

State of Alaska
Alcoholic Beverage Control Board
Agenda Minutes
May 7, 2009

Board members present

Bob Klein

Ellen Ganley

Joe DelDonno

Belen Cook

Ethen Billings via teleconference

Votes will be via roll call

• **ADMINISTRATION**

- A. Approve minutes of the February 24, 2009 Board meeting.

Mr. DelDonno motions to approve

Ms. Ganley seconds the motion

Approved 5-0

- B. Elect Chair and Vice Chair.

Mr. Klein would like to remain Chairman; Mr. Klein suggests that Ms. Ganley be appointed to Vice Chair based on her past experience on the Board
No objections from Board members

Ms. Cook motions to approve Mr. Klein as Chairman and Ms. Ganley as Vice Chair

Mr. DelDonno seconds the motion

Approved 5-0

- C. Delegate tie-breaking vote to the Director.

Mr. DelDonno motions to delegate tie-breaking vote to the Director

Ms. Ganley seconds the motion

Approved 5-0

• **DIRECTOR BRIEFING**

- A. Director Memo

ATTACHMENT - A

- B. ABC Investigators

Memo and attachments from Director Gifford.

ATTACHMENT - B

Mr. DelDonno motions to seek approval from the Commissioner to arm ABC Investigators

Ms. Ganley seconds the motion

In discussion, all Board members agree that the dangers faced by the Investigators warrant action to arm them.

Approved 5-0

- **INFORMAL CONFERENCES**
None
- **HEARING OFFICER DECISIONS**
None
- **SETTLEMENT AGREEMENTS**
None
- **VOLUNTARY RELINQUISHMENT OF LICENSE**
None
- **SUSPENSION**

3299 El Chicano Mexican Restaurant; El Chicano Inc.
Beverage dispensary license; located at 103 Center St in Kodiak.

ATTACHMENT - 3299

Licensee conviction; AS 04.11.370(a)(4)

Mr. Deldonna motions to suspend alcohol only for 45 days with 38 suspended and a \$500 fine

No violations for one (1) year or the 38 suspended days will be enacted

Ms. Cook seconds the motion

Mr. Billings votes No

Ms. Cook, Ms. Ganley, Mr. DelDonno, and Mr. Klein vote Yes

Approved 4-1

- **SUSPENSION (Cont.)**

115 Big D Bar; Philip H. Sobers
Beverage dispensary license; located at ile 274.5 Richardson Hwy.
Postponed

ATTACHMENT - 115

AND

3769 Big D Package Store; Philip H. Sobers
Package Store license; located at ile 274.5 Richardson Hwy.
Postponed

• **BOARD CONSIDERATION**

1384 Jovany's Italian Restaurant; Alfonso Soriano (pending transfer)

ATTACHMENT - 1384

Licensee requests refund of late penalty fee (\$500). Address was changed on previous license renewal but change was not captured in database. Current renewal was sent to previous address.

Ms. Ganley motions to refund the \$500 late penalty fee
Mr. DelDonno seconds the motion
Approved 5-0

207 Tustumena Lodge; Duane P. LaFleur
Beverage dispensary - tourism license; located at Mile 111 Sterling Hwy in Kenai Peninsula Borough
Renewal fees paid with NSF check. Fees and penalty have since been paid.

ATTACHMENT - 207

Ms.Cook motions to approve renewal
Mr. DelDonno seconds the motion
Approved 5-0

302 Del Rois Bar & Liquor; Del Rois Package Store Inc.
Package store license; located at Mile 39.5 Old Palmer Hwy in MatSu Borough.

ATTACHMENT - 302

Renewal fees paid with NSF check.

Mr. DelDonno motions to approve renewal
Ms.Cook seconds the motion
Approved 5-0

3230 Apollo Restaurant; Konstantinos Kanaras
Restaurant/Eating Place license; located at 229 4th Ave in Seward.

ATTACHMENT - 3230

Kenai Peninsula Borough *protests* renewal under AS 04.11.460(a) for non-payment of sales tax. The local governing body is the City of Seward, within the Kenai Peninsula Borough. The City of Seward has not submitted a protest.

