

# **Tab**

# **2**

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**Meeting Minutes**  
**May 30, 2013**

● **Board Members Present:**

Bob Klein, Chair  
Ellen Ganley, Vice Chair  
Marvin Yoder, Member  
Bobby Evans, Member  
Ethan Billings, Member - Telephonic

**Staff Members Present:**

Shirley Cote?, Director  
Christine Lambert, Records & Licensing Supervisor

**ABC Board Counsel Present**

Harriet Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report

[8:46:19 AM](#)

**TAB 1**

● **ADMINISTRATION**

A. Approve minutes of the February 12, 2013 Board Meeting

[9:06:30 AM](#)

**TAB 2**

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

● **PUBLIC TESTIMONY**

[9:07:26 AM](#)

Period of time for public testimony on issues not on this agenda.  
Please phone 1-800-315-6338 code 222

A. Jeff Jessee, CEO, Mental Health Trust Authority

[9:08:25 AM](#)

Use of catering permits allowing Blue Loon to operate until ABC  
Board members can decide to resurrect and renew liquor license is  
not in keeping with statutory intent.

Recreational site licenses issued to licensees conducting activities  
not inferred in the statutory reference of recreational site licenses.

[9:22:20 AM](#)

● **BOARD CONSIDERATION**

- A.     **3556 Spirits of Alaska** [9:40:39 AM](#)     **TAB 3**  
          **4158 Bombay Deluxe Restaurant**  
          **4614 O’Brady’s Burgers & Brew**

All protests were lifted by the Municipality of Anchorage. No action is necessary.

● **Resurrect & Renew**

- B.     **1617 Yamato Ya Restaurant:** Yamato Inc.; Anchorage [9:42:54 AM](#)     **TAB 4**  
          3501 Old Seward Hwy. [10:04:33 AM](#)  
          **Resurrect & Renew – Restaurant Eating Place**

Ellen Ganley **motions to resurrect and renew liquor license**  
Ethan Billings **seconds the motion**  
**Motion carried**

Discussion among Board members and Director regarding use of temporary licenses for interim time between expiration of license and next ABC Board meeting.

[9:44:25 AM](#)

- C.     **3195 Blue Loon:** Adam Wool; Fairbanks [9:44:25 AM](#)     **TAB 5**  
          2999 Parks Hwy. [9:56:12 AM](#)  
          **Resurrect & Renew – Beverage Dispensary**

Ethan Billings **motions to resurrect and renew liquor license**  
Ellen Ganley **seconds the motion**  
**Motion carried**

● **Refund Requests**

[10:07:19 AM](#)

Discussion regarding ABC Board’s ability to refund late renewal fee. Assistant Attorney General Ms. Milks explains to Board that the waiver of late fees is not allowed for in statute. Director Cote’ alerts the Board to renewal licenses with administrative problems that may qualify for refund.

Marvin Yoder **motions to deny request to refund renewal late fee for 4763 Bobby’s Downtown, 59 American Legion Post 28, 576 Club Manchu, 1071 Speedway Inn, 207 Tustemena Lodge, 4699 Hidden Inlet Resort, 4771 Bayview Restaurant**  
Bobby Evans **seconds the motion**  
**Motion carried**

[10:21:22 AM](#)

- D. 4763 Bobby's Downtown:** Delta Epsilon Inc.; Fairbanks **TAB 6**  
609 Second Ave.  
**Request Refund of Renewal Late Fee**
- E. 5019 Denali Brewing Company:** Twister Creek LLC; Talkeetna [10:19:29 AM](#) **TAB 7**  
[10:51:22 AM](#)  
37083 S Talkeetna Spur Road  
**Request Refund of Renewal Late Fee**
- Ellen Ganley **motions to refund late fee**  
Marvin Yoder **seconds the motion**  
Ellen Ganley **motions to table discussion until information received**  
Ethan Billings **seconds the motion**
- Ellen Ganley **motions to refund late fee**  
Marvin Yoder **seconds the motion**  
**Motion carried**
- F. 59 American Legion Post 28:** American Legion #28; Anchorage **TAB 8**  
7001 Brayton Drive  
**Request Refund of Renewal Late Fee**
- G. 576 Club Manchu:** Randall G. Kelsch; Fairbanks **TAB 9**  
2712 Jessie Street  
**Request Refund of Renewal Late Fee**
- 1071 Speedway Inn:** Kelco Properties; Fairbanks  
2488 Lions Drive  
**Request Refund of Renewal Late Fee**
- H. 207 Tustemena Lodge:** Duane P. Lafleur; Kenai Peninsula Bor. **TAB 10**  
Mile 111 Sterling Hwy.  
**Request Refund of Renewal Late Fee**
- I. 4699 Hidden Inlet Resort:** H.I.R. LLC; Ketchikan **TAB 11**  
Hidden Inlet  
**Request Refund of Renewal Late Fee**
- J. 527 Moose Creek Lodge:** H54B, Inc.; Fairbanks North Star Bor. [10:23:16 AM](#) **TAB 12**  
3560 Old Richardson Hwy.  
**Request Refund of Renewal Late Fee**
- Ellen Ganley **motions to refund the late fee for renewal**  
Ethan Billings **seconds the motion**  
**Motion carried**



- K. 4771 Bayview Restaurant & Pub:** Bayview Restaurant LLC;  
Sitka  
No Premises  
**Request Refund of Waiver Late Fee**

[10:24:17 AM](#) **TAB 13**  
[11:03:49 AM](#)

Ethan Billings **motions to approve refund of waiver late fee**  
**No second received on motion**

● **Transfer Time Extension Requests**

- L. 4890 Captain's Choice Motel:** Captain's Choice Inc.; Haines  
108 Second Ave North  
**Extension of Time for Transfer – Beverage Dispensary Tourism**

[11:10:13 AM](#) **TAB 14**

Marvin Yoder **motions to allow up to two years for ownership transfer**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **Administrative Hearing**

- M. 673 Louie's Douglas Inn:** Peterson Pacific Holding Inc.; Juneau  
915 3rd Street  
**Administrative Hearing Decision**

[2:48:19 PM](#) **TAB 15**

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

● **Policies & Procedures**

- N. Municipal Refunds**

[3:55:32 PM](#) **TAB 16**

**Moved to July 24<sup>th</sup> ABC Board Meeting**

- O. House Policy Development**

[3:55:32 PM](#) **TAB 17**

**Moved to July 24<sup>th</sup> ABC Board Meeting**

- P. Procedure on Dismissed Notices of Violation**

[3:55:32 PM](#) **TAB 18**

**Moved to July 24<sup>th</sup> ABC Board Meeting**

**Q.**      Waivers – Discussion [2:59:36 PM](#)      **TAB 19**

**Testimony heard from attorney, Dick Rosston;  
David Sanden, licensee;  
Fred Odsen, attorney;  
James Sturley, licensee**

**No action taken**

●      **Regulations**

**R.**      Regulation 3 AAC 304. Wine Clubs [3:42:48 PM](#)      **TAB 20**

Ellen Ganley **“I move to approve 3 AAC 104.Wine Clubs as written”**  
Marvin Yoder **seconds the motion**  
**Motion carried**

**EXECUTIVE SESSION** [4:21:12 PM](#)

●      **Matters which by law are required to be confidential.**

Ellen Ganley **motions to enter executive session** [4:21:28 PM](#)  
Bobby Evans **seconds the motion**

Marvin Yoder **motions to come out of executive session** [4:36:20 PM](#)  
Bobby Evans **seconds the motion**

Ellen Ganley **motions to approve procedures for property and evidence and compliance check program** [4:36:03 PM](#)  
Ethan Billings **seconds the motion**

**ACTION ON LICENSE CONVICTION/VIOLATION**

●      **A.**      Prior Licensee Sanctions **TAB 21**

**B.**      **4941 Seoul Gate Restaurant:** Chong Pak; City of Fairbanks [2:22:56 PM](#)      **TAB 22**  
**License: Restaurant Eating Place**  
958 Cowles Street

**Violation:** Licensee Responsible for Violations

Ellen Ganley **motions to suspend liquor license for 30 days with 30 days suspended; no Notices of Violations within the next 12 months**  
Bobby Evans **seconds the motion**  
**Motion carried**



- 3759 Airport Restaurant & Lounge:** Tuyen & Tran Thuy Dinh; Unalaska  
Unalaska Airport Terminal  
**Renewal – Beverage Dispensary - Tourism**

**10:33:05 AM**

All statutory requirements have been met. No protest received.

- 3073 Alaskan Sourdough Lodge:** Alaska Sourdough Lodge LLC; Wrangell  
1104 Peninsula Street  
**Renewal – Beverage Dispensary - Tourism**

**A**

All statutory requirements have been met. No protest received.

- 3375 Best Western Lake Lucille Inn:** Aurora Lodging Management Inc.; Wasilla  
1300 W Lake Lucille Drive  
**Renewal – Beverage Dispensary - Tourism**

**B**

All statutory requirements have been met. No protest received.

- 531 Black Angus Steak House #2:** A.C., Inc.; Anchorage  
1430 Gambell Street  
**Renewal – Beverage Dispensary - Tourism**

**C**

All statutory requirements have been met. No protest received.

- 2948 Cape Fox Lodge:** Cape Fox Hotel Corporation; Ketchikan  
800 Venetia Way  
**Renewal – Beverage Dispensary - Tourism**

**D**

All statutory requirements have been met. No protest received.

- 4890 Captain's Choice Motel:** Captain's Choice Inc.; Haines  
108 Second Avenue N  
**Renewal – Beverage Dispensary - Tourism**

**E**

All statutory requirements have been met. No protest received.

- 3272 Chatanika Gold Camp:** Chatanika Gold Camp LLC; Fairbanks North Star Bor.  
5550 Steese Hwy  
**Renewal – Beverage Dispensary – Tourism**

**F**

All statutory requirements have been met. No protest received.

- 3724 Denali North Star Inn:** Alaska Hotel Properties LLC; Denali Bor. **G**  
248.8 Mile Parks Hwy.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 4901 Denali Princess – Base Camp Bistro:** Alaska Hotel Properties LLC; Denali Bor. **H**  
238.5 Parks Hwy  
**Renewal – Beverage Dispensary – Tourism - Seasonal**
- All statutory requirements have been met. No protest received.
- 4902 Denali Princess – Music of Denali:** Alaska Hotel Properties LLC; Denali Bor. **I**  
238.5 Parks Hwy  
**Renewal – Beverage Dispensary – Tourism - Seasonal**
- All statutory requirements have been met. No protest received.
- 5046 Dock Shack Café:** Shee Atika’ Management LLC; Sitka **J**  
201 Katlian Street  
**Renewal – Beverage Dispensary – Tourism**
- All statutory requirements have been met. No protest received.
- 2791 Fort Seward Lodge:** Vivian & Nicholas Trimble; Haines **K**  
39 Mud Bay Road  
**Renewal – Beverage Dispensary – Tourism**
- All statutory requirements have been met. No protest received.
- 4526 Gold Miners Lodge Restaurant & Motel:** Gold Miners Lodge Restaurant & Motel **L**  
LLC  
Houston  
Mile 60.5 Parks Hwy.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 3731 Grizzly’s Bar:** Alaska Hotel Properties LLC; Mat-Su Bor. **M**  
Mile 133.1 Parks Hwy.  
**Renewal – Beverage Dispensary – Tourism - Seasonal**
- All statutory requirements have been met. No protest received.

- 1290 Icy Strait Lodge:** ISL Enterprises LLC; Hoonah **Mc**  
435 Airport Road  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 4924 Inn at Whittier:** Whittier Inn, LLC; Whittier **N**  
Harbor Loop Road  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 2797 Kalgin Island Lodge:** Kalgin Island Lodge Inc.; Kenai Peninsula Bor. **O**  
Kalgin Island  
**Renewal – Beverage Dispensary – Tourism - Seasonal**
- All statutory requirements have been met. No protest received.
- 610 King Ko Inn:** Arcadia Corporation; Bristol Bay Bor. **P**  
King Salmon Airport  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 3867 Olivia’s at the Skagway Inn:** Historic Skagway Inn LLC; Skagway **Q**  
655 Broadway  
**Renewal – Beverage Dispensary – Tourism - Seasonal**
- All statutory requirements have been met. No protest received.
- 1856 Ruth Ann’s Hotel, Bar & Restaurant:** Ruth Ann Parsons; Craig **R**  
300 Front St  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 4263 Shelter Cove Lodge:** Shelter Cove Enterprises LLC; Craig **S**  
703 Hamilton Drive  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.

- 1443 Sheraton Anchorage Hotel & Spa:** Ashford TRS Nickel LLC; Anchorage **T**  
 401 E 6th Avenue  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. Anchorage has been notified.
- 624 Tailgaters Sports Bar & Grill:** Kashim Inc.; Wasilla **U**  
 161 W Parks Hwy.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 5078 The Board Room:** Totem Inn Inc.; Valdez **V**  
 154 E Egan Drive  
**Renewal – Beverage Dispensary – Tourism - Duplicate**
- All statutory requirements have been met. No protest received.
- 742 The Corsair:** Corsair Inc.; Anchorage **W**  
 944 W. 5th Ave.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 4689 The Ivory Cove:** The Kishan Group Inc.; Seward **XYZ**  
 202 Fifth Ave.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.
- 1962 The Silver Fox Inn:** Cassandra J. Alley; Mat-Su Bor. **AA**  
 Mile 50 Parks Hwy.  
**Renewal – Beverage Dispensary - Tourism**
- All statutory requirements have been met. No protest received.

- 207 Tustemena Lodge:** Duane LaFleur; Kenai Peninsula Bor.  
Mile 111 Sterling Hwy.  
**Renewal – Beverage Dispensary - Tourism**

**BB**

All statutory requirements have been met. No protest received.

Ellen Ganley **motions to approve the tourism license renewals**  
Ethan Billings **seconds the motion**  
**Motion carried**

[10:36:38 AM](#)

**TAB 24**

[10:52:46 AM](#)

● **BEVERAGE DISPENSARY TOURISM – NEW & TRANSFER**

- 5232 Alaska King Salmon Lodge:** Bruce & Robert Burton; Bristol Bay Bor.  
165 W Housing Road  
**New – Beverage Dispensary – Tourism – Seasonal**

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire Marshall's Office approve. Bristol Bay Bor. does not protest. Background investigations pending.

- 4844 Crowne Plaza Midtown Anchorage:** Anchorage Hospitality, LLC; Anchorage  
109 W International Airport Road  
**Transfer – Beverage Dispensary - Tourism**

From: William Lawson 80% & Chris Ashenbrenner 20% to AAWL, LLC 71% & Hope Holdings, LLC 20% multiple individual holders with less than 5%

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor & Anchorage. Background investigations complete.

- 4280 Denali Bluffs Hotel:** Little Norway, Inc.; Denali Bor.  
Mile 238.4 Parks Hwy.  
**Transfer – Beverage Dispensary Tourism - Seasonal**  
From: NANA Management Services LLC

All statutory requirements have been met. Dept. of Labor & Revenue approve. Denali Bor. does not protest. Temporary has been issued. Background investigations pending.

- 4099 Grand Denali Hotel – Alpenglow Restaurant:** Little Norway, Inc. Denali Bor.  
Mile 238.2 Parks Hwy.  
**Transfer – Beverage Dispensary Tourism**  
From: NANA Management Services LLC

All statutory requirements have been met. Dept. of Labor & Revenue approve. Denali Bor. does not protest. Temporary has been issued. Background investigations complete.

**5209 McKinley Village Lodge – Lucky Miss Saloon:** ARAMARK Sports & Entertainment Services, LLC; Denali Bor.  
Mile 231.1 Parks Hwy.  
**New – Beverage Dispensary – Tourism - Seasonal**

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire Marshall's Office approve. Denali Bor. does not protest. Temporary has been issued. Background investigations complete.

**742 The Voyager Restaurant:** RPS, LLC; Anchorage  
944 W 5th Ave.  
**Transfer – Beverage Dispensary - Tourism**  
From: The Corsair, Inc.; dba The Corsair

All statutory requirements have been met. Dept. of Labor & Revenue approve. Anchorage protests. Background investigations complete.

**5221 Tonglen Lake Lodge:** Tonglen Lake Lodge, LLC; Denali Bor.  
Mile 230 Parks Hwy.  
**New – Beverage Dispensary – Tourism - Seasonal**

All statutory requirements have been met. Denali Bor. does not protest. Pending Dept. of Environmental Conservation & State Fire Marshall's Office. Background investigations pending.

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

[11:00:54 AM](#)

● **BEVERAGE DISPENSARY – DUPLICATE**

[TAB 25](#)  
[3:57:19 PM](#)

**4869 Crowne Plaza Midtown Anchorage:** Anchorage Hospitality, LLC; Anchorage  
109 W International Airport Road  
**Transfer – Beverage Dispensary – Tourism - Duplicate**  
From: William Lawson 80% & Chris Ashenbrenner 20% to AAWL, LLC 71% & Hope Holdings, LLC 20% multiple individual holders with less than 5%

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor & Anchorage. Background investigations complete.

