

State of Alaska
Alcoholic Beverage Control Board
Agenda
September 23, 2009
Nome

Board members present:

Chair Bob Klein
Vice Chair Ellen Ganley
Member Joe DelDonno
Member Belen Cook
Member Ethan Billings – via teleconference
All votes will be via roll call

Staff members present:

Director Shirley Gifford
Enforcement Supervisor Bob Beasley
Licensing Supervisor Dawn Holland-Williams
Assistant Attorney General John Novak

• **DIRECTOR BRIEFING**

A. Director Memo

Start of briefing: [10:59:49 AM](#)

End of briefing: [11:07:09 AM](#)

Attachment A

On the record: [11:07:40 AM](#)

• **ADMINISTRATION**

A. Approve minutes of the July 14, 2009 Board meeting.

Ellen Ganley **motions to approve**

Belen Cook **seconds the motion**

[11:09:20 AM](#)

Approved 5-0

B. Delegate tie-breaking vote to the Director.

Belen Cook **motions to approve**

Joe DelDonno **seconds the motion**

[11:09:49 AM](#)

Approved 5-0

- **PUBLIC TESTIMONY**

PT Period of time for public testimony on issues that are not on this agenda. **Attachment PT**

- Lance Johnson – Nome Community Center Director
- Cussy Kauer – longtime Nome resident
- Franklin Eagle (via teleconference) licensee in Fairbanks

- **INFORMAL CONFERENCES**

None

- **HEARING OFFICER DECISIONS**

None

- **SETTLEMENT AGREEMENTS**

None

- **VOLUNTARY RELINQUISHMENT OF LICENSE**

None

- **SUSPENSION**

None

- **BOARD CONSIDERATION**

P&P ABC Board Policies & Procedures

Attachment P&P

11:25:03 AM

Joe DelDonno **motions to approve**
Ellen Ganley **seconds the motion**

11:28:33 AM

Approved 5-0

REG Regulations

Attachment REG

Anne Carpeneti testifies via teleconference

2:27:16 PM

The Chair will entertain a motion to approve the following regulations as amended:

13 AAC 104.185(c); 465(a); 465(e); 465(j)(3); 610(b); 645(b); 645(c)(5); 645(d); 645(e); 645(f); 645(n) as in November; and to further approve the following regulations for adoption:

13 AAC 104.196; .197; .355; .430; .640; .645(c)(6).

Ellen Ganley **motions to approve as stated by Chairman Klein**
Joe DelDonno **seconds the motion**

2:33:52 PM

Approved 5-0

DPS Approval for ABC Board Investigators Hamilton and Brink to carry firearms. **Attachment DPS**

11:29:00 AM

Ellen Ganley **motions to approve**
Joe DelDonno **seconds the motion**

11:32:15 AM

Approved 5-0

BPB Best Practices Brochure

Attachment BPB

11:32:30 AM Discussion

11:33:57 AM John Novak asks that the wording “rule of thumb” be removed based on the historical meaning of the statement.

No motion required

11:35:19 AM

AFW **Alaska Fish & Wildlife Conservation Fund**

Attachment AFW

Request for Board approval for the issuance of a catering permit, for an event to be held at Monroe High School.

12:24:03 PM

Dick Bishop - 12:25:45 PM

Begin Friday evening after school has ended – setup; event on Saturday – no overlap with school

Complimentary wine to participants – no sales of alcohol

No alcoholic beverages left on premise after the event

12:32:21 PM Mr. Novak provides that this is not a school event. The question for the Board is, “Is this in the public interest?”

12:35:39 PM

Ellen Ganley **motions to approve the request with the requirement that there be a catering permit issued for the event as well as TAM servers on sight.**

Joe DelDonno **seconds the motion**

12:38:02 PM

Approved 4-1 (Ms. Cook)

Catering Permits for events held at a Church.

12:39:03 PM

Staff directive: Church’s are approved as long as it is a church event – not a school event

3009 **Casa Grande;** Dan K. Coffey

Attachment 3009

Application for involuntary re-transfer which was denied by staff.

Postponed based on bankruptcy documents filed on September 22, 2009

• CONSENT AGENDA

1:44:09 PM**4887 Captain Chuck's Fish and Chips; Captain Chucks LLC**

New restaurant/eating place license; located at 3001 Penland Pkwy in Anchorage; backgrounds complete.

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

4844 Crowne Plaza Midtown Anchorage; Anchorage Hospitality LLC

New beverage dispensary - tourism license; located at 109 W International Airport Rd in Anchorage; backgrounds complete.

AND

4869 Crown Plaza Midtown Anchorage - 6th Floor; Anchorage Hospitality LLC

New beverage dispensary - tourism duplicate license; located at 109 W International Airport Rd in Anchorage; backgrounds complete.

