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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: Template for Licensee's Policies

Enforcement Unit Supervisor Bob Beasley was conducting research recently and came across a manual created by members of the New Hampshire Liquor Commission (NHLC). With the permission of the NHLC Inv. Beasley revised the policy to fit Alaska laws and desired business practices.

This item for discussion and approval was postponed from the last meeting of May 30, 2013 under the heading of "House Policy Development". In our pre-board meeting with Chair Klein he believed the title of "Template for Licensee's Policies" better fit the description for this tool that is voluntary and hopefully helpful to licensees.

With the approval of the Board I will send this template policy to licensees in the next full mailing along with the attached cover letter.



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ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5437
Fax: 263-5930

July 23, 2013

RE: Template for Licensee's Policies

Dear Licensee,

Attached you will find a template that may assist you in the development of policies for your business. These policies are models that were customized from the New Hampshire Liquor Commission publication, with their consent. This template may be beneficial to you and your establishment in promoting legal and responsible alcohol service. The template is available from our website at <http://commerce.alaska.gov/dnn/abc/Home.aspx> in a word document for easy customization for your licensed premises.

Aside from the legal mandates referred to in the document, you are not in any way required by the ABC Board to adopt these policies. Many licensees already have good policies in place. This template is being provided as an aide that may help you in the development of your policies. If there is anything I, or any member of my staff can do to assist you please let me know.

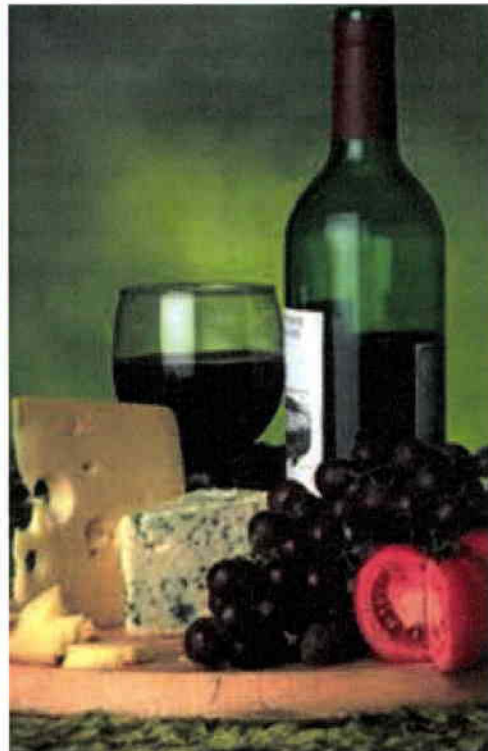
Sincerely,

Shirley A. Coté
Director

State of Alaska
Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

TEMPLATE FOR LICENSEE'S POLICIES



A Guide to Developing Responsible Business Practices for On-Premises Licensees

Modeled after the New Hampshire Liquor Commission's House Policy Development publication.

Introduction

Your business is very important. It is valuable to you, your community, and to the economy. You have invested your time, energy and financial resources. Your business offers a place that meets local dining and/or entertainment needs and provides jobs. The best way to protect your valued business is through responsible business practices. Responsible business practices can help reduce your risk of criminal or administrative charges, and civil lawsuits.

Responsible business practices promote profitability and ensure a comfortable and safe environment for your customers. You should document your responsible business practices in the form of written house policies. If you have none, each employee may have his or her own idea about what the rules are, what they mean, and when they should be applied. House policies offer practical solutions to common problems faced by licensed establishments.

With good house policies in place, your employees will not have to make difficult judgment calls about who to serve or how to handle a tough situation - they know what to do because their responsibilities and your expectations are clearly spelled out. The portion of your house policies for customers are public documents that should be posted in highly visible locations as they are a set of house rules concerning customers' entry and behavior while in your establishment.

The portion of your house policies for staff is directly related to the portion for customers, in that it communicates management's expectations of staff regarding sale of alcohol and instructions for denying entry and ejecting undesirables. These policies indicate your establishment's responsible serving practices and intention to comply with the law and should be shared with the Alcoholic Beverage Control Board, your local police or troopers, your insurance company, and the community along with your patrons.

This manual is intended to provide guidelines to assist you in developing your own house policies as well as model policies which you can use when creating your policies. You may want to use our "Model House Policies" or modify them to meet your own specific needs, but three factors are common to all successful policies. In order to work, house policies must be written, communicated to your employees and supported by management.

Your employees must know that you will back them if they deny service to any customer or ask an unruly guest to leave. House policies create a framework within which your customers can enjoy themselves and your employees can operate both effectively and efficiently. In the long term, the responsible business will build a strong and loyal customer base.

Policy Development Guidelines

When Developing Policies...

- You may have a company policy that does not conflict with existing laws (for example, no discrimination).
- It is always good to obtain ideas from your managers and employees when writing new policies. They will be more supportive of policies they helped to create.
- Make sure policies are clear and specific.
- Provide all employees with a copy of the policies.
- To ensure that employees have read and understand the house policies, have them sign an Employee Acknowledgement Statement (Appendix A). Keep this in each employee's personnel file.
- Reinforce policies by giving regular training to employees.
- Between trainings, hold regular staff meetings. At the meetings, discuss the rules, recent problem situations, and ways to prevent future problems.
- Advise employees that you will spot check their compliance with the policies.
- Give them a regular performance review.
- Reward employees who do a good job. Provide rewards to those who engage in anti-drug events. Remember: Written policies, good communication, and a supportive environment will go a long way toward the success of your business.
- Review and update your policies regularly (annually if possible). This will ensure that your policies retain their relevancy and do not conflict with state law or administrative regulations.

Market Your Position

- Explain and market your program internally with incentives and to customers (tent cards, posters, posted policies)
- Indicate that you wish no customer to drink to intoxication
- Develop a Mission Statement and post it prominently

MODEL MISSION STATEMENT

"The goal of our establishment is to be successful by providing responsible, courteous, safe and professional food and beverage service. We will serve customers in a responsible, friendly, and professional manner. We are committed to adhering to all liquor laws while assisting customers in their decision to drink responsibly"

Monitor Your Door

- Post additional signage indicating that management reserves the right to deny entry to intoxicated and/or underage persons
- Assign a staff member who is currently trained in Alcohol Server Education to monitor the door at all times to:
 - Check for age and fraudulent identification
 - Deny entry to intoxicated people
 - Count the number of people on premise to prevent overcrowding and exceeding the legal capacity and provide for a proper customer to staff ratio
 - Allow free access to fire and law enforcement personnel, and the Alcoholic Beverage Control Board.

Market Food Actively

- Providing a range of food menu selections enhances the marketability of your establishment
- Have low-cost, low-salt snacks or food available at all times
- Offering reduced food prices during late afternoon and evening will reduce the effects of alcohol
- Provide incentives to servers for increased food sales

Responsible Beverage Pricing

- Do not promote drink specials or discounts
- Do not serve the equivalent of several drinks in oversized glasses - use standard glassware. The maximum drinks a patron can have in front of them is two

Promote Alternative Beverages

- Stock a good selection of light and non-alcoholic beer and wine
- Price non-alcoholic products competitively with alcohol products
- Promote non-alcoholic drinks
- Serve alcohol-free drinks in containers that are easily distinguishable from alcohol drinks
- Evaluate servers on total sales including non-alcoholic products

Train All Staff

- Have all staff trained as soon as possible in Alcohol Server Education and ensure all employees who serve alcoholic beverages, or employees who check ID have valid server cards on file. Some municipalities may require servers to have the training prior to employment.
- Provide all staff with a copy of the establishment's house policies and train them on how to use it
- Keep an incident log of problem situations (Appendix B)
- Regularly review the policy and the incident log with all staff
- Although state law does allow servers to drink on the job, you may want to prohibit drinking on the job by all staff and managers

Adopt a Safe Transportation Plan

- Identify transportation options
- Confirm necessary arrangements with outside companies
- Ensure your employees feel comfortable in their understanding of when to use the program
- Advertise your program

Never Serve Underage Individuals

- Verify that all servers are legally old enough to serve alcoholic beverages
- Ensure that staff understand their legal duty regarding service to underage and intoxicated individuals and provide them with clear guidelines on how to deal with these individuals
- Establish with staff when to ask for identification
- Train staff on how to identify underage customers

- Identify what forms of identification are acceptable
- Train staff on how to recognize a fake ID and what to do when one is presented
- Serve alcohol-free drinks in containers that are easily distinguishable from alcohol drinks

Underage Compliance Checks

- Train staff as to what a compliance check is
- If a staff member is the subject of a compliance check, remind him or her to remain professional at all times regardless if the Underage Buyer was served an alcoholic beverage or the sale was denied.
- Verify that a compliance check has occurred by retaining the Underage Buyer's identification that was presented and wait for an ABC Investigator or other law enforcement officer to personally retrieve it
- If the identification card is not retrieved in a reasonable amount of time (five-minutes or so) then it most likely was not a compliance check. Local police or troopers should be notified immediately.

Monitor Drinking of Customers

- Provide staff with guidelines for recognizing the signs of intoxication
- Promote the service of one standard drink at a time and in a reasonable time frame (i.e. one standard drink per hour)

Manage the Intoxicated Individual

- Deny entry to intoxicated customers
- Monitor consumption of customers to avoid intoxication
- Deny further service to intoxicated customers
- Ensure staff are aware of effective ways to deal with intoxicated individuals
- Reinforce policies by giving staff incentives for effectively discouraging and managing intoxicated individuals

MORE POLICIES

To: All Employees
From: Management
Subject: Reducing Youth Access to Alcohol

It is everyone's job to ensure patrons who are buying or drinking alcohol are at least 21 years of age. The state of Alaska issues driver's licenses and identification cards to persons under 21 in a vertical format with a red banner listing the month, day and year the holder will be 21 years old.

- We will request proof of age (I.D.) from any patron who appears 30 years of age or younger.
- When selling pitchers, we will request an I.D. from each person who receives a glass.
- We will use a pre-printed age chart as a quick way to figure age. The age chart, which says, "To Buy or Consume Alcohol, You Must Have Been Born on or Before [date]," will be updated daily.
- We will use separate types of glassware to tell alcoholic drinks from non-alcoholic drinks.

To help employees do their job, managers will post the following sign in the business:

- a) "NOTICE: Our employees request I.D. from any patron who appears to be under age 30. Thank you for your cooperation."
 - b) We have the right to, and will, refuse service to any patron who cannot produce proper I.D.
- All servers and door personnel will be trained on a regular basis to ensure that they have the most up to date and relevant information concerning their responsibilities regarding the state's alcoholic beverage laws and regulations. We will know what are considered legally acceptable forms of identification for the purchase of alcoholic beverages.

We may accept the following as proof of age:

- A driver's license issued by the state of Alaska, or a valid driver's license issued by another state which bears the date of birth, name, address, and photograph of the licensee.
- An identification card issued by the state of Alaska, or identification card issued by another state which bears the date of birth, name, address and photograph of the individual.
- An armed services identification card.
- A valid United States passport or a valid passport from any country.
- When an underage patron moves from one station to another, servers will tell each other.

To: All Employees
From: Management
Subject: Advertising, Promotions and Pricing

- We will maintain an atmosphere that promotes socializing.
- We will provide things to do other than drinking.
- Advertising materials and campaigns will not use alcohol as the main way to attract patrons.

The following practices are unlawful:

1. We will not use promotions that encourage intoxication. There will be no drinking contests.
2. We will not advertise, "Buy one drink, get one free, two for the price of one, or all you can drink."
3. We will not offer free alcohol or sell them below cost.
4. We will not lower alcohol prices to promote sales.
5. We will not promote a "Happy Hour" because this promotes too much drinking.
6. We will not promote drink specials to certain groups of people. For example, "Ladies' Night."

Instead:

- We will use food or entertainment for cocktail-hour specials. For example, we will have a "Hungry Hour." Appetizers will be free or offered for a low admission price. This brings in patrons and holds down intoxication.
- When we promote a special cocktail, wine or beer, we will offer a comparable nonalcoholic drink.
- If we promote or list alcohol on a menu or display, we will promote a nonalcoholic drink also.
- We will promote food and other non-alcoholic items using table tents.
- If we offer free appetizers or snacks, we will offer them to any patron, whether or not the patron buys alcohol.

To: All Employees
From: Management
Subject: Drink Service

- Management and supervisors will support servers' decisions to stop or refuse service to any patron. If they don't, the server might not act so responsibly in the future.
- We will discourage intoxication and not serve any person who looks or acts intoxicated, even if they are taking a taxi or have a "designated driver." This includes employees and regular patrons who may "always act that way."
- When a patron has been "cut off" in one person's station, that person will tell other employees.
- During shift change the outgoing server will brief the oncoming server regarding the length of time a patron has been at the establishment, what they have been drinking and how many drinks they have had. This will help the oncoming server to avoid over serving the patron.
- Responsible service techniques may reduce a server's tips. Therefore, we guarantee the tip to any server who stops service to a patron who displays signs of intoxication.
- Drinking on the job impairs your ability to perform your duties. You are more likely to make mistakes in judgment such as serving underage or obviously intoxicated patrons. Therefore, drinking alcohol during your shift is not allowed.
- We will not assume a patron wants alcohol. Instead of saying, "May I bring you a cocktail?" say, "May I bring you a beverage?"
- We will promote "alternative beverages." This is any beverage that can take the place of alcohol. The purpose is for pacing drinking, slowing intoxication, preparing to drive, or offering a beverage choice besides alcohol. Examples are: coffee, juices, mineral water, flavored waters, seltzer, non-alcoholic or low-alcoholic content beverages.
- We will provide and promote "mocktail" non-alcoholic drinks that are similar to popular cocktails.
- We make sure that we know who is getting each drink.
- We will not bring a drink for anyone who is not present.
- We will count drinks.
- We will use measured shots, rather than free pouring to ensure against over pouring. (Shots will be one ounce, rather than 1-1/2 or 2 ounces.)
- We will not sell more than one drink to a patron at one time even though the law allows a patron to have no more than two drinks in front of them.

- We will not sell pitchers of beer to individual patrons.
- We will not bring a second drink before the patron has finished the first one.
- We will discourage the buying of rounds.
- We will not push drinks.
- We will slow down service if the patron is ordering or drinking rapidly.
- We will visit the table less often and avoid the table until all patrons have finished their drinks.
- At closing time, we will announce, "It's closing time." We will pick up all drinks in ____minutes." We will not announce "last call" because this encourages patrons to gulp drinks before driving. We do not believe in "one more for the road."
- Bartenders will follow our standard drink recipes.

To: All Employees
From: Management
Subject: Safe Rides

- If a patron is too impaired to drive safely, we will persuade the person not to drive, and arrange for a safe ride. If the patron refuses, employees should advise a supervisor.
- The supervisor will call the police with a description of the patron, description of the vehicle including the license plate number, and the direction of travel the vehicle took when leaving.
- We will post a list of taxi phone numbers at each bar, hostess station, and pay phone.
- We will use the "Designated Driver" Program.
- The server will ask groups of three or more who the Designated Driver will be. The Designated Driver may receive free non-alcoholic drinks and/or food such as an appetizer or dessert.
- If the server sees the Designated Driver drinking alcohol, the Designated Driver must pay for all drinks and food he or she has consumed. "Designated Driver" does not mean that employees may over-serve others in the group.

To: All Employees
From: Management
Subject: Staff Training

- All staff will be provided with a copy of our house policies and trained on how to use them.
- We will keep an incident log of problem situations.
- We will regularly review the policy manual and the incident log with all staff.
- All staff will be continually updated by management (meetings, memos, etc.).
- We will provide extra training for employees who need practice in serving alcohol.

To: All Employees
From: Management
Subject: Food Service

- We will promote food during the late afternoon and evening hours. Appetizers will be available in the bar until closing time. We will offer high-protein or fatty foods such as meats and cheeses, which slow the absorption of alcohol.
- We will avoid salty, crunchy items because they cause patrons to drink more.
- We will provide rewards to servers for increased food sales.
- Servers will be rewarded for total sales, including non-alcoholic products.
- We will promote non-alcoholic drinks with table tents.