**License needs more information for ABC Board members before approval. Moved to July 24<sup>th</sup> meeting.**



- 5225 George Inlet Lodge (Private Dining Room #1):** George Inlet Development, LLC  
Ketchikan Gateway Bor.  
**New – Beverage Dispensary - Duplicate**

[4:03:01 PM](#)

All statutory requirements have been met. Dept. of Environmental Conservation and State Fire Marshall's Office approve. Pending Ketchikan Gateway Bor. approval. Background investigations complete.

- 5226 George Inlet Lodge (Private Dining Room #2-3):** George Inlet Development, LLC  
Ketchikan Gateway Bor.  
**New – Beverage Dispensary - Duplicate**

All statutory requirements have been met. Dept. of Environmental Conservation and State Fire Marshall's Office approve. Pending Ketchikan Gateway Bor. approval. Background investigations complete.

[4:08:26 PM](#)

Ellen Ganley **motions to approve 5225 George Inlet PDR #1 and 5226 George Inlet PDR #2-3**  
Marvin Yoder **seconds the motion**  
**Motion carried**

- 5227 George Inlet Lodge (Private Dining Room #4):** George Inlet Development, LLC  
Ketchikan Gateway Bor.  
**New – Beverage Dispensary - Duplicate**

All statutory requirements have been met. Dept. of Environmental Conservation and State Fire Marshall's Office approve. Pending Ketchikan Gateway Bor. approval. Background investigations complete.

**License needs more information for ABC Board members before approval. Moved to July 24<sup>th</sup> meeting.**

- 5210 Sakura Asian Bistro:** Alyeska Resort Management Company; Anchorage  
1000 Arlberg Ave.  
**New – Beverage Dispensary – Tourism - Duplicate**

[4:01:14 PM](#)

All statutory requirements have been met. Anchorage does not protest. Background investigations complete.

- 5211 The Pond Café:** Alyeska Resort Management Company; Anchorage  
1000 Arlberg Ave.  
**New – Beverage Dispensary – Tourism - Duplicate**

All statutory requirements have been met. Anchorage does not protest. Background investigations complete.

Ellen Ganley **motions to approve duplicate licenses 5210 Sakura Asian Bistro and 5211 The Pond Café**  
Marvin Yoder **seconds the motion**  
**Motion carried**

[4:02:46 PM](#)

● **RECREATION SITE – NEW & TRANSFER**

**TAB 26**

- 5198 Alaska Golf Shot:** Alaska Golf Shot LLC; Mat-Su Bor.  
10400 E Cody Drive  
**New – Recreational Site**

[4:10:11 PM](#)

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

Ethan Billings **motions to table discussion until more information is available from licensee**  
Ellen Ganley **seconds the motion**  
**Motion carried**

- 4700 Alaska Zipline Adventures:** Alaska Zipline Adventures, LLC; Juneau  
3000 Fish Creek Road  
**Transfer – Recreational Site - Seasonal**

[4:13:09 PM](#)

From: Stock transfer from Matt & Rachel Despain 50% each to David Anderson & Virginia Williams 50% each

All statutory requirements have been met. Dept. of Labor & Revenue approve. Juneau does not protest. Temporary has been issued. Background investigations pending.

Ethan Billings **motions to table discussion until more information is available from licensee**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **DELEGATED CONSENT AGENDA**

**TAB 27**

- 4270 Alaska Rendezvous Lodge:** Alaska Rendezvous Lodge, Inc.; Outside/Unorganized  
Mile 45.6 Richardson Hwy.

**2:17:19 PM**

**Transfer – Beverage Dispensary**

From: Stock change from Theodore Meiners 100% to Alexandra Meiners 100%

All statutory requirements have been met. Pending Dept. of Revenue & Labor. Background investigation pending.

- 4271 Alaska Rendezvous Lodge:** Alaska Rendezvous Lodge, Inc.; Outside/Unorganized  
Mile 45.6 Richardson Hwy.

**Transfer – Package Store**

From: Stock change from Theodore Meiners 100% to Alexandra Meiners 100%

All statutory requirements have been met. Pending Dept. of Revenue & Labor. Background investigations complete.

- 5120 Alaska Wine Guy:** AWG, Inc.; Anchorage  
3700 Old Seward Hwy. #5

**Transfer – Package Store**

From: Kyle Ivanoff; dba All Bush; 801 E 82<sup>nd</sup> Ave. Unit 14

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

- 1078 Club Vega:** Club Vega Investments, Inc.; Anchorage  
1911 E 5<sup>th</sup> Ave.

**Transfer – Beverage Dispensary**

From: Wicked Wrister Enterprises, LLC; dba The Crossbar, No premises

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor and Anchorage. Background investigations complete.

- 3745 College Town Pizzeria:** Two Seas, Inc.; Fairbanks North Star Bor.  
3549 College Road

**Transfer – Restaurant Eating Place**

From: Alaska-Neopolitan Pizza, Inc.

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor and Fairbanks North Star Bor. Background investigations pending.

**3895 Floater's:** JEFFNPJ, Inc.; Mat-Su Bor.

2990 S Big Lake Road

**Transfer – Beverage Dispensary**

From: Robin S. Jeffery; dba Robin's Landing

All statutory requirements have been met. Dept. of Labor & Revenue approve. Pending Mat-Su Bor. Background investigations pending.

**4978 Ganpai:** Ganpai, LLC; Anchorage

11751 Business Blvd.

**Transfer – Restaurant Eating Place**

From: John Lee; dba Wasabi Garden

All statutory requirements have been met. Dept. of Revenue approves. Pending Anchorage. Dept. of Labor has denied. Background investigations pending.

**4848 Haute Quarter Grill:** Haute Quarter Grill, Inc.; Anchorage

525 W 4<sup>th</sup> Ave.

**Transfer – Beverage Dispensary**

From: Alex & Lynn Perez; 11221 Old Glenn Hwy.

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor & Anchorage. Background investigations complete.

**806 Office Cocktail Lounge:** KDAJ Investment Group, Inc.; Anchorage

545 E Northern Lights Blvd.

**Transfer – Beverage Dispensary**

From: Nura Abdul-Halim; dba Office Lounge

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor. Anchorage protests. Background investigations complete.

**3179 Outfitter Liquor Store:** M & D Ward Inc.; Haines

Mile 0 Haines Hwy.

**Transfer – Package Store**

Stock Transfer from Michael Ward & Mike Stuart selling 100% interest to Alaska Business Growth Corporation.

All statutory requirements have been met. Dept. of Labor & Revenue approve. Pending Haines. Background investigations complete.

**5224 Playa Azul:** Francisco Rodriguez; Kenai  
12498 Kenai Spur Hwy., Ste. 1  
**New – Restaurant Eating Place**

All statutory requirements have been met. Dept. of Environmental Conservation approves.  
Pending Kenai. Background investigations pending.

**5233 Roughwoods Inn & Café:** Roughwoods, LLC; Nenana  
623 North A Street  
**New - Brewpub**

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire  
Marshall's Office approve. Pending Nenana. Background investigations complete.

**4930 Tarascos Mexican Restaurant:** Tarascos, LLC; Anchorage  
4300 Old Seward Hwy. D1  
**Transfer – Restaurant Eating Place**  
From: El Tango, Inc.; dba El Tango

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

**1557 The Galley:** Melodie & Danilo Rodriguez; Ketchikan  
2334 Tongass Ave.  
**Transfer – Restaurant Eating Place**  
From: Fernando & Mary Nicolas

All statutory requirements have been met. Dept. of Labor & Revenue approve. Pending Ketchikan.  
Background investigations pending.

**2639 The Rendezvous:** Kodiak Rendezvous Inc.; Kodiak Island Bor.  
11652 W Rezanof  
**Transfer – Beverage Dispensary**  
From: Toni Munsey & Val Flinders

All statutory requirements have been met. Dept. of Labor & Revenue approve. Pending Kodiak  
Island Bor. Background investigations complete.

**3009 The Rock Wood Fired Pizza & Spirits:** The Wedge Corp.; Anchorage  
3401 Penland Parkway  
**Transfer – Beverage Dispensary**  
From: Dan K. Coffey; dba Dan K. Coffey; No Premises

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

**4831 Wasabi Bay Restaurant:** Soon Teak Park; Fairbanks  
1448 S Cushman Street  
**Transfer – Restaurant Eating Place**  
From: Chung W. Pak

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor.  
Fairbanks does not protest. Background investigations complete.

Marvin Yoder **motions to approve the delegated consent agenda**  
Ethan Billings **second the motion**  
**Motion carried**

● **Protests**

**A. 5200 Alaska Pike Safari & Wilderness Adventures Reindeer Lake:** Bruce & Connie Werba; Holy Cross/Unorganized  
Reindeer Lake 11 air miles NE from Holy Cross (25 river miles)  
**New Lodge – Seasonal Liquor License Application** [11:12:12 AM](#) **TAB 28**

State Fire Marshall's Office & Dept. of Environmental  
Conservation approve. Holy Cross protests. Multiple objections  
from surrounding communities. Background investigations  
complete.

**5199 Alaska Pike Safari – Reindeer Lake:** Bruce & Connie  
Werba; Outside/Unorganized  
Reindeer Lake 11 air miles NE of Holy Cross  
**New Lodge – Seasonal Liquor License Application**

State Fire Marshall's Office approves. Pending DEC approval.  
Multiple objections from surrounding communities. Background  
investigations complete.

**Testimony heard from Connie & Bruce Werba, Licensee;**  
**Eugene Paul, First Chief Holy Cross Tribe**

ABC Board advises the licensees to talk with the persons objecting  
to the liquor license application, to gain public support or respect  
the community decision to not have the liquor license.

Marvin Yoder **motions to postpone decision until next ABC**  
**Board meeting**  
Ellen Ganley **seconds the motion**

- B. 5194 Minnesota Billiards:** Jin Do So & Soon Woo So; [11:31:03 AM](#) [TAB 29](#)  
Anchorage  
3020 Minnesota Dr. #3  
**New Recreational Site License**

All statutory requirements have been met. Anchorage protest is lifted. Background investigations complete.

**Testimony heard from attorney for licensee, Fred Odsen;  
Tom McGrath, member of Spenard Community Council  
Robert Auth, member of Spenard Community Council  
Margaret Auth, member of Spenard Community Council  
Silvia Villamides, Anchorage CHARR  
Bob Winn, Board Member Anchorage CHARR**

Ellen Ganley **motions to postpone decision until the next ABC  
Board meeting**  
Ethan Billings **seconds the motion**  
**Motion carried**

- C. 4157 Bubba Bruce's Bar & Grill:** Bear Paw Restaurant, LLC; [12:49:09 PM](#) [TAB 30](#)  
Anchorage  
415 E Street  
**Transfer – Beverage Dispensary**  
From: Basilio Gallo; dba Rumrunner's Old Towne Bar & Grill

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor. Anchorage lifted protest. Background investigations complete.

Ellen Ganley **motions to approve liquor license**  
Ethan Billings **seconds the motion**  
**Motion carried**

- D. 3121 Twister Creek Restaurant:** Talkeetna Restaurant, LLC [12:54:25 PM](#) [TAB 31](#)  
13602 E Main Street [1:34:29 PM](#)  
**Transfer – Beverage Dispensary**  
From: B. Jill Reese; dba Motherlode Lodge; Mile 14 Palmer-Fishhook Road

All statutory requirements have been met. Dept. of Labor & Revenue approve. Mat-Su Bor. protests. Background investigations complete.

**Testimony heard from attorney for licensee, Dan Coffey**

**No action necessary**

- E. 688 In & Out Bush Liquor #2:** Kay Inc.; Anchorage [12:54:36 PM](#) [TAB 32](#)  
1100 W Benson Blvd  
**Community Objections Regarding Newspaper Article**  
  
**Testimony heard from attorney for licensee, Sherman Ernouf;  
Tom McGrath, Spenard Community council member,  
Ellen Kubiak, Patron of licensee,  
Margaret Auth, Spenard Community council member,  
Talbot Chang, Package store licensee**  
  
**No action necessary**
- F. 301 Del Rois Bar & Liquor:** Del Rois Bar Inc.; Mat-Su Bor. [1:45:37 PM](#) [TAB 33](#)  
Mile 39.5 Old Palmer Hwy.  
**Renewal Protest**  
  
**302 Del Rois Bar & Liquor:** Del Rois Bar Inc.; Mat-Su Bor.  
Mile 39.5 Old Palmer Hwy.  
**Renewal Protest**  
  
Ellen Ganley **motions to approve with delegation**  
Ethan Billings **seconds the motion**
- G. 834 Party Time/Boniface:** Party Time/Boniface Liquor Inc.; [TAB 34](#)  
Anchorage  
341 Boniface Parkway  
**Renewal Protest**
- H. 1047 Silver Spur:** Jacobson Brothers Inc., Fairbanks [TAB 35](#)  
No Premises  
**Renewal Protest**
- I. 1563 Rum Runners @ The Mat-Su Resort:** MSR Inc.; [TAB 36](#)  
Mat-Su Bor.  
1850 Bogard Road  
**Renewal Protest**
- J. 2641 Sprazzo:** Sprazzo, LLC; Juneau [1:51:35 PM](#) [TAB 37](#)  
112 N Franklin Street  
**Renewal Protest**  
  
**Unpaid taxes and a fire sprinkler system report are still  
pending.**



- K. 3209 Alaskalanes:** Alaskalanes, Inc.; Kenai Peninsula Borough  
10639 Spur Hwy  
**Renewal Protest** **TAB 38**
- L. 3650 Starvin Marvin's:** Starvin Marvin's Inc.; Kenai Peninsula  
Borough  
1663 #7 Spit Rd  
**Renewal Protest** **TAB 39**
- M. 3717 Glacier Bay Country Inn:** Glacier Bay Country Inn LLC;  
Gustavus  
1 Mile Tong Rd  
**Renewal Protest** **TAB 40**
- N. 3762 Victoria's Pour House:** J & B North, Inc.; Sitka  
116 Lincoln  
**Renewal Protest** **TAB 41**
- O. 3773 Schwabenhof:** Schwabies Inc.; Mat-Su Bor. **1:54:14 PM** **TAB 42**  
4115 E Palmer-Wasilla Hwy.  
**Renewal Protest**
- \$100.00 processing fee is not an allowable protest it is  
considered by the ABC Board as unreasonable.**
- P. 4584 Zephyr:** Zephyr LLC; Juneau **1:51:19 PM** **TAB 43**  
200 Seward St  
**Renewal Protest**
- Taxes have been paid, City will withdraw protest.**
- Q. 5026 Skwenta Roadhouse:** Mark A. Torkelson; Mat-Su Bor. **TAB 44**  
100 Happiness Lane  
**Renewal Protest**
- Ellen Ganley motions to approve 834 Party Time/Boniface, 1047  
Silver Spur, 1563 Rum Runners @ The Mat-Su Resort, 2641  
Sprazzo, 3209 Alaskalanes, 3650 Starvin Marvin's, 3717  
Glacier Bay Country Inn, 3762 Victoria's Pour House, 3773  
Schwabenhof, 4584 Zephyr, 5026 Skwentna Roadhouse renewal  
protests with delegation  
Ethan Billings seconds the motion  
Motion carried**

**END OF DELEGATED CONSENT AGENDA**

● **CONSENT AGENDA**

**TAB 45**  
**2:00:46 PM**

- 4100 Brown Bear Liquor:** Ellen Tubbs; Outside/Unorganized  
Mile 183.5 Glenn Hwy.  
**Transfer – Package Store**  
From: Douglas & Cindy Rhodes

All statutory requirements have been met. Dept. of Labor & Revenue approve.  
Temporary has been issued. Background investigations complete.

- 544 Brown Bear Rhodehouse:** Ellen Tubbs; Outside/Unorganized  
Mile 183.5 Glenn Hwy.  
**Transfer – Beverage Dispensary**  
From: Douglas & Cindy Rhodes

All statutory requirements have been met. Dept. of Labor & Revenue approve.  
Temporary has been issued. Background investigations complete.

- 4076 Brown Jug – Fairbanks:** Liquor Stores USA North Inc.; Fairbanks  
559 Harold Bentley Ave.  
**Transfer – Package Store**  
From: No Premises

All statutory requirements have been met. Pending Fairbanks. Background investigations complete.

- 613 Brown Jug:** Liquor Stores USA North, Inc.; Mat-Su Bor.  
172 S Lamont Circle Unit C  
**Transfer – Package Store**  
From: Chickaloon Trading Post, Inc.; dba Chickaloon Liquor Store, Mile 76.3 Glenn Hwy.

All statutory requirements have been met. Mat-Su Bor. does not protest. Central Mat-Su Fire Dept. approves. Dept. of Labor & Revenue approve. Temporary has been issued. Background investigations complete.

- 3639 Carnival Miracle, M/V:** Carnival Corporation  
Alaskan Waters  
**Transfer- Common Carrier - Seasonal**  
From: Carnival Spirit, M/V

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

**3009 Dan K. Coffey:** Dan K. Coffey; Anchorage  
No Premises

**Transfer – Beverage Dispensary**

From: 222 Inc. & LaVerne Thacker; dba Casa Grande; No Premises

All statutory requirements have been met. Dept. of Revenue approves. Pending Dept. of Labor and Anchorage. Background investigations complete.

**5207 Down Town Grill:** Logan, LLC; Anchorage  
802 Gambell Street

**New – Restaurant Eating Place**

All statutory requirements have been met. Anchorage does not protest. Temporary has been issued. Background investigations complete.