No Action
The Board cannot take action based on the fact that the KPB is not the local governing body.

C. Notice of Violations

ATTACHMENT - C

• **CONSENT AGENDA**

- 4881 Alaska Travel Adventures;** Alaska Travel Adventures Inc.
New recreational site - seasonal license; located at Lots 31-33, Block C, Vintage II Subdivision in Juneau; backgrounds complete.
All statutory requirements have been met; backgrounds complete.
- 70 Angel Creek Lodge;** Steven & Annette Verbanac
Transfer of ownership & name change of a beverage dispensary license
- AND**
- 71 Angel Creek Lodge;** Steven & Annette Verbanac
Transfer of ownership & name change of a package store license
- Located at 50 Mile Chena Hot Springs Rd in Fairbanks North Star Borough; from Henry Parker, Steven & Annette Verbanac; D.B.A. Angel Creek Trading Post; backgrounds complete.
All statutory requirements have been met; Fairbanks North Star Borough does not protest.
Temporary approvals issued.
- 4880 Geraldo's Restaurant & Pizzeria;** Garlic Lovers LLC
Transfer of ownership & location of a restaurant/eating place license; located at 701 College Rd in Fairbanks; from Gary & Arlene Falls, located at 3226 Airport Way; backgrounds complete.
All statutory requirements have been met. Fairbanks does not protest. Temporary approval issued.
- 4848 Haute Quarter Grill;** Alex Perez III & Lynn Perez
Transfer location & name change of a beverage dispensary license; located at 11221 Old Glenn Hwy in Anchorage; from No Premise, No DBA; backgrounds complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.
- 1384 Jovany's Italian Restaurant;** Alfonso Soriano
Transfer of ownership of a restaurant/eating place license; located at 9121 Glacier Hwy in Juneau; From Alfonso & Nenita Soriano; backgrounds complete.
All statutory requirements have been met. Juneau does not protest.
- 4843 King Asian Buffet;** Shine's Asian Valley Restaurant,LLC
New restaurant/eating place - public convenience license; located at 301 W Parks Hwy in Wasilla backgrounds complete.
All statutory requirements have been met. Wasilla approves application. Temporary approval issued
- 4882 Oriental Garden;** Kyung Ok Yoo
New restaurant/eating place - public convenience license; located at 311 4th Ave in Seward; backgrounds complete. All statutory requirements have been met. Seward approves application.

• **CONSENT AGENDA (Cont.)**

- 2805 Pepe's Turnagain House;** Turnagain House LLC
Transfer of ownership & name change of a beverage dispensary license; located at Mile 103 Seward Hwy in Anchorage; from B&P Management Corporation, D.B.A. Turnagain House; backgrounds complete. All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.
- 4867 Polaris Distributors;** Koala Inc.
New wholesale license; located at 230 E Potter St # 6 in Anchorage; backgrounds complete. All statutory requirements have been met. Municipality of Anchorage does not protest.
- 4888 Sea Princess;** Princess Cruise Lines, Ltd.
New common carrier - seasonal license; located in Alaskan Waters; backgrounds complete. All statutory requirements have been met. No local governing body. Temporary approval issued.

WAIVERS

- 3703 Airport Inn;** Tanadgusix Corporation
Restaurant/eating place license; located at Route-Lake Hill Dr in St. Paul Island.
- | | | |
|------------|-----------|------|
| 1st Waiver | Fees Paid | 2008 |
| 2nd Waiver | Fees Paid | 2009 |
- 3536 Coho Commercial;** Nelson Lagoon Corporation
- | | | |
|------------|-----------|------|
| 1st Waiver | Fees Paid | 2008 |
|------------|-----------|------|