To: All Employees
From: Management
Subject: Crowd Control and Security

- We will allow free access to all state and local law enforcement officers, fire department personnel and ABC Board Members (All of whom may or may not be wearing uniforms).
- Overcrowding will not be allowed for several reasons. First, it makes us less able to watch our patrons. This can result in sales to minors and intoxicated patrons, fights, injury, and property damage. Second, patrons may not be able to exit the building during a fire or other crisis. Third, too many patrons can lead to more mistakes, poorer service, and smaller tips.
- We will limit our patrons to the Fire Department's legal limit. During busy times, door people will track the number of people coming in and out of the business.
- We will have enough employees on duty. This will help us watch beverage sales and patrons. We will advise management when more staff is needed.
- We will keep patrons from crowding around the bar. We will make sure patrons are able to move freely in hallways, aisles, and common areas.
- To encourage socializing, we will provide table seating for groups of different sizes, games, and other non-drinking fun.
- We will keep the lighting from getting too dim and the music from getting too loud. Floor managers will have instant control over all lights, music, audio, and climate controls.
- Patrons are guests in our business. We will not permit loud, unpleasant, or obnoxious behavior.
- We will not tolerate fighting amongst patrons. Security or management will ask anyone who is fighting to leave. If needed, security or management will call the police for help.
- We will permanently refuse to admit any chronic problem patron.
- We will record any serious problem (such as fights, injuries, or vandalism) in our Incident Log for future reference.
- Security will monitor outside adjacent property to prevent loitering, drinking, illicit drug activity, etc.
- We will maintain a close working relationship with law enforcement.

To: All Employees
From: Management
Subject: Drug-Free Workplace

- We will not tolerate illicit drug use or sales by patrons or employees.
- It is a violation of company policy to possess, sell, trade, or offer illegal drugs for sale or engage in the illegal use of drugs on the job.
- It is a violation of company policy to use or be under the influence of illegal drugs or alcohol at any time while on or using company property, conducting company business or otherwise representing the company.
- Violations of this policy are subject to (letter of reprimand/suspension from work without pay/dismissal).

Employee Acknowledgement Statement **

I hereby acknowledge that I have received the (Business Name) House Policy Manual.

Further, I acknowledge that I am responsible for having read and understood this manual's policies, additions or amendments as they may be applicable.

Signature

Printed Name

Date

**** This form may be duplicated.**

INCIDENT DOCUMENTATION FORM**

Date_____ Time_____ AM/PM

Patron Name _____

Address _____

Phone Number _____

Employer _____

Age of the person _____ Verified or Approximated (circle one)

Physical Description of Patron

1. Was the patron's ID checked? Yes_____ No_____

2. By Whom _____

3. Type of ID presented _____

4. Number _____

5. Time the patron arrived _____AM/PM Time departed _____AM/PM

6. Where was the patron before your place? _____

7. Number and types of drinks served: _____

8. In what amount of time were the drinks served? _____

9. Was the patron injured? Yes_____ No_____

a) If yes, describe the injury _____

b) Was medical attention given? Yes_____ No_____

c) Was hospitalization needed? Yes_____ No_____

d) How did the patron contribute to the injury? _____

10. Were law enforcement authorities called? Yes _____ No _____

a) If yes, time of the call _____ AM/PM

b) Who made the call? _____

c) Name(s) of the officer(s) responding: _____

11. Did the patron drive from the establishment? Yes _____ No _____

a) Auto Make _____ Model _____ Color _____

b) License Number & State _____

12. If the incident occurred outside, describe weather conditions: _____

13. Describe the incident, (including eyewitness accounts) _____

Employee Name _____

Address _____

Phone _____

Signature _____

Witness Name _____

Address _____

Phone _____

Signature _____

Employer _____

**** This form may be duplicated.**

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THE STATE
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GOVERNOR SEAN PARNEIL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 East Tudor Road
Anchorage, Alaska 99507
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Fax: 907.272.9412

MEMORANDUM

TO: Chair Klein, Members of the
ABC Board

DATE: April 2, 2013

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

RE: Procedure on Dismissed Notices of Violation

At the board of directors meeting of December 5, 2012 I submitted a draft procedure on the handling of dismissed violations. The board had delegated that I rewrite the procedure based upon the discussion that correspondence relating to the eventual dismissal be placed in a manila folder along with the dismissed notice of violation (bullet #2); that the board has no authority to withhold dismissed notices of violation from local governing bodies (bullet #4); and that public records may not be destroyed nor should we request others to destroy records (bullet # 5).

What was not discussed at the meeting but was discussed with Assistant Attorney General Harriet Milks afterwards was bullet #6 that dismissed notices of violation would not be included on a list that goes to the board. Ms. Milks advised that the board should have this information in order to make good informed decisions on the license, or the performance of staff.

Therefore, I am bringing this procedure back before the board with the revised procedure that also includes an introductory paragraph that explains the background for the procedure.



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MEMORANDUM

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

DATE: March 11, 2013

FROM: Shirley A. Coté
Director, ABC Board

RE: Procedure on Dismissed Notices of Violation

The ABC Board adopted 3 AAC 304.525 Communication with licensees in an effort to provide good communications with licensees "to assist them in conducting their licensed businesses in the public interest and in conformity with existing statutes and regulations." Notices of violation, advisory notices, and inspection reports are means of communications with licensees. Although the intent of a notice of violation is informal the notice may be used in making determinations of suspension, revocation, or refusal to renew the license. The intention of the internal procedure is to give proper indication and notification of the dismissal, prevent inappropriate copying or use, and ensure compliance with recordkeeping laws and regulations. If additional information is received that the board of directors or the director believe a dismissal is warranted, the following procedure will be followed.

- The notice of violation will be stamped with **DISMISSED** and maintained in the license and investigative files.
- The dismissed notice of violation and the correspondence associated with the eventual dismissal of the notice of violation will be kept in a separate folder within the files. The cover of the folder will state, "**Do not copy or forward without the approval of the director.**"
- If the notice of violation is dismissed after a copy is shared with a local governing body the director will write a letter to the local governing body advising of the dismissal.
- If the dismissed notice is placed on a list that may be provided to the board, or to outside agencies it will be indicated that the notice of violation has been dismissed.

Tab

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Department of Commerce, Community,
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ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
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MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: July 15, 2013

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

RE: Bobby's Downtown License #4763 Request for
Refund Renewal Late Fee

At the board meeting of May 30, 2013 the board voted not to refund the renewal late fee. Nancy Long, representing Bobby's Downtown called on June 11, 2013 and advised that she was not given the opportunity to speak in regards to this request. She would like to appeal to the board for a refund of the renewal late fee.



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MEMORANDUM

TO: Shirley A. Coté, Director
FROM: Christine Lambert, Records & Licensing Supervisor
DATE: Tuesday, May 21, 2013
RE: Bobby's Downtown Lic. #4763
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application with cover letter mailed to address on record. Mail was not returned to our office undeliverable.

1/17/13

Letter sent to licensee regarding the non-receipt of liquor license renewal.

2/28/13

Renewal application received with request for refund of \$500.00 late fee.



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Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 24, 2012

Delta Epsilon Inc
PO Box 71681
Fairbanks AK 99707-1681

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/ *Christine C. Lambert*
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

\$2700 2/28/13
due by 2/28/13
5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

January 17, 2013

Delta Epsilon Inc
PO Box 71681
Fairbanks, AK 99707-1681

RE: Bobby's Downtown Lic#4763

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2013.**

The ABC Board must receive the following by February 28, 2013:

1. Completed two page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee.**

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2013 or **hand delivered to our office by 4:00PM** on February 28, 2013.

Please contact our office if you have questions or concerns regarding the renewal of your liquor license.

ABC Board Office Contact Information Until 2/1/13

5848 E Tudor Road, Anchorage, AK 99507
Phone: 907-269-0350
Fax: 907-272-9412

ABC BOARD CONTACT ADDRESS AS OF 2/4/13
2400 Viking Drive
Anchorage, AK 99501



BOBBY'S DOWNTOWN

609 SECOND AVENUE, FAIRBANKS, AK 99701 TEL 456-3222 FAX 457-4972

February 20, 2013

ABC Board
5848 E Tudor Road
Anchorage AK 99507

Subject: Bobby's Downtown Lic#4763

Enclosed is my Liquor License 2013/2014 Renewal and a check for \$3200.

The only notification received from your agency notifying me of the renewal is dated January 17, 2013. In bold letters is "LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013." The letter is misleading at most. I can understand my clerk's error in how she read the notice. ***I wish to protest the late fee of \$500.*** Firstly, because your letter is misleading; and, secondly, this is my livelihood as well as the thirty one plus people I employ. I would never jeopardize my business by failing to renew my liquor license.

Please, when your board meets next, reconsider charging this late fee and refund this fee.

Thank you for reading my letter and considering my request. I look forward to a written response.

Sincerely,

Bobby Nikolaides

BOBBY'S DOWNTOWN

907-456-3222
609 2ND AVE
FAIRBANKS, AK 99701

3062

89-571252 3422
3681156453

DATE 2/26/2013

PAY
TO THE
ORDER OF

ABC Board

\$

Thirty Two Hundred

DOLLARS



Wells Fargo Bank, N.A.
Alaska
wellsfargo.com

FOR 2013/2014 Liquor License

Danny Long

⑈0000003062⑈ ⑆125200057⑆ 3881156453⑈

Tab

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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: Shirley A. Coté, Director
FROM: Christine Lambert, Records & Licensing Supervisor
DATE: Wednesday, July 10, 2013
RE: Glacier Sound Inn – Resurrect & Renew Liquor Lic File #3523

7/3/13

Licensee brings renewal application to office requesting to resurrect and renew the beverage dispensary liquor license. The licensee states that he did not receive the renewal application notices as he did not change the mailing address once he left the State of Alaska last autumn. Once the licensee returned to open the establishment he realized the liquor license had expired. He brought the renewal application into the office and paid the renewal fee and late fee.

The license history sheet notes that the liquor license has been resurrected and renewed before in July 2007.

AS 04.11.400(d)(1)(C) requires 25 rental rooms for population between 2,501 – 5000.

Valdez has a certified net population of 3,883.

This licensee offers 40 guest rooms and food.

Liquor license issued 1995.

GLACIER SOUND INN

P.O. BOX 570 / 210 EGAN DR.
VALDEZ, AK 99686

July 10, 2013

State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board
5848 E Tudor Road
Anchorage, AK 99507

REQUEST TO THE ALCOHOLIC BEVERAGE CONTROL BOARD TO CONSIDER
RE- INSTATING THE GLACIER SOUND INN, INC. LICENSE # 3523 / BEVERAGE
DISPENSARY-TOURISM AS 04.11.400(D)

Dear Sir or Madam;

I apologize to the ABC Board for the unnecessary hassle involved in this matter. If I filed on time the ABC Board would not be dealing with this matter today.

From 1994 to 2004 Glacier Sound Inn, Inc. operated in Valdez on a year round basis. Since 2004 the local economic situation prevents year round operation, and we have been inoperative during the winter. Year 2011 & 2012, after our summer season my family and I winter in Anchorage where I have winter job, I failed to receive renewal mail from the ABC Board winter of 2012 and I assumed that our license good till year 2013.

Ultimately it is my fault that our license was not renewed on time. I am asking the ABC Board to consider renewing our license because the impact to the community of Valdez resulting from the loss of our license is substantial. Several employees, who have been with our organization for many years, were laid off and are now unemployed. In addition we have a limited financial ability, which limits our support of local events such as the Last Frontier Theater Conference, Valdez Gold Rush Days Celebration, KCHU Public Radio fundraising activities, and others.

RENEWAL for Tourism Licenses AS 04.11.400(d) as follow:

1. Explain how your establishment “encourages tourism”?

Since year 2009, I have been working with Korean Tour and other tour company to bring in tour group to Valdez. They would like to have more entertainment option in Valdez such as music, refreshment and others to enjoy their visit in Valdez. I would like to provide their demands.

2. **Do you offer room rental? : Yes**
How many rooms are available?:40 Rooms
3. **Do you offer food service? : Yes**
4. **Are additional amenities available to your guests though your establishment?**
Yes: Booking for Glacier tour and Fishing charter.
5. **Was construction or improvements made to the existing premises within the last two years?**
Yes: Painting guest bathroom, Lobby area, replaced 10 rooms with new beds.

Sincerely,



Myung Won,
President
Glacier Sound Inn, Inc.

2013/2014 Liquor License Renewal

License Number	License Type	Establishment Name
3523	BEVERAGE DISPENSARY TOURISM	GLACIER SOUND INN
	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premises Address
GLACIER SOUND INN, INC P O BOX 570 VALDEZ, AK 99686	City: 210 Egan Dr. Borough: VALDEZ

Phone: (907) 835-4485	Fax: (907) 835-4744
Email: GLACISOUNDINN@Yahoo.com	
Employer Identification # (EIN)	92-0153138
Community Council (Anchorage & Mat-Su only)	

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2011? ☒ Yes ☐ No
- Was your business open at least 30 days for 8 hours each day in 2012? ☒ Yes ☐ No
- Has the licensed premise changed from the last diagram submitted? ☐ Yes ☒ No
- Has any person named in this application been convicted of a felony or Title 4 violation? ☐ Yes ☒ No

IF RESTAURANT EATING PLACE LICENSE:

Gross receipts from sale of food were at least 50% of total gross receipts for 2011 and 2012? ☐ Yes ☐ No

IF PACKAGE STORE LICENSE:

Do you intend to ship alcoholic beverages in response to a written order? ☐ Yes ☐ No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone
MYHUG H WON P O Box 570	PRESIDENT	50%	(907) 835-4485
JIN H WON P O Box 570 VALDEZ AK 99686	SECRETARY	50%	(907) 835-4485

If not a corporation - List all individuals, spouses, or partners that own business below:

Name & Mailing Address	Title	Phone

License Fee *see page 3 for fees	\$ 2500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee – If Received or Postmarked after 12/31/12	\$ 500.00
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$ 3200.00

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a licensee (a sole proprietor or partner), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

Licensee Signature

MYUNG H WOO / PRESIDENT
Printed Name & Title

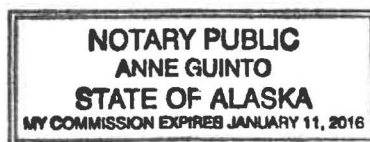
Notary Signature

Notary Public in and for the State of ALASKA

Subscribed and sworn to before me this

3RD day of JULY 2013

My commission expires: JAN - 4, 2016



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSED PREMISES DIAGRAM

D/B/A: GLACIER SOUND INN, INC.

PREMISES LOCATION: 210 EGAN DRIVE

Date Received: _____

VALDEZ, AK. 99686

INSTRUCTIONS: Draw a detailed floor plan of your current or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

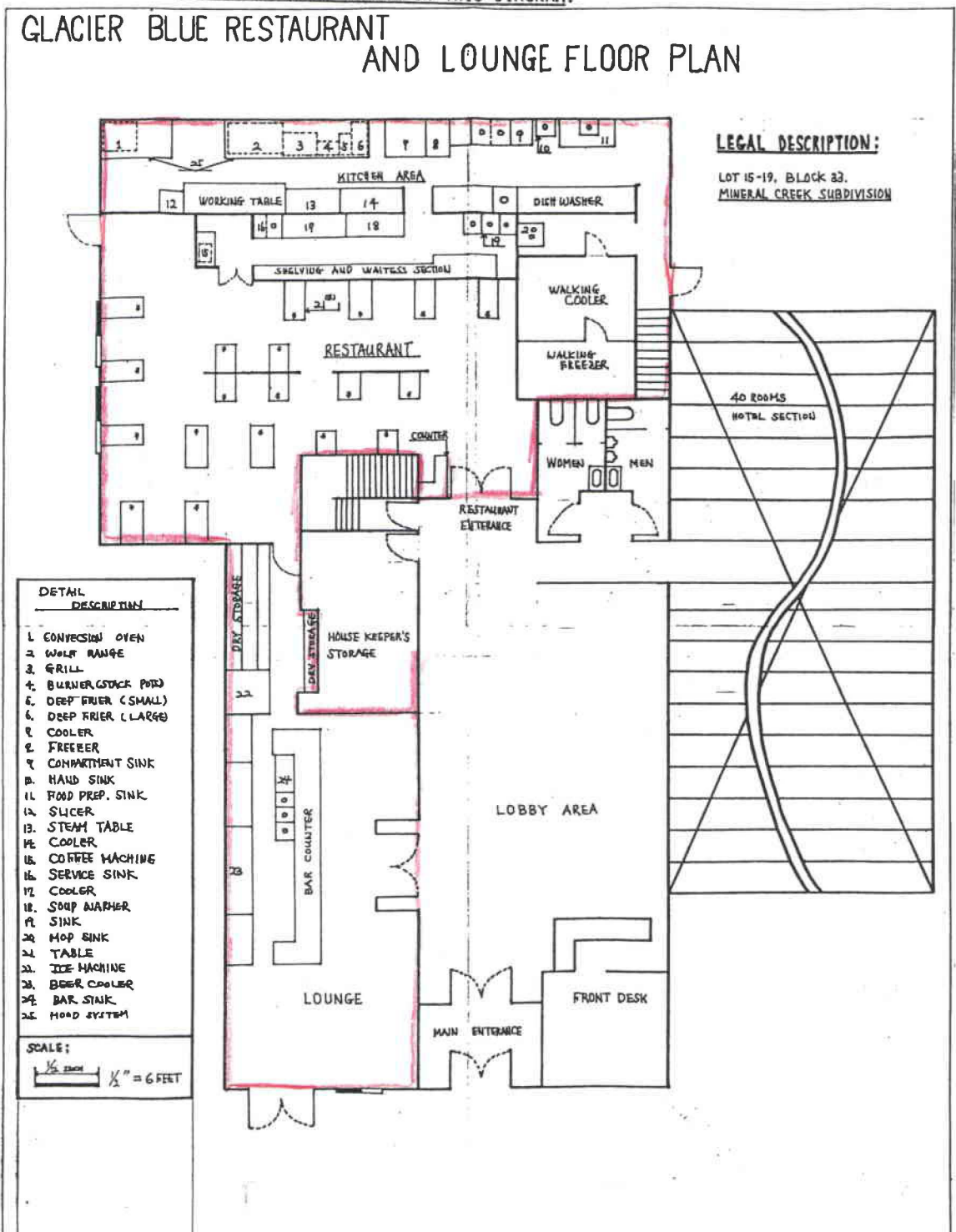
Indicate scale used by x after appropriate statement.

