

# **Tab**

# **1**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
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## MEMORANDUM

TO: Chair Klein and Members of the  
ABC Board

DATE: September 18, 2013

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

RE: Director's Report

### Budget

We have begun the budget process for FY2015. It started with a "Heads Up" memorandum to the Commissioner for any issues she would need time to consider. I included the need for the \$100,000 to keep the compliance check program going. The Legislature approved these funds for FY2014 for one year only.

Administrative Assistant Gil Nelson attends monthly meetings of the DCCED administrative officers to keep up with policies and procedures. Mr. Nelson is doing a good job of transitioning to the DCCED system of procurement. His responsibilities for the budget and procurement process are more complex and he is doing a good job of keeping up.

### Licensing Unit

The licensing unit has started into its renewal season. The renewal applications were sent to our licensees in late August and the applications have been steadily coming into the office for processing.

Both of the business registration examiners assisted in preparation for this ABC Board meeting. Ms. Oates and Ms. Andrews created the agenda and the schedule of testimony. The licensing unit employees are striving to become familiar with all tasks related to the unit. In the absence of a member of the unit the other two can quickly adjust and continue to fulfill the mission efficiently.

### Enforcement Unit

During this past reporting period the ABC Enforcement Unit has been busy conducting premises inspections and providing training to licensees and their employees during the inspection process. Investigator Hamilton has conducted several compliance checks throughout Southeast Alaska and in Juneau. We are still working out some of the minor issues with the Alaska Records Management System (ARMS) to make it compatible with our cases and those of the Troopers.



Investigator Johnson has moved his office from the AST post in Juneau to 150 Third Street, Room 210, another state building in the downtown Juneau area. On September 18, 2013 Investigator Finney moved his office from the AST post in Fairbanks to the Little Nerland Building at 211 Cushman Street in downtown Fairbanks. Both are buildings occupied by other DCCED personnel under the new office standards.

Recently Investigators Beasley and Hunter worked with the city administrators in Wasilla, the Alaska State Troopers, concerned parents, and the management at the Mat-Su Resort. The concern came with Mat-Su developing a teen center in the lower level called Club Graffiti. That level was a licensed premises but by moving their duplicate license upstairs it brought them into compliance with Title 04. The premises diagram was updated as well as their Restaurant Designation Permit. They will be working with licensing to be in compliance with their newest name change. On the first weekend of their opening only a dozen or so teens showed up and they wound up closing early.

### **Training and Education**

On July 28<sup>th</sup> Inv. Brandon Hunter traveled to Dillingham to conduct training for about 12 staff of the Sea Inn. On September 14<sup>th</sup> Inv. Joe Hamilton conducted training for about 25 staff of Applebee's in Anchorage. The investigators continue to provide one-on-one training to licensees during their inspections.

The Strategic Prevention Framework State Incentive Grant (SPF SIG) grantees met in Anchorage September 17-19, 2013. I joined others in presenting in a workshop on Alaska's Strategies to Prevent Underage Drinking. My part was to talk about the compliance check program and the stakeholders group/subcommittee work.

On August 20, 2013 I attended a half day of training from Deborah Behr and Steve Weaver, regulations attorneys with the Department of Law. I attended the training three or four years ago and having the training now had more meaning. It provided updates and reinforcement for the work conducted and being conducted on regulations.

### **Compliance Checks**

One hundred and fifty-four premises have had compliance checks. With three months into the program for FY2014 they are running a 94.15% success rate. The checks have taken place in Anchorage, Juneau, Southeast, Kenai Peninsula Borough and Off-Road premises.

### **ABC Board Stakeholders Subcommittee Meetings**

Since the last board meeting of July 23, 2013 the Role of the ABC Board subcommittee met four times; the Underage Drinking three times; Local Option once; and Licensing twice. The Steering Committee met on two separate occasions – August 21<sup>st</sup> and September 4<sup>th</sup>. Agnew::Beck has been



contracted to support the subcommittees; conduct research; facilitate the Stakeholders Group meetings; and compile information and provide analysis for the recommendations report.



**Tab**

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**State of Alaska**  
**Alcoholic Beverage Control Board**  
**Meeting Minutes**  
**July 23, 2013**

● **Board Members Present:**

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

**Staff Members Present:**

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

**ABC Board Counsel Present:**

Harriet Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report

9:32:29 AM

TAB 1

● **ADMINISTRATION**

A. Approve minutes of the May 30, 2013 Board Meeting

9:54:32 AM

TAB 2

B. Approve minutes of the June 11, 2013 Board Meeting

Ellen Ganley **motions to approve the minutes**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **PUBLIC TESTIMONY**

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

9:55:07 AM

A. Jeff Jessee, CEO, Mental Health Trust Authority  
Update on licensing subcommittee progress

9:56:32 AM

● **BOARD CONSIDERATION**

A. Waiver Policy Discussion

2:52:47 PM

TAB 3

Ethan Billings **motions to adopt waiver policy that the**  
**number of waivers follow the licensee, not the license**  
Marvin Yoder **seconds the motion**  
**Motion carried**

- B. Delegation of Authority  
1. Expired licenses  
2. General

3:03:45 PM

TAB 4

Ellen Ganley **motions to adopt procedure as presented to Board**

Bobby Evans **seconds the motion**

**Motion carried**

Marvin Yoder **motions to delegate authority under AS 04.06.080 to director to temporarily grant or deny the issuance, renewal, transfer of licenses and permits in accordance with statute**

Bobby Evans **seconds the motion**

**Motion carried**

● **Regulations**

- C. Recreational Site Proposed Regulation

1:01:53 PM

TAB 5

Persons speaking to the Board regarding regulation:

Fred Odsen, Representing Minnesota Billiards

1:06:12 PM

Eric, Valley Cinema

1:13:00 PM

Harriet Milks, Assistant Attorney General

1:13:40 PM

Steve Agni, O'Malley Gardens

1:15:25 PM

Harriet Milks, Assistant Attorney General

1:18:02 PM

Shirley Cote', Director

1:20:03 PM

Sean Weems, Beluga Billiards

1:20:54 PM

Marvin Yoder, Board Member

1:22:14 PM

Ellen Ganley, Board Member

1:23:55 PM

Bobby Evans, Board Member

1:26:38 PM

Harriet Milks, Assistant Attorney General

1:28:14 PM

Ethan Billings, Board Member

1:29:34 PM

Calvin Culverwell, Alaska Golf Shot

1:34:08 PM

Eric, Valley Cinema

1:34:57 PM

Al Lane, Coming Attractions

1:35:32 PM

Harriet Milks, Assistant Attorney General

1:36:26 PM

Jeff Jessee, Mental Health Trust Authority

1:39:46 PM

Eric, Valley Cinemas

1:43:24 PM

Sean Weems, Beluga Billiards

1:44:17 PM

Ellen Ganley, Board Member

1:46:22 PM

Marvin Yoder, Board Member

1:47:17 PM

Ethan Billings, Board Member

1:48:50 PM

Bobby Evans, Board Member

1:49:12 PM

Sean Weems, Beluga Billiards

1:52:03 PM

Harriet Milks, Assistant Attorney General

1:55:02 PM

Sean Weems, Beluga Billiards

1:56:18 PM

Ethan Billings **motions to amend draft regulation by deleting last sentence segment “and leagues or tournaments that include golf, bowling, and billiards”**  
Marvin Yoder **seconds the motion**  
**Motion carried**

1:58:44 PM

D. Update on Wine Club Regulation

3:51:12 PM

TAB 6

● **Policies & Procedures**

E. Municipal Refunds

3:07:13 PM

TAB 7

F. Template for Licensee’s Policies  
Not addressed – will be on 10/2/13 agenda

TAB 8

G. Procedure on Dismissed Notices of Violations

3:16:58 PM

TAB 9

Ellen Ganley **motions to approve suggested procedure**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **Refund Request Reconsideration**

H. **4763 Bobby’s Downtown:** Delta Epsilon Inc.; Fairbanks  
609 Second Ave.  
**Renewal Late Fee Refund Reconsideration**

TAB 10  
2:51:47 PM

Issue tabled until next meeting

● **Resurrect & Renew**

I. **3523 Glacier Sound Inn:** Glacier Sound Inn Inc.; Valdez  
210 Egan Dr  
**Resurrect & Renew – Beverage Dispensary Tourism**

TAB 11  
10:14:43 AM

Marvin Yoder, **motions to renew & resurrect**  
Ellen Ganley **seconds the motion**  
**Motion carried**



## **ACTION ON LICENSE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions

**TAB 12**

- B. **4595 Roma's:** SOE LLC; Sitka  
**License: Restaurant Eating Place**  
327 Seward Square #1

**TAB 13**  
**3:37:45 PM**

**Violation: Responsibility of Licensees, Agents, & Employees**

Issue tabled until next meeting

- C. **5033 Jimmy Sushi Restaurant;** Jimmy Zhou; Anchorage  
**License: Restaurant Eating Place**  
301 E Dimond Blvd.

**TAB 14**  
**3:38:14 PM**

**Violation: Furnishing Alcohol to a Person Under 21**

Issue tabled until next meeting

- D. **3695 Triple F Bar & Grill:** 64 Thunderbird LLC; Juneau  
**License: Beverage Dispensary**  
9109 Mendenhall Road, Ste. 4B

**TAB 15**  
**2:37:12 PM**

**Violation: Refusing to Assist a Peace Officer**

Marvin Yoder **motions to dismiss the notice of violation of drunk on premises**  
Ethan Billings **seconds the motion**  
**Motion carried**

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

**TAB 16**

- 207 **Tustumena Lodge:** Susan Cook; Kenai Peninsula Borough  
Mile 111 Sterling Hwy.  
**Involuntary Re-Transfer – Beverage Dispensary Tourism**  
From: Duane Lafleur

**10:18:27 AM**

All statutory requirements have been met. Kenai Peninsula Borough does not protest.  
Background investigations pending. Temporary has been issued.

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



- 1488 Cache Creek Lodge:** Cache Creek Lodge LLC; Mat-Su Borough  
Mile 114.8 Parks Hwy.  
**Transfer – Beverage Dispensary Tourism**  
From: Cal Hutcheson

10:19:13 AM

All statutory requirements have been met. Mat-Su Borough does not protest. Dept. of Labor & Revenue approve. Background investigations pending.

Ellen Ganley **motions to approve with delegation**  
Bobby Evans **seconds the motion**  
**Motion carried**

- 5249 Totem Square Inn:** JL Totem, Inc.; Sitka  
201 Katlian Street  
**New – Beverage Dispensary Tourism**

10:20:14 AM

All statutory requirements have been met. Sitka does not protest. Dept. of Environmental Conservation approves. Background investigations complete. Temporary has been issued.

Ellen Ganley **motions to approve**  
Bobby Evans **second the motion**  
**Motion carried**

● **BEVERAGE DISPENSARY – DUPLICATE**

**TAB 17**

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

10:37:00 AM

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

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

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

10:40:43 AM

All statutory requirements have been met. Dept. of Environmental Conservation & State Fire Marshall's Office approve. Ketchikan Gateway Borough approves. Background investigations complete.

Ellen Ganley **motions to approve**  
**No second**

Bobby Evans **motions to deny license**  
Ellen Ganley **seconds the motion**  
**Motion carried**

● **RECREATION SITE – NEW & TRANSFER**

**TAB 18**

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

2:03:23 PM

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

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

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

**TAB 19**  
2:15:00 PM

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

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

Marvin Yoder **motions to approve transfer**  
Ethan Billings **seconds the motion**  
**Vote:** Ellen Ganley Votes No  
Bobby Evans Abstains (Out of room during discussion)  
Bob Klein, Marvin Yoder & Ethan Billings Vote Yes

- 5194 Minnesota Billiards:** Jin Do So & Soon Woo So; Anchorage  
3020 Minnesota Drive, Ste. 3  
**New – Recreational Site**

**TAB 20**  
**2:25:54 PM**

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

Ellen Ganley **motions to approve**  
Marvin Yoder **seconds the motion**  
**Vote 0-5**  
**Motion did not carry**

● **RESTAURANT EATING PLACE PUBLIC CONVENIENCE**

- 5239 Woody's Thai Kitchen:** Justin Biocic & Rene Likitprachacomb; Seward  
800 Fourth Ave.  
**New – Restaurant Eating Place – Public Convenience**

**TAB 21**  
**3:47:14 PM**

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

Ellen Ganley **motions to approve**  
Bobby Evans **seconds the motion**  
**Motion carried**

● **DELEGATED CONSENT AGENDA**

**TAB 22**  
**3:41:55 PM**

- 3537 AC Value Liquor:** The North West Company International Inc.; Nome  
908 Nome -Teller Hwy.  
**Transfer – Package Store**  
From: Sackett, Inc., dba Anchor Liquor Store, 229 Front Street

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

- 5237 Alaska's Deshka River Lodge:** Andrew Willis; Mat-Su Borough  
Mile One East Bank of Deshka River  
**New – Restaurant Eating Place**

All statutory requirements have been met. Mat-Su Borough does not protest. Dept. of Environmental Conservation approves. State Fire Marshall's Office approves. Background investigations pending. Temporary has been issued.

**5250 Alaska Quest:** Alaska Quest Charters Inc.  
Alaskan Waters  
**New – Common Carrier**

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

**3489 Arctic Fox Bar:** Arctic Fox Bar, LLC; Fairbanks  
623 Old Steese Hwy.  
**Transfer – Beverage Dispensary**  
From: Arctic Inuk Inc.

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

**5110 Bay 5:** Bernardo Juarez Diaz; Adak  
Building 42078  
**Transfer – Restaurant Eating Place**  
From: Richard R. Koso

All statutory requirements have been met. Dept. of Revenue approves. Adak does not protest. Pending Dept. of Labor. Background investigation pending. Temporary has been issued.

**5243 Eagle River Brewing Company:** Eagle River Brewing Company, Inc.; Seward  
139 Fourth Ave.  
**New – Brewery**

All statutory requirements have been met. Seward does not protest. Pending Dept. of Environmental Conservation approval. Background investigations pending.

**762 F Street Station:** Station, Inc.; Anchorage  
325 F Street  
**Controlling Interest Transfer – Beverage Dispensary**  
From: Edward Desapio 50% to Lisa Bateman 50%

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



**4771 Homeport Eatery:** Teal West; Sitka  
209 Lincoln Street

**Transfer – Restaurant Eating Place**

From: The Bayview Restaurant, LLC, dba The Bayview Restaurant & Pub, No Premises

All statutory requirements have been met. Sitka does not protest. Dept. of Labor, Revenue and Environmental Conservation approve. Background investigations pending. Temporary has been issued.

**4150 Hometown Korean Restaurant:** HK Restaurant LLC; Anchorage  
3020 Minnesota Drive Ste. 17

**Transfer – Restaurant Eating Place**

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

**135 Last Frontier Bar:** Venture Bar, LLC; Anchorage  
369 Muldoon Road

**Transfer – Beverage Dispensary**

From: LCW, LLC

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

**5240 M/V Island Spirit:** Fantasy Cruises, Inc.  
Alaskan Waters

**New – Common Carrier - Seasonal**

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

**775 Nome Liquor Store:** The North West International, Inc.; Nome  
303 Front Street

**Transfer – Package Store**

From: Nome Commercial Company

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



- 1248 Nome Liquor Store:** The North West International, Inc.; Nome  
205 Front Street  
**Transfer – Package Store**  
From: Nome Commercial Company

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

- 5244 Olds River Inn:** Circle B, LLC; Kodiak Island Borough  
32233 Pasagshak Road  
**New – Package Store**

All statutory requirements have been met. Kodiak Island Borough does not protest. Pending State Fire Marshall's Office approval. Background investigations complete.

- 5242 Redoubt Bay Lodge:** Wolverine Leasing, LLC; Kenai Peninsula Borough  
Alaska State Land Survey 77-49, Plat 78-52  
**New – Lodge - Seasonal**

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Dept. of Environmental Conservation approves. Background investigation pending. Temporary has been issued.

- 970 The Cabin Tavern:** Cabin Tavern, Inc.; Anchorage  
264 Muldoon Road  
**Stock Transfer – Beverage Dispensary**  
From: Edward Desapio 50% to Lisa Bateman 50%

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

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

3:44:53 PM

**END OF DELEGATED CONSENT AGENDA**

● **Protests**

**TAB 23**  
**3:47:55 PM**

- A. 2386 Sam's Club:** Sam's West, Inc.; Anchorage  
1074 N Muldoon Road  
**Transfer – Package Store**  
From: 3651 Penland Parkway

Anchorage protests pending approval of conditional use permit has been lifted.  
Background investigations complete.

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

- B. 4685 Dish:** DISH LLC; Anchorage  
639 W International Airport Road #1A  
**Protest - Renewal**

**10:53:14 AM**

Outstanding taxes owed to Anchorage in the amount of \$2,695.85.

Marvin Yoder **motions to approve with delegation; protest is not arbitrary capricious or unreasonable**  
Bobby Evans **seconds the motion**  
**Motion carried**

- C. 5236 Anchorage Elks Lodge #2868:** Anchorage Elks Lodge #2868;  
Anchorage  
**Protest – New – Club**

**3:50:03 PM**

Anchorage protests pending approval of conditional use permit & approval from Fire Dept.

Ellen Ganley **motions to approve with delegation**  
Bobby Evans **seconds the motion**  
**Motion carried**

- D. 834 Party Time/Boniface Liquor:** Party Time/Boniface Liquors Inc.;  
Anchorage  
341 Boniface Pkwy  
**Protest – Renewal**

**10:57:18 AM**

Anchorage is protesting renewal of liquor license based on property taxes owed on another licensed premises. Taxes for this license are current.

Ellen Ganley **motions to approve with delegation; protest is not arbitrary capricious or unreasonable**  
Bobby Evans **seconds the motion**  
**Motion carried**

- E. 5234 Rustic Goat:** Midnight Moon Company, Inc.; Anchorage 10:59:00 AM  
2802 W Northern Lights Blvd.  
**Protest – New – Restaurant Eating Place**
- Anchorage protests pending approval of administrative site plan review & approval from Fire & Building Safety Dept. Citizen objections received.
- Ellen Ganley **motions to approve with delegation**  
Ethan Billings **seconds the motion**  
**Motion carried**
- F. 3773 Schwabenhof/Mat-Su Borough \$100.00 Processing Fee Protest** 3:18:31 PM
- ABC Board directs staff to accept the \$100.00 processing fee as valid protest from Mat-Su Borough
- G. 5199 Alaska Pike Safari – Reindeer Lake:** Bruce & Connie Werba; 11:11:53 AM  
Outside/Unorganized  
Reindeer Lake 11 air miles NE of Holy Cross  
**New Lodge – Seasonal Liquor License Application**
- State Fire Marshall's Office approves. Pending DEC approval. Multiple objections from surrounding communities. Background investigations complete.
- Ellen Ganley **motions to approve**  
Marvin Yoder **seconds the motion**  
**Vote 0-5**  
**Motion was not carried**
- H. 806 Office Cocktail Lounge:** KDAJ Investment Group Inc.; 3:38:39 PM  
Anchorage  
545 E Northern Lights Blvd.  
**Transfer – Beverage Dispensary**  
From: Nura Abdul-Halim dba Office Lounge
- Anchorage protests. Dept. of Revenue approves. Pending Dept. of Labor.
- Issue tabled until next meeting
- I. 4547 Chili's Grill & Bar:** Duke Investments; Fairbanks 3:40:50 PM  
No Premises  
**Renewal Protest**  
Ownership is currently in bankruptcy court.
- Marvin Yoder **motions to approve with delegation**  
Bobby Evans **seconds the motion**  
**Motion carried**



● **CONSENT AGENDA**

**TAB 24**  
**3:45:17 PM**

- 5246 Bremen M/V:** Sea Chefs Cruise Services, GmbH  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

- 5230 Caledonian Sky:** Salen Ship Management AB, LLC  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

- 5241 Celebrity Solstice:** Celebrity Solstice  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

- 2275 Garcia's Cantina:** Garcia's Birchwood Ltd. Partnership; Anchorage  
11901 Business Blvd. Ste. 104  
**Transfer – Beverage Dispensary**  
From: Rod Mumma 60% to Ronn Laurin now owns 100%

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

- 5218 Japanese Restaurant Naruto:** Hiroshi Umemoto; Anchorage  
3600 Minnesota Drive #A  
**New – Restaurant Eating Place**

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

- 596 Knik Bar & Liquor Store:** Donnelly Inc.; Mat-Su Borough  
10204 S Knik Goose Bay Road  
**Involuntary Re-Transfer – Package Store**  
From: Sharon A. Antilla

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

- 597 Knik Bar & Liquor Store:** Donnelly Inc.; Mat-Su Borough  
10204 S Knik Goose Bay Road  
**Involuntary Re-Transfer – Beverage Dispensary**  
From: Sharon A. Antilla

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

- 5235 Norwegian Sun:** NCL (Bahamas) Ltd.  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

- 5229 Siam Cuisine:** Anne Saengsudham; Anchorage  
1911 W Dimond Blvd.  
**New – Restaurant Eating Place**

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

- 5238 St. Nadezhda:** Allen Marine Tours, Inc.  
Alaskan Waters  
**New – Common Carrier - Seasonal**

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

- 5190 Xalos Grill:** Xalos Grill LLC; Anchorage  
3048 Mountain View Dr., Ste. 140  
**New – Restaurant Eating Place**

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

Ellen Ganley **motions to approve**  
Bobby Evans **seconds the motion**  
**Motion carried**

**3:46:43 PM**



● **FIRST AND SECOND WAIVERS**

**TAB 25**

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

**5170 La Bodega**

**3:49:01 PM**

**License: Package Store**

**1200 W Northern Lights, Ste. F, Anchorage**

**Ellen Ganley motions to approve**

**Ethan Billings seconds the motion**

**Motion carried**

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

**4694 La Mex Too**

**3:49:36 PM**

**License: Beverage Dispensary - Seasonal**

**No Premises, Anchorage**

**Ethan Billings moves to approve**

**Bobby Evans seconds the motion**

**Motion carried**

**END OF CONSENT AGENDA**

● **NOTICE OF VIOLATION**

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

**TAB 26**

● **NEXT ABC BOARD MEETING – October 2, 2013**

**Minutes reviewed & approved by:**

**Shirley A. Coté, Director**

*Shirley A. Cote*

**Date:**

*7/30/13*

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

*Christine C. Lambert*

**Date:**

*7-29-13*

**Tab**

**3**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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Anchorage, Alaska 99501  
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**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: September 13, 2013

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

RE: Talkeetna Restaurant LLC d/b/a  
Twister Creek Restaurant, License #3121

At the May 30, 2013 board meeting Dan Coffey, representing Talkeetna Restaurant, along with licensee, Sassan Mossanen gave an update on the transfer of a beverage dispensary to Twister Creek and the application for a brewpub license. Mr. Coffey advised that his clients had meetings with representatives of the Mat-Su Borough planning department and their zoning ordinances will not allow for on-premises brewing. They were asking if the board would approve the brewpub license un AS 04.11.135 under the provisions of subsection (d) which states in relevant part:

Notwithstanding (a) of this section, the holder of a brewpub license who, under the provisions of AS 04.11.450 (b), formerly held a brewery license and a restaurant or eating place license and who, under the former brewery license, manufactured beer at a location other than the premises licensed under the former restaurant or eating place license may...

Assistant Attorney General Harriet Milks advised she would need to conduct research for the next board meeting of July 23, 2013. She handed back her packet and as no board action was taken according to the minutes that I follow in ensuring all action items are completed, I failed to remind Ms. Milks. Evidently, the licensee's attorney forgot as well because Ms. Milks did not receive a letter of inquiry until August 13, 2013. In any event after receiving the letter Ms. Milks, Mr. Ernouf of Ernouf and Coffey, Mr. Mossanen, and I met telephonically on September 5, 2013. Ms. Milks took the additional information of that meeting along with new information provided in an email from Mr. Ernouf on September 11, 2013 under advisement and will advise the board at the October 2<sup>nd</sup> meeting.



THE LAW OFFICES OF  
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August 13, 2013

State of Alaska  
Attorney General Office  
Attn: Harriet Dinegar  
PO Box 110300  
Juneau, AK 99811-0300  
**VIA FACSIMILE: 907-465-2075**

Re: Talkeetna Restaurant, LLC

Dear Harriet:

Please let this letter serve as a follow-up to the presentation made to the ABC Board at its June 2013 meeting in Anchorage. At that meeting, you stated that you would be undertaking a legal review of this matter. I am inquiring as to the status of your review.

My client is somewhat anxious to have this matter resolved so that he can get on with construction. However, based on the history of this matter, my client does not wish to proceed with the capital investment needed to do so without an indication that the ABC Board agrees with our interpretation of the law. We want to be sure everyone is on the same page.

I will not bore you with a point by point re-hashing of the facts. Our strong belief is that the business operation as proposed falls squarely within the parameters of AS 04.11.135(d) which we believe clearly allows my client to brew off premises. As you may recall, as a condition of the grant of a conditional use, he has had to make changes to the facility which will not allow for on premises brewing.

Please contact me at any time should you have questions or concerns. I appreciate your immediate attention to this matter.

Thanks,



Sherman Ernouf



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 East Tudor Road  
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TDD: 907.465.5438  
Fax: 907.272.9412

**MEMORANDUM**

TO: Shirley A. Coté, Director  
FROM: Christine Lambert, Records & Licensing Supervisor  
DATE: Tuesday, May 21, 2013  
RE: Twister Creek Restaurant  
Liquor Lic File #3121

Dan Coffey is requesting time to speak with the ABC Board updating the members on the progress of this license.



