

**State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
March 24, 2011**

- **ADMINISTRATION**

Board Members Present:

Chairman Bob Klein
Vice Chair Ellen Ganley
Member Ethan Billings
Member Marvin Yoder
Member Belen Cook Excused Absence

Staff Members Present:

Director Shirley Gifford
Licensing Supervisor Lauren Edades
Investigator Jeff Brink

ABC Board Counsel Present:

Assistant District Attorney John Novak

Approval of minutes for the December 13-14, 2010 Board Meeting via
Board Member Signature

- **DIRECTOR BRIEFING**

Director's Report

[8:50:50 AM](#)

- **NEW STAFF / BOARD ELECTION**

Introduction of New Member & New Licensing Supervisor

[9:06:49 AM](#)

Elect Chair and Vice Chair

[9:08:45 AM](#)

Bob Klein volunteered to run for chairmanship.
Ellen Ganley volunteered to run for Vice-Chairmanship
Approved 4-0

- **PUBLIC TESTIMONY**

[9:12:25 AM](#)

Period of time for public testimony on issues not on this agenda.

Kate Burkhart – Executive Director of the Advisory Board on Alcoholism &
Drug Abuse.

[9:23:02 AM](#)

Compliment Director Gifford and Staff.

Fred Odsen - Attorney representing 2Go Tesoro [9:40:50 AM](#)
Calling regarding item on the agenda later today
Chairman Klein advises that board approved Consent Agenda.

End of public Testimony [9:40:43 AM](#)

Jim Jacobsen- Bowling Center in Juneau [10:04:30 AM](#)
Inquiring about process for getting licensed after previous tenant eviction
(Public Testimony continued)

- **SETTLEMENT AGREEMENT**

586 Goldbelt Juneau Hotel [9:42:50 AM](#)

-Violation by leasing liquor license.

Ellen Ganley **motions to approve to move to delegated consent**
Ethan Billings **seconds the motion to move to delegation**

Marvin Yoder **motions to approve settlement agreement from January**
Ellen Ganley **seconds the motion to accept agreement** [9:55:09 AM](#)
Motion Carried 4-0

- **BOARD CONSIDERATION**

A. 3009 Casa Grande [10:17:18 AM](#)

Transfer Applications & claim of security interest.

Ellen Ganley **motions to approve applications be moved to the hearing officer level for gathering facts to make recommendations** [10:55:48 AM](#)
Marvin Yoder **seconds the motion**
Motion Carried 4-0

B. 3817 Chilkoot Charlies [10:56:45 AM](#)

Request for Dismissal of Notice of Violation.

Ethan Billings **motions to approve removal of NOV from file**
Yes- Bob Klein, Ethan Billings, Marvin Yoder [11:28:28 AM](#)
No-Ellen Ganley
Motion Carried 3-1

D. 110 Bering Sea Saloon [11:30:00 AM](#)

Request for extension period for transfer due to death of licensee.

Ellen Ganley **motions to approve the extension**

Ethan Billings **seconds the motion**
Motion Carried 4-0

E. 1312 The Bow [11:35:20 AM](#)
Refund Request of Late Fee \$500

Ethan Billings **motions to approve petition of late fee**
Ellen Ganley **seconds the motion**
Motion Carried 4-0

F. 2185 Canton House [11:38:00 AM](#)
Refund Request of Late Fee \$500

Ethan Billings **motions to deny petition of late fee**
Marvin Yoder **seconds the motion**
Motion Carried 4-0

G. Age Assessment of Individuals [12:00:07 PM](#)

H. Costco-Alcohol Purchase by Non members [11:40:55 AM](#)

No Motion – status quo from 1991 decision. [11:51:50 AM](#)

I. Martha Hopson [11:52:05 AM](#)
-Restricted Purchaser

Ellen Ganley **motions to approve removing Hopson from restricted purchaser list.**
Ethan Billings **seconds the motion**
Motion Carried 4-0