**5222 Era Aviation:** Era Aviation, Inc.  
Alaskan Skies

**New – Common Carrier**

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

**5216 Flattop Pizza + Pool:** Hook Line & Sinker; Anchorage  
600 W 6<sup>th</sup> Ave.

**New – Beverage Dispensary - Duplicate**

All statutory requirements have been met. Anchorage does not protest. Background investigations complete.

**5223 Grand Princess:** Princess Cruise Lines, Ltd.  
Alaskan Waters

**New – Common Carrier - Seasonal**

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

**3480 Kodiak Harbor Convention Center:** Kodiak Inn, Inc.; Kodiak  
211 Rezanof

**Transfer – Beverage Dispensary**

From: Eugene's Inc; Eugene's Restaurant; 202 E Rezanof Drive

All statutory requirements have been met. Kodiak does not protest. Dept. of Labor, Revenue, & Environment Conservation approve. Temporary has been issued. Background investigations complete.

**2124 Los Amigos:** Two Amigos, LLC; Fairbanks  
636 – 28<sup>th</sup> Ave.

**Transfer – Beverage Dispensary**

From: Randall G. Kelsch

All statutory requirements have been met. Dept. of Labor & Revenue approve. Fairbanks does not protest. Background investigations complete.

**4168 Lower LA:** Two Amigo's, LLC; Fairbanks  
636 – 28<sup>th</sup> Ave.

**Transfer – Beverage Dispensary**

From: Kelco Properties

All statutory requirements have been met. Dept. of Labor & Revenue approve. Fairbanks does not protest. Background investigations complete.

**1850 Lynx Creek Liquor:** Zarcone Brothers Real Estate Limited Partnership; Denali Bor.  
238.6 Parks Hwy.

**Transfer – Package Store**

From: Aramark Sports & Entertainment Services LLC

All statutory requirements have been met. Dept. of Labor & Revenue approve. Denali Bor. does not protest. Temporary has been issued. Background investigations complete.

**5000 Maxine's Fireweed Bistro:** DAD, LLC; Anchorage  
302 W Fireweed Lane

**Transfer – Restaurant Eating Place**

From: Hugo Gimenez

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

**2728 McGivney's Sports Bar & Grill:** Molly Ventures Inc.; Juneau  
9101 Mendenhall Mall Road

**Transfer – Beverage Dispensary**

From: Los Arcos, Inc.; dba G.W. Teal

All statutory requirements have been met. Dept. of Labor & Revenue approve. Juneau does not protest. Temporary has been issued. Background investigations complete.

**5213 Pho-89:** Young O. Kong; Anchorage  
149 E Fireweed Lane  
**New – Restaurant Eating Place**

All statutory requirements have been met. Anchorage does not protest. Temporary has been issued. Background investigations complete.

**5012 Sackett's Smokehouse Kenai Grill:** Sackett's Smokehouse Corp.; Kenai Peninsula Bor.  
16021 Sterling Hwy.

**Transfer – Restaurant Eating Place**

From: Glenn Sacket; dba Sackett's Kenai Grill

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

**4825 Spenard Roadhouse:** Stars of Gold, LLC; Anchorage  
1049 W Northern Lights Blvd.

**Transfer – Beverage Dispensary**

From: Stock transfer from Field of Blue LLC 100% to Laile Fairbairn 12%, JoAnn Asher 12% & Joe Dugan 15% in Stars of Gold LLC.

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

**2729 The Bush Bottle Bin:** Jeremy Howerton; Outside/Unorganized  
116.5 Richardson Hwy.

**Transfer – Package Store**

From: Nancy Ida Milani-Henson

All statutory requirements have been met. Dept. of Labor & Revenue approve. Temporary has been issued. Background investigations complete.

**4180 The Crossbar:** Wicked Wrister Enterprises, LLC; Anchorage  
2830 C Street

**Transfer – Beverage Dispensary**

From: G.W.N. Investments, LLC; dba Boston Pizza

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

**5228 The Harbor House:** Erik A. Emery; Skagway  
205 Congress Way  
**New – Restaurant Eating Place - Public Convenience**

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire Marshall's office approve. Skagway does not protest. Temporary license has been issued. Background investigations pending.

**5206 Thirty Six Bistro:** 2 Chefs, LLC; Anchorage  
1000 E 36<sup>th</sup> Ave.  
**New – Restaurant Eating Place**

All statutory requirements have been met. Anchorage does not protest. Temporary has been issued. Background investigations complete.

**1143 Tok Lodge:** Rory Warren; Outside/Unorganized  
Mile 124 Glenn Hwy.  
**Transfer – Beverage Dispensary**  
From: Rory & Kathy Warren

All statutory requirements have been met. Dept. of Labor & Revenue approve. Temporary has been issued. Background investigations complete.

**5208 Tordrillo Mountain Lodge:** Triumvirate, LLC; Mat-Su Bor.  
Lot 4, Judd Lake  
**New - Lodge**

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

**5220 Trophy King Lodge:** Alaska's Trophy King Lodge, LLC; Kenai Peninsula Bor.  
24915 Driftwood Court  
**New – Lodge - Seasonal**

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire Marshall's office approve. Kenai Peninsula Bor. does not protest. Temporary has been issued. Background investigations complete.

**5217 US Airways:** US Airways, Inc.  
Alaskan Skies  
**New – Common Carrier**

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

**5215 ViewFinder, M/V:** Seward Wildlife Cruises LLC  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

**4948 Walmart Supercenter:** Wal-Mart Stores, Inc.; Anchorage  
No Premises  
**Transfer – Package Store**  
From: Skycap International, LLC; dba Alaska Wine & Spirits

All statutory requirements have been met. Dept. of Labor approves. Pending Dept. of Revenue & Anchorage. Background investigations complete.

**5212 Wayward Abby Brewing:** Ross Reed; Anchorage  
3724 Drum Circle  
**New - Winery**

All statutory requirements have been met. Anchorage does not protest. Background investigations complete.

**5214 Yukon Queen, M/V:** Seward Wildlife Cruises LLC  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

Marvin Yoder **motions to approve consent agenda**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **FIRST AND SECOND WAIVERS**

**TAB 46**  
**2:15:58 PM**

**1<sup>st</sup> Waivers**

**4771** The Bayview Restaurant & Pub  
**License:** Restaurant Eating Place  
No Premises, Sitka

**1488** Cache Creek Lodge  
**License:** Beverage Dispensary Tourism  
Mile 114.8 Parks Hwy, Mat-Su Bor.

**2<sup>nd</sup> Waivers**

**1488** Cache Creek Lodge  
**License:** Beverage Dispensary Tourism  
Mile 114.8 Parks Hwy, Mat-Su Bor.

**1047** Silver Spur  
**License:** Beverage Dispensary  
No Premises, Fairbanks

Ellen Ganley **motions to approve first and second waivers**  
Marvin Yoder **seconds the motion**  
**Motion carried**

**END OF CONSENT AGENDA**

● **THIRD WAIVERS**

**3315** Petro Alaska Inc.  
**License:** Package Store - Seasonal  
4161 Tongass Avenue, Ketchikan

**TAB 47**  
**2:34:04 PM**

Ellen Ganley **motions to approve third waiver with understanding that a fourth waiver will not be approved**  
Marvin Yoder **seconds the motion**  
**Motion carried**

● **2012 EXPIRED LIQUOR LICENSE LIST**

**TAB 48**

● **NOTICE OF VIOLATION**

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

**TAB 49**

● **NEXT ABC BOARD MEETING – July 24, 2013 - Fairbanks**

Minutes reviewed & approved by:

Shirley A. Coté, Director Shirley A. Coté 7/3/13

Christine C. Lambert, Records & Licensing Supervisor Christine C. Lambert 7-3-13



**State of Alaska**  
**Alcoholic Beverage Control Board**  
**Meeting Minutes**  
**June 11, 2013**

Teleconference Meeting to Discuss Recreational Site Liquor Licenses

**Board Members Present:**

Bob Klein, Chair  
Ellen Ganley, Vice Chair  
Marvin Yoder, Member  
Bobby Evans, Member  
Ethan Billings, Member

**Staff Members Present:**

Shirley Coté, Director  
Christine Lambert, Records & Licensing Supervisor

**ABC Board Counsel Present:**

Harriett Milks, Assistant Attorney General

Discussion was concentrated on recreational site licenses and the current policy of the ABC Board concerning the definition of a recreational site.

[3:06:12 PM](#) Harriett Milks addresses the Board regarding the recreational site license statute, legislative intent history, and ABC Board policy

[3:28:01 PM](#) Public Testimony Begins

[3:55:17 PM](#) Public Testimony Ends

[3:55:47 PM](#) Board members discussion begins

[4:11:44 PM](#) Board members discussion ends

Chair and Board members request staff begin the process of drafting regulation for the recreational site license to be presented at the July Board meeting. The regulation would encompass policy past and present, concerns presented by Board members and the public during the recreational site discussions.

[4:11:50 PM](#) Director requests motion to change wording of 5/30/13 motion from “I move to approve 3 AAC 104.” to “I move to approve 3 AAC 304”

[4:12:46 PM](#) Bob Klein entertains a motion to “**approve 3 AAC 304 Wine Clubs as written**” Ellen Ganley moves to approve

Ethan Billings seconds the motion

4:12:53 PM Roll call vote – Approved 5-0 – Motion carried

4:13:46 PM Change next Board meeting to 7/23/13.

4:14:51 PM Meeting adjourned

Minutes reviewed & approved by:

Shirley A. Coté, Director Shirley A. Coté

Date: 7/12/13

Christine C. Lambert, Rec. & Lic. Supervisor Christine C. Lambert

Date: 7-12-13



**Tab**

**3**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 East Tudor Road  
Anchorage, Alaska 99507  
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TDD: 907.465.5438  
Fax: 907.272.9412

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 1, 2013

FROM: Shirley A. Coté *DAC*  
Director, ABC Board

RE: Waivers

At the board of director's meeting held in Anchorage on May 30, 2013 the issue of waivers was on the agenda for discussion. Several people testified that having waivers follow the license was not a fair policy. No person testified that waivers should follow the licensee. The issues came down to two as you, Mr. Klein pointed out, 1) providing an incentive to licensees to operate his or her licenses, and 2) protect licensees' investments. Ms. Ganley recommended that if a licensee applies for a transfer after receiving three or four waivers then steps should be taken to ensure no relationship between the buyer and seller exists.

Whereas, you were prepared to entertain a motion, Assistant Attorney General Milks suggested that the board take the time before the next meeting to reflect on it before entertaining a change in policy.

The questions:

1. Should the waivers follow the license as was done in the past, or should the waivers follow the licensee as is current practice?

If you decide the waivers remain with the license:

2. What is the best way to communicate a licensee's rights and obligations, both to existing licensees and transferees of licenses that may have had waivers in the past?

And:

3. Should a regulation be proposed to reflect the board's interpretation of AS 04.11.330(a)(3)?

# **Tab**

# **4**





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
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TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: June 18, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Delegation of Authority Regarding Expired  
Licenses

Every year ABC Board staff deal with licensees who for various reasons do not renew their licenses before the final deadline of February 28<sup>th</sup>. Alaska Statute 04.11.270(b)(1) states that on or before November 1<sup>st</sup> the director shall mail a renewal application to each licensee whose license will expire on December 31<sup>st</sup> of that year. In accord with the same statute, the application is mailed to the licensee at the mailing address furnished by the licensee. AS 04.11.430(b) states the mailing address of a licensee must be kept current and on file in the main office of the board.

Each year 20 to 30 licenses are allowed to expire. Two or three of those are not intentional. The Board, in accord with 3 AAC 304.160(e), has required the licensee to come before the Board to request reinstatement of the license. Also under 3 AAC 304.160(e) the licensee must submit a complete application, all required fees and penalty fees, and proof of good cause for the failure to file and pay by February 28<sup>th</sup>. This process gives the Board the opportunity to instill in the licensee the importance of being responsible for the renewal of their license.

For the most part, licensees who allow their license to expire continue to operate but stop the sales of alcoholic beverages until they can come before the Board. However, when the licensee holds a beverage dispensary license they must essentially close the business which affects the livelihood of innocent parties. In 2010 staff allowed a licensee in Anchorage to cater to a second premises in Wasilla where the licensee unintentionally allowed the Wasilla license to expire. This justifiably required the licensee to clear his bar in Wasilla and have the alcohol catered from Anchorage. It did not seem like a good solution then and when it became an issue in April of this year with the Blue Loon it became apparent it was even less of a good solution. In the case of the Blue Loon, another licensee volunteered to cater over an eight-week period but did not provide the services and responsibility expected under a caterer's permit.

During the process of dealing with this licensee it came to light from Assistant Attorney General Harriet Milks, assigned to the ABC Board, that this situation could be handled through the



Board's delegation of authority given to the director in AS 04.06.090. Therefore, I request that delegation of authority to temporarily renew a license that was unintentionally allowed to expire, and that you approve the following procedure:

1. As soon as is practical and as close to possible as February 28<sup>th</sup>, the Records and Licensing Supervisor will notify investigators of those licenses that expired.
2. Investigators will respond, or request assistance from state or local police to respond to the licensed premises to ensure the licensee is not operating on an expired license.
3. If the licensee is operating the licensee will be advised to immediately cease the selling of alcoholic beverages.
4. The investigator will have posted on the premises a sign stating that no sales of alcoholic beverages are allowed.
5. If the licensee expresses a desire to operate prior to the next Board meeting (where the licensee will have an opportunity to request resurrection and renewal of his or her license) the licensee will be directed to contact the Director.
6. The licensee will be required to submit his or her renewal application along with the \$500 late fee (AS 04.11.280(b)(3)), and an explanation for the failure to renew on time.
7. In accord with AS 04.11.520 the Director will notify the local governing body within 10 days of receipt of the renewal application.
8. If the local governing body does not protest the Director may issue a temporary license until the next board meeting.





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
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Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 16, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Delegation of Authority

I request your delegation of authority to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits in accord with AS 04.06.080.

# **Tab**

# **5**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
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## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 10, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Recreational Site License

The recreational site license was discussed during public testimony at the board of directors' meeting held on May 30, 2013. You decided a special interim meeting was in order to take additional testimony and to decide the appropriate step to take to deal with requests for recreational site licenses that do not fit perfectly the examples given in statute.

### **Sec. 04.11.210. Recreational site license.**

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

The special meeting of the board was held on June 11, 2013 where the policy written April 11, 2011 was discussed. The policy (copy attached) evolved from two applications before the board at the December 13, 2010 board meeting. One was for a billiards establishment and the other an athletic club. The policy had been objected to from various people from different walks of life.

At the end of the June 11, 2013 meeting you decided the Chair and the Director would work together to develop a draft proposal for regulation for discussion at the July 23, 2013 meeting. The draft proposal is attached for discussion and approval.

3 AAC 304 is amended by adding a new section to read:

**3 AAC 304. Recreational Site License**

(a) A recreational site license authorizes the licensee to sell beer and wine on licensed premises located on the recreational site.

(b) A license may be issued only if an application is approved by the local governing body and the board, and the applicant does not hold a beverage dispensary license or a restaurant or eating place license.

(c) A recreational site license must be based upon a competitive spectator sporting event with a designated sport season, and with a starting time and an ending time.

(1) A competitive spectator sporting event includes baseball games, softball games, football games, soccer matches, dog sled races, hockey games, basketball games, curling matches, gymnastic meets, volleyball meets, car races, boating races, snow machine races, skiing races, and leagues or tournaments that includes golf, bowling, and billiards.



**STATE OF ALASKA**  
**Department of Public Safety**  
**Alcoholic Beverage Control Board**  
**MEMORANDUM**

---



**To:** All ABC Board Staff

**Date:** April 11, 2011

**Telephone:** (907) 269-0351

**From:** Shirley A. Gifford *Dab*  
Director, ABC Board

**Subject:** Policy on Recreational Site  
Licenses

At the Board of Directors' meeting held in Anchorage, December 13-14, 2010 a discussion took place regarding recreational site licenses. Two separate applications were considered and approved at that meeting (The Summit, license #5004 and Beluga Billiards, license #5009). The recreational activities did not fit neatly under AS 04.11.210; however, the Board of Directors approved the licenses and requested that Assistant Attorney John Novak draft proposed changes to the statute.

Mr. Novak provided language for a proposed change that was considered by the Board at the meeting held in Juneau, March 24, 2011. After discussion by the members Mr. Novak offered his suggestions as policy as opposed to initiating a statute change. The members of the board agreed. The following is the policy by which we will consider recreational site license applications that includes the language of AS 04.11.210.

A recreational site license authorizes the licensee to sell beer and wine on licensed premises located on the recreational site. A license may be issued only if an application is approved by the local governing body and the board, and the applicant does not hold a beverage dispensary license or a restaurant or eating place license.

An event-based recreational site license will allow the licensee to sell beer and wine one hour before and one hour after an event. An event based recreational site license includes the following spectator sporting events, or other spectator sporting events having substantially similar characteristics - baseball games, softball games, football games, soccer matches, running events, skiing events, dog sled races, hockey games, basketball games, curling matches, gymnastic meets, volleyball meets, car racing events, and snow machine races.