**From:** Dan Coffey <dancoffey@gci.net>  
**Sent:** Monday, May 06, 2013 11:39 AM  
**To:** Cote, Shirley A (CED)  
**Cc:** Lambert, Christine C (CED)  
**Subject:** Talkeetna Restaurant

Dear Shirley and Christine:

The purpose of this E mail is to request that the application for the transfer of ownership of the Motherlode BDL to Talkeetna Restaurant be placed on the delegation agenda. There are two outstanding issues that prevent final approval, but both are in process. One is the fire inspection which awaits the work on the facility that is required by the new land use code and two set back violations.

The second and more complex issue related to the conditional use. My client and I met with the Borough attorney and the planning department staff on February 28. All of the land use and zoning issues were discussed. On March 19 the Borough issued a letter to my client outlining what needs to be done. Subsequently, my client met (without me) with the Borough planning department staff. This meeting took place in April. At that time, the staff advised my client that, so long as my client agreed to the required changes in the building to comply with the new code and remove the two set back violations, my client could proceed with a conditional use application. The conditional use application would contain the commitment by my client to comply with the staff's stated requirements and the conditional use itself will reference these matters as conditions of the conditional use becoming effective. So....we are underway with the conditional use.

The transfer application for the license was filed February 1. The application was sent to the Borough which protested based on no conditional use. Also, at that time, taxes were due from the current licensee. Those taxes have now been paid.

Most recently, the parties have agreed to extend the time for the sale under the Contract to July 1.

We would like to have the transfer approved by the Board subject to satisfaction of the conditions outlined above (Fire and CU by the Borough). This will enable us to close once we have these two issues resolved without the necessity of having to wait for the next Board meeting.

Also, at the May 30 meeting, I would like to be able to make a presentation to the Board outlining what we have done to date to comply with AS 04.11.450 and the new regulation and to advise the Board concerning my client's plans for the future of the Talkeetna Restaurant. These plans include an application for a brewpub license under AS 04.11.135 and in particular, use the provisions of subsection (d) to have an off premises brewing facility which will allow my client to comply with the requirements of the Talkeetna land use code.

Please advise if this is acceptable to you.

Thank you for your consideration in this regard.

Dan K. Coffey  
3606 Rhone Circle

# **Tab**

# **4**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
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**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: September 23, 2013

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

RE: Delegation of Authority – imposing  
restrictions and conditions on permits

At the ABC Board of Directors meeting of July 23, 2013 you granted my request for delegation of authority to temporarily grant or deny the issuance, renewal, or transfer of licenses and permits in accord with AS 04.06.080. For years the director has issued permits that include restaurant designation, catering, and special events permits. It is not uncommon to impose conditions or restrictions on permits to ensure the safety of the public. Assistant Attorney Harriet Milks believes the delegated authority given on the record at the last meeting gives more broad authority than the delegated authority I now request. However, with the current scrutiny with catering permits and the recreational site licenses she also believes it makes sense to have on the record the board's direction for this delegation. I will continue to bring before the Board of Directors consideration of conditions or restrictions on a license.

I request your delegation of authority to continue to impose conditions or restrictions on a permit in accord with AS 04.11.395.

# **Tab**

# **5**





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,  
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**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: September 24, 2013

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

RE: Alaska Justice Forum article

Attached is a copy of the final draft of the article entitled, "Reducing Sales of Alcohol to Underage Persons in Alaska." Dr. Marny Rivera had invited me to co-write this article, that I spoke about during my report at the July 23, 2013 board meeting. We encourage your feedback prior to printing and distribution. The deadline for your feedback is October 3, 2013.



# ALASKA JUSTICE FORUM

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## Reducing Sales of Alcohol to Underage Persons in Alaska

*Marny Rivera and Shirley Côté*

Alcohol consumption by people under the age of 21 is an issue of national concern and has serious social and economic impacts on our communities. According to the 2011 *Youth Risk Behavior Survey*, although less than one in 20 Alaskan youth report binge drinking (five or more drinks within a few hours) in the past month, more than one quarter of youth in public high schools in Alaska report drinking alcohol in the past month, and nearly two-thirds report drinking alcohol in their lifetime. Most indicators of underage alcohol consumption in Alaska have been declining gradually over the past 10 years and are similar to or below national averages. Reductions in youth alcohol consumption are partially attributable to laws, policies, and programs that are critical to the reduction of the damaging consequences associated with underage drinking.

As part of the strategy to reduce sales of alcohol to underage persons, the Alaska Alcoholic Beverage Control Board (ABC Board) utilizes ABC enforcement officers and volunteer youthful-looking underage persons to conduct compliance checks at retail establishments. During a compliance check at a selected establishment, an underage buyer attempts to purchase alcohol. If a licensee, agent, or employee has a question about the age of the buyer, they are required to check the buyer's identification. (In Anchorage, retail outlets are required by ordinance to check the identification of *all* buyers.) Compliance checks have been conducted in Alaska for well over a decade, and the ABC Board has set a 95 percent compliance goal for Alaska licensees in refusing sales to underage persons. This article looks at the reasons for compliance checks, the compliance check program in Alaska, state compliance check goals and results, and the comprehensive effort required to reduce retail alcohol access to underage persons.

### Reasons for Compliance Checks

In 2000, researchers from the Alcohol Epidemiology Program at the University of

Minnesota found that in compliance checks across the country youthful-appearing buyers were able to purchase alcohol without any questions at least 50 percent of the time. More recent published research shows that rates of compliance have improved: findings indicated a 61 percent compliance rate in 2003 for retailers in Northern California and a 65 percent compliance rate for retailers in Chicago in 2008. In looking at four geographic areas of the U.S., overall compliance rates of 74 percent were reported in 2006. In Alaska the most recent compliance rate was 89 percent in FY 2013.

Effective compliance checks and enforcement of laws are associated with reductions in the purchase and use of alcohol and in underage access to alcohol. Compliance checks conducted by enforcement agents and resulting in sanctions for non-compliance are effective because they promote regular identification checks by licensees and deter sales of alcohol to underage persons. Compliance checks are a recommended strategy in conjunction with responsible beverage service training and merchant education programs. A variety of studies have found that compliance checks and enforcement of laws reduce the likelihood that minors will be able to purchase age-restricted products from retailers. Controlled studies have also shown that effective enforcement of laws reduced use of age-restricted products even more than merchant education programs. (Merchant education programs are aimed at liquor retailers and include information on the law and penalties for selling alcohol to underage persons, assistance in developing responsible management policies, training on how to recognize fake IDs, and other materials.)

Illegal sales of alcohol to underage persons can be reduced, but require a community-wide effort. Communities and law enforcement need reliable data in order to do the most effective prevention. Data from compliance checks can:

- Identify who is selling to underage persons and how often

- Raise community awareness and build support for reducing sales to underage persons
- Inform liquor licensees that they are being monitored by the community
- Assist law enforcement in targeting problem retailers
- Help monitor the impact of prevention strategies

### Compliance Check Program in Alaska

The ABC Board has designated eight regions for compliance check selection and reporting: (1) the Municipality of Anchorage, (2) Fairbanks North Star Borough, (3) City and Borough of Juneau, (4) Southeast Alaska, (5) Matanuska-Susitna Borough, (6) Kenai Peninsula Borough, (7) on-road rural areas, and (8) off-road rural areas. Licensed establishments subject to compliance checks are recorded in a database, and premises within the designated regions are selected for checking. As individual premises are checked, they are excluded from further checks for that fiscal year as long as they are in compliance. Those premises not checked in a given year will be selected the following year.

During a compliance check at a selected establishment, an underage buyer attempts to purchase alcohol without presenting age verification (ID). The ABC enforcement officer accompanying the underage buyer remains in the background. If the buyer's identification is requested, the buyer produces his or her own identification indicating the correct age of the buyer. If the outlet sells alcohol to the buyer, whether or not identification was requested, the outlet is considered noncompliant. If the outlet refuses to sell to the buyer, it is considered in compliance.

When a licensee or one of their employees fails a compliance check, the licensee is issued an informal notice of violation which must be responded to within ten days. If an employee fails a compliance check or otherwise sells alcohol to an underage person,

*Please see Alcohol, page 13*



• **Council members considered a range of information.** A survey of Council members indicated that responses from questionnaires sent to attorneys and judges who had direct and recent experience with applicants, and signed comments on the bar survey were among the most important sources of information in their decisions. They also valued the interviews with applicants, and considered community and pro bono service. Unsigned and unsubstantiated comments from the bar survey, likelihood of appointment by the governor, and factors prohibited by law (such as ethnic background, religion, age, gender, and so forth) were not considered.

#### How the Retention Evaluation Process Works

Alaska's judges periodically stand for retention on the ballot in general elections. Each judge has a shorter first term, and then serves a longer term set by statute (see the retention evaluation procedures and applicable law on the council's website at <http://www.ajc.state.ak.us/retention/retproced.html> and <http://www.ajc.state.ak.us/retention/retlaw.html>). Statutes require the Judicial Council to evaluate each judge's performance during the term of service, and to make those evaluations, and any recommendations public. As a result, voters in Alaska have an in-depth assessment of each judge's performance on which to base their votes.

To complete its evaluations, the Council uses a variety of information. It asks each judge to complete a self-assessment questionnaire. The Council surveys all of the following individuals statewide about judicial performance: all attorneys, all peace and probation officers, all social workers and guardians ad litem, jurors, and all court employees. It also compiles the appellate affirmations and reversals for trial court judges, peremptory challenges and recusals, discipline, and other investigative information. Based on all of this information, the Council recommends retention or non-retention for each judge. It then pub-

lizes the evaluations and recommendations statewide, using media, Internet and social media resources, public appearances, and publication of its materials in the lieutenant governor's voters' pamphlet that goes to every household that has a registered voter.

#### The Judicial Performance Evaluations

Before each retention election, the Council conducts statewide surveys of thousands of Alaskan citizens who have come in contact with judges during their terms. Respondents to the surveys assess judicial performance in the areas of integrity, impartiality, judicial temperament, diligence, and overall abilities. Attorneys also evaluate legal abilities of judges. Only attorneys and court employees are asked to assess appellate judge performance. The report showed that:

- **Attorneys' overall ratings of judges have increased substantially since 1984.** Attorney ratings of trial court judges rose from an average of 3.6 overall in 1984 to 4.2 overall in 2012. This is consistent with all of the reports' findings that the overall quality of applicants has risen during the past three decades. Appellate judge ratings rose from 4.1 to 4.4 during the same period.

- **Peace and probation officer ratings of trial judges also increased.** The ratings rose from an average of 3.4 in 1984, to an average of 4.2 in 2012. Ratings from other groups remained high throughout the study periods, all in the 4.0 range or above.

- **Higher ratings during the selection process were associated with higher judicial performance ratings.** For many judges in the study, the Council also had information from their applications, which was used to analyze the associations between applicant qualities and judicial performance. The analysis showed that higher bar survey ratings and writing sample ratings as an applicant were associated with higher retention performance evaluations. The data also indicated that judges who had been either a judge or a public defense attorney at any point in their legal careers received slightly better than average ratings

on retention surveys.

#### The Retention Votes

The Council reviews retention voting patterns for insight into public perception of judges, and to assess the effectiveness of its evaluation process. In this report, it found that:

- **Most voters cast a ballot in statewide judicial retention elections during 1984–2012.** Of those who voted in the statewide general election, 84–87 percent voted in the judicial retention election. This compares favorably with the 98 percent to 99 percent of the voters who typically vote in the other biannual statewide race, for Alaska's single U.S. House of Representatives seat.

- **About two-thirds of votes for judges are "Yes" votes for retention.** "Yes" vote percentages for all judges combined have ranged between 63 percent and 70 percent during 1984–2012. Judges in the First and Second judicial districts tend to have higher "yes" vote percentages; those in the Fourth district are about average, and those in the Third district tend to be lower than the state average.

#### Conclusion

Over the past three decades, the pool of applicants from which the Council has made its nominations has expanded and matured. Several indicators show that the Council can draw from an increasingly diverse and experienced group of attorneys to fill judicial vacancies. Retention election results support the conclusion that Alaska's judges are well-regarded by voters to whom they are accountable.

*Teri Carns is with the Alaska Judicial Council in Anchorage, with responsibility for research projects, report writing, and aspects of judicial selection and retention. The complete report *Selecting and Evaluating Alaska's Judges: 1984–2013* is available at <http://www.ajc.state.ak.us/reports/jgprofile13.pdf>. The 1999 and 2008 reports can be found on the Council's publications page at <http://www.ajc.state.ak.us/reports/admin.html>.*

## Alcohol

(continued from page 1)

the employee is given a criminal summons or citation. The first conviction for this misdemeanor carries a maximum fine of \$10,000 and up to one year in jail, though judges commonly impose a \$500 fine and suspend the jail sentence. Employees who sell alcohol to underage persons are not likely to spend time in jail, unless they repeat the offense within a year. If a licensee fails a

compliance check or otherwise sells alcohol to an underage person, the licensee is also given a summons or citation. If convicted, the licensee faces the sanctions described above, and must also appear before the ABC Board where an administrative sanction may be imposed. The ABC Board typically fines licensees \$500 and imposes a 45-day suspension of their liquor license. Since the ABC Board frequently suspends 38 days of the license suspension, licensees who sell alcohol to underage persons typically

face a seven-day suspension of their liquor license, if they remain free of violations for one full year.

Funding of alcohol enforcement programs by the ABC Board, including compliance checks, is severely limited. Until recently, Alaska, along with other states, had been receiving Enforcement of Underage Drinking Laws (EUDL) block grant funding through the Department of Health and Social

Please see *Alcohol*, page 14



## Alcohol

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Services (DHSS) from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for programs to help prevent underage drinking. Up until December 31, 2012 the grant provided \$100,000 annually which covered the salary and benefits of one ABC investigator. The EUDL grant funding was terminated across the nation at the end of 2012. The Alaska ABC Board received supplemental funds from the Alaska State Legislature to carry the program through June 30, 2013. In April 2013 the legislature approved for one fiscal year (July 1, 2013–June 30, 2014) the \$100,000 previously funded by the EUDL grant.

### Compliance Check Goals and Results

From the total number of licensed establishments in the state that are subject to compliance checks, the ABC Board sets

**Table 1. Alcoholic Beverage License Compliance Checks, FY 2009–2013**

Region	Goal	Actual				
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Municipality of Anchorage	75 %	60 %	84 %	75 %	76 %	76 %
Fairbanks North Star Borough	50	44	40	56	52	51
City and Borough of Juneau	50	45	74	63	62	54
Southeast Alaska, except Juneau	35	25	27	39	35	35
Matanuska-Susitna Borough	50	29	57	51	55	51
Kenai Peninsula Borough	50	27	23	51	52	55
Rural communities on the road system	35	21	15	35	47	38
Rural communities off the road system	25	26	0	25	29	29

Source of data: Alaska Alcoholic Beverage Control Board

goals for the percentage of checks to be conducted. There are approximately 1,500 out of 1,800 total licensees who are subject to compliance checks—common carriers and remote lodges are not typically checked. These percentage goals are determined each fiscal year and are based on region. The highest compliance check goals are for the more densely populated and easily accessible areas. For example, the ABC Board has set a goal of conducting compliance checks

in 75 percent of the establishments in the Municipality of Anchorage, while setting a much lower goal of 25 percent for rural communities off the road system.

Compliance check goals for the number of checks conducted were met in the past three fiscal years (FY 2011–2013), but were not met in the two years before that (FY 2009–2010). The number of compliance checks conducted in FY 2011 increased by 104 over FY 2010. There were 700 compli-

## Resources about Underage Alcohol Programs

Alaska Alcoholic Beverage Control Board (website). (<http://commerce.alaska.gov/dnn/abc/Home.aspx>).

Alaska Division of Public Health. (2012). "2011 Alaska Youth Risk Behavior Survey" (website). (<http://dhss.alaska.gov/dph/Chronic/Pages/yrb/yrbresults.aspx>).

Biglan, Anthony; Ary, Dennis V.; Smolkowski, Keith; Duncan, Terry; & Black, Carol. (2000). "A Randomized Controlled Trial of a Community Intervention to Prevent Adolescent Tobacco Use." *Tobacco Control* 9: 24–32 (Mar 2000). (<http://dx.doi.org/10.1136/tc.9.1.24>).

Bonnie, Richard J.; Stratton, Kathleen; & Wallace, Robert B. (eds.). (2007). *Ending the Tobacco Problem: A Blueprint for the Nation*. Washington, DC: National Academies Press. ([http://www.nap.edu/catalog.php?record\\_id=11795](http://www.nap.edu/catalog.php?record_id=11795)).

Britt, Heather; Toomey, Traci L.; Dunsmuir, William; & Wagenaar, Alexander C. (2006). "Propensity for and Correlates of Alcohol Sales to Underage Youth." *Journal of Alcohol and Drug Education* 50(2): 25–42 (Jun 2006). (<http://connection.ebscohost.com/c/articles/21598645/propensity-correlates-alcohol-sales-underage-youth>).

Forster, Jean L.; & Wolfson, Mark. (1998). "Youth Access to Tobacco: Policies and Politics." *Annual Review of Public Health* 19: 203–235 (May 1998). (<http://dx.doi.org/10.1146/annurev.publhealth.19.1.203>).

Freisthler, Bridget; Gruenewald, Paul J.; Treno, Andrew J.; & Lee, Julie. (2003). "Evaluating Alcohol Access and the Alcohol Environment in Neighborhood Areas." *Alcoholism: Clinical and Experimental Research* 27(3): 477–484 (Mar 2003). (<http://dx.doi.org/10.1097/01.ALC.0000057043.04199.B7>).

Grube, Joel W. (1997). "Preventing Sales of Alcohol to Minors: Results from a Community Trial." *Addiction* 92 (Suppl. 2): S251–S260 (Jun 1997). (<http://dx.doi.org/10.1111/j.1360-0443.1997.tb02995.x>).

National Highway Traffic Safety Administration. (2005). *The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws*. DOT HS 809 877. Washington,

DC: U.S. Department of Transportation, National Highway Traffic Safety Administration. (<http://www.nhtsa.gov/people/injury/enforce/abcroleweb/images/ABCFinal.pdf>).

Pacific Institute for Research and Evaluation. (2006). "Alcohol Control and Enforcement" (website). (<http://www.pire.org/topiclist2.asp?cms=67>).

Substance Abuse and Mental Health Services Administration. (2012). *Report to Congress on the Prevention and Reduction of Underage Drinking 2012*. PEP12-RTCUAD. Washington, DC: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. (<http://store.samhsa.gov/product/Report-to-Congress-on-the-Prevention-and-Reduction-of-Underage-Drinking-2012/PEP12-RTCUAD>).

Toomey, Traci L.; Komro, Kelli A.; Oakes, J. Michael; & Lenk, Kathleen M. (2008). "Propensity for Illegal Alcohol Sales to Underage Youth in Chicago." *Journal of Community Health* 33(3): 134–138 (Jun 2008). (<http://dx.doi.org/10.1007/s10900-007-9080-6>).

University of Minnesota Alcohol Epidemiology Program. (2000). *Alcohol Compliance Checks: A Procedures Manual for Enforcing Alcohol Age-of-Sale Laws*. Minneapolis, MN: University of Minnesota. (<http://www.epi.umn.edu/alcohol/manual/manual.pdf>).

Wagenaar, Alexander C.; Murray, David M.; Gehan, John P.; Wolfson, Mark; Forster, Jean L.; Toomey, Traci L.; Perry, Cheryl L.; & Jones-Webb, Rhonda. (2000). "Communities Mobilizing for Change on Alcohol: Outcomes from a Randomized Community Trial." *Journal of Studies on Alcohol* 61: 85–94 (Jan 2000). ([http://www.jsad.com/jsad/article/Communities\\_Mobilizing\\_for\\_Change\\_on\\_Alcohol\\_Outcomes\\_from\\_a\\_Randomized\\_Co/724.html](http://www.jsad.com/jsad/article/Communities_Mobilizing_for_Change_on_Alcohol_Outcomes_from_a_Randomized_Co/724.html)).

Willingham, Mark. (2000). *Reducing Alcohol Sales to Underage Purchasers: A Practical Guide to Compliance Investigations*. Rockville, MD: Pacific Institute for Research and Evaluation. Underage Drinking Enforcement Training Center. (<http://www.pire.org/documents/ReduceAlsal.pdf>).



ance checks in FY 2010, 804 in FY 2011, 826 in FY 2012, and 828 in FY 2013. For the Municipality of Anchorage, the City and Borough of Juneau, the Matanuska-Susitna Borough, and rural communities off the road system, compliance check goals were met in four out of five years. Compliance check goals were met in all eight regions in the last three years of the FY 2009–2013 period. (See Table 1.)

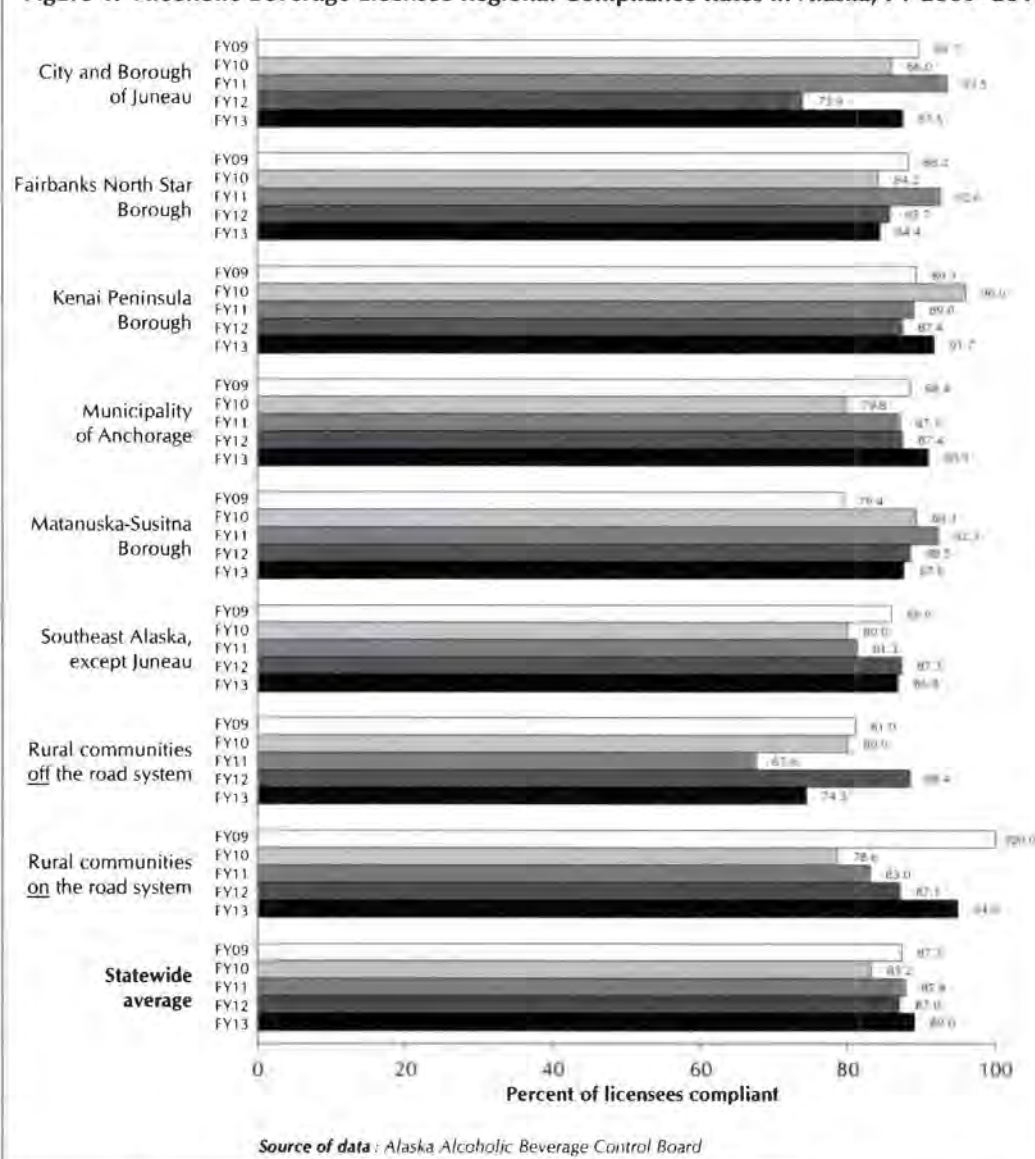
Compliance check results for refusal to sell alcohol to underage persons for FY 2009–2013 show little variability and few discernible trends over time or by region. One trend can be seen in the Municipality of Anchorage and rural communities on the road system, where rates of compliance have increased each year for the past three consecutive years from FY 2009 to 2013 (see Figure 1).

The statewide average rate of compliance for refusal to sell alcohol to underage persons during a compliance check ranged from a low of 83 percent of licensees compliant in FY 2010 to a high of 89 percent in FY 2013. The lowest rate of compliance for individual regions was for rural communities off the road system with 67 percent compliance in FY 2011. The highest rate of compliance was for rural communities on the road system at 100 percent in FY 2009, when seven checks were conducted, followed by a 95 percent compliance rate for rural communities on the road system in FY 2013. Only the rural communities on the road system (in FY 2009 and FY 2013) and Kenai Peninsula Borough (in FY 2010) have ever attained the goal of 95 percent compliance or more in the past five years. All of the regions, excluding Southeast Alaska and rural communities off the road system, have experienced compliance rates above 90 percent at least once in the past five years. Three regions have never had compliance rates lower than 80 percent in the past five years (Fairbanks North Star Borough, Kenai Peninsula Borough, and Southeast Alaska).