J. Recreational Site Licenses [12:04:26 PM](#)
-Proposed Recreational Site Legislation

Ellen Ganley **motions to approve the policy of recommendations under recreational site licenses** (Proposed legislation by AAG John Novak to be implemented as policy)
Ethan Billings **seconds the motion**
Motion Carried 4-0

Working lunch – Guest Speaker, Chief Administrative Law Judge
Terry Thurbon, Office of Administrative Hearings [12:23:05 PM](#)

• **ADMINISTRATIVE HEARING**

4446 Alaska 1910: Elizabeth Rollins [1:14:10 PM](#)

Ellen Ganley **motions to approve to adopt proposed decision from Administrative Law Judge Andrew Hemenway.**
Ethan Billings **seconds the motion**
Motion is Carried 4-0

• **PREVIOUS PENALTIES ISSUED**

4780 **CRuSH:** CRuSH LLC: Anchorage [1:54:17 PM](#)
343 W 6th Avenue
License: Restaurant/Eating Place
Notice of Violation: Furnishing an alcoholic beverage to a minor.

Ethan Billings **motions to treat like a normal NOV for Crush with no repercussions to the license holder**
Marvin Yoder **seconds the motion**
Motion Carried 4-0

4351 **Inn café:** Peter & Sherryl Scott: [2:40:10 PM](#)
Palmer
325 Elmwood
License: Restaurant/Eating Place
Notice of Violation: Failure to provide alcohol server card.

Ellen Ganley **motions to suspend license for 30 days with 30 days suspended unless there is another liquor violation.**
Ethan Billings **seconds the motion**
Motion Carried 4-0

752 **Moose Pass Inn:** Wesley J. & Linda M. Sherrill: [2:05:19 PM](#)
Moose Pass
Mile 30 Seward Highway
License: Package Store
Notice of Violation: Furnishing an alcoholic beverage to a minor.

Ellen Ganley **motions to suspend license for 45 days-38 days suspended sentence & \$500.00 fine.**
Marvin Yoder **seconds the motion**
Yes- Ellen Ganley, Bob Klein & Marvin Yoder
No-Ethan Billings
Motion Carried 3-1

4215 **Peking Restaurant:** Hye Suk Min: [2:15:30 PM](#)
Seward
338 4th Avenue
License: Restaurant/Eating Place Convenience
Notice of Violation: Furnishing an alcoholic beverage to a minor.
Ellen Ganley **motions 60 day suspension of alcohol sales and \$3000.00 fine.**

Marvin Yoder **seconds the motion**
Motion Carried 4-0

- **WAIVERS**

A. 1711 Blue Sky Grill: Blue Sky Grill Inc: Kodiak Island Borough

3rd Waiver: Fees Paid 03/11/2011
License: Beverage Dispensary Seasonal
1633 Airport Way
No answer on phone, Chairman Klein leaves message [2:26:07 PM](#)
(To be taken up at May 24, 2011 meeting)

B. 1198 2Go Tesoro #56: Tesoro Northstore Company [1:22:14 PM](#)

Municipality of Anchorage
1st Waiver: Fees paid 12/06/2010
License: Package Store
No Premise

Ellen Ganley **motions to approve**
Ethan Billings **seconds the motion**
Motion Carried 4-0

C. 2641 F & M Oriental Restaurant: Fernando and Marissa Abad [1:22:38 PM](#)

Juneau
1st Waiver: Fees paid 12/08/2010
License: Restaurant/Eating Place
210 Seward Street
Ethan Billings **motions to approve**
Ellen Ganley **seconds the motion**
Motion Carried 4-0

D. 1860 Gabberts Fish Camp: Gabberts Camp LLC: Matanuska-Susitna Borough [1:23:58 PM](#)

2nd Waiver: Fees paid 12/06/2010
License: Beverage Dispensary Seasonal
2nd W Bend Alexander Creek

Ellen Ganley **motions to approve waiver**
Ethan Billings **seconds the motion**

Ethan Billings **motions to deny refund**
Marvin Yoder **seconds the motion**
Yes to Denial- Ethan Billings, Marvin Yoder & Ellen Ganley
No to Denial-Bob Klein