An activity-based recreational site license will allow the licensee to sell beer and wine during times the recreational activity is taking place. An activity-based recreational site license includes the following recreational activities, or other recreational activities having substantially similar characteristics - baseball, softball, football, soccer, running, skiing, skating, dog sledding, curling, gymnastics, zip lines, volleyball, climbing, hiking, fitness activities, golf, bowling, billiards, hiking, rafting, and boating.

A recreational site license may not be issued if the licensed premise is within 200 feet of the property line for real property that is owned by, leased to, or rented to any public or private school, church, college, or university.

cc: John Novak, Assistant Attorney General



# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal Dates	City Name	Borough Description	Service Location	License Activity	Exp Year
4895	AK Tuesday Night Fights	2012 - Transfer Full	Wasilla	Matanuska-Susitna Borough	1001 S. Mack Drive Wasilla	Provide beverage during fight events	2014
	Transferred from Alaska Golf-Shot 7/13/12						
3924	Alaska Raceway Park	1999 5/1 - 10/31	Outside City Limits	Matanuska-Susitna Borough	Sullivan Rd @ Mile 10.4 Old Glenn Hwy	Provide food & beverage to car racing spectators	2014
39	Alaska State Fair	1975 Full Year	Palmer	Matanuska-Susitna Borough	1 Mile South of Palmer	Areas of food & beverage service within fairgrounds	2014
4881	Alaska Travel Adventures	2009 Full Year	Juneau, City & Bor		9999 Glacier Highway	Provide food & beverage in conjunction with tour activities	2014
4722	Alaska Wild Berry Products	2008 Full Year	Anchorage, Mun. of		5225 Juneau St	Provide beverage to theater attendees & tour lunch groups.	2014
4700	Alaska Zipline Adventures	2009 4/15 - 10/15	Juneau, City & Bor		3000 Fish Creek Rd	Provide beer and snacks after zipline and other activities	2014
3209	Alaskalanes	1992 Full Year	Kenai	Kenai Peninsula Borough	10639 Spur Hwy	Provide food & beverage to bowlers	2013
1747	Anchorage Bucs	1982 5/1 - 10/31	Anchorage, Mun. of		Mulchay Stadium - A St & 16th Ave.	Provide food & beverage to baseball game attendees	2014
1314	Anchorage Glacier Pilots	1956 5/1 - 10/31	Anchorage, Mun. of		Mulchay Stadium	Provide food & beverage to baseball game attendees	2013
4850	Arctic Valley Ski Area	2010 11/01 - 5/01	Anchorage, Mun. of		18800 Arctic Valley Road	Skiing, snowboarding, snowshoeing, hiking and biking.	2013
5009	Beluga Billiards	2010 Full Year	Anchorage, Mun. of		3841 W Dimond Blvd Ste 200	Provide food & beverage to billiard players	2013
196	Capitol Speedway	1978 5/1 - 10/31	Outside City Limits	Matanuska-Susitna Borough	Mile 75.5 Parks Hwy	Provide food & beverage to car racing spectators	2014
2982	Carlson Community Center	1990 Full Year	Fairbanks	Fairbanks North Star Borough	2010 Second Ave	Provide food & beverage to arena event customers	2014

# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal	City Name	Borough Description	Service Location	License Activity	Exp Year
4730	Coming Attraction Theatres	2011 - Transfer Full	Wasilla	Matanuska- Susitna Borough	3331 E. Old Matanuska Road	Provide food & beverage to cinema theater customers	2014
	Transferred from Alaska Avalanche Hockey Club 11/19/09						
4897	Denali Arts Council	2009 Full Year	Outside City Limits	Matanuska- Susitna Borough	22249 S D Street	Provide beverage to theater attendees	2014
4674	Dimond Bowl	2008 Full Year	Anchorage, Mun. of		800 E Dimond Blvd #3-023	Provide food & beverage to bowlers	2013
4678	Fairbanks Junior Ice Dogs	2008 Full Year	Fairbanks	Fairbanks North Star Borough	1920 Lathrop Street	Provide food & beverage to hockey customers	2014
4969	Fireweed Meadows	2010 5/1 - 10/31	Outside City Limits	Kenai Peninsula Borough	72749 Milo Fritz Avenue	Provide beverage to golfers primarily	2013
1842	George Sullivan Arena	1983 Full Year	Anchorage, Mun. of		1600 Gambell Street	Provide food & beverage to arena event customers	2014
3409	Gold Creek Salmon Bake	1973 4/15 - 10/15	Juneau, City & Bor		1061 Salmon Creek Lane	Provide food & beverage in conjunction with tour activities	2014
3323	Home Run Concessions	2010 - Seasonal	Wasilla	Matanuska- Susitna Borough	3091 Meadow Lakes Drive	Provide beverage at events held at the Bumpus Field Complex	2014
2101	Kachemak Bowl	1984 Full Year	Homer	Kenai Peninsula Borough	672 East End Rd	Provide food & beverage to bowlers	2014
5023	Kenai River Brown Bears	2011 - Full Year	Soldotna	Kenai Peninsula Borough	Soldotna Sports Center 530 Arena Drive	Provide beverage during hockey games	2014
4567	Liarsville	2006 4/15 - 10/15	Skagway Borough, Municipality of		Mile 1 Liarsville Rd	Provide food & beverage to patrons; activities include goldpanning and theater	2013
2931	Mat-Su Miners	1990 4/1 - 9/30	Palmer	Matanuska- Susitna Borough	Hermon Brothers Field	Provide food & beverage to baseball game attendees	2014
5194	Minnesota Billiards	No issue year	Anchorage, Mun. of		3020 Minnesota Dr. #3	Provide food & beverage to billiard players	2013
1789	Mitchell Raceway	1983 5/1 - 9/30	Outside City Limits	Fairbanks North Star Borough	5 Mile Peger Rd	Provide food & beverage to car racing spectators	2013



# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal Dates	City Name	Borough Description	Service Location	License Activity	Exp Year
4021	North Star Speedway	2001 5/31 - 9/6	Outside City Limits	Matanuska- Susitna Borough	2151 Jensen Rd	Provide food & beverage to car racing spectators	2013
846	Peninsula Oilers	1967 4/1 - 9/30	Kenai	Kenai Peninsula Borough	103 S Tinker Lane	Provide food & beverage to baseball game attendees	2014
3968	Subway Sports Centre/BlueLine Pub	2000 Full Year	Anchorage, Mun. of		11111 O'Malley Center Dr	Provide food & beverage to arena event customers	2013
5095	Taku Lanes, LLC	2007 Full Year	Juneau, City & Bor		608 W Willoughby Ave, Juneau, AK 99801	Provide food & beverage to bowlers	2014
4932	The Gardens	2009 Full Year	Anchorage, Mun. of		11051 O'Malley Centre Drive	Events include roller derby, car shows, boxing, martial arts, volley ball, basketball. Not all events have alcohol served.	2013
5004	The Summit	2010 Full Year	Anchorage, Mun. of		11001 O'Malley Centre Dr	Provide beer & wine in social setting after recreational activity completed	2013

**Tab**

**6**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,  
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 15, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Wine Clubs Regulation

The approved wine clubs regulation has been revised with technical changes only by regulations attorney, Assistant Attorney General Steve Weaver with the Department of Law. The attached regulation indicates the changes made that have been transmitted to the Lt. Governor's Office for filing. As of this writing I have not received word that the regulation has been filed.

I incorporated the changes into a separate document for ease of reading.

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Mead Treadwell  
Lieutenant Governor

DATE: June 28, 2013

FILE NO.: JU2013200049

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: wine clubs  
(3 AAC 304.642)

We have reviewed the attached regulations from the Alcoholic Beverage Control Board. I have reviewed this project under a specific delegation dated June 28, 2013 from the Regulations Attorney. A duplicate of this memorandum is being furnished to Shirley A. Coté, the director, along with a copy of the regulations.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum and the attached duplicate memorandum dated June 28, 2013 constitute the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulation changes were adopted by the Alcoholic Beverage Control Board after the close of the public comment period. The regulations establish requirements for a package store licensee that enters into a standing shipment order agreement with a purchaser for the periodic shipment of wine of the licensee's choice to the purchaser.

The certification order for the regulations states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a few technical corrections to conform the regulations with the drafting manual under AS 44.62.060 and 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Shirley A. Coté, Director  
Alcoholic Beverage Control Board

# MEMORANDUM

## State of Alaska Department of Law

TO: Shirley A. Coté, Director  
Alcoholic Beverage Control Board

DATE: June 28, 2013

FILE NO.: JU2013200049

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: wine clubs  
(3 AAC 304.642)

Under AS 44.62.060, we have reviewed the attached regulations changes by the Alcoholic Beverage Control Board, and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated June 28, 2013 from the Regulations Attorney. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the two pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The March 27, 2013 public notice and the June 26, 2013 certification order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

In accordance with AS 44.62.125(b)(6), some corrections have been made in the regulations, as shown on the attached copy.

SCW

cc w/enc: Crystal Koeneman, Regulations Contact  
Department of Commerce, Community, & Economic Development

Harriet Dinegar Milks  
Assistant Attorney General  
Commercial & Fair Business Section--Juneau

3 AAC 304 is amended by adding a new section to read:

← 3 AAC 304. <sup>CC42, Louisiana</sup> Wine Clubs

(a) A package store licensee may enter into ~~and honor~~ a standing shipment order agreement with a purchaser for periodic shipment of wine of the licensee's choice to the purchaser if

(1) the licensee has an original or clear photocopy <sup>of proof-of-age</sup> a document bearing the <sup>recordance with</sup> purchaser's signature described in 3 AAC 304.645(b);

(2) the ~~standard shipment order~~ agreement is signed and dated by the purchaser and contains the information required for written orders <sup>under</sup> by 3 AAC 304.645(c)(2)-(6); and

(3) the agreement requires that payment for the wine be received by the licensee at least five working days <sup>before</sup> prior to the date of shipment and allows the licensee or purchaser to terminate the agreement by giving <sup>Five</sup> 5 days written notice of termination.

← (b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1) <sup>(2)</sup>, or (3) or (b)(1) or (2) the licensee shall consult the database maintained by the board under AS <sup>04.02.095</sup> ~~04.11.095~~ in the manner required by AS <sup>under</sup> 04.11.150(g). Shipment of the wine must be in compliance with applicable provisions of 04.11.150(g). When shipping the wine the purchaser shall comply with

3 AAC 304.645(e)(2)(B), ~~(e)(3)~~, and (f).

← (c) <sup>Licensee</sup> A licensee shall keep a file <sup>for</sup> for each standing shipment order agreement, that contains the agreement along with a copy of all documents required <sup>under</sup> by this section. The licensee shall retain the agreement file for at least one year after termination of the agreement. In addition, the licensee shall maintain a log of monthly shipments of wine in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each



U.S. the date the order was

shipment, and must show for each order the date payment for the shipment was received ~~and~~ shipped, and the address to which shipment was made.

(d) If the agreement requires the licensee to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), <sup>or</sup> (3) or (b)(1) or (2), the licensee shall enter a written order, <sup>not later than</sup> within 24 hours after receiving full payment, into the written order database established under AS 04.06.095.

(e) After written notification to the board by a ~~local~~ <sup>local</sup> option municipality that it has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a package store licensee may not ship wine under a standing shipment order agreement into that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. —/—/—, Register —)

Authority:	AS 04.06.090	AS 04.11.150	AS 04.16.000
	AS 04.06.095	AS 04.11.491	AS 04.16.125
	AS 04.06.100	AS 04.16.051	AS 04.21.010
	AS 04.11.010	AS 04.16.052	

Register\_\_\_\_, \_\_\_\_\_ 2013 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 304 is amended by adding a new section to read:

**3 AAC 304.642 Wine clubs.** (a) A package store licensee may enter into a standing shipment order agreement with a purchaser for periodic shipment of wine of the licensee's choice to the purchaser if

(1) the licensee has an original or clear photocopy of a proof-of-age document in accordance with 3 AAC 304.645(b);

(2) agreement is signed and dated by the purchaser and contains the information required for written orders under 3 AAC 304.645(c)(2) - (6); and

(3) the agreement requires that payment for the wine be received by the licensee at least five working days before the date of shipment and allows the licensee or purchaser to terminate the agreement by giving five days, written notice of termination.

(b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), the licensee shall consult the database maintained by the board under AS 04.06.095 in the manner required under AS 04.11.150(g). Shipment of the wine must be in compliance with applicable provisions of

3 AAC 304.645(e)(2)(B), (3), and (f).

(c) For each standing shipment order agreement, a licensee shall keep a file that contains the agreement along with a copy of all documents required by this section. The licensee shall retain the agreement file for at least one year after termination of the agreement. In addition, the licensee shall maintain a log of monthly shipments of wine in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each



Register \_\_\_\_, \_\_\_\_\_ 2013 COMMERCE, COMMUNITY, AND EC. DEV.

shipment, and must show for each order the date payment for the shipment was received, the date the order was shipped, and the address to which shipment was made.

(d) If the agreement requires the licensee to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), the licensee shall enter a written order, not later than 24 hours after receiving full payment, into the written order database established under AS 04.06.095.

(e) After written notification to the board by a municipality that it has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a package store licensee may not ship wine under a standing shipment order agreement into that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. \_\_/\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority:	AS 04.06.090	AS 04.11.150	AS 04.16.060
	AS 04.06.095	AS 04.11.491	AS 04.16.125
	AS 04.06.100	AS 04.16.051	AS 04.21.010
	AS 04.11.010	AS 04.16.052	

# **Tab**

# **7**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263-5930

## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the ABC Board

DATE: April 11, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Municipal Refunds

### Introduction:

During the legislative audit of 2009 the auditors pointed out on page 10 (copy attached) under 3. Licensing and Administrative Procedures, bullet seven that staff was not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees. In 2010 the auditors returned and we discussed the issue of municipalities enforcing alcoholic beverage laws and at that time they seemed to accept my explanation that from my experience and contacts with police across the state for many years that part of the everyday function of the police included the enforcement of alcoholic beverage laws. This issue was not addressed in the follow-up report of September 28, 2010. However, I took steps to ensure this issue does not arise in the next audit of late 2014 or early 2015 (the ABC sunset is June 30, 2015).

### Relevant statutes and regulations:

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

- (a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.
- (b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of commerce, community, and economic development may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.
- (c) The Department of Commerce, Community, and Economic Development shall recover any amounts erroneously refunded under (a) of this section. The



Department of Commerce, Community, and Economic Development shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

**Regulation 3 AAC 304.610. Refunds to municipalities** states the following:

- (a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .
- (b) The director shall recommend that the commissioner of commerce, community, and economic development deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

Peace officers shall investigate and report to the board violations of this title.

**Actions taken:**

I developed a simple report form (copy attached) for police departments to use to capture their quarterly statistics. Most of the departments use this form, or one fairly similar. I continue to accept e-mails and letters. Several departments report more frequently by sending their police reports as the violations occur. At the end of each quarter I send an e-mail reminder to the chiefs, or their designee.

In 2012 at the end of the first quarter six municipalities failed to report; second quarter – 10; third quarter – seven; fourth quarter – seven. Attached is an Excel spreadsheet containing the names of the 36 cities with and X to indicate a quarterly report has been submitted. It is not always the same municipalities failing to report consistently and at the end of the third quarter I called each police department personally that had no report filed and still seven did not report.

**Questions:**

- 1. During 2012 every municipality reported for at least one quarter. Biennial license fees are refunded semi-annually. Shall we divide the semi-annual fees by two and if the municipality reports for one quarter but not the other then should I request that the Commissioner withhold one half of the semi-annual fee?
- 2. Two communities with a high number of liquor licenses report no violations or even warnings in the last quarter of 2012. If a police department provides a quarterly report should that be interpreted that the laws are “actively enforced?”



2. Licensing Revenues. Licensing fee revenues recorded in the ABC Board's database does not agree with nor is reconciled to the same revenue as it is recorded in the State accounting system. The failure to reconcile has resulted in overpayments to municipalities and missed payments by licensees. Timely, complete, and accurate reconciliation between the two systems would likely resolve these problems and provide information for the board and director to take immediate action regarding noncompliant licensees.
3. Licensing and Administrative Procedures. The ABC Board members and director are not providing appropriate guidance and oversight to staff to ensure compliance with state laws, and with its decisions.

The ABC Board does not consistently adhere to the statutory requirement of notifying the local governing body within ten days of receipt of an application per AS 04.11.520. This important requirement allows time for the local government to review and possibly protest the issuance, renewal, relocation or transfer of a license.

The ABC Board is also not enforcing the law requiring the return of caterers and special event permits within 48 hours. Other deficiencies in the ABC Board's licensing files, recordkeeping, database, and administrative processes include:

- No current written policy and procedures to give guidance in situations where licensees are involved in bankruptcy proceedings.
- Staff routinely failed to properly use existing checklists for verifying the completeness of licensing applications.
- Instances where staff had not submitted local government protests in a timely manner to the board for review and action.
- Significant occurrences of expired and/or unpaid licenses being incorrectly listed as active license holders.
- Failure to detect instances where required wholesale affidavits had not been filed by wholesale licensees.
- Municipalities being over or under paid for municipal license fee refunds.
- The ABC Board's staff is not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees.
- The concerns of local governments that the ABC Board's policy and procedures do not include written notification to local governments regarding expired licenses.