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

4930 El Tango; El Tango Inc.

New restaurant/eating place license; located at 4300 Old Seward Hwy #D1 in Anchorage (replacing beverage dispensary license # 4451, currently held by same licensee at same location);

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

4364 Goldrush Liquors; Cody Alaska Liquors Inc. (stock transfer)

Transfer of ownership (stock transfer) of a package store license; located at 8601 Old Seward Hwy in Anchorage; backgrounds complete.

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

3251 Greek Corner, The; Herrera Brothers Inc.

Transfer of location of a restaurant/eating place license; located at 201 E Northern Lights Blvd in Anchorage; from 302 W Fireweed Ln.; backgrounds complete.

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

4923 Marx Bros Catering; Gourmet Associates LLC

Transfer of ownership, location & name change of a beverage dispensary license; located at 121 W 3rd Ave in Anchorage; from Motherlode LLC, D.B.A. North Slope Restaurant & Saloon, located at No Premise; backgrounds complete.

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

4939 Meiers Lake Roadhouse; Hunters Retreat LLC

New beverage dispensary license located at 170 Richardson Hwy in an Unorganized area; backgrounds complete.

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

892 Mike's Palace; Ok Hee Cho
Transfer of ownership of a restaurant/eating place license; located at 201 N Harbor Dr; from Mike Panagis; backgrounds complete.
All statutory requirements have been met. Valdez has not responded (60 days have lapsed.)

1326 Pump House Restaurant, The; The Pump House, LLC
Transfer of ownership of a beverage dispensary license; located at 796 Chena Pump Rd in Fairbanks North Star Borough; from The Pump House Inc.; backgrounds complete.
All statutory requirements have been met. Fairbanks North Star Borough does not protest.

4893 Serrano's Mexican Grill; Serrano's LLC
New restaurant/eating place license; located at 640 W 36th Ave in Anchorage; backgrounds complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.

3894 Townsite Liquor; Nancy Meehan
Transfer of ownership of a package store license; located at Mile 69.5 Parks Hwy in MatSu Borough (Willow area); from Patricia Bosch; backgrounds complete.
All statutory requirements have been met. MatSu does not protest.

4931 True North Cellars; True North Cellars LLC
New wholesale - malt beverage & wine license; located at 801 E 82nd Ave Unit A14 in Anchorage; background complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.

4928 Tutka Bay Lodge; Within the Wild Adventure Company
New lodge - seasonal license; located at South-side Tutka Bay in the Kenai Peninsula Borough; backgrounds complete.
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued.

4883 Wine House @ Jewel Lake; TCCH Inc.
New package store license; located at 8841 Jewel Lake Rd in Anchorage; backgrounds complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.

WAIVERS

1156 Tony's Liquor Store; CNG Inc.
Waiver of operation of a package store license located at No Premise in Kodiak.

1st Waiver **Fees Paid** **2009**

3820 Igloo Liquor; Sunshine Liquor Inc.
Waiver of operation of a package store license located at No Premise in MatSu Borough.

2nd Waiver **Fees Paid** **2009**

END CONSENT AGENDA

Joe DelDonno **motions to approve**
Belen Cook **seconds the motion**

[1:46:58 PM](#)

Approved 5-0

[1:47:09 PM](#)

• **DELEGATED CONSENT AGENDA**

- 4934 African Sky Imports;** Vern Kingsford
New wholesale malt beverage & wine license; located at 41725 # C Seward Hwy in Kenai Peninsula Borough (Moose Pass area); backgrounds not complete.
All statutory requirements have been met. Kenai Peninsula Borough does not protest.
- 1711 Blue Sky Grill;** Blue Sky Grill Inc.
Transfer of ownership, location, & name change of a beverage dispensary - seasonal license; located at 1633 Airport Way in Kodiak Island Borough; from Frank Bertrand III, located at Mile 42 Chiniak Rd; D.B.A. Hopper Valley Roads End; backgrounds not complete.
All statutory requirements have *not been* met (Fire & DEC). Kodiak Island Borough does not protest.
- 4820 Cellar LLC;** Cellar LLC
Transfer of ownership, location, & name change of a package store license; located at 343 W 6th Ave in Anchorage; from Prime Inc., located at 4801 Old Seward Hwy, D.B.A. The O Liquors; backgrounds complete.
All statutory requirements *have not* been met (Fire). Municipality of Anchorage *protests* pending Fire Department final approval.
- 4918 Cook Inlet Spirits;** Cook Inlet Spirits Inc
Transfer of ownership, location, & name change of a package store license; located at 38792 Kalifornsky Beach Rd in Kenai Peninsula Borough; from Milburn & June Soon Mertens, located at 32837 Sterling Hwy, D.B.A. Sterling Keg & Spirits; backgrounds not complete.
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued.
- 2300 Down East Saloon;** Down East Inc. (stock transfer)
Transfer of ownership of a beverage dispensary license; located at 3125 East End Rd in Homer; backgrounds not complete.
All statutory requirements have been met. City of Homer does not protest.
- 4936 E-Lu-Fa Restaurant;** E-Lu-Fa Restaurant LLC
New restaurant/eating place - public convenience license; located at 1875 E Palmer Wasilla Hwy in Wasilla; backgrounds not complete.
All statutory requirements *have not* been met (Fire & DEC). City of Wasilla *approves* the license.
- 4937 Explorer Yacht Charters;** Irish Pride Society Partnership
New common carrier - seasonal license; located in Alaskan Waters; backgrounds not complete.
All statutory requirements have been met. There is no local governing body.
- 4761 Imperial Palace;** Kyung Kim
Transfer of ownership of a restaurant/eating place license; located at 400 Sitka St in Anchorage; from Mi Zong; backgrounds not complete.