### Reducing Underage Drinking in Alaska

Of all states, Alaska has the lowest percentage (3.1%) of past-month drinkers aged 12 to 20 who reported purchasing

**Figure 1. Alcoholic Beverage Licensee Regional Compliance Rates in Alaska, FY 2009–2013**



their own alcohol according to the 2010 National Survey on Drug Use and Health. However, compliance check efforts should not be reduced based on this statistic; the low percentage is partially attributable to compliance checks. Ideally, compliance checks should be conducted once every six months at each licensed establishment subject to compliance checks. However, there is a lack of sufficient resources to conduct compliance checks with this frequency—a situation that is not unique to Alaska. Lack of alcohol enforcement agents for compliance checks nationwide is a direct result of lack of resources, according to the National Highway Traffic Safety Administration. Through a number of current initiatives and funded opportunities, Alaska has established a solid foundation of substance use data that will serve to set in motion efforts to reduce access to alcohol by underage persons, underage

drinking, and its consequences. Beginning in 2006, the Alaska Division of Behavioral Health received federal funding from the Substance Abuse and Mental Health Services Administration (SAMHSA) to compile an epidemiological profile related to all substance use consumption and consequences data for Alaska. As a result, Alaska was awarded a Strategic Prevention Framework State Incentive Grant (SPF SIG) in FY 2010. Using the Strategic Prevention Framework model of developing a data driven process for identifying the highest priority issue(s) related to statewide substance use/abuse, two priorities were identified: (1) youth alcohol use; and (2) adult heavy and binge drinking. Community grantees are currently conducting community-level research and evaluation on youth alcohol use.

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## Alcohol

(continued from page 15)

Alaska convened the Alaska Committee to Prevent Underage Drinking (ACPUD) in 2007, and other states have taken similar actions. This committee continues to move underage drinking issues forward through Alaska's Strategies to Prevent Underage Drinking—a state plan updated in 2012 which focuses on state and community-level interventions and strategies to prevent underage drinking. A critical data source comes from Alaska's participation in the federal STOP Act project. The STOP Act State Survey collects information from all states on a variety of issues including whether or not a state alcohol agency conducts underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to underage persons. The STOP Act State Survey was first conducted in 2010, and is now carried out each year by all 50 states, and used as the foundation for the annual *Report to Congress on the Prevention and Reduction of Underage Drinking*. The 2013 STOP Act Survey was recently completed for the next 2013 *Report to Congress*. The 2012 *Report to Congress* can be accessed at <http://store.samhsa.gov/product/Report-to-Congress-on-the-Prevention-and-Reduction-of-Underage-Drinking-2012/PEP12-RTCUAD>. (The report contains a "State Profile and

Underage Drinking Facts" section for each state and a copy of State Survey Responses.)

## Conclusion

Compliance checks are an important tool for reducing retail alcohol access to underage persons, but reducing underage persons' access to alcohol requires a multi-pronged response. A multi-pronged response includes prevention, education, and treatment, as well as efforts to change marketing practices, and launch media campaigns that publicize the problem and appropriate responses to it. A comprehensive strategy is necessary to reduce the demand for alcoholic beverages by underage persons. Effectively reducing access to alcohol and underage drinking requires a coordinated effort involving evidence-based practices. These practices would focus uniquely on underage youth, underage adults (aged 18–20), near peers (aged 21–25), parents and family members aged 21 and older, and other adults, because adults provide alcohol to underage persons willingly, as well as without their knowledge (i.e., youth taking alcohol from their parents).

Education efforts would involve communicating the consequences of drinking alcohol (health and safety, school-related, legal, and economic consequences, among others). This strategy would also provide information on existing statutes designed

to reduce access to alcohol by underage persons. Greater awareness of the penalties for violating statutes could help to change norms, attitudes, and beliefs of adults who provide alcohol to underage persons. These efforts would also involve education of youth and the enforcement of minor consuming statutes, along with reasonable penalties designed to deter youth from possessing and using alcohol. While licensed retail outlets that sell alcohol are part of the underage drinking problem in Alaska, the solution requires allocating sufficient resources to a comprehensive and coordinated multi-pronged approach.

*Marny Rivera is an associate professor in the Justice Center. Shirley Coté is the director of the Alaska Alcoholic Beverage Control Board.*

## Faculty News

**Dr. André Rosay** has returned from Washington, D.C., and resumed his duties as Director of the Justice Center. He was awarded a Visiting Executive Research Fellowship with the National Institute of Justice (NIJ) for 2012–2014, and will continue his work supporting NIJ's program of research on violence against Indian women in tribal communities until next year.

# **Tab**

# **6**





THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: September 9, 2013

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

RE: Recreational Site License Regulation

The Department of Law opened a file on the proposed Recreational Site License regulation. The proposed regulation was properly noticed in three major newspapers, on the online publication through the state website, to the proper legislative committee, to interested parties, and to current Recreation Site License licensees.

The open comment period ends on September 30, 2013. A number of people either have commented or intended to comment. Those comments may be considered at the December board meeting.



NOTICE OF PROPOSED CHANGES IN THE REGULATIONS  
OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The Alcoholic Beverage Control Board proposes to add new regulations clarifying that recreational site licenses may be issued only if approved by the local governing body, and the board, and the applicant does not hold a beverage dispensary or restaurant/eating place license. The new regulations expand the list to include other competitive sporting events that take place during a sporting season with a starting time and an ending time.

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with recreational site licenses, including the following:

- (1) 3 AAC 304 is proposed as a new regulation that would clarify the definition of a recreational site license and outline what types of events would qualify.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed change, by submitting written comments to Shirley A. Coté, Director, Alcoholic Beverage Control Board, 2400 Viking Drive, Anchorage, AK 99501, by fax at 907-263-5930 or email [shirley.cote@alaska.gov](mailto:shirley.cote@alaska.gov). The comments must be received no later than 4:30 p.m., September 30, 2013.

If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact the Alcoholic Beverage Control Board at (907) 263-5900 no later than September 24, 2013 to ensure that any necessary accommodations can be provided.

The proposed regulation changes are available on the ABC Board website under the Department of Commerce, Community, & Economic Development website at <http://commerce.alaska.gov/dnr/abc/Home.aspx> or by request through the Alcoholic Beverage Control Board email at [shirley.cote@alaska.gov](mailto:shirley.cote@alaska.gov), telephone: 907-263-5900, fax: 907-263-5930, or its office at 2400 Viking Drive, Anchorage, Alaska 99501.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt this or other provisions dealing with the same subject, without further notice, or take no action on them. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 04.06.090, AS 04.06.100

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 04.11.210

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: August 27, 2013

  
\_\_\_\_\_  
Shirley A. Côté, Director  
Alcoholic Beverage Control Board

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

**3 AAC 304. Recreational Site License**

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

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

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

(1) A competitive spectator sporting event includes baseball games, softball games, football games, soccer matches, dog sled races, hockey games, basketball games, curling matches, gymnastic meets, volleyball meets, car races, boating races, snow machine races, skiing races.

ADDITIONAL REGULATIONS NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Alcoholic Beverage Control Board
2. General subject of regulation: Clarify the definition of a recreational site license and what type of events would qualify
3. Citation of regulation (may be grouped): 3 AAC 304.
4. Reason for the proposed action:
  - ☐ compliance with federal law
  - ☐ compliance with new or changed state statute
  - ☐ compliance with court order
  - ☒ development of program standards
  - ☐ other: (please list) \_\_\_\_\_
5. RDU/component affected: Statewide Support/Alcoholic Beverage Control Board

6. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 14	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
Federal receipts	\$0	\$0
General fund match	\$0	\$0
General fund	\$0	\$0
General fund/ program receipts	\$0	\$0
General fund/ mental health	\$0	\$0
Other funds (specify)	\$0	\$0

7. The name of the contact person for the regulations:

Name Shirley A. Coté  
Title Director  
Address 2400 Viking Drive  
Anchorage, AK 99501  
Telephone 907-263-5928  
E-mail address shirley.cote@alaska.gov

8. The origin of the proposed action:

☒ staff of state agency  
☐ federal government  
☐ general public  
☐ petition for regulation change  
☐ other (please list) \_\_\_\_\_

9. Date: 8/19/13

Prepared by:



Shirley A. Coté  
Director  
907-263-5928



# **Tab**

# **7**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

**MEMORANDUM**

TO: Robert Klein, Chair and  
Members of the Board

DATE: September 9, 2013

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

RE: Wine Clubs Regulation

The approved wine clubs regulation has been revised with technical changes only by regulations attorney, Assistant Attorney General Steve Weaver with the Department of Law. The attached regulation indicates the changes made that have been transmitted to the Lt. Governor's Office for filing. The Lt. Governor filed the regulation with an effective date of 8/18/2013.

I incorporated the changes into a separate document for ease of reading. I learned in the regulations training that typing the changes is fine as long as a waiver statement is attached. I indicated at the top these are unofficial. The document with the handwritten changes is the official document until the new statute books are published.

Mead Treadwell  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520 465.5400 Fax  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460 269.0263  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Crystal Koeneman, AAC Contact  
Department of Commerce, Community, & Economic Development

**FROM:** Scott Meriwether   
Special Assistant  
907.465.3509

**DATE:** July 23, 2013

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board  
Regulations re: wine clubs: 3 AAC 304.642

---

Attorney General File:	JU2013200049
Regulation Filed:	7/19/2013
Effective Date:	8/18/2013
Print:	207, October 2013

cc with enclosures: Linda Miller, Department of Law  
Jim Pound, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

JU2013200049

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The attached two pages of regulations, dealing with allowing annual membership applications for the purpose of fulfilling periodic written orders are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its June 11, 2013 meeting, under the authority of AS 04.06.090, 04.06.100, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.


DATE: June 26, 2013  
Anchorage, Alaska

  
Shirley A. Colé, Director  
Alcoholic Beverage Control Board

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on

19 July, 2013 at 2:18 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Lieutenant Governor

Effective: August 18, 2013  
Register: 207, October 2013



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

← 3 AAC 304. <sup>(642)</sup> <sup>lowercase</sup> Wine Clubs

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

- (1) the licensee has an original or clear photocopy <sup>of</sup> <sup>proof-of-age</sup> a document <sup>in</sup> <sup>accordance with</sup> bearing the purchaser's signature described in 3 AAC 304.645(b);
- (2) the ~~standing shipment order~~ agreement is signed and dated by the purchaser and contains the information required for written orders <sup>under</sup> by 3 AAC 304.645(c)(2) <sup>#</sup> (6); and
- (3) the agreement requires that payment for the wine be received by the licensee at least five working days <sup>before</sup> ~~prior to~~ the date of shipment and allows the licensee or purchaser to terminate the agreement by giving <sup>Five</sup> ~~5~~ days' written notice of termination.

← (b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1) <sup>5</sup> (2), or (3) or (b)(1) or (2) <sup>5</sup>, the licensee shall consult the database maintained by the board under AS <sup>04.06.095</sup> ~~04.11.095~~ in the manner required <sup>under</sup> by (AS) 04.11.150(g). <sup>Shipment of the wine must be in compliance with applicable provisions of</sup> ~~When shipping the wine the purchaser shall comply with~~

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

← (c) <sup>lowercase</sup> A licensee shall keep a file <sup>5</sup> for each standing shipment order agreement <sup>5</sup> that contains the agreement along with a copy of all documents required <sup>under</sup> by this section. The licensee shall retain the agreement file for at least one year after termination of the agreement. In addition, the licensee shall maintain a log of monthly shipments of wine in a manner that allows cross-reference to the documents for each order. The log must assign an order number to each

Register 207, October 2013

COMMERCE, COMMUNITY, AND EC. DEV.

C, the date the order was

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

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

← (e) After written notification to the board by a ~~local option~~ municipality that it has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a package store licensee may not ship wine under a standing shipment order agreement into that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. 8/18/2013, Register 207)

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

*FOR EASE OF READING THESE REGULATIONS ARE TYPED FROM HANDWRITTEN REVISIONS. THEY ARE UNOFFICIAL.*

Register 207, October 2013 COMMERCE, COMMUNITY, AND EC. DEV.

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

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

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

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

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

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

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

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

Register 207, October 2013 COMMERCE, COMMUNITY, AND EC. DEV.

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

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

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

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



# **Tab**

# **8**



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: August 30, 2013

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

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

The meeting of July 23, 2013 became backlogged therefore you tabled this request in the event Nancy Long, representing Bobby's Downtown licensee had tried to connect at her designated time. Ms. Long confirmed that she had tried to call in and would like to make her appeal for a refund of the renewal late fee.



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. Côté *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.



THE STATE  
*of* **ALASKA**

GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

**MEMORANDUM**

TO: 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.





THE STATE  
of **ALASKA**

GOVERNOR SEAN PARNELL

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](mailto: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 2/28/13*  
*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 457-4572

---

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

907-458-3222  
609 2ND AVE  
FAIRBANKS, AK 99701

3062

89-S:1252 3422  
3681156453

DATE 2/20/2013

PAY  
TO THE  
ORDER OF

ABC Board

\$

Thirty Two Hundred

DOLLARS



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

FOR

2013/2014 Liquor License

Wesley Long

⑈0000003062⑈ ⑆125200057⑆ 3881156453⑈



4/11/13 12:10

Nancy Long

907-456-3222

Bobbi's Downtown

Nobody called her on when  
she could speak to the board.

The only letter she received  
was the (see attached)

Misleading

Called on the 31st and was told  
the Director said there is no ~~money~~  
~~around the legislative house~~.

leg. law that would allow a refund  
(Harris)

**Tab**

**9**

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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**Tab**

**10**



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: September 13, 2013

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

RE: Violation by Licensee, Martin Kim, d/b/a  
In and Out Bush Liquor #2, License #688

On March 1, 2013 Martin Moochan Kim, d/b/a In and Out Bush Liquor #2 sold an alcoholic beverage to an underage person during a compliance check. Although Mr. Ernouf's letter of response to the notice of violation indicated Mr. Kim asked the underage buyer his age our underage buyer said he did not. Mr. Kim did ask for identification. The identification presented was a military dependent card with the date of birth on the back. Mr. Kim looked at the front of the card and then sold a 6-pack of beer to the underage buyer. Mr. Kim failed to provide proof of attending an alcohol server education course.

Mr. Kim was convicted of furnishing alcohol to a minor and was sentence to one-year suspended imposition of sentence and a \$50 police training surcharge. He has no prior convictions.

## IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE

## JUDGMENT

Plaintiff: ☒ State of Alaska ☐ Municipality of AnchorageCASE NO. 3AN-13-3418 ORvs. Defendant: Martin Machan Kim DOB: 1-25-31

ATN: \_\_\_\_\_ CTN: \_\_\_\_\_

DL: \_\_\_\_\_ ST: \_\_\_\_\_ ☐ Comm. Lic. Address: \_\_\_\_\_

Defendant is:

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☒ GUILTY of Furnishing Alcohol to MinorStatute/Ordinance: AS 4.16.052(5)☐ NOT GUILTY. It is ordered that defendant is acquitted and discharged.☒ 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: \$ \_\_\_\_\_ 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. 4<sup>th</sup> 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 prov. a proof of TAN class
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 1-5-13 a copy of this judgment was given to:
☒ Def ☒ Def Atty ☒ Prosecutor ☐ Jail  
☐ AASAP ☐ DV Monitor ☐ CWS ☐ DMV  
☐ CFEC  
 In-Court Clerk: PJC

District Court Judge/Magistrate

Print Name: T. Chung

Effective Date

See CR-120CV for APSIN Information





# STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No <b>13-0203</b>	
Detach <b>A</b>	Unit ID <b>ABCA</b>

Reporting Officer <b>INV F.R. HAMILTON</b>	Permit ID <b>FRH0</b>	Investigating Agency <b>ALCOHOL BEVERAGE CONTROL</b>	Date Reported <b>3-1-13</b>	Time Reported <b>1357</b>
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ACT# <b>1</b>	Activity Code <b>9931</b>	UCR No. <b>22</b>	Statute / Regulation <b>AS 04.16.052(5)</b>	Type of Activity <b>Furnishing Alcohol to a Person Under 21</b>	Date Occurred <b>3-1-13</b>	Time Occurred <b>1357</b>
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Location of Activity <b>In and Out Bush Liquor #2, 1100 W. Benson Blvd</b>				N: _____	W: _____	Patrol Zone <b>UEBA</b>	Dom. Viol. <b></b>	Alcohol or Drugs Involved <b></b>	<b>A</b>
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ACT # <b>2</b>	Activity Code <b>4102</b>	UCR No. <b>22</b>	Statute / Regulation <b>13AAC104.465(a)</b>	Type of Activity <b>No Proof of Current Server Education</b>	Date Occurred <b>3-1-13</b>	Time Occurred <b>1357</b>
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Location of Activity <b>In and Out Bush Liquor #2, 1100 W. Benson Blvd</b>				N: _____	W: _____	Patrol Zone <b>UEBA</b>	Dom. Viol. <b></b>	Alcohol or Drugs Involved <b></b>	<b>A</b>
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Pers No <b>1</b>	Role(s) <b>DI</b>	Name <b>Martin Mochan Kim</b>	Sex <b>M</b>	Race <b>A</b>	Ht. <b>67</b>	Weight <b>160</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	D.O.B / Approx. Age <b>1-25-31</b>
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Residence Address <b>1129 Covington Court, Anchorage, AK</b>				Residence / Cell Phone <b></b>				Driver's License No. <b>7181315</b>		State <b>AK</b>	
-----------------------------------------------------------------	--	--	--	-----------------------------------	--	--	--	----------------------------------------	--	--------------------	--

Place of Employment <b>In and Out Bush Liquor #2, 1100 W. Benson Blvd, Anchorage, AK</b>				Work Phone <b>561-5112</b>				Occupation <b>Licensee</b>		VCCB OVR <input type="checkbox"/>	
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APSIN ID NO. <b>7270468</b>	E-Mail Address <b></b>	ATN / NCIC / Other ID No <b>114 147 441</b>	Charged With <b></b>	1S <b></b>	2S <b></b>	Susp Act No. <b></b>	Juv. Dispo <b></b>
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Pers No <b>2</b>	Role(s) <b>W</b>	Name <b>Underage Buyer 11-005</b>	Sex <b></b>	Race <b></b>	Ht. <b></b>	Weight <b></b>	Hair <b></b>	Eyes <b></b>	D.O.B / Approx. Age <b>7-30-93</b>
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Place of Employment <b>Alcoholic Beverage Control Enforcement Team</b>				Work Phone <b>263-5925</b>				Occupation <b>Buyer</b>		VCCB OVR <input type="checkbox"/>	
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**SYNOPSIS / DETAILS:**  
**SYNOPSIS:**

On 3-1-13, at about 1357 hours In and Out Bush Liquor #2 licensee Martin Mochan Kim sold an alcoholic beverage to a person under the age of 21. The sale occurred during a compliance check.

**OBSERVATION:**  
On 3-1-13, at about 1355 hours, Underage buyer 11-005; age 19, herein referred to as UB, entered In and Out Bush Liquor #2. I remained outside. About two minutes later, UB exited the establishment carrying a plastic bag. Upon arriving at the vehicle, UB advised me he had purchased a 6-pk of Budweiser beer. Age was not asked but ID was asked for. The ID presented was a valid military dependant card which has the date of birth on the back of the card in the upper left corner. The date of birth read "1993JUL30". UB advised me that the clerk did not turn the card over to look at the date of birth. UB then described the clerk to me. UB paid for the beer with a recorded ten dollar bill and received change.

**OFFICER ACTION:**  
I took a photo of UB with the purchased product. I then went into the establishment and made contact with the clerk who was identified as Martin M. Kim, owner. I provided Kim with UB's ID and asked if he recalled UB. Kim was also asked to provide proof of current server education. The buy bill was recovered from the register.

**INTERVIEW #1, DI, M.M. KIM:**  
Conducted in a non-custodial manner. Kim essentially related he did not recall waiting on UB. I asked Kim to tell me what UB's date of birth was. After looking at the ID for about 10 seconds, he stated he didn't know. I asked UB to verify that I had the correct clerk. UB looked into the store and confirmed Kim was the person who had sold to him. Kim could not provide me proof he had server education.

**OFFICER ACTION:**  
Kim was told to stop selling alcoholic beverages until he could provide proof of server education. Kim was issued summonses for furnishing alcohol to a person under 21 and failing to provide proof of server education. I then departed the establishment.

**NOTE:**  
UB completed 11 compliance checks on 3-1-13. Two establishments sold/furnished UB an alcoholic beverage.

**EVIDENCE:**  
Digital audio and photos, one 6-pk of Budweiser beer, 12-oz bottles and \$1.50 change from the transaction. The buy bill was returned to buy funds.

**CASE STATUS:**  
Closed by issuance of summonses. Referred to the DAO for prosecution.

**COPIES TO:**  
District Attorney's Office, Anchorage

**REVIEWED AND APPROVED BY:**  
Robert L. Beasley, Enforcement Supervisor

**Permit ID:**  
RLB8

**DATE CLOSED:**  
3/4/2013

**CASE CLOSURE:**  
CA

In the District Court of the State of Alaska  
Third Judicial District in Anchorage, Alaska

13-0203  
Agency Number

State of Alaska,

Plaintiff

vs.

Martin Moochan Kim

DOB/ 1-25-31

ID/ 7270468

ATN: 114 147 441

Defendant

Misdemeanor  
Criminal Complaint

No. \_\_\_\_\_ Cr.

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 1<sup>st</sup> day of March, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, Martin Moochan Kim, 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 SERVERS EDUCATION COURSE  
13AAC104.465(a)

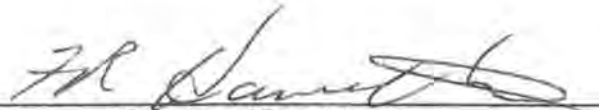
Complainant states that on or about the 1<sup>st</sup> day of March, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, Martin Moochan Kim while selling or serving alcoholic beverages, a person required under AS 04.21.025 to complete an alcohol server education course, failed to produce a current alcohol servers card when asked by a peace officer to show proof of attending an approved server's course.

All of which is a class A misdemeanor offense being contrary to and in violation of 13AAC104.465(a) and against the peace and dignity of the State of Alaska.



This complaint is based upon the statement of Underage Buyer 11-005; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, In and Out Bush Liquor #2, a licensed liquor establishment in Anchorage, where the Defendant sold UB a 6-pk of Budweiser beer. The Defendant who is also the owner of 9 years, was asked to provide proof of current alcohol server training to which he could not. UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control Board, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control Board.

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 over a horizontal line.

Signature of Complainant

DISTRICT ATTORNEY, STATE OF ALASKA  
310 K STREET, SUITE 520  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-6300

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

MARTIN MOOCHAN KIM,

DOB: 1/25/1931

APSIN ID: 7270468

DMV NO. 7181315 AK

ATN: 114-147-441

Defendant.

3AN-13-3418 CR

RECEIVED  
State of Alaska Trial Court

MAY 22 2013  
Clerk of the Trial Court

INFORMATION

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

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: None

Count I - AS 04.16.052(5)  
Licensee Furnish And/Or Deliver Alcohol To Minor  
Martin Moochan Kim - 001

THE DISTRICT ATTORNEY CHARGES:

**COUNT I**

That on or about the 1st day of March, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARTIN MOOCHAN KIM, being a licensee or an agent or employee of the licensee, did with criminal negligence furnish and/or deliver alcoholic beverage(s) to a person under the age of 21 years.

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

1  
2 The undersigned swears under oath this Information is based upon a  
3 review of police report 13-203 submitted to date.

4 On 3/1/13 at 1357 hours, the defendant MARTIN KIM sold alcohol at In  
5 and Out Bush Liquor #2 to an underage (age 19) purchaser.

6 BAIL INFORMATION:

7 The defendant has no current criminal convictions within the State of  
8 Alaska according to APSIN.

9 Dated at Anchorage, Alaska, this 26<sup>th</sup> day of March, 2013.

10 MICHAEL C. GERAGHTY  
11 ATTORNEY GENERAL

12 By: 

13 Florina Altshiler  
14 Assistant District Attorney  
15 Alaska Bar No. NA16155  
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IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE.

STATE OF ALASKA,

Plaintiff,

v.

MARTIN MOOCHAN KIM,

Defendant.

No. 3AN-S13-03418 CR

TRANSCRIPT OF PROCEEDINGS

June 5, 2013 - Pages 2 through 11

***TRANSCRIPTION SUPPORT SERVICES***

4782 Mills Drive  
Anchorage, Alaska 99508-4733  
(907) 333-6256 or (907) 337-0243 (fax)  
(907) 223-6003 (cell)  
[lsfoley@acsalaska.net](mailto:lsfoley@acsalaska.net)

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COP HEARING

BEFORE THE HONORABLE JO-ANN M. CHUNG  
District Court Judge

Anchorage, Alaska  
June 5, 2013  
2:28 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

UNKNOWN  
Assistant District Attorney  
District Attorney's Office  
310 K Street, Suite 520  
Anchorage, Alaska 99501

FOR THE DEFENDANT:

W. SHERMAN ERNOUF  
ERNOUF & COFFEY, P.C.  
3606 Rhone Circle, Suite 110  
Anchorage, Alaska 99508



P R O C E E D I N G S

201

02:28:30

MR. ERNOUF: Good afternoon, Your Honor. My name is Sherman Ernouf. I'm here on behalf of Martin Kim, K-i-m.

THE COURT: K-i-m?

MR. ERNOUF: He's here, Your Honor. We're here to accept a Rule 11 agreement today.

THE COURT: All right. This is case number 13-3418. Come on up.

MR. ERNOUF: Your Honor, Mr. Kim's 83 years old and English is his second language so I'm going to talk slowly and maybe we can talk a little bit louder, Your Honor.

THE COURT: Does he understand English?

MR. ERNOUF: Yes, ma'am.

THE COURT: Okay. Do you understand English?