The above activities show that the ABC Board may not be operating effectively and efficiently and is not achieving its potential in furthering the public interest.

4. Enforcement Data Procedures. The ABC Board's investigators inconsistently or inaccurately entered case record information into the Alaska Public Safety Information

## Gifford, Shirley A (DPS)

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**From:** Gifford, Shirley A (DPS)  
**Sent:** Friday, January 13, 2012 12:28 PM  
**To:** Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen!; John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Nelson, Gilbert E (DPS)  
**Subject:** Alcohol sales and manufacturing violations

Dear Alaska Chiefs of Police,

Some of you may know that in the past couple of years there was work in progress on reporting certain crimes to the State of Alaska. I don't know if or when that reporting will come to fruition; therefore, I am asking for your cooperation in reporting violations of local ordinances, federal and state laws and regulations relating to the manufacture and sale of alcoholic beverages in the state. During the last legislative audit of the ABC Board I was asked if police departments were reporting as required. Many were not reporting. Although the auditors accepted my answer that I knew the departments were enforcing these laws "because that is what they do" I believe we all have a responsibility to follow the statutes and regulations.

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

(a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.

(b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of public safety may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.

(c) The Department of Public Safety shall recover any amounts erroneously refunded under (a) of this section. The Department of Public Safety shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

Several of you do report to the ABC Board on a quarterly basis. A couple of you report daily or weekly. I am sending this email for expediency sake (I have a tendency to respond more quickly to an email than a formal written letter). It is not my desire to add more work to your load; however, it seems as though this law and its companion regulation have not been enforced over the years.

Regulation **13 AAC 104.610. Refunds to municipalities** states the following:

(a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .

(b) The director shall recommend that the commissioner of revenue deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

**Sec. 04.21.070. Enforcement.**

Peace officers shall investigate and report to the board violations of this title.

I have cc'ed Gil Nelson, my administrative assistant who maintains the reports from police departments. In an effort not to create more work than is absolutely necessary, you may send an email during the first week of April (1<sup>st</sup> quarter), first week of July (2<sup>nd</sup> quarter), first week of October (3<sup>rd</sup> quarter), and first week of January (4<sup>th</sup> quarter) to Gil and me for our files, and for my review semi-annually when the refunds to municipalities are processed. I appreciate your cooperation and invite you to ask questions or give feedback in this process. Thank you.

Shirley

*Shirley A. Gifford*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 269-0351*



## Gifford, Shirley A (DPS)

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**From:** Gifford, Shirley A (DPS)  
**Sent:** Friday, January 13, 2012 4:11 PM  
**To:** Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen (jjesen@yakutatak.ak.us); John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Nelson, Gilbert E (DPS)  
**Subject:** Form to aide reporting  
**Attachments:** Municipal reporting form.docx

Dear Alaska Chiefs of Police,

I have attached a form that may assist you in capturing the data I wrote to you about earlier today. I am not mandating the use of this form, nor is the list of statutes all encompassing. I have added blocks in the event you need to capture federal violations, local ordinance violations, state regulations or other statutes not included on this list. I tried to capture those most likely to be your focus and some other in section 04.16. I hope this helps and I am certainly open to any ideas you may have regarding the necessary capture of data. I am sending the document in word form for you to customize if you wish. Thank you!

Shirley

*Shirley A. Gifford*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 269-0351*



Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter \_\_\_\_\_ Year \_\_\_\_\_  
 City \_\_\_\_\_

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter \_\_\_\_\_ Year \_\_\_\_\_  
 City \_\_\_\_\_

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				

### Police Department Reporting of Title 4 Violations

[illegible]







THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 15, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Municipal Refunds – Update from last meeting

The issue of municipal refunds was postponed from the last board meeting of May 30, 2013. Since that meeting municipal law enforcement agencies have had one full quarter of reporting that should have been completed. We are now into the second quarter reporting for 2013. In the first quarter ten police departments did not report. Into the second quarter 16 departments have not yet reported. I have attached the most current spreadsheet. I have also provided copies of the reports sent in so far for the second quarter as well as a copy of the email reminder to the chiefs.

## Cote, Shirley A (CED)

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**From:** Cote, Shirley A (CED)  
**Sent:** Wednesday, July 03, 2013 10:42 AM  
**To:** 'Alan Bengaard'; 'Bill Comer'; 'Brad Johnson'; 'Dan Pasquariello'; 'Darrell Tannehill'; 'David Scofield'; 'Don McIntire'; 'Doug McCloskey'; 'Eric Swisher'; 'Gary Lowe'; 'Gene Beldon'; 'Greg Browning'; 'Gus Sandahl'; 'Jamie Sunderland'; 'Jeremy Fernandes'; Jessica Hristov; 'Jim Agner'; 'Jim Jensen'; 'John Havard'; 'John Lucking'; 'John Papasodora'; 'Josh Dossett'; 'Kelly Swihart'; Lance Ketterling; 'Laren Zager'; 'Layton Lockett'; 'Leslie Isaacs'; 'Mark Mew'; 'Mark Robl'; 'Page Decker'; 'Paul Lindhag'; 'Peter Mlynarik'; 'Ray Leggett'; 'RJ Ely'; 'Robert Gould'; 'Rodney Enevoldsen'; 'Shad Haller'; 'Sheldon Schmitt'; 'TC Kamai'; 'Tom Clemons'  
**Cc:** Laughlin, Jeffrey D (DPS); Dinegar, Harriet C (LAW); Andrews, Maxine R (CED); Beasley, Robert L (CED); Finney, Richard L (CED); Hamilton, Joe (CED); Hunter, Brandon; Johnson, Steven M (CED); Lambert, Christine C (CED); Mikell, Tan (CED); Nelson, Gilbert E (CED); Oates, Sarah D (CED)  
**Subject:** Quarterly Reports-Board agenda-ARMS

Dear Chiefs and Chiefs' Delegates,

It is time to submit your second quarterly report for 2013. I have already heard from a number of you with the Soldotna Police Department being first in this quarter with Seward and Juneau being very close second and third, respectively. I appreciate the timeliness of all reports and to those departments who report more frequently when issues arise in connection with licensed premises.

We still have a few chiefs who are not reporting consistently for each quarter. We have others who consistently report no enforcement activity. As you know, municipalities have two statutory requirements and one regulatory requirement, 1) AS 04.21.070 states peace officers shall investigate and report to the board violations of this title, 2) AS 04.11.610 states that if officers fail to actively enforce alcoholic beverage laws, ordinances and regulations the municipal refund may be denied, and 3) 3 AAC 104.610 states the director shall recommend denial of the license fees if peace officers fail to provide quarterly reports of violations of AS 04 occurring on licensed premises within the municipality. Municipal refunds is a subject of discussion and decision-making for the board of directors at the next board meeting to be held in Fairbanks on July 23rd. The time of this discussion is yet to be determined; however, the agenda will be posted on our website at <http://commerce.alaska.gov/dnn/abc/Home.aspx> about one week prior to the meeting. If you have concerns I would encourage you to dial in to the meeting. The phone number will also be posted on our website.

The ABC Board has joined the Alaska Records Management System (ARMS) through the Department of Public Safety. As we have been invited and trained, police departments are being invited to join. This is excellent technology that allows for sharing valuable law enforcement information. The more departments that join the more information we can share in a less time-consuming and time-delayed manner. This should assist all of us in many ways and in particular between you and the ABC Board in this required reporting. If you have questions about ARMs Captain Laughlin with the Alaska State Troopers encourages you to contact him via his email [Jeffrey.laughlin@alaska.gov](mailto:Jeffrey.laughlin@alaska.gov) or his phone number at (907) 269-5650.

Thanks again to all of you who are so diligent in your reporting. If any of you have any questions please do not hesitate to contact me.

Shirley

*Shirley A. Cote*  
Director

*Alcoholic Beverage Control Board*  
(907) 263-5928



### Police Department Reporting of Title 4 Violations

[illegible]



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages**

Statute	Arrest	Summons	Citation	Warning
2 <sup>nd</sup> quarter report	<u>Adak ak.</u>			
04.16.010 Hours of sale				2
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				2
04.16.045 Restrictions on premises				1
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages**

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		8		1
04.16.051 Furnishing		1		
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]

Report of Violations within Craig, Relating to Alcoholic Beverage Violations  
2013 Second Quarter (April - June)

	Arrest	Summons	Citation	Warning
04.16.010 Hours of Sale				1
04.16.030 Prohibited Conduct Drunken Persons				6
04.16.040 Drunk on Licensed Premises				2
04.16.047 Restricted Person				
04.16.049 Underage on Licensed Premises				
04.16.050 Minor in Possession/Consumption			7	
04.16.051 Furnishing		1		
04.16.052 Furnishing by Licensee				
04.16.060 Purchase by underage person				
04.16.120 Removal of Alcoholic Beverages				
Removed from Bar, for Intoicated and Bar didn't want subject to returned; so subject(s) arrested for Criminal Trespass, 2nd Degree				
Totals		1	7	9

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	0
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	0
04.16.025 Illegal presence and municipal ordinances	0	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	0
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	0	0	0	0
04.16.049 Underage persons	0	0	0	0
04.16.050 Minor in possession	0	0	12	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0
04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

[illegible]



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

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Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	1
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	1
04.16.025 Illegal presence and municipal ordinances	3	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	3	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	4
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	4	0	0	0
04.16.049 Underage persons	3	0	0	0
04.16.050 Minor in possession	12	0	0	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0
04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0

[illegible]

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Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter 2 Year 2013  
 City Homer

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)	1			
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession			1	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter 2 Year 2013  
 City Homer

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

<b>Statute</b>	<b>Arrest</b>	<b>Summons</b>	<b>Citation</b>	<b>Warning</b>
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person	2		4	
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons	1		1	
04.16.050 Minor in possession	4		42	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				



Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

<b>Statute</b>	<b>Arrest</b>	<b>Summons</b>	<b>Citation</b>	<b>Warning</b>
04.16.090 Bottle clubs				
04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				



City of Kodiak  
**KODIAK POLICE DEPARTMENT**  
Office of the Chief of Police



July 2, 2013

Shirley A. Coté, Director  
Alcoholic Beverage Control Board  
5848 E. Tudor Road  
Anchorage, AK 99507

RE: Title 4 Statistics – FY 2013, 4<sup>th</sup> Quarter

Dear Director Coté:

Please see below the statistics for the fourth quarter of FY13 for Title 4 Enforcement Actions conducted by the Kodiak Police Department. This data is being reported to you in accordance with the provisions of AS 04.16.610 (a-b).

- Bar Checks – 967
- Caterer's Permits – 8
- Special Events Permits – 0
- Liquor Law Violations (UCR) – 65
- M.I.P. s:
  - Contacts – 5
  - Cited – 5

If you require more information or further assistance, please contact me at (907) 486-8000.

Sincerely,

Charles "TC" Kamai  
Chief of Police

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

N PPD  
2nd Quarter  
2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession			2	2
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]

## Cote, Shirley A (CED)

---

**From:** Lance L. Ketterling <llketterling@PalmerPolice.com>  
**Sent:** Wednesday, July 03, 2013 11:11 AM  
**To:** Cote, Shirley A (CED)  
**Subject:** RE: Quarterly Reports-Board agenda-ARMS

Hi, Shirley  
Palmer PD has nothing to report this quarter.  
Have a nice holiday!  
Lance.

---

**From:** Cote, Shirley A (CED) [<mailto:shirley.cote@alaska.gov>]  
**Sent:** Wednesday, July 03, 2013 10:42 AM  
**To:** Alan Bengaard; Bill Comer; Brad Johnson; Dan Pasquariello; Darrell Tannehill; David Scofield; Don McIntire; Doug McCloskey; Eric Swisher; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Jamie Sunderland; Jeremy Fernandes; Jessica Hristov; Jim Agner; Jim Jensen; John Havard; John Lucking; John Papasodora; Josh Dossett; Kelly Swihart; Lance L. Ketterling; Laren Zager; Layton Lockett; Leslie Isaacs; Mark Mew; Mark Robl; Page Decker; Paul Lindhag; Peter Mlynarik; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Shad Haller; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Laughlin, Jeffrey D (DPS); Dinegar, Harriet C (LAW); Andrews, Maxine R (CED); Beasley, Robert L (CED); Finney, Richard L (CED); Hamilton, Joe (CED); Hunter, Brandon J (CED); Johnson, Steven M (CED); Lambert, Christine C (CED); Mikell, Tan (CED); Nelson, Gilbert E (CED); Oates, Sarah D (CED)  
**Subject:** Quarterly Reports-Board agenda-ARMS

Dear Chiefs and Chiefs' Delegates,

It is time to submit your second quarterly report for 2013. I have already heard from a number of you with the Soldotna Police Department being first in this quarter with Seward and Juneau being very close second and third, respectively. I appreciate the timeliness of all reports and to those departments who report more frequently when issues arise in connection with licensed premises.

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Thanks again to all of you who are so diligent in your reporting. If any of you have any questions please do not hesitate to contact me.

Shirley

*Shirley A. Côté*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 263-5928*



**SEWARD POLICE DEPARTMENT**  
**2013 2nd QUARTER ALCOHOL STATS**  
**03/27/2013-06/30/2013**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		3		
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				
04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter 2 Year 2013**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

None

Calendar Quarter 2 Year 2013

None



## SOLDOTNA POLICE DEPARTMENT

44510 Sterling Highway  
Soldotna AK, 99669  
Tel: (907) 262-2255 Fax: (907) 262-4421



### 2<sup>nd</sup> Quarterly Report

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	0
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	0
04.16.025 Illegal presence and municipal ordinances	0	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	0
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	0	0	0	0
04.16.049 Underage persons	0	0	0	0
04.16.050 Minor in possession	0	5	0	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0

04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0
04.16.100 Size of containers	0	0	0	0
04.16.110 Certain alcoholic beverage content	0	0	0	0
04.16.120 Removal or introduction	0	0	0	0
04.16.125 Transportation by common carrier	0	0	0	0
04.16.130 Stock confined to licensed premises	0	0	0	0
04.16.140 Sale or consumption in warehouse	0	0	0	0
04.16.150 Licensees responsible	0	0	0	0
04.16.160 Restriction on purchasing	0	0	0	0
04.16.170 Source and supply	0	0	0	0
04.16.172 Purchase and sale from licensee	0	0	0	0
04.16.175 Furnishing in aid of gambling	0	0	0	0

## ABC Report March - June 2013

	DUTCH HARBOR FAST FOODS	AMELIAS	AIRPORT RESTAURANT	ALASKA SHIP SUPPLY LIQUOR STORE	GRAND ALEUTIAN	HARBOR SUSHI	HARBOR VIEW BAR	HARBOR VIEW LIQUOR STORE	Dwellings	Total Liquor Law Violations
<b>MIP</b>										
AS04.16.050(a) 13-001155									1	1
<b>Furnishing Alcohol to a Minor</b> AS04.16.051 (a) and (c)										0
<b>Access Licensed Premise Under 21</b>										
13-001032							1			1
<b>Licensee Allow Minor on Premises</b>										
13-001032							1			1
<b>Access Of Drunken Person to Licensed Premises</b> AS04.16.040 13-000948, 13-000990, 13-001015(2), 13-001025, 13-001038(3), 13-001041, 13-001125(2) 13-001135, 13-001137, 11-001139, 13-001140, 13-001141, 13-001220, 13-001249 13-001299, 13-001459(7), 13-001482, 13-001503, 13-001573			4	1	2		22			29
<b>Removal or Introduction of Alcoholic Beverages</b> AS04.16.120 13-001440, 13-001564							2			2
<b>Room Rental for Purposes of Consuming Alcohol Beverages</b>										0
<b>Prohibited Conduct Related to Drunken Persons</b> AS04.16.030 (A)(1): Sell, give or barter an alcoholic beverage to a drunken person AS04.16.060(A)(3): Allow drunken person to enter and remain on licensed premises										0
<b>Minor Possessing in a Dwelling</b> AS04.16.057										0
<b>Furnishing in a Rental Room</b>										0
<b>Licensee Furnishing Liquor To a Minor</b>										0
<b>Proof of Age and of not Being Restricted From Purchasing Alcoholic Beverages</b> AS04.21.050										0
<b>Purchase By or Delivery to Persons Under Age of 21</b> AS04.16.060(d)										0
<b>Total Liquor Law Violations</b>		0	4	1	2	0	26	0	1	34

MIP: Cited

Furnishing Alcohol to a minor:

Removal or introduction alcoholic beverage: warning

Access Of Drunken Person to Licensed Premises: Warning &amp; arrested 13-001139

Licensee Furnishing Liquor to a Minor: Warned

Minor Possessing in a Dwelling: All cited

Furnishing in a Rental Room: None



Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter 2nd Year 2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		11		
04.16.051 Furnishing		1		
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter\_2nd\_\_Year\_2013\_\_**

[illegible]

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter 2nd Year 2013

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Wasilla Police Department  
1800 E. Parks Highway  
Wasilla, AK 99654  
(907) 352-5401/Fax: (907) 375-7877  
wpdadmin@ci.wasilla.ak.us