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

- 4378 Thai Town Restaurant; Pat Siboualapha**
Transfer of ownership of a restaurant/eating place license; located at 3311 Spenard Rd in Anchorage; from Viengkeo & Lamphay Thongdy; backgrounds not complete.
All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.
- 3982 Tokyo Restaurant & Sushi Bar; Manna Corporation**
Transfer of ownership of a restaurant/eating place license; located at 735 W Parks Hwy in Wasilla; from Hyunsuek Hong; background not complete.
All statutory requirements have been met. Wasilla does not protest.
- 733 Twin Dragon; CMPA Enterprises, Inc**
Transfer of ownership of a restaurant/eating place license; located at 612 E 15th Ave in Anchorage; from Neil & Young Shukerow; backgrounds not complete.
All statutory requirements have been met. Municipality of Anchorage does not protest.
- 2300 Uncle Thirsty's Liquor; UTL Inc (stock transfer)**
Transfer of ownership of a package store license; located at 3125 East End Rd in Homer; backgrounds not complete.
All statutory requirements have been met. City of Homer does not protest.

[1:49:33 PM](#) Ellen Ganley **motions to approve**
Joe DelDonno **seconds the motion**

[1:49:47 PM](#)
Approved 5-0

END DELEGATED CONSENT AGENDA

The following licenses (4913 and 4836) have been moved from the Delegated Consent Agenda for consideration.

- 4913 Three Amigos Mexican Restaurant; Victor Hurlado & Jose Diaz**
Transfer of ownership & location of a beverage dispensary license; located at 360 Boniface Pkwy # A 30-31 in Anchorage; from Jaliscos Inc., located at No Premise; backgrounds not complete.
All statutory requirements have been met. Municipality of Anchorage *protests, received after 60 day period.*
- 4836 Wal-Mart Supercenter # 2071; Wal-Mart Stores, Inc.**
New package store license; located at 8900 Old Seward Hwy in Anchorage; backgrounds complete.
All statutory requirements have been met. *Municipality of Anchorage originally protested; but a recent correspondence from the Clerk's office gives an indication that the final item required at the Muni level will be approved within the following week*

[1:52:24 PM](#)
Joe DelDonno **motions to approve 4913 & 4836 with delegation**
Belen Cook **seconds the motion**

[1:52:34 PM](#)
Approved 5-0

[11:36:26 AM](#)

City & Borough of Juneau testimony – persons present via teleconference:

Barbara Ritchie – Deputy City Attorney; Beth McEwen – Deputy Municipal Clerk; Joan Rumesburg – Sales Tax Administrator; Ann Johnston – Revenue Collector; Craig Duncan – Finance Director; Gail Niemi – owner of The Sandbar; Benjamin Brown - Attorney for Zephyr

• **PROTESTS**

4584 Zephyr; Zephyr LLC **Attachment 4584**
Restaurant/eating place license; located at 200 Seward St in Juneau.
City & Borough of Juneau *protests* based on delinquent sales tax.

[11:53:41 AM](#)

[12:20:58 PM](#)

No action – delay until November 2009 meeting.

2185 Canton House; Ri D. Kuag **Attachment 2185**
Restaurant/eating place license; located at 8585 Old Dairy Rd in Juneau.
City & Borough of Juneau *protests* based on delinquent sales tax.

Protest lifted 9/23/09 prior to meeting

2844 Sandbar, The; Sandbar Inc. **Attachment 2844**
Beverage dispensary license; located at 2525 Industrial Blvd in Juneau.
City & Borough of Juneau *protests* based on delinquent sales tax.