Motion Carried 3-1

E. 4307 McKinley Village Lodge-Bears Den

1:23:08 PM

ARAMARK Sports and Entertainment Services LLC: Denali Borough

1st Waiver: Fees paid 01/05/2011

License: Beverage Dispensary Tourism-Seasonal

Mile 231.1 Parks Hwy

Ellen Ganley **motions to approve**

Ethan Billings **seconds the motion**

Motion Carried 4-0

• **Protests**

3123 Hangar Lounge: David K. Freeman; Matanuska-Susitna Borough
License: Beverage Dispensary
Mile 1.5 S Big Lake Road
Matanuska-Susitna borough *protests* based on delinquent Bed Taxes and Review Processing Fee.

3504 Pioneer Lodge: SCSL Inc.: Matanuska-Susitna Borough
License: Beverage Dispensary
Mile 71.4 Parks Hwy
Matanuska-Susitna borough *protests* based on delinquent Real Property Taxes.
(Removed & placed under delegated consent.)

4074 Pt. MacKenzie General Store: JA Wendt LLC: Matanuska-Susitna Borough
License: Restaurant/Eating Place
22481 Point MacKenzie Rd
Matanuska-Susitna borough *protests* based on delinquent Real Property Taxes.

301 Del Roi's Bar & Liquor: Del Rois Bar Inc: Matanuska-Susitna Borough
License: Beverage Dispensary
Mile 39.5 Old Palmer Hwy

302 Del Roi's Bar & Liquor: Del Rois Package Store Inc.: Matanuska-Susitna Borough
License: Package Store
Mile 39.5 Old Palmer Hwy
Matanuska-Susitna borough *protests both licenses* based on delinquent Real Property Taxes and Review Fees.

1962 The Silver Fox Inn: Cassandra J Alley
Matanuska-Susitna Borough
License: Beverage Dispensary Tourism

Mile Post 50 Parks Hwy
Matanuska-Susitna borough *protests* based on delinquent Real Property Taxes

- 3209** **Alaskalanes:** AlaskaLanes, Inc: Kenai Peninsula Borough
License: Recreational Site
10639 Spur Hwy
Kenai Peninsula Borough *protests* based on delinquent Real Property Taxes & Lease Payments.
- 1774** **Little Ski-Mo Drive In:** L & M Ventures: Kenai Peninsula Borough
License: Restaurant/Eating Place
Spur Hwy-Gusty Subdivision
Kenai Peninsula Borough *protests* based on delinquent Real Property Taxes and Sales Taxes.
- 207** **Tustumena Lodge:** Duane LaFluer
Kasilof
License: Beverage Dispensary Tourism
Mile 111 Sterling Hwy
Kenai Peninsula Borough *protests* based on delinquent and unpaid taxes.
- 484** **Gwin's Lodge:** Gwin's Lodge Inc.
Kenai Peninsula Borough
License: Beverage Dispensary
Mile 52 Sterling Hwy
Kenai Peninsula Borough *protests* based on delinquent and unpaid taxes.
- 5002** **Wine House at Huffman:** TCCH Incorporated: Municipality of Anchorage [2:29:36 PM](#)
License: Package Store
1320 Huffman Park Drive Suite 170
- Ellen Ganley **motions to approve to move to delegated consent.**
Ethan Billings **seconds the motion**
Motion is Carried 4-0
- 1915** **Thane Ore House:** Virginia Ann Jefferson: Juneau
License: Restaurant/Eating Place
4400 Thane Road
City of Juneau *protests* due to business not filing sales tax returns for the 3rd and 4th quarters of 2009 and all four quarters of 2010.
- 5024** **The Wood:** Elizabeth F. Smith [3:31:22 PM](#)
Skagway
License: Beverage Dispensary Duplicate
421 State Street
Citizen *protest*

Motion to approve application denied 0-4

[4:32:43 PM](#)

ALL PROTESTS DUE TO DELINQUENT TAXES UPHELD

- **Resurrect and Renew**

[9:27:45 AM](#)

4468 Austin's Alaska Adventures

[9:27:51 AM](#)

Ellen Ganley **motions to approve Resurrection & Renewal**
Ethan Billings **seconds the motion**

1747 Anchorage Bucs

[9:30:53 AM](#)

Marvin Yoder **motions to approve Resurrection & Renewal**
Ellen Ganley **seconds the motion**

Klein advised Director Gifford to contact licensee to discuss how close he came to losing his license.