MR. KIM: English? Yeah, a little bit.

THE COURT: Okay. We -- does he need an interpreter? Does he have someone here that's -- or behind him?

MR. ERNOUF: His -- I could interpret. That was an option.

THE COURT: Okay. Why don't you come on up here and sit next to him so he's comfortable about what we're doing and understands what we're doing here and you had an opportunity to speak with him before?

1 MR. ERNOUF: Oh, yes, ma'am, with an.....  
2 THE COURT: Okay.  
3 MR. ERNOUF: .....with a translator and in English so.....  
4 THE COURT: Okay.  
5 MR. ERNOUF: .....he does understand. He's just a little  
6 hard of hearing.  
7 THE COURT: Okay. You can sit down and, ma'am, you can  
8 sit next to him.  
9 THE CLERK: Mr. Ernouf?  
10 MR. ERNOUF: Yes.  
11 THE CLERK: (Indiscernible - away from microphone)?  
12 MR. ERNOUF: That'd be great.  
13 (Whispered conversation)  
14 THE COURT: Can you hear me?  
15 MR. KIM: Yes. Yes.  
16 MR. ERNOUF: Can you hear?  
17 THE COURT: Can you hear?  
18 MR. KIM: Yes, sir, I hear.  
19 MR. ERNOUF: Can you hear right now?  
20 MR. KIM: Yes, sir. I don't know.  
21 MR. ERNOUF: If you can't hear it though, we got to  
22 (indiscernible) on right. I can't -- I think they're on. Now  
23 see if you can hear.  
24 THE COURT: Can you hear now?  
25 MR. KIM: Mm-hmm.

1 THE COURT: Okay. You can hear me? You need to raise  
2 your hand and say you cannot hear if you don't hear. Okay?  
3 When I'm talking or your attorney, Mr. Ernouf, is talking.  
4 Okay?

5 MR. KIM: Yes.

6 MR. ERNOUF: He understands.

7 MR. KIM: Yeah.

8 THE COURT: Okay. Go ahead, Mr. Ernouf, what's the  
9 agreement?

10 MR. ERNOUF: Your Honor, the agreement is my client will  
11 plead guilty to furnishing alcohol to a minor. It's his first  
12 offense in 83 years, Your Honor, so it's a one-year SIS and we  
13 were to provide notice that we've re -- completed the TAM  
14 service class. We did provide that to the district attorney,  
15 Your Honor, and I guess there's the \$10 surcharge.

16 THE COURT: It's a \$50 police surcharge?

17 MR. ERNOUF: Fifty, yes, ma'am.

18 THE COURT: Okay. Is that the agreement, Ms. Kalker (ph)?

19 DISTRICT ATTORNEY: Yes, Your Honor.

20 THE COURT: Mr. Kim, your attorney has just told me about  
21 an agreement. The agreement is that you're going to be  
22 pleading guilty to furnishing alcohol to a minor.

23 MR. KIM: Yes.

24 THE COURT: And you're be -- going to get a one-year  
25 suspended imposition of sentence.

1 MR. KIM: Yes.

2 THE COURT: Do you have any questions about the agreement?

3 MR. KIM: Hmm?

4 (Whispered conversation)

5 MR. KIM: No.

6 THE COURT: No questions? Okay. And I see that you're  
7 getting help from -- is this your -- a family member? This is  
8 your family member?

9 MR. ERNOUF: It's his wife.

10 THE COURT: Okay. His wife. The charge is furnishing  
11 alcohol to a minor which is Class A misdemeanor and the  
12 maximum penalty is one year in jail and a \$10,000 fine.  
13 That's the maximum. You're not getting that. Do you have any  
14 questions about the charge or the minimum or maximum penalty?

15 MR. KIM: No.

16 THE COURT: Okay. And I probably have to go over the  
17 rights again with him. So, Mr. Kim, the first thing that I  
18 want to tell you is that if you are not a citizen of the  
19 United States, then pleading guilty to this crime could cause  
20 you to be deported or denied reentry or naturalization. You  
21 understand that?

22 MR. KIM: Yes.

23 THE COURT: Okay. You have any questions or need more  
24 time with your attorney regarding that issue?

25 MR. KIM: No.

1 THE COURT: There are a number of trial rights that you're  
2 giving up by pleading today. You're -- you have a right to  
3 say not guilty, ask for a trial and if you had a trial, then a  
4 jury or a judge could decide your case and if they decided  
5 your case, they'd all have -- a jury would all have to agree  
6 that you're guilty or not guilty.

7 You have a right to be in -- thought of as innocent  
8 unless proven guilty beyond a reasonable doubt so the state  
9 has to prove your case and then you have a right to question  
10 all the witnesses against you. You understand so far?

11 MR. KIM: Yes.

12 THE COURT: You also have a right to bring in your own  
13 evidence and you can make witnesses testify and they -- you  
14 can make them come to court with the help of your attorney.  
15 You understand that?

16 MR. KIM: Yes.

17 THE COURT: You also have a right at your trial to testify  
18 or you could say nothing and do nothing at the trial. You  
19 understand that?

20 MR. KIM: Yes.

21 THE COURT: Okay. You also have a right to complain about  
22 any mistakes that might have been made and you have a right to  
23 complain about your sentence too but you're agreeing to the  
24 sentence.

25 MR. KIM: Yes.



1 THE COURT: So you -- you're giving up your appeal --  
2 they're called appeal rights by pleading today.

3 MR. KIM: Yes.

4 THE COURT: Okay. Any questions about your rights?

5 MR. KIM: No.

6 THE COURT: And do you understand that you'd be giving all  
7 those rights up by taking this deal today?

8 MR. KIM: Yes.

9 THE COURT: Have you had enough time to talk to your  
10 attorney about the case?

11 MR. KIM: Yes.

12 THE COURT: Okay. And do you need any more time with your  
13 attorney?

14 MR. KIM: No.

15 THE COURT: Has anybody threatened you or promised you  
16 anything to force you to take this deal today?

17 MR. KIM: No.

18 THE COURT: Are you under the influence of anything like  
19 drugs or medication, any alcohol?

20 MR. KIM: No.

21 THE COURT: Are you sick or not feeling well?

22 MR. KIM: No.

23 THE COURT: Okay. Any questions at all for the court or  
24 your attorney before I take your plea?

25 MR. KIM: No.

1 THE COURT: To the charge of furnishing alcohol to a  
2 minor, how do you plead?

3 MR. KIM: Guilty.

4 THE COURT: Guilty. Okay. There's a factual basis in the  
5 document, charging document, and no history?

6 DISTRICT ATTORNEY: No, Your Honor.

7 THE COURT: Any sentencing comments?

8 DISTRICT ATTORNEY: No, Your Honor.

9 THE COURT: Mr. Ernouf, any sentencing comments?

10 MR. ERNOUF: Just a really quick one, Your Honor. My  
11 client's been working in the alcohol industry for many, many  
12 years. He's 83 years old. There's not even a parking ticket  
13 on his record. We would have fought this one a little bit.  
14 It was a -- it wasn't just an overt sale to a minor. He  
15 actually carded the person. It was a military ID. It was a  
16 sting operation by the ABC Board and, quite frankly, my client  
17 asked the person if he was in the military instead of checking  
18 the date and -- because he respects those in the military. So  
19 we're taking this deal. We think it's a good one and I don't  
20 expect that you'll see Mr. Kim back here at all, Your Honor.  
21 Nothing further on that.

22 THE COURT: Mr. Kim, is there anything that you want to  
23 say before I sentence you?

24 MR. KIM: No.

25 THE COURT: Okay. This is a good deal in that you're on

1 probation for one year and when you're working at the store,  
2 you need to check the identification and the dates of birth  
3 and so you need to know when people are of age because there  
4 is -- it's called the ABC Board, the Alcohol Beverage and  
5 Control Board that go in and they check and they send people  
6 in to check. So in order to get your case conviction -- it's  
7 called set aside meaning you won't have this on your record  
8 after a year, then you need to make sure you check people's  
9 dates of birth. You understand that?

10 MR. KIM: Hmm?

11 THE COURT: You understand that you need to check people's  
12 dates of birth when they buy alcohol?

13 MR. KIM: Yes.

14 THE COURT: Okay. I'll accept the agreement, impose one  
15 year suspended imposition of sentence. What is your address,  
16 Mr. Kim?

17 MR. KIM: 1100 West Benson Boulevard.

18 THE COURT: Did you get that?

19 THE CLERK: Mm-hmm.

20 THE COURT: Can you.....

21 MR. ERNOUF: West Benson.

22 FEMALE: 1100 West Benson, yeah.

23 THE COURT: You're on probation for one year and the only  
24 condition was to follow the conditions which is a \$50 police  
25 training surcharge due within 10 days and then provide proof

1 of the TAM class which I understand you have already done.

2 MR. KIM: Yes.

3 THE COURT: Okay. Any questions about anything?

4 MR. KIM: No.

5 THE COURT: All right. Then that takes care of your case  
6 then, Mr. Kim.

7 MR. ERNOUF: Thank you, Your Honor.

8 THE COURT: Sure, and if you can come and collect the  
9 paper work and then you can be excused unless you have other  
10 cases.

11 MR. KIM: Yes. Yeah.

12 02:38:50

13 END OF REQUESTED PORTION  
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August 3, 2013

Linda S. Foley, Transcriber





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

Date: 3-4-13  
Number 13-0203  
Page 1 of 1 Page

## Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
Kay Inc.	688	Package Store
D.B.A.	How Delivered [ X ] Certified Mail # On-File [ ] In Person	Law Enforcement Agency
In and Out Bush Liquor #2		Anchorage Police Department
Street or P.O. Box	City, State	Zip
1100 W. Benson Blvd	Anchorage, AK	99503

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 3-1-13, at about 1357 hours In and Out Bush Liquor #2 licensee Martin Moochan Kim sold an alcoholic beverage to a person under the age of 21. The sale occurred during a compliance check. Kim was told to stop selling alcoholic beverages until he could provide proof of server education. Kim was issued summonses for furnishing alcohol to a person under 21 and failing to provide proof of server education.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees** and **13AAC104.465: 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: UB 11-005
Filed By: <i>JR Hamilton</i>	Title: Investigator III



THE LAW OFFICES OF  
ERNOUF & COFFEY

*A Professional Corporation*

3606 Rhone Circle  
Suite 110  
Anchorage, AK 99508  
t: 907/274-3385  
f: 907/274-4258

March 21, 2013

Ms. Shirley Coté  
Executive Director  
Alcoholic Beverage Control Board  
2400 Viking Dr.  
Anchorage, Alaska, 99501

**Re: Notice of Violation  
No. 13-0203  
Kay Inc.**

Dear Ms. Coté:

This firm represents Kay Inc. Please let this letter serve as a response to the notice of violation ("NOV") issued on March 4, 2013. The NOV refers to two (2) violations: service to a minor and failure to have proof of completion of an approved alcohol served education course.

Kay Inc, and Mr. Martin Kim, take these matters very seriously. Responding first to the service to a minor violation, I am advised by Mr. Kim that what happened was simply a mistake. It should be known that Mr. Kim is an elderly gentleman with great respect for the military, and those that serve. Mr. Kim was confused because the identification furnished by the informant was a military identification card, but it did not have a date of birth on it. To this end, Mr. Kim asked the patron his age, and the patron represented that he was over the age of 21. This is where my client made his mistake.

I have spoken to Mr. Kim regarding this incident. He understands that in the future, he must adequately ensure that the patron furnishes their date of birth via a proper identification card, so that he can establish whether they are of the legal age. He will not make this mistake in the future. Kay Inc. has held a meeting of all its employees to discuss this issue, and how to assure it does not happen again in the future.

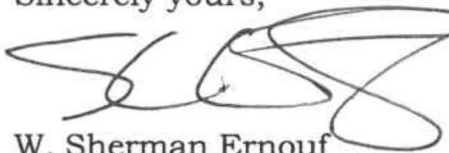
Further, on the date in question Mr. Kim did not have his TAM card on his person. He did, however, have valid TAM training. As a result of this incident, I have spoken with Kay Inc and Mr. Kim regarding ways to prevent

this mistake in the future. We have discussed that the business should keep a binder containing copies of the TAM cards for all employees. This will help to ensure that this will never happen again.

Finally, as you are aware, Mr. Kim has been a licensee for over nine years. He has no criminal record. Mr. Kim accepts and realizes that he made a mistake in this instance.

My client and I would be glad to come down and talk to you about this NOV should you wish for us to do so. If further action is required, please contact me directly. Thank you for your time and consideration in this regard.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'W. Sherman Ernouf', with a stylized, cursive script.

W. Sherman Ernouf

cc: Kay Inc.  
Martin Kim

**Tab**

**11**



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. Coté  
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
TS 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
ACT # 2	Activity Code	UCR No.	Statute / Regulation		Type of Activity				Date Occurred	Time Occurred	
Location of Activity					N:		W:		Patrol Zone	Dom Viol.	Alcohol or Drugs Involved
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"/>	
APSN 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
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.

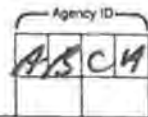
All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.052(5) and against the peace and dignity of the State of Alaska.

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 DCCED Agency ABC

Agency Case # 13-0395

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050

District Court at Arkh Judicial District: 3 Court Case # \_\_\_\_\_

DEFENDANT	DOB	<u>3-18-66</u>	Age	____	Driver's Lic	<u>7206277</u>	State	<u>AK</u>	Class	<u>D</u>	APSIN ID	<u>7301344</u>
	Hair	<u>BK</u>	Eyes	<u>BRO</u>	Race	<u>A</u>	Sex	<u>M</u>	Ht	<u>68</u>	Wt	<u>175</u>
	Res Addr	<u>301 E. Diamond Blvd 99515</u>										
	Mail Addr	<input checked="" type="checkbox"/> Same Employer <u>Jimmy Sushi</u>										
VEHICLE	Lic/Reg	____	St	____	Expires	____	Yr	____	Make	____	Model	____
	Commercial:	<input type="checkbox"/> Over 10,000 lbs <input type="checkbox"/> Over 26,000 lbs <input type="checkbox"/> Over 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT# _____										
	Date	<u>4-8-13</u>	Time	<u>1759</u>	ATN	<u>114146 244</u>	CTN	<u>001</u>	Code	<u>9931</u>		
	Location	<u>301 E. Diamond Blvd Loc. Code <u>AR3A</u></u>										
OFFENSE	<input checked="" type="checkbox"/> Statute <input type="checkbox"/> Regulation <input type="checkbox"/> Ordinance <input type="checkbox"/> Adopted by reference Section <u>04-16-05 2(5)</u>											
	Offense: <u>Furnishing Alcohol to A Person Under 21</u>											
	Over Limit	____	MPH in a	____	MPH Zone	____	<input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality					
	<u>Complaint To Follow</u>											
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    
 FRH 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 BI

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. JAN-13-04474

vs.

ATN: CTN: 001

Defendant: Jimmy H. Zulu

DOB: 3-13-1966

APSIN:

DL:

ST:

☐ Comm Lic.

Address:

Defendant is:

☒ GUILTY of Furnishing Alcohol to a Minor  
Statute/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  
☐ CPEC  
 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

May 3, 2013 - Pages 2 through 14



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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 Zhau?

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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TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing  
pages numbered 2 through 14 are a true, accurate, and complete  
transcript of proceedings in Case No. 3AN-S13-04474 CR, State  
of Alaska v. Jimmy H. Zhou, transcribed by me from a copy of  
the electronic sound recording to the best of my knowledge and  
ability.

July 8, 2013

\_\_\_\_\_  
Linda S. Foley, Transcriber

**Tab**

**12**



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: September 13, 2013

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

RE: Violation by Licensee, Tomio Demura,  
Representing Ocean Enterprises of Alaska Inc,  
License #4325

On April 14, 2012 Investigator Olsen conducted an inspection on Ocean Enterprises of Alaska Inc. d/b/a Old Power House Restaurant in Kodiak. Mr. Demura, represented Ocean Enterprises of Alaska Inc. in court where Ocean Enterprises was convicted of a violation of **AS 04.21.030 Responsibility of licensees, agents, and employees** for failing to exercise the degree of care that a reasonable person would observe to insure that a business under the person's control is lawfully conducted. This was related to the failure of employees and management taking the required alcohol server education course. The corporation was also convicted of altering the floor plan without approval which was in violation of **3 AAC 304.185(c). Licensed premises**. Ocean Enterprises was sentenced to a suspended imposition of sentence for one year on each count and a fine of \$2,500.





# STATE OF ALASKA DEPT. OF PUBLIC SAFETY

Case No. 12-0482	
Detach "A"	UnitID ABCA

Reporting Officer Inv. Eric T. Olsen	PermitID ETO9	Investigating Agency Alcoholic Beverage Control	Date Reported 04-14-12	Time Reported 1700
-----------------------------------------	------------------	----------------------------------------------------	---------------------------	-----------------------

ACT# 1	Activity Code 4102	UCR No. 22	Statute / Regulation AS 04.21.025(c)	Type of Activity Alcohol Server Education Course	Date Occurred 04-14-12	Time Occurred 1700
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Location of Activity 516 East Marine Way, Kodiak, AK 99615				N:	W:	Patrol Zone HCAA	Dom Viol N	Alcohol or Drugs Involved A
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ACT# 2	Activity Code 4102	UCR No. 22	Statute / Regulation 13 AAC 104.185(c)	Type of Activity Licensed Premises	Date Occurred 04-14-12	Time Occurred 1700
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Location of Activity 516 East Marine Way, Kodiak, AK 99615				N:	W:	Patrol Zone HCAA	Dom Viol N	Alcohol or Drugs Involved A
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Pers No. 1	Role(s) DI	Name Tomio Thomas Demura	Sex M	Race A	Ht. 72	Weight 190	Hair BLK	Eyes BRO	D.O.B./Approx. Age 05-23-50
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Residence Address 1519 Yanovsky Street, Kodiak, AK 99615				Residence / Cell Phone 486-8334		Driver's License No. 7088181		State AK	
-------------------------------------------------------------	--	--	--	------------------------------------	--	---------------------------------	--	-------------	--

Place of Employment Old Power House Rest., 516 East Marine Way, Kodiak, AK 99615				Work Phone 481-1088		Occupation Owner		VCCB OVR <input type="checkbox"/>	
-------------------------------------------------------------------------------------	--	--	--	------------------------	--	---------------------	--	--------------------------------------	--

APSN ID NO. 7145759	Social Security No.	ATN / NCIC / Other ID No. 113007744	Charged With	1C	2C				Susp Act No.	Juv. Dispo
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Pers No. 2	Role(s) DI	Name Naomi Françoise Franquelin	Sex F	Race W	Ht. 65	Weight 135	Hair BRO	Eyes BRO	D.O.B./Approx. Age 06-19-90
---------------	---------------	------------------------------------	----------	-----------	-----------	---------------	-------------	-------------	--------------------------------

Residence Address 318 Cope Street / PO Box 150, Kodiak, AK 99615				Residence / Cell Phone 486-6936		Driver's License No. 7065942		State AK	
---------------------------------------------------------------------	--	--	--	------------------------------------	--	---------------------------------	--	-------------	--

Place of Employment Old Power House Rest., 516 East Marine Way, Kodiak, AK 99615				Work Phone 481-1088		Occupation Server		VCCB OVR <input type="checkbox"/>	
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APSN ID No. 7116711	Social Security No.	ATN / NCIC / Other ID No. 113007726	Charged With	1C					Susp Act No.	Juv. Dispo
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NUMB. 1	REGISTRATION NO.	STATE	VIN / SERIAL NO.	COLOR	YEAR	MAKE	MODEL
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BODY STYLE/TYPE	ADF&G NUMBER	NAME OF WATERCRAFT	LENGTH
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## SYNOPSIS / DETAILS:

On 04-14-12 at approximately 1652 hours, Alcoholic Beverage Control (hereinafter referred to as "ABC") board investigator, Eric Olsen, arrived at the Old Power House Restaurant in Kodiak, AK to conduct a routine inspection of the licensed premises located at 516 E. Marine Way in Kodiak, AK. This particular establishment was issued an ABC "beverage dispensary" type of liquor license; specifically, license number "4325". Inv. Olsen subsequently made contact with Tomio Demura, who identified himself as the manager of the restaurant. Further investigation revealed Mr. Demura is the "president" of the corporation, Ocean Enterprises of Alaska Inc., which owns the Old Power House Restaurant.

Upon arrival to the establishment, Inv. Olsen asked Mr. Demura and his employees for their alcohol server education course (hereinafter referred to as "ASEC") cards. Inv. Olsen learned that Mr. Demura was in possession of an ASEC card that had expired on 01-26-09. Mr. Demura admitted that he had not renewed his ASEC card since it had expired and had been managing the restaurant since that particular date. Inv. Olsen also made contact with a waitress / server, Naomi Franquelin, who had been serving alcohol at the restaurant since August of 2011. Ms. Franquelin advised Inv. Olsen that although she has been serving alcohol to the public since August of 2011, she has never received any training nor has she acquired an ASEC card.

While walking through the licensed establishment, it was noted the licensed premises was expanded to include a new dining area and a new deck on the southern end of their building. In addition, a new storage area for alcohol was located during the inspection. A check of the main licensee file indicated the physical changes to the licensed establishment and the new area in which they were storing alcohol were not submitted to the ABC board, nor were either one of those changes approved by the ABC board.

The following charges were submitted to the Kodiak District Attorney's Office. 1) Alcohol Server Education Course, AS 04.21.025(c), against a) Tomio Demura, b) Naomi Franquelin, c) Ocean Enterprises of Alaska, Inc.; 2) Licensed Premises, 13 AAC 104.185(c), against a) Tomio Demura, and b) Ocean Enterprises of Alaska, Inc.; and 3) Responsibility of Licensees, Agents, and Employees, AS 04.21.030, against a) Ocean Enterprises of Alaska, Inc.

No summons or arrests were made during this investigation. A "notice of violation" was issued to Ocean Enterprises of Alaska Inc. regarding the observations and investigation of Inv. Olsen on 08-07-12.

CASE CLOSURE CA	COPIES TO ABC enforcement file, Kodiak DAO	REVIEWED AND APPROVED BY Robert L. Beasley, enforcement supervisor	PermitID RLB8	DATE CLOSED 6/28/12
--------------------	-----------------------------------------------	-----------------------------------------------------------------------	------------------	------------------------





12-202 (REV 1/00)

**STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY**

Case No.	
12-0482	
Date Investigated	
04-14-12	
Detach	UnitID
"A"	ABCA

Reporting Officer	PermitID	Investigating Agency
Inv. Eric T. Olsen	ETO9	Alcoholic Beverage Control Board

**INFORMATION:**

On 04-14-12 at approximately 1652 hours, as an investigator representing the Alcoholic Beverage Control Board (*hereinafter referred to as "ABC"*), I arrived at the Old Power House Restaurant in Kodiak, AK to conduct a routine inspection of their licensed premises located at 516 E. Marine Way in Kodiak, AK.

This particular establishment was issued an ABC "beverage dispensary" type of liquor license; specifically, license number "4325".

Due to the fact this particular establishment did not open to the public until 1700 hours, I waited in my vehicle for the restaurant to open their doors. At 1700 hours, I entered the establishment and noted there were patrons already seated inside of the restaurant.

**OBSERVATIONS / INITIAL CONTACT:**

Upon entry, I met a person wearing an all-white colored "chefs" uniform. I asked that person if I could speak with the manager of the establishment. That individual, later identified as Tomio Demura, advised me he was the manager. I advised Mr. Demura that I was an investigator with the Alcohol Beverage Control Board and that I was at his restaurant to conduct a routine inspection of his premises as well as to look at their paperwork.

For privacy reasons, I asked Mr. Demura if there was a location in the restaurant in which we could speak and look at documents. Mr. Demura said there was a location in his restaurant in which we could speak. While I was speaking with Mr. Demura, I observed other employees standing nearby. I asked for everyone to provide me with their alcohol server education course (*hereinafter referred to as "ASEC" cards and photo identification cards (hereinafter referred to as "ID")*).

One employee, later identified as Jacqueline Deal, advised me that her ID card was expired (she later provided me with her ASEC card, which was not expired), while another employee, later identified as Naomi Franquelin advised me she has not obtained an ASEC card. I then asked Ms. Franquelin how old she was. Ms. Franquelin said she was 21 years old. I asked Ms. Franquelin how long she had worked at the restaurant and if she had ever served alcohol at the restaurant. Ms. Franquelin admitted she has been serving alcohol to the public and that she has been working at the Old Power House Restaurant (*hereinafter referred to as "OPHR"*) for the last year and a half. Ms. Franquelin added that she has been serving alcohol at the OPHR since August of 2011. When asked why she hasn't taken the required ASEC class yet, Ms. Franquelin said she works two jobs, she works all day, and she wasn't exactly told when to take the class. I advised Ms. Franquelin that we would discuss this matter further at a later time tonight and that she was to immediately stop serving alcohol until she was properly licensed to do so.

After speaking with Ms. Franquelin, I approached Mr. Demura and asked him to provide me with the ABC restaurant liquor license and the ABC restaurant designation permit (*hereinafter referred to as "RDP"*).

REVIEWED AND APPROVED BY	PERM ID	DATE
	RUB8	6/25/12





12-202 (REV. 1/00)

**STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY**

Reporting Officer

Inv. Eric T. Olsen

PermitID

ETO9

Investigating Agency

Alcoholic Beverage Control Board

Case No.

12-0482

Date Investigated

04-14-12

Detach

"A"

UnitID

ABCA

**OBSERVATIONS / INITIAL CONTACT: continued**

I noted the ABC liquor license covered up the RDP as the liquor license had been placed over the top of the RDP. Therefore, the RDP was not properly displayed as required by ABC rules and regulations.

