

State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
July 10, 2012

● **Board members present:**

Bob Klein, Chair
Ellen Ganley, Vice Chair
Ethan Billings, Member
Belen Cook, Member
Marvin Yoder, Member

Staff members present:

Shirley Gifford, Director
Chris Lambert, Records & Licensing Supervisor
Richard Finney, Investigator

ABC Board Counsel present:

John Novak, Assistant Attorney General

Director's Report (attached)

[9:15:32 AM](#)

[TAB 1](#)

● **ADMINISTRATION**

A. Approve minutes of the May 16, 2012 Board Meeting

[9:37:58 AM](#)

[TAB 2](#)

Marvin Yoder **motions to approve the minutes**
Ellen Ganley **seconds the motion**
Motion carried

Belen Cook **motions to accept agenda**
Ellen Ganley **seconds the motion**
Motion carried

● **PUBLIC TESTIMONY**

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

[9:40:47 AM](#)

A. Dale Fox, CHARR

[9:41:10 AM](#)

Concern regarding anger of investigators in field
Failure rates can be explained with assistance of investigators
Education is key to alleviate failure rates in compliance checks
CHARR has been advising licensees to remain silent – not
incriminate themselves after a failure of compliance check

B. Robin Sue Jeffery, Robin's Landing [10:02:42 AM](#)
Cooperation with law enforcement is paramount
Bar tenders are trained to serve but must think about "not selling"
until they know it is appropriate to sell
Definition of drunken person should be "Are they sober enough to
sell to"
Investigation of "after hour clubs" is good for licensees as they take
business from licensed places

C. Sarah Bell, The Turtle Club [10:05:52 AM](#)
Compliance checks seem to be happening at same premises more
often
Enforcement officers have been angry at licensee who has passed a
compliance check

D. Larry Hackenmiller, ICHARR [10:11:56 AM](#)
State Trooper told a person that a US passport is not a valid form of
identification
Compliance check funds were to decrease underage drinking but
investigators are not asking other patrons for identification to
identify under age patrons
Compliance check failures are not based on intention but lack of
diligence in their duty
Questions regarding arming investigators

E. Beth McEwen, Deputy City Clerk, Juneau [10:19:29 AM](#)
Request packets be posted to ABC Board website
Third waiver exemptions should be attached to licensees not the
license

F. Jack Trip, Viking Lounge [10:27:05 AM](#)
Purchasing liquor license that has two waivers already, requests
Board reconsider policy of limiting to three waivers

● **EXECUTIVE SESSION** [10:32:45 AM](#)
**A subject that tends to prejudice the reputation or character of a
person.**
[10:32:57 AM](#)
Marvin Yoder **motions to go into Executive Session**
Ellen Ganley **seconds the motion**

● **BOARD CONSIDERATION**

- | | |
|---|--|
| <p>A. Stone Deck Pizza #5161 - Objection to License
 5161 Stone Deck Pizza: Stone Deck Pizza, LLC; Ketchikan
 4161 Tongass Ave.
 New – Restaurant Eating Place – Public Convenience</p> <p><u>10:57:48 AM</u>
 Belen Cook motions to approve license
 Ellen Ganley seconds the motion</p> <p><u>11:00:01 AM</u>
 Ellen Ganley motions to table until next meeting for discussion & final approval
 Ethan Billings seconds the motion</p> | <p><u>10:51:33 AM</u></p> <p><u>TAB 3</u></p> |
| <p>B. Policy & Procedures</p> <p><u>1:52:32 PM</u>
 Ellen Ganley motions to approve revised policy & procedures
 Ethan Billings seconds the motion</p> | <p><u>1:48:44 PM</u></p> <p><u>TAB 4</u></p> |
| <p>C. TINT! Paint Studio</p> <p>After Board discussion it was decided that board members Ellen Ganley and Marvin Yoder would work with ABC Board staff & prospective licensee to bring a plan before the next Board meeting</p> | <p><u>11:26:36 AM</u></p> <p><u>TAB 5</u></p> |
| <p>D. Liability Insurance for Liquor Licenses</p> <p>Representative Les Gara presented a proposal to mandate liability insurance for beverage dispensary licenses
 Legal analysis necessary to ascertain that the ABC Board has statutory power to require liability insurance</p> | <p><u>11:45:45 AM</u></p> <p><u>TAB 6</u></p> |
| <p>E. Definition of Drunken Person</p> | <p><u>1:29:32 PM</u></p> <p><u>TAB 7</u></p> |
| <p>F. Definition of Samples</p> <p>Wine 5 ounces – 10 ounces total
 Beer 16 ounces – 32 ounces total
 Malt liquor 8 ounces – 16 ounces total
 Fortified wine 3.5 ounces – 7 ounces total
 Hard liquor 1.5 – 3 ounces total</p> <p>Ellen Ganley motions to accept as policy
 Belen Cook seconds the motion</p> | <p><u>1:40:54 PM</u></p> <p><u>TAB 8</u></p> |
| <p>G. Discussion From Work Session Group</p> <p>1. Review of Title 4
 Jeff Jesse, Alaska Mental Health Authority
 Matt Felix, National Council on Alcoholism</p> | <p><u>2:03:58 PM</u></p> <p><u>2:04:09 PM</u></p> <p><u>2:09:09 PM</u></p> <p><u>TAB 9</u></p> |