**Report of Violations within Municipalities**  
**Relating to Manufacture and Sale of Alcoholic Beverages**  
April – June 2013 (2<sup>nd</sup> Quarter)

Statute	Arrest or Charged	Summons	Citation	Warning
AS 04.16.010 Hours of sale	0	0	0	0
AS 04.16.015 Pricing and marketing	0	0	0	0
AS 04.16.020 Solicitation of alcoholic beverages	0	0	0	0
AS 04.16.025 Illegal presence and municipal ordinances	0	0	0	0
AS 04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
AS 04.16.035 Homebrew ingredients	0	0	0	0
AS 04.16.040 Drunken person	1	0	0	0
AS 04.16.045 Restrictions on premises	0	0	0	0
AS 04.16.047 Restricted persons	0	0	0	0
AS 04.16.049 Underage persons	0	0	0	0
AS 04.16.050 Minor in possession	2	0	0	0
AS 04.16.051 Furnishing	0	0	0	0
AS 04.16.052 Furnishing by licensee	0	0	0	0
AS 04.16.055 Furnishing in a rental room	0	0	0	0
AS 04.16.057 Minor possessing in a dwelling	0	0	0	0
AS 04.16.059 Furnishing by sex offender	0	0	0	0
AS 04.16.060 Purchase by underage person	0	0	0	0
AS 04.16.070 Sales on election day	0	0	0	0
AS 04.16.080 Sales or consumption at school events	0	0	0	0
AS 04.16.090 Bottle clubs	0	0	0	0
AS 04.16.100 Size of containers	0	0	0	0
AS 04.16.110 Certain alcoholic beverage content	0	0	0	0
AS 04.16.120 Removal or introduction	0	0	0	0
AS 04.16.125 Transportation by common carrier	0	0	0	0
AS 04.16.130 Stock confined to licensed premises	0	0	0	0
AS 04.16.140 Sale or consumption in warehouse	0	0	0	0
AS 04.16.150 Licensees responsible	0	0	0	0
AS 04.16.160 Restriction on purchasing	0	0	0	0
AS 04.16.170 Source and supply	0	0	0	0
AS 04.16.172 Purchase and sale from licensee	0	0	0	0
AS 04.16.175 Furnishing in aid of gambling	0	0	0	0

Report of Violations within Municipality of Wrangell  
Relating to Manufacture and Sale of Alcoholic Beverages  
First Quarter 2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons		1		
04.16.049 Underage persons				
04.16.050 Minor in possession		1	6	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

**Report of Violations within Municipality of Wrangell  
Relating to Manufacture and Sale of Alcoholic Beverages  
First Quarter 2013**

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**Tab**

**3**





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 East Tudor Road  
Anchorage, Alaska 99507  
Main: 907.269.0350  
TDD: 907.465.5438  
Fax: 907.272.9412

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 1, 2013

FROM: Shirley A. Coté *DAC*  
Director, ABC Board

RE: Waivers

At the board of director's meeting held in Anchorage on May 30, 2013 the issue of waivers was on the agenda for discussion. Several people testified that having waivers follow the license was not a fair policy. No person testified that waivers should follow the licensee. The issues came down to two as you, Mr. Klein pointed out, 1) providing an incentive to licensees to operate his or her licenses, and 2) protect licensees' investments. Ms. Ganley recommended that if a licensee applies for a transfer after receiving three or four waivers then steps should be taken to ensure no relationship between the buyer and seller exists.

Whereas, you were prepared to entertain a motion, Assistant Attorney General Milks suggested that the board take the time before the next meeting to reflect on it before entertaining a change in policy.

The questions:

1. Should the waivers follow the license as was done in the past, or should the waivers follow the licensee as is current practice?

If you decide the waivers remain with the license:

2. What is the best way to communicate a licensee's rights and obligations, both to existing licensees and transferees of licenses that may have had waivers in the past?

And:

3. Should a regulation be proposed to reflect the board's interpretation of AS 04.11.330(a)(3)?

# **Tab**

# **4**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: June 18, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Delegation of Authority Regarding Expired  
Licenses

Every year ABC Board staff deal with licensees who for various reasons do not renew their licenses before the final deadline of February 28<sup>th</sup>. Alaska Statute 04.11.270(b)(1) states that on or before November 1<sup>st</sup> the director shall mail a renewal application to each licensee whose license will expire on December 31<sup>st</sup> of that year. In accord with the same statute, the application is mailed to the licensee at the mailing address furnished by the licensee. AS 04.11.430(b) states the mailing address of a licensee must be kept current and on file in the main office of the board.

Each year 20 to 30 licenses are allowed to expire. Two or three of those are not intentional. The Board, in accord with 3 AAC 304.160(e), has required the licensee to come before the Board to request reinstatement of the license. Also under 3 AAC 304.160(e) the licensee must submit a complete application, all required fees and penalty fees, and proof of good cause for the failure to file and pay by February 28<sup>th</sup>. This process gives the Board the opportunity to instill in the licensee the importance of being responsible for the renewal of their license.

For the most part, licensees who allow their license to expire continue to operate but stop the sales of alcoholic beverages until they can come before the Board. However, when the licensee holds a beverage dispensary license they must essentially close the business which affects the livelihood of innocent parties. In 2010 staff allowed a licensee in Anchorage to cater to a second premises in Wasilla where the licensee unintentionally allowed the Wasilla license to expire. This justifiably required the licensee to clear his bar in Wasilla and have the alcohol catered from Anchorage. It did not seem like a good solution then and when it became an issue in April of this year with the Blue Loon it became apparent it was even less of a good solution. In the case of the Blue Loon, another licensee volunteered to cater over an eight-week period but did not provide the services and responsibility expected under a caterer's permit.

During the process of dealing with this licensee it came to light from Assistant Attorney General Harriet Milks, assigned to the ABC Board, that this situation could be handled through the



Board's delegation of authority given to the director in AS 04.06.090. Therefore, I request that delegation of authority to temporarily renew a license that was unintentionally allowed to expire, and that you approve the following procedure:

1. As soon as is practical and as close to possible as February 28<sup>th</sup>, the Records and Licensing Supervisor will notify investigators of those licenses that expired.
2. Investigators will respond, or request assistance from state or local police to respond to the licensed premises to ensure the licensee is not operating on an expired license.
3. If the licensee is operating the licensee will be advised to immediately cease the selling of alcoholic beverages.
4. The investigator will have posted on the premises a sign stating that no sales of alcoholic beverages are allowed.
5. If the licensee expresses a desire to operate prior to the next Board meeting (where the licensee will have an opportunity to request resurrection and renewal of his or her license) the licensee will be directed to contact the Director.
6. The licensee will be required to submit his or her renewal application along with the \$500 late fee (AS 04.11.280(b)(3)), and an explanation for the failure to renew on time.
7. In accord with AS 04.11.520 the Director will notify the local governing body within 10 days of receipt of the renewal application.
8. If the local governing body does not protest the Director may issue a temporary license until the next board meeting.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 16, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Delegation of Authority

I request your delegation of authority to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits in accord with AS 04.06.080.

# **Tab**

# **5**





THE STATE  
of ALASKA

GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
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Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 10, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Recreational Site License

The recreational site license was discussed during public testimony at the board of directors' meeting held on May 30, 2013. You decided a special interim meeting was in order to take additional testimony and to decide the appropriate step to take to deal with requests for recreational site licenses that do not fit perfectly the examples given in statute.

**Sec. 04.11.210. Recreational site license.**

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

The special meeting of the board was held on June 11, 2013 where the policy written April 11, 2011 was discussed. The policy (copy attached) evolved from two applications before the board at the December 13, 2010 board meeting. One was for a billiards establishment and the other an athletic club. The policy had been objected to from various people from different walks of life.

At the end of the June 11, 2013 meeting you decided the Chair and the Director would work together to develop a draft proposal for regulation for discussion at the July 23, 2013 meeting. The draft proposal is attached for discussion and approval.

3 AAC 304 is amended by adding a new section to read:

**3 AAC 304. Recreational Site License**

(a) A recreational site license authorizes the licensee to sell beer and wine on licensed premises located on the recreational site.

(b) A license may be issued only if an application is approved by the local governing body and the board, and the applicant does not hold a beverage dispensary license or a restaurant or eating place license.

(c) A recreational site license must be based upon a competitive spectator sporting event with a designated sport season, and with a starting time and an ending time.

(1) A competitive spectator sporting event includes baseball games, softball games, football games, soccer matches, dog sled races, hockey games, basketball games, curling matches, gymnastic meets, volleyball meets, car races, boating races, snow machine races, skiing races, and leagues or tournaments that includes golf, bowling, and billiards.



**STATE OF ALASKA**  
**Department of Public Safety**  
**Alcoholic Beverage Control Board**  
**MEMORANDUM**

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**To:** All ABC Board Staff

**Date:** April 11, 2011

**Telephone:** (907) 269-0351

**From:** Shirley A. Gifford *Dab*  
Director, ABC Board

**Subject:** Policy on Recreational Site  
Licenses

At the Board of Directors' meeting held in Anchorage, December 13-14, 2010 a discussion took place regarding recreational site licenses. Two separate applications were considered and approved at that meeting (The Summit, license #5004 and Beluga Billiards, license #5009). The recreational activities did not fit neatly under AS 04.11.210; however, the Board of Directors approved the licenses and requested that Assistant Attorney John Novak draft proposed changes to the statute.

Mr. Novak provided language for a proposed change that was considered by the Board at the meeting held in Juneau, March 24, 2011. After discussion by the members Mr. Novak offered his suggestions as policy as opposed to initiating a statute change. The members of the board agreed. The following is the policy by which we will consider recreational site license applications that includes the language of AS 04.11.210.

A recreational site license authorizes the licensee to sell beer and wine on licensed premises located on the recreational site. A license may be issued only if an application is approved by the local governing body and the board, and the applicant does not hold a beverage dispensary license or a restaurant or eating place license.

An event-based recreational site license will allow the licensee to sell beer and wine one hour before and one hour after an event. An event based recreational site license includes the following spectator sporting events, or other spectator sporting events having substantially similar characteristics - baseball games, softball games, football games, soccer matches, running events, skiing events, dog sled races, hockey games, basketball games, curling matches, gymnastic meets, volleyball meets, car racing events, and snow machine races.

An activity-based recreational site license will allow the licensee to sell beer and wine during times the recreational activity is taking place. An activity-based recreational site license includes the following recreational activities, or other recreational activities having substantially similar characteristics - baseball, softball, football, soccer, running, skiing, skating, dog sledding, curling, gymnastics, zip lines, volleyball, climbing, hiking, fitness activities, golf, bowling, billiards, hiking, rafting, and boating.

A recreational site license may not be issued if the licensed premise is within 200 feet of the property line for real property that is owned by, leased to, or rented to any public or private school, church, college, or university.

cc: John Novak, Assistant Attorney General



# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal Dates	City Name	Borough Description	Service Location	License Activity	Exp Year
4895	AK Tuesday Night Fights	2012 - Transfer Full	Wasilla	Matanuska-Susitna Borough	1001 S. Mack Drive Wasilla	Provide beverage during fight events	2014
	Transferred from Alaska Golf-Shot 7/13/12						
3924	Alaska Raceway Park	1999 5/1 - 10/31	Outside City Limits	Matanuska-Susitna Borough	Sullivan Rd @ Mile 10.4 Old Glenn Hwy	Provide food & beverage to car racing spectators	2014
39	Alaska State Fair	1975 Full Year	Palmer	Matanuska-Susitna Borough	1 Mile South of Palmer	Areas of food & beverage service within fairgrounds	2014
4881	Alaska Travel Adventures	2009 Full Year	Juneau, City & Bor		9999 Glacier Highway	Provide food & beverage in conjunction with tour activities	2014
4722	Alaska Wild Berry Products	2008 Full Year	Anchorage, Mun. of		5225 Juneau St	Provide beverage to theater attendees & tour lunch groups.	2014
4700	Alaska Zipline Adventures	2009 4/15 - 10/15	Juneau, City & Bor		3000 Fish Creek Rd	Provide beer and snacks after zipline and other activities	2014
3209	Alaskalanes	1992 Full Year	Kenai	Kenai Peninsula Borough	10639 Spur Hwy	Provide food & beverage to bowlers	2013
1747	Anchorage Bucs	1982 5/1 - 10/31	Anchorage, Mun. of		Mulchay Stadium - A St & 16th Ave.	Provide food & beverage to baseball game attendees	2014
1314	Anchorage Glacier Pilots	1956 5/1 - 10/31	Anchorage, Mun. of		Mulchay Stadium	Provide food & beverage to baseball game attendees	2013
4850	Arctic Valley Ski Area	2010 11/01 - 5/01	Anchorage, Mun. of		18800 Arctic Valley Road	Skiing, snowboarding, snowshoeing, hiking and biking.	2013
5009	Beluga Billiards	2010 Full Year	Anchorage, Mun. of		3841 W Dimond Blvd Ste 200	Provide food & beverage to billiard players	2013
196	Capitol Speedway	1978 5/1 - 10/31	Outside City Limits	Matanuska-Susitna Borough	Mile 75.5 Parks Hwy	Provide food & beverage to car racing spectators	2014
2982	Carlson Community Center	1990 Full Year	Fairbanks	Fairbanks North Star Borough	2010 Second Ave	Provide food & beverage to arena event customers	2014

# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal	City Name	Borough Description	Service Location	License Activity	Exp Year
4730	Coming Attraction Theatres	2011 - Transfer Full	Wasilla	Matanuska- Susitna Borough	3331 E. Old Matanuska Road	Provide food & beverage to cinema theater customers	2014
	Transferred from Alaska Avalanche Hockey Club 11/19/09						
4897	Denali Arts Council	2009 Full Year	Outside City Limits	Matanuska- Susitna Borough	22249 S D Street	Provide beverage to theater attendees	2014
4674	Dimond Bowl	2008 Full Year	Anchorage, Mun. of		800 E Dimond Blvd #3-023	Provide food & beverage to bowlers	2013
4678	Fairbanks Junior Ice Dogs	2008 Full Year	Fairbanks	Fairbanks North Star Borough	1920 Lathrop Street	Provide food & beverage to hockey customers	2014
4969	Fireweed Meadows	2010 5/1 - 10/31	Outside City Limits	Kenai Peninsula Borough	72749 Milo Fritz Avenue	Provide beverage to golfers primarily	2013
1842	George Sullivan Arena	1983 Full Year	Anchorage, Mun. of		1600 Gambell Street	Provide food & beverage to arena event customers	2014
3409	Gold Creek Salmon Bake	1973 4/15 - 10/15	Juneau, City & Bor		1061 Salmon Creek Lane	Provide food & beverage in conjunction with tour activities	2014
3323	Home Run Concessions	2010 - Seasonal	Wasilla	Matanuska- Susitna Borough	3091 Meadow Lakes Drive	Provide beverage at events held at the Bumpus Field Complex	2014
2101	Kachemak Bowl	1984 Full Year	Homer	Kenai Peninsula Borough	672 East End Rd	Provide food & beverage to bowlers	2014
5023	Kenai River Brown Bears	2011 - Full Year	Soldotna	Kenai Peninsula Borough	Soldotna Sports Center 530 Arena Drive	Provide beverage during hockey games	2014
4567	Liarsville	2006 4/15 - 10/15	Skagway Borough, Municipality of		Mile 1 Liarsville Rd	Provide food & beverage to patrons; activities include goldpanning and theater	2013
2931	Mat-Su Miners	1990 4/1 - 9/30	Palmer	Matanuska- Susitna Borough	Hermon Brothers Field	Provide food & beverage to baseball game attendees	2014
5194	Minnesota Billiards	No issue year	Anchorage, Mun. of		3020 Minnesota Dr. #3	Provide food & beverage to billiard players	2013
1789	Mitchell Raceway	1983 5/1 - 9/30	Outside City Limits	Fairbanks North Star Borough	5 Mile Peger Rd	Provide food & beverage to car racing spectators	2013



# Recreational Site Licenses

June 2013

Lic #	Establishment Name	Issue Year /Seasonal Dates	City Name	Borough Description	Service Location	License Activity	Exp Year
4021	North Star Speedway	2001 5/31 - 9/6	Outside City Limits	Matanuska- Susitna Borough	2151 Jensen Rd	Provide food & beverage to car racing spectators	2013
846	Peninsula Oilers	1967 4/1 - 9/30	Kenai	Kenai Peninsula Borough	103 S Tinker Lane	Provide food & beverage to baseball game attendees	2014
3968	Subway Sports Centre/BlueLine Pub	2000 Full Year	Anchorage, Mun. of		11111 O'Malley Center Dr	Provide food & beverage to arena event customers	2013
5095	Taku Lanes, LLC	2007 Full Year	Juneau, City & Bor		608 W Willoughby Ave, Juneau, AK 99801	Provide food & beverage to bowlers	2014
4932	The Gardens	2009 Full Year	Anchorage, Mun. of		11051 O'Malley Centre Drive	Events include roller derby, car shows, boxing, martial arts, volley ball, basketball. Not all events have alcohol served.	2013
5004	The Summit	2010 Full Year	Anchorage, Mun. of		11001 O'Malley Centre Dr	Provide beer & wine in social setting after recreational activity completed	2013

**Tab**

**6**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,  
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 15, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Wine Clubs Regulation

The approved wine clubs regulation has been revised with technical changes only by regulations attorney, Assistant Attorney General Steve Weaver with the Department of Law. The attached regulation indicates the changes made that have been transmitted to the Lt. Governor's Office for filing. As of this writing I have not received word that the regulation has been filed.