While asking Mr. Demura for those documents, I asked again for everyone's ASEC cards and ID cards. Shortly thereafter, Mr. Demura provided me with his Alaska Driver's License and his ASEC. I noted Mr. Demura's ASEC card was expired, specifically on 01-26-09 (see *attached photocopy*). I asked Mr. Demura if he had an ASEC card that was not expired. Mr. Demura replied that he was a sous chef. I then asked Mr. Demura if he was a licensee representative of the OPHR. Mr. Demura replied "yeah" and admitted that he was the owner of the OPHR. I then told Mr. Demura that one of his servers also did not have a valid ASEC card as well, however, I would take care of both problems in a few minutes.

Mr. Demura led me to the rear area of the restaurant (*southern end*). While walking back to this area, I noted the restaurant had been changed, specifically, there were new decks on the outside portion of the building and there was a new room added to the most southern area of the restaurant.

**INTERVIEW: # 1DI, PG. 1, TOMIO THOMAS DEMURA**

On 4-14-12 at approximately 1705 hours, I interviewed Tomio Demura at the OPHR in Kodiak, AK. The interview was digitally recorded.

Tomio said he was sorry about his expired TAM card (*aka "Training for Alcohol Management", the liquor industry acronym for ASEC*) and for Naomi not taking the ASEC course; as he didn't know she didn't take the course.

I began going over Mr. Demura's paperwork and I found out the OPHR is owned by a corporation, aka "Ocean Enterprises of Alaska, Inc. (*Note - later on when I returned to Anchorage, I examined the main ABC liquor license file for OPHR and my investigation revealed Mr. Demura is the "president" of the corporation, Ocean Enterprises of Alaska, Inc., which owns the Old Power House Restaurant. Mr. Demura stated on his 2011/2012 ABC liquor license renewal that he owns 100% of the shares assigned to the corporation - see attached*).

I asked Mr. Demura when was the last time he took an ASEC training course. Mr. Demura agreed it was around the year 2006, as ASEC cards are valid for a 3 year period. Mr. Demura then told me he doesn't serve alcohol, however, he is the owner, chef and person in charge of the restaurant. Mr. Demura has been the owner of the OPHR for almost 9 years, since the time he opened the restaurant. I asked Mr. Demura if there was any reason why he has not renewed his ASEC card or retaken the course. Mr. Demura replied he didn't know he needed to. I then showed Mr. Demura his ASEC card and pointed to the date of expiration, i.e., "1-26-09".

REVIEWED AND APPROVED BY

PERM ID

RLB's

DATE

6/28/12

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12-202 (REV. 1/00)

# STATE OF ALASKA

## DEPT. OF PUBLIC SAFETY

Case No.	
12-0482	
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04-14-12	
Detach	UnitID
"A"	ABCA

Reporting Officer  
Inv. Eric T. Olsen

PermiD  
ETO9

Investigating Agency  
Alcoholic Beverage Control Board

### INTERVIEW: # 1DI, PG. 1, TOMIO THOMAS DEMURA - continued

Mr. Demura said he has 4 employees serving alcohol to the public in his restaurant. Mr. Demura identified those persons as follows and the approximately date when those employees began serving alcohol to the public at his restaurant:

- |                    |                                                     |
|--------------------|-----------------------------------------------------|
| ➤ Joon Sun Yoo     | serving alcohol since July – August of 2011         |
| ➤ Chelsea Lau      | serving alcohol for the last 3 to 4 years           |
| ➤ Jackie Deal      | serving alcohol since she turned 21 (Nov. of 2009)  |
| ➤ Naomi Franquelin | serving alcohol since she turned 21(August of 2011) |

Mr. Demura said he did not keep any copies of either his own or his employees ASEC cards on the licensed premises. Mr. Demura said he forgot and didn't know why Ms. Franquelin did not have an ASEC card or that she did not take the course. I asked Mr. Demura if he ever told Ms. Franquelin to take the course and be certified prior to acting as a server. Mr. Demura said he did not, however, he doesn't specifically remember. Mr. Demura added "this is my fault" as there was too much excitement when Ms. Franquelin turned 21 (*sic. "years of age"*).

I then asked Mr. Demura where he stored his alcohol. Mr. Demura said he had a storage area on the side of the building, specifically, on the north side of the restaurant. Mr. Demura said the key hangs near the front desk and only employees have access to the key. (*Note, due to the fact Mr. Demura has employees 18 years of age, those employees have access to the alcohol storage key*).

I asked Mr. Demura if he submitted a new licensed premises diagram to show the area where he stored the alcohol. Mr. Demura said he did and wrote a new form with a red colored outline (*See attached diagram that was submitted to the ABC board as showing where alcohol is sold, served, stored, consumed, as outlined in red colored ink – this licensed premises diagram was received by our office on 7-3-10*). Mr. Demura proceeded to take me back to the storage area and I took photographs of the room (*see attached*). I noted there were two rooms that were utilized to store alcohol. One room was contained within the other room. One room was locked while the other room was not; therefore both rooms containing alcohol were accessible by employees under the age of 21 as the key was accessible by all employees. (*Note, it was during this portion of the inspection that Ms. Franquelin provided me with her Alaska ID card that she had previously left at home. When I first made contact with Ms. Franquelin, I asked for her ID card, but she had to call her boyfriend to bring in her ID to the OPHR in order for me to properly identify her*).

After taking photos of the alcohol storage areas, I asked Mr. Demura if the deck construction I had observed earlier was newly built. Mr. Demura said it was and that he built it for 3 new emergency exits for people sitting in the dining areas (*Note, the deck is most likely used for summertime guests to eat their food in an outdoor setting to watch boats, birds and mammals pass by in the channel*). Mr. Demura also said he built a new addition to the most southern area of the building to expand the main hall / eating area (*see photos*).

REVIEWED AND APPROVED BY <i>Rubio</i>	PERM ID <i>RCBS</i>	DATE <i>6/25/12</i>
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12-202 (REV. 1/00)

**STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY**

Case No.	
12-0482	
Date Investigated	
04-14-12	
Detach	UnitID
"A"	ABCA

Reporting Officer  
Inv. Eric T. OlsenPermID  
ETO9Investigating Agency  
Alcoholic Beverage Control Board**INTERVIEW: # 1DI, PG. 1, TOMIO THOMAS DEMURA – continued**

I then began training Mr. Demura on various topics related to ABC rules and regulations. As the training session continued, I noted the restaurant was becoming very busy and staff members were telling Mr. Demura he was needed to start cooking for patrons. Due to the extenuating circumstances, I told Mr. Demura I would need to speak with him at a later time to discuss his expired ASEC card and Ms. Franquelin's lack of obtaining training or an ASEC card.

**INFORMATION:**

After speaking with Mr. Demura, I made contact with Ms. Franquelin and asked to speak with her in a private area. Ms. Franquelin and I walked back to the same area in which I had previously spoken with Mr. Demura.

**INTERVIEW: # 2DI, PG. 1, NAOMI FRANCOISE FRANQUELIN**

On 4-14-12 at approximately 1745 hours, I interviewed Naomi Franquelin at the OPHR in Kodiak, AK. The interview was digitally recorded.

Ms. Franquelin said she has been working at the OPHR since January or February of 2011. Ms. Franquelin confirmed the first time she began serving alcohol to the public at the OPHR in August of 2011. Ms. Franquelin said she works 4 days a week at the OPHR.

*Note: therefore, based on that statement, Ms. Franquelin may have served alcohol to the public without being trained or properly licensed to do so for the following amount of days:*

- Ms. Franquelin turned 21 years of age on 8-19-11
- 19 weeks (August 19, 2011 to December 31, 2011) x 4 (days worked each week) = 76 days
- 15 weeks (January 1, 2012 to April 14, 2012) x 4 (days worked each week) = 60 days
- A total of **136** days (or 76 + 60) serving alcohol without taking an ASEC course or possessing a valid ASEC card

I asked Ms. Franquelin if there was any reason at all why she did not take the required ASEC training. Ms. Franquelin said "I just went from being a hostess to (unintelligible) to just being a server". I asked Ms. Franquelin if any of the management staff told Ms. Franquelin to take the ASEC training. Ms. Franquelin said Mr. Demura is the owner and boss, however, he did not directly tell Ms. Franquelin to take the course. Instead, a past employee – floor supervisor whom she identified as "Annie" who no longer works at OPHR, may have told Ms. Franquelin to take the course. Ms. Franquelin believes that Mr. Demura may have assumed that Annie told Ms. Franquelin to take the ASEC training.

REVIEWED AND APPROVED BY 	PERM ID RLB8	DATE 4/28/12
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12-202 (REV. 1/00)

**STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY**

Case No:	
12-0482	
Date Investigated:	
04-14-12	
Detect:	UnitID:
"A"	ABCA

Reporting Officer  
Inv. Eric T. OlsenPermitID  
ETO9Investigating Agency  
Alcoholic Beverage Control Board**INTERVIEW: # 2DI, PG. 1, NAOMI FRANCOISE FRANQUELIN - continued**

At this point of the interview, I explained to Ms. Franquelin that I would be forwarding the misdemeanor charge of "failure to obtain ASEC training" to the Kodiak District Attorney's Office (hereinafter referred to as DAO"). Ms. Franquelin began to break down and start sobbing uncontrollably. I explained the State of Alaska takes it very seriously that persons who sell or serve alcohol are properly trained to serve alcohol to the Alaskan public in a legal manner. Ms. Franquelin said she understood the seriousness of the situation and agreed she would immediately stop serving alcohol, at least until she took the ASEC and was qualified to do so. Ms. Franquelin demeanor began to change and she was short and curt with me regarding any further conversation with her.

**INFORMATION:**

After speaking with Ms. Franquelin, I began taking additional photographs of the newly built construction areas, i.e., the new deck and new extended restaurant eating area (see attached photos).

After taking the photographs, I observed Mr. Demura in the "sushi" bar area making food. I explained to Mr. Demura I had to seize his expired ASEC card and that he needed to take an ASEC training course as soon as possible. I also stated I would be writing up a report and that his ASEC card was expired and that Naomi Franquelin had not have taken an ASEC course at all.

At 1800 hours, I left the premises without making any arrests or issuing a summons to appear in court. This was based upon the fact the OPHR is owned by a corporation and the violations were committed by those employed by the corporation.

**INVESTIGATION:**

On 04-16-12, I returned to the main ABC enforcement office and I pulled the ABC liquor license file for the OPHR. Upon doing so, I examined the licensed premise diagram on file. I noted the following discrepancies:

- The new deck area was built without prior approval
- The new extended dining room area was built without prior approval
- The alcohol storage area as shown to me by Mr. Demura was utilized without prior approval
  - NOTE: the above descriptions / construction are outside of the boundary area that was previously submitted as the current area in which alcohol is either sold, served, stored or consumed.

REVIEWED AND APPROVED BY

PERM ID

7LBS

DATE

4/28/12

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12-202 (REV. 1/00)

# STATE OF ALASKA DEPT. OF PUBLIC SAFETY

Case No.	
12-0482	
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04-14-12	
Detach	UnitID
"A"	ABCA

Reporting Officer
Inv. Eric T. Olsen

PermitID
ETO9

Investigating Agency
Alcoholic Beverage Control Board

## INVESTIGATION: - continued

I also examined the following documents (see attached):

- 2011-2012 liquor License
- Restaurant designation permit
- 2011-2012 Liquor license renewal application
  - Mr. Demura states "no" when asked on the application if "Has the licensed premises change from the last diagram submitted?"
  - Mr. Demura names himself as president and 100 percent share holder
  - Mr. Demura signs and notarizes his signature on 10-29-10 to affirm the following:
    - 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 corresponding 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 licensee, I certify that all other persons named as partners, officers, directors, shareholders or member have received alcohol server training and their 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.
- 2009-2010 liquor License
- 2009-2010 liquor license renewal application
  - Same info as 2011-2012 application signed by Mr. Demura
- Alcohol Server Training Certification signed by Tomio Demura
- 2007-2008 liquor License
- 2007-2008 liquor license renewal application
  - Same info as 2009-2010 application signed by Mr. Demura
- Alcohol Server Training Certification
- 2005-2006 liquor license

REVIEWED AND APPROVED BY	PERM ID	DATE
	R268	6/23/12





12-202 (REV. 1/00)

**STATE OF ALASKA  
DEPT. OF PUBLIC SAFETY**

Case No.	
12-0482	
Date Investigated	
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"A"	ABCA

Reporting Officer  
Inv. Eric T. OlsenPermitID  
ETO9Investigating Agency  
Alcoholic Beverage Control Board**INVESTIGATION: - continued**

- 2005-2006 liquor license renewal application
  - Same as 2007-2008 application signed by Mr. Demura
- 2003-2004 liquor license
- Liquor license transfer
  - Breakers Bar & Liquor Sales to Old Power House Restaurant
- Ocean Enterprises of Alaska Inc.
  - Certificate of Incorporation, business corporation
- Old Power House Restaurant
  - Licensed premises diagram received by the ABC board on 07-03-10
- ABC RDP approval by ABC Inv. Bob Beasley signed 9-29-09
- Application for RDP, Old Power House Restaurant
  - Signed by Mr. Demura on 07-28-09
  - Accompanied by a licensed premises diagram
- Old Power House Restaurant menu
- Various memos regarding RDP and licensed premises diagram

**INFORMATION:**

Therefore, based upon my observations of the licensed establishment, it was noted the licensed premises were expanded to include a new dining area and a new deck on the southern end of their building. A check of the main licensee file for the OPHR verified the physical changes to the licensed establishment were not submitted to the ABC board, nor were those changes approved by the ABC board to allow those physical changes.

**SUMMARY:**

Due to the fact the Old Power House Restaurant is owned by a corporation, no immediate arrests were made nor were there any summons issued to the suspects involved in this case.

The following charges were forwarded to the Kodiak District Attorney's Office for further review and or prosecution.

- Alcohol Server Education Course, AS 04.21.025(c)
  - Entity / Persons charged
    - Tomio Demura
    - Naomi Franquelin
    - Ocean Enterprises of Alaska, Inc.,

REVIEWED AND APPROVED BY 	PERM ID RLB8	DATE 6/28/12
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12-202 (REV. 1/00)

# STATE OF ALASKA DEPT. OF PUBLIC SAFETY

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12-0482	
Date Investigated	
04-14-12	
Detach	UnitID
"A"	ABCA

Reporting Officer	PermitID	Investigating Agency
Inv. Eric T. Olsen	ETO9	Alcoholic Beverage Control Board

## **SUMMARY: - continued**

- Licensed premises, 13 AAC 104.185(c)
  - Entity / person charged
    - Tomio Demura
    - Ocean Enterprises of Alaska, Inc.
- Responsibility of Licensees, Agents and Employees, AS 04.21.030
  - Entity / person charged
    - Ocean Enterprises of Alaska, Inc.

## **NOTICE OF VIOLATION:**

A "notice of violation" was issued to Ocean Enterprises of Alaska Inc. regarding the observations and investigation of Inv. Olsen on 06-28-12 (see attached)

REVIEWED AND APPROVED BY	PERM ID	DATE





# STATE OF ALASKA ABC - DEPT. OF COMMERCE

Case No	12-0482
Date Investigated	08-20-12
Detach	UnitID
"A"	ABCA

Reporting Officer	PermID	Investigating Agency
Inv. Eric T. Olsen	ETO9	Alcoholic Beverage Control Board

## INFORMATION:

On 04-14-12, I conducted a routine inspection of the Old Powerhouse Restaurant, and while I was there, I noted several violations and as a result, criminal charges were forwarded to the Kodiak District Attorney's office.

On 8-17-12, the Alcoholic Beverage Control Board (hereinafter referred to as "ABC") received a letter from Tomio Demura, the owner / operator of the Old Powerhouse Restaurant located in Kodiak, Alaska. The Old Powerhouse Restaurant has been issued ABC liquor license "4325".

In regards to the letter received from Mr. Demura on 08-17-12, I noted the following items:

- Handwritten letter
  - NOV (notice of violation) response by Mr. Demura explaining the circumstances that occurred on 04-14-12 and the actions he took
- Page 2 of the NOV sent to Mr. Demura
- Page 3, the signed response to the aforementioned NOV in question
- Copy of Naomi Franquelin's Alaska Drivers License
- Copy of Naomi Franquelin's new alcohol server education card (hereinafter referred to as "ASEC")
- Copy of Tomio Demura's new ASEC card

On 04-14-12, while speaking with Mr. Demura, I advised him that he needed to immediately obtain a new ASEC card. While reviewing Mr. Demura's ASEC card, I noted that his card was obtained on 8-13-15.

On 8-20-12 at approximately 1036 hours, I spoke with Kodiak CHARR (cabaret, hotel and restaurant and retailers association) representative, Lynette Ponte'. Ms. Ponte' stated that Lisa Thompson taught ASEC certification training on the following dates in Kodiak:

- April 5, 2012
- May 3, 2012
- June 7, 2012
- July 5, 2012
- August 2, 2012

Therefore, even after being advised to obtain ASEC certification as soon as possible and not to operate without being certified, it appears Mr. Demura waited 4 months to obtain certification and was operate during that time period without being certified.

REVIEWED AND APPROVED BY	PERMID	DATE
<i>[Signature]</i>	<i>RIBS</i>	<i>8/29/12</i>





# STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No.  
**ABC 12-0482**  
**AST 12-45521**

Location / Evidence Locker <b>ABC - Anchorage office</b>		Property Status <b>E</b>		APSIN Status Codes	S = Stolen, R = Recovered, F = Found, E = Evidence, K = Safekeeping, M = Missing  A = Currency, B = Jewelry, C = Clothing, D = Vehicles, E = Office Eq., F = Electronic Eq., G = Firearms, H = Household, I = Consumables, J = Livestock, K = Misc.
Submitting Officer <b>Inv. Eric Olsen</b>		PermitID <b>ETO9</b>	UnitID <b>ABCA</b>	UCR Type Codes	
Case Officer <b>Inv. Eric Olsen</b>		PermitID <b>ETO9</b>	UnitID <b>ABCA</b>		

Item No. <b>1</b>	UCR Code <b>K</b>	NCIC Code	Estimated Value <b>0</b>	Type of Article <b>Audio</b>	Brand Name	Model	Color	Model Year	Caliber
Serial No.				Other Information <b>Digital audio of interviews</b>				Owner APSIN ID	
Place Stored <b>K Drive - ABC</b>		APSIN / NCIC Entry	Submitted To	Return Date	Final Disposition of Article (If Destroyed Sign Here)				
This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. <b>X</b>							Printed Name:		ID Number
Date:									

Item No. <b>2</b>	UCR Code <b>K</b>	NCIC Code	Estimated Value <b>0</b>	Type of Article <b>Alcohol Server Card</b>	Brand Name <b>CHARR</b>	Model	Color	Model Year	Caliber
Serial No. <b>25243</b>				Other Information <b>Issued to Tomio Demura, DOB 5-23-50</b>				Owner APSIN ID	
Place Stored <b>AST HQ - ANC</b>		APSIN / NCIC Entry	Submitted To	Return Date	Final Disposition of Article (If Destroyed Sign Here)				
This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. <b>X</b>							Printed Name:		ID Number
Date:									

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
Serial No.				Other Information				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry	Submitted To	Return Date	Final Disposition of Article (If Destroyed Sign Here)				
This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. <b>X</b>							Printed Name:		ID Number
Date:									

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
Serial No.				Other Information				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry	Submitted To	Return Date	Final Disposition of Article (If Destroyed Sign Here)				
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Date:									

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
Serial No.				Other Information				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry	Submitted To	Return Date	Final Disposition of Article (If Destroyed Sign Here)				
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Date:									

## RECORD OF CUSTODY

ITEM#	REC FROM: SIGNATURE - PermitID / P.O. REG NO	DATE RECEIVED	REC. BY: SIGNATURE - PermitID / P.O. REG NO
<b>2</b>	<b>Tomio Demura</b>	<b>4-14-12</b>	<b>Eric Olsen ETO9</b>
<b>2</b>	<b>Inv. E. Olsen (ETO9)</b>		



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

Date: 08-07-12  
Number: 12-0482  
Page: 1 of 3 Pages

## Notice of Violation

(13AAC 104.525)

Licensee <b>Ocean Enterprises of Alaska, Inc.</b>	License Number <b>4325</b>	Type of License <b>Beverage Dispensary</b>
D.B.A. <b>Old Power House Restaurant</b>	How Delivered <input checked="" type="checkbox"/> By Certified Mail 7011 2970 0003 3312 6926 Number: <input type="checkbox"/> Personally Served	Law Enforcement Agency <b>Kodiak Police Department</b>
Street or P.O. Box <b>516 E. Marine Way</b>	City, State <b>Kodiak, AK</b>	Zip <b>99615</b>

### VIOLATION:

On 04-14-12 at approximately 1700 hours, Inv. Olsen of the ABC board conducted a routine inspection of the Old Power House Restaurant located in Kodiak, Alaska. The restaurant was issued an ABC "beverage dispensary" type of liquor license, specifically, license number 4325. During the inspection, Inv. Olsen contacted Tomio Demura, the president and manager of the restaurant, and Naomi Franquelin, who is employed as a server of the restaurant.

When Inv. Olsen asked for both of their alcohol server education course (hereinafter referred to as "ASEC") cards, Mr. Demura provided an ASEC card that expired on 01-26-09. While contacting Ms. Franquelin, Ms. Franquelin advised Inv. Olsen that she has never taken an ASEC nor was she in possession of a valid ASEC card. Therefore, Mr. Demura was acting in his capacity as an ABC licensee for almost 3 years without an ASEC card and Ms. Franquelin has been serving alcohol to the public without being properly trained or licensed to do so.

During the inspection, Inv. Olsen also learned the licensed premises had been modified, as new construction had taken place. Specifically, Inv. Olsen observed a new deck on the outer portion of the building and a newly expanded dining room. Both areas were built without those plans being properly submitted by Ocean Enterprises of Alaska, nor were the construction plans approved by the ABC board. Inv. Olsen also learned that alcohol was stored in an area that was not properly documented, submitted to the ABC board nor was it approved by the ABC board.

During this investigation, it was discovered the Old Power House Restaurant is owned by a corporation, i.e., Ocean Enterprises of Alaska. Based on Inv. Olsen's investigation and observations, no arrests or summons were issued, however, the following charges were submitted to the Kodiak District Attorney's office for prosecution:



- AS 04.21.025(c) Alcohol Server Education Course
  - Tomio Demura
  - Naomi Franquelin
  - Ocean Enterprises of Alaska, Inc.
- 13 AAC 104.185(c) Licensed Premises
  - Tomio Demura
  - Ocean Enterprises of Alaska, Inc.
- AS 04.21.030 Responsibility of Licensees, Agents and Employees
  - Ocean Enterprises of Alaska, Inc.

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.

Your attention is directed to:

- AS 04.21.025(c) Alcohol server education course.
- 13 AAC 104.185(c) Licensed premises
- AS 04.21.030 Responsibility of Licensees, Agents and Employees

**You are directed to respond to the Director of the Alcoholic 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**

12-0482

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: <i>Eric T. Olsen</i>
Filed By: <i>Eric T. Olsen</i>	Title: <i>Investigator III</i>



Director. MR. Shirley A. Cote'

I'm sincerely sorry about this incident.

I was misunderstood about TAP class,  
because I am a chef owner, not server.  
So, never think about take TAP class.

It was my mistake

but, now.

I ~~me~~ and Naomi Franquelin get TAP card

I going to send copy of both TAP card.

Also.

I going to send New Licensed Premises  
Diagram to. Inv. Bob Beasley.

Thank you very much

Tomio Demura

X' License Number  
4325

12-0482

# 6664

## 2011/2012 Liquor License Renewal

License Number	License Type	Establishment Name
4325	Beverage Dispensary	Old Power House Restaurant
If Seasonal License	Seasonal From:	Seasonal To:

Mailing Address	Premise Address
Ocean Enterprises of Alaska Inc.	516 E Marine Way
516 E Marine Way Kodiak AK 99615	Kodiak Kodiak Island Borough

Phone: 907-481-1088	Fax:
Email:	

Please mark the correct box to answer:

1. Was your establishment open for business at least 30 days in 2009? ☒ Yes ☐ No
2. Was your establishment open for business at least 30 days in 2010? ☒ 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

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone
TOMIO DEMURA 1519 Yanovsky St Kodiak AK 99615	President	100%	907-486-8334
HIROSHI OKA 3331 Balika Ln Kodiak AK 99615	Vice President	0	

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

Name & Mailing Address	Title	Phone
		ISSUED
		NOV 2 2010

12-0482

Alcoholic Beverage Control Board 5848 E Tudor Rd Anchorage, AK 99507		<b>Renewal Liquor License</b> <a href="http://www.dps.state.ak.us/abc">www.dps.state.ak.us/abc</a>		<b>PAGE 1 OF 2</b> (907) 269-0350 Fax: (907) 272-9412	
<b>SECTION A. LICENSE INFORMATION.</b> *** Please carefully review and complete all blank spaces. ***				<b>FEES</b>	
License Number: <b>2009/2010 - 4325</b>		If seasonal license, complete dates of operation: Mo/Day (Begin)   Mo/Day (End)		License Fee:	\$2500
License Type: <b>Beverage Dispensary</b>		Local Governing Body: City: <b>Kodiak</b>		Filing Fee:	\$200
Doing Business As (Establishment Name): <b>Old Power House Restaurant</b>		Borough: <b>Kodiak Island Borough</b>		Late Fee: (Due after 12/31/08)	\$500
				Fingerprint Fee: (\$59 per person - new Officers, Directors, Managers required)	
				Total Submitted:	\$2700
Street Address or Location of Premise: <b>516 E Marine Way</b>		Community Council Name(s) & Address: (If applicable)		Federal EIN or Social Security Number:  <b>20-0032370</b>	
Owner: <b>Ocean Enterprises of Alaska Inc.</b>		Business Telephone Number: <b>907 481 1088</b> Fax Number: <b>907 481 2897</b>		Email Address:	
Mailing Address (include City, State, Zip): <b>516 E Marine Way Kodiak AK 99615</b>		⬅ If your mailing address has changed, please cross out current mailing address and add new address here:			
Has the license been exercised or active at least 30 eight-hour days during each of the two preceding calendar years? [AS 04.11.330(3)] If No, your application will be denied unless a <u>Waiver of Operation</u> (form available) is approved by the Alcoholic Beverage Control Board. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
<b>SECTION B - RENEWAL INFORMATION</b>					
Has the licensed premises been changed from the last diagram submitted?  <input type="checkbox"/> Yes If yes, submit a new diagram <input checked="" type="checkbox"/> No		Has there been any change in ownership interest since the last application submitted?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		PACKAGE STORE: Does this renewal include renewal of the notice required under AS04.11.150(a) to sell alcoholic beverages in response to written orders?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>SECTION C - Individual, corporate officer, limited liability organization member, manager or partner background.</b>					
Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?  <input type="checkbox"/> Yes If Yes, complete the following. Attach additional sheets if necessary. <input checked="" type="checkbox"/> No					
Name	Name of Business	Lic #	State		
Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?  <input type="checkbox"/> Yes If Yes, attach written explanation. <input checked="" type="checkbox"/> No					



License Fee	Application Fee	Late Fee	Fingerprint Fee	TOTAL
\$2500.00	\$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 corresponding 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 licensee, I certify that all other persons named as partners, officers, directors, shareholders, or members have received alcohol server training and their 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.

