

State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
February 21, 2012

- **DIRECTOR BRIEFING** [TAB 1](#)
 - A. Director's Report [8:47:09 AM](#)

- **ADMINISTRATION** [TAB 2](#)
 - Introduction of ABC Board Members & Staff [9:01:40 AM](#)

 - A. Approve minutes of the December 7, 2011 Board Meeting [9:02:41 AM](#)

Belen Cook **motions to approve the minutes**
Ellen Ganley **seconds the motion**
Motion carried

 - B. Election of Officers [9:03:01 AM](#)

Marvin Yoder **motions to approve Bob Klein as Chairman & Ellen Ganley as Vice Chair**
Ethan Billings **seconds the motion**
Motion carried

- **PUBLIC TESTIMONY** [9:03:46 AM](#)
 - Period of time for public testimony on issues not on this agenda.

 - A. Jeff McCain, K&L Distributors, Juneau– Beer tube [9:04:22 AM](#)

To be scheduled for the next ABC Board meeting. [9:23:57 AM](#)

 - B. Jeff Jessee, Chief Executive Officer of the Alaska Mental Health Trust Authority [9:24:22 AM](#)

Responsiveness to complaints
Purchase of alcohol easier than purchase of tobacco
ABC Board age assessment should be reviewed
Sales of alcohol to minor does not affect the liquor licensee as does sale of tobacco to underage person
Review UAA Report for strategies to decrease sale of alcohol to minors
Recommend ABC Board take a position on HB125 and make a recommendation to the legislature

- C. Diane Casto, Health & Social Services [9:35:51 AM](#)
Explanation of tobacco data within the last three years; strategy, methodology, federal assistance, technical assistance, rules and regulations

- D. Robin Sue Jeffery, Owner & Operator of Robin's Landing [9:50:31 AM](#)
Catering permits for use at package stores

- **BOARD CONSIDERATION**
 - A. Report by UAA – Analysis of Strategies Designed to Reduce Sales of Alcohol & Tobacco to Underage Persons, Dr. Marny Rivera [TAB 3](#)
[9:57:03 AM](#)

 - B. Loyal Order of Moose #1206 – Criminal History of Member Lic #746 [TAB 4](#)
[10:08:25 AM](#)
[10:08:38 AM](#)
Ellen Ganley **motions to go into executive session**
Marvin Yoder **seconds the motion**
Motion carried

- **EXECUTIVE SESSION**
 - A **subject that tended to prejudice the reputation or character of a person.** [10:18:05 AM](#)

[10:19:30 AM](#)
Ellen Ganley **motions to come out of executive session**
Belen Cook **seconds the motion**
Motion carried

 - C. Upper Deck – Request for Waiver of Late Renewal Fee Lic #2993 [TAB 5](#)
[10:04:42 AM](#)
[10:06:02 AM](#)
Ellen Ganley **motions to waive late renewal fee**
Marvin Yoder **seconds the motion**
Motion carried

 - D. Catering Permit – Catholic Schools of Fairbanks [TAB 6](#)
[10:06:31 AM](#)
Special Event Permit – HIPOW, Catholic Schools of Fairbanks

[10:07:20 AM](#)
Ethan Billings **motions to approve HIPOW catering permit**
Ellen Ganley **seconds the motion**
Motion carried

 - E. Montessori School Catering Permit [TAB 7](#)
[10:20:08 AM](#)
[10:24:08 AM](#)
Ellen Ganley **motions to approve**
Belen Cook **seconds the motion**
Motion carried

- F. Skagway's Pizza Station – Request for Waiver of Late Renewal Fee Lic #4379

TAB 8
10:51:48 AM

[10:52:51 AM](#)

Ellen Ganley **motions to approve request**

Belen Cook **seconds the motion**

Motion carried

- G. Isanotski Liquors – Hours of Operation Lic #4234

TAB 9
11:01:11 AM

[11:05:10 AM](#)