I incorporated the changes into a separate document for ease of reading.

# MEMORANDUM

## State of Alaska Department of Law

TO: Hon. Mead Treadwell  
Lieutenant Governor

DATE: June 28, 2013

FILE NO.: JU2013200049

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: wine clubs  
(3 AAC 304.642)

We have reviewed the attached regulations from the Alcoholic Beverage Control Board. I have reviewed this project under a specific delegation dated June 28, 2013 from the Regulations Attorney. A duplicate of this memorandum is being furnished to Shirley A. Coté, the director, along with a copy of the regulations.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum and the attached duplicate memorandum dated June 28, 2013 constitute the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulation changes were adopted by the Alcoholic Beverage Control Board after the close of the public comment period. The regulations establish requirements for a package store licensee that enters into a standing shipment order agreement with a purchaser for the periodic shipment of wine of the licensee's choice to the purchaser.

The certification order for the regulations states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made a few technical corrections to conform the regulations with the drafting manual under AS 44.62.060 and 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Shirley A. Coté, Director  
Alcoholic Beverage Control Board

# MEMORANDUM

## State of Alaska Department of Law

TO: Shirley A. Coté, Director  
Alcoholic Beverage Control Board

DATE: June 28, 2013

FILE NO.: JU2013200049

TELEPHONE NO.: 465-3600

FROM: Steven C. Weaver   
Assistant Attorney General  
Legislation/Regulations Section--Juneau

SUBJECT: Regulations re: wine clubs  
(3 AAC 304.642)

Under AS 44.62.060, we have reviewed the attached regulations changes by the Alcoholic Beverage Control Board, and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated June 28, 2013 from the Regulations Attorney. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the two pages of regulations and the related documents.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulation changes.

The March 27, 2013 public notice and the June 26, 2013 certification order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

In accordance with AS 44.62.125(b)(6), some corrections have been made in the regulations, as shown on the attached copy.

SCW

cc w/enc: Crystal Koeneman, Regulations Contact  
Department of Commerce, Community, & Economic Development  
  
Harriet Dinegar Milks  
Assistant Attorney General  
Commercial & Fair Business Section--Juneau

3 AAC 304 is amended by adding a new section to read:

← 3 AAC 304. <sup>CC42, Louisiana</sup> Wine Clubs

(a) A package store licensee may enter into ~~and honor~~ a standing shipment order agreement with a purchaser for periodic shipment of wine of the licensee's choice to the purchaser if

(1) the licensee has an original or clear photocopy <sup>of proof-of-age</sup> a document bearing the <sup>recordance with</sup> purchaser's signature described in 3 AAC 304.645(b);

(2) the ~~standard shipment order~~ agreement is signed and dated by the purchaser and contains the information required for written orders <sup>under</sup> by 3 AAC 304.645(c)(2)-(6); and

(3) the agreement requires that payment for the wine be received by the licensee at least five working days <sup>before</sup> prior to the date of shipment and allows the licensee or purchaser to terminate the agreement by giving <sup>Five</sup> 5 days written notice of termination.

← (b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1) <sup>(2)</sup>, or (3) or (b)(1) or (2) the licensee shall consult the database maintained by the board under AS <sup>04.02.095</sup> ~~04.11.095~~ in the manner required by AS <sup>under</sup> 04.11.150(g). Shipment of the wine must be in compliance with applicable provisions of 04.11.150(g). When shipping the wine the purchaser shall comply with

3 AAC 304.645(e)(2)(B), ~~(e)(3)~~, and (f).

← (c) <sup>Licensee</sup> A licensee shall keep a file <sup>304</sup> for each standing shipment order agreement, that contains the agreement along with a copy of all documents required <sup>under</sup> by this section. The licensee shall retain the agreement file for at least one year after termination of the agreement. In addition, the licensee shall maintain a log of monthly shipments of wine in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each



U.S. the date the order was

shipment, and must show for each order the date payment for the shipment was received and shipped, and the address to which shipment was made.

(d) If the agreement requires the licensee to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), <sup>or</sup> (3) or (b)(1) or (2), the licensee shall enter a written order, <sup>not later than</sup> within 24 hours after receiving full payment, into the written order database established under AS 04.06.095.

(e) After written notification to the board by a local option municipality that it has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a package store licensee may not ship wine under a standing shipment order agreement into that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. 1/1/13, Register —)

Authority:	AS 04.06.090	AS 04.11.150	AS 04.16.000
	AS 04.06.095	AS 04.11.491	AS 04.16.125
	AS 04.06.100	AS 04.16.051	AS 04.21.010
	AS 04.11.010	AS 04.16.052	

Register\_\_\_\_, \_\_\_\_\_2013 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 304 is amended by adding a new section to read:

**3 AAC 304.642 Wine clubs.** (a) A package store licensee may enter into a standing shipment order agreement with a purchaser for periodic shipment of wine of the licensee's choice to the purchaser if

(1) the licensee has an original or clear photocopy of a proof-of-age document in accordance with 3 AAC 304.645(b);

(2) agreement is signed and dated by the purchaser and contains the information required for written orders under 3 AAC 304.645(c)(2) - (6); and

(3) the agreement requires that payment for the wine be received by the licensee at least five working days before the date of shipment and allows the licensee or purchaser to terminate the agreement by giving five days, written notice of termination.

(b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), the licensee shall consult the database maintained by the board under AS 04.06.095 in the manner required under AS 04.11.150(g). Shipment of the wine must be in compliance with applicable provisions of

3 AAC 304.645(e)(2)(B), (3), and (f).

(c) For each standing shipment order agreement, a licensee shall keep a file that contains the agreement along with a copy of all documents required by this section. The licensee shall retain the agreement file for at least one year after termination of the agreement. In addition, the licensee shall maintain a log of monthly shipments of wine in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each

Register \_\_\_\_, \_\_\_\_\_ 2013 COMMERCE, COMMUNITY, AND EC. DEV.

shipment, and must show for each order the date payment for the shipment was received, the date the order was shipped, and the address to which shipment was made.

(d) If the agreement requires the licensee to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), the licensee shall enter a written order, not later than 24 hours after receiving full payment, into the written order database established under AS 04.06.095.

(e) After written notification to the board by a municipality that it has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a package store licensee may not ship wine under a standing shipment order agreement into that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. \_\_/\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority:	AS 04.06.090	AS 04.11.150	AS 04.16.060
	AS 04.06.095	AS 04.11.491	AS 04.16.125
	AS 04.06.100	AS 04.16.051	AS 04.21.010
	AS 04.11.010	AS 04.16.052	

# **Tab**

# **7**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263-5930

## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the ABC Board

DATE: April 11, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Municipal Refunds

### Introduction:

During the legislative audit of 2009 the auditors pointed out on page 10 (copy attached) under 3. Licensing and Administrative Procedures, bullet seven that staff was not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees. In 2010 the auditors returned and we discussed the issue of municipalities enforcing alcoholic beverage laws and at that time they seemed to accept my explanation that from my experience and contacts with police across the state for many years that part of the everyday function of the police included the enforcement of alcoholic beverage laws. This issue was not addressed in the follow-up report of September 28, 2010. However, I took steps to ensure this issue does not arise in the next audit of late 2014 or early 2015 (the ABC sunset is June 30, 2015).

### Relevant statutes and regulations:

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

- (a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.
- (b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of commerce, community, and economic development may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.
- (c) The Department of Commerce, Community, and Economic Development shall recover any amounts erroneously refunded under (a) of this section. The





Department of Commerce, Community, and Economic Development shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

**Regulation 3 AAC 304.610. Refunds to municipalities** states the following:

- (a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .
- (b) The director shall recommend that the commissioner of commerce, community, and economic development deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

Peace officers shall investigate and report to the board violations of this title.

**Actions taken:**

I developed a simple report form (copy attached) for police departments to use to capture their quarterly statistics. Most of the departments use this form, or one fairly similar. I continue to accept e-mails and letters. Several departments report more frequently by sending their police reports as the violations occur. At the end of each quarter I send an e-mail reminder to the chiefs, or their designee.

In 2012 at the end of the first quarter six municipalities failed to report; second quarter – 10; third quarter – seven; fourth quarter – seven. Attached is an Excel spreadsheet containing the names of the 36 cities with and X to indicate a quarterly report has been submitted. It is not always the same municipalities failing to report consistently and at the end of the third quarter I called each police department personally that had no report filed and still seven did not report.

**Questions:**

- 1. During 2012 every municipality reported for at least one quarter. Biennial license fees are refunded semi-annually. Shall we divide the semi-annual fees by two and if the municipality reports for one quarter but not the other then should I request that the Commissioner withhold one half of the semi-annual fee?
- 2. Two communities with a high number of liquor licenses report no violations or even warnings in the last quarter of 2012. If a police department provides a quarterly report should that be interpreted that the laws are “actively enforced?”



2. Licensing Revenues. Licensing fee revenues recorded in the ABC Board's database does not agree with nor is reconciled to the same revenue as it is recorded in the State accounting system. The failure to reconcile has resulted in overpayments to municipalities and missed payments by licensees. Timely, complete, and accurate reconciliation between the two systems would likely resolve these problems and provide information for the board and director to take immediate action regarding noncompliant licensees.
3. Licensing and Administrative Procedures. The ABC Board members and director are not providing appropriate guidance and oversight to staff to ensure compliance with state laws, and with its decisions.

The ABC Board does not consistently adhere to the statutory requirement of notifying the local governing body within ten days of receipt of an application per AS 04.11.520. This important requirement allows time for the local government to review and possibly protest the issuance, renewal, relocation or transfer of a license.

The ABC Board is also not enforcing the law requiring the return of caterers and special event permits within 48 hours. Other deficiencies in the ABC Board's licensing files, recordkeeping, database, and administrative processes include:

- No current written policy and procedures to give guidance in situations where licensees are involved in bankruptcy proceedings.
- Staff routinely failed to properly use existing checklists for verifying the completeness of licensing applications.
- Instances where staff had not submitted local government protests in a timely manner to the board for review and action.
- Significant occurrences of expired and/or unpaid licenses being incorrectly listed as active license holders.
- Failure to detect instances where required wholesale affidavits had not been filed by wholesale licensees.
- Municipalities being over or under paid for municipal license fee refunds.
- The ABC Board's staff is not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees.
- The concerns of local governments that the ABC Board's policy and procedures do not include written notification to local governments regarding expired licenses.

The above activities show that the ABC Board may not be operating effectively and efficiently and is not achieving its potential in furthering the public interest.

4. Enforcement Data Procedures. The ABC Board's investigators inconsistently or inaccurately entered case record information into the Alaska Public Safety Information

## Gifford, Shirley A (DPS)

---

**From:** Gifford, Shirley A (DPS)  
**Sent:** Friday, January 13, 2012 12:28 PM  
**To:** Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen!; John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Nelson, Gilbert E (DPS)  
**Subject:** Alcohol sales and manufacturing violations

Dear Alaska Chiefs of Police,

Some of you may know that in the past couple of years there was work in progress on reporting certain crimes to the State of Alaska. I don't know if or when that reporting will come to fruition; therefore, I am asking for your cooperation in reporting violations of local ordinances, federal and state laws and regulations relating to the manufacture and sale of alcoholic beverages in the state. During the last legislative audit of the ABC Board I was asked if police departments were reporting as required. Many were not reporting. Although the auditors accepted my answer that I knew the departments were enforcing these laws "because that is what they do" I believe we all have a responsibility to follow the statutes and regulations.

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

(a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.

(b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of public safety may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.

(c) The Department of Public Safety shall recover any amounts erroneously refunded under (a) of this section. The Department of Public Safety shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

Several of you do report to the ABC Board on a quarterly basis. A couple of you report daily or weekly. I am sending this email for expediency sake (I have a tendency to respond more quickly to an email than a formal written letter). It is not my desire to add more work to your load; however, it seems as though this law and its companion regulation have not been enforced over the years.

Regulation **13 AAC 104.610. Refunds to municipalities** states the following:

(a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .

(b) The director shall recommend that the commissioner of revenue deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

**Sec. 04.21.070. Enforcement.**

Peace officers shall investigate and report to the board violations of this title.

I have cc'ed Gil Nelson, my administrative assistant who maintains the reports from police departments. In an effort not to create more work than is absolutely necessary, you may send an email during the first week of April (1<sup>st</sup> quarter), first week of July (2<sup>nd</sup> quarter), first week of October (3<sup>rd</sup> quarter), and first week of January (4<sup>th</sup> quarter) to Gil and me for our files, and for my review semi-annually when the refunds to municipalities are processed. I appreciate your cooperation and invite you to ask questions or give feedback in this process. Thank you.

Shirley

*Shirley A. Gifford*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 269-0351*



## Gifford, Shirley A (DPS)

---

**From:** Gifford, Shirley A (DPS)  
**Sent:** Friday, January 13, 2012 4:11 PM  
**To:** Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen (jjesen@yakutatak.ak.us); John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Nelson, Gilbert E (DPS)  
**Subject:** Form to aide reporting  
**Attachments:** Municipal reporting form.docx

Dear Alaska Chiefs of Police,

I have attached a form that may assist you in capturing the data I wrote to you about earlier today. I am not mandating the use of this form, nor is the list of statutes all encompassing. I have added blocks in the event you need to capture federal violations, local ordinance violations, state regulations or other statutes not included on this list. I tried to capture those most likely to be your focus and some other in section 04.16. I hope this helps and I am certainly open to any ideas you may have regarding the necessary capture of data. I am sending the document in word form for you to customize if you wish. Thank you!

Shirley

*Shirley A. Gifford*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 269-0351*

Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter \_\_\_\_\_ Year \_\_\_\_\_  
 City \_\_\_\_\_

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter \_\_\_\_\_ Year \_\_\_\_\_  
 City \_\_\_\_\_

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				



### Police Department Reporting of Title 4 Violations

Calendar Year Quarter	Adak PD	Anchorage PD	Bristol Bay Borough PD	Cordova PD	Dillingham Police Depart	Fairbanks PD	Ft. Yukon PD	Galena PD	Haines PD	Homer PD	Hoonah PD	Juneau PD	Kenai PD	Ketchikan PD	King Cove PD	Klawock PD	Kodiak PD	Kotzebue PD	Nome PD	North Pole PD	Palmer PD	Petersburg PD	St. Paul PD	Sand Point PD	Seldovia PD	Seward PD	Sitka PD	Skagway PD	Soldotna PD	Unalaska PD	Valdez PD	Wasilla PD	Whittier PD	Wrangell PD	Yakutat PD
2012-1st		X		X	X	X	X			X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
2012-2nd		X		X	X		X	X		X	X	X	X	X			X	X	X	X		X		X		X	X	X	X	X	X	X	X	X	
2012-3rd		X		X	X	X	X		X	X	X	X	X	X	X	X	X		X	X	X	X		X		X	X	X	X	X	X	X	X	X	
2012-4th	X	X	X	X		X	X	X	X	X	X	X	X			X		X	X	X	X		X		X	X	X	X	X	X	X	X	X	X	





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: July 15, 2013

FROM: Shirley A. Coté *SAC*  
Director, ABC Board

RE: Municipal Refunds – Update from last meeting

The issue of municipal refunds was postponed from the last board meeting of May 30, 2013. Since that meeting municipal law enforcement agencies have had one full quarter of reporting that should have been completed. We are now into the second quarter reporting for 2013. In the first quarter ten police departments did not report. Into the second quarter 16 departments have not yet reported. I have attached the most current spreadsheet. I have also provided copies of the reports sent in so far for the second quarter as well as a copy of the email reminder to the chiefs.



## Cote, Shirley A (CED)

---

**From:** Cote, Shirley A (CED)  
**Sent:** Wednesday, July 03, 2013 10:42 AM  
**To:** 'Alan Bengaard'; 'Bill Comer'; 'Brad Johnson'; 'Dan Pasquariello'; 'Darrell Tannehill'; 'David Scofield'; 'Don McIntire'; 'Doug McCloskey'; 'Eric Swisher'; 'Gary Lowe'; 'Gene Beldon'; 'Greg Browning'; 'Gus Sandahl'; 'Jamie Sunderland'; 'Jeremy Fernandes'; Jessica Hristov; 'Jim Agner'; 'Jim Jensen'; 'John Havard'; 'John Lucking'; 'John Papasodora'; 'Josh Dossett'; 'Kelly Swihart'; Lance Ketterling; 'Laren Zager'; 'Layton Lockett'; 'Leslie Isaacs'; 'Mark Mew'; 'Mark Robl'; 'Page Decker'; 'Paul Lindhag'; 'Peter Mlynarik'; 'Ray Leggett'; 'RJ Ely'; 'Robert Gould'; 'Rodney Enevoldsen'; 'Shad Haller'; 'Sheldon Schmitt'; 'TC Kamai'; 'Tom Clemons'  
**Cc:** Laughlin, Jeffrey D (DPS); Dinegar, Harriet C (LAW); Andrews, Maxine R (CED); Beasley, Robert L (CED); Finney, Richard L (CED); Hamilton, Joe (CED); Hunter, Brandon; Johnson, Steven M (CED); Lambert, Christine C (CED); Mikell, Tan (CED); Nelson, Gilbert E (CED); Oates, Sarah D (CED)  
**Subject:** Quarterly Reports-Board agenda-ARMS

Dear Chiefs and Chiefs' Delegates,

It is time to submit your second quarterly report for 2013. I have already heard from a number of you with the Soldotna Police Department being first in this quarter with Seward and Juneau being very close second and third, respectively. I appreciate the timeliness of all reports and to those departments who report more frequently when issues arise in connection with licensed premises.