2. Catering Permits

ABC Board adopts a policy not to allow multiple catering permits in the case of a pending liquor license that has not received all approvals for operation

[2:30:22 PM](#)

3. Duplicate Licenses

[3:26:40 PM](#)

● **ACTION ON LICENSE CONVICTION/VIOLATION**

A. Prior Licensee Sanctions

[TAB 10](#)

B. **Aztecs Sports Bar & Grill:** Northern Endeavors Inc; Municipality of Anchorage

License: Restaurant Eating Place
12240 Old Glenn Hwy.

[TAB 11](#)
[11:56:19 AM](#)

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

Item was moved to next ABC Board meeting as licensee was not available to speak with Board

● **TOURISM LICENSES**

4443 Bristol Bay Lodge: Bristol Bay PHP, LLC; Outside City Limits, Unorganized Borough

16 miles northwest of Village of Aleknagik

Transfer – Beverage Dispensary Tourism

Transfer of ownership from LML – AK, LLC

[TAB 12](#)
[1:52:56 PM](#)

[1:53:16 PM](#)

Belen Cook **motions to approve license**

Marvin Yoder **seconds the motion**

Motion carried

2997 Bush Pilot Restaurant & Lounge: NANA Management Services, LLC; Fairbanks North Star Borough

6450 Airport Way #7

Transfer – Beverage Dispensary Tourism

Transfer of ownership from NANA Pacific, LLC

[TAB 13](#)
[1:53:28 PM](#)

[1:53:44 PM](#)

Belen Cook **motions to approve license**

Marvin Yoder **seconds the motion**

Motion carried

4945 Longhorn Bar: Longhorn Liquor, Inc.; Denali Borough
Mile 136 Denali Highway
Stock Transfer – Beverage Dispensary Tourism
Controlling interest transferred to Janet Brooks

TAB 14
1:53:58 PM

1:54:20 PM

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

4555 Main Street Tap & Grill: Pink Coyote Limited; City of Kenai
10800 Kenai Spur Highway
Transfer – Beverage Dispensary Tourism
Transfer of ownership from MITAK, LLC; dba .406 Family Sports Café

TAB 15
1:54:41 PM

1:54:55 PM

Belen Cook **motions to approve with delegation license**
Ellen Ganley **seconds the motion**
Motion carried

● **CONSENT AGENDA**

TAB 16
1:55:11 PM

4895 AK Tuesday Night Fights: AK Entertainment, LLC; City of Wasilla
1001 S Mack Drive
Transfer – Recreational Site

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

4919 Alaska Liquor: KDAJ Investment Group, Inc.; Municipality of Anchorage
2844 E Tudor Road
Transfer – Package Store
Ownership change from Alaska Liquor, Inc.

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

5162 American Spirit: American Cruise Lines, Inc.
Alaskan Waters
New – Common Carrier

All statutory requirements have been met. Background investigation complete. Temporary license has been issued.

1184 Avenue Bar: Alaskan Boys, Inc.; Municipality of Anchorage
338 W Fourth Ave.

Transfer – Beverage Dispensary

Ownership change from J. G. Pattee, Inc.

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Revenue & Labor approve. Background investigation complete.