Ellen Ganley **motions to view operating hours equivalent to meet regulation**

Belen Cook **seconds the motion**

Motion carried

- H. Totem Inn Inc. – Beverage Dispensary – Tourism – Duplicate Lic #5078

TAB 10
11:06:53 AM

[11:12:24 AM](#)

Ellen Ganley **motions to reconsider duplicate liquor license**

Belen Cook **seconds the motion**

Motion carried

[11:43:03 AM](#)

Marvin Yoder **motions to approve license based on sound mitigation measures outlined at this meeting**

Ellen Ganley **seconds the motion**

[11:50:56 AM](#)

Chair describes motion before the Board is to approve the duplicate license with the condition that noise mitigation described to the Board today be implemented. Implementation to be in place from 5/1 to 9/1

[11:52:30 AM](#)

Roll call vote

Approved 5-0

- I. Brown Jug Warehouse - Filling of Growlers from Kegs Lic #1461

TAB 11
12:10:22 PM

Chair Bob Klein states he has a conflict of interest and wishes to pass the gavel to Vice Chair Ellen Ganley.

Bob Klein from Brown Jug presents information regarding the filling of growlers for sale to public from the Brown Jug warehouse.

12:12:18 PM

[12:35:07 PM](#)

Marvin Yoder **motions to allow practice to continue and instruct staff to begin seeking regulatory reform to remove all impediments to this practice**

Belen Cook **seconds the motion**

Motion carried

Bob Klein replaces Chair Ellen Ganley as Chair of the ABC Board

12:43:55 PM

J. Silver Gulch Business Plan - Filling of Growlers from Kegs

TAB 12
12:44:08 PM

Package store liquor license applied for with the ABC Board will allow for filling of growlers and sale of growlers with approval of regulatory change above.

Beverage dispensary license with a Brewpub license would allow for repackaging of growler and sale of growler at the beverage dispensary site. No motion needed

**K. Twister Creek, LLC – Prohibited Financial Interest
Lic #s 4872, 4873, 5019**

TAB 13
2:06:33 PM

Regulation change proposed to define “owner and representative” as related to prohibited financial interest. Ownership is to be defined as 10% for individuals and/or an aggregate of 15% or more interest in partnership, joint venture, limited liability organization, or corporation.

L. Avenue Bar – Reconsideration of Imposed Penalty Lic #1184

TAB 14
9:09:00 AM to
9:12:49 AM
1:52:09 PM to
1:59:00 PM

Conference call line was filled with static. Conference line was disconnected in Juneau and redialed twice without success of losing the static. The ABC Board continued meeting without conference line.

ABC Board called Mr. Pattee to continue discussion

ABC Board advised the licensee to request an Administrative Hearing

3:00:51 PM

● **REGULATION TO BE ADOPTED**

A. Adoption – U.S. Passports as Valid Identification

TAB 15
3:06:31 PM

Ellen Ganley **motions to approve 13 AAC 104.425(b) as amended**
Belen Cook **seconds the motion**
Motion carried

**B. Proposal – Definition of representative or owner
Discussion under TAB 13 covers this proposal**

TAB 16

● **ACTION ON LICENSE CONVICTION/VIOLATION**

A. Tustemena Lodge: Duane LaFleur; Kenai Peninsula Borough

TAB 18
1:18:31 PM
1:31:26 PM

License: Beverage Dispensary - Tourism
Mile 111 Sterling Hwy.

Violation: Furnishing of alcoholic beverages to persons under the age of 21 by licensee.

Ellen Ganley **motions for a 45 day suspension – 38 days suspended and a \$500.00 fine with no further violations within one year**
Marvin Yoder **seconds the motion**
Motion carried

B. Thai House Restaurant: Sivisay & Malada Vongsamath;

TAB 19
1:36:38 PM

Municipality of Anchorage
License: Restaurant/Eating Place
9191 Old Seward Hwy #1

Violation: Furnishing of alcoholic beverages to persons under the age of 21 by licensee.