END CONSENT AGENDA

Mr. DeDonno motions to approve
Ms. Ganley seconds the motion
Approved 5-0

• **DELEGATED CONSENT AGENDA**

- 4895 Alaska Golf-Shot;** Alaska Golf-Shot, LLC
New recreational site license; located at 617 S Knik Goosebay Rd, Ste J in Wasilla; backgrounds not complete. All statutory requirements have *not* been met (DEC). Wasilla does not protest.
- 4809 Alaska Sportsman's Bear Trail Lodge;** Alaska Sportsman's Lodge LLC
New lodge - seasonal license; located at 21 King Salmon Creek in Bristol Bay Borough; backgrounds not complete
All statutory requirements have *not* been met (Fire/DEC); Bristol Bay Borough has not responded.
- 3073 Alaskan Sourdough Lodge;** Alaska Sourdough Lodge LLC
Transfer of ownership of a beverage dispensary - tourism license; located at 1104 Peninsula St in Wrangell; from Bruce E. Harding; backgrounds not complete.
All statutory requirements have been met; Wrangell does not protest.
- 3489 Arctic Bar;** Arctic Inuk, Inc.
Transfer of ownership of a beverage dispensary license; located at 623 Old Steese Hwy in Fairbanks; from Arctic Imik Inc.; backgrounds not complete.
all statutory requirements have been met. Fairbanks does not protest.

• **DELEGATED CONSENT AGENDA (Cont.)**

- 4892 Balmoral, M/V;** Fred Olsen Cruise Lines
New common carrier - seasonal license; located in Alaskan Waters; no local governing body;
All statutory requirements have been met; backgrounds not complete. Temporary approval issued.
- 1402 Best Western Bidarka Inn;** Beluga Lake Lodge Incorporated
transfer of ownership of a beverage dispensary - tourism license; located 575 Sterling Hwy in Homer
From Kodiak Inn Inc.; backgrounds complete.
All statutory requirements have been met. Kodiak has not responded (notice sent 3/9/09).
- 4884 Clipper Odyssey;** ISP Leisure Limited
New common carrier - seasonal license; located in Alaskan Waters; no local governing body;
All statutory requirements have been met; backgrounds not complete.
- 561 Club Elixir;** Debco, Inc. (Stock transfer)
Transfer of ownership of a beverage dispensary license; located at 1911 E 5th Ave in Anchorage;
- AND**
- 4759 Fantasies on 5th;** Debco, Inc. (Stock transfer)
Transfer of ownership of a beverage dispensary- duplicate license; located at 1911 E 5th Ave in
Anchorage. All statutory requirements have been met; backgrounds not complete.
- 4904 Crystal Serenity;** Crystal Cruises, Inc.
New common carrier - seasonal license; located in Alaskan Waters; backgrounds not complete.
All statutory requirements have been met. No local governing body.
- 4897 Denali Arts Council;** Denali Arts Council
New recreational site license; located at 22249 S D St in MatSu Borough (Talkeetna); backgrounds not
complete. All statutory requirements have *not* been met (Fire & DEC). MatSu does not protest.
- 4872 Denali Brewing Company;** Twisted Creek LLC
New brewery license; located at 13605 E Main St (Talkeetna) in MatSu Borough;
- AND**
- 4873 Twisted Creek Restaurant;** Twisted Creek LLC
New restaurant/eating place license; located at 13605 E Main St (Talkeetna) in MatSu Borough;
backgrounds not complete. All statutory requirements have been met. MatSu Borough does not
protest. Temporary approval issued for restaurant/eating place.
- 4886 Gold Rush Restaurant;** Gold Rush Restaurant, LLC
New restaurant/eating place - public convenience license; located at Mile 2 Klondike Hwy in Skagway;
backgrounds not complete.
All statutory requirements have not been met (DEC). Skagway approves application.
- 4150 Home Town Korean Restaurant;** Jeyhee Corporation
Transfer of ownership of a restaurant/eating place license; located at 3020 Minnesota Dr in Anchorage;
from Yong Suk Yu; backgrounds not complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary
approval issued.
- 4876 McKinley Chalet Resort - Courtyard Café;** ARAMARK Coproration
New beverage dispensary - tourims license; located at Mile 238.9 Parks Hwy in Denali Borough;
backgrounds complete.
All statutory requirements have not been met (DEC & Fire). Denali Borough does not protest.