4877 Bangkok Café: OJS, Inc.; Municipality of Anchorage
930 W Fifth Ave.

Transfer – Restaurant Eating Place

Ownership change from Bangkok Café Inc.

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Revenue & Labor approve. Background investigation complete.

5140 Brown Bag Sandwich: Brown Bag Sandwich Co., LLC; Municipality of Anchorage
400 D Street

New – Restaurant Eating Place

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

4063 Chong’s Tokyo Garden: Chong Chong Wick; Municipality of Anchorage
550 W Tudor Road

Transfer – Restaurant Eating Place

Transfer of ownership from Tien & Young Tang

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

5174 ConocoPhillips Alaska, Inc N668CP.: Conoco Phillips Alaska
Alaskan Skies

New – Common Carrier

All statutory requirements have been met. Background investigation complete.

5149 Croft Wholesale: Toni Croft; Municipality of Anchorage
601 W 58th Avenue

New – Wholesale Malt Beverage & Wine

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

3560 Fairbanks Golf Course: Fairbanks Golf Course, Inc.; Fairbanks North Star Borough
1735 Farmers Loop Road

Stock Transfer – Package Store

Stock transfer from Randy & Mary Wood to six new stockholders

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

5141 Fairbanks Golf Course: Fairbanks Golf Course, Inc.; Fairbanks North Star Borough
1735 Farmers Loop Road

New – Restaurant Eating Place

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Dept. of Conservation and State Fire Marshall's office approve. Background investigation complete. Temporary license has been issued.

5156 Gwin's Lodge/Gwin's Roadhouse: Gwin's Resorts, LLC; Kenai Peninsula Borough
14865 Sterling Hwy.

New – Restaurant Eating Place

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Background investigation complete. Temporary license has been issued.

5151 Hanseatic M/V: Sea Chefs Cruise Services, GmbH
Alaskan Waters

New - Common Carrier

All statutory requirements have been met. Background investigation complete. Temporary license has been issued.

2531 Homer Liquor & Wine Company: MSA Inc.; City of Homer
4306 Homer Spit Road #4

Transfer – Package Store

Location change from 4241 Homer Spit Road

All statutory requirements have been met. City of Homer & Kenai Peninsula Borough do not protest. State Fire Marshall's office approves. Background investigation complete.

3940 King Point Lodge: King Point Fishing Lodge, Inc.; Mat-Su Borough
Lake Creek at Yentna River

Stock Transfer – Restaurant Eating Place

From Hans Haab to Alain & Urs Oberholzer

All statutory requirements have been met. Mat-Su Borough does not protest. Dept. of Labor & Revenue approve. Background investigation complete. Temporary has been issued.

5175 Lyric Charters: Devin Putney
Alaskan Waters
New – Common Carrier

All statutory requirements have been met. Background investigation complete. Temporary license has been issued.

4475 Magpye’s Pizzeria: Margaret Lupton & Jeffrey Clonts; Kenai Peninsula Borough
Mile 82.7 Sterling Hwy.
Transfer – Restaurant Eating Place
Ownership change from Nancy Pederson

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

5171 Midway Services: Jay Patrick Capps; Outside City Limits – Unorganized Borough
Mile 61 Tok Cutoff
New – Package Store

All statutory requirements have been met. State Fire Marshall’s office approves. Background investigation complete. Temporary license has been issued.

5163 Rochelle B: Woo Hoo Tours, LLC
Alaskan Waters
New – Common Carrier

All statutory requirements have been met. Background investigation complete. Temporary license has been issued.

4692 Seward’s Folly Bar and Grill: Nystuen’s Folly, LLC; Municipality of Anchorage
1811 Abbott Road
Transfer – Beverage Dispensary
Transfer of ownership from Tempura Kitchen, LLC & location of 3826 Spenard Road

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

2613 Shogun Hibachi Japanese Steakhouse: Shogun Hibachi Japanese Steakhouse, Inc.;
Fairbanks North Star Borough
4005 Geist Road
Transfer – Restaurant Eating Place
Ownership change from Kurani, Inc.; DBA Pizza Hut #10; same premises

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Dept. of Revenue & Labor approve. Background investigation complete. Temporary license has been issued.