- **EXECUTIVE SESSION**

Subjects that tend to prejudice the reputation and character of subjects and matters involving consideration of government records not subject to public disclosure.

Ellen Ganley **motions to go into Executive Session**
Motion Carried 4-0

[2:55:06 PM](#)

Chairman Klein announces Board is out of Executive Session

[3:13:00 PM](#)

- **CONSENT AGENDA**

[9:14:27 AM](#)

4755 **Ronnie Sushi 2:** Ronnie Inc.: Anchorage
8901 Jewel Lake Road

TRANSFER: Restaurant/Eating Place

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

5029 **Yentna Station Roadhouse :** Jean Gabryszak; Wasilla
Mile 18 Yentna River, Wasilla

NEW – Restaurant/Eating Place

All statutory requirements have been met. Matanuska-Susitna Borough does not protest. Temporary license has been issued.

3518 **Jalapenos :** Jalapenos, Inc.; Anchorage
11823 Old Glenn Highway, Eagle River

TRANSFER – Beverage Dispensary

From – 4th Avenue Theatre Inc; DBA 4th Avenue Theatre; No Premise

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

- 2098 Oaken Keg #1739:** Carr-Gottstein Foods Co; Palmer
644 West Evergreen Avenue, Palmer
TRANSFER – Package Store
From – Same ownership; DBA Oaken Keg #1814; Premise from 535 W Evergreen Avenue, Palmer
All statutory requirements have been met. City of Palmer does not protest. Temporary license has been issued.
- 4997 Fraternal Order of the Eagles Kasilof Aerie #4317:** Fraternal Order of the Eagles Kasilof Aerie #4317; Kenai Peninsula Borough
52322 Jason Road
NEW – Club
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary license has been issued.
- 328 Drop In Lounge:** N & P Enterprise LLC; Fairbanks
1420 Cushman Street
TRANSFER – Beverage Dispensary
From- Fox Inc DBA Drop In/El Sombrero; Premise Same
All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary license has been issued.
- 5014 AK Supperclub:** Paul Warner and Angela Warner; Kenai
64316 Elizabeth Street
NEW – Restaurant/Eating Place
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary license has been issued.
- 5027 ERA Aviation N884EA:** ERA Aviation Inc; Alaskan Skies
Other
NEW-Common Carrier
All statutory requirements have been met. Temporary License has been issued.
- 527 The Moose Creek Lodge:** H54B, Inc.; Fairbanks
3560 Old Richardson Highway
TRANSFER-Beverage Dispensary
From-RADQ, Inc. DBA The Creek; Premise Same
All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary license has been issued.
- 1242 Willow Tree Inn:** Alaska '49 LLC; Dillingham
Mile 1.25 Willow Lane
TRANSFER - Beverage Dispensary
From-Paula Enterprises, LLC; DBA same; Premise same
All statutory requirements have been met. City of Dillingham does not

protest. Temporary License has been issued.

