declares a conflict of interest; Ms. Gifford steps in as chair**

**Motion – Ms. Neimi motions to approve as a consent agenda item**

**2<sup>nd</sup> – Mr. Andrews seconds the motion**

**No discussion**

**Approved 4-0**

**G. 4575 Alaska Bar;** Isner Inc.; located at No Premise in Ketchikan; **transfer of ownership, location & name change** of a beverage dispensary license; from Thomas Basin LLC, DBA That One Place, located at 211 Stedman St; backgrounds complete.

**AND Simultaneously**

**4799 No DBA;** Creek Street Cabaret, Inc.; located at No Premise in Ketchikan; **transfer of ownership & name change** of a beverage dispensary license; from Isner Inc., DBA Alaska Bar; backgrounds not complete.

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

**Motion – Ms. Gifford motions to approve with delegation**

**2<sup>nd</sup> – Ms. Neimi seconds the motion**

**Approved 5-0**

**7. BACKGROUND INFORMATION**

**8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

**9. EXPIRED LICENSES**

Date of next meeting: November 6, 2008

Location of next meeting: Anchorage

ADDENDUM

**G. BOARD CONSIDERATION**

**3. Proposed regulations**

**Attachment 2G-3**

Discussion – several changes to be made.

No motion