2641 Sprazzo: Sprazzo, LLC; City of Juneau
112 N. Franklin Street

Transfer – Restaurant Eating Place

From Talisman, LLC; dba 245; No Premises (formerly 245 Marine Way)

All statutory requirements have been met. City of Juneau does not protest. Dept. of Labor, Conservation & Revenue approve. Background investigation complete. Temporary license has been issued.

5160 Tempura Express Sushi & Teriyaki: Tempura Express Sushi & Teriyaki, Inc.;

Municipality of Anchorage

3024 Mountain View Drive, Ste. 101

New – Restaurant Eating Place

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

5154 Tempura Kitchen: Tempura Kitchen LLC; Municipality of Anchorage
3826 Spenard Road

New – Restaurant Eating Place

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

4568 The Olive Garden Italian Restaurant #4413: GMRI, Inc.; Municipality of Anchorage
800 E Dimond Blvd., Ste. 160

Transfer – Beverage Dispensary

Transfer of ownership from Kodiak Bar Corporation & location 225 E. Fifth Ave.

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

5153 The Rookery Café: Midnight Ninja Ventures Incorporated; City of Juneau
111 Seward Street

New – Restaurant Eating Place

All statutory requirements have been met. City of Juneau does not protest. Dept. of Conservation approves. Background investigation complete. Temporary license has been issued.

324 The Seward Alehouse: Seward Alehouse, Inc.; City of Seward
215 Fourth Ave.

Stock Transfer – Beverage Dispensary

50% transfer from Frank Dahl to Solomon DeMoss

All statutory requirements have been met. City of Seward & Kenai Peninsula Borough do not protest. Dept. of Labor & Revenue approve. Background investigation complete.

3695 The Thunderbird: 64 Thunderbird, LLC; City of Juneau
9109 Mendenhall Mall Road, Ste. 4B
Transfer – Beverage Dispensary

All statutory requirements have been met. City of Juneau does not protest. Dept. of Conservation & Revenue approve. Background investigation complete. Temporary license has been issued.

4231 The Woodshed: UPE, Inc.: Municipality of Anchorage
535 W Third Ave.
Stock Transfer – Beverage Dispensary - Duplicate
Controlling interest change to Vito Ungaro from 30% to 90% stockholder

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

1244 The Woodshed: UPE, Inc.: Municipality of Anchorage
535 W Third Ave.
Stock Transfer – Beverage Dispensary
Controlling interest change to Vito Ungaro from 30% to 90% stockholder

All statutory requirements have been met. Municipality of Anchorage does not protest. Dept. of Labor & Revenue approve. Background investigation complete.

5148 Tordrillo Mountain Lodge: Triumvirate, LLC; Mat-Su Borough
US Survey #3004 Anchorage Rec Dist., Judd Lake
New - Lodge

All statutory requirements have been met. Mat-Su Bor. does not protest. Dept. of Cons. & State Fire Marshall's office approve. Background investigation complete. Temporary license has been issued.

5115 Wild Wings `n Things: 7 Streams Development, LLC; Municipality of Anchorage
1102 N Muldoon Road, Ste. A-2
New – Restaurant Eating Place

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

[1:59:34 PM](#)

Belen Cook motions to approve consent agenda

Ellen Ganley seconds the motion

Motion carried

END OF CONSENT AGENDA

● **FIRST WAIVERS – CONSENT**

- 4076 Brown Jug:** Liquor Stores USA North Inc.; City of Fairbanks
License: Package Store
No Premise
Transfer – Beverage Dispensary

TAB 17
2:00:00 PM

Chairman Bob Klein recuses himself from decision
Ellen Ganley **motions to approve waiver**
Ethan Billings **second the motion**
Motion carried 4-0 vote

● **DELEGATED CONSENT AGENDA**

TAB 18
2:00:51 PM

- 4617 Chinooks Waterfront:** Aqua Pesca, LLC; City of Seward
1404 Fourth Ave.
Transfer – Beverage Dispensary
Ownership change from Gene Minden

All statutory requirements have been met. Pending no protest from the City of Seward. Dept. of Conservation, Revenue & Labor approve. Background investigation complete.

- 4720 Gallantino’s Italian Restaurant:** Gallantino’s Inc.; City of Fairbanks
1446 S. Cushman
Transfer – Beverage Dispensary
Transfer of ownership from Taco Azteca Inc. & location from No Premises

Pending City of Fairbanks no protest. Pending Dept. of Conservation approval. Dept. of Revenue & Labor approves.