We still have a few chiefs who are not reporting consistently for each quarter. We have others who consistently report no enforcement activity. As you know, municipalities have two statutory requirements and one regulatory requirement, 1) AS 04.21.070 states peace officers shall investigate and report to the board violations of this title, 2) AS 04.11.610 states that if officers fail to actively enforce alcoholic beverage laws, ordinances and regulations the municipal refund may be denied, and 3) 3 AAC 104.610 states the director shall recommend denial of the license fees if peace officers fail to provide quarterly reports of violations of AS 04 occurring on licensed premises within the municipality. Municipal refunds is a subject of discussion and decision-making for the board of directors at the next board meeting to be held in Fairbanks on July 23rd. The time of this discussion is yet to be determined; however, the agenda will be posted on our website at <http://commerce.alaska.gov/dnn/abc/Home.aspx> about one week prior to the meeting. If you have concerns I would encourage you to dial in to the meeting. The phone number will also be posted on our website.

The ABC Board has joined the Alaska Records Management System (ARMS) through the Department of Public Safety. As we have been invited and trained, police departments are being invited to join. This is excellent technology that allows for sharing valuable law enforcement information. The more departments that join the more information we can share in a less time-consuming and time-delayed manner. This should assist all of us in many ways and in particular between you and the ABC Board in this required reporting. If you have questions about ARMs Captain Laughlin with the Alaska State Troopers encourages you to contact him via his email [Jeffrey.laughlin@alaska.gov](mailto:Jeffrey.laughlin@alaska.gov) or his phone number at (907) 269-5650.

Thanks again to all of you who are so diligent in your reporting. If any of you have any questions please do not hesitate to contact me.

Shirley

*Shirley A. Côté*  
Director

*Alcoholic Beverage Control Board*  
(907) 263-5928

### Police Department Reporting of Title 4 Violations

[illegible]



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages**

Statute	Arrest	Summons	Citation	Warning
2 <sup>nd</sup> quarter report	<u>Adak ak.</u>			
04.16.010 Hours of sale				2
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				2
04.16.045 Restrictions on premises				1
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages**

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		8		1
04.16.051 Furnishing		1		
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]



Report of Violations within Craig, Relating to Alcoholic Beverage Violations  
2013 Second Quarter (April - June)

	Arrest	Summons	Citation	Warning
04.16.010 Hours of Sale				1
04.16.030 Prohibited Conduct Drunken Persons				6
04.16.040 Drunk on Licensed Premises				2
04.16.047 Restricted Person				
04.16.049 Underage on Licensed Premises				
04.16.050 Minor in Possession/Consumption			7	
04.16.051 Furnishing		1		
04.16.052 Furnishing by Licensee				
04.16.060 Purchase by underage person				
04.16.120 Removal of Alcoholic Beverages				
Removed from Bar, for Intoixcated and Bar didn't want subject to returned; so subject(s) arrested for Criminal Trespass, 2nd Degree				
Totals		1	7	9

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	0
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	0
04.16.025 Illegal presence and municipal ordinances	0	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	0
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	0	0	0	0
04.16.049 Underage persons	0	0	0	0
04.16.050 Minor in possession	0	0	12	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0
04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

[illegible]

**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
January-March 2013 Dillingham Police Department**

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Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	1
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	1
04.16.025 Illegal presence and municipal ordinances	3	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	3	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	4
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	4	0	0	0
04.16.049 Underage persons	3	0	0	0
04.16.050 Minor in possession	12	0	0	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0
04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0

[illegible]



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Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter 2 Year 2013  
 City Homer

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)	1			
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession			1	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

Report of Violations within Municipalities  
 Relating to Manufacture and Sale of Alcoholic Beverages  
 Calendar Quarter 2 Year 2013  
 City Homer

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

<b>Statute</b>	<b>Arrest</b>	<b>Summons</b>	<b>Citation</b>	<b>Warning</b>
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person	2		4	
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons	1		1	
04.16.050 Minor in possession	4		42	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

<b>Statute</b>	<b>Arrest</b>	<b>Summons</b>	<b>Citation</b>	<b>Warning</b>
04.16.090 Bottle clubs				
04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				



City of Kodiak  
**KODIAK POLICE DEPARTMENT**  
Office of the Chief of Police



July 2, 2013

Shirley A. Coté, Director  
Alcoholic Beverage Control Board  
5848 E. Tudor Road  
Anchorage, AK 99507

RE: Title 4 Statistics – FY 2013, 4<sup>th</sup> Quarter

Dear Director Coté:

Please see below the statistics for the fourth quarter of FY13 for Title 4 Enforcement Actions conducted by the Kodiak Police Department. This data is being reported to you in accordance with the provisions of AS 04.16.610 (a-b).

- Bar Checks – 967
- Caterer's Permits – 8
- Special Events Permits – 0
- Liquor Law Violations (UCR) – 65
- M.I.P. s:
  - Contacts – 5
  - Cited – 5

If you require more information or further assistance, please contact me at (907) 486-8000.

Sincerely,

A handwritten signature in black ink, appearing to be "Charles TC Kamai".

Charles "TC" Kamai  
Chief of Police



Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages

N PPD  
2nd Quarter  
2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession			2	2
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

## Report of Violations within Municipalities Relating to Manufacture and Sale of Alcoholic Beverages

[illegible]

## Cote, Shirley A (CED)

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**From:** Lance L. Ketterling <llketterling@PalmerPolice.com>  
**Sent:** Wednesday, July 03, 2013 11:11 AM  
**To:** Cote, Shirley A (CED)  
**Subject:** RE: Quarterly Reports-Board agenda-ARMS

Hi, Shirley  
Palmer PD has nothing to report this quarter.  
Have a nice holiday!  
Lance.

---

**From:** Cote, Shirley A (CED) [<mailto:shirley.cote@alaska.gov>]  
**Sent:** Wednesday, July 03, 2013 10:42 AM  
**To:** Alan Bengaard; Bill Comer; Brad Johnson; Dan Pasquariello; Darrell Tannehill; David Scofield; Don McIntire; Doug McCloskey; Eric Swisher; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Jamie Sunderland; Jeremy Fernandes; Jessica Hristov; Jim Agner; Jim Jensen; John Havard; John Lucking; John Papasodora; Josh Dossett; Kelly Swihart; Lance L. Ketterling; Laren Zager; Layton Lockett; Leslie Isaacs; Mark Mew; Mark Robl; Page Decker; Paul Lindhag; Peter Mlynarik; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Shad Haller; Sheldon Schmitt; TC Kamai; Tom Clemons  
**Cc:** Laughlin, Jeffrey D (DPS); Dinegar, Harriet C (LAW); Andrews, Maxine R (CED); Beasley, Robert L (CED); Finney, Richard L (CED); Hamilton, Joe (CED); Hunter, Brandon J (CED); Johnson, Steven M (CED); Lambert, Christine C (CED); Mikell, Tan (CED); Nelson, Gilbert E (CED); Oates, Sarah D (CED)  
**Subject:** Quarterly Reports-Board agenda-ARMS

Dear Chiefs and Chiefs' Delegates,

It is time to submit your second quarterly report for 2013. I have already heard from a number of you with the Soldotna Police Department being first in this quarter with Seward and Juneau being very close second and third, respectively. I appreciate the timeliness of all reports and to those departments who report more frequently when issues arise in connection with licensed premises.

We still have a few chiefs who are not reporting consistently for each quarter. We have others who consistently report no enforcement activity. As you know, municipalities have two statutory requirements and one regulatory requirement, 1) AS 04.21.070 states peace officers shall investigate and report to the board violations of this title, 2) AS 04.11.610 states that if officers fail to actively enforce alcoholic beverage laws, ordinances and regulations the municipal refund may be denied, and 3) 3 AAC 104.610 states the director shall recommend denial of the license fees if peace officers fail to provide quarterly reports of violations of AS 04 occurring on licensed premises within the municipality. Municipal refunds is a subject of discussion and decision-making for the board of directors at the next board meeting to be held in Fairbanks on July 23rd. The time of this discussion is yet to be determined; however, the agenda will be posted on our website at <http://commerce.alaska.gov/dnn/abc/Home.aspxb> about one week prior to the meeting. If you have concerns I would encourage you to dial in to the meeting. The phone number will also be posted on our website.

The ABC Board has joined the Alaska Records Management System (ARMS) through the Department of Public Safety. As we have been invited and trained, police departments are being invited to join. This is excellent technology that allows for sharing valuable law enforcement information. The more departments that join the more information we can share in a less time-consuming and time-delayed manner. This should assist all of us in many ways and in particular between you and the ABC Board in this required reporting. If you have questions about ARMS Captain Laughlin with the Alaska State Troopers encourages you to contact him via his email [Jeffrey.laughlin@alaska.gov](mailto:Jeffrey.laughlin@alaska.gov) or his phone number at (907) 269-5650.

Thanks again to all of you who are so diligent in your reporting. If any of you have any questions please do not hesitate to contact me.

Shirley

*Shirley A. Côté*  
*Director*  
*Alcoholic Beverage Control Board*  
*(907) 263-5928*

**SEWARD POLICE DEPARTMENT**  
**2013 2nd QUARTER ALCOHOL STATS**  
**03/27/2013-06/30/2013**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		3		
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				
04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				



**Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter 2 Year 2013**

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

None



Calendar Quarter 2 Year 2013

~~Vent~~



## SOLDOTNA POLICE DEPARTMENT

44510 Sterling Highway  
Soldotna AK, 99669  
Tel: (907) 262-2255 Fax: (907) 262-4421



### 2<sup>nd</sup> Quarterly Report

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale	0	0	0	0
04.16.015 Pricing and marketing	0	0	0	0
04.16.020 Solicitation of alcoholic beverages	0	0	0	0
04.16.025 Illegal presence and municipal ordinances	0	0	0	0
04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
04.16.035 Homebrew ingredients	0	0	0	0
04.16.040 Drunken person	0	0	0	0
04.16.045 Restrictions on premises	0	0	0	0
04.16.047 Restricted persons	0	0	0	0
04.16.049 Underage persons	0	0	0	0
04.16.050 Minor in possession	0	5	0	0
04.16.051 Furnishing	0	0	0	0
04.16.052 Furnishing by licensee	0	0	0	0
04.16.055 Furnishing in a rental room	0	0	0	0
04.16.057 Minor possessing in a dwelling	0	0	0	0
04.16.059 Furnishing by sex offender	0	0	0	0
04.16.060 Purchase by underage person	0	0	0	0

04.16.070 Sales on election day	0	0	0	0
04.16.080 Sales or consumption at school events	0	0	0	0
04.16.090 Bottle clubs	0	0	0	0
04.16.100 Size of containers	0	0	0	0
04.16.110 Certain alcoholic beverage content	0	0	0	0
04.16.120 Removal or introduction	0	0	0	0
04.16.125 Transportation by common carrier	0	0	0	0
04.16.130 Stock confined to licensed premises	0	0	0	0
04.16.140 Sale or consumption in warehouse	0	0	0	0
04.16.150 Licensees responsible	0	0	0	0
04.16.160 Restriction on purchasing	0	0	0	0
04.16.170 Source and supply	0	0	0	0
04.16.172 Purchase and sale from licensee	0	0	0	0
04.16.175 Furnishing in aid of gambling	0	0	0	0

## ABC Report March - June 2013

	DUTCH HARBOR FAST FOODS	AMELIAS	AIRPORT RESTAURANT	ALASKA SHIP SUPPLY LIQUOR STORE	GRAND ALEUTIAN	HARBOR SUSHI	HARBOR VIEW BAR	HARBOR VIEW LIQUOR STORE	Dwellings	Total Liquor Law Violations
<b>MIP</b>										
AS04.16.050(a) 13-001155									1	1
<b>Furnishing Alcohol to a Minor</b> AS04.16.051 (a) and (c)										0
<b>Access Licensed Premise Under 21</b>										
13-001032							1			1
<b>Licensee Allow Minor on Premises</b>										
13-001032							1			1
<b>Access Of Drunken Person to Licensed Premises</b> AS04.16.040 13-000948, 13-000990, 13-001015(2), 13-001025, 13-001038(3), 13-001041, 13-001125(2) 13-001135, 13-001137, 11-001139, 13-001140, 13-001141, 13-001220, 13-001249 13-001299, 13-001459(7), 13-001482, 13-001503, 13-001573			4	1	2		22			29
<b>Removal or Introduction of Alcoholic Beverages</b> AS04.16.120 13-001440, 13-001564							2			2
<b>Room Rental for Purposes of Consuming Alcohol Beverages</b>										0
<b>Prohibited Conduct Related to Drunken Persons</b> AS04.16.030 (A)(1): Sell, give or barter an alcoholic beverage to a drunken person AS04.16.060(A)(3): Allow drunken person to enter and remain on licensed premises										0
<b>Minor Possessing in a Dwelling</b> AS04.16.057										0
<b>Furnishing in a Rental Room</b>										0
<b>Licensee Furnishing Liquor To a Minor</b>										0
<b>Proof of Age and of not Being Restricted From Purchasing Alcoholic Beverages</b> AS04.21.050										0
<b>Purchase By or Delivery to Persons Under Age of 21</b> AS04.16.060(d)										0
<b>Total Liquor Law Violations</b>		0	4	1	2	0	26	0	1	34

MIP: Cited

Furnishing Alcohol to a minor:

Removal or introduction alcoholic beverage: warning

Access Of Drunken Person to Licensed Premises: Warning &amp; arrested 13-001139

Licensee Furnishing Liquor to a Minor: Warned

Minor Possessing in a Dwelling: All cited

Furnishing in a Rental Room: None

Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter 2nd Year 2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession		11		
04.16.051 Furnishing		1		
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

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Report of Violations within Municipalities  
Relating to Manufacture and Sale of Alcoholic Beverages  
Calendar Quarter 2nd Year 2013

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Wasilla Police Department  
1800 E. Parks Highway  
Wasilla, AK 99654  
(907) 352-5401/Fax: (907) 375-7877  
wpdadmin@ci.wasilla.ak.us



**Report of Violations within Municipalities**  
**Relating to Manufacture and Sale of Alcoholic Beverages**  
April – June 2013 (2<sup>nd</sup> Quarter)

Statute	Arrest or Charged	Summons	Citation	Warning
AS 04.16.010 Hours of sale	0	0	0	0
AS 04.16.015 Pricing and marketing	0	0	0	0
AS 04.16.020 Solicitation of alcoholic beverages	0	0	0	0
AS 04.16.025 Illegal presence and municipal ordinances	0	0	0	0
AS 04.16.030 Drunken persons (not allowed by licensee)	0	0	0	0
AS 04.16.035 Homebrew ingredients	0	0	0	0
AS 04.16.040 Drunken person	1	0	0	0
AS 04.16.045 Restrictions on premises	0	0	0	0
AS 04.16.047 Restricted persons	0	0	0	0
AS 04.16.049 Underage persons	0	0	0	0
AS 04.16.050 Minor in possession	2	0	0	0
AS 04.16.051 Furnishing	0	0	0	0
AS 04.16.052 Furnishing by licensee	0	0	0	0
AS 04.16.055 Furnishing in a rental room	0	0	0	0
AS 04.16.057 Minor possessing in a dwelling	0	0	0	0
AS 04.16.059 Furnishing by sex offender	0	0	0	0
AS 04.16.060 Purchase by underage person	0	0	0	0
AS 04.16.070 Sales on election day	0	0	0	0
AS 04.16.080 Sales or consumption at school events	0	0	0	0
AS 04.16.090 Bottle clubs	0	0	0	0
AS 04.16.100 Size of containers	0	0	0	0
AS 04.16.110 Certain alcoholic beverage content	0	0	0	0
AS 04.16.120 Removal or introduction	0	0	0	0
AS 04.16.125 Transportation by common carrier	0	0	0	0
AS 04.16.130 Stock confined to licensed premises	0	0	0	0
AS 04.16.140 Sale or consumption in warehouse	0	0	0	0
AS 04.16.150 Licensees responsible	0	0	0	0
AS 04.16.160 Restriction on purchasing	0	0	0	0
AS 04.16.170 Source and supply	0	0	0	0
AS 04.16.172 Purchase and sale from licensee	0	0	0	0
AS 04.16.175 Furnishing in aid of gambling	0	0	0	0

Report of Violations within Municipality of Wrangell  
Relating to Manufacture and Sale of Alcoholic Beverages  
First Quarter 2013

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons		1		
04.16.049 Underage persons				
04.16.050 Minor in possession		1	6	
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

**Report of Violations within Municipality of Wrangell  
Relating to Manufacture and Sale of Alcoholic Beverages  
First Quarter 2013**

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				