[11:36:26 AM](#)

[11:52:10 AM](#)

No action – will look at issue again at the November meeting

[11:53:30 AM](#)

• **OTHER FILINGS**

4919 Alaska Liquor; Alaska Liquor Inc. **Attachment 4919**
New package store license; located at 2844 E Tudor Rd in Anchorage; backgrounds not complete.
All statutory requirements have been met. Municipality of Anchorage does not protest.

Notice was sent to Tudor Community Council May 27, 2009 (pursuant to AS 04.11.310(b)).
Approximately mid-to late August, 2009, Cher Easley from the Tudor CC contacted ABC staff
regarding this license. Further correspondence is attached.

FYI - as required by statute, the applicant, Alaska Liquor Inc., is not filed under Alaska Title 10
(Corporations). Filing *completed* 9/22/09

Sherman Ernouf, Attorney with Ernouf & Coffey, on behalf of Alaska Liquor
Jeff Wooden
Cher Easley; others
[12:40:56 PM](#)

Distance measured by Inv. Hamilton 249 feet at most

Joe DelDonno **motions to approve**
Ellen Ganley **seconds the motion**

[1:13:55 PM](#)
Approved 5-0

4929 Bear Creek Winery; Bear Creek Winery LLC **Attachment 4929**
New bottling works license; located at 60473 Bear Creek Dr in Kachemak; backgrounds complete.
All statutory requirements *have not* been met (Fire). Kachemak does not protest.

[2:23:12 PM](#) - Bill & Dorothy Fry

Ellen Ganley **motions to approve** with delegation
Joe DelDonno **seconds the motion**

[2:25:54 PM](#)
Approved 5-0

FYI the following licenses must be operated in calendar year 2009 or they will face expiration per Board when last waiver of operation was approved for 2008.

1119 Creekside Liquor; Focsle Inc. Attachment 1119
Transfer of location & name change of a package store license; located at 133 Stedman in Ketchikan; from No Premise, D.B.A. Tatsuda Liquor; backgrounds complete.
All statutory requirements have been met; Ketchikan has not responded (60 days have not lapsed.)

PREVIOUS BOARD ACTION:

3rd Waiver 2008 Fees Paid
Ms. Gifford motions to approve; further amended after discussion: will not consider a 4th waiver request.
Ms. Neimi seconds the motion; Ms. Neimi seconds the amended motion

Mr. Andrews asks what the Board's history is when considering 3rd waivers.
Ms. Gifford-Yes; Ms. Neimi-Yes; Mr. Andrews-Yes; Mr. DelDonno-Yes; Chairman Klein-Yes
5-0 approved

1:32:12 PM
Ellen Ganley **motions to approve**
Joe DelDonno **seconds the motion**

1:36:02 PM
Approved 5-0

4733 Mountain High Pizza Pie; Wasilla Apple Inc. Attachment 4733
Transfer of location & name change of a beverage dispensary license; located at 22165 S C St in MatSu Borough (Talkeetna area); from No Premise; formerly known as Applebees (not operated); backgrounds complete.
All statutory requirements have been met. MatSu Borough has not responded. (60 days have not lapsed.)

PREVIOUS BOARD ACTION:

3rd Waiver Fees Paid 2008

Ms. Gifford motions to approve and that a 4th waiver will NOT be granted

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

1:54:51 PM

Dan Coffey, Attorney for Wasilla Apple Inc.

Ethan Billings **motions to approve** with condition that the new Wasilla Applebee's (in Wasilla) be operating by the end of 2010

Ellen Ganley **seconds the motion**

Comments – staff report back in April 2010

2:22:20 PM

Approved 4-1 (Ms. Cook)

4367 4th Avenue Market Place Bar & Grill; 4th Avenue Market Place Bar & Grill Inc. Attachment 4367
Transfer of ownership, location & name change of a beverage dispensary license located in Anchorage; From Soraya's Inc., D.B.A. La Costa Roca Restaurant & Bar

Issue 1: Transfer was rescinded by licensee (Soraya's) on June 18, 2009

Issue 2: New transfer from Soraya's Inc to 222 Inc pending

Issue 3: Several liens in file

Postponed based on bankruptcy documents filed on September 22, 2009

- **BACKGROUND INFORMATION**
None
- **MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS**
None
- **EXPIRED LICENSES**
None

Date of next ABC Board meeting: **November 19, 2009**

Location of next ABC Board meeting: **Anchorage**

End of meeting - [2:39:24 PM](#)

ADDENDUM

1801 Klondike Restaurant & Lounge; Harris Yang

Transfer of location of a beverage dispensary – tourism license; located at 1347 Bedrock St in Fairbanks; from No Premise, back to original location; backgrounds complete.

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

Objection to the issuance of the license from William Satterberg.

[1:36:35 PM](#)

Valerie Therien; Harris Yang; Tammi Ross

License should not have been kept at no premise, it should have been relinquished – (tourism license cannot file location transfers)

No action