

Tab

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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

New Liquor License

(907) 263-5900
Fax: (907) 263-5930
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: ☒ Full Year OR ☐ Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES #1029
Office Use: License Year: <u>2013/2014</u>	License Type: Beverage Dispensary-Tourism	Statute Reference Sec. 04.11.400(d)	License Fee: \$ <u>2500</u> -
Office Use: License #: <u>5252</u>			Filing Fee: \$100.00
			Rest. Desig. Permit Fee: \$
Local Governing Body: (City, Borough or Unorganized) Kodiak Island Borough	Community Council Name(s) & Mailing Address: Kodiak Island Borough 710 Mill Bay Rd Kodiak AK 99615		Fingerprint: \$ (\$51.50 per person) TOTAL 26000 -
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Allstar Alliance Company	Doing Business As (Business Name): Navigator Lounge	Business Telephone Number: 907-486-6008	
		Fax Number: 907-486-6445	
Mailing Address: P.O. Box 999	Street Address or Location of Premises: 1633 Airport Way Kodiak AK 99615 Airport Terminal	Email Address: p.almeter@att.net	
City, State, Zip: Kodiak AK 99615			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: 1.5 Miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: 2 Miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

New Liquor License

SECTION C – LICENSEE INFORMATION

1. 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?

☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Patricia Almeter	CNG, Inc DBA Tony's Bar & Liquor Store	Beverage Dispensary & Package Store	518 W. Marine Way	Alaska
George L. Gatter Jr.	CNG, Inc DBA Tony's Bar & Liquor Store	Beverage Dispensary & Package Store	518 W. Marine Way	Alaska

2. 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?

☐ Yes ☒ No If Yes, attach written explanation.

SECTION D – OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Allstar Alliance Company	Telephone Number: 907-486-6008	Fax Number: 907-486-6445
Corporate Mailing Address: P.O. Box 999	City: Kodiak	State: Alaska
		Zip Code: 99615
Name, Mailing Address and Telephone Number of Registered Agent: Patricia Almeter P.O. Box 1365 Kodiak, AK 99615 907-486-6008	Date of Incorporation OR Certification with DCED: 5/31/2013	State of Incorporation: Alaska

Is the Entity in "Good Standing" with the Alaska Division of Corporations? ☒ Yes ☐ No

If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Patricia Almeter	Pres	50	Po Box 1365 Kodiak, AK 99615 486-6008	907-942-2099	10/21/1974
George L. Gatter Jr.	Vice	50	Po Box 1365 Kodiak, AK 99615 486-6008	907-942-2077	5/17/1969

NOTE: If you need additional space, please attach a separate sheet.

New Liquor License

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) Signature <i>P. Almeter</i>	Signature of Licensee(s) Signature <i>George L. Gatter Jr.</i>
Name & Title (Please Print) <i>Patricia Almeter Resident</i>	Name & Title (Please Print) <i>George L. Gatter Jr, Vice President</i>
Subscribed and sworn to before me this <i>10th</i> day of <i>June</i> , <i>2015</i>	Subscribed and sworn to before me this <i>10th</i> day of <i>June</i> , <i>2015</i>
Notary Public in and for the State of Alaska <i>Mary Ann Velasco</i>	Notary Public in and for the State of Alaska <i>Mary Ann Velasco</i>
My commission expires: <i>03/18/2015</i>	My commission expires: <i>03/18/2015</i>

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: Navigator Lounge

PREMISES LOCATION: 1633 Airport Way Kodiak AK 99615

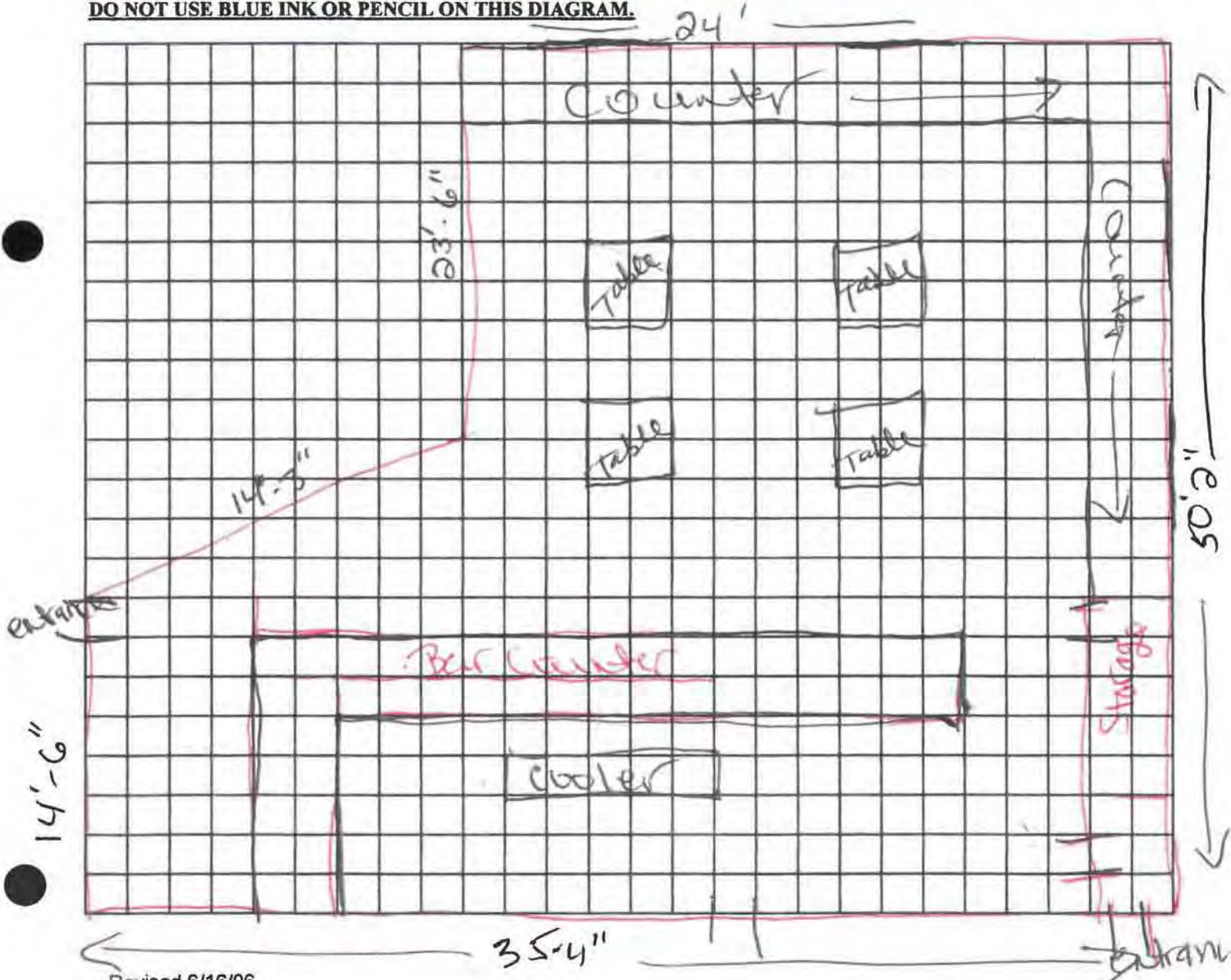
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: _____ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet: 50'-2" x 35'-4"

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.



Oates, Sarah D (CED)

From: Pattie Almeter <p.almeter@att.net>
Sent: Tuesday, November 26, 2013 11:10 AM
To: Oates, Sarah D (CED)
Subject: Re: Navigator Lounge #5252 - Temporary Approval

With the Navigator Lounge being located at the airport there is no better place to promote tourism than word of mouth from someone enjoying a beer talking about their adventures of hunting, sightseeing, relaxing hotel stay or fabulous local restaurant cuisine.

Pattie Almeter

On Nov 26, 2013, at 10:35 AM, "Oates, Sarah D (CED)" <sarah.oates@alaska.gov> wrote:

This message has no content.

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**Delegated Consent Agenda
December 10, 2013**

- 5262 Aha Oriental Kitchen:** Moonstone, LLC; Fairbanks
996 Blair Road
New – Restaurant / Eating Place

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

- 4466 American Legion Post 30:** Con Miller Post 30 The American Legion;
Fairbanks North Star Borough: 3614 Old Richardson Highway
Transfer – Club
From: 3481 Old Richardson Highway

All statutory requirements have been met. Fairbanks North Star Bor. does not protest.
Pending Dept. of Environmental Conservation and State Fire Marshal.
Background investigations complete.

- 4356 Backstage Bistro:** Coming Attractions Theatres, Inc.; Wasilla
3331 E Old Matanuska Road
Transfer – Restaurant / Eating Place
From: K & L Enterprise, LLC d/b/a BurgundyHorse; 300 W Swanson Avenue

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

- 1085 Kharacters:** Wonderful, LLC; Homer
3851 Shelford Street
Transfer – Beverage Dispensary
From: L & S, Inc.

All statutory requirements have been met. Dept. of Labor approves.
Pending City of Homer and Dept. of Revenue. Background investigations pending.

- 5263 Lemongrass Thai Cuisine:** Navachai, Inc.; Fairbanks North Star Borough
388 Old Chena Pump Road, Ste K
New – Restaurant / Eating Place

All statutory requirements have been met. Fairbanks North Star Borough approves.
Dept. of Environmental Conservation approves. Background investigations pending.
Pending State Fire Marshal.

- 3460 Long Creek Trading Post:** Long Creek Trading Post, LLC; Fairbanks North Star Bor.
8721 Steese Highway
Transfer – Package Store
From: Larry W. Walters

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

- 534 No DBA:** Burkeshore Marina Enterprises, LLC; Houston
No Premises
Transfer – Package Store
From: Edward Evans, Inc. d/b/a Houston Lodge

All statutory requirements have been met. Dept. of Revenue approves.
Pending City of Houston and Dept. of Labor. Background investigations pending.

- 2847 No DBA:** Scruff N Pork's, Inc.; Fairbanks
No Premises
Transfer – Beverage Dispensary
From: John J. Lounsbury d/b/a The Attic; 2701 Cushman Street

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

- 5264 The Norwegian Rat:** M&M Holdings, Inc.; Unalaska
1906 Airport Beach Road
New – Beverage Dispensary

All statutory requirements have been met. City of Unalaska does not protest.
Pending Dept. of Environmental Conservation and State Fire Marshal.
Background investigations pending.