Ellen Ganley **motions for a 45 day suspension – 38 days suspended and a \$500.00 fine with no further violations within one year**
Marvin Yoder **seconds the motion**
Motion carried

C. Creekside Liquor: Focsle Inc; City of Ketchikan

TAB 20
1:41:11 PM

License: Package Store - Seasonal
133 Stedman Street

Violation: Furnishing of alcoholic beverages to persons under the age of 21 by licensee.

Licensee advised ABC Board that she is looking to transfer the license

Ellen Ganley **motions for a \$500.00 fine with no further violations within one year**
Marvin Yoder **seconds the motion**
Motion carried

● **CONSENT AGENDA**

TAB 21
3:10:11 PM to
3:14:10 PM

- 4283 Bistro IT:** Bistro IT, LLC; Municipality of Anchorage
1200 L Street
Transfer – Beverage Dispensary - Tourism

All statutory requirements have been met. Background complete; Municipality of Anchorage does not protest; Dept. of Labor & Dept. of Revenue approve. Temporary license has been issued.

- 5112 Fairweather Express II, M/V**
Alaskan Waters
New – Common carrier

All statutory requirements have been met. Background complete.

- 2915 Fast Eddy’s Restaurant:** Youngs’ Enterprises, LLC; Outside City Limits/Unorganized
Mile 1313 Alcan Hwy
Transfer – Restaurant Eating Place
From Edward & Diane Young; Same DBA & Premise

All statutory requirements have been met. Background complete; Dept. of Labor & Dept. of Revenue approve.

- 589 Kito’s Kave Bar & Liquor:** Kito’s Kave, Inc.; City of Petersburg
200 Chief John Lott
Transfer – Beverage Dispensary
Stock Transfer; Same DBA & premise

All statutory requirements have been met. City of Petersburg does not protest. Background complete; Dept. of Labor & Dept. of Revenue approve.

- 590 Kito’s Kave Bar & Liquor:** Kito’s Kave, Inc.; City of Petersburg
200 Chief John Lott
Transfer –Package Store
Stock Transfer; Same DBA & premise

All statutory requirements have been met. City of Petersburg does not protest. Background complete; Dept. of Labor & Dept. of Revenue approve.

5107 KOGI: Sushi Garden, Inc.; Municipality of Anchorage
800 Northway Drive
NEW – Restaurant/Eating Place

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

5111 Labodega: Isles, Inc.; Municipality of Anchorage
530 E Benson Blvd., Unit 104 - 106
New - Package Store

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

170 Mountain View Liquor & Grocery: Nathan Merryman; Denali Borough
Healy Spur & Coal Street
Transfer – Beverage Dispensary
From Frank Trudeau; Same DBA & premise

All statutory requirements have been met. Denali Borough does not protest. Background complete; Dept. of Labor & Dept. of Revenue approve.

3695 No DBA: 64 Thunderbird, LLC; City of Juneau
No Premise
Transfer – Beverage Dispensary
From Henry's Food & Spirits LLC; DBA Henry's Food & Spirits; Same premises

All statutory requirements have been met. Background complete;
City of Juneau does not protest, Dept. of Labor & Dept. of Revenue approve.

5117 Odie's: Melodie Symington; City of Soldotna
44315 Sterling Hwy.
New – Restaurant/Eating Place

All statutory requirements have been met. Background complete;
City of Soldotna does not protest, Dept. of Environmental Conservation approves.

133 The Olive Garden Italian Restaurant #4412: GMRI, Inc; Municipality of Anchorage
1186 N Muldoon Road
Transfer – Beverage Dispensary
From Park Plaza, Inc.; DBA Park Lane Lounge; 151 Park Lane

All statutory requirements have been met. Background complete; Municipality of Anchorage does not protest; Dept. of Labor & Dept. of Revenue approve. Temporary license has been issued.