- 4232 Kodiak Jack’s:** JSR, Inc.; City of Fairbanks
537 Gaffney Road, Ste. 2
Stock Transfer – Beverage Dispensary
Sharon Mensik new stockholder 33.3%

All statutory requirements have been met. City of Fairbanks does not protest. Pending Dept. of Labor approval. Background investigation complete.

- 743 Moose Lodge:** Ketchikan Loyal Order of the Moose Lodge #224; City of Ketchikan
742/744 Water Street
Transfer - Club
Location change from 1245 Tongass Avenue

All statutory requirements have been met. Dept. of Labor & Revenue approve. Pending Dept. of Conservation approval.

5173 Pho & Thai Restaurant: Bunloeun Chin; City of Homer
345 Sterling Hwy., Ste. 101
New – Restaurant Eating Place – Public Convenience

All statutory requirements have been met. Pending City of Homer no protest. Pending State Fire Marshall's approval. Dept. of Conservation approves. Background investigation complete.

5155 Skyline Lodge: Skyline Lodge, LLC; Denali Borough
Mile 91 Denali Park Road
New - Lodge

All statutory requirements have been met. Denali Borough does not protest. Pending Dept. of Conservation and State Fire Marshall's office approval. Background investigation complete.

1078 The Crossbar: Wicked Wrister Enterprises, LLC; Municipality of Anchorage
333 W Fourth Ave., Ste. 228
Transfer – Beverage Dispensary
Change of ownership from Crazy Horse Too, Inc.; location from 156 Muldoon Road

All statutory requirements have been met. Pending Municipality of Anchorage approval. Dept. of Labor & Revenue approve. Background investigation complete.

5176 Wild Catch Café: Hai Han Ye; City of Whittier
12 Harbor Loop W. Camp Road
New – Restaurant Eating Place – Public Convenience

All statutory requirements have been met. Pending City of Whittier no protest. Pending State Fire Marshall's office approval. Dept. of Conservation approves.

5147 Windham Bay Lodge: Alaska Catamaran, LLC; Outside City Limits, Unorganized
Borough
Mineral Survey #459 A&B in Windham Bay
New - Lodge

All statutory requirements have been met. State Fire Marshall's office approves. Pending Dept. of Conservation approval. Background investigation complete.

2:03:25 PM

Marvin Yoder **motions to approve delegated consent agenda**
Belen Cook **seconds the motion**

END OF DELEGATED CONSENT AGENDA

● **RESURRECT AND RENEW**

TAB 19

- 1488 Cache Creek Lodge:** Cal Hutcheson; Mat-Su Borough
Mile 114.8 Parks Hwy
License: Beverage Dispensary

11:03:14 AM

11:16:44 AM

Ellen Ganley **motions to approve resurrection & renewal noting full payment must be satisfied**

Belen Cook **seconds the motion**

Motion carried

● **PROTESTS**

- 2565 El Dorado Bar & Grill:** El Dorado Bar & Grill Inc.; City of Fairbanks
530 Third Ave.
License: Beverage Dispensary – Renewal

TAB 20

11:19:56 AM

City of Fairbanks has lifted the protest as of July 10, 2012 hand delivered to Director Gifford

11:23:28 AM

Marvin Yoder **motions to approve renewal**

Belen Cook **seconds the motion**

- 3489 Arctic Bar:** Arctic Inuk Inc.; City of Fairbanks
623 Steese Hwy.
License: Beverage Dispensary

TAB 21

11:23:50 AM

Fees have been paid to the City of Fairbanks

11:25:46 AM

Marvin Yoder **motions to delegate authority for renewal approval**

Ellen Ganley **seconds the motion**

● **NOTICE OF VIOLATION**

- A. Notices of Violation Issued and Licensee Responses**

TAB 22

● **NEXT ABC BOARD MEETING**

4:00:36 PM

September 12, 2012 was set at meeting. Date has been changed to **September 5, 2012** to take place in Nome.

Minutes reviewed & approved by:

Shirley A. Coté, Director *Shirley A. Coté*

Christine C. Lambert, Records & Licensing Supervisor *Christine C. Lambert*