- **DELEGATED CONSENT AGENDA (Cont.)**

- 2568 Today's Pizza;** C & H Corporation;
Transfer of ownership of a restaurant/eating place license; located at 4608 Spenard Rd in Anchorage; from Tamara Oleniczak (DeGross); backgrounds are not complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.
- 4900 Villa Verona;** Frederico Gastelum
New restaurant/eating place license; located at 244 S Sylvan Rd Unit 19 & 20 in MatSu Borough; backgrounds not complete.
All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued.
- 4498 The Wild Olive;** Wild Olive LLC
Transfer of ownership & name change of a restaurant/eating place license; located at 2061 E Palmer Wasilla Hwy in MatSu Borough; from LoonAttic LLC, D.B.A. LoonAttic; backgrounds not complete.
All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued.

END DELEGATED CONSENT AGENDA

Ms. Ganley motions to approve
Mr. DelDonno seconds the motion
Approved 5-0

- **PROTESTS**

- 4851 True North Cellars;** True North Cellars LLC
New wholesale (Malt Beverage & Wine) license; located at 7902 Arlene St in Anchorage; backgrounds not complete. All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.
None

On the day before the Board meeting, staff was contacted by the Municipality Clerk's office. They had erred in approving the license based on zoning. The area to be licensed is not zoned for alcohol sales.

Staff is instructed to rescind temporary approval and work with applicant on a new application at a new location.

No Action

- **OTHER FILINGS**

None

- **BACKGROUND INFORMATION**

None

- **MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**

None

- **EXPIRED LICENSES**

None

Date of next ABC Board meeting: July 14, 2009

Location of next ABC Board meeting: Fairbanks

State of Alaska
Alcoholic Beverage Control Board
Agenda
May 7, 2009

Addendum

• **OTHER FILINGS**

4691 Solstice Bar; Fervid Enterprises, LLC **ATTACHMENT - 4691**
Beverage dispensary license; located at 429 W Willoughby Ave 2nd Fl in Juneau.

Reconsideration of third waiver of operation which was approved on February 24, 2009.

Licensee is put on notice that they must operate the required 30 days in 2009 or they are in danger of losing their license.

No Action

• **DELEGATED CONSENT AGENDA (Cont.)**

4911 Bombay Valley Indian Restaurant; Bombay Valley LLC
New restaurant/eating place - public convenience license; located at 991 S Hermon Rd # 600 in Wasilla; background not complete. All statutory requirements have been met. City of Wasilla approves.

4916 Custom Alaska Cruises; M/V Sikumi LLC
New common carrier - seasonal license; located in Alaskan Waters; backgrounds not complete. All statutory requirements have been met. No local governing body.

4894 Fresh Catch Café; Harrison McHenry
New restaurant/eating place - public convenience license; located at 4025 Homer Spit Rd #20 in Homer; background not complete. All statutory requirements have *not* been met (Fire). City of Homer approves.

4879 Kenai Fjords Glacier Lodge; Kenai Fjords Glacier Lodge LLC
New lodge license; located at Pedersen Lagoon Lodge Site on Aialik Bay in Kenai Peninsula Borough; background complete. All statutory requirements have *not* been met (DEC and Fire). Kenai Peninsula Borough does not protest.

• **SUSPENSION (Cont.)**

3538 Carlo's Fine Mexican Restaurant; Carlo's Fine Mexican Restaurant, Inc.
Beverage dispensary license; located at 11401 Old Seward Hwy in Anchorage.

Licensee conviction; AS 04.11.370(a)(4)

ATTACHMENT - 3538

Mr. DeDonno motions to suspend alcohol sales for 45 days with a \$2000 fine - no violations within one year

Ms. Ganley seconds the motion

In discussion, Mr. DeDonno is concerned that this is the third violation/conviction within a short period of time and feels that his motion is warranted.

It appears that Mr. Billings has lost connection, however, a quorum of the Board still exists

Approved 4-0