74 Pancho's Villa Restaurant: Pan Villa, LLC; Municipality of Anchorage
3104 Spenard Road

Transfer – Beverage Dispensary

From Carlos Gomez & Ricardo Villasenor; Same DBA & premise

All statutory requirements have been met. City of Anchorage does not protest; Dept. of Labor & Dept. of Revenue approve. Temporary license has been issued.

3148 Red Fox Bar & Grill: Scooters Inc.; Fairbanks North Star Borough
398 Old Chena pump Road

Transfer – Beverage Dispensary

Stock transfer from Debra Krier to Rick & Sharon Mensik; Same DBA & Premise

All statutory requirements have been met. Fairbanks North Star Borough does not protest; Dept. of Labor & Dept. of Revenue approve.

216 Reilly's: Reilly's Alaska Inc.; Municipality of Anchorage
317 W Fireweed Lane

Transfer – Beverage Dispensary

From Reilly's LLC; Same DBA & Premise

All statutory requirements have been met. City of Anchorage does not protest; Dept. of Labor & Dept. of Revenue approve.

5104 Shine's Fusion Asian Bistro: WTH Gourmet Food, LLC; Municipality of Anchorage
12400 Old Glenn Hwy. #3

New – Restaurant/Eating Place

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

1691 Silk: Sushi Garden, Inc.; Municipality of Anchorage
500 E Benson Blvd. #114

Transfer – Restaurant/Eating Place

From John Lee; DBA Peking Palace; Same premise.

All statutory requirements have been met. Background complete; City of Anchorage does not protest; Dept. of Labor & Dept. of Revenue approve. Temporary license has been issued.

1155 Tony's Bar: CNG Inc.; City of Kodiak
518 Marine Way

Transfer – Beverage Dispensary

Stock Transfer from Nikkia Atkins & Carl Gatter to Patricia Almeter; Same DBA & premise

City of Kodiak does not protest. Background complete. Dept. of Labor & Dept. of Revenue approve.

1156 Tony's Bar: CNG Inc.; City of Kodiak
518 Marine Way

Transfer – Package Store

Stock Transfer from Nikkia Atkins & Carl Gatter to Patricia Almeter; Same DBA & premise

City of Kodiak does not protest. Background complete. Dept. of Labor & Dept. of Revenue approve.

1925 Windbreak Hotel, Café, Lounge, The Trout House: A & W Windbreak, Inc.; Wasilla
2201 East Parks Hwy

Transfer – Beverage Dispensary - Tourism

Stock Transfer from Dallas Wymore to Robert Andres; Same DBA & Premise

All statutory requirements have been met. City of Wasilla does not protest; Dept. of Labor & Dept. of Revenue approve. Temporary license has been issued.

5114 Winter Dreams: Prinillas, LLC; Municipality of Anchorage
2300 E 88th Ave.

New – Package Store

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

[3:13:50 PM](#)

Marvin Yoder **motions to approve consent agenda**

Ethan Billings **seconds the motion**

Motion carried

END OF CONSENT AGENDA

● **FIRST AND SECOND WAIVERS - CONSENT**

TAB 22
3:15:49 PM

1st Waivers

844 Wheelwatch Lodge & Lounge: Michael & Vicki Shockey; City of Pelican

License: Beverage Dispensary - Seasonal

114 Salmon Way

110 Bering Sea Saloon: Edna Baker, Personal Representative; City of Nome
License: Beverage Dispensary
No Premise

3692 Justa Store: George & Dawn Rasmussen; Fairbanks North Star Borough
License: Package Store
No Premise

2nd Waivers

4471 King Salmon Lodge: King Salmon Lodge LLC; Bristol Bay Borough
License: Beverage Dispensary – Tourism - Seasonal
Mile 1 Naknek River Rd

3692 Justa Store: George & Dawn Rasmussen; Fairbanks North Star Borough
License: Package Store
No Premise

1198 2Go Tesoro: Tesoro Northstore Company; Municipality of Anchorage
License: Package Store
No Premise