- 5248 Vino's:** Vino's, Inc.; Fairbanks North Star Bor.
4371 Dartmouth Road, #A
New – Wholesale – Malt Beverage and Wine

All statutory requirements have been met. Fairbanks North Star Bor. does not protest.
Pending State Fire Marshal. Background investigations complete.

- 4438 White Mountains Café:** Long Creek Trading Post, LLC; Fairbanks North Star Bor.
8721 Steese Highway
Transfer – Restaurant / Eating Place
From: Larry W. Walters

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

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Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

October 23, 2013

Ms. Christine Lambert
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Lambert:

Liquor Licenses

The Anchorage Municipal Assembly at its regular meeting on **October 22, 2013** took the following final action:

APPROVED/NON-OBJECTION

Transfer of Ownership

- **Package Store**
-Party Time Plaza Liquor LL#2385

PROTESTED

Transfer of Ownership/Location/DBA Name Change

- **Beverage Dispensary**
-Chili's Bar and Grill LL#321
- Pending approval from Anchorage Fire, Planning, and Health & Human Services Departments

Transfer of Ownership/ DBA Name Change

- **Beverage Dispensary**
-Hard Rock Café LL#4715
- Pending approval from Anchorage Health & Human Services Department

New

- **Beverage Dispensary/Duplicate**
-Hard Rock Café LL#5260
- Pending approval from Anchorage Health and Human Services Department

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,

Anna Nowak
Deputy Licensing Clerk

Concur,

Barbara A. Jones
Municipal Clerk

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Municipality of Anchorage

P.O. Box 193650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

October 23, 2013

Ms. Christine Lambert
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Lambert:

Liquor Licenses

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- **Package Store**
-Party Time Plaza Liquor LL#2385

PROTESTED

Transfer of Ownership/Location/DBA Name Change

- **Beverage Dispensary**
-Chili's Bar and Grill LL#321
- Pending approval from Anchorage Fire, Planning, and Health & Human Services Departments

Transfer of Ownership/ DBA Name Change

- **Beverage Dispensary**
-Hard Rock Café LL#4715
- Pending approval from Anchorage Health & Human Services Department

New

- **Beverage Dispensary/Duplicate**
-Hard Rock Café LL#5260
- Pending approval from Anchorage Health and Human Services Department

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,

Anna Nowak
Deputy Licensing Clerk

Concur,

Barbara A. Jones
Municipal Clerk

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Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7583 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

November 19, 2013

Ms. Christine Lambert
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Lambert:

Liquor Licenses

The Anchorage Municipal Assembly at its regular meeting on **November 19, 2013** took the following final action:

PROTESTED

Transfer of Ownership

- Restaurant/Eating Place

- I Luv Sushi LL#5154

- Taxes owed to the MOA in the amount of \$844.46

- Pending approvals from Anchorage Fire and Building Safety Departments

Transfer of Location/DBA Name Change

- Beverage Dispensary

- I La Mex LL#4694

- Pending approval from Anchorage Fire Department

Transfer of Location/DBA Name Change

- Beverage Dispensary

- Texas Roadhouse LL#4200

- Pending approval of Conditional Use Permit

- Pending approval from Anchorage Fire Department

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,

Anna Nowak
Deputy Licensing Clerk

Concur,

Barbara A. Jones
Municipal Clerk

★ for

Tab

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THE STATE
of **ALASKA**

GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: September 23, 2013

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

RE: Transfer of License #4200 from Duke
Investments to Texas Roadhouse, LLC

Duke Investments, LLC filed for bankruptcy in 2012. A number of lienholders filed claims that would prevent the transfer of the license without the liens being resolved. The liens were researched in the file and I provided the attorney for one of the lienholders, Erika LeRoy with a list of the liens (copy attached). Mr. LeRoy developed a Liquor License Escrow Agreement (copy attached) based upon the liens contained in the file. The lienholders agreed to the terms.

The transfer of license #4200 was placed on the delegated consent agenda for the Board of Directors meeting of October 2, 2013 as all statutory requirements had been met, the Municipality of Anchorage and the Department of Revenue did not protest but it was pending the Department of Labor approval. Mr. LeRoy advises he has received DOL approval; however, DOL advised me that the objections stands until the agreed upon payment has been made.

On October 23, 2013 we received materials from the Human Rights Commission. An Administrative Law Judge concluded and recommended to the Human Rights Commission that Duke Investments, LLC is liable to Evanjelina Gonzalez for \$101,293.86 in back pay damages. The decision by the Administrative Law Judge is pending review by the Human Rights Commission. On November 26, 2013 I received the attached paperwork from the Human Rights Commission for your consideration.

Mr. LeRoy claims that this is too late, that the board made the decision to delegate consent once the Department of Labor approved.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

July 11, 2013

Erik LeRoy, P.C.
Attorney
500 L Street, Suite 302
Anchorage, Alaska 99501

RE: Liens against Duke Investments, LLC, d/b/a Chili's Grill & Bar, Licence #4200

Dear Mr. LeRoy ,

Per your telephonic request this morning, below is the list of creditors attached to the business of Duke Investments, LLC, d/b/a Chili's Grill & Bar in Anchorage.

1. Food Services of America as of October 8, 2007 in the amount of \$102,760.47 (copy of letter attached).
2. DiTomaso, Inc. as of March 2, 2012 in the amount of \$11,032.91 (copy of email attached).
3. Odom Corp. as of March 22, 2012 in the amount of \$13,363.91 (copy of email attached).
The Odom Corporation, 240 W. 1st Avenue, Anchorage 99510, telephone (907) 264-0120.
4. Brinker International Payroll Company, L.P. as of January 4, 2013 in the amount of \$47,979.50 (copy of letter from Lane Powell Attorneys & counselors attached).
5. MCN & JCN Inc. as of June 3, 2013 in the amount of \$1,359,579.00 (copy of letter and proof of claim attached).

I have also attached a copy of your letter of March 8, 2012 with a claim of \$152,898 and the Complaint for Forcible Entry and Detainer with various amounts listed as owing or entitled with an itemized total of \$107,977.14.

If you have any questions or you have reason to believe the above list of claims is in error, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Shirley A. Coté".

Shirley A. Coté
Director

Amended Liquor License Escrow Agreement

This Agreement is executed by the creditors who have placed holds on or who have objected to the transfer of the Duke Investments, LLC, dba Chili's Grill & Bar liquor license #4200 (hereafter License").

1. Larry D. Compton, the bankruptcy trustee in *In re Duke Investments, LLC*, obtained an order in that bankruptcy authorizing the sale of the License to Texas Roadhouse Holding LLC for \$265,000.
2. The Order provides that at closing \$13,250 will be paid to the Trustee's broker and \$21,750 will be retained by the Trustee to pay administrative expenses.
3. The remaining \$230,000 is to be paid to creditors who have placed holds against or who have objected to the transfer of the License.
4. The following Table 1 summarizes the holds as confirmed with each creditor as of August, 2013:

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7. The following Table 2 describes the holds, the amounts such holds have been paid, how much each hold which has been paid must pay back to fund the Division's share of the sale proceeds, and how much the Division will receive. The Division's share of the \$230,000 is its pro rata percentage share of the \$230,000 sale proceeds.

Table 2

Name & Address	Creditor's Hold	Actual Distribution	Additional Distribution/Return
Tim Mattice Food Service of America 10420 Olive Lane Anchorage, AK 99515	\$72,856	\$27,028.83	(\$3,447.76)
Jeff Keim DiTomaso, Inc. 601 Yakutat St. Anchorage, AK 99501	\$9,469	\$3,512.90	(448.10)
Marsha Dettorre Odom Corp. 11400 SE 8 th Ave, ste 100 Bellevue, WA 98004	\$5,360.01	\$1,999.51	(264.65)
Brinker International Payroll Co., LP c/o Michael Parise Lane Powell 301 W. Northern Lights Blvd., Ste 301 Anchorage, AK 99503	\$47,979.50	\$17,799.91	(\$2,270.54)
MCN & JCN c/o Erik LeRoy, P.C. 500 L St., Ste 302 Anchorage, AK 99501	\$484,298.60	\$179,669.85	(\$22,918.48)
Dept of Labor Employment Security Division c/o Jeannie Sleeper Dept of Law	\$90,683.22		\$29,349.54
Totals	\$710,646.33	\$230,000	\$0

8. Each of the return funds described in Table 2 should be paid to Erik LeRoy, P.C. Trust Account and all such returns will be held in trust until \$29,349.54 has been

Name & Address	Creditor's Hold
Tim Mattice Food Service of America 10420 Olive Lane Anchorage, AK 99515	\$72,856
Jeff Keim DiTomaso, Inc. 601 Yakutat St. Anchorage, AK 99501	\$9,469
Marsha Dettorre Odom Corp. 11400 SE 8 th Ave, Ste 100 Bellevue, WA 98004	\$5,360.01
Brinker International Payroll Co., LP c/o Michael Parise Lane Powell 301 W. Northern Lights Blvd., Ste 301 Anchorage, AK 99503	\$47,979.50
MCN & JCN c/o Erik LeRoy, P.C. 500 L St., Ste 302 Anchorage, AK 99501	\$1,359,579

5. Alaska Department of Labor and Workforce Development, Employment Security Division (the "Division") has informed the Trustee that it holds an unpaid claim for \$90,683.22 and has objected to the transfer of the License. The Division has confirmed that it will not oppose the transfer of the License provided payment towards its claim is made on the same terms as the holds which were previously filed against the License.

6. The purchaser of the License, Texas Roadhouse, has advised that it is appearing before the Anchorage Assembly on December 17, 2013 to resolve protests the Municipality of Anchorage has filed to the transfer and requires that the License be transferred to its name before that date (subject only to resolution of its issues with the Municipality at the December 17, 2013 Assembly meeting).

received and then will be disbursed to the Division which will immediately file with the Alcoholic Beverage Control Board notice that it does not oppose the transfer of the License.

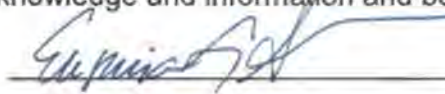
9. Each creditor, by its signature on this Amended Liquor License Escrow Agreement, agrees that any hold or claim it has against the License is withdrawn, or in the case of the Division will be withdrawn, in exchange for the distribution it has or is to receive as set forth above, and that the Alcoholic Beverage Control Board may rely upon this Amended Liquor License Escrow Agreement as a final settlement of the amounts required to release of any hold each creditor has filed against the License.