SCALE A _____
1 square = 1 sq. ft.

SCALE B _____
1 square = 4 sq. ft. SCALE C $\frac{xx}{1 \text{ INCH} = 12 \text{ FT.}}$

Outline the area to be designated for sale, service and consumption of alcoholic beverages in RED. **PLEASE DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.**

GLACIER BLUE RESTAURANT
AND LOUNGE FLOOR PLAN



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LICENSEE SANCTIONS UNDER AS 04.16.180						
Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Chong Pak	Seoul Gate Restaurant	4941	Licensee responsible for violations	AS 04.16.150	5/30/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Anna Maria Markos Kaloumenou	Angelo's Restaurant	3458	Failure to have proper alcohol server training	04.21.025(c)	2/12/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Francisco Barajas	Aztecs Sports Bar and Grill	5042	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/5/2012	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Arturo & Gloria Esparza	Las Margaritas	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/16/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Duane LeFleur	Tustemena Lodge	207	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Sivisay & Malada Vongsamath	Thai House Restaurant	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nancy Elkins	Creekside Liquor	1119	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	\$500 Fine. Must have no new violations for 1 Year.
John Pattee	Avenue Bar	1184	Conduct contrary to the best interests of the public		12/7/11	90 Days suspension of alcohol sales with 76 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Sarah Lee Lo	Chiang Mai Ultimate Thai Restaurant	4459	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/7/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Levitta Lee Burks	Anchor Bar	61	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Gerald Berryman	H & H Lakeview Restaurant	3904	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Peter & Sherryl Scott	Inn Café	4351	Failure to have proper alcohol server training	AS 04.16.150	3/24/11	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Wesley J. & Linda M. Sherrill	Moose Pass Inn	752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Hye Suk Min	Peking Restaurant	4215	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	60 Days suspension of alcohol sales. \$3,000 fine.
Ming Tze Chen	168 E-Lu-Fa Restaurant	4936	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/13/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Monica S. Wirtz	Peking Wok Restaurant	2813	Failure to have proper alcohol server training & allowing employee to work without alcohol server training.	AS 04.16.150	12/13/10	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Dennis Freeman	West Rib Café and Pub	3667	No server card, pricing and marketing violations	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine for no server card. \$500 fine for pricing and marketing violations. Must have no new violations for 1 year.

Fernando and Mary Nicolas	The Galley	1557	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. \$250 fine for having underage employees. Must have no new violations for 1 year.
Masahide & Kazuko Yamada	Yamaya Restaurant	3728	Furnishing alcohol to persons under 21	AS 04.16.052(5)	7/6/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Michael G. West	Dexter Roadhouse	1863	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 21 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Nancy Ida Milani-Henson	Bush Bottle Inn	2729	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Accusation		2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.

Albert W. Gartz	Northern Liquors	785	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Dong J. Yi	Tokyo Japanese Steakhouse	4731	Business name change without approval or transfer		2/26/10	\$2,500 fine.
Catarino & Maria Patricia Robles	Chico's Mexican Restaurant	4326	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Howard & Chum Sim	Tips Bar	1142	Failure to have proper alcohol server training	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Allowing impaired person to serve alcohol. Allowing drunken persons to remain on premises.	AS 04.16.030 AS 04.16.040	2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Juan Carlos Macias	Agave Restaurant	4854	Furnishing Alcohol to persons under 21	AS 04.16.180(b)	11/19/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nohemi Reyes De Zambrano	La Fiesta Dos	3913	Failure to have proper alcohol server training	AS 04.16.150	7/14/09	30 Days Suspension of License with 15 Days Suspended

Filameno & Ana Bravos	El Chicano	3299	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales and \$2,000 fine. Must have no new violations for 1 year.
Deanna Peterson	FOE Aerie #4200	3133	Violating municipal ordinance (smoking)	AS 04.16.150	11/6/08	35 Days suspension of alcohol sales with 30 days suspended. \$1,000 fine.
Mayo	How How, Inc.	3796	Furnishing Alcohol to persons under 21	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 30 days suspended. \$2,000 fine.
Minas Charalambous	Froso's	1540	Failure to have proper alcohol server training	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine.
Gary & Franchesca Cogdill	Big Lake Liquor	118	Furnishing Alcohol to persons under 21, and failure to have proper alcohol server training	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Russell Wimmer, Jr.	Mendeltna Creek Lodge	2579	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$500 Fine.
Hye Suk Min	Peking Restaurant	4215	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	30 Days Suspension of License. \$1,500 Fine.
Richard Solis	3 Amigos Restaurant	3811	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.

Tuyen & Tran Thuy Dinh	Airport Restaurant & Lounge	3759	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
C. Scott Bald & Carol Lallatin	Marina Restaurant	3021	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
Konstantinos Kanaras	Appollo Restaurant	3230	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of license with 4 days suspended.
Dana Ma	Fu Do	4109	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended.
Barbara Abbott	Tundra Lodge and R/V Park	1176	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 35 days suspended. \$1,000 Fine.
Dennis Selman	Club Paris	258	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Si Cha Sin	Nikko Garden	2069	Furnishing Alcohol to persons under 21	AS 04.16.150	7/11/07	30 Days suspension of license with 15 days suspended. \$1,000 fine with \$500 suspended.
Jennifer Lee	New Peking Chinese Restaurant	3239	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
James S. Yang	Mr. D's	2457	Failure to have proper alcohol server training	AS 04.16.150	4/18/07	7 Days suspension of license and \$500 fine.
Tami Kilbourn	Sunset Strip	1098	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	7 Days suspension of license (all 7 days suspended) and \$500 fine.

Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	5 Days suspension of license. License suspension for alcohol sales only.
Benito Herrera	Jamico's Pizzeria	3889	Failure to have proper alcohol server training	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
Thomas Kirkman, Administrator	Craig Moose Lodge #1206	746	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
James Bass	Bing Brown's	126	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	1 Hour suspension of license.
John Riblett	Pizza Man	1533	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only.
Sandra Ramos	Jalapeno's Mexican Restaurant	3766	Furnishing Alcohol to persons under 21	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only. \$500 Fine.
Dennis Shaw	Salcha River Lodge	3487	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	5 Days Suspension
Alfred Sousa	Talkeetna Motel	1287	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	5 Days Suspension
Byron Yang	Golden Pond	2845	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine with \$500 suspended.

Itsuro Tamaki	Kumagoro Restaurant	2276	Failure to have proper alcohol server training	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine.
Mary Lou Redmond	Diamond Jim's Package Store	2926	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$500 fine.
Ying Po Liu	Golden Shanghai	3467	Failure to have proper alcohol server training	AS 04.16.150	8/9/06	15 Days Suspension and \$1,000 Fine.
Charlampos Alefantinos	Bella Vista	107	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$1,000 fine.
Robert Clutts	Anchor River Inn	1309	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	4 Days Suspension beginning 10/16/06.
Carlos Gomez	Pancho's Villa Restaurant	74	Furnishing Alcohol to persons under 21	AS 04.16.150	6/15/06	7 Days Suspension beginning 6/30/06 and \$500 fine.
Emmanual Xeninkakis	Nero's Pizza	3369	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension beginning 8/29/06 and \$500 fine.
Jose Nanez	Chepo's Fiesta		Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$500 Fine.
Lewis T. Johnson	Galena Liquor Store	433	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended. \$500 fine
Patricia Estrada	Mangia! Mangia!	4281	Furnishing Alcohol to persons under 21	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended.
Marlene Marshall	Yukon Inn	1804	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension and \$1,000 fine.
Arturo Esparza	Las Margaritas	3363	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	30 Days Suspension of License with 15 Days Suspended

John Kartesz	Sheep Creek Lodge	1033	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	Licensee said he had sold business, but not transferred license. Board suspended licenses for package store (1032) & beverage dispensary (1033).
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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 9, 2013

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

RE: Violation of Responsibility of Licensees,
Agents, and Employees, Soe LLC, d/b/a
Roma's, License #4595

On September 22, 2006 during a compliance check an employee of Roma's, license #4595 in Sitka was cited for furnishing an alcoholic beverage to a person under the age of 21, as well as failure to show proof of attending an alcohol server education course.

On March 19, 2009, then ABC Board Investigator Jeff Brink conducted an inspection on Roma's. On the inspection form Inv. Brink noted that employees/supervisors did not have proof of current alcohol server training. This was the opportunity for Soe LLC to bring staff into compliance without a citation or notice of violation.

When owner Kwang Su Yoon applied to renew his 2012/2013 liquor license he signed the application certifying that all his "agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid."

During a compliance check on October 11, 2012 an employee furnished an alcoholic beverage to one of our underage buyers. The employee who had been working at the establishment for longer than 30 days had not attended an alcohol server education course.

Mr. Yoon pled guilty to the charge and was fined \$750 with \$250 suspended and the \$50 police training surcharge and was placed on one year probation. Mr. Yoon has no criminal history.



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 10-1-06
Number: 06-1877
Page 1 of 2 Pages

Notice of Violation

(15AAC 104.525)

Licensee SOE LLC	License Number 4595	Type of License Restaurant/Eating Place
D.B.A. Roma's 327 Seward Square #1	How Delivered <input checked="" type="checkbox"/> Certified Mail # 7001 1940 0004 <input type="checkbox"/> In Person 1064 2986	Law Enforcement Agency ALASKA STATE TROOPERS
Street or P.O. Box 210 Katlian St	City, State Sitka, AK	Zip 99835

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 9-22-06, at about 1852 hours, Roma's waiter Bryan Won Song sold an alcoholic beverage to a person under the age of 21. When asked to provide proof of alcohol server's training he stated he had left his card at home. The incident occurred during a compliance check. Wong was issued summonses for furnishing alcohol to a person under the age of 21 and failing to provide proof of attending an alcohol server's course. A mandatory court date of 10-23-06, 1330 hours, Sitka District Court was assigned.

Your attention is directed to **AS 04.16.051: Furnishing or delivery of alcoholic beverage to person under the age of 21.**

- (a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years
- (b) This section does not prohibit the furnishing or delivery of an alcoholic beverage
 - (1) by a parent to the parent's child, by a guardian to the guardian's ward, or by person to be the legal spouse of the person if the furnishing or delivery occurs of the licensed premises; or
 - (2) by a licensed physician or nurse to a patient in the course of administering medical treatment.
- (c) Acts unlawful under AS11.51.130 are not made legal by (b) of this section.

- (d) A person acting with criminal negligence who violates this section is guilty of a class C felony if, within five (5) years preceding the violation, the person has been previously convicted under this section.

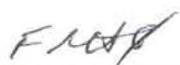
Your attention is directed to **13AAC104.465(a): Alcohol Server's Education Course.**

While selling or serving alcoholic beverages, a person required under AS 04.21.025 to complete an alcohol server education course and the person's on-duty supervisor shall carry a current course card certifying completion of an approved alcohol server education course. The card must be shown upon request of a peace officer or board representative.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this notice of violation within 10 days to explain what action you have taken to prevent a reoccurrence of this violation.

A Response is Required

15 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Investigator F.R. (Joe) Hamilton
Filed By:  F.R. (Joe) Hamilton	Title Corporal, Department of Public Safety



Department of Public Safety
Alcoholic Beverage Control Board
2760 Sherwood Lane, Juneau, AK 99801
Tel. (907) 465-2330

LICENSED PREMISE INSPECTION REPORT

Case No. 69-418

Premises, DBA <i>Roma's</i>	Date: <i>03/9/09</i>	Time: <i>1525</i>
Address (Street No. RR No. etc., City, Zip code) <i>327 Seward Square #1</i>	Type of License <i>REP</i>	
License or Permit Number <i>4595</i>	Type of Inspection: <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Requested <input type="checkbox"/> Follow-Up	
Important Notice Any item determined to be unsatisfactory must be corrected or the Alcoholic Beverage Control Board may take action to suspend or revoke the license in accordance with AS 04.11.370(3)		

GENERAL ITEMS

	See		
	Yes	No	Comments
1. Is the DBA the same as what is indicated in the ABC master file? 13 AAC 104.185	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. License posted correctly? 13 AAC 104.185 / AS 04.11.630	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Warning signs posted? AS 04.21.065	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Do employees/supervisors have proof of current alcohol server training? AS 04.21.025(c)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5. Are copies of server training stored on premises? 13 AAC 104.465(a)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
a. Do employees have access to stored copies of server cards? 13 AAC 104.465(a)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6. Do premises appear safe? AS 04.21.030(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Do premises appear neat? AS 04.21.030(2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Is any off-premises storage area approved by the board? AS 04.21.060(1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Have there been any physical changes to the licensed premises? 13 AAC 104.185(c)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Is the licensee, manager or agent receptive to the inspection? 13 AAC 104.515 / AS 04.11.630	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. Is the licensee, manager or agent familiar with rules regarding sales to persons under 21? AS 04.16.051(a)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. Are "Statement of Proof of Age" forms available? AS 04.21.050	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. If the establishment sells tobacco, is there an endorsement on the business license? AS 43.70.075 / AS 04.21.030(2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
15. Do cigarettes have a tax stamp? AS 43.50.580 / AS 04.21.030(2) 1-877-478-8477, Tax Revenue	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

PACKAGE STORES

16. Has Board approved connection to unlicensed business? AS 04.11.150(e)			
17. Are mail order sales conducted? AS 04.11.150			
a. Do records indicate sales to the person are being mailed to address of record? AS 04.11.150			
b. If conducted, do records reflect age certification of customers? AS 04.11.150			
c. Do mail order packages bear non-removable "alcoholic beverages" labels with 2" high and 1/4" line thickness lettering? 13 AAC 104.645(e)			
d. Is fetal alcohol information included with written orders? AS 04.11.150(a)			
e. Are workers familiar w/ quantity of items they can ship to local option areas? AS 04.11.150(g)			
f. Has the establishment notified the Board and received permission to fill written orders? AS 04.11.050(a)			
18. Does the establishment have a current copy of the "Bootleggers" list? 13 AAC 104.645(l)			

BEVERAGE DISPENSARY

19. Is a duplicate license required/appropriately displayed? AS 04.11.090(e)			
20. Does premises have a restaurant designation permit? 13 AAC 104.745			

RESTAURANT

	See		Comments
	Yes	No	
21. Are minors employed? 13 AAC 104.745 / AS 04.16.049		<input checked="" type="checkbox"/>	
a. Do minors age 16 & 17 have waivers from the Dept of Labor? AS 04.16.049(c)			
b. Do minors age 16 & 17 have parent/guardian permission to work on premises? AS 04.16.049(c)			
c. Are persons 16-20 serving, mixing, delivering or dispensing of alcohol? AS 04.16.049(c)			
22. Are licensees, managers and agents familiar with rules governing access to licensed premises by persons under 21? AS 04.16.049			

BOWLING ALLEYS

23. Are there designated lanes where alcohol is served? 13 AAC 104.315			
a. Are the designated lanes adjacent to the main bar area? 13 AAC 104.315			
b. Are these lanes clearly marked? 13 AAC 104.315			
c. Are employees able to exercise control of the area? 13 AAC 104.315			
d. Are periods during which persons under 21 are permitted access to the restricted area clearly posted on the premises? 13 AAC 104.315			
1. Has licensee applied for and received board approval for that access? 13 AAC 104.315			

LICENSES AS EXCEPTIONS TO POPULATION LIMITATIONS

24. Does the facility have the number of rooms required by Statute? AS 04.11.400			
25. Is there an operating restaurant or are there kitchens in the majority of the rooms? AS 04.11.400			

CLUB LICENSES

26. Are bartenders selling alcoholic beverages to members only? AS 04.11.110(d)			
27. Are guests leaving when their sponsors leave? AS 04.11.110(e)			

COMMENTS:

Cheryn dt AdL 7123743

Owner/Manager/Agent Name and Phone

Investigator



7796

2012/2013 Liquor License Renewal

License Number	License Type	Establishment Name
4595	Restaurant/Eating Place	Roma's
Mo/Year	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premise Address
SOE LLC	327 Seward Square #1
210 Katlian St	Sitka, City & Bor
Sitka, AK 99835	
Phone: (907) 738-3982	Fax: (907) 747-4916
Email:	

Please mark the correct box to answer:

1. Was your business open at least 30 days for 8 hours each day in 2010? ☒ Yes ☐ No
2. Was your business open at least 30 days for 8 hours each day in 2011? ☒ Yes ☐ No
3. Has the licensed premise changed from the last diagram submitted? ☐ Yes ☒ No
4. Has any person named in this application been convicted of a felony? ☐ Yes ☒ No
5. Gross receipts from sale of food were at least 50% of total gross receipts for 2010 and 2011? ☒ Yes ☐ No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone

If not a corporation – List all individuals, spouses, or partners that own business below:

Name & Mailing Address	Title	Phone
Kwang Su yorn	Owner	(907) 738-3982

100%

License Fee	Application Fee	Late Fee	Fingerprint Fee	TOTAL
\$600.00	\$200.00			

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee (a sole proprietor, partner or officer, director, shareholder, member, of the entity to which license is issued), I certify that I have received alcohol server training and my certification is currently valid.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

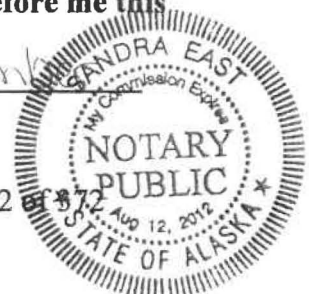
Kwang Su Yoon
Licensee Signature

Kwang Su Yoon (owner)
Printed Name & Title

Sandra East
Notary Signature
Notary Public in and for the State of Alaska

Subscribed and sworn to before me this
19th day of September

My commission expires: 8.12.12





STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Sean Parnell, Governor
Susan K. Bell, Commissioner
Don Habeger, Director

Division of Corporations, Business and Professional Licensing

Office Use **RECEIVED COR**
JUNEAU
NOV 04 2011
Division of Corporations, Business
and Professional Licensing

C P 2 2 2 0 4 2

RE#10042353

Limited Liability Company

2012 Biennial Report

For the period ending December 31, 2011

- This report is due on January 02, 2012
- \$100.00 if postmarked before February 02, 2012
- \$137.50 if postmarked on or after February 02, 2012

Entity Name: SOE, LLC
Entity Number: 76887D
Home Country: UNITED STATES

Registered Agent

Name: KWANG SU YOON
Physical Address: 210 KATLIAN ST, SITKA, AK
99835

Home State/Province: ALASKA

Mailing Address: No address on record.

Entity Physical Address: 210 KATLIAN ST SITKA AK 99835
Entity Mailing Address: SAME

Please include all officials. Check all titles that apply. Must use titles provided. Please list the names and addresses of the members of the company. If the LLC is managed by a manager(s), please provide the names and addresses of the manager(s) of the company. You must also list the name and address of each person owning at least five percent interest in the company and the percentage of interest owned by that person.

Name	Address	% Owned	Member	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank	Intentionally Left Blank

If necessary, attach a list of additional officials on a separate 8 1/2 X 11 sheet of paper.

Purpose: ANY LAWFUL

NAICS Code: 722212-CAFETERIAS, GRILL BUFFETS, AND BUFFETS

New NAICS Code (optional):

722212

Signature: KS Yoon

Printed Name: KWANG SU YOON

Date: 11-04-11

Division of Corporations, Business and Professional Licensing

Name(s)

Type	Name
Legal Name	SOE, LLC

Date of Birth 1980 if you
need one.

Entity Details

Entity Type: Limited Liability Company

Entity #: 76687D

Status: Non-Compliant

Effective Date: 6/5/2002

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2008 File Biennial Report

Entity Mailing Address:

Entity Physical Address: 210 KATLIAN ST, SITKA, AK 99835

Registered Agent

Agent Name: KWANG SU YOON

Registered Mailing Address:

Registered Physical Address: 210 KATLIAN ST, SITKA, AK 99835

Officials

AK Entity#	Name	Titles	Percent Owned
	Kwang Su Yoon	Member	100

Filed Documents

Date Filed	Type	Filing	Certificate
6/5/2002	Creation Filing		
11/21/2003	Initial Report		
1/30/2004	Biennial Report		
4/16/2004	Restated (NO AMENDMENT)		
11/13/2006	Biennial Report		

In the District Court of the State of Alaska
First Judicial District in Sitka, Alaska

State of Alaska,)	Misdemeanor
)	Criminal Complaint
vs.)	
)	No. _____ Cr.
)	
Mia Ae Chon)	
)	
DOB/ 8-23-55)	
ID/ 6559223)	
)	
ATN: 114 147 549)	

Plaintiff

Defendant

VRA CERTIFICATION I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)
☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

CTN 001
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(5)

Complainant states that on or about the 11th day of October, 2012, at or near Sitka in the First Judicial District, State of Alaska, Mi Ae Chon, a licensee or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(5) and against the peace and dignity of the State of Alaska.

CTN 002
ALCOHOL SERVER EDUCATION COURSE
A.S. 04.21.025(c)

Complainant states that on or about the 11th day of October, 2012, at or near Sitka, in the First Judicial District, State of Alaska, Mi Ae Chon, a licensee, agent, or employee who sells or serves alcoholic beverages, did not complete an approved alcohol server education course within 30 days after being employed at a licensed liquor establishment.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.21.025(c) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer 11-001; age 20, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, Roma's, a licensed liquor establishment in Sitka, where the Defendant furnished UB a 12-oz bottled Coors Light beer, an alcoholic beverage. Further when asked to present an alcohol server education card, she did not have one. She has been working at the establishment for more than 30 days serving alcoholic beverages. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control.

I certify under penalty of perjury that the above information is true.

A handwritten signature in cursive script, appearing to read "F R Hamilton", is written above a horizontal line.

Signature of Complainant

In the District Court of the State of Alaska

12-1103

Agency Number

First Judicial District in Sitka, Alaska

State of Alaska,

Plaintiff

vs.

SOE LLC

DOB/ 6-5-2002

ID/ 8006091

ATN: 114 475 576

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

CTN 001

RESPONSIBILITY OF LICENSEES,

AGENTS, AND EMPLOYEES

A.S. 04.21.030

VRA CERTIFICATION I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)

☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

Complainant states that on or about the 11th day of October, 2012, at or near Sitka in the First Judicial District, State of Alaska, SOE LLC, did, as, a licensee, fail to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.21.030(1) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Investigator F.R. Hamilton, Alcoholic Beverage Control Board. An under age compliance check had been conducted at the Defendant's establishment, Roma's, a licensed liquor establishment in Sitka. The on-duty food service worker, Mi Ae Chon, had failed the compliance check and was asked to provide proof of attending an alcohol server education course as per Alaska Statute 04.21.030 directs. Chon stated she has not had the training and has been working at the establishment since August 16th, 2012. On 3-10-09, Inv. Jeff Brink, Alcoholic Beverage Control Board, completed a licensed premises inspection report noting that employee's/supervisors do not have alcohol server training.

I certify under penalty of perjury that the above information is true.



Signature of Complainant (F.R. Hamilton)



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No. ABC 12-1103	
Detach A	Unit ID ABCA

Reporting Officer INV F.R. HAMILTON	PermID FRH0	Investigating Agency ALCOHOL BEVERAGE CONTROL	Date Reported 10-11-12	Time Reported 1939
--	----------------	--	---------------------------	-----------------------

ACT# 1	Activity Code 9931	UCR No. 22	Statute / Regulation AS 04.16.052(5)	Type of Activity Furnishing Alcohol to a Peson Under 21	Date Occurred 10-11-12	Time Occurred 1939
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Location of Activity Roma's, 327 Seward Square #1			N:	W:	Patrol Zone HARA	Dom Viol.	Alcohol or Drugs Involved	A
--	--	--	----	----	---------------------	-----------	---------------------------	---

ACT # 2	Activity Code 4102	UCR No. 22	Statute / Regulation AS 04.21.025(c)	Type of Activity No Server Educaiton Course	Date Occurred 10-11-12	Time Occurred 1938
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Location of Activity Roma's, 327 Seward Square #1			N:	W:	Patrol Zone HARA	Dom Viol.	Alcohol or Drugs Involved	A
--	--	--	----	----	---------------------	-----------	---------------------------	---

Pers No. 1	Role(s) DI	Name Mi Ae Chon	Sex F	Race A	Ht. 63	Weight 125	Hair BLK	Eyes BRO	D.O.B./Approx. Age 8-23-55
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Residence Address 2807 Halibut Point Road, Sitka, AK			Residence / Cell Phone 702 277-4228			Driver's License No. 6559223		State AK
---	--	--	--	--	--	---------------------------------	--	-------------

Place of Employment Roma's, 327 Seward Square #1, Sitka, AK			Work Phone 966-4600			Occupation Server		VCCB OVR <input type="checkbox"/>
--	--	--	------------------------	--	--	----------------------	--	--------------------------------------

APSIN ID NO. 6559223	E-Mail Address	ATN / NCIC / Other ID No. 114 147 549	Charged With	1S	2S	Susp Act No.	Juv. Dispc
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Pers No. 2	Role(s) D	Name SOE LLC (Kwang Su Yoon)	Sex	Race	Ht.	Weight	Hair	Eyes	D.O.B./Approx. Age
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Residence Address 210 Katlian Street, Sitka, AK			Residence / Cell Phone 738-3982			Driver's License No.		State
--	--	--	------------------------------------	--	--	----------------------	--	-------

Place of Employment			Work Phone			Occupation Licensee		VCCB OVR <input type="checkbox"/>
---------------------	--	--	------------	--	--	------------------------	--	--------------------------------------

ASPIN ID No. 8006091	E-Mail Address	ATN / NCIC / Other ID No. 114 147 576	Charged With 3C	Susp Act No.	Juv. Dispc
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NUMB. 1	REGISTRATION NO.	STATE	VIN / SERIAL NO.	COLOR	YEAR	MAKE	MODEL
------------	------------------	-------	------------------	-------	------	------	-------

BODY STYLE/TYPE	ADF&G NUMBER	NAME OF WATERCRAFT	LENGTH
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SYNOPSIS / DETAILS:

SYNOPSIS:

On 10-11-12, at about 1939 hours, Roma's server Mi Ae Chon furnished an alcoholic beverage to a person under the age of 21. When asked to provide proof of server education, she stated she had not attended training. She has been employed for more than 30 days.

Chon was issued summonses for furnishing alcohol to a person under 21 and no server education. A mandatory court date of 11-7-12, 1330 hours, Sitka District Court was assigned.

A check of the licensees file for Roma's lists SOE LLC as the licensee. SOE LLC is owned by Kwang Su Yoon. On 3-19-09, a licensed premises inspection was completed which depicts during the time of the inspection, employees/supervisors did not have server training. A charge of responsibility of licensees, agents and employees is being referred to the DAO for prosecution.

CASE STATUS:

Closed by issuance of summonses and referral of a charge to the DAO..

CASE CLOSURE CA	COPIES TO District Attorney's Office, Sitka	REVIEWED AND APPROVED BY Robert L. Beasley, Enforcement Supervisor	PermID RLB8	DATE CLOSED 10/19/12
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STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No.	12-1103
Date Investigated	10-11-12
Detach	UnitID
A	ABCA

Reporting Officer	PermID	Investigating Agency
F.R. (Joe) Hamilton	FRHO	Alcoholic Beverage Control

SYNOPSIS:

On 10-11-12, at about 1939 hours, Roma's server Mi Ae Chon furnished an alcoholic beverage to a person under the age of 21. When asked to provide proof of server education, she stated she had not attended training. She has been employed for more than 30 days. Chon was issued summonses for furnishing alcohol to a person under 21 and no sever education.

A check of the licensees file for Roma's lists SOE LLC as the licensee. SOE LLC is owned by Kwang Su Yoon. On 3-19-09, a licensed premises inspection was completed by Inv. Jeff Brink who noted that employees/supervisors did not have server training.

OBSERVATION:

On 10-11-12, at about 1935 hours, Underage Buyer 11-001; age 20, herein referred to as UB, entered Roma's. I remained outside. At about 1939 hours, UB sent me a text message essentially relating she had been served a Coors Light, she had not paid, age and ID were not asked for.

OFFICER ACTION:

At about 1943 hours, I entered the establishment and located UB seated at a table with a 12-oz bottled Coors Light beer in front of her. I took a photo of UB with the beer. UB gave me her ID, identified her server and departed the establishment. There were two other patrons in the establishment. I made contact with the server and advised her that UB was under 21. The server was identified as Mi Ae Chon.

INTERVIEW #1, M.A. CHON:

Conducted in a non-custodial manner. Chon stated she just moved her. Was thinking about asking but she didn't think UB was under 21. Most of the time she always checks. She started work at Roma's on August 16, 2012. Chon has not had alcohol server education but she was told to check ID's and too check the birth date. She knows you have to be 21 to be served. She doesn't know if her boss told her to get server education. She kept stressing that she was only helping out.

OFFICER ACTION:

Chon was issued a summons for furnishing alcohol to a person under 21 and no server education. A mandatory court date of 11-7-12, 1330 hours, Sitka District Court was assigned. I then departed the establishment.

Upon returning to the Anchorage office, I recalled I had issued an NOV to the establishment several years ago and I believed it had something to do with server education. Upon checking the files of the Alcoholic Beverage Control Board on 10-19-12, I located the NOV I had written on 10-1-06 for an employee failing to show proof of sever education. In license file 4595, Roma's, I located a licensed premises inspection report written by Inv. Jeff Brink. The report indicates on 3-19-09, employees and supervisors did not have server education.

REVIEWED AND APPROVED BY	PERM ID	DATE
<i>Raluth</i>	<i>2025</i>	<i>10/19/12</i>



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No.	
12-1103	
Date Investigated	
10-11-12	
Detach	UnitID
A	ABCA

Reporting Officer	PermitID	Investigating Agency
F.R. (Joe) Hamilton	FRHO	Alcoholic Beverage Control

Further review of the ABC liquor license file revealed SOE LLC was issued a 2012-2013 liquor license. The 2012-2013 liquor license renewal shows SOE LLC is owned by Kwang Su Yoon. On 9-19-11, Kwang Su Yoon swore to and signed a notarized document of the following provisions (see attached):

- *By affixing my signature below:*
- *I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.*
- **I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.**
- *I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.*
- *As a licensee (a sole proprietor, partner or officer, director, shareholder, member, of the entity to which license is issued), I certify that I have received alcohol server training and my certification is currently valid.*
- **As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid.** *I further certify that certain shareholders/officers/directors/members of the entity that are not directly or indirectly responsible for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.*
- *As a licensee (a sole proprietor, partner or officer, director, shareholder, member, of the entity to which license is issued), I certify that I have received alcohol server training and my certification is currently valid*
- **As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.**

OFFICER ACTION:

A charge of responsibility of licensees, employees and agents is being referred to the DAO for prosecution.

NOTE: UB completed 15 compliance checks on 10-11-12. Three establishments sold/furnished UB an alcoholic beverage.

REVIEWED AND APPROVED BY	PERMIT ID	DATE
<i>[Signature]</i>	ALB8	10/19/12



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No.	
12-1103	
Date Investigated	
10-11-12	
Detach	UnitID
A	ABCA

Reporting Officer	PermitID	Investigating Agency
F.R. (Joe) Hamilton	FRHO	Alcoholic Beverage Control

EVIDENCE:

Digital audio and photos, one 12-oz empty bottle of Coors Light beer and two 4-oz canning jars partially filled with Coors Light beer.

CASE STATUS:

Closed by issuance of summonses and a referral of a charge to the DAO.

REVIEWED AND APPROVED BY	PERM ID	DATE
<i>[Signature]</i>	<i>2108</i>	<i>10/10/12</i>



**Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507**

**Date: 10-19-12
Number 12-1103
Page 1 of 2 Pages**

Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
SOE LLC	4595	Restaurant / Eating Place
D.B.A. Roma's 327 Seward Square #1	How Delivered [X] Certified Mail # On File [] In Person	Law Enforcement Agency Sitka Police Department
Street or P.O. Box 210 Katlian Street	City, State Sitka, AK	Zip 99835

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 10-11-12, at about 1939 hours, Roma's server Mi Ae Chon furnished an alcoholic beverage to a person under the age of 21. When asked to provide proof of server education, she stated she had not attended training. She has been employed for more than 30 days. Chon was issued summonses for furnishing alcohol to a person under 21 and no server education.

A check of the licensees file for Roma's lists SOE LLC as the licensee. SOE LLC is owned by Kwang Su Yoon. On 3-19-09, a licensed premises inspection was completed by Inv. Jeff Brink who noted that employees/supervisors did not have server training. A charge of responsibility of licensees, employees and agents is being referred to the DAO for prosecution of SOE LLC.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21, AS 04.21.030: Responsibility of licensees, agents, and employees and AS 04.21.026: Alcohol server education course.**

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

***Please include your Alcohol License Number in your response.**

**Shirley A. Cote', Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507**

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Underage Buyer 11-001 & Inv. F.R. Hamilton
Filed By: F.R. Hamilton	Title: Investigator III

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT SITKAState of Alaska,
vs.
Soe LLC,

Plaintiff,

Defendant.

CASE NO: 1SI-12-00355CR

JUDGMENT

DOB: _____ ATN: 114147576DL/ID ST: _____ - APSIN: 8006091☐ CDL

DV Offense per

AS 18.66.990

CTN Offense
001 AS04.21.030: Responsibility of Licensee, Agent, EmployeeDate of Offense: (if checked)
10/11/2012 ☐PLEA: ☐ Not Guilty ☒ Guilty ☐ No Contest RULE 11 PLEA: ☒ Yes ☐ No ☐ PartialTRIAL: ☐ Court ☐ JuryDefendant came before the court on 04/12/13, was found and adjudged:☒ GUILTY of the offense(s) named above.FILED in the Trial Courts
State of Alaska, First District
Sitka

APR 22 2013

SENTENCE

☒ Sentence is imposed as follows:☒ FINE:

CTN: Fine:

001 Defendant is fined \$750.00 with \$250.00 suspended. **The unsuspended \$500.00 is to be paid by 4/15/13**☒ POLICE TRAINING SURCHARGE: To be paid within 10 days:CTN: Surcharge:
001 ☒ \$50 (Misd)☒ PROBATION:Defendant is placed on probation for 1 year from the date of this judgment, subject to the following conditions:

- ☒
- Comply with all direct court orders listed above by the deadlines stated.
-
- ☒
- Obey all laws.

April 12, 2013

Effective Date

CLK: LWilliamsI certify that on 4-23-13
a copy of this judgment was sent to:

- ☒
- DA
- ☒
- Def
- ☒
- Def Atty
-
- ☐
- ASAP
- ☐
- Jail
- ☒
- Police
-
- ☒
- DPS
- ☐
- DMV
- ☐
- CFEC
-
- ☒
- Other
- ABC

Clerk: Jew

David V George, District Court Judge



IN THE DISTRICT COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT SITKA

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
SOE, LLC,)
)
Defendant.)
_____)

No. 1SI-S12-00355 CR

TRANSCRIPT OF PROCEEDINGS

April 12, 2013 - Pages 2 through 15

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COP HEARING

BEFORE THE HONORABLE DAVID V. GEORGE
Superior Court Judge

Sitka, Alaska
April 12, 2013
3:00 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

JEAN E. SEATON
Assistant District Attorney
District Attorney's Office
304 Lake Street, Room 202
Sitka, Alaska 99835

FOR THE DEFENDANT:

JAMES WYANT MCGOWAN
Attorney at Law
202-A Katlian Street
Sitka, Alaska 99835

P R O C E E D I N G S

A

03:00:04

THE CLERK: Please rise. District Court for the First Judicial District at Sitka, Alaska is now in session, the Honorable David George, Superior Court Judge, presiding.

THE COURT: Please be seated. We are on record for scheduled change of pleas. I see Mr. McGowan sitting in the courtroom.

MR. MCGOWAN: Mm-hmm.

THE COURT: This is State of Alaska versus -- is it Soe?
How is it pronounced?

MR. YOON: Soe, yes.

THE COURT: Soe?

MR. YOON: Soe, LLC.

THE COURT: Okay. Soe, LLC. It's case number 1SI-12-355.
Mr. McGowan, sir, Mr. McGowan, who's here with you
representing the LLC?

MR. MCGOWAN: This is Mr. Yoon, Your Honor. He is the managing partner of the LLC.

THE COURT: All right. Ms. Seaton is here for the state.

Mr. McGowan, how are we proceeding?

MR. MCGOWAN: Your Honor, there's a Rule 11 agreement in this case and, on behalf of the LLC, Mr. Yoon is going to plead guilty to the charge and the parties, per the Rule 11

1 agreement, have agreed that, in return for that plea, the LLC
2 will be fined \$750 with 250 suspended. That'll leave 500 to
3 pay which I believe Mr. Yoon will pay right away.

4 THE COURT: And a surcharge? \$50?

5 MR. MCGOWAN: I assume all of the normal surcharges.

6 THE COURT: All right. Ms. Seaton?

7 MS. SEATON: That's correct, Your Honor.

8 THE COURT: And length or terms of probation?

9 MR. MCGOWAN: That's open too.

10 MS. SEATON: One year but terms would just be the standard
11 obey all laws.

12 THE COURT: Mr. Yoon, the -- you are the managing partner
13 for Soe, LLC?

14 MR. YOON: Yes, sir.

15 THE COURT: Okay. The deal on the table is that you would
16 enter a guilty plea on behalf of the LLC to the charge of
17 respons -- it's called responsibility of licensees.
18 Essentially, what it says is the licensee is responsible to
19 make sure that the employees and agents that work for it
20 comply with the ABC laws and, in this case, the allegation was
21 that one of your servers, My A. Chon -- I don't know if I'm
22 pronouncing that correctly or not -- was serving alcoholic
23 beverages and hadn't had the TAPS course. So was unable to
24 provide the certification to the Alcohol Beverage Control
25 Board investigator. That occurred on October 11, 2012. If

1 you enter a guilty plea on behalf of the LLC, that's what the
2 LLC's going to be admitting. Do you understand that, sir?

3 MR. YOON: Yes, sir. Yes, sir.

4 THE COURT: Okay. This is a Class A misdemeanor. The
5 penalty for violating this statute is set forth in Alaska
6 Statute 04.16.180. Of course, a Class A misdemeanor carries a
7 maximum penalty of a year in jail and a \$10,000 fine but the
8 resolution of this case would be governed by the agreement
9 that Mr. McGowan just acknowledged. Do you understand that,
10 sir?

11 MR. YOON: Yes, sir.

12 THE COURT: I'd like everyone here who is waiting to
13 change pleas to listen if you would to what I'm going to
14 discuss with Mr. Yoon right now. I want to make sure you
15 understand the rights that the LLC is giving up by entering a
16 guilty plea. Charge -- the LLC's charged with a misdemeanor.
17 They have the right to maintain the not guilty plea, in which
18 event, there'd be a trial. The trial would be public meaning
19 people could sit in court as they are right now. It'd be a
20 jury trial because it's a misdemeanor. Because it's a
21 misdemeanor, the jury's -- would consist of six individuals.

22 At the trial, the defendant would be presumed innocent,
23 would have the right to remain silent and would be under no
24 obligation to present any evidence because the state always
25 has to prove a defendant guilty. The defendant doesn't have

1 to prove that he didn't do what the state says.

2 To secure a verdict of guilty, the state would have to
3 convince each and every juror on the jury that it had proved
4 each and every element of the offense charged beyond a
5 reasonable doubt. However, if the guilty plea is entered, as
6 proposed, that trial won't take place. Do you understand
7 that, sir?

8 MR. YOON: Yes, sir.

9 THE COURT: In an effort to prove a defendant guilty at
10 trial, what the state does is it brings witnesses into court,
11 they take the oath, they sit here next to me and they give
12 their testimony. So the defendant always gets to hear the
13 evidence against him or her or it, likely would get to see the
14 defendant because there's a right -- or the witness because
15 there's a right to confront witnesses -- although every once
16 in awhile someone does testify on the telephone -- and the
17 witness would be subject to cross examination by your attorney
18 but, again, that won't happen if this deal goes down.

19 As I said, a defendant has a right to remain silent and
20 has no obligation to present evidence and if that took place
21 at trial, I'd tell a jury that couldn't hold that against the
22 defendant. On the other hand, a defendant always has the
23 right to testify and can do that at trial even if his or her
24 attorney says it's not a good idea. And defendant can present
25 other evidence which could be writings, photographs, tangible

1 items like glasses, TAPS cards, you know, whatever might be
2 relevant in the case and could present witnesses in defense of
3 the case and if there was a witness out there who didn't want
4 to come to court just because you asked them, you could use
5 the power of the court to compel that witness to come in, take
6 the oath and give their testimony but, again, that doesn't
7 happen if you enter a guilty plea. You understand, sir?

8 MR. YOON: Yes, sir.

9 THE COURT: In addition to giving up the right to have a
10 trial if you plead guilty about whether or not the defendant
11 should be found guilty, guilty -- if you enter a guilty plea,
12 you'll also give up any defenses which might have been
13 asserted on behalf of the LLC in this case before trial.

14 If you went to trial and were found guilty and didn't
15 think that the LLC should have been convicted, you could file
16 a direct appeal contesting that conviction but if a plea is
17 entered, a guilty plea is entered, you wouldn't be able --
18 apart from perhaps jurisdictional questions, you wouldn't be
19 able to turn around and file a direct appeal contesting your
20 conviction because when you plead guilty, you're saying I did
21 what the state says. Do you understand that, sir?

22 MR. YOON: Yes, sir.

23 THE COURT: This is for individual defendants but if you
24 enter a plea and you're not a citizen of the United States, it
25 could affect your ability to remain here or to become a

1 naturalized citizen at some point down the road.

2 Mr. Yoon, have you had enough time to speak with Mr.
3 McGowan about doing this deal?

4 MR. YOON: Yes, sir.

5 THE COURT: Are you satisfied with Mr. McGowan's advice?

6 MR. YOON: Yes, sir.

7 THE COURT: Are there any other promises that have been
8 made to you apart from what Mr. McGowan has described as being
9 the agreement in this case?

10 MR. YOON: No. No, I.....

11 MR. MCGOWAN: What he wants to know is is there any side
12 deal that we haven't talked about in court?

13 MR. YOON: No. No, sir.

14 THE COURT: Okay. Anybody threaten you to get you to
15 enter a plea today?

16 MR. YOON: No, sir.

17 THE COURT: As you sit there, are you under the influence
18 of any substance or suffer from any condition that might
19 affect your ability to make a rational and intelligent
20 decision about whether or not to enter the plea?

21 MR. YOON: No, sir.

22 THE COURT: You clear headed?

23 MR. YOON: Yes, sir.

24 THE COURT: Do you have any questions about what the deal
25 is?

1 MR. YOON: No, sir.

2 THE COURT: Do you have any questions about what rights
3 you'll be giving up if you enter the plea?

4 MR. YOON: No, sir.

5 THE COURT: Do you want to go through with the deal?

6 MR. YOON: Yes, sir.

7 THE COURT: The complaint in this case states that on or
8 about the 11th day of October, 2012, at or near Sitka in the
9 First Judicial District, State of Alaska, Soe, LLC did, as a
10 licensee, fail to exercise that degree of care that a
11 reasonable person would observe to insure that a business
12 under the person's control is lawfully conducted. That is the
13 charge. That is the Class A misdemeanor I described earlier.
14 So to that charge, sir, how does the LLC plead?

15 MR. YOON: Guilty.

16 THE COURT: I find your plea is entered knowingly,
17 intelligently and voluntarily. I'll also find that there is a
18 factual basis for the plea as set forth in the charging
19 documents, basically, the facts that I talked about earlier.

20 I'm going to hear from the attorneys, Mr. Yoon, and then
21 if you want to say something, you'll have a chance to speak.
22 Okay?

23 MR. YOON: No, sir. Yeah.

24 THE COURT: Well, we'll give you a chance anyway. Ms.
25 Seaton, anything?

1 MS. SEATON: Your Honor, I urge you to accept this
2 agreement. I came up with the fine in reliance on suggestion
3 from the ABC Board investigator who completed this
4 investigation so I believe it's probably consistent with like
5 offenses. The server in question here, the one who was -- had
6 not had the TAMS course, actually did serve an under age buyer
7 during a compliance check. That's how it -- this came to
8 light that she didn't have the TAMS card. Looks like she had
9 been working there at Roma's for about two months and, of
10 course, part of having the liquor license is that the licensee
11 agrees to make sure all their servers have the TAMS card
12 and.....

13 THE COURT: Yeah.

14 MS. SEATON:that just wasn't done here and it --
15 it's possible that that's what led to the violation. I know
16 the server has already entered a plea and been sentenced and,
17 as far as I can tell, this is probably the second offense for
18 this type of conduct, failing to have a server have the card.
19 There was at least one other incident written up. I don't
20 know if it went to any kind of formal proceeding. I think the
21 fine here is probably negligible and not the main point. The
22 main point is that the ABC Board is going to be keeping track
23 of these violations and they are cumulative. So I think that
24 the recognition here does go to protect the public.

25 THE COURT: All right.

1 MS. SEATON: Thank you.

2 THE COURT: Thank you, Ms. Seaton. Mr. McGowan?

3 MR. MCGOWAN: Your Honor, I agree with Ms. Seaton that
4 this is an appropriate penalty. It's the second offense in
5 seven years. The other one was seven years ago. Mr. Yoon or
6 the LLC has three different licenses here in town, three
7 different facilities, and in all that time, he's had a total
8 of two violations which isn't a very bad record for as many
9 people as he has employed who have to, you know, pay attention
10 to the.....

11 THE COURT: And which -- the third one?

12 MR. MCGOWAN: Yes, this was Roma's which has become the
13 Asian something over here now.....

14 THE COURT: Right. Right.

15 MR. MCGOWAN:and he has Little Tokyo and he has
16 Kenny's Wok and Teriyaki.

17 THE COURT: Kenny's, yeah.

18 MR. MCGOWAN: So he has three different places. They have
19 liquor licenses in each of those places. That's a lot of
20 employee to keep track of. There's a -- quite a bit of
21 turnover in a couple of those places. This was an oversight.
22 This was a temporary employee who became a long-term employee.
23 It wasn't anticipated that she was going to be there very
24 long. Her husband worked for one of the other restaurants and
25 she was just going to fill in and so she stayed beyond 30 days

1 which meant she needed the card. She'd worked in this
2 industry for 20 years so she's very experienced but.....

3 THE COURT: Mm-hmm.

4 MR. MCGOWAN:she didn't have her Alaska papers so --
5 full so that's what led to this. So, as I say, I suggest that
6 this is an appropriate resolution and I think Mr. Hamilton,
7 the investigator, sounds like Ms. Seaton said he is the one
8 who came up with the idea. I've been dealing with him for a
9 long, long time. He's real experienced and if he suggests
10 this level of penalty, it probably reflects what we're seeing
11 which is this is pretty low end. It was a paper work thing
12 and plead guilty and he'll pay and pay a little closer
13 attention to making sure the employees are certified on
14 schedule.

15 THE COURT: Okay. Mr. Yoon, is there anything you'd like
16 to say on behalf of the LLC?

17 MR. YOON: No, now before she -- she didn't have a TAM
18 card but now -- you know, after that, she got, you know, TAM
19 card.....

20 THE COURT: Okay.

21 MR. YOON:and all the employees have TAM cards so
22 now I don't have any other kind of problem for.....

23 THE COURT: Right.

24 MR. YOON:and I wasn't, you know, in the restaurant
25 that time, you know. I was out of town but I make sure

1 everybody have a TAM card, you know.

2 THE COURT: Well, it's important that you do.....

3 MR. YOON: Yeah.

4 THE COURT:and you ma -- primarily, I guess, to make
5 sure, as Ms. Seaton alluded, that they know where to look on
6 the license for I -- you know, dates of birth and.....

7 MR. YOON: Yes. Yeah.

8 THE COURT:how to serve folks and cues for picking
9 up under age people and those who've had too much to drink,
10 that sort of thing, so.....

11 MR. YOON: Yes, sir.

12 THE COURT: You know, beyond today, of course, what
13 happens is, as Ms. Seaton says, ABC keeps track of this and
14 when it comes up for renewal, if you've got too many problems,
15 then the ABC Board will do something about it.....

16 MR. YOON: Yeah. Yes, sir.

17 THE COURT:or protests could be filed so.....

18 MR. YOON: Yeah.

19 THE COURT: But it sounds like this is a pretty fair
20 resolution of this case.

21 MR. YOON: Thank you, sir.

22 THE COURT: It's more like a notice thing, basically,
23 saying hey, you know, you're getting slapped here because this
24 happened and we trust that it won't happen again. Otherwise
25 the consequences would be more severe. So I'll accept the

1 parties' Rule 11 agreement, impose a fine of \$750. \$250 will
2 be suspended. That's \$500 to pay. There's also a \$50
3 surcharge so that adds up to \$550. Mr. Yoon, when will the
4 LLC be able to pay that?

5 MR. YOON: Probably today or tomorrow. So.....

6 THE COURT: All right.

7 MR. YOON:Monday.

8 MR. MCGOWAN: Yeah, the clerk's office is.....

9 MR. YOON: I can pay it maybe on Monday.

10 THE COURT: All right. Close of business Monday, by 4:30
11 on Monday, get it paid. Okay?

12 MR. YOON: Yes, sir.

13 THE COURT: With regard to the suspended \$250, the LLC,
14 Soe, LLC, will be on probation for one year on condition
15 there's no further law violations. Okay? Do you have any
16 questions, sir?

17 MR. YOON: No, sir.

18 THE COURT: All right. Mr. McGowan, anything else?

19 MR. MCGOWAN: Nothing further, Your Honor. Thank you.

20 THE COURT: Ms. Seaton, anything?

21 MS. SEATON: No thank you.

22 THE COURT: All right.

23 MR. YOON: Thank you, sir.

24 THE COURT: Good luck. Have a good season.

25 MR. YOON: Right.

1 (Off record)

2 03:14:15

3 END OF REQUESTED PORTION

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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 8, 2013

FROM: Shirley A. Côté
Director, ABC Board

RE: Furnishing Alcohol to a Person Under 21 –
Jimmy Zhou, Jimmy Sushi Restaurant,
License # 5033

On April 8, 2013 the licensee of Jimmy Sushi Restaurant, License # 5033, Jimmy Zhou furnished an alcoholic beverage to an underage person during a compliance check. Mr. Zhou pled guilty and was convicted and fined \$500 and the \$50 police training surcharge. He was given a suspended imposition of sentence and placed on probation for one year.

Mr. Zhou has no prior criminal history.



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No ABC 13-0395	
Detach A	UnitID ABCA

Reporting Officer INV F.R. HAMILTON	PermID FRH0	Investigating Agency ALCOHOL BEVERAGE CONTROL	Date Reported 4-8-13	Time Reported 1755
---	-----------------------	---	--------------------------------	------------------------------

ACT# 1	Activity Code 9931	UCR No. 22	Statute / Regulation AS 04.16.052(5)	Type of Activity Furnishing Alcohol to a Person Under 21	Date Occurred 4-8-13	Time Occurred 1755
------------------	------------------------------	----------------------	--	--	--------------------------------	------------------------------

Location of Activity Jimmy Sushi Restaurant, 301 E. Dimond Blvd				N:	W:	Patrol Zone UEBA	Dom Viol.	Alcohol or Drugs Involved A
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ACT # 2	Activity Code	UCR No.	Statute / Regulation	Type of Activity	Date Occurred	Time Occurred
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Location of Activity				N:	W:	Patrol Zone	Dom Viol.	Alcohol or Drugs Involved
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Pers No. 1	Role(s) DI	Name Jimmy H. Zhou	Sex M	Race A	Ht. 68	Weight 175	Hair BRO	Eyes BRO	D.O.B./Approx. Age 3-13-66
----------------------	----------------------	------------------------------	-----------------	------------------	------------------	----------------------	--------------------	--------------------	--------------------------------------

Residence Address 301 E. Dimond Blvd, Anchorage, AK				Residence / Cell Phone 887-6697		Driver's License No. 7206277		State AK	
---	--	--	--	---	--	--	--	--------------------	--

Place of Employment Jimmy Sushi Restaurant, 301 E. Dimond Blvd, Anchorage, AK				Work Phone 344-0888		Occupation Licensee		VCCB OVR <input type="checkbox"/>	
---	--	--	--	-------------------------------	--	-------------------------------	--	-----------------------------------	--

APSIN ID NO. 7301344	Social Security No.	ATN / NCIC / Other ID No. 114 146 244	Charged With 1S	Susp Act No.	Juv. Dispo.
--------------------------------	---------------------	---	---------------------------	--------------	-------------

Pers No. 2	Role(s) W	Name Underage Buyer 12-002	Sex	Race	Ht.	Weight	Hair	Eyes	D.O.B./Approx. Age 11-22-93
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Residence Address				Residence / Cell Phone		Driver's License No.		State	
-------------------	--	--	--	------------------------	--	----------------------	--	-------	--

Place of Employment Alcoholic Beverage Control Enforcement Team				Work Phone 263-5925		Occupation Buyer		VCCB OVR <input type="checkbox"/>	
---	--	--	--	-------------------------------	--	----------------------------	--	-----------------------------------	--

SYNOPSIS / DETAILS:

SYNOPSIS: On 4-8-13, at about 1759 hours, Jimmy Sushi Restaurant licensee Jimmy H. Zhou furnished an alcoholic beverage to a person under the age of 21. The incident occurred during a compliance check.

OBSERVATION: On 4-8-13, at about 1755 hours, Underage Buyer 12-002; age 19, herein referred to as UB, entered Jimmy Sushi. I remained outside. At about 1759 hours, UB sent me a text message essentially relating she had been served a Corona beer; ID and age were not asked.

OFFICER ACTION: At about 1803 hours, I entered the establishment and observed UB at the sushi bar with a 12-oz bottled Corona beer in front of her. Part of it had been poured into a glass. I recognized the owner behind the counter. I took a photo of UB with the beer. UB identified her server as the owner, Jimmy Zhou, provided me with her ID and departed the establishment.

INTERVIEW #1, DI, J.H. ZHOU: Conducted in a non-custodial manner. Zhou essentially related he was busy making sushi and did not really look at UB when she ordered the beer. Zhou has been serving alcoholic beverages for about 1 1/2 years and has received alcohol server training, TAP 103714, exp. 6-2-14, instructor Malroy.

OFFICER ACTION: Zhou was issued a summons for furnishing alcohol to a person under 21. A mandatory court date of 5-3-13, 0830 hours, Anchorage District Court was assigned. I then departed the establishment. About an hour later, I received a call from Zhou asking if there would be a Chinese interpreter at arraignment due to a language issue. I advised him to contact the court prior to his arraignment date.

NOTE: UB completed 8 compliance checks on 4-8-13. One establishment furnished UB an alcoholic beverage.

EVIDENCE: Digital audio and photos, one empty 12-oz Corona beer bottle, two 4-oz canning jars partially filled with Corona beer.

CASE STATUS: Closed by issuance of a summons. Referred to the DAO for prosecution.

CASE CLOSURE CA	COPIES TO District Attorney's Office, Anchorage	REVIEWED AND APPROVED BY Robert L. Beasley, Enforcement Supervisor	PermID RLB8	DATE CLOSED 4/9/13
---------------------------	---	--	-----------------------	------------------------------

In the District Court of the State of Alaska

13-0395

Agency Number

Third Judicial District in Anchorage, Alaska

State of Alaska,

Plaintiff

vs.

Jimmy H. Zhou

DOB/ 3-13-66

ID/ 7301344

ATN: 114 146 244

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

CTN 001

FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(5)

VRA CERTIFICATION I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)

☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

Complainant states that on or about the 8th day of April, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, Jimmy H. Zhou, a licensee or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(5) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer 12-002; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, Jimmy Sushi Restaurant, a licensed liquor establishment in Anchorage, where the Defendant furnished UB a 12-oz bottled Corona beer, an alcoholic beverage. Further upon the statement of the Defendant that he did furnish UB the alcoholic beverage. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control.

I certify under penalty of perjury that the above information is true.



Signature of Complainant (F.R. Hamilton)



00173034
0173034

Defendant

Zhou, Jimmy

Plaintiff

DCCP

Agency

ABC

Agency Case #

13-0395

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050

District Court at

Ar16

Judicial District:

3

Court Case #

DEFENDANT

DOB 3-18-66 Age _____ Driver's Lic 7206277 State AK Class D APSIN ID 7301344
Hair Bllk Eyes Bru Race A Sex M Ht 68 Wt 175 Hm Ph 887-6697 Wk Ph 344-0888
Res Addr 301 E. Diamond Blvd 99515
Mail Addr ☒ Same _____ Employer Jimmy Sushi

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 4-8-13 Time 1759 ATN 114146244 CTN 001 Code 9931
Location 301 E. Diamond Blvd Loc. Code NE2A ☐ Hwy Work Zone ☐ Safety Corridor
☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04-16-052(5)
Offense: Furnishing Alcohol to A Person Under 21
Over Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality
Complaint To Follow

Item(s) Seized per AS 16.05.190 _____

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have reasonable grounds to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

FR Hamilton
Officer's Signature

FR Hamilton
Officer's Printed Name

FR114
ID

4-8-13
Date Served on Defendant

REQUIRED RESPONSE

☒ MANDATORY COURT APPEARANCE. You must appear in court as shown below. If you fail to appear for a misdemeanor or AS 04.16.050 a warrant will be issued for your arrest. For a minor offense, see consequences on back. I promise to appear in court.

[Signature]

Defendant's Signature

☐ CORRECTABLE. This citation will be dismissed if you correct the defect and present the vehicle for inspection by _____ at any Alaska State Trooper Post or ☐ _____ If you do not, you must either appear in court or mail/deliver your plea as instructed under OPTIONAL APPEARANCE.

☐ OPTIONAL COURT APPEARANCE. You must either (1) appear in court as shown below, or (2) fill out the back of this form and mail/deliver it before then, to:
Address (if different from court address): _____

COURT APPEARANCE: ☐ within _____ days. ☐ on 5-3-13 at 0830 AM/PM

Court Address:

825 W. 4th Ave B1

Bring this citation with you to court. If you are under 18, you must bring your parent or legal guardian.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE

JUDGMENT

Plaintiff: ☒ State of Alaska ☐ Municipality of Anchorage

CASE NO. 3AN-13-04474 CR

vs.

ATN: CTN: 001

Defendant: Jimmy H. Zhol DOB: 3-13-11

APSIN:

DL: ST: ☐ Comm. Lic. Address:

Defendant is:

☒ GUILTY of Furnishing Alcohol to a MinorStatute/Ordinance: 04.16.052(5)☐ NOT GUILTY. It is ordered that defendant is acquitted and discharged.PLEA: ☒ Guilty ☐ No ContestRULE 11 PLEA: ☒ Yes ☐ No ☐ PartialTRIAL: ☐ Court ☐ JuryDV Offense per AS 18.66.990(3)&(5): ☐ Yes ☐ No

Sex Offender Registration

Required by AS 12.63.100: ☐ Yes ☐ No☒ SUSPENDED IMPOSITION OF SENTENCE. Imposition of sentence is suspended and defendant is placed on probation for 1 year, subject to the orders and conditions listed below.**SENTENCE IS IMPOSED AS FOLLOWS:****DIRECT COURT ORDERS**

1. FINE: \$ 500 with \$ _____ suspended. Due _____ Bail to Fine \$ _____
☐ Fees paid to court-ordered programs will be credited to fine if defendant presents proof of payment to clerk by above due date.
2. POLICE TRAINING SURCHARGE due within 10 days: ☒ \$50 (Misd) ☐ \$10 (Infraction) ☐ None (Fine Under \$30)
3. JAIL _____ days with _____ days suspended. Report at 7:45 a.m. on _____ to the Cordova Center, 130 Cordova Street, Anchorage or a bench warrant may be issued for your arrest.
4. ☐ Initial Jail Surcharge: ☐ \$50 per case. Due now to AG's Office, 1031 W. 4th Ave., #200, Anchorage, AK 99501
5. ☐ Suspended Jail Surcharge: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
6. ☐ Report now to the Anchorage Alcohol Safety Action Program (AASAP). Follow all recommendations including residential treatment up to _____ days plus required aftercare in addition to any jail time ordered. Pay costs *
7. ☐ Defendant is ordered to perform _____ hours Community Work Service (CWS) within/by _____ and pay any required fee. ☐ CWS not completed will convert to 3 hours of jail per CWS hour.
8. ☐ Defendant is ordered to make restitution ☐ as stated in the Restitution Judgment ☐ in an amount to be determined as provided in Criminal Rule 32.6 (c)(2).*
9. ☐ Defendant must give DNA sample if requested by an officer on state's behalf. (AS 11.41 offense)
10. ☐ Defendant is ordered to _____
11. Orders are imposed ☐ consecutive to ☐ concurrent with other counts and cases. [Periods of probation are concurrent.]

CONDITIONS OF PROBATION. Defendant is placed on probation for 1 years/months, subject to the following conditions:

12. ☒ Comply with all the above direct court orders by the deadlines stated, and follow the "After Sentencing Instructions."
13. ☒ Commit no jailable offenses during the period of probation.
14. ☐ Contact a state-approved batterer's intervention program within ten days for assessment and to follow all recommendations.
☐ Complete _____ anger management program; supply proof to the prosecutor by _____
15. ☐ Have no contact, direct or indirect, with _____ unless that person's written consent has been supplied to the Prosecutor.
16. OTHER: _____

* Refer to "After Sentencing Instructions."

JUDGMENT FOR COST OF COUNSEL (If Appointed). IT IS ORDERED that defendant pay to plaintiff ☐ \$500 (Trial)☐ \$200 (Change of Plea) ☐ \$ _____ for the cost of court-appointed counsel. Interest accrues on the judgment at the annual rate of 3.75% from the date of judgment until paid. Defendant is ordered to apply for the PFD every year defendant is eligible until the judgment is paid in full. This judgment has the same force and effect as a judgment in a civil action.I certify that on 5/3/13 a copy of this judgment was given to:
☒ Def ☐ Def Atty ☐ Prosecutor ☒ Jail
☐ AASAP ☐ DV Monitor ☐ CWS ☐ DMV
☐ CFEC
 In-Court Clerk: W

District Court Judge/Magistrate

Print Name: _____

Effective Date

See CR-130CV for APSIN Information

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
JIMMY H. ZHOU,)
)
Defendant.)
_____)

No. 3AN-S13-04474 CR

TRANSCRIPT OF PROCEEDINGS

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ARRAIGNMENT

BEFORE THE HONORABLE J. PATRICK HANLEY
Deputy Presiding Judge

Anchorage, Alaska
May 3, 2013
10:27 o'clock a.m.

APPEARANCES:

FOR THE PLAINTIFF: PATRICK SHERRY
Assistant District Attorney
District Attorney's Office
Misdemeanor/Rural Unit
310 K Street, Suite 520
Anchorage, Alaska 99501

FOR THE DEFENDANT: JIMMY H. ZHOU
In propria persona

P R O C E E D I N G S

201

10:27:23

THE COURT: All right. And, Mr. Zhou, you're charged with furnishing alcohol to a person under the age of 21.

MR. SHERRY: Your Honor, I believe Mr. Zhou indicated when I spoke to him he might want a Chinese interpreter.

MR. ZHOU: Yes.

THE COURT: Okay. We'll see if I can get one on the phone.

MR. SHERRY: Okay.

THE CLERK: Did he say Mandarin?

MR. ZHOU: Mandaray.

THE COURT: Mandarin.

THE CLERK: Mandarin?

(Clerk on the phone)

THE COURT: And while they're doing that, ma'am, are you here for a case?

10:29:47

(Other matter)

10:30:10

THE CLERK: (Indiscernible - whispering).

THE COURT: Okay. Yeah, let's do that. We'll try again in just a minute here.

MR. ZHOU: I can try to understand you. I.....

1 THE COURT: Okay. Well, let me see.....

2 MR. ZHOU: Yeah.

3 THE COURT: Let me just start then that there's a charge
4 of furnishing alcohol to a minor. Did you get a copy of that?

5 MR. ZHOU: Yes.

6 THE COURT: Are your name and date of birth accurate?

7 MR. ZHOU: Right.

8 THE COURT: All right. Did you want to speak with an
9 attorney in the case?

10 MR. ZHOU: Oh, no.

11 THE COURT: Are there any offers in the case?

12 MR. SHERRY: There -- I gave him an offer, Your Honor.

13 THE COURT: All right. Do you understand the offer?

14 MR. ZHOU: Actually, now you can say (indiscernible). I
15 just wanted to know if I got a 500 fine here, right. I paid
16 for the -- that. Will it be okay this time?

17 MR. SHERRY: It -- Your Honor, the offer was to plead
18 guilty. It would be a \$500 fine you'd have to pay.

19 MR. ZHOU: Yeah.

20 MR. SHERRY: You would be on probation for one year and if
21 you stay out of trouble for that one year, you can get a --
22 the conviction set aside from your record after a year.

23 MR. ZHOU: So after one year if what?

24 MR. SHERRY: If you don't get in any more trouble.....

25 MR. ZHOU: Yeah.

1 MR. SHERRY:the conviction can be set aside from
2 your record which is called a suspended imposition of
3 sentence. So it's a \$500 fine.....
4 MR. ZHOU: Yeah.
5 MR. SHERRY:and then the conviction can be set aside
6 after a year if you stay out of trouble.
7 MR. ZHOU: Oh. And then.....
8 THE COURT: Well, let me take up this other case.
9 10:31:56
10 (Other matter)
11 10:35:04
12 THE COURT: We'll see if we can get a Mandarin interpreter
13 here.
14 THE CLERK: Maybe.
15 (Off record)
16 THE COURT: How are you today?
17 INTERPRETER: Thank -- I'm good. Thank you for asking,
18 Your Honor.
19 THE COURT: Okay. Thank you for being here and is it Mr.
20 -- how do you say your last name, is it Zhou or Zhou?
21 MR. ZHOU: Oh, Zhou.
22 THE COURT: Zhou. Mr. Zhou is present and if you could
23 introduce yourself to Mr. Zhou?
24 INTERPRETER: [*Speaks Mandarin*].
25 MR. ZHOU: [*Speaks Mandarin*].

1 INTERPRETER: Okay. Thank you.

2 THE COURT: All right. So, Mr. Zhou, there's a charge of
3 -- the state has filed a charge against you of furnishing
4 alcohol to a minor. Did you get a copy of that?

5 MR. ZHOU: Yeah.

6 INTERPRETER: She -- I -- I'm sorry, he -- he's responded
7 with yeah. Do you want me to go ahead and interpret so
8 I'm.....

9 THE COURT: Yes, if you'd please just interpret.

10 INTERPRETER: Okay. So [*speaks Mandarin*]. Yes, I did.

11 THE COURT: Okay. The maximum is a year in jail, \$10,000
12 fine.

13 MR. ZHOU: Oh.

14 THE COURT: All right. And the state has -- alleges that
15 at your restaurant, you served someone alcohol and that person
16 was under the age of 21.

17 INTERPRETER: Yeah.

18 THE COURT: If you want to, you can plead not guilty and
19 speak with an attorney and if you cannot afford an attorney, I
20 can appoint one to represent you.

21 MR. ZHOU: Oh.

22 THE COURT: Right, or you can plead guilty or no contest
23 and you can accept the state's offer if you want to.

24 INTERPRETER: Okay.

25 THE COURT: What would you like to do?

1 INTERPRETER: I -- I'd like to accept the state's offer.

2 THE COURT: Okay. And what I understand, Mr. Sherry, the
3 offer is for what's called a suspended imposition of sentence
4 for one year.

5 INTERPRETER: Okay.

6 THE COURT: There'd be.....

7 INTERPRETER: I'm sorry. I'm sorry, go ahead, please.

8 THE COURT: Okay. And there'd be a \$500 fine.

9 INTERPRETER: Can you further explain that in terms of a
10 suspension of sentence for one year?

11 THE COURT: Yes, what it means is that if you plead, you
12 will be convicted of furnishing alcohol to a minor. However,
13 if you do everything that you're supposed to, after one year,
14 that conviction would be set aside.

15 INTERPRETER: Okay.

16 THE COURT: All right. And is that what you want to do,
17 you want to accept that offer?

18 INTERPRETER: Yes.

19 THE COURT: Okay. Before I can accept your plea, I have
20 to go through the rights with you that you do have so you'll
21 know the rights that you will be giving up.

22 MR. ZHOU: Oh.

23 THE COURT: If you wanted to, you could plead not guilty
24 and you could have a trial where the state would have to prove
25 that you were guilty.

1 MR. ZHOU: Oh.

2 THE COURT: And the state would have to prove the charge
3 beyond a reasonable doubt.

4 MR. ZHOU: Okay.

5 THE COURT: They would try to prove their case by calling
6 any witnesses they have to explain what happened and by
7 admitting any evidence that they have.

8 MR. ZHOU: Oh.

9 INTERPRETER: Okay.

10 THE COURT: And you or your attorney could question the
11 witnesses and object to the evidence.

12 MR. ZHOU: Okay.

13 THE COURT: All right. You or your attorney could also
14 present evidence on your behalf and if there were witnesses
15 who did not want to come to court, you could get a court order
16 for them to come to court.

17 MR. ZHOU: Oh.

18 THE COURT: And you could testify at the trial or you
19 could remain silent.

20 MR. ZHOU: Oh, okay.

21 THE COURT: Those are important trial rights that you
22 have. Would you like to have a trial?

23 INTERPRETER: No.

24 THE COURT: Okay. You could also have an attorney help
25 you and if you could not afford one, I could appoint one.

1 MR. ZHOU: Oh, okay.

2 THE COURT: An attorney could do many things for you
3 including reading the police reports and detecting possible
4 defenses.

5 MR. ZHOU: Okay.

6 THE COURT: An attorney could negotiate with the
7 prosecutor.

8 MR. ZHOU: Oh.

9 THE COURT: An attorney could plan any defenses and talk
10 with you about the case.

11 MR. ZHOU: Okay.

12 THE COURT: An attorney could have an investigation done.

13 MR. ZHOU: Oh.

14 THE COURT: An attorney could represent you at trial if
15 you wanted to.

16 MR. ZHOU: Oh, okay.

17 THE COURT: Do you understand the types of things an
18 attorney could do for you?

19 INTERPRETER: Yeah, I understand.

20 THE COURT: Would you like to have an attorney help you?

21 INTERPRETER: So if I plead guilty, then I don't need one,
22 right?

23 THE COURT: You don't have to have one, no, but if you
24 want to talk with one, you can.

25 MR. ZHOU: Oh, okay.

1 THE COURT: Would you like to have an attorney help you?

2 INTERPRETER: If I plead guilty and I follow all of the --
3 what's offered by the state and -- do I still need to go back
4 to court or go back to trial?

5 THE COURT: No.

6 MR. ZHOU: Oh, okay. Now what [*speaks Mandarin*].

7 INTERPRETER: The -- I'm willing to accept the offer by
8 the state.

9 THE COURT: Okay. And did you -- you just have to answer
10 did you want to have an attorney help you? You don't have to
11 but you can if you want.

12 INTERPRETER: No.

13 THE COURT: Okay. If you plead, you'll be giving up your
14 right to complain about any mistakes which may have happened.

15 INTERPRETER: I think my main concern is that if I -- you
16 know, if I pay the fine, will I still have to serve time in
17 jail. That's my primary concern.

18 THE COURT: No, if you pay the fine and if you stay out of
19 trouble for the next year, then you would not have to go to
20 jail and your conviction would be set aside.

21 INTERPRETER: Then I don't need an attorney then.

22 THE COURT: Okay. And if you're not a United States
23 citizen, pleading guilty could have deportation or admission
24 consequences.

25 INTERPRETER: I understand.

1 THE COURT: Okay. Has anyone forced you or threatened you
2 to get you to plead today?

3 INTERPRETER: No.

4 THE COURT: Have you had enough time to think about this?

5 INTERPRETER: I've already considered this.

6 THE COURT: Okay. Do you have any questions?

7 INTERPRETER: Yes. How do I go about making that payment?
8 Do they mail me a statement or how does that work?

9 THE COURT: You could just take this judgment and go down
10 to the customer service on the first floor and you can pay it
11 there.

12 INTERPRETER: I can pay it today then, right?

13 THE COURT: Okay. Yes, you can pay it today. Okay. Any
14 other questions?

15 INTERPRETER: Can I pay with a credit card?

16 THE COURT: Do you know -- I think they do let you pay
17 with a credit card but you can take this judgment down with
18 you to the first floor and then you can ask them that
19 question.

20 INTERPRETER: Oh.

21 THE COURT: Okay. And are you under the influence of any
22 medication, drugs or alcohol?

23 INTERPRETER: No.

24 THE COURT: Okay. I can accept your plea then. To the
25 charge of furnishing alcohol to a minor, how do you plead?

1 INTERPRETER: Okay. So I plead guilty.

2 THE COURT: Okay. I accept your guilty plea and find you
3 guilty. It's a knowing and voluntary plea and there is a
4 factual basis in the charging document to support the charge.

5 INTERPRETER: Okay.

6 THE COURT: And any sentencing comments from the state?

7 MR. SHERRY: No, Your Honor.

8 INTERPRETER: I'm sorry?

9 THE COURT: I asked the state if they had any sentencing
10 comments and he said no.

11 INTERPRETER: Oh, thank you.

12 MR. ZHOU: Oh.

13 THE COURT: And, Mr. Zhou, is there anything that you want
14 to say? You don't have to but you can.

15 INTERPRETER: So -- okay. I am -- I can't think of
16 anything but, actually, I'm very concerned due to the language
17 barrier that what -- what's required of me. You know, I'm
18 concerned that if -- I might not be able to understand
19 everything clearly as what's required of me and so I don't
20 want to get into trouble by not meeting those -- what's
21 required and so that's why I'm -- just to make sure I clarify,
22 so if I pay the fine today, then I'll be okay, right? There's
23 nothing else that's required for me to do?

24 THE COURT: There is a fine of \$500. There's also a \$50
25 surcharge which I'll have written down for you and once you do

1 that, then all you have to do is commit no jailable offenses
2 during the next year. So don't do this again or don't commit
3 any jailable offenses. If you do that, then you're fine and
4 the conviction will be set aside.

5 INTERPRETER: I'm sorry, within the -- within.....

6 THE COURT: Within one year.

7 INTERPRETER: One year. Thank you, Your Honor. Okay.

8 THE COURT: Okay. So I'll accept the agreement. You just
9 have to be very careful to check ID's for anyone who comes in.
10 Do not serve any alcohol to someone unless -- you know, if
11 they're young unless you check their ID.

12 INTERPRETER: Okay.

13 THE COURT: Okay. And so you can get a copy of this
14 judgment. If you want to pay it today, you can just take it
15 down to the first floor and pay it there.

16 INTERPRETER: Okay.

17 THE COURT: Okay. You can get a copy of this and thank
18 you very much for interpreting today and you can hang up.

19 INTERPRETER: Thank you very much, Your Honor, and have a
20 good day.

21 THE COURT: You too.

22 MR. ZHOU: *[Speaks Mandarin]*.

23 (Off record)

24 11:07:25

25 END OF REQUESTED PORTION

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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: Violation of Licensee – Refusing to Assist a
Peace Officer, David Sanden, d/b/a Triple F
Bar & Grill, License #3695

On March 18, 2013 an off-duty police dispatcher for the Juneau Police Department entered the Triple F Bar & Grill and observed broken glass all over, and an intoxicated male who said there was someone dead in the laundry room. When Officer Jeff Brink responded he was advised by the licensee, David Sanden that the bar was closed. Officer Brink observed Mr. Sanden to have alcohol on his breath, his speech was slurred, and his eyes were red. Mr. Sanden was belligerent and said there was no one dead on the premises, the bar was closed, and told the officer to leave. While speaking with Mr. Sanden his cell phone rang and when he picked up the officer overheard a female ask, "you're drunk in your bar again David?"

The District Attorney's Office offered if Mr. Sanden pled guilty to resisting a peace officer the violation of drunk on licensed premises would be dismissed. Mr. Sanden was fined \$500, a \$10 infraction fee, and a \$50 police training surcharge.

Mr. Sanden has a criminal conviction from 2000 for driving while under the influence.

Mr. Sanden was written a Notice of Violation for which he is requesting dismissal based upon the dismissal of the charge of drunk person on licensed premises.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
DAVID DALE SANDIN,)
)
Defendant.)
_____)

No. 1JU-S13-00306 CR

TRANSCRIPT OF PROCEEDINGS

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COP HEARING

BEFORE THE HONORABLE THOMAS G. NAVE
District Court Judge

Juneau, Alaska
May 22, 2013
11:05 o'clock a.m.

APPEARANCES:

FOR THE PLAINTIFF: AMY M. WILLIAMS
Assistant District Attorney
District Attorney's Office
Box 110300
Juneau, Alaska 99811

FOR THE DEFENDANT: BRUCE B. WEYHRAUCH
LAW OFFICE OF BRUCE B.
WEYHRAUCH, LLC
114 South Franklin Street,
Suite 200
Juneau, Alaska 99801

P R O C E E D I N G S

A

11:05:09

MS. WILLIAMS:magistrate judge or whatever.

THE CLERK: Please rise. Juneau District Court is in session with the Honorable Thomas Nave presiding.

THE COURT: Good morning. Please be seated. We're on record in State of Alaska versus David Sandin. Case number is 1JU-13-306. Time set for a change of plea. Mr. Weyhrauch?

MR. WEYHRAUCH: Thank you, Your Honor. Ms. Williams and the state and I have reached an agreement that the present charge of being drunk on the premises will be dismissed by the state. Mr. Sandin will plead to a violation of assisting a police officer, pay a \$500 fine, a court surcharge and he would ask that his bail be revoked. He understands and I have advised that -- what the plea means in terms of his rights and what he's waiving but those are, essentially, the terms, Your Honor.

THE COURT: Do you have an amended charging document?

MS. WILLIAMS: Your Honor, it should be in the file. I filed it on May 16th.

THE COURT: Refusing to assist a police officer, Count II and Count I is being dismissed, is that right?

MS. WILLIAMS: That's right.

THE COURT: Okay. And it alleges that on March 17th in

1 Juneau, that Mr. Sandin, upon request or command or order by
2 someone a person he knows to be a peace officer or a judicial
3 officer did unreasonably fail to make a good faith effort to
4 physically assist that officer, all of which is contrary to
5 Alaska Statute 11.56.720(a) and is that an A misdemeanor?

6 MS. WILLIAMS: It's a violation, Your Honor.

7 THE COURT: Oh, a violation. Okay. Punishable by up to a
8 \$500 fine plus a surcharge. So it's your intention to plead
9 guilty to that, Mr. Sandin?

10 MR. SANDIN: Correct.

11 THE COURT: Until I accept your guilty plea, you have a
12 right to insist that the state prove this case as originally
13 charged, at least, to a jury. They'd have to prove the case
14 beyond a reasonable doubt. At that trial, Mr. Weyhrauch could
15 cross examine the state's witnesses. You could call your own
16 witnesses, you could testify yourself and you could appeal a
17 conviction if that was a result. By entering a plea to this,
18 based on this agreement, you're waiving your right to do that.
19 Do you understand?

20 MR. SANDIN: Yes.

21 THE COURT: Has anybody made any other promises to you or
22 threatened you in any way to get you to plead guilty?

23 MR. SANDIN: No.

24 THE COURT: Then I have to ask if this morning you're
25 under the influence of any substances or medication or illness

1 or anything that might affect your judgment.

2 MR. SANDIN: No.

3 THE COURT: Then to the charge of failing to assist a
4 police officer, how do you plead?

5 MR. SANDIN: Guilty.

6 THE COURT: I find that there's a factual basis as
7 revealed in the charging document and the plea is entered
8 knowingly, voluntarily and intelligently and I'll accept it.
9 Any comments that you want to make?

10 MS. WILLIAMS: Just very briefly, Your Honor, I would ask
11 that the court accept the agreement. I think, factually, it
12 fits. Mr. Sandin was requested specifically by police to
13 assist them in locating what they were concerned may have been
14 a body. That was the report that they had received and, you
15 know, the way that police officers work, it's their
16 responsibility to investigate any report like that. He did
17 not assist them in that goal. However, the evidence was and
18 the state believes that Mr. Sandin was intoxicated on -- at
19 his own bar at that point and I think Mr. Sandin needs to
20 understand this is a -- this charge is -- this resolution is
21 for deterrence purposes primarily but if he should come back
22 again on another charge like that one, drunk on licensed
23 premises within his own bar, he won't receive this kind of
24 resolution again. So I would like it if the court would make
25 that clear to him through its sentencing remarks.

1 THE COURT: What bar are we talking about?

2 MS. WILLIAMS: The Triple F which used to be Henry's.

3 THE COURT: Okay.

4 MS. WILLIAMS: That's my understanding.

5 THE COURT: All right.

6 MR. WEYHRAUCH: Just in response, Your Honor, there's no
7 evidence in the record that we received that Mr. Sandin was
8 intoxicated at all. It's just allegation.

9 THE COURT: For the first time, I -- just a few minutes
10 ago, I read through your most recent brief and understand your
11 position on that. Mr. Sandin, anything you want to say?

12 MR. SANDIN: No, Your Honor.

13 THE COURT: Okay. Well, you're involved in a pretty
14 heavily-regulated industry. The only one that's more
15 regulated or as regulated is commercial fishing, I think. The
16 state pays a lot of attention how that business is be -- is
17 conducted. You now know at least what their point of view is
18 on this issue so I would just caution you to be careful and
19 just avoid having to hire an attorney and defend yourself on
20 all of this. It will involve motion work which is always
21 expensive at trial which is even less expensive but still.
22 So, anyway, I hope you take it to heart.

23 I'll accept the agreement. I think it's -- this is an
24 appropriate resolution of this case as I've read through it.
25 I'll impose a fine of \$500, none of it suspended. There'll be

1 a \$10 surcharge because this is a violation. The \$10
2 surcharge applies for police training and it's due within 10
3 days. I can give you some time to pay the \$500 fine if you
4 need time.

5 MR. SANDIN: I'm not sure. I posted a thousand dollar
6 bond so can I apply that?

7 THE COURT: Oh, you just want to incorporate it? Yes, you
8 can and the remainder will be returned to you. Do you have a
9 current mailing address so we make sure that happens for you?

10 MR. SANDIN: Yup.

11 THE COURT: What is it?

12 MR. SANDIN: Post Office Box 210306, Auke Bay, and that's
13 99821.

14 THE COURT: Okay. Do you have any questions?

15 MR. SANDIN: No.

16 THE COURT: Anything further?

17 MS. WILLIAMS: No thank you.

18 THE COURT: Thank you. Court's in recess.

19 THE CLERK: Please rise. Court is in recess subject to
20 call.

21 (Off record)

22 11:09:58

23 END OF REQUESTED PORTION
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In the District Court at Juneau, Alaska

Case(s):	1JU-13-00306CR	Case Caption:	SOA vs Sandin, David; (km)
Judge:	Judge Thomas G. Nave	Proceedings:	Change of Plea
Date & Time:	5/22/2013 11:05:09 AM	Courtroom:	Room A
Hearing Summary:	See below		
Counsel/Parties Present:	DA, Amy Williams; Bruce Weyhrauch		

11:05:14 AM On Record

11:05:19 AM **SOA vs. Sandin, David Dale (present) 1JU-13-00306CR Change of Plea**

11:05:28 AM Mr Weyhrauch Rule 11 as follows:

11:05:34 AM 1JU-13-00306CR Count 1, Drunk Person on Licensed Premises: DISMISSED

11:05:42 AM 1JU-13-00306CR Count 2, Refusing to Assist a Peace Officer: Fine and surcharge. Bail be applied.

11:05:58 AM District Attorney: I filed an amended document already. Should be in the file

11:06:16 AM Court reviews charge, penalties, agreement, and rights.

11:07:01 AM Defendant: yes, understand charge, agreement and rights; not under influence; no threats or promises; enough attorney time; voluntary

11:07:11 AM Court asks for plea

11:07:13 AM **Defendant: GUILTY**

11:07:17 AM Court: Finds factual basis and accepts plea

11:07:25 AM District Attorney makes Sentencing comments.

11:08:16 AM Mr Weyhrauch makes Sentencing comments.

11:08:33 AM Court addresses defendant

11:09:09 AM **Court: Count 2: Imposes fine of \$500. \$10 surcharge. Bail to be applied. Count 1 is DISMISSED.**

11:09:40 AM Mailing address: PO Box 210306 Auke Bay 99821

11:09:55 AM Off Record

Date: 05-22-13 **Courtroom:** Room A **Judge:** Judge Thomas G. **Clerk:** km
Nave

These notes are not the official record. The official record of the hearing is the electronic recording. Admin. Rule 35(a)

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT JUNEAU

☒ STATE OF ALASKA ☐

CASE NO. 1JU-13-00306CR

vs. David Sandin

ATN 114218937 CTN 002

DOB 1/15/1968

DL/ID 6373079

ST AK

Comm. Lic. ☐ APSIN: 6373079**JUDGMENT**

Date of Offense: 3/17/2013

Statute/Ord./Reg. AS11.56.720(a).

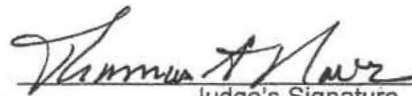
Offense Charged: Refusing To Assist A Peace Officer Or Judicial Officer - Violation (Non-criminal).

PLEA: ☐ Not Guilty ☒ Guilty ☐ No Contest **RULE 11 PLEA:** ☒ Yes ☐ No ☐ PartialTRIAL: ☐ Court ☐ Jury

The defendant was found and adjudged:

☐ NOT GUILTY. IT IS ORDERED that the defendant is acquitted and discharged.☒ GUILTY of the offense named above.☐ GUILTY OF _____

Statute/Ord./Reg.

DV Offense per AS 18.66.990 (3)&(5) ☐ Yes ☒ No☒ Any appearance or performance bond in this case is exonerated.**SENTENCE**☒ Sentence is imposed as follows:Police training surcharge due in 10 days: ☐ \$75 (DUI/Refusal) ☐ \$50 (Misd) ☒ \$10 (Infrac) ☐ 0 (fine under 30)☒ Defendant is fined \$ 500.00 with \$ 0 suspended. The unsuspended \$500.00 is to be paid 5/22/2013☒ Defendant's bail is to be applied to fine and surcharge, the remainder is to be released to the defendant.5/22/2013
Effective DateJudge's Signature
Thomas G. Nave

Type or Print Judge's Name



I certify that on 5/30/13 a copy of this judgment was sent to:

☒ Def ☒ Def Atty ☒ DA ☐ ASAP ☐ Jail ☐ Police ☒ DPS ☐ DMV ☐ CFEC

CLERK: KM / SS Slack

MISDEMEANOR JUDGMENT

Screen For VRA

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT JUNEAU

STATE OF ALASKA

vs.

CASE NO. 1JU-13-00306 CR

David Sandin

Count 1

DOB: 01/15/1968 ID# 6373079 ATN 114218937 CTN 001 Date of Offense 03/17/2013

CHARGE: Drunk Person on Licensed Premises

STATUTE: AS 04.16.040

The charge named above was DISMISSED on the record by the prosecutor.

IT IS ORDERED that the defendant is DISCHARGED.

05/22/13

Effective Date

Dismissed by Prosecutor



I certify that on 5/30/13 a copy of this judgment was sent to:

☒ DA ☐ CA ☐ PD ☒ Deft Atty Weyhrauch
☒ Probation ☒ Police ☒ Jail ☒ DPS ☒ JE
☐ DMV ☐ Other _____

☒ Deft. @ PO Box 210306 Auke Bay

CLERK: km/ssack

D.A. File Number <u>114218937</u>		Criminal Case Intake and Disposition ATN: 114218937 Print this number in the "State Usage" Block of the fingerprint card(s).		Court Number <u>154-13-306CR</u>	
Defendant <u>1</u> of <u>1</u>		Page <u>1</u> of <u>1</u>		Citation Number <u>June 20 000002300019</u>	
Last Name <u>Saulen</u>		First <u>David</u>	MI <u>D-</u>	DOB <u>011568</u>	Alias <u>SSN</u>
Driver's Lic. No. <u>6373079</u> <input type="checkbox"/> CDL		Date of Arrest/Citation <u>031713</u>		Victim Name <u>SEA</u>	DOB <u>SSN</u>
APSIN ID. No. <u>6373079</u>		No Arrest/ Citation <input type="checkbox"/> Work Zone/Safety Corridor <input type="checkbox"/>		Victim Residence	
Referring Officer <u>Burk</u>		Date of Offense <u>031713</u>		Victim Mailing Address	
Referring Agency <u>JPD</u>		Place of Offense <u>Juneau</u>		Victim Phone	
Report Number(s) <u>130317-010</u>		DOMESTIC VIOLENCE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Victim Contact Name/Phone	
Case Received in DAO by (Print Name) <u>3-1-13</u>		Date <u>3/22/13</u>		Case Screened by (Print Name) <u>3/22/13</u>	

CTN 001		Statute or Regulation	FM or V	A B C or U	Disposition	Reason
Referred	<u>Drunk or Licensed Premise</u>	<u>09-16-090</u>	<u>M</u>	<u>A</u>	<u>3910</u>	
Accepted					<u>471</u>	
Convicted					<input type="checkbox"/> Sentence Reversed/ Remanded	<input type="checkbox"/> Conviction Reversed/ Remanded
Sentence	Prison Term/Amount Suspended	Fine/Amount Suspended			Probation Term	<input type="checkbox"/> SIS

CTN 002		Statute or Regulation	FM or V	A B C or U	Disposition	Reason
Referred						
Accepted					<u>451</u>	
Convicted	<u>Refused to Assist PO</u>		<u>V</u>		<input type="checkbox"/> Sentence Reversed/ Remanded	<input type="checkbox"/> Conviction Reversed/ Remanded
Sentence	Prison Term/Amount Suspended	Fine/Amount Suspended <u>\$500</u>			Probation Term	<input type="checkbox"/> SIS

CTN 003		Statute or Regulation	FM or V	A B C or U	Disposition	Reason
Referred						
Accepted						
Convicted					<input type="checkbox"/> Sentence Reversed/ Remanded	<input type="checkbox"/> Conviction Reversed/ Remanded
Sentence	Prison Term/Amount Suspended	Fine/Amount Suspended			Probation Term	<input type="checkbox"/> SIS

Instructions and Comments (Include information on concurrent/consecutive sentences and whether prosecution is being deferred.):

Asset Forfeiture Ordered ☐ Yes ☐ No
 Federal Involvement ☐ Yes ☐ No
 Gang Involvement ☐ Yes ☐ No
 Person is on Bail in Another Case ☐ Yes ☐ No
 Three - Judge Panel ☐ Yes ☐ No
 Cooksey Plea ☐ Yes ☐ No

Sentencing Prosecutor (Print Name) <u>Amey Williams</u>	Sentencing Judge (Print Name) <u>Novak</u>	Sentencing Date <u>5/22/13</u>
---	--	--------------------------------

FM or V: Felony Misdemeanor or Violation

A B C or U: Class A B C or Unclassified (can be left blank for violation)



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 03-22-2013
Number 13-00333
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee 64 Thunderbird LLC	License Number 3695	Type of License Beverage Dispensary
D.B.A. Triple F Bar & Grill	How Delivered [X] Certified Mail # On File [] In Person	Law Enforcement Agency Juneau Police Department
Street or P.O. Box P.O. Box 210306	City, State Auke Bay, AK	Zip 99821

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 03-18-2013 I, Investigator Steven Johnson, was notified of Juneau Police Department report #130317-010 in where it was reported the owner of Triple F Bar & Grill, David Sanden, was issued a summons for being a drunken person on a licensed premises. This incident was observed and reported by Juneau Police Department officers, Brink and Scherrer.

Your attention is directed to **Sec. 04.16.030. Prohibited conduct relating to drunken persons.**

(a) A licensee, an agent, or employee may not with criminal negligence

(3) allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;


You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

***Please include your Alcohol License Number in your response.**

**Shirley A. Cote, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501**

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Ofc's Brink/Scherrer, Juneau Police Dept.
Filed By: 	Title: Investigator III

LAW OFFICE OF
BRUCE B. WEYHRAUCH, LLC

whyrock@gci.net

114 S. FRANKLIN ST.
SUITE 200
JUNEAU, ALASKA 99801
TELEPHONE: (907) 463-5566 FAX: (907) 463-5858

March 28, 2013

Ms Shirley A. Cote, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

Re: Notice of Violation Dated March 22, 2013, Number 13-00333
Licensee: 64 Thunderbird, LLC, License Number 3695
Our File 500.718

Dear Ms Cote:

We represent 64 Thunderbird, LLC ("Licensee") and received a copy of the above-referenced Notice of Violation from the Licensee. Mr. David Sanden, the managing member of Licensee, has been charged by the state of Alaska in a criminal complaint for allegedly violating AS 04.16.050. This case was just filed and there are serious factual issues and disputes related to the state's charge against Mr. Sanden. There are no charges against the Licensee.

The Licensee wants to cooperate fully with you and the ABC Board in carrying your responsibilities, and at the same time we want to protect Mr. Sanden from any prejudice that may result from him participating in an administrative process related to the Licensee.

We therefore, pursuant to 3 AAC 304.525(a)(1)(B), request to appear before you on this matter. However, we also ask that you hold this matter, and hold any hearing, administrative proceeding, or appearance in abeyance until the criminal complaint against Mr. Sanden has been resolved. We believe this is a reasonable request and that the ABC's interests, the public's

Ms Shirley A. Cote
March 28, 2013
Page 2

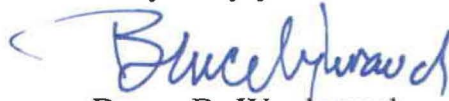
interests, and Mr. Sanden's interests can be protected by granting this request. Mr. Sanden has been ordered by the District Court, and has agreed, to: 1) obey all court orders and all local, state, and federal laws, 2) maintain contact with his counsel which includes notifying us of any change in residence, 3) notify the court of any change in residence, 4) not leave the City and Borough of Juneau ("CBJ") without written court permission, and 5) not consume or possess alcohol or be where alcohol is sold or consumed as the primary item of sale except for work purposes. Violation of any of these conditions exposes him to serious repercussions.

We are actively working with Mr. Sanden, the Licensee, the CBJ, and the state of Alaska to fully resolve the criminal complaint, and we believe that a resolution of this matter will save you, your investigator, and the ABC Board time by not having to deal with this the state matter until it has been concluded.

We will continue to advise you of the status of the criminal complaint as part of any decision you may make on our request for a temporary stay of action by your office, the ABC's investigator, and the ABC Board on the Notice of Violation. We believe that this too will meet your needs and the mission of the ABC Board on its regulation of the Licensee.

We want to emphasize the Licensee's desire to continue to work with you openly and in good faith. Thank you, and please let me know if you have any questions.

Very truly yours,



Bruce B. Weyhrauch

C: 64 Thunderbird, LLC

LAW OFFICE OF
BRUCE B. WEYHRAUCH, LLC

whyrock@gci.net

114 S. FRANKLIN ST.
SUITE 200
JUNEAU, ALASKA 99801
TELEPHONE: (907) 463-5566 FAX: (907) 463-5858

May 22, 2013

Ms Shirley A. Cote, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

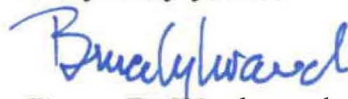
Re: Notice of Violation Dated March 22, 2013, Number 13-00333
Licensee: 64 Thunderbird, LLC, License Number 3695
Our File 500.718

Dear Ms Cote:

We wrote you on March 28, 2012. We write to advise you that the State of Alaska dismissed the charge of violating AS 04.16.050 that it brought against Mr. Sanden. We reiterate that there were never any charges brought against the Licensee.

Thank you, and please let me know if you have any questions.

Very truly yours,


Bruce B. Weyhrauch

C: 64 Thunderbird, LLC

LAW OFFICE OF
BRUCE B. WEYHRAUCH, LLC

whyrock@gci.net

114 S. FRANKLIN ST.
SUITE 200
JUNEAU, ALASKA 99801
TELEPHONE: (907) 463-5566 FAX: (907) 463-5858

June 7, 2013

Ms Shirley A. Cote, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

Re: Notice of Violation Dated March 22, 2013, Number 13-00333
Licensee: 64 Thunderbird, LLC, License Number 3695
Our File 500.718

Dear Ms Cote:

I enclose a copy of the dismissal of the charge of violating AS
04.16.050. Thank you, and please let me know if you have any questions.

Very truly yours,



Bruce B. Weyhrauch

C: 64 Thunderbird, LLC

MISDEMEANOR JUDGMENT Screen For VRA
IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT JUNEAU

STATE OF ALASKA

vs.

CASE NO. 1JU-13-00306 CR

David Sandin

Count 1

DOB: 01/15/1968 ID# 6373079 ATN 114218937 CTN 001 Date of Offense 03/17/2013

CHARGE: Drunk Person on Licensed Premises

STATUTE: AS 04.16.040

The charge named above was DISMISSED on the record by the prosecutor.

IT IS ORDERED that the defendant is DISCHARGED.

05/22/13

Effective Date

Dismissed by Prosecutor



I certify that on 5/30/13 a copy of this judgment was sent to:

☒ DA ☐ CA ☐ PD ☒ Deft Atty Weyhrauch
☒ Probation ☒ Police ☒ Jail ☒ DPS ☒ JE
☐ DMV ☐ Other _____

☒ Deft. @ PO Box 210306 Auke Bay

CLERK: km/sslack



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: 907.465.5437
Fax: 263-5930

June 7, 2013

Bruce B. Weyhrauch
Attorney
Law Office of Bruce B. Weyhrauch, LLC
114 S. Franklin Street, Suite 200
Juneau, Alaska 99801

RE: Violation by David Sanden, Licensee of 64 Thunderbird, LLC, License #3695

Dear Mr. Weyhrauch,

I am in receipt of your letters of March 28, 2013 and May 22, 2013. We received the case disposition form from the District Attorney's Office too late to have this case presented to the Board of Directors at the May 30th meeting. Therefore, it will be on the agenda for the July 24, 2013 meeting in Fairbanks. It will not be necessary for you and/or your client to be physically present for the meeting as the meeting will be teleconferenced. If you have any questions do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Shirley A. Cote".

Shirley A. Cote
Director

cc: David Sanden, 64 Thunderbird, LLC