[3:17:18 PM](#)

Marvin Yoder **motions to approve first and second waivers**

Belen Cook **second the motion**

Motion carried

● **THIRD WAIVERS**

3rd Waivers

4799 Creek Street Cabaret: Creek Street Cabaret, Inc.; City of Ketchikan
License: Beverage Dispensary
123 Stedman Street

TAB 23
10:57:21 AM

[10:59:32 AM](#)

Ethan Billings **motions to approve third waiver with understanding that fourth waiver for this license will not be granted**

Belen Cook **seconds the motion**

Motion carried

3703 Airport Inn: Tanadgusix Corporation; City of Saint Paul Island
License: Restaurant/Eating Place
101 Route-Lake Hill Drive

TAB 24
10:53:39 AM

[10:56:42 AM](#)

Ellen Ganley **motions to approve third waiver with understanding that fourth waiver for this license will not be granted**
Marvin Yoder **seconds the motion**
Motion carried

3820 Igloo Liquor: Sunshine Liquor Inc.; Mat-Su Borough
License: Package Store – Seasonal
188.5 Parks Hwy.

TAB 25
12:06:41 PM

[12:09:12 PM](#)

Ellen Ganley **motions to approve third waiver with understanding that fourth waiver for this license will not be granted**
Belen Cook **seconds the motion**

● **DELEGATED CONSENT AGENDA**

TAB 26
3:14:04 PM

4961 Anzilotti's Tuscan Market & Distribution: Anzilotti's Tuscan Market Inc.;
Municipality of Anchorage
750 W Dimond Blvd, Ste. 109
Transfer – Wholesale Malt Beverage & Wine
Stock Transfer from Sergio Anzilotti to Jose Anzilotti; Same DBA & Premise

Dept. of Labor and Dept. of Revenue approve. Pending Municipality of Anchorage response.

5110 El Taco Belos: Richard Koso; City of Adak
Bldg. #42078
New – Restaurant/Eating

City of Adak does not protest; Dept. of Environmental Conservation approves. Pending State Fire Marshall's Office approval.

464 Goldstream General Store: Vicki Nickerson; Fairbanks North Star Borough
2591 Goldstream Road
Transfer – Package Store
From Paul Kopf; Same DBA & Premise

Fairbanks North Star Borough and Dept. of Labor have not responded; Dept. of Revenue approves

5116 Kenai Fjords Wilderness Lodge: CIRI Alaska Tourism Corporation; Kenai Peninsula Borough
Fox Island, Resurrection Bay
New - Lodge

Dept. of Environmental Conservation and State Fire Marshall's Office approves. Pending approval from Kenai Peninsula Borough.

[3:15:26 PM](#)

Ellen Ganley **motions to approve delegated consent agenda**
Marvin Yoder **seconds the motion**
Motion carried

● **PROTESTS**

10 Al's Alaskan Inn: Allen Henry Choy LLC; Municipality of Anchorage
License: Beverage Dispensary – Renewal
7830 Old Seward Highway

TAB 27
10:25:04 AM

Property tax, penalties and finance charges in the amount of \$59,539.61

[10:39:08 AM](#) Moved to next meeting for action per Chair Bob Klein

398 Buffalo Wild Wings: Frozen Wings, Inc.; Municipality of Anchorage
3400 C Street
Transfer – Beverage Dispensary
From No Premise; Same Owner & DBA

TAB 28
3:17:40 PM

Municipality of Anchorage protests pending Fire Department approval.

[3:18:24 PM](#)

Ellen Ganley **motions to approve with delegation**
Ethan Billings **second the motion**
Motion carried

END OF DELEGATED CONSENT AGENDA

● **NEXT ABC BOARD MEETING**
May 16, 2012 Business Meeting & May 17, 2012 Work Session

3:20:55 PM

[3:23:12 PM](#)

Ellen Ganley **motions to adjourn meeting**
Belen Cook **seconds the motion**