10. This Escrow Agreement may be signed in counterparts.

State of Alaska)
) ss.
Third Judicial District)

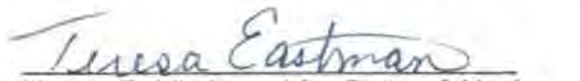
I, Eugenia Sleeper, being first duly sworn upon oath, hereby depose and state as follows:

I am the assistant attorney general representing the Alaska Department of Labor and Workforce Development, Employment Security Division, that I have read the above Amended Liquor License Escrow Agreement, know its contents, and believe the same to be true and correct to the best of my knowledge and information and belief.



SUBSCRIBED AND SWORN before me the 22 day of November, 2013.




Notary Public in and for State of Alaska
My Commission Expires: with office

State of Alaska)
)
Third Judicial District) ss.

I, Mark Nystruen, being first duly sworn upon oath, hereby depose and state as follows:

I am the principal of MCN, Inc. and JCN, LLC, that I have read the above Amended Escrow Agreement, know its contents, and believe the same to be true and correct to the best of my knowledge and information and belief.

SUBSCRIBED AND SWORN before me the ____ day of November, 2013.

Notary Public in and for State of Alaska
My Commission Expires: _____

State of Alaska)
) ss.
Third Judicial District)

I, Tim Mattice, being first duly sworn upon oath, hereby depose and state as follows:

I am a vice president finance of Food Service America, that I have read the above Amended Escrow Agreement, know its contents, and believe the same to be true and correct to the best of my knowledge and information and belief.

SUBSCRIBED AND SWORN before me the ____ day of November, 2013.

Notary Public in and for State of Alaska
My Commission Expires: _____

State of Alaska)
) ss.
Third Judicial District)

I, Jeff Keim, being first duly sworn upon oath, hereby depose and state as follows:

I am the secretary/treasurer of DiTomaso, Inc. that I have read the above Amended Escrow Agreement, know its contents, and believe the same to be true and correct to the best of my knowledge and information and belief.

SUBSCRIBED AND SWORN before me the ____ day of November, 2013.

Notary Public in and for State of Alaska
My Commission Expires: _____

State of Washington)
)
King County) ss.

I, Marsha Dettorre, being first duly sworn upon oath, hereby depose and state as follows:

I am the credit manager of the Odom Corporation, that I have read the above Amended Escrow Agreement, know its contents, and believe the same to be true and correct to the best of my knowledge and information and belief.

SUBSCRIBED AND SWORN before me the ____ day of November, 2013.

Notary Public in and for State of Washington
My Commission Expires: _____

State of Alaska)
)
Third Judicial District) ss.

I, Michael Parise, being first duly sworn upon oath, hereby depose and state as follows:

I am the attorney for Brinker International Payroll Co., LP, that I have read the above Amended Escrow Agreement, know its contents, have received authorization to sign it, and believe the same to be true and correct to the best of my knowledge and information and belief.

SUBSCRIBED AND SWORN before me the ____ day of November, 2013.

Notary Public in and for State of Alaska
My Commission Expires: _____

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

SEAN PARNELL, GOVERNOR

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 276-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

November 26, 2013

Via U.S. Mail & Facsimile (907) 263-5930

Shirley A. Coté, Director
Alaska Alcohol Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

RE: Anchorage Liquor License No. 4200 (Duke Investments LLC)

Dear Ms. Coté:

Please allow this letter to explain the timing of the submission of the October 21, 2013 letter to Sarah Oates notifying the Board of the existence of Ms. Gonzalez's claim for back pay wages against Duke Investments LLC.

In 2010, Ms. Gonzalez filed a complaint of disability discrimination with the Human Rights Commission against Duke Investments LLC ("Duke"). Ms. Gonzalez alleged that Duke terminated her employment because of a disability. Commission staff investigated the complaint and, with my approval, issued a finding that substantial evidence supported Ms. Gonzalez's allegation. Commission staff further determined that Duke was liable for back pay to Ms. Gonzalez in the amount of \$101,293.86.

In May 2013, I referred the case to a public hearing before the Commission pursuant to AS 18.80.120. In such cases I act as the prosecuting party on behalf of the person who originally filed the complaint. Because Duke failed to answer the complaint or participate in the hearing process, Commission attorneys working at my direction prepared a motion for a default judgment in early October 2013. While preparing that motion, Commission staff learned for the first time that there was a pending Chapter 7 case filed against Duke. Duke filed a list of its creditors in that bankruptcy proceeding, but failed to list Evanjelina Gonzalez or myself. Accordingly, neither Ms. Gonzalez nor the Commission had notice prior to October 2013 that there was a pending bankruptcy case. Only after Commission staff reviewed the bankruptcy filings last month did staff learn that there was also a proceeding pending before the ABC Board to sell Duke Investments LLC's liquor license.

Toll Free
In Alaska (800) 478-4692
TTY / TDD Only (800) 478-3177

Shirley Coté,

Page 2

November 26, 2013

Once Commission staff learned that there was an ABC Board proceeding, Laura Ferree, one of the Commission attorneys, contacted the ABC Board to determine if it was possible to submit a claim on behalf of Ms. Gonzalez. ABC Board staff advised Ms. Ferree that the transfer of the ABC license had not yet occurred and that it was unclear when a decision regarding transfer would be made, but that the Commission could send a letter to the Board notifying it of the existence of Ms. Gonzalez's claims. Attached is the affidavit of Ms. Ferree explaining the sequence of events.

Based on the recently obtained information regarding the ABC Board proceeding, I submitted the letter dated October 21, 2013 to the Board notifying it of the claim on behalf of Ms. Gonzalez. I also filed a proof of claim in the bankruptcy case dated October 22, 2013, along with a motion that the claim be accepted late due to the lack of prior notice.

On October 30, 2013, the Administrative Law Judge assigned hear case before the Human Rights Commission issued the attached recommended decision and order concluding that Duke Investments, LLC is liable to Ms. Gonzalez for \$101,293.86 in back pay damages. That decision is pending review for final approval by the Commission.

Sincerely,



Paula M. Haley
Executive Director

Enclosures: Affidavit of Laura Clauson Ferree
October 30, 2013 Recommended Decision and Order

BEFORE THE ALASKA ALCOHOL BEVERAGE CONTROL BOARD

ALASKA STATE COMMISSION FOR)
 HUMAN RIGHTS, PAULA M.)
 HALEY, EXECUTIVE DIRECTOR,)
ex rel. EVANJELINA GONZALEZ,)

Complainant,)

v.)

DUKE INVESTMENTS LLC,)

Respondent.)

ASCHR No. J-10-0007

OAH No. 13-0776-HRC

Anchorage Liquor License No. 4200

AFFIDAVIT OF LAURA CLAUSON FERREE

STATE OF ALASKA)
) ss.
 THIRD JUDICIAL DISTRICT)

Laura Clauson Ferree, being first duly sworn, deposes as follows:

1. I am employed as a Human Rights Attorney for the Alaska State Commission for Human Rights and I am the attorney handling the case brought by the Commission's Executive Director on behalf of Evangelina Gonzalez against Duke Investments LLC.

2. On May 10, 2013, the Executive Director filed an Accusation charging Duke Investments LLC with disability discrimination against former employee, Evanjelina Gonzalez.

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204
Anchorage, Alaska 99501-3669
(907) 276-7474 FAX (907) 278-8588

1 3. Because Duke Investments LLC never answered the Accusation or
2 participated in the public hearing case, in early October 2013, I prepared a motion for
3 default judgment to be filed against Duke Investments LLC.
4

5 4. While preparing that motion, I learned on October 3, 2013 that there was
6 a pending involuntary Chapter 7 bankruptcy case filed against Duke Investments LLC.
7

8 5. The Commission had not been notified by Duke Investments LLC, David
9 J. Duke, its owner and agent, or any other creditor that there was a pending Chapter 7
10 case involving Duke Investments LLC. On May 7, 2012, Mr. Duke filed Schedules
11 listing assets and debts, but did not name Evanjelina Gonzalez or the Executive
12 Director as potential creditors in the bankruptcy.
13

14 6. While reviewing the bankruptcy documents to determine if Commission
15 staff could file a proof of claim on behalf of Ms. Gonzalez, I found reference to an
16 application to sell Duke Investments LLC's Anchorage and Fairbanks liquor licenses.
17

18 7. On October 3, 2013, I spoke by telephone with a representative with the
19 ABC Board regarding the proposed license sales. The ABC board representative
20 confirmed that there was a pending application to sell Duke Investments LLC's
21 Anchorage liquor license, but that the transfer had yet occurred. She recommended
22 filing a notice of the existence of the Executive Director's claim on behalf of
23 Evanjelina Gonzalez directed to Sarah Oates. She did not advise that there was a
24 deadline to file that claim.
25
26
27
28

AFFIDAVIT OF LAURA CLAUSON FERREE - 2

ASCHR, Paula M. Haley, Executive Director, ex rel. Evanjelina Gonzalez v. Duke Investments, LLC, ASCHR No. J-10-007; OAH No. 13-0776-HRC; Anchorage Liquor License No. 4200.

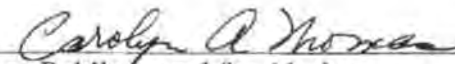
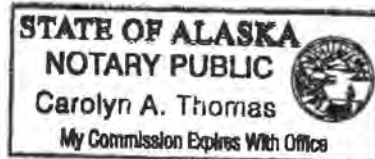
ALASKA STATE COMMISSION FOR HUMAN RIGHTS

800 A Street, Suite 204

Anchorage, Alaska 99501-3669
(907) 276-7474 FAX (907) 278-8588

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 26th day of November 2013 at Anchorage, Alaska.


Laura Clauson FerreeSUBSCRIBED AND SWORN TO before me on this 26th day of November
2013.
Notary Public in and for AlaskaMy Commission Expires: With Office**AFFIDAVIT OF LAURA CLAUSON FERREE - 3**

ASCHR, Paula M. Haley, Executive Director, ex rel. Evanjelina Gonzalez v. Duke Investments, LLC, ASCHR No. J-10-007; OAH No. 13-0776-HRC; Anchorage Liquor License No. 4200.

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
APPOINTMENT BY THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS**

Paula M. Haley, Executive Director, Alaska
State Commission for Human Rights *ex rel.*
EVANJELINA GONZALEZ,

Complainant,

v.

DUKE INVESTMENTS, LLC,

Respondent.