- 1252 Duggan's Waterfront Bar:** APS Investments, LLC; Homer/Kenai Peninsula Borough
120 W Bunnell Avenue
TRANSFER – Beverage Dispensary
From-William F. Duggan II & Noreen O'Brien-Duggan; DBA same;
Premise same
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary license has been issued.
- 5023 Kenai River Brown Bears:** Kenai Peninsula Youth Foundation, Inc;
Soldotna/Kenai Peninsula Borough
Soldotna Sports Center, 530 Arena Avenue
NEW-Recreational Site
All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary license has been issued.
- 5022 Sakura Sushi Restaurant:** Rinna M. Zheng; Wasilla/Mat-Su Borough
991 S Hermon Road Ste. 600
NEW – Restaurant/Eating Place
All statutory requirements have been met. City of Wasilla does not protest. Temporary license has been issued.
- 5020 The Last Frontier Brew Pub:** The Last Frontier Brewing Company LLC;
Wasilla/Mat-Su Borough
238 N Boundary Street
NEW-Restaurant Eating Place Public Convenience
All statutory requirements have been met. City of Wasilla does not protest. Temporary license has been issued.
- 5011 Tropical Latin Food:** Maria del Carmen Rodriguez; Anchorage
641 Boniface Parkway
NEW- Restaurant Eating Place
All statutory requirements have been met. Municipality of Anchorage does not protest.
- 4675 The Fat Mermaid:** North Harbor Project, Inc.; Valdez
143 N Harbor Drive
TRANSFER – Beverage Dispensary
From- Edgewater Grill, LLC; DBA Edgewater Grill/Alaska's Bistro;
same premise
All statutory requirements have been met. City of Valdez does not protest. Temporary License has been issued.
- 4517 Peter's Sushi Spot:** Sushi Spot Inc.; Anchorage
3020 Minnesota Drive Unit 6 & 7
TRANSFER – Restaurant/Eating Place
From - Same ownership; DBA same; No Premise

- 3890 Red Robin:** Wasilla Robin Alaska LLC; Wasilla
1891 E Park Highway
TRANSFER – Beverage Dispensary
From – Pioneer Peak Brewing Company LLC; DBA The Great Bear
Brewing Company; 238 N Boundary
All statutory requirements have been met. City of Wasilla does not
protest. Temporary License has been issued.
- 4493 Tarentino’s:** Kwang LLC; Juneau
140 Seward Street
TRANSFER – Restaurant Eating Place
From- Kwang Su Yoon & Dong Joon Yi; DBA same; Premise same
All statutory requirements have been met. City of Juneau does not
protest.
- 1119 Creekside Liquor:** Focsle Inc; Ketchikan Gateway Borough
133 Stedman Street
TRANSFER – Beverage Dispensary
From – Stock Transfer Same LLC; DBA & Premise Same
All statutory requirements have been met. City of Ketchikan does not
protest.
- 4799 Creek Street Cabaret:** Creek Street Cabaret Inc.; Ketchikan Gateway Borough
123 Stedman Street
TRANSFER – Beverage Dispensary
From – Same ownership; DBA same; No Premise
All statutory requirements have been met. City of Ketchikan does not
protest. Temporary License has been issued.
- 2614 2Go Tesoro:** Tesoro Northstore Company; Anchorage
500 Hollywood Drive
TRANSFER – Package Store
From – Same ownership; DBA same; No Premise
All statutory requirements have been met. Municipality of Anchorage does not
protest.

Ellen Ganley **motions to approve Consent Agenda**
Ethan Billings **seconds the motion**
Motion Carried 4-0

- **DELEGATED CONSENT**

[9:20:37 AM](#)

- 1860 North Bowl Lounge:** Mule Ears, Inc: Wasilla

3250 E Palmer Wasilla Highway
TRANSFER: Beverage Dispensary

From: Gabberts Camp LLC DBA Gabberts Fish Camp; 2nd W Bend
Alexander Creek, AK 99695

DOL & DOR approve. Waiting on Matanuska-Susitna Borough and DEC.

5031 Anchorage Brewing Company: Anchorage Brewing LLC: Anchorage
717 W 3rd Ave
New: Brewery

Municipality of Anchorage approves. Waiting on DOR.

3504 Pioneer Lodge: moved from Board Consideration.
Waiting on Fire Marshall

Ellen Ganley **motions to reconsider and approve lifting of protest**
Ethan Billings **seconds the motion**

Ellen Ganley **motions to approve Delegated Consent Agenda** [9:22:35 AM](#)
Ethan Billings **seconds the motion**
Motion Carried 4-0

• **Notices of Violation** [9:35:41 AM](#)

Licensees who have four or more notices of violation since 2000 will be
presented to the board for consideration of renewal.