  
 Licensee Signature

Tomio Demura President  
 Printed Name & Title

  
 Notary Signature  
 Notary Public in and for the State of Alaska

Subscribed and sworn to before me this  
29<sup>th</sup> day of October, 2010

My commission expires: 2/19/2011





IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT KODIAK  
**JUDGMENT**

☒ STATE OF ALASKA ☐ CITY OF KODIAK CASE NO. 3KO-12-406CR

DEFENDANT'S NAME: Ocean Enterprises of Alaska, Inc.

ADDRESS: No listed address.

DOB N/A ID# N/A ATN 114147117

CTN Tracking No. 003 Convicted of: Responsibility of Licensee, Agent, employee

Date of Offense: 04/14/12 Statute/Ord./Reg. AS04.21.030

DV Offense per AS 18.66.990(3) & (5)

☐ Yes ☒ No

PLEA: ☐ Not Guilty ☒ Guilty ☐ No Contest

TRIAL: ☐ Court ☐ Jury

☒ Based upon the above plea or verdict after trial, the defendant is adjudged GUILTY of the offense named above.

**SENTENCE**

☒ SIS: Imposition of sentence is suspended, and defendant is placed on probation as set out below.

☐ Sentence Imposed: Defendant is sentenced as follows:

☐ Jail:        days Jail Suspended:        days ☐ Remanded ☐ Credit for time served.

☐ Report to the Kodiak Jail between 6:00 - 10:00 p.m. on                     

☐ Report to the Cordova Center in Anchorage at 7:45 a.m. on                     

☐ If defendant is arrested for new offense or the State files a Petition to Revoke Probation prior to Jail Report Date, then he/she is remanded **immediately** in this case.

☐ Credit for time spent in residential treatment program if the requirements of AS 12.55.027 have been met.

☐ A remand hearing will be held on        at        a.m./p.m. in Kodiak re:                     

☐ Corrections Surcharge: \$50 due within 10 days ☐ Apply bail

Pay to AG's Collection Unit, 1031 W. 4th Ave., Ste 200, Anchorage, AK 99501. (907) 269-5205

☒ Fine: \$ 2,500 Fine Suspended \$ 0.00 Fine due: 06/13/13 ☐ Apply bail

☒ Fine concurrent with count 2 in 3KO-12-406CR

☐ Credit for fees paid for alcohol treatment, anger management, if receipts filed before fine is due.

☒ Police Training Surcharge: ☒ \$50 (Misdemeanor) ☐ \$10 (Infraction) ☐ Apply bail

☒ Due within 10 days to Kodiak Clerk's Office, 204 Mission Rd., Rm. 124, Kodiak, AK 99615

☐ Restitution: Pay as ordered in Restitution Judgment, which shall be civilly enforceable after probation expires.

Defendant shall apply for an Alaska Permanent Fund Dividend, if eligible, each year until restitution is paid in full.

☐ Restitution is owed to        in the amount of       , pursuant to Restitution Judgment.

☐ The State has        days to file a Notice of Restitution, supporting the restitution amount. Defendant has        days to object to the amount. If there is a dispute as to the amount, a hearing will be held.

☐ License Action: Defendant's driver's license is revoked for        days, concurrent with DMV action (if any).

☐ DNA: For all AS 11.41 convictions, defendant must give DNA sample if requested by an officer on state's behalf.

☐ Alcohol/Substance Abuse Screening: Contact Kodiak ASAP (481-2413) within 72 hours and comply with recommendations of alcohol/substance abuse screening for education, counseling, treatment, and aftercare, including residential treatment up to        days, if recommended. Pay all associated counseling & ASAP fees.

☐ Domestic Violence/Anger Management/Mental Health: within        days of sentencing, contact:

☐ Providence Kodiak Island Counseling Center (481-2400) for a comprehensive domestic violence, anger management and mental health assessment; comply with all their recommendations, which may include one or more of the following: (1) the Violence Intervention Program (VIP) described below; (2) Providence's 12 hour anger management class, and/or (3) individual therapy with them; satisfactorily complete all recommended program(s), pay all assessment and treatment costs.

☐ Kodiak Area Native Association (KANA) (486-9812) for an anger management or mental health assessment; complete their recommended program and pay any costs.

☐ Sandra Collins-Jackson (486-2632), complete her Violence Intervention Program (V.I.P.); pay all costs.

☐ Inform court in writing of selected agency the counseling will be done through within        of sentencing.

☐ An alternative program if defendant wishes to go elsewhere. Submit notice to court for approval within        of sentencing. If request is granted, complete that program successfully and pay all costs.

**PROBATION**

☒ Probation for: 1 year, subject to these conditions:

☒ Probation Surcharge: \$100 suspended.

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

☒ Do not commit any: ☒ jailable offenses

06/03/13

Effective Date

I certify that on 7/9/13 a copy of this judgment was sent to:

☒ Del/Atty ☒ DA ☐ ASAP ☐ DMV ☒ Media  
☒ KPD ☒ AST ☒ DPS ☐ AG ☐

CLERK: TAS

Magistrate Dawson A. Williams





IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT KODIAK  
JUDGMENT

☒ STATE OF ALASKA ☐ CITY OF KODIAK CASE NO. 3KO-12-406CR

DEFENDANT'S NAME: Ocean Enterprises of Alaska, Inc.

ADDRESS: No listed address.

DOB N/A ID# N/A ATN 114147117

CTN Tracking No. 002 Convicted of: Responsibility of Licensee, Agent, employee

Date of Offense: 04/14/12 Statute/Ord./Reg. AS04.21.030

DV Offense per AS 18.66.990(3) & (5) ☐ Yes ☒ No

PLEA: ☐ Not Guilty ☒ Guilty ☐ No Contest

TRIAL: ☐ Court ☐ Jury

☒ Based upon the above plea or verdict after trial, the defendant is adjudged GUILTY of the offense named above.

SENTENCE

☒ SIS: Imposition of sentence is suspended, and defendant is placed on probation as set out below.

☐ Sentence Imposed: Defendant is sentenced as follows:

☐ Jail: \_\_\_\_\_ days Jail Suspended: \_\_\_\_\_ days ☐ Remanded ☐ Credit for time served.

☐ Report to the Kodiak Jail between 8:00 - 10:00 p.m. on \_\_\_\_\_

☐ Report to the Cordova Center in Anchorage at 7:45 a.m. on \_\_\_\_\_

☐ If defendant is arrested for new offense or the State files a Petition to Revoke Probation prior to Jail Report Date, then he/she is remanded Immediately in this case.

☐ Credit for time spent in residential treatment program if the requirements of AS 12.55.027 have been met.

☐ A remand hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in Kodiak re: \_\_\_\_\_.

☐ Corrections Surcharge: \$50 due within 10 days ☐ Apply bail

Pay to AG's Collection Unit, 1031 W. 4th Ave., Ste 200, Anchorage, AK 99501. (907) 269-5205

☒ Fine: \$ 2,500 Fine Suspended \$ 0.00 Fine due: 06/13/13 ☐ Apply bail

☒ Fine concurrent with count 3 in 3KO-12-406CR

☐ Credit for fees paid for alcohol treatment, anger management, if receipts filed before fine is due.

☒ Police Training Surcharge: ☒ \$50 (Misdemeanor) ☐ \$10 (Infraction) ☐ Apply bail

☒ Due within 10 days to Kodiak Clerk's Office, 204 Mission Rd., Rm. 124, Kodiak, AK 99615

☐ Restitution: Pay as ordered in Restitution Judgment, which shall be civilly enforceable after probation expires.

Defendant shall apply for an Alaska Permanent Fund Dividend, if eligible, each year until restitution is paid in full.

☐ Restitution is owed to \_\_\_\_\_ in the amount of \_\_\_\_\_, pursuant to Restitution Judgment.

☐ The State has \_\_\_\_\_ days to file a Notice of Restitution, supporting the restitution amount. Defendant has \_\_\_\_\_ days to object to the amount. If there is a dispute as to the amount, a hearing will be held.

☐ License Action: Defendant's driver's license is revoked for \_\_\_\_\_ days, concurrent with DMV action (if any).

☐ DNA: For all AS 11.41 convictions, defendant must give DNA sample if requested by an officer on state's behalf.

☐ Alcohol/Substance Abuse Screening: Contact Kodiak ASAP (481-2413) within 72 hours and comply with recommendations of alcohol/substance abuse screening for education, counseling, treatment, and aftercare, including residential treatment up to \_\_\_\_\_ days, if recommended. Pay all associated counseling & ASAP fees.

☐ Domestic Violence/Anger Management/Mental Health: within \_\_\_\_\_ days of sentencing, contact:

☐ Providence Kodiak Island Counseling Center (481-2400) for a comprehensive domestic violence, anger management and mental health assessment; comply with all their recommendations, which may include one or more of the following: (1) the Violence Intervention Program (VIP) described below; (2) Providence's 12 hour anger management class, and/or (3) individual therapy with them; satisfactorily complete all recommended program(s), pay all assessment and treatment costs.

☐ Kodiak Area Native Association (KANA) (486-9812) for an anger management or mental health assessment; complete their recommended program and pay any costs.

☐ Sandra Collins-Jackson (486-2632), complete her Violence Intervention Program (V.I.P.); pay all costs.

☐ Inform court in writing of selected agency the counseling will be done through within \_\_\_\_\_ of sentencing.

☐ An alternative program if defendant wishes to go elsewhere. Submit notice to court for approval within \_\_\_\_\_ of sentencing. If request is granted, complete that program successfully and pay all costs.

PROBATION

☒ Probation for: 1 year, subject to these conditions:

☒ Probation Surcharge: \$100 suspended.

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

☒ Do not commit any: ☒ available offenses

06/03/13

Effective Date

I certify that on 7/9/13 a copy of this judgment was sent to:

☒ DA ☐ ASAP ☐ DMV ☒ Media  
☒ KPD ☒ AST ☒ DPS ☐ AG ☐

CLERK: Taf

Magistrate Dawson A. William



IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT KODIAK

STATE OF ALASKA,	)
	)
Plaintiff,	)
	)
v.	)
	)
OCEAN ENTERPRISES OF ALASKA,	)
INC.,	)
	)
Defendant.	)
	)

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No. 3KO-S12-00406 CR

TRANSCRIPT OF PROCEEDINGS

June 3, 2013 - Pages 2 through 13

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COP HEARING

BEFORE THE HONORABLE DAWSON A. WILLIAMS  
Magistrate

Kodiak, Alaska  
June 3, 2013  
3:07 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

JOHN C. CAGLE  
Assistant District Attorney  
District Attorney's Office  
202 Center Avenue, Suite 201  
Kodiak, Alaska 99615

FOR THE DEFENDANT:

AARON D. SPERBECK  
BIRCH, HORTON, BITTNER & CHEROT  
1127 West Seventh Avenue  
Anchorage, Alaska 99501





1 applicable \$50 surcharge in that instance and I guess as far  
2 as the probationary status, it would, again, be a one-year  
3 SIS. It's just unique having it against a corporation versus  
4 a person but, nonetheless, that's the posture of this  
5 particular case, Judge. So to the extent that Mr. Demura  
6 needs to enter the plea, I guess he's here to do that but,  
7 really, I can do that on behalf of the corporation as well as  
8 its counsel so however the court would like to proceed.

9 THE COURT: Okay. Mr. Cagle, is that the state's  
10 understanding?

11 MR. CAGLE: That's correct, Your Honor, and I'm handing  
12 Mr. Sperbeck a copy of that dismissal as well too and I'll  
13 file it with the court.

14 THE COURT: I'm a little bit rusty on the specific terms  
15 here so the -- it's the registered agent or the licensed agent  
16 for the -- in terms of the rep -- person representing the  
17 corporation? What's the specific term?

18 MR. SPERBECK: Well, it would be either a direct or a  
19 member of the corporation. So Mr. Demura would act in that  
20 capacity, Judge.

21 THE COURT: And if you answered the questions, Mr.  
22 Sperbeck, on behalf of the.....

23 MR. SPERBECK: I would have Mr. Demura do that.

24 THE COURT: Okay. Mr. Demura, in your capacity as a.....

25 MR. SPERBECK: And, Judge, he's -- he would be the

1 president of the corporation.

2 THE COURT: Okay. As the president of the corporation,  
3 I'm going to ask you a few questions, essentially the same  
4 questions that I asked Mr. Uwe (ph).

5 MR. DEMURA: Yes.

6 THE COURT: Are you thinking clearly today?

7 MR. DEMURA: Pardon me?

8 THE COURT: Are you thinking clearly today?

9 MR. DEMURA: Yes.

10 THE COURT: Are you sick or under the influence of  
11 any.....

12 MR. DEMURA: No.

13 THE COURT: Are you under the influence of any drugs,  
14 alcohol of medication?

15 MR. DEMURA: No.

16 THE COURT: Okay. Anything affecting your ability to  
17 understand what's happening?

18 MR. DEMURA: Yes.

19 THE COURT: Is there anything that's affecting your  
20 ability to understand what's happening?

21 MR. DEMURA: Yes. I understand.

22 THE COURT: Do -- well, that's a different question than  
23 do you understand what's happening.

24 MR. SPERBECK: He's asking is there anything that affects  
25 your ability to understand.

1 MR. DEMURA: No.

2 THE COURT: Okay. Do you understand that, by pleading  
3 guilty, you're giving up your right to appeal any mistakes  
4 that may have been made in this case?

5 MR. DEMURA: Yes, I'm.....

6 THE COURT: And you're giving up your right to a trial  
7 where the state would have to prove the charges beyond a  
8 reasonable doubt?

9 MR. DEMURA: Yes.

10 THE COURT: And did you hear me talk about trial rights  
11 with Mr. Uwe? Were you paying attention when I went over the  
12 trial rights with Mr. Uwe?

13 MR. SPERBECK: Did you hear.....

14 THE COURT: Well, it's all right, I can just go over them.

15 MR. SPERBECK: Yes, I don't think he.....

16 THE COURT: Mr. Demura, if you wanted to fight these  
17 charges or if the corporation wanted to fight these  
18 charges.....

19 MR. DEMURA: Yes?

20 THE COURT: .....for example, the state would have to  
21 prove them beyond a reasonable doubt and the corporation would  
22 have the right to a jury trial and a jury would be a group of  
23 six people chosen at random from the community.

24 MR. DEMURA: No.

25 THE COURT: Okay. And you're saying you don't want to



1 have that.....

2 MR. DEMURA: No.

3 THE COURT: .....but I want to make sure you understand  
4 what the process would look like. The state would present its  
5 evidence. You'd be able to cross examine all of the state's  
6 witnesses. You could object to the state -- state's evidence  
7 and you could call your own witnesses if you want. If you had  
8 witnesses that you thought wouldn't come on their own, you  
9 could ask the court to order them to come in and testify.

10 You could testify or people could testify on behalf of  
11 the corporation if they wanted to but they wouldn't have to  
12 and if they chose not to, they could not be -- that couldn't  
13 be held against them or the corporation. It's the state's  
14 duty to prove the matter beyond a reasonable doubt. Do you  
15 understand all that?

16 MR. DEMURA: Yes.

17 THE COURT: Do you want to have a trial on this matter?

18 MR. DEMURA: No.

19 THE COURT: Anybody making any threats to get you to enter  
20 your plea?

21 MR. DEMURA: No.

22 THE COURT: Anybody making any promises?

23 MR. DEMURA: No.

24 THE COURT: Have you had enough time to think about what  
25 you want to do?

1 MR. DEMURA: No.

2 THE COURT: You haven't? Do you want some more time to  
3 think about it?

4 MR. DEMURA: No.

5 THE COURT: Okay. So are you ready to go forward at this  
6 time?

7 MR. DEMURA: Yes.

8 THE COURT: Okay. Okay, Mr. Demura. On behalf of Ocean  
9 Enterprises of Alaska in case 3KO-12-406 CR to the charge of  
10 violating AS 04.21.030, how do you plead?

11 MR. DEMURA: Yes.

12 MR. SPERBECK: (Indiscernible - whispering).

13 MR. DEMURA: Guilty.

14 THE COURT: And the allegation of that is altering the  
15 layout, the functional floor plan or changing the business  
16 name or license without prior written approval of the director  
17 of the Alcohol Board. You understand that's what you're  
18 pleading guilty to?

19 MR. DEMURA: Yes, sir.

20 THE COURT: And the other count, Count III, is failing to  
21 exercise the degree of care that a reasonable person would  
22 observe to insure that a business under the person's control  
23 is lawfully conducted. That's Count III. How do you plead to  
24 that charge?

25 MR. DEMURA: Yes, guilty.

1           THE COURT: Guilty? Okay. Court finds there's a factual  
2 basis for each of the two counts that you're pleading guilty  
3 to. The court accepts your guilty plea. I find it's knowing  
4 and voluntary and you understand the meaning and consequences  
5 of it. The court finds Ocean Enterprises guilty of Counts II  
6 and III and enters a judgment of conviction against Ocean  
7 Enterprises.

8           Before I pronounce the sentence, I'll hear from Mr. Cagle  
9 and Mr. Sperbeck and you can speak on behalf of the  
10 corporation. Mr. Cagle?

11          MR. CAGLE: Oh, Your Honor, this -- and my records do  
12 reflect he's -- at least 10 years ago, was a hundred percent  
13 shareholder so -- based under the application but that may  
14 have changed in the meantime but I do acknowledge that it  
15 looks like I agree he's president and authorized back on  
16 behalf.

17          Now, again, Mr. Demura had no criminal convictions. I  
18 think an SIS is appropriate. This is not to the individual,  
19 however, it's to the corporation. The main goal here is  
20 deterrence. I believe the license is in the corporation's  
21 name if I'm also recalling correctly and so that would go  
22 directly to that. The \$2,500 is certainly deterrence and  
23 given that he's at least a majority shareholder in the  
24 corporation, it's still hitting Mr. Demura as well as the  
25 corporation so I think that since it's appropriate for

1       deterrence, it does deter the corporate officers. It also  
2       acts as in a way rehabilitation in that it's caused Mr.  
3       Sperbeck to come down and assist him in getting back in track  
4       with ABC and I hope that we don't see them here before the  
5       court again. I hope they're going to be right in line with  
6       ABC from here on out so that would be all the comment I would  
7       have, Your Honor.

8               THE COURT: Thank you, Mr. Cagle. Mr. Sperbeck?

9               MR. SPERBECK: Thank you, Judge. You know, it's  
10       unfortunate, Mr. Demura put a lot of time and energy and  
11       effort into making some wonderful changes down at the  
12       restaurant and, unfortunately, he went a little out of order  
13       and, in making those changes, was required by these codes and  
14       statutes to get approval from the ABC Board before doing that  
15       and so he recognizes that. I think the court is recognizing  
16       there's a little bit of a language barrier. Again, it's not  
17       an excuse but it is one of those things that it happens and we  
18       have to be a little bit more careful. So Mr. Demura and I  
19       have worked together over the last few months to make sure  
20       that the diagrams that are required by the code are done,  
21       they're done correctly, they've been submitted and approved by  
22       the ABC Board and then, additionally, Mr. Demura has made some  
23       policy changes for the restaurant that will insulate it from  
24       liability in the future in terms of making sure all the TAMS  
25       cards are up to date, making all -- you know, sure all of the



1 different placards and signage are up to -- you know, up to  
2 smack and code and where they need to be. We even -- you  
3 know, we met this morning and we talked about some additional  
4 things that might just make it safer and go above and beyond  
5 and that's really what our goal is. So I appreciate that Mr.  
6 Cagle has given, you know, the corporation an opportunity.  
7 Independent of this, the ABC Board may or may not take action  
8 against the license. So this isn't the only sanction that  
9 falls upon individuals and businesses and it is something that  
10 we certainly would strive to do and he spent the last 12 years  
11 here in Kodiak and -- you know, building up that restaurant as  
12 a very well-known and respected establishment. And so I --  
13 again, I'd urge the court to consider this a reasonable and  
14 appropriate resolution and to enforce that Rule 11, Judge.

15 THE COURT: Thank you, Mr. Sperbeck. Mr. Demura, is there  
16 anything you'd like to say?

17 MR. DEMURA: No.

18 THE COURT: Okay. Well, the court accepts the Rule 11  
19 agreement. I do find it's appropriate. The primary goal is  
20 sort of rehabilitative in that sense and then there's also a  
21 deterrent element to it because it's a significant fine that's  
22 being imposed as part of that SIS. Of course, Our House does  
23 have a well-earned reputation in town. Sometimes, as Mr.  
24 Sperbeck pointed out, it's hard to keep at the forefront all  
25 the particular rules but at the same time, the -- it is

1 important that they be followed and the remedial steps have  
2 been taken so there's no question that you won't make these  
3 same mistakes and, of course, it wasn't -- and there wasn't  
4 any allegation that this was an intentional oversight but  
5 that's not the standard here. It's a -- so you will be -- or  
6 the corporation will be sentenced accordance to the agreement.  
7 It's a suspended imposition of sentence, a \$2,500 fine being  
8 imposed concurrently on Counts II and III. There's a \$50  
9 police training surcharge with regards to each count though  
10 and those, by statute, have to run consecutively so it'll be a  
11 total of 2,600 that's due.

12 The period of probation is one year and the term of  
13 probation is to commit no jailable offenses and comply with  
14 all direct court orders. The \$50 is due within 10 days so  
15 it's a hundred dollars that would be due within 10 days. How  
16 much time is needed to pay the \$2,500?

17 MR. SPERBECK: Judge, I believe that Mr. Demura as well as  
18 Mr. Uwe are prepared to pay those fines today.

19 THE COURT: Okay.

20 MR. SPERBECK: So we would just need to know where, if we  
21 can do that here or.....

22 THE COURT: Down at the front desk would work.

23 MR. SPERBECK: Understood.

24 THE COURT: We'll set the due date just for the 10 days  
25 then, June 13th. Anything else to address at this time, Mr.

1 Cagle, from the state's point of view?

2 MR. CAGLE: Oh, Your Honor, if the court could dismiss  
3 Count I on the record, yeah.

4 THE COURT: Count I is dismissed on the record and the  
5 case against Mr. Demura, 12-408, is dismissed on the record.

6 MR. CAGLE: And, Your Honor, I have that dismissal if I  
7 may approach the bench?

8 THE COURT: You may approach.

9 MR. SPERBECK: Nothing further from the defense, Your  
10 Honor.

11 THE COURT: Okay. Mr. Sperbeck and Mr. Demura, you may be  
12 excused at this time.

13 (Off record)

14 03:21:10

15 END OF REQUESTED PORTION

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Linda S. Foley, Transcriber



In the District Court of the State of Alaska  
Third Judicial District in Kodiak, Alaska

12-0482  
Agency Number

State of Alaska,

Plaintiff

vs.

Ocean Enterprises of Alaska, Inc.

DOB/ n/a  
ID/ 7819486

Defendant

Misdemeanor  
Criminal Complaint

No. \_\_\_\_\_ Cr.

CTN 002  
LICENSED PREMISES  
13 AAC 104.185(c)

ATN: 114147117

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 14th day of April, at or near Kodiak, in the Third Judicial District, State of Alaska, Ocean Enterprises of Alaska, Inc., a licensee, agent, or employee who sells or serves alcoholic beverages, did alter the functional floor plan, reduce or expand the area, or change the business name of a licensed premises without the prior written approval of the director. The licensee must provide a new line drawing showing the proposed changes in the premises.

All of which is a class A misdemeanor offense being contrary to and in violation of 13 AAC 104.185(c) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Investigator Eric Olsen, Alcoholic Beverage Control Board. While conducting a routine inspection of the Old Powerhouse Restaurant, Inv. Olsen discovered Tomio T. Demura, a licensee of the Old Powerhouse Restaurant was found to have been employed and managing as an owner of the Old Powerhouse Restaurant in Kodiak since 2003. When Inv. Olsen asked Tomio Demura if there had been any changes to the restaurant, Tomio Demura advised and showed Inv. Olsen they had built a new dining area, they had built a new deck, and they were storing alcohol in a new location.

A check of the main license file for the Old Powerhouse Restaurant stored at the ABC board offices in Anchorage revealed the aforementioned changes to the licensed establishment were not submitted to the ABC board nor were any of those changes approved by the ABC board. The Old Powerhouse Restaurant has been issued a "beverage dispensary" type of liquor license, specifically license number "4325". The Old Power House Restaurant is owned by a corporation, Ocean Enterprises of Alaska, Inc. of which Tomio Demura is the president of the corporation.

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



Signature of Complainant (Inv. Eric Olsen)

12-0482  
Agency Number

**RESPONSIBILITY OF LICENSEES,  
AGENTS, AND EMPLOYEES  
A.S. 04.21.030**

When Inv. Olsen asked Tomio Demura if there had been any changes to the restaurant, Tomio Demura advised and showed Inv. Olsen they had built a new dining area, they had built a new deck, and they were storing alcohol in a new location.

A check of the main license file for the Old Powerhouse Restaurant stored at the ABC board offices in Anchorage revealed the aforementioned changes to the licensed establishment were not submitted to the ABC board nor were any of those changes approved by the ABC board.

The Old Powerhouse Restaurant has been issued a "beverage dispensary" type of liquor license, specifically license number "4325". The Old Power House Restaurant is owned by a corporation, Ocean Enterprises of Alaska, Inc. of which Tomio Demura is the president of the corporation.

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

A handwritten signature in blue ink, appearing to read "Eric T. Olsen", is written over a horizontal line.

Signature of Complainant (Inv. Eric T. Olsen)

**Tab**

**13**





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 *sac*  
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 104.52E)

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

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.

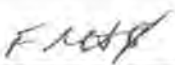
Your attention is directed to **13AAC104.465(a): Alcohol Server's Education Course.**

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.

<b>Receipt:</b>	<b>Violation Observed By:</b> <b>Investigator F.R. (Joe) Hamilton</b>
<b>Filed By:</b>  <b>F.R. (Joe) Hamilton</b>	<b>Title</b> 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. 09-418

Premises, DBA <i>Roma's</i>	Date: <i>03/19/09</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>4545</i>	Type of Inspection: <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Requested <input type="checkbox"/> Follow-Up	
<p align="center"><b>Important Notice</b></p> <p>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)</p>		

### GENERAL ITEMS

	Yes	No	See Comments
1. Is the DBA the same as what is indicated in the ABC master file? 13 AAC 104.185	<input checked="" type="checkbox"/>		
2. License posted correctly? 13 AAC 104.185 / AS 04.11.630	<input checked="" type="checkbox"/>		
3. Warning signs posted? AS 04.21.065	<input checked="" type="checkbox"/>		
4. Do employees/supervisors have proof of current alcohol server training? AS 04.21.025(c)		<input checked="" type="checkbox"/>	
5. Are copies of server training stored on premises? 13 AAC 104.465(a)		<input checked="" type="checkbox"/>	
a. Do employees have access to stored copies of server cards? 13 AAC 104.465(a)		<input checked="" type="checkbox"/>	
6. Do premises appear safe? AS 04.21.030(2)	<input checked="" type="checkbox"/>		
7. Do premises appear neat? AS 04.21.030(2)	<input checked="" type="checkbox"/>		
9. Is any off-premises storage area approved by the board? AS 04.21.060(1)		<input checked="" type="checkbox"/>	
10. Have there been any physical changes to the licensed premises? 13 AAC 104.185(c)		<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"/>		
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"/>		
13. Are "Statement of Proof of Age" forms available? AS 04.21.050		<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 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 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

Yes No Comments

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:**

Cheryl Dlt Add 7123743

Owner/Manager/Agent Name and Phone

Investigator

Print

# 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 Sa 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.

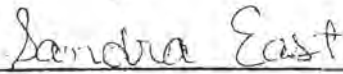
As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members 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.

  
Licensee Signature

Kwang Su Yoon (owner)  
Printed Name & Title

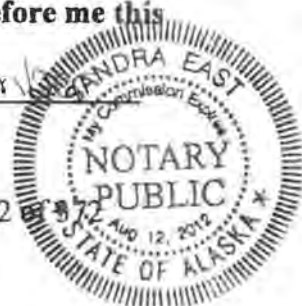
  
Notary Signature  
Notary Public in and for the State of Alaska

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

My commission expires: 8.12.12

ABC Board - 5848 E. Tudor Rd - Anchorage, AK 99507  
Phone: 907-269-0350 Fax: 907-269-9412

Page 2 of 3





STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

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

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

CP222042

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: 76687D  
Home Country: UNITED STATES

Home State/Province: ALASKA

**Registered Agent**

Name: KWANG SU YOON  
Physical Address: 210 KATLIAN ST, SITKA, AK  
99835  
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	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: 11-4-11



## 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,

Plaintiff

vs.

Mia Ae Chon

DOB/ 8-23-55  
ID/ 6559223

ATN: 114 147 549

Defendant

Misdemeanor  
Criminal Complaint

No. \_\_\_\_\_ Cr.

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 11<sup>th</sup> 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 over 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 16<sup>th</sup>, 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	UnitID
A	ABCA

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

ACT#	Activity Code	UCR No.	Statute / Regulation	Type of Activity	Date Occurred	Time Occurred
1	9931	22	AS 04.16.052(5)	Furnishing Alcohol to a Person Under 21	10-11-12	1939

Location of Activity				N:	W:	Patrol Zone	HARA	Dom Viol	Alcohol or Drugs Involved	A
Roma's, 327 Seward Square #1										

ACT #	Activity Code	UCR No.	Statute / Regulation	Type of Activity	Date Occurred	Time Occurred
2	4102	22	AS 04.21.025(c)	No Server Education Course	10-11-12	1938

Location of Activity				N:	W:	Patrol Zone	HARA	Dom Viol	Alcohol or Drugs Involved	A
Roma's, 327 Seward Square #1										

Pers No.	Role(s)	Name	Sex	Race	Ht	Weight	Hair	Eyes	D.O.B./Approx. Age
1	DI	Mi Ae Chon	F	A	63	125	BLK	BRO	8-23-55

Residence Address				Residence / Cell Phone		Driver's License No.		State
2807 Halibut Point Road, Sitka, AK				702 277-4228		6559223		AK

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

APSIN ID NO.	E-Mail Address	ATN / NCIC / Other ID No.	Charged With	1S	2S	Susp Act No.	Juv. Dispo
6559223		114 147 549					

Pers No.	Role(s)	Name	Sex	Race	Ht	Weight	Hair	Eyes	D.O.B./Approx. Age
2	D	SOE LLC (Kwang Su Yoon)							

Residence Address				Residence / Cell Phone		Driver's License No.		State
210 Katlian Street, Sitka, AK				738-3982				

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

APSIN ID No.	E-Mail Address	ATN / NCIC / Other ID No.	Charged With	3C	Susp Act No.	Juv. Dispo
8006091		114 147 576				

NUMB	REGISTRATION NO.	STATE	VIN / SERIAL NO.	COLOR	YEAR	MAKE	MODEL
1							
BODY STYLE/TYPE			ADF&G NUMBER	NAME OF WATERCRAFT			LENGTH

## 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	REVIEWED AND APPROVED BY	PermiD	DATE CLOSED
		District Attorney's Office, Sitka	Robert L. Beasley, Enforcement Supervisor	RLB8	10/19/12



# STATE OF ALASKA

## ALCOHOLIC BEVERAGE CONTROL

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

Reporting Officer	Permit	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>Ralston</i>	<i>2085</i>	<i>10/19/12</i>



# STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No.	12-1103
Date Investigated	10-11-12
Detach	A
UnitID	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>	2108	10/10/12





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.

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

IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT AT SITKA

State of Alaska,

Plaintiff,

vs.

Soe LLC,

Defendant.

CASE NO: 1SI-12-00355CR

## JUDGMENT

DOB: \_\_\_\_\_ ATN: 114147576DL/ID ST: \_\_\_\_\_ - APSIN: 8006091☐ CDLDV Offense per  
AS 18.66.990

CTN Offense

001 AS04.21.030: Responsibility of Licensee, Agent, Employee

Date 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:

001

Fine:

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:

001

Surcharge:

☒ \$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
- 
- ☐
- ASAP
- ☐
- Jail
- 
- ☒
- DPS
- ☐
- DMV
- 
- ☒
- Other
- ABC

Clerk: Law

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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**Tab**

**14**



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

DATE: Tuesday, September 17, 2013

FROM: Christine Lambert, Records &  
Licensing Supervisor

RE: Hilton Garden Inn  
Liquor Lic File #4236

AS 04.11.400(d)(1)(G) requires 50 rental rooms for population greater than 50,000.

Municipality of Anchorage has a certified net population of 275,578.

This licensee offers 125 guest rooms and food service.

Liquor license issued 2002.

**Tourism Statement**  
**Hilton Garden Inn Anchorage**

The Hilton Garden Inn first opened for business on June 8, 2002. Since its opening the HGI Anchorage has encouraged tourism in many ways. The Hilton Garden Inn is a strong and highly rated brand of Hilton Hotels. All Hilton Garden Inns are subject to very stringent brand standards and constantly monitored to insure that every guest experience is top notch. There is a very strong brand identity and loyalty from the Hilton Garden Inn guest who often times will choose a destination only if there is a HGI in the town they wish to stay in. The Hilton Garden Inn Anchorage also benefits from national advertising for the Garden Inn brand on the internet, TV, and print publications.

The Hilton Garden Inn Anchorage encourages tourism by advertising in Alaska Magazine, Bus & Route Tourism Maps, Visit Anchorage (Anchorage Convention and Visitors Bureau), and Alaska Business Magazine. Representatives from the hotel's Sales and Marketing department also attend the State & Associate Trade Show each July in Juneau and in February in Fairbanks. Our hotel draws in many out of state guests: During the summer months approximately 65-70% of our guests are from outside Alaska and in the "off season" the breakdown is 60% of our guests are corporate and 40% leisure.

The HGI has 125 guest rooms and has facilities to host small groups. The hotel is on a rotating schedule to replace worn items such as carpet, linens, etc. so the guest experience is always top notch. Plans for a remodel are in the planning stages at this time.

The HGI Anchorage offers its guest the following amenities:

- 24 hour Pavilion Pantry Market
- Automated Teller (ATM)
- Baggage Storage
- Bar Area
- Beverage Area, Complimentary
- Coin Laundry
- Elevators
- Laundry/Valet Service
- Local Area Transportation
- Lounge
- Luggage Hold
- Multi-Lingual Staff
- Room Service
- Safety Deposit Box
- Snack Shop
- Our Anchorage, AK hotel provides free high-speed Internet access in every guest room and secure remote printing to the 24-hour business center.
- Audio/Visual Equipment Rental
- Business Center

- Complimentary Printing Service
- Express Mail
- Fax
- Meeting Rooms
- Photo Copying Service
- Printer
- Fitness Room
- Pool

The hotel has a restaurant serving daily breakfast, Dinner and has a bar. All of these amenities are what the Hilton Garden Inn guest expects when they choose a Hilton Garden Inn hotel.

Our General Manager serves on the Tourism Board and our Sales team keeps current by attending meetings that promote the different tours and trips that are offered in the state. Some of the many trips our hotel arranges include:

- Guided fishing trips
- Glacier tours
- Whale Watching
- Flights to Talkeetna
- White Water Rafting
- Wildlife Conservation Center
- Alaska Train Tours
- Denali Trips

In addition our hotel staff recommends local restaurants whenever possible. This also helps tourism and the local economy.

The Hilton Garden Inn Anchorage works with travel agents such as US Travel, Euro Tour and Alaska Adventures Unlimited; these travel agents offer packages which also encourages tourism.

In summary, the Hilton Garden Inn Anchorage continues to encourage tourism by using a multi-faceted approach to draw tourists in and once they are at the hotel, to offer them a top quality guest experience that promotes the many activities Alaska has to offer.

If you have further questions or wish us to elaborate on any of the information contained in this tourism statement, please feel free to contact me at 202-785-3101.

Respectfully Submitted,

Sheryl Hanebrink  
On behalf of BRE Hotel Properties, LLC



STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present 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.

**DBA:** HILTON GARDEN INN - ANCHORAGE

**PREMISES LOCATION:** 100 W. TUDOR ROAD, ANCHORAGE

Indicate scale by x after appropriate statement or show length and width of premises. 1 SQ. = 4 FT.

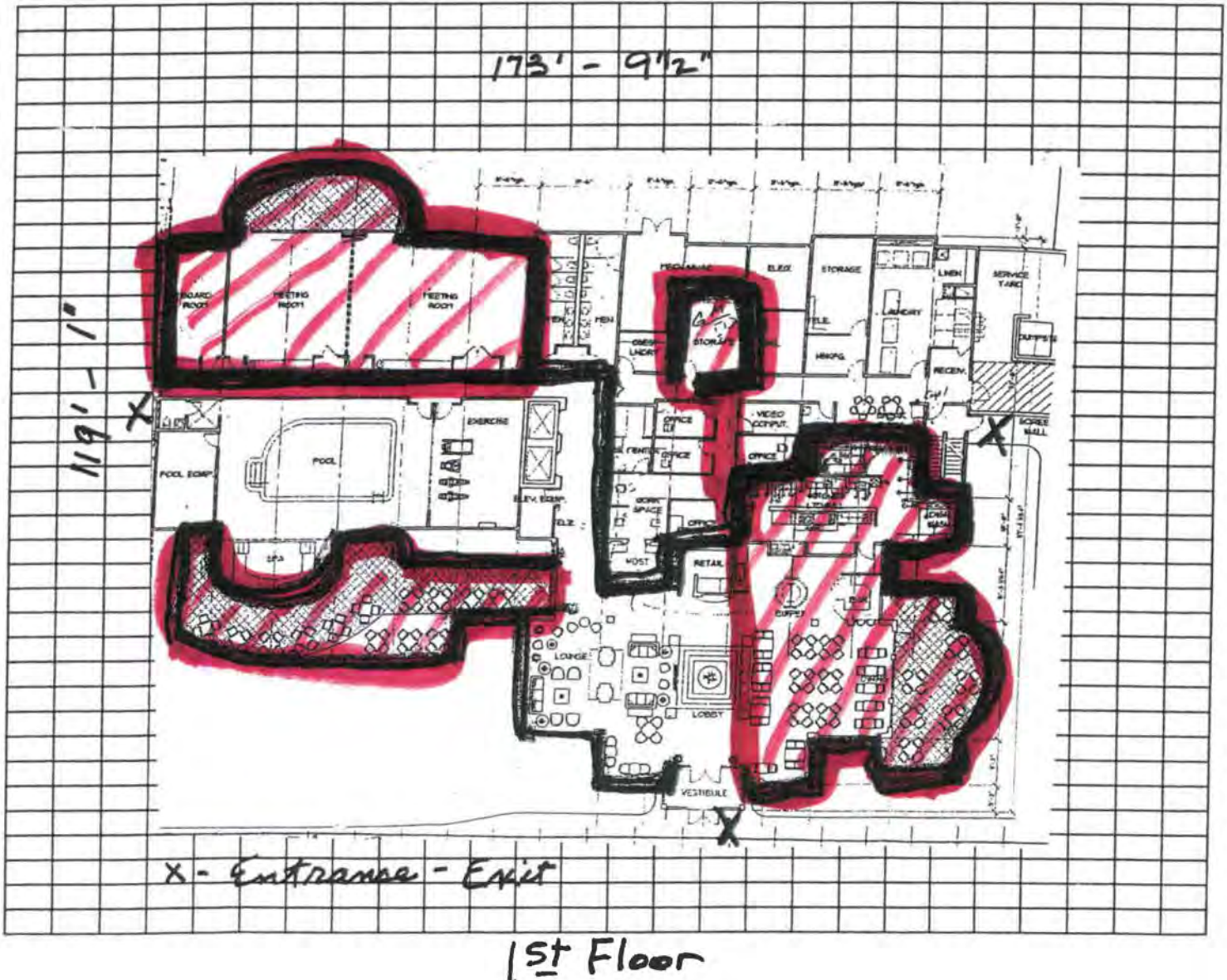
**SCALE A:** 1 SQ. = 1 FT.

**SCALE B:**

Length and width of premises in feet:

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

*Handwritten signature and date:*  
26  
12/14/08





STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present 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.

**DBA:** HILTON GARDEN INN - ANCHORAGE

**PREMISES LOCATION:** 100 W. TUDOR ROAD, ANCHORAGE

Indicate scale by x after appropriate statement or show length and width of premises. 1 SQ. = 4 FT.

**SCALE A:** 1 SQ. = 1 FT.

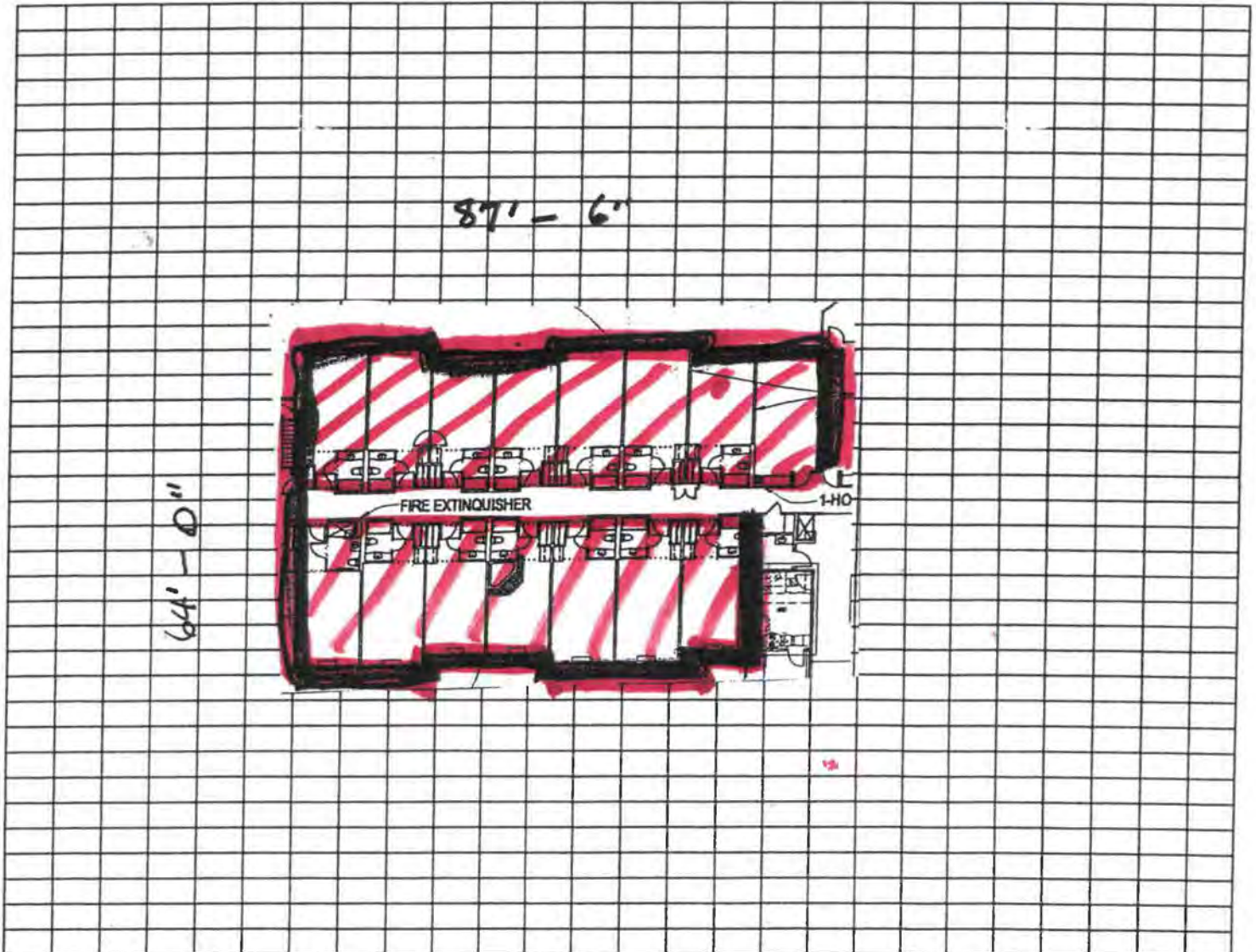
**SCALE B:**

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

*AB*  
*12/12/08*



*1st Floor - Cont.*

STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present 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.

DBA: HILTON GARDEN INN - ANCHORAGE

PREMISES LOCATION: 100 W. TUDOR ROAD, ANCHORAGE

Indicate scale by x after appropriate statement or show length and width of premises. \_\_\_\_\_ 1 SQ. = 4 FT.

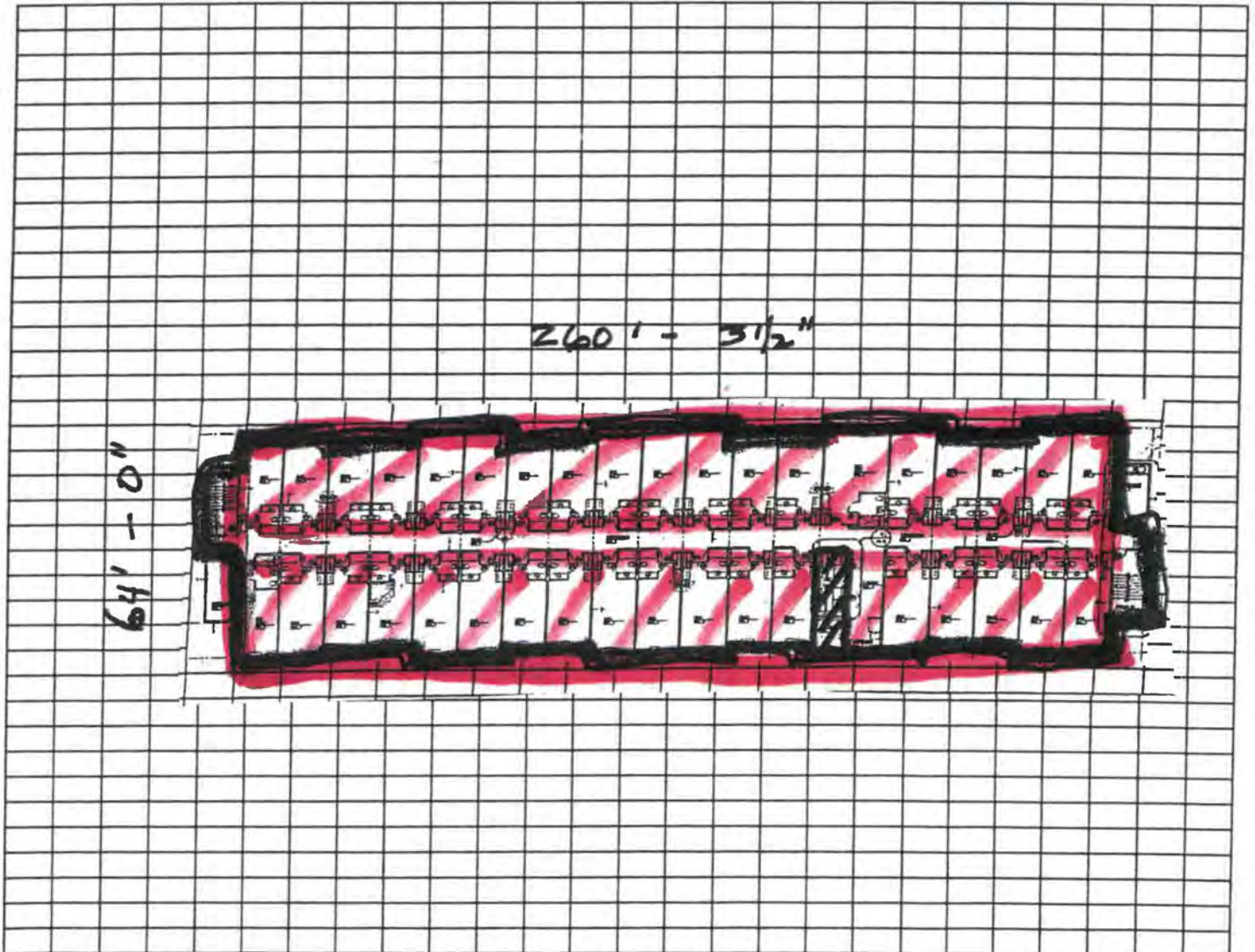
SCALE A: \_\_\_\_\_ 1 SQ. = 1 FT.

SCALE B:

Length and width of premises in feet:

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

*Handwritten signature and date: JB 12/14/08*



2<sup>ND</sup> Floor



STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present 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.

DBA: HILTON GARDEN INN - ANCHORAGE

PREMISES LOCATION: 100 W. TUDOR ROAD, ANCHORAGE

Indicate scale by x after appropriate statement or show length and width of premises.                      1 SQ. = 4 FT.

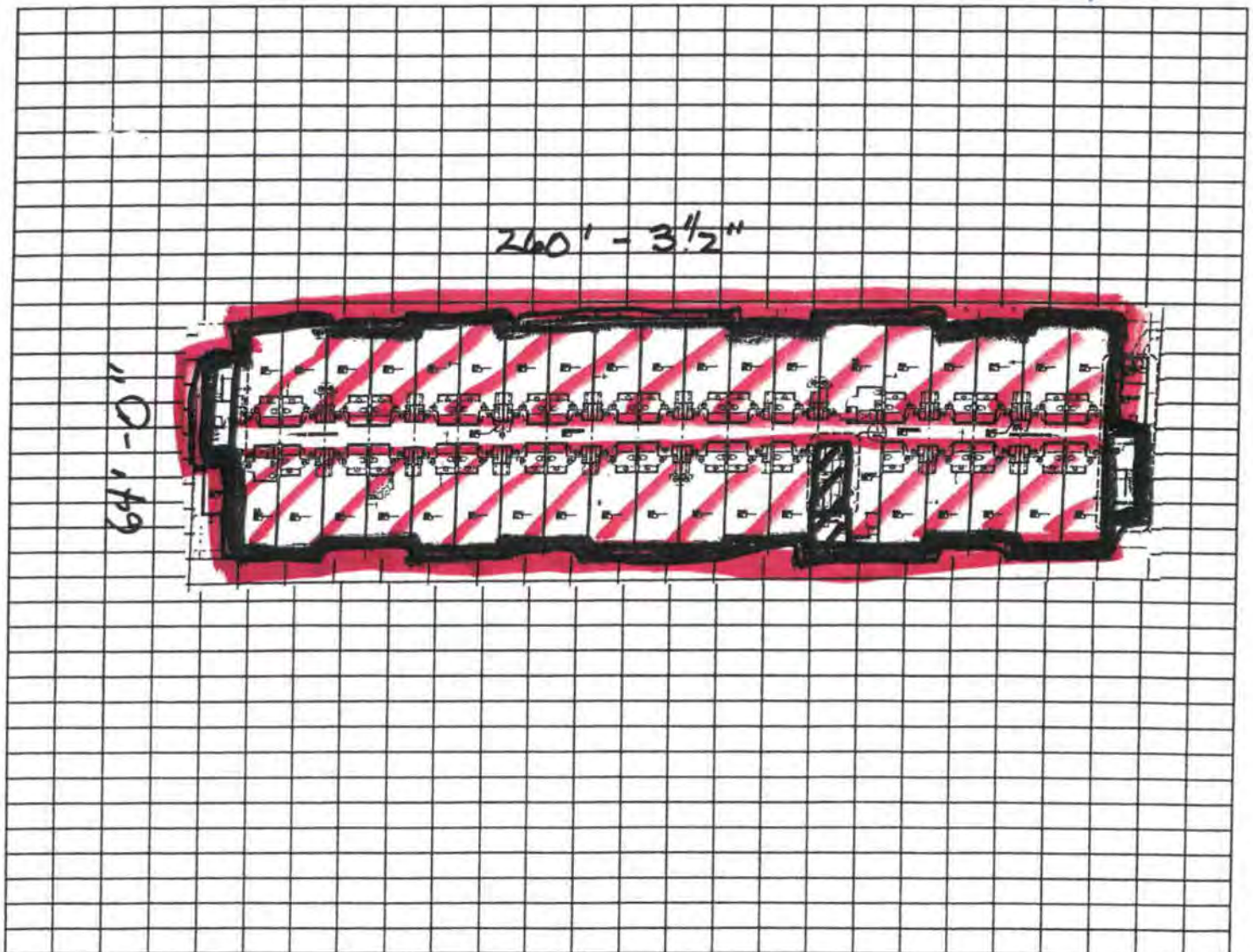
SCALE A:                      1 SQ. = 1 FT.

SCALE B:

Length and width of premises in feet:

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

*JPB*  
*12/16/08*



3rd Floor



STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present 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.

**DBA:** HILTON GARDEN INN - ANCHORAGE

**PREMISES LOCATION:** 100 W. TUDOR ROAD, ANCHORAGE

Indicate scale by x after appropriate statement or show length and width of premises. 1 SQ. = 4 FT.

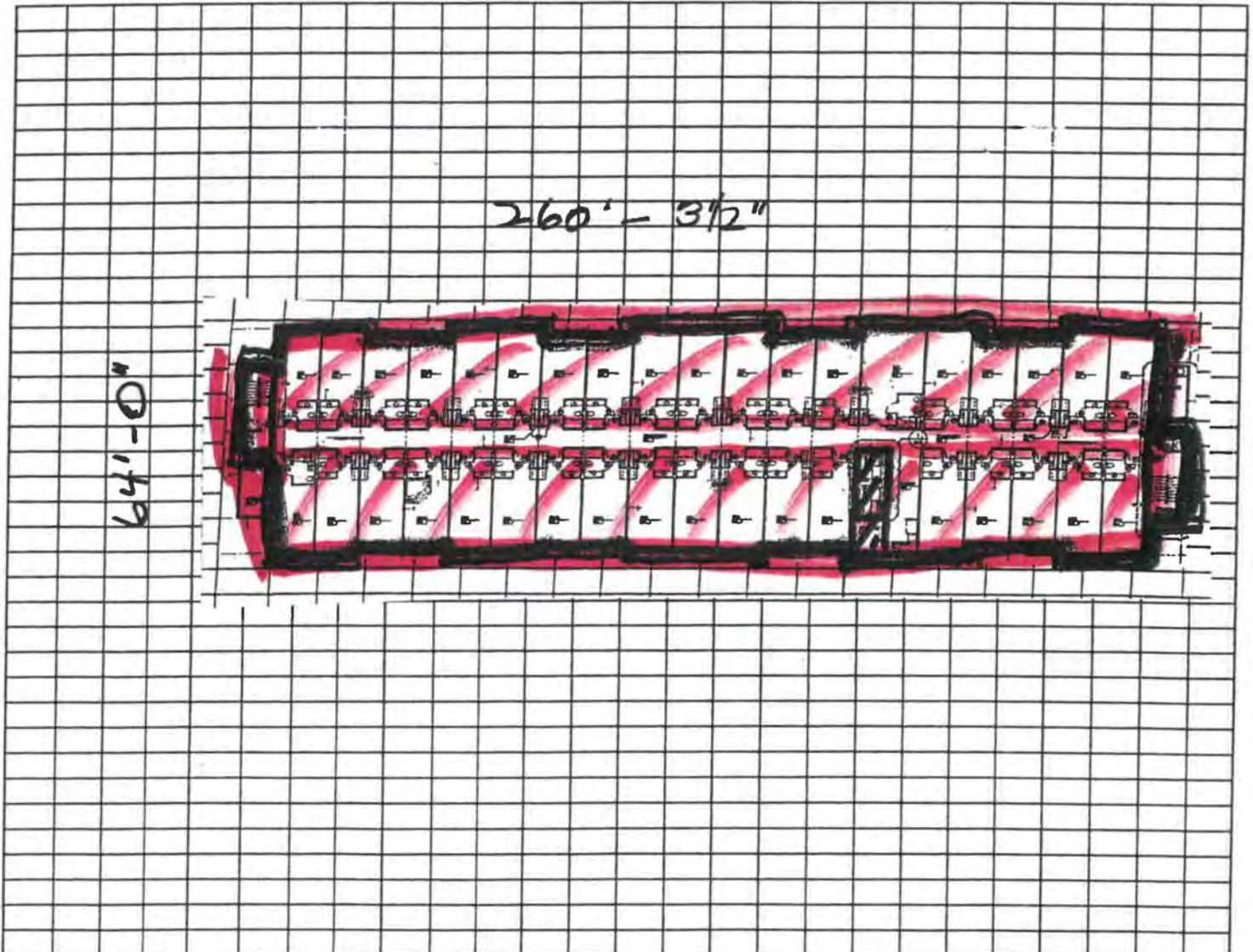
**SCALE A:** 1 SQ. = 1 FT.

**SCALE B:**

Length and width of premises in feet:

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

*Handwritten signature and date: 12/10/08*



4th Floor







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: Tuesday, September 17, 2013  
RE: Homewood Suites  
Liquor Lic File #4354

AS 04.11.400(d)(1)(G) requires 50 rental rooms for population greater than 50,000.

Municipality of Anchorage has a certified net population of 275,578.

This licensee offers 122 guest rooms and food service.

Liquor license issued 2004.

**Tourism Statement**  
**Homewood Suites Anchorage**

The Homewood Suites Anchorage first opened for business on March 9, 2004. Since its opening the Homewood Suites Anchorage has encouraged tourism in many ways.

Homewood Suites is an extremely popular Hilton brand. The Homewood Philosophy is as follows: *At Homewood Suites by Hilton we think life on the road should be more about life and less about the road. Whether you stay with us a few nights or a few months, we guarantee you'll stay comfortable and feel at home. And to make it a little easier, we'll make sure you have some of the touches of home with you.* A

Homewood Suites is intended to be a "home away from home". This particular brand encourages a longer stay and is very popular with families; both of these characteristics encourage tourism. In addition the Homewood Suites brand is subject to very stringent brand standards and constantly monitored to insure that every guest experience is top notch. Homewood Suites have extremely loyal guests who often times will choose a destination only if there is a Homewood Suites in the town they wish to stay in. Homewood Suites advertise nationally on the internet, TV, and in print publications.

The Homewood Suites Anchorage encourages tourism by advertising in Alaska Magazine, Bus & Route Tourism Maps, Visit Anchorage (Anchorage Convention and Visitors Bureau), and Alaska Business Magazine. Representatives from the hotel's Sales and Marketing department also attend the State & Associate Trade Show each July in Juneau and in February in Fairbanks. Our hotel draws in many out of state guests: During the summer months approximately 65-70% of our guests are from outside Alaska and in the "off season" the breakdown is 60% of our guests are corporate and 40% leisure.

The Homewood Suites Anchorage has 122 guest suites and has facilities to host small groups. We have four flexible event spaces and can accommodate up to 80 guests in our largest space, the Klondike/Glacier Room. The hotel is on a rotating schedule to replace worn items such as carpet, linens, etc. so the guest experience is always top notch. The Homewood Suites Anchorage just finished a renovation in March of 2012.

The Homewood Suites Anchorage offers its guest the following amenities:

- Convenient free 24-hour shuttle to Ted Stevens Anchorage International Airport and between 5 AM to 10 PM seven designated pickup and drop-off locations in Downtown Anchorage
- Free high-speed Internet access
- Free Neutrogena® bath products
- Free parking
- Fitness facility, indoor swimming pool, and sports court
- USA Today® delivered each weekday morning
- 24-hour hotel business center
- Audio/visual equipment rental
- Express mail
- Fax and printer services

- Business Phone Service
- Free Printing Service
- Modem
- Printer
- Refrigerator, stove, dishwasher, and microwave,
- Cribs
- High chairs
- 24 hour Pavilion Pantry Market
- Automated Teller (ATM)
- Baggage Storage
- Beverage Area, Complimentary
- Breakfast Area, Complimentary
- Coin Laundry
- Elevators
- Gift Shop
- Laundry/Valet Service
- Luggage Hold
- On-Site Convenience Store
- Room Service
- Safety Deposit Box

The hotel offers a complimentary free hot breakfast buffet and a free dinner with wine and beer Monday through Thursday evenings at the Homewood Suites Welcome Home® Reception. All of these amenities are what the Homewood Suites guest expects when they choose Homewood Suites hotel.

Our General Manager serves on the Tourism Board and our Sales team keeps current by attending meetings that promote the different tours and trips that are offered in the state. Some of the many trips our hotel arranges include:

- Guided fishing trips
- Glacier tours
- Whale Watching
- Flights to Talkeetna
- White Water Rafting
- Wildlife Conservation Center
- Alaska Train Tours
- Denali Trips

In addition our hotel staff recommends local restaurants whenever possible. This also helps tourism and the local economy.



The Homewood Suites Anchorage works with travel agents such as US Travel, Euro Tour and Alaska Adventures Unlimited; these travel agents offer packages which also encourages tourism.

In summary, the Homewood Suites Anchorage continues to encourage tourism by using a multi-faceted approach to draw tourists in and once they are at the hotel, to offer them a top quality guest experience that promotes the many activities Alaska has to offer.

If you have further questions or wish us to elaborate on any of the information contained in this tourism statement, please feel free to contact me at 202-785-3101.

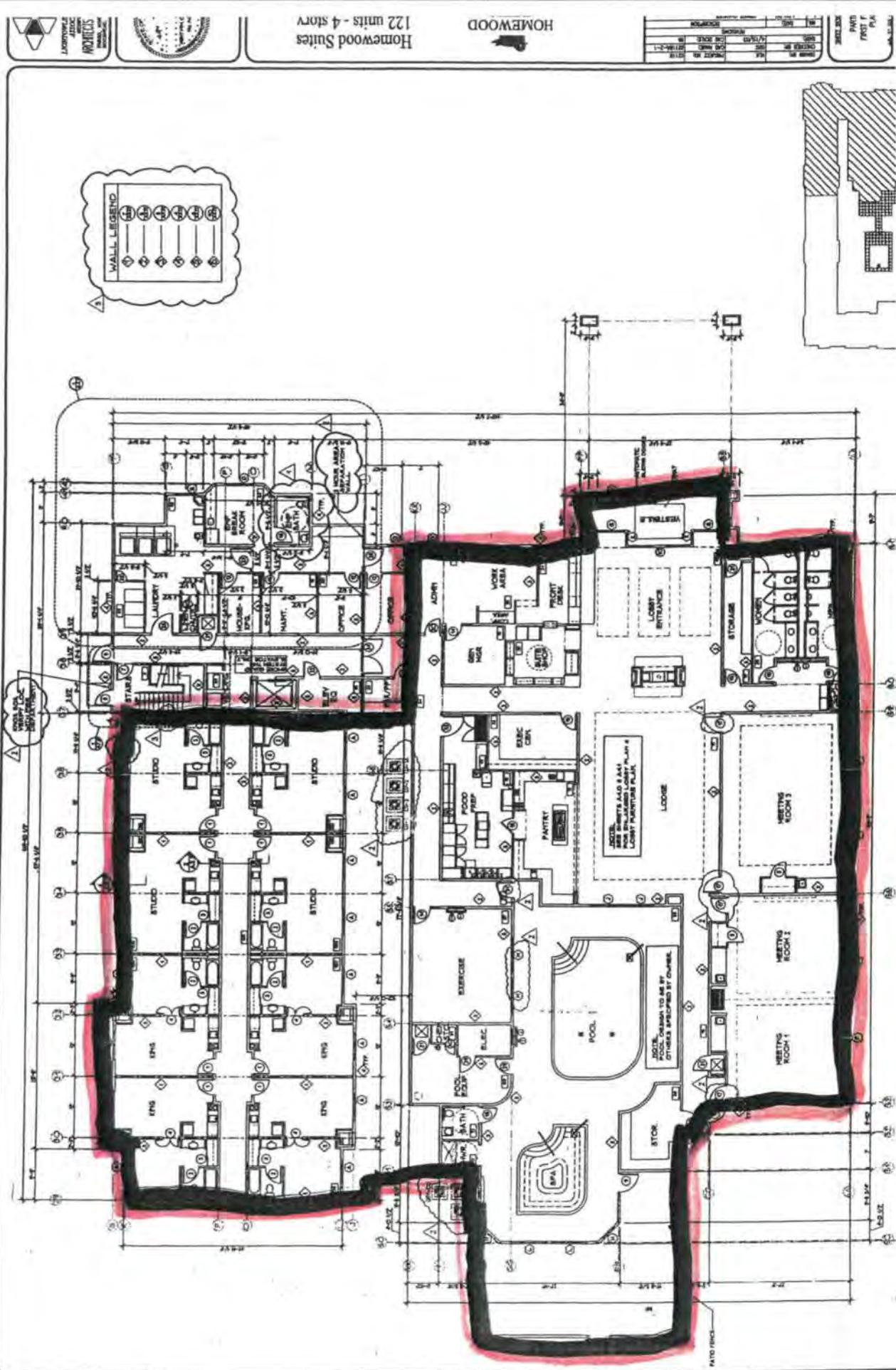
Respectfully Submitted,

Sheryl Hanebrink  
On behalf of BRE Hotel Properties, LLC

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Meeting Rooms, Restaurant, Guest Rooms  
 see pg 2 tourism  
 8 bedrooms



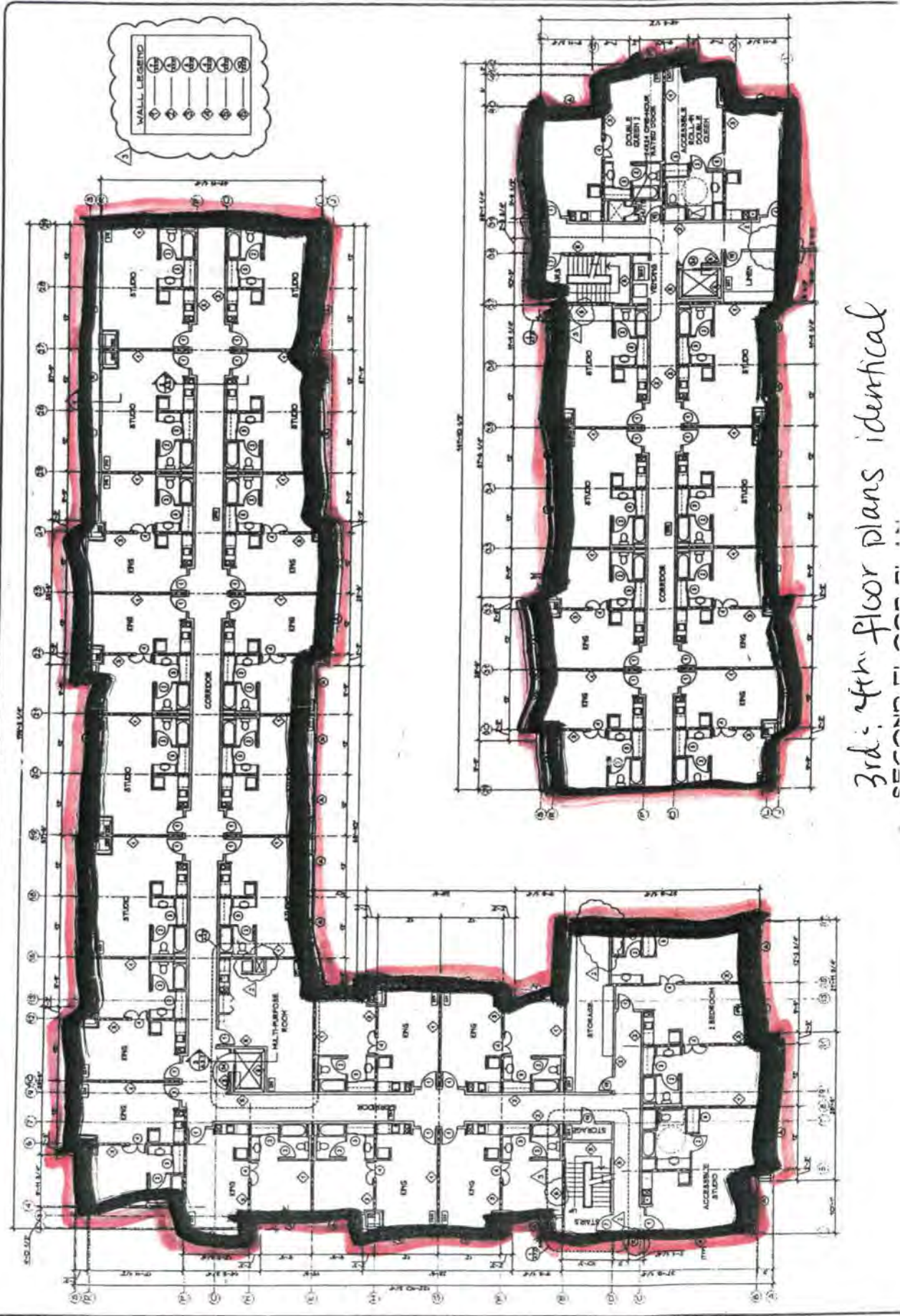
Homewood Suites  
 122 units - 4 story

HOMWOOD

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1-82	12/15/77	10:00	2-82	12/15/77	10:00
1-83	12/15/77	10:00	2-83	12/15/77	10:00
1-84	12/15/77	10:00	2-84	12/15/77	10:00
1-85	12/15/77	10:00	2-85	12/15/77	10:00
1-86	12/15/77	10:00	2-86	12/15/77	10:00
1-87	12/15/77	10:00	2-87	12/15/77	10:00
1-88	12/15/77	10:00	2-88	12/15/77	10:00
1-89	12/15/77	10:00	2-89	12/15/77	10:00
1-90	12/15/77	10:00	2-90	12/15/77	10:00
1-91	12/15/77	10:00	2-91	12/15/77	10:00
1-92	12/15/77	10:00	2-92	12/15/77	10:00
1-93	12/15/77	10:00	2-93	12/15/77	10:00
1-94	12/15/77	10:00	2-94	12/15/77	10:00
1-95	12/15/77	10:00	2-95	12/15/77	10:00
1-96	12/15/77	10:00	2-96	12/15/77	10:00
1-97	12/15/77	10:00	2-97	12/15/77	10:00
1-98	12/15/77	10:00	2-98	12/15/77	10:00
1-99	12/15/77	10:00	2-99	12/15/77	10:00
1-100	12/15/77	10:00	2-100	12/15/77	10:00



# 2nd floor Guest Rooms



**Tab**

**15**



**Delegated Consent Agenda  
October 2, 2013**

- 3173 Club Soda:** Luna Sea, Inc.; Fairbanks North Star Borough  
1855 Van Horn Road  
**Stock Transfer – Beverage Dispensary**  
From: Melodee Weber selling 50% stock to Nicholas Kelsch

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

- 4779 Grape Expectations:** Grape Brothers, LLC; Anchorage  
510 West 6<sup>th</sup> Avenue  
**Transfer – Package Store**  
From: Grape Expectations, LLC

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

- 4157 Hard Rock Café:** Hard Rock Café International (STP), Inc.; Anchorage  
415 E Street  
**Transfer – Beverage Dispensary**  
From: Bear Paw Restaurant, LLC; DBA Bear Paw Bar & Grill

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

- 757 Holiday #632:** Holiday Alaska, Inc.; Anchorage  
801 East Tudor Road  
**Transfer – Package Store**  
From: D.A.W.G., Inc.; DBA Liquor Locker; 20146 Pilots Road Suite D

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

- 156 In and Out Liquor #1:** Dong K. Kang; Anchorage  
3601 Arctic Blvd  
**Transfer – Package Store**  
From: In Sook Kang

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

**4077 Levant at Wolf Run:** Levant, LLC; Fairbanks North Star Borough  
3360 Wolf Run

**Transfer – Restaurant / Eating Place**

From: Joshua P & Jennifer K Rindlisbacher; DBA Wolf Run Restaurant

All statutory requirements have been met. Dept. of Labor approves. Pending  
Fairbanks North Star Borough & Dept. of Labor. Background investigations pending.

**656 Linwood Bar:** Seldovia Enterprises, Inc.; Seldovia  
257 Main Street

**Transfer – Beverage Dispensary**

From: Miller & Miller, Inc.

All statutory requirements have been met. Seldovia approves. Dept. of Labor  
& Revenue approve. Background investigation pending. Temporary has been issued.

**657 Linwood Bar:** Seldovia Enterprises, Inc.; Seldovia  
257 Main Street

**Transfer – Package Store**

From: Miller & Miller, Inc.

All statutory requirements have been met. Seldovia approves. Dept. of Labor  
& Revenue approve. Background investigation pending. Temporary has been issued.

**3695 Louie's Douglas Inn:** South of the Bridge, LLC; Juneau  
No Premises

**Transfer – Beverage Dispensary**

From: 64 Thunderbird, LLC; DBA Triple F Bar and Grill;  
9109 Mendenhall Mall Road, Suite 4B

All statutory requirements have been met. Dept. of Labor & Revenue approve.  
Juneau does not protest. Background investigation pending.

**674 Lucky Lady:** MSE, LLC; Juneau  
192 S Franklin Street

**Transfer – Beverage Dispensary**

From: Lucky Lady, Inc.

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

**1850 Lynx Creek Liquor:** White Raven, LLC; Denali Borough  
Mile 238.6 Parks Highway 3

**Transfer – Package Store**

From: Zarccone Brothers Real Estate Limited Partnership

All statutory requirements have been met. Denali does not protest. Dept. of Labor & Revenue approve. Background investigation pending.

**5253 M/V Le Soleal:** Compagnie Du Ponant, SAS  
Alaskan Waters

**New – Common Carrier**

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

**5254 M/V Sikumi:** Coastal Alaska Adventures, Corp.  
Alaskan Waters

**New – Common Carrier**

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

**4200 No DBA:** Texas Roadhouse Holdings, LLC; Anchorage  
No Premises

**Transfer – Beverage Dispensary**

From: Duke Investments, LLC DBA Chili's Grill & Bar; 1811 Abbot Road

All statutory requirements have been met. Anchorage & Dept. of Revenue do not protest.  
Pending Dept. of Labor approval. Background investigation pending.

**5191 Noodle World Alaska:** Y K, LLC; Anchorage  
2844 East Tudor Road, Unit A

**Transfer – Restaurant / Eating Place**

From: Noodle World, LLC

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

**866 Pioneer Bar:** Old Timers, Inc.; Anchorage  
739 W 4<sup>th</sup> Avenue

**Stock Transfer – Beverage Dispensary**

From: Dennis French 25%, William Selkenreich 50% and Connie French 25% to  
David Croffut 50% and Michael Ward 50%

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

**4905 Taco Azteca Mexican Restaurant:** Taco Azteca, Inc.; North Pole  
101 Santa Claus Lane

**Transfer – Restaurant / Eating Place**

From: 08 Capital, Inc.; DBA Benny's Grill

All statutory requirements have been met. Dept. of Environmental Conservation,  
Revenue, and Labor approve. Pending North Pole & Fire Marshal approvals.  
Background investigations complete.

**5255 Tsaina Lodge:** RFS Management, LLC; Unorganized Borough  
Mile 35 Richardson Highway  
**New – Beverage Dispensary**

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

**4948 Wal-Mart Supercenter:** Wal-Mart Stores, Inc.; Anchorage  
7405 Debarr Road

**Transfer – Package Store**

From: No Premises

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