OAH No. 13-0776-HRC
ASCHR No. J-10-007

RECOMMENDED DECISION

I. Introduction

Evanjelina Gonzalez was employed as a server at Chili's Grill and Bar, a franchise restaurant owned and operated by Duke Investments, LLC. She injured her shoulder in 2008. After she recovered sufficiently to perform light duty work, her employer refused to allow her to return to work.

Ms. Gonzalez filed a complaint with the Alaska State Commission for Human Rights. The Commission investigated her complaint and ultimately issued an Accusation alleging a violation of AS 18.80.220. Duke Investments did not respond to the Accusation.

The Executive Director has filed a Motion for Order of Default. That motion requests a finding that Duke Investments has discriminated against Ms. Gonzalez, and requests specific relief against Duke Investments. Based on the evidence presented, Duke Investments did violate AS 18.80.220.

II. Facts

Ms. Gonzalez worked as a food and beverage server at Chili's Grill and Bar.¹ Chili's Grill and Bar is the business name used by Duke Investments.² Ms. Gonzalez injured her shoulder at work twice in 2008. Ms. Gonzalez received Workers Compensation benefits because

¹ Except where otherwise noted, the factual findings are based on Ms. Gonzalez's affidavit, which was attached as Exhibit 2 to the Motion for Order of Default.

² Exhibit 1, page 1.

of those injuries. She was restricted to lifting no more than ten pounds as a result of those injuries. Ms. Gonzalez had surgery in January of 2009, and, after a recovery period, was released to work on August 5, 2009, subject to a ten pound lifting restriction. She spoke with a manager who gave her two reasons for not being allowed to return to work. He said she couldn't return because of her limitations, and also because she was suing Chili's.³ The manager did not discuss the possibility of making reasonable accommodations that would allow her to work despite the lifting restriction, and did not offer to reassign her to another position where lifting more than ten pounds would not be a requirement.

Ms. Gonzalez worked through December 9, 2008, averaging \$721.77 per week for the 49 weeks she worked that year. The Chili's location she had worked at closed for business on March 4, 2012. Between August 5, 2009 and March 4, 2012, Ms. Gonzalez looked for work, but was unable to find other employment. She was available for work throughout that time, except for a seven week period when she was recovering from her second shoulder surgery.

III. Discussion

A. Duke Investments is in Default

Hearings before the Commission are governed by the procedures in the Administrative Procedure Act (APA), unless otherwise provided in AS 18.80.⁴ The APA provides

If the respondent does not file a notice of defense or does not appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence, and affidavits may be used as evidence without notice to the respondent.⁽⁵⁾

As reflected in the Office of Administrative Hearings' file, Duke Investments has been sent multiple notices in this matter.⁶ Duke Investments has not entered an appearance, has not filed an Answer to the Accusation,⁷ and did not participate in the case planning conference. Duke Investments has not opposed the pending motion. Because Duke Investments has not filed a

³ Ms. Gonzalez had not sued Chili's or Duke Investments. The manager may have been referring to Ms. Gonzalez's workers compensation claim. While it would be improper to retaliate against her simply for asserting a claim for workers compensation (AS 23.30.247), that issue is not within the Commission's jurisdiction.

⁴ AS 18.80.120(b).

⁵ AS 44.62.530.

⁶ Commission staff also made multiple attempts to communicate with Duke Investments, most of which were unsuccessful. See Exhibit 7, Affidavit of Andrew Sundboom; Exhibit 8, Affidavit of Jean Kizer; and Exhibit 9, Affidavit of Carolyn Thomas.

⁷ The "Answer" would constitute a Notice of Defense if it had been filed.

notice of defense, the Commission may take action based upon the evidence presented by the Executive Director.⁸

B. Evidence That May be Relied On

The technical rules of evidence do not apply to APA hearings. Instead,

Relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of a common law or statutory rule that makes improper the admission of the evidence over objection in a civil action. Hearsay evidence may be used to supplement or explain direct evidence but is not sufficient by itself to support a finding unless it would be admissible over objection in a civil action.¹⁹¹

Presenting evidence by affidavit is specifically allowed.¹⁰ In a contested case, a party wishing to rely on an affidavit must provide advance notice and allow the opposing party an opportunity to cross-examine the affiant.¹¹ When the opposing party is in default, however, the notice and opportunity to cross-examine is not required.¹²

In addition to the affidavit evidence, the Executive Director argues that Duke Investments' admissions may be relied on. Duke Investments failed to answer the accusation. Any allegation in the accusation that is not denied in the answer is "considered admitted."¹³ Duke Investment also did not respond to Requests for Admission submitted pursuant to Civil Rule 36.¹⁴ A request for admission is admitted if not objected to with 30 days.¹⁵

Because Duke Investments is in default, the APA permits the Commission to take action based on "respondent's express admissions[.]"¹⁶ However, the admissions in question here are not *express* admissions. They are admissions by operation of law based on Duke Investments' failure to respond to the Executive Director's Accusation and discovery request. The APA's default rule only allows reliance on express admissions. For the word "express" to have meaning

⁸ The Executive Director filed a notice indicating that Duke Investments is in Bankruptcy. This action is not stayed by the automatic stay provisions in the Bankruptcy law because it is an exercise of the state's police and regulatory powers. See *Universal Life Church v. U.S.*, 128 F.3d 1294, 1297 (9th Cir. 1997). The Executive Director has stated that recovery of any back pay would occur only after the bankruptcy proceedings end. This decision does not address when and whether the back pay award may be enforced against Duke Investments.

⁹ AS 44.62.460(d).

¹⁰ AS 44.62.470(a).

¹¹ *Id.*

¹² AS 44.62.530.

¹³ 6 AAC 30.410(i).

¹⁴ The civil discovery rules are applicable in Commission hearings. 6 AAC 30.510(a).

¹⁵ Civil Rule 36(a).

¹⁶ AS 44.62.530.

in this statute it must distinguish between admissions that were actually made, and those that have been implied by operation of law. There are only implied admissions in evidence in this case. Those admissions may not be relied on.¹⁷

C. Duke Investments Unlawfully Discriminated Against Ms. Gonzalez

It is unlawful to refuse employment to a person because of the person's physical disability when the "reasonable demands of the position do not require distinction" based on that physical disability.¹⁸ A physical disability includes any physical impairment that substantially limits one or more major life activities.¹⁹ Major life activities include performing manual tasks and working.²⁰ Alaska law also imposes a duty on an employer to reasonably accommodate a disability.²¹

In order to establish a prima facie claim for disability discrimination, the Executive Director must show (1) that Ms. Gonzalez has a disability as defined by Alaska law, (2) that she could perform the essential functions of the position with or without a reasonable accommodation, and (3) that Ms. Gonzalez has suffered an adverse employment decision because of her disability.²²

Ms. Gonzalez has a shoulder injury that restricts her ability to perform the manual task of lifting, and interferes with the life activity of working at any job where lifting more than ten pounds is a requirement.²³ Thus, she has a disability. Ms. Gonzalez has also suffered an adverse employment decision because of her disability. Duke Investments' manager told her that she could not return to work because of her disability.²⁴ This statement may be relied on for the truth of the matter asserted because the statement is not within the definition of hearsay.²⁵

¹⁷ A different result was reached in *Hubbard v. Alaska Computer Essentials*, OAH No. 08-0185-HRC (Human Rights Commission 2009). However, that case was based on a complaint filed before the 2006 amendments to AS 18.80 making the APA procedures applicable to Commission hearings. *Hubbard*, page 1 and page 4, n.30.

¹⁸ AS 18.80.220(a)(1).

¹⁹ AS 18.80.300(14). AS 18.80.300(15) defines physical impairment to include a condition affecting the musculoskeletal system.

²⁰ AS 18.80.300(10).

²¹ *Moody-Herrera v. State*, 967 P.3d 79, 87 (Alaska 1998).

²² *Smith v. Anchorage School District*, 240 P.3d 834, 843 (Alaska 2010).

²³ Affidavit of Ms. Gonzalez, ¶¶ 6, 17 – 18.

²⁴ Affidavit of Ms. Gonzalez, ¶ 7. The manager provided two reasons for refusing to allow Ms. Gonzalez to return to work. Only one of those reasons constitutes a violation of AS 18.80. In a mixed motive case, the employee need only show that the discriminatory motive was a motivating factor for the adverse employment decision. The burden then shifts to the employer to show that it would have made the same decision without considering the impermissible factor. *Mahan v. Arctic Catering, Inc.*, 133 P.3d 655, 662 – 663 (Alaska 2006). There is sufficient direct evidence of Duke Investments' discriminatory motive to shift the burden to Duke

The more difficult question is whether Ms. Gonzalez could have performed the essential functions of the position with or without a reasonable accommodation.

Restaurants use different models for serving food to customers and for clearing the table after the customer leaves. The record contains no evidence of how these tasks were accomplished at Duke Investments' restaurant. Were most items obtained by the customer from a self-serve buffet or brought to the table by the server? If brought to the table, was this done individually or by more than one server at a time? Was it brought on a tray or a rolling cart? Did the people who bring the food to the table clear afterwards, or were there different employees for that task? The record does disclose that Ms. Gonzalez was restricted to lifting no more than ten pounds, and this restriction limited her ability to perform some of the tasks normally required of a server, but it is not known whether those lifting tasks were essential functions of the job.

There is also evidence that at one time Duke Investments had light duty work available for Ms. Gonzalez to perform,²⁶ and that she believed she could remain employed by being transferred to a hostess or manager position.²⁷ Assigning light duty or transferring an employee to a different position can be reasonable accommodations in the right circumstances.²⁸ In order to determine whether those accommodations, or any other potential accommodations, were reasonable, Ms. Gonzalez and Duke Investments were expected to engage in an interactive process.²⁹ This process clarifies what the individual may need to remain employed, and what an appropriate accommodation to that need may be.³⁰ As part of the process, an employer must "analyze job functions to establish the essential and nonessential job tasks."³¹

Chili's did not engage in any type of interactive process with Ms. Gonzalez. Instead, it simply told her she could not return to work. When the employer fails to engage in the interactive process, liability may be imposed if there is sufficient

Investments, and because it has defaulted, Duke Investments has not proven by a preponderance of the evidence that it would have refused to allow Ms. Gonzalez to return to work even without considering her disability.

²⁵ Alaska Evidence Rule 801(d)(2)(C) & (D) (admissions by authorized representative or agent of party opponent not hearsay). Because the statement is not hearsay, the limitation on use of hearsay in AS 44.62.460(d) does not apply.

²⁶ Exhibit 3.

²⁷ Affidavit of Ms. Gonzalez, ¶ 8.

²⁸ See *Barnett v. U.S. Air, Inc.*, 228 F.3d 1105, 1111 (9th Cir. 2000), *vacated on other grounds* 535 U.S. 291 (2002).

²⁹ *Id.*

³⁰ *Barnett*, 228 F.3d at 1112.

³¹ *Barnett*, 228 F.3d at 1115.

evidence to allow a fact finder to conclude that there were at least plausible options that the employer should have explored, no matter what the outcome of that exploration ultimately was.^[32]

It is at least plausible that Ms. Gonzalez could have been assigned light duty tasks to assist other servers, or been transferred to a hostess position. Thus, Duke Investments is liable for a violation of AS 18.80.

D. Remedy

When a party is found to have engaged in a discriminatory practice, the Commission is required to order that the party refrain from engaging in that practice in the future.³³ The Commission may also order other appropriate relief, including requirements for training and posting of notices and awards of back pay to employees harmed by the discriminatory practice.³⁴ The Executive Director has requested these items as relief, and all are appropriate in this case. The Executive Director has also requested that Duke Investments adopt and disseminate a policy of nondiscrimination, and that relief is also appropriate under AS 18.80.130(a)(1).³⁵

The Executive Director has calculated Ms. Gonzalez's back pay based on her average income of \$721.77 per week.³⁶ This calculation does not include back pay for the seven weeks during which Ms. Gonzalez was recovering from her second shoulder surgery. It provides interest calculated quarterly at an annual interest rate of 3.75%,³⁷ and the calculation shows Ms. Gonzalez accruing back pay only through the date Duke Investments closed its Anchorage restaurant. The total back pay owed to Ms. Gonzalez, including interest through September 30, 2013, is \$101,293.86.³⁸

IV. Recommendation

Duke Investments engaged in discriminatory conduct when it refused to allow Ms. Gonzalez to return to work, and did not engage in an interactive process to determine whether she could perform the essential functions of her job with or without a reasonable

³² *Anchorage School District v. Alaska State Commission for Human Rights*, Case No. 3AN-10-10122CI (Superior Court 2011), page 19, available on line at <http://aws.state.ak.us/officeofadminhearings/Documents/HRC/HRC090233%20Superior%20Cr%20decision.pdf>.

³³ AS 18.80.130(a).

³⁴ AS 18.80.130(a)(1).

³⁵ See *Parrish v. A B & M Enterprises*, OAH No. 11-0064-HRC (ASCHR 2012) (requiring adoption and dissemination of policy prohibiting discrimination), available on line at <http://aws.state.ak.us/officeofadminhearings/Documents/HRC/HRC110064.pdf>.

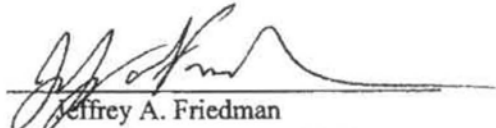
³⁶ See Exhibit 13.

³⁷ Pursuant to AS 18.80.130(f), the interest rate is the rate established by AS 09.30.070.

³⁸ *Id.*

accommodation. The Commission should order Duke Investments to refrain from engaging in this discriminatory practice. In addition, the Commission's order should award Ms. Gonzalez back pay, including interest, in the amount of \$101,293.86. The Commission's order should also require Duke Investments, if it resumes business in the future, to: 1) adopt and disseminate a policy of nondiscrimination that incorporates the Alaska Human Rights Law, including a policy prohibiting discrimination because of disability; 2) provide training to its managers, supervisors, and employees in the laws prohibiting discrimination in employment, with the training to be at least three hours long, and conducted in person by a trainer approved by the Commission prior to the training; and 3) permit the Commission to inspect the premises, interview witnesses, and examine and copy documents to ensure compliance with the Commission's order.

DATED this 30th day of October, 2013.



Jeffrey A. Friedman
Administrative Law Judge

MEMORANDUM

TO: Employment Security Division
Department of Labor
Department of Revenue

lee.bulaong-cortez@alaska.gov
theresa.mitchell@alaska.gov
bill.thompson@alaska.gov

FROM: Sarah D. Oates
ABC Board
2400 Viking Drive
Anchorage, AK 99501
263-5921 – Phone
263-5930 – Fax

May 21, 2013

SUBJECT: Transfer of Beverage Dispensary License Application

WITHIN 30 DAYS please notify our office if there is a reason to object to requested transfer.

License #: 4200
License Type: Beverage Dispensary

FROM:

DBA	Chilli's Grill & Bar
LICENSEE	Duke Investments, LLC
PREMISES LOCATION	No Premises (formerly 1811 Abbot Road, Anchorage 99507)
MAILING ADDRESS	PO Box 110210, Anchorage, AK 99511-0210
EIN	92-0174308
PHONE	907-677-0513 (David Duke)

TO:

DBA	No DBA
LICENSEE	Texas Roadhouse Holdings, LLC
PREMISES LOCATION	No Premises
MAILING ADDRESS	6040 Dutchmans Lane, Ste 200, Louisville, KY 40205
EIN	31-1515794
PHONE	502-638-5412

REVIEWED/APPROVED: OBJECT TRANSFER Employment Security ☒

DATE: 11/8/13 PHONE: 269-4836 Dept. of Revenue ☐

COMMENTS:

PURSUANT TO AS 04.11.360(4), THE DIVISION
OBJECTS TO THE REQUESTED TRANSFER

Account _1461400 Legal Name DUKE INVESTMENTS LLC
 Calculate to Date 11 08 2013 (Interest and/or Payment)
 Payment Amount. YR/QTR APPLIED

YR/QTR	Rpt	CP	Contrib Due	Int Due	Pen Due	%	Total Due
2009/2	F	N	21,132.33	10,845.22	0.00	0	31,977.55
TOTALS			21,132.33	10,845.22	0.00		31,977.55

GL9000I Processing completed successfully.
 F1=Help F3=Return F5=BTRA F7=Prev F8=Next F9=BTGF F10=BTAB F11=BC50
 F12=Calculate F13=BTAA Next _____

BTCC	BEUCLPB	Alaska Department of Labor Projected Dues	X3DV	11-08-2013 14:03:11
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Tab

17

**Consent Agenda
December 10, 2013**

- 4694 La Mex:** La Mexicana, Inc.; Anchorage
2550 Spenard Road
Transfer – Beverage Dispensary
From: No Premises d/b/a La Mex Too

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

- 2385 Party Time Plaza Liquor:** Trader Jim's, Inc.; Anchorage
5520 Lake Otis Parkway, Ste 107
Stock Transfer – Package Store
From: Jae Gak Lee (50%) to Ae Kyong Lee

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

- 5231 Suwanna Café:** Suwanna Café, LLC.; Juneau
8800 Glacier Highway, Ste 100
New – Restaurant / Eating Place

All statutory requirements have been met. City & Borough of Juneau does not protest.
Dept. of Environmental Conservation approves. Background investigations complete.

- 5261 The Rack:** Paul & Mikki's, Inc.; Dillingham
3310 Nina Way
New – Restaurant / Eating Place

All statutory requirements have been met. Dillingham does not protest.
Dept. of Environmental Conservation & State Fire Marshal approve.
Background investigations complete.

- 5257 Tokyo Garden:** Young S. Tang; Anchorage
550 W Tudor Road
New – Restaurant / Eating Place

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

4459 Turnagain Arm BBQ Pit: Turnagain Arm BBQ, LLC; Anchorage
3637 Old Seward Highway
Transfer – Restaurant / Eating Place
From: Chiang Mai, Inc. d/b/a Chiang Mai Ultimate Thai

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

Tab

18

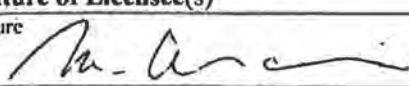

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: 5157		Waiver Fee	\$250.00
License Type: Common Carrier - Seasonal		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) N/A Alaska Waters		Total Submitted	\$250.00
Name of Licensee: Liquor License		*The fee is non-refundable	
Doing Business As (Business Name) Asuka II, MV		Telephone Number: 81-45-640-5391 / (604)734-0898	
Mailing Address: NYK Cruises Co., Ltd. c/o Wonderland Tours Inc.		Street Address or Location of Business Suite 607-2525 Willow Street, <i>Alaska Waters</i> City: Vancouver, B.C. V5Z 3N8 Canada	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.</p> <p>Cruise Ship, ASUKA II, operates an around the World Cruise in 2012, and went onto Alaska water from June 24 through 28, then left Alaska for going back to Japan.</p> <p>Since then, we have not had a cruise schedule to go into the Alaskan water.</p> <p>We will have a Cruise schedule to go to Alaska on our Around the World Cruise in 2015.</p>	

Signature of Licensee(s)	
Signature 	Signature 
Name (Please Print) MASAHIRO ARAI	Name (Please Print) MASAMI MASUYAMA
Date 23. Oct. 2013	Date 23. Oct. 2013.

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: 410		Waiver Fee	\$ 1,250.00
License Type: BEVERAGE DIS		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) MAT-SU BOROUGH (OUTSIDE CITY LIMITS)		Total Submitted	\$ 1,250.00
Name of Licensee: VIRGINIA K. JONES		*The fee is non-refundable	
Doing Business As (Business Name) FORKS ROADHOUSE BAR		Telephone Number: (443) 903-7618	
Mailing Address: 14044 BANE BERRY CIRCLE MANASSAS, VA 20112		Street Address or Location of Business MILE 19 PETERSVILLE RD City: TRAPPER CREEK, AK	

Waiver Request Information

This waiver application is the: ☒ 1st Request ☐ 2nd Request ☐ 3rd Request ☐ Other

Waiver Request for Calendar Year:

2013

Is this license for sale?

☒ Yes

☒ No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

THE FORKS ROADHOUSE BURNED TO THE GROUND IN THE SPRING OF 2012, THE LICENSE HAS BEEN FILED UNDER "NO PREMISE" BECAUSE OF THIS. PLANS ARE UNDER WAY TO REBUILD ON THE FORKS ROADHOUSE SITE BUT FINANCES HAVE DELAYED ACTUAL BUILDING, AS OF THIS DATE, IT IS THE PLAN TO OPERATE THIS LICENSE AT THE REBUILT PREMISE WITHIN ONE OR TWO YEARS.

Signature of Licensee(s)

Signature

Virginia K. Jones

Signature

Name (Please Print)

VIRGINIA K. JONES

Name (Please Print)

Date

NOVEMBER 29, 2013

Date

09/17/2013 14:37 9872729412
 Alcoholic Beverage Control Board
 5848 E Tudor Rd
 Anchorage, Alaska 99507
 (907) 269-0350
 FAX (907) 272-9412

ABC BOARD
**Waiver of Operation
 Application**

PAGE 01/01
 AS 04.11.330(a)(3)
 13 AAC 104.170

License Information		Fees*	
Liquor License Number: <u>4835</u>		Waiver Fee	\$ 1250.-
License Type: <u>Beverage Dispensary</u>		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized)		Total Submitted	\$ 1250.-
Name of Licensee: <u>MOA</u>		*The fee is non-refundable [15 AAC 104.170(c)]	
Doing Business As (Business Name): <u>Henri Hawaii Inc</u>		Telephone Number: <u>(907) 278-3263</u>	
Mailing Address: <u>411 W 4th Ave, Ste 200</u> <u>Anchorage, AK 99501</u>		Street Address or Location of Business: <u>201 E. Northern Lights Blvd, Ste B</u> City: <u>Anchorage</u>	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other	
Waiver Request for Calendar Year: <u>2013</u>	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.</p> <p>We are exploring the possibility of moving the liquor license to the Alaska Experience Theatre. Once we can make that determination, we will operate the license once again in 2014.</p>	

Signature of Licensee(s)	
Signature: <u>Darryl P. Wong</u>	Signature:
Name (Please Print): <u>Darryl P. Wong</u>	Name (Please Print):
Date: <u>10/16/2013</u>	Date:

**Waiver of Operation
Application**

AS 04.11.330(a)(3)

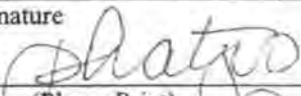
10558

License Information		Fees*	
Liquor License Number: 996		Waiver Fee	\$ 750 ⁰⁰
License Type: Package Liquor Store		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage		Total Submitted	\$ 750 ⁰⁰
Name of Licensee: XXXX Midtown Spirits LLC		*The fee is non-refundable	
Doing Business As (Business Name) La Bodega		Telephone Number: 907 830 9148	
Mailing Address: 6900 Big Mountain Dr Anchorage AK 99516		Street Address or Location of Business 194 Olympic Mountain Loop #C 107 City: Birdwood AK 99587	

Waiver Request Information	
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

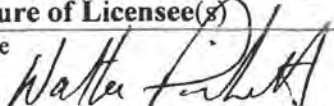
tried as hard as we could but space
will not be renovated in time for us
to open until mid-December

Signature of Licensee(s)	
Signature 	Signature
Name (Please Print) Pamela Hatzis	Name (Please Print)
Date 11/25/13	Date

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(1)(3) ^{104 69}

License Information		Fees*	
Liquor License Number:	1248	Waiver Fee	\$ 750.00
License Type:	PACKAGE STORE	Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized)	NOME UNORGANIZED BOROUGH	Total Submitted	\$
Name of Licensee:	THE NORTHWEST COMPANY INTL.	*The fee is non-refundable	
Doing Business As (Business Name)	NOME LIQUOR STORE	Telephone Number:	907-273-4600
Mailing Address:	North West Company International (Inc) Alaska Commercial Company 550 West 64th Avenue Suite 200 Anchorage, AK 99518-1720	Street Address or Location of Business 205 FRONT STREET City: NOME	
Waiver Request Information			
This waiver application is the: <input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other			
Waiver Request for Calendar Year:	2013	Is this license for sale?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.			
ALASKA COMMERCIAL CO. (NORTHWEST INTL.) PURCHASED THIS LICENSE FROM WAYNE BROWN. THE PURCHASE WAS NOT COMPLETED UNTIL LATE IN THE YEAR. IT IS TOO COLD AND TIME IS RUNNING OUT TO OPERATE BEFORE END OF 2013. THE BUILDING WE WOULD OPERATE OUT OF IS A WAREHOUSE AND THE ENTRY GETS VERY COLD WHEN OPEN FOR BUSINESS. IT IS ALSO BECOMING DARK VERY EARLY.			
Signature of Licensee(s)			
Signature		Signature	
Name (Please Print)	WALTER PICKETT	Name (Please Print)	
Date	11/4/13	Date	

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

10438

License Information		Fees*	
Liquor License Number:	4686	Waiver Fee	\$ 1,250 -
License Type:	Beverage Dispensary	Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized)	Mat-Su Borough	Total Submitted	\$ 1,250
Name of Licensee:	AGG Inv Inc Bruce Corson	*The fee is non-refundable	
Doing Business As (Business Name)	Sicily's Pizza	Telephone Number:	907 227-4492
Mailing Address:	205 E Diamond Blvd. Ste 395 Anchorage, AK 99515	Street Address or Location of Business	259 S McCallister Dr City: Wasilla

Waiver Request Information	
This waiver application is the:	<input checked="" type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other
Waiver Request for Calendar Year:	2013
Is this license for sale?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

The Sicily's location at 259 S. McCallister Drive increasingly became a pizza delivery business and not a walk-in customer pizza parlor. Severely declining liquor sales along with a change in ownership of 259 S. McCallister property led to our closing in late 2012. The license is listed for sale with Keller/Williams currently and prior to that; it was advertised for sale in various outlets; craigslist, newspapers and word of mouth.

Signature of Licensee(s)	
Signature	Signature
Name (Please Print)	Name (Please Print)
Date	Date
Bruce Corson	
Oct 23, 2013	

2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation
Application

10555

License Information		Fees*	
Liquor License Number: S170		Waiver Fee	\$ 1,500⁰⁰
License Type: Package store		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage		Total Submitted	\$ 1,500⁰⁰
Name of Licensee: Isles, Inc.		*The fee is non-refundable	
Doing Business As (Business Name) La Bodega		Telephone Number: 907 830 9148	
Mailing Address: PO Box 242522 Anchorage AK 99524		Street Address or Location of Business 5100 1200 W. Northern Lights, Ste f	
		City: Anchorage	

Waiver Request Information

This waiver application is the: <input type="checkbox"/> 1 st Request <input checked="" type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.

See attached letter from Middle way Cafe re: explanation.

Signature of Licensee(s)	
Signature P. Hatzis	Signature
Name (Please Print) Pamela Hatzis.	Name (Please Print)
Date 11/21/13	Date



Middle Way Café

ANCHORAGE, ALASKA

November 19th, 2013

Middle Way Café
1300 West Northern Light Blvd, Ste. G
Anchorage, Alaska 99503
(907) 272-6433

Dear ABC Board;

I am writing to you today to share with you the status of our planned new restaurant and leased package store concept at Northern Lights Center in Spenard. Specifically I would like to discuss our project completion schedule and how that will affect the opening date of the ABC Board approved La Bodega package store for the leased space at 1300 West Northern Light Blvd, Suite F in Anchorage.

The La Bodega store is a part of a larger high quality development that includes an expansion of our Middle Way Café operation, as well as a new artisanal restaurant featuring beer and wine, all of which was approved by the Spenard Community Council.

Due to delays in landing project financing, we are now planning for an opening date of March 15th, 2014 with construction to begin in December. The La Bodega store space may become available to lease up to a month earlier depending on how construction progresses.

I am grateful for La Bodega owner, Pamela Hatzis' patience and support through this ongoing process, and I hope this letter is sufficient to inform you of our intent to proceed with this exciting project.

Please contact me at your earliest convenience with any questions or concerns you may have. I may be reached at my mobile phone at 351-3083, or you may email me at joncampabello@yahoo.com. Thank you for your time.

Sincerely yours,

Jonathan Campabello
-owner

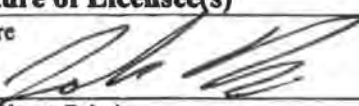
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

10490
AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: 2267		Waiver Fee	\$2,500.00
License Type: Beverage Dispensary		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage		Total Submitted	\$3,500.00
Name of Licensee: Regency Management, Inc.		*The fee is non-refundable	
Doing Business As (Business Name) Red Robin		Telephone Number: 907-561-5555	
Mailing Address: 4450 Cordova Street, Suite #100 Anchorage, AK 99503	Street Address or Location of Business No Premises		
	City: Anchorage		

Waiver Request Information	
This waiver application is the: <input type="checkbox"/> 1 st Request <input checked="" type="checkbox"/> 2 nd Request <input type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2012	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.</p> <p>Operation was closed in October 2010 and we periodically listed this license for sale during calendar years 2011 & 2012 year in the Anchorage Daily News. However, we are finalizing plans to operate this license in 2014, after we execute a lease and remodel an existing building in the Municipality of Anchorage. Current remodel plans are being worked on by our architects and new location should be open in Q1 2014.</p>	

Signature of Licensee(s)	
Signature 	Signature
Name (Please Print) John F. Friend	Name (Please Print)
Date 11/4/13	Date

Tab

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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

AS 04.11.330(a)(3)

License Information		Fees* \$2500.00	
Liquor License Number: 110		Waiver Fee	\$2500.00
License Type: Dispensary		Penalty (If applicable)	\$
Local Governing Body: (City, Borough or Unorganized) City of Nome, Nome, Alaska		Total Submitted	\$2500.00
Name of Licensee: T & C, Inc. <i>corp.</i>		*The fee is non-refundable	
Doing Business As (Business Name) <i>Bering Sea Saloon</i>		Telephone Number: 907 250-6064	
Mailing Address: PO Box 242594, Anchorage, AK 99524		Street Address or Location of Business – No Premise	
		City: Nome, Alaska	

Waiver Request Information	
This waiver application is the: <input type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input checked="" type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.</p> <p>License #110 was not operated in 2013. Trudy Sobocienski had two major surgeries in August and September of 2012 and is still recovering. This held up the process to start up a business until recently.</p> <p>Trudy and Columbus Sobocienski met with Wells Fargo Small Business Division with a business plan, personal financial statement, and a variety of other documents necessary to be considered for a commercial loan. We are in the midst of the loan approval process now.</p> <p>We have a commercial building that we intend to purchase, located on Front Street in Nome, AK. Our goal is to open the doors in March 2014 in time for the Iditarod.</p>	

Signature of Licensee(s)	
Signature <i>Columbus L. Sobocienski</i>	Signature
Name (Please Print) COLUMBUS L. SOBOCIENSKI	Name (Please Print)
Date 11/26/13	Date

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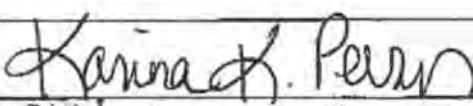
**Waiver of Operation
Application**

AS 04.11.330(a)(3)

10568

License Information		Fees*	
Liquor License Number:	534	Waiver Fee	\$ 1500 ⁰⁰
License Type:	Package Store	Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized)	Houston Matanuska-Susitna Borough	Total Submitted	\$ 1500 ⁰⁰
Name of Licensee:	Edward Evans Inc.	*The fee is non-refundable	
Doing Business As (Business Name)	(as previous:) Houston Lodge	Telephone Number:	907-232-3039
Mailing Address:	3091 Meadow Lakes Dr. Wasilla, AK. 99623	Street Address or Location of Business	No Premises
		City:	

Waiver Request Information	
This waiver application is for: <input type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input checked="" type="checkbox"/> 3 rd Request <input type="checkbox"/> Other	
Waiver Request for Calendar Year:	Is this license for sale?
2013	<input type="checkbox"/> Yes <input type="checkbox"/> No Sale pending
Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.	
Main premises was sold and we have been in the process of selling this License.	

Signature of Licensee(s)	
Signature	Signature
	
Name (Please Print)	Name (Please Print)
Robert T. Pevan	Karina K. Pevan
Date	Date
10-23-13	10-23-13

Tab

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Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

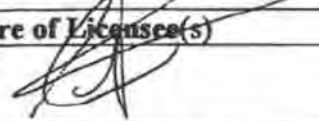
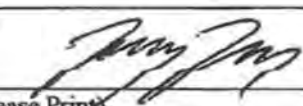
Waiver of Operation Application

10570
AS 04.11.330(a)(3)
\$ 2,500

License Information		Fees*	
Liquor License Number: 826		Waiver Fee	\$ 2500.00
License Type: Beverage Dispensary - Seasonal		Penalty (If applicable)	\$ 1,000.00
Local Governing Body: (City, Borough or Unorganized) Anchorage		Total Submitted	\$ 2500.00
Name of Licensee: Serrano's, LLC		*The fee is non-refundable	
Doing Business As (Business Name) Serrano's No DBA		Telephone Number: 569-6909	
Mailing Address: 6200 A. STREET ANCHORAGE, AK 99518		Street Address or Location of Business 640 W. 36 th Ave. No premises	
		City: ANCHORAGE	

Waiver Request Information	
This waiver application is the: <input type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input checked="" type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Serrano's, LLC is currently in the process of acquiring Angel Investors for a new location where this license will reside. We foresee an opening date in April 2014.

Signature of Licensee(s)	
Signature 	Signature 
Name (Please Print) Josue Picasso	Name (Please Print) Jorge Perez
Date 11-25-13	Date 11/25/13

Tab

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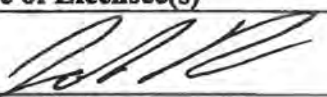
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501
(907) 263-5900
FAX (907) 263-5930

Waiver of Operation Application

10491
AS 04.11.330(a)(3)

License Information		Fees*	
Liquor License Number: 2267	Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Waiver Fee	\$5,000.00
License Type: Beverage Dispensary		Penalty (If applicable)	\$1,000.00
		Total Submitted	\$5,000.00
Name of Licensee: Regency Management, Inc.		*The fee is non-refundable	
Doing Business As (Business Name) Red Robin		Telephone Number: 907-561-5555	
Mailing Address: 4450 Cordova Street, Suite #100 Anchorage, AK 99503		Street Address or Location of Business No Premises	
		City: Anchorage	

Waiver Request Information	
This waiver application is the: <input type="checkbox"/> 1 st Request <input type="checkbox"/> 2 nd Request <input checked="" type="checkbox"/> 3 rd Request <input type="checkbox"/> Other _____	
Waiver Request for Calendar Year: 2013	Is this license for sale? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Explanation of the circumstances for non-operation of license. Include relevant information as to why the license was not operated, any future plans for operating the license and projected timelines. Attach additional sheets if necessary.</p> <p>Operation was closed in October 2010 and we periodically listed this license for sale during calendar years 2011 & 2012 year in the Anchorage Daily News. However, we are finalizing plans to operate this license in 2014, after we execute a lease and remodel an existing building in the Municipality of Anchorage. Current remodel plans are being worked on by our architects and new location should be open in Q1 2014.</p>	

Signature of Licensee(s)	
Signature 	Signature
Name (Please Print) John Fabian	Name (Please Print)
Date 11/4/13	Date

Tab

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ABC Board Meeting, December 10th, 2013

Notice of Violation Summary

= Current Violation

591	Westmark Inn - Skagway	8/26/2013	AB13-0103	1	Furnishing alcohol to a person under 21
591	Westmark Inn - Skagway	9/20/2004	04-0970	1	Prohibited conduct relating to drunken person
591	Westmark Inn - Skagway	9/20/2004	04-0971	1	Prohibited conduct relating to drunken person
591	Westmark Inn - Skagway	9/20/2004	04-0972	1	Prohibited conduct relating to drunken person
591	Westmark Inn - Skagway	9/24/2004	04-0973	1	Pricing and marketing
591	Westmark Inn - Skagway	5/28/2003	03-0037	1	Access of persons under 21 to the licensed premises
662	Douglas Island Breeze In	8/26/2013	AB13-0057	1	Furnishing alcohol to a person under 21
662	Douglas Island Breeze In	3/5/2012	12-0325	1	Furnishing alcohol to a person under 21
662	Douglas Island Breeze In	3/5/2012	12-0325	1	No server education
662	Douglas Island Breeze In	2/26/2010	10-0436	1	Furnishing alcohol to a person under 21
662	Douglas Island Breeze In	2/10/2010	10-0308	1	Posting of warning signs
662	Douglas Island Breeze In	7/3/2008	08-0793	1	Furnishing alcohol to a person under 21
1129	Liquor Barrel	10/10/2013	AB13-0162	1	Furnishing alcohol to a person under 21
1129	Liquor Barrel	9/4/2008	08-1134	1	Furnishing alcohol to a person under 21
1129	Liquor Barrel	9/4/2008	08-1134	1	No sever education
1129	Liquor Barrel	11/10/2007	07-1974	1	Furnishing alcohol to a person under 21
1129	Liquor Barrel	11/10/2007	07-1974	1	No sever education
1129	Liquor Barrel	10/14/2006	06-2105	1	Furnishing alcohol to a person under 21
1129	Liquor Barrel	7/7/2005	05-0546	1	No sever education
1139	Spenard Paradise Inn & Lounge	11/5/2013	AB13-0286	1	Licensee responsible for violations
1139	Spenard Paradise Inn & Lounge	11/5/2013	AB13-0286	1	Responsibility of licensee, agents, and employees
1139	Spenard Paradise Inn & Lounge	11/5/2013	AB13-0286	1	AS04.11.090 Serving off the licensed premises
1139	Spenard Paradise Inn & Lounge	10/10/2006	06-2018	1	Furnishing alcohol to a person under 21
1139	Spenard Paradise Inn & Lounge	4/7/2000	00-0039	1	Hours of sales
1139	Spenard Paradise Inn & Lounge	4/7/2000	00-0040	1	Prohibited conduct relating to drunken persons
1139	Spenard Paradise Inn & Lounge	2/26/2000	00-0030	1	Responsibility of licensee, agents, and employees
1139	Spenard Paradise Inn & Lounge	2/26/2000	00-0031	1	Hours of sales

1378	Alaskan Hotel	10/7/2013	AB13-0139	1	Furnishing alcohol to a person under 21
1378	Alaskan Hotel	3/6/2012	12-0332	1	Furnishing alcohol to a person under 21
1378	Alaskan Hotel	2/5/2010	10-0244	1	Fail to provide proof of server education
1378	Alaskan Hotel	6/1/2007	07-1345	1	Prohibited conduct relating to drunken persons
1378	Alaskan Hotel	12/16/2005	06-0006	1	Hours of sales
1378	Alaskan Hotel	5/15/2004	04-0872	1	Prohibited conduct relating to drunken persons
1378	Alaskan Hotel	5/15/2004	04-0873	1	Prohibited conduct relating to drunken persons
2275	Garcia's Cantina	10/29/2013	AB13-0237	1	Furnishing alcohol to a person under 21
2275	Garcia's Cantina	10/29/2013	AB13-0237	1	Allowing under 21 person to remain on licensed premises
2275	Garcia's Cantina	11/4/2008	08-1504	1	No server education
2275	Garcia's Cantina	11/4/2008	08-1504	1	Responsibility of licensees, agents, and employees
2275	Garcia's Cantina	11/4/2008	08-1504	1	Fail to show proof of server education
2275	Garcia's Cantina	11/4/2008	08-1504	1	Licensee responsible for violations
2275	Garcia's Cantina	8/9/2008	08-0980	1	Furnishing alcohol to a person under 21
2275	Garcia's Cantina	8/9/2008	08-0980	1	Allowing under 21 person to remain on licensed premises
2616	Chepo's Fiesta	1/10/2013	13-0049	1	Furnishing alcohol to a person under 21
2616	Chepo's Fiesta	1/10/2013	13-0049	1	No server education
2616	Chepo's Fiesta	1/10/2013	13-0049	1	Licensee responsible for violations
2616	Chepo's Fiesta	1/10/2013	13-0049	1	Penalty for making false statements
2616	Chepo's Fiesta	12/2/2005	05-1142	1	Furnishing alcohol to a person under 21
2616	Chepo's Fiesta	12/2/2005	05-1142	1	Allowing under 21 person to remain on licensed premises
2616	Chepo's Fiesta	12/2/2005	05-1142	1	Failure to show proof of server education
2616	Chepo's Fiesta	12/2/2005	05-1142	1	Allowing another to serve alcohol to under 21 person
2616	Chepo's Fiesta	12/2/2005	05-1142	1	No server education
2616	Chepo's Fiesta	11/24/2001	01-0066	1	Obligation to enforce restrictions in licensed premises
2616	Chepo's Fiesta	5/24/1999	99-0022	1	Furnishing alcohol to a person under 21
2616	Chepo's Fiesta	5/24/1999	99-0022	1	Allowing under 21 person to remain on licensed premises
2616	Chepo's Fiesta	2/2/2000	00-0006	1	Access of under 21 person to licensed premises
2616	Chepo's Fiesta	5/24/1999	99-0024	1	Responsibility of licensee, agents and employees
2616	Chepo's Fiesta	5/24/1999	99-0024	1	No server education
3120	The Asylum	10/12/2013	AB13-0139	1	Prohibited conduct relating to drunken person
3120	The Asylum	1/2/2012	12-0139	1	Access of drunken person to licensed premises

3120	The Asylum	12/12/2009	09-2225	1	Furnishing alcohol to a person under 21
3120	The Asylum	12/12/2009	09-2225	1	Allowing under 21 person on licensed premises
3120	The Asylum	12/21/2001	02-0006	1	Prohibited conduct relating to drunken person
3352	Costco Wholesale #107	10/7/2013	AB13-0138	1	Furnishing alcohol to a person under 21
3352	Costco Wholesale #107	10/9/2012	12-1047	1	Furnishing alcohol to a person under 21
3352	Costco Wholesale #107	9/25/2007	07-1842	1	AS04.11.150(a) Mail orders, no board notification
3352	Costco Wholesale #107	5/26/2006	06-0998	1	No server education
3352	Costco Wholesale #107	4/7/2005	05-0489	1	13AAC104.645, Written orders of alcohol
4229	Wines International	8/30/2013	AB13-0084	1	Furnishing alcohol to a person under 21
4229	Wines International	5/3/2011	11-0492	1	Furnishing alcohol to a person under 21
4229	Wines International	9/6/2008	08-1131	1	Furnishing alcohol to a person under 21
4229	Wines International	10/9/2006	06-2082	1	No server education
4542	The Trees RV Park & General Store	10/8/2013	AB13-0145	1	Furnishing alcohol to a person under 21
4542	The Trees RV Park & General Store	9/29/2010	10-1663	1	Furnishing alcohol to a person under 21
4749	Alaskan Liquor Store	9/10/2013	AB13-0098	1	Furnishing alcohol to a person under 21
	No previous history				
5114	88th Street Liquor Boutique	10/16/2013	AB13-0188	1	Furnishing alcohol to a person under 21
	No previous history				
5115	Wild Wings N Things	10/29/2013	AB13-0244	1	Furnishing alcohol to a person under 21
5115	Wild Wings N Things	8/31/2012	12-0941	1	Furnishing alcohol to a person under 21



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 09-18-2013
Number AB13-00103
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licenses Westmark Hotels, Inc.	License Number 691	Type of License Beverage Dispensary Tourism- Seasonal
D.B.A. Westmark Inn Skagway "Bonanza Bar & Grill"	How Delivered [X] Certified Mail # [] In Person	Law Enforcement Agency Skagway Police Department
Street or P.O. Box 800 5th Avenue, Ste 2600	City, State Seattle, WA	Zip 98104-3176

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 09-10-2013 at approximately 1402 hours, Vincent Schreiner, an employee of Bonanza Bar & Grill served an alcoholic beverage to a person under 21 years of age. This incident occurred during a compliance check.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(6) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

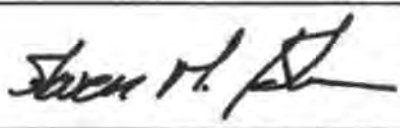
You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation.

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

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

A Response is Required

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

Receipt:	Violation Observed By: Steven M. Johnson
Filed By: 	Title: Investigator III

Cote, Shirley A (CED)

From: Cote, Shirley A (CED)
Sent: Friday, September 27, 2013 4:26 PM
To: 'jsager@hollandamerica-princess.com'
Cc: Johnson, Steven M (CED); Beasley, Robert L (CED)
Subject: Notice of Violation AB13-00103
Attachments: Westmark-Skagway-NOV 9-27-13.pdf

Dear Mr. Sager,

I am in receipt of your response to the Notice of Violation and understand that if an acquittal or dismissal occurs that you request the Notice of Violation be removed from the licensing file. Notices of Violation are not removed from the file; however, after the resolution of the case I will need to know the reason for the acquittal or dismissal before considering dismissal of the Notice of Violation. In the meantime I appreciate the efforts taken to ensure compliance with the laws and regulations. If you have any questions please do not hesitate to contact me or Investigator Steve Johnson.

Best Regards,

Shirley Côté

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

RE: Notice of Violation #AB13-00103

Dear Ms. Cote':

I am writing in response to the above referenced Notice of Violation issued on 9/10/13 and received by myself, Jim Sager on 9/25/13. I am the Hotel General Manager for the Westmark Inn Skagway that operates the Bonanza Bar & Grill.

As to the substance of the Notice of Violation, Vince Schreiner, a Westmark Inn Skagway employee, was contacted by ABC enforcement regarding service to a minor on 9/10/13 at 2:02pm. However, formal charges have yet to be filed by the District Attorney's Office.

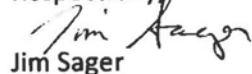
Until charges against Vince Schreiner are resolved, any action on the NOV would be premature. We request that in the event of acquittal or dismissal of charges that the Notice of Violation be removed from our ABC licensee file on record for **license number #591**.

Following the incident, we have taken the following steps to ensure all staff are adhering to the laws of Title IV and providing responsible service:

1. We have reviewed with the staff, the regulations pertaining to this NOV in the 2012 Edition of the ABC Title IV statute book. AS 04.16.052.
2. We held a meeting on 9/10/13 with the entire bartending and service staff to review proper ID checking procedures and the type of identification we accept.
3. We are requiring Vince Schreiner to take an alcohol server education course again.
4. As we closed all F&B operations for the season on September 18th, 2013, I will set up an alcohol server education refresher course, with our local instructor, for all service staff prior to our opening Mid May 2014 for the summer season.

In conclusion, I take incidents of this nature very seriously. I thank you for considering this response to the Notice of Violation. I may be contacted by phone or email.

Respectfully,



Jim Sager

General Manager

Westmark Inn Skagway

907-983-6096

jsager@hollandamerica-princess.com



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

Date: 9-5-13
Number AB13-0057
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee	License Number	Type of License
Breeze in Corporation	662	Package Store
D.B.A.	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency
Douglas Island Breeze-In		Juneau Police Department
Street or P.O. Box	City, State	Zip
PO Box 32318	Juneau, AK	99803

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 8-26-13, at about 1507 hours, Douglas Island Breeze-In clerk Maximillian Williams sold an alcoholic beverage to a person under the age of 21. The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

3 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 13-007
Filed By: <i>JL Hamilton</i>	Title: Investigator III

Attorneys At Law
BAXTER BRUCE & SULLIVAN P.C.
Professional Corporation

P.O. Box 32819
Juneau, Alaska 99803
(907) 789-3166 (Telephone)
(907) 789-1913 (Facsimile)
www.baxterbrucelaw.com

Daniel G. Bruce
Kevin J. Sullivan
Kris L. Barnum
Megan A. Wallace
Fred J. Baxter (Retired)

September 27, 2013

VIA EMAIL to shirley.cote@alaska.gov and FAX to (907) 272-9412

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

Re: Breeze In Corporation Notice of Liquor Violation, No. 13-007
Alaska License No. 662
Our File No. 3471-022

Dear Director Cote':

I represent Breeze In with regard to the Notice of Violation it received from the Alcohol Beverage Control Board, dated September 5, 2013. This was a notice of furnishing alcoholic beverage to a person under the age of 21 on or about August 26, 2013 at the Breeze In located at 3370 Douglas Highway in Juneau, Alaska.

The Notice required Breeze In to respond to the Director of the Alcohol Beverage Control Board in writing to explain what action Breeze In has taken to prevent a reoccurrence of the violation. While the Notice was dated September 5, 2013, due to internal mail handling within the company, the certified letter was not presented to management until September 24, 2013. Please consider this Breeze In's response to this notice of violation, and we apologize for the delayed response and appreciate in advance your consideration of the ten day response requirement beginning on September 24, the date management was provided with the Notice of Violation.

Breeze In requires a Training for Alcohol Professionals ("TAP") certification of all employees selling alcohol. Breeze In Employee Maximillian Williams was hired on August 8, 2013, and was still within the 30 day grace period for obtaining his TAP card when the violation occurred. Mr. Williams was scheduled to complete the TAP training class at the first available class on September 8, 2013. Unfortunately, that class was cancelled and moved up to September 1, where Mr. Williams had a conflict to attending.

Director Shirley Cote

September 27, 2013

Page 2 of 3

Mr. Williams will be attending the next available TAP class, currently scheduled for October 13, 2013.

Breeze In has adopted and implemented a written policy against selling alcohol products to persons under 21 years of age. This policy is attached hereto as Exhibit "1." In addition to the TAP certification which employees must obtain, the manual reiterates Breeze In's policy on alcohol sales and the disciplinary action employees may face for an unlawful sale, in addition to fines and criminal penalties under Alaska law.

Breeze In employee Maximilliam Williams received a copy of Breeze In's written policy in August of 2013, when hired. Mr. Williams agreed not to sell liquor products to any person under the age of 21 and agreed to require and check a valid government-issued photo identification card that establishes the bearer's date of birth.

Breeze In has recently implemented a point of sale system which requires the keyed input of the date of birth on the government identification in order to process a sale, which immediately provides a "red flag" if the date does not conform to age requirements for sales of alcoholic beverages, and will not consummate the sale transaction. Mr. Williams did not request a valid government photo identification card from the minor, and therefore did not enter a date of birth that would trigger the red flag in this instance. Disciplinary action is pending against Mr. Williams at this time.

Breeze In immediately took action to prevent a reoccurrence of the violation, as follows:

1. Removed Mr. Williams from the liquor sales counter and moved him to the non-liquor sales counter until he has taken his TAP class and better understands the seriousness of compliance with both the State laws and Breeze In's policies, including Breeze In policies requiring employees to check government-issued identification and properly enter the date of birth contained thereon into the point of sale system before making a sale of alcohol;
2. Increased training of all employees to understand the significance of the "red flag" on the point of sale system;
3. Will continue to require all agents/employees to certify in writing that the agent/employee has been informed of and understands Breeze In's written alcohol sale policies and requirements of Alaska law regarding alcohol sales; and
4. Will continue to require agents/employees to verify the age of purchasers of alcohol products by means of a valid government issued identification via Breeze

Baxter Bruce & Sullivan P.C.

Director Shirley Cote'

September 27, 2013

Page 3 of 3

In's point of sale system. We believe this to be an isolated incident in which Mr. Williams did not appreciate the depth of his responsibility when serving/selling alcoholic beverages, and that it will not occur again in the future.

If you have any questions or need additional information, please feel free to contact me by telephone at (907) 789-3166 or by email at dbruce@baxterbrucelaw.com.

Best regards,

BAXTER BRUCE & SULLIVAN P.C.

A handwritten signature in black ink that reads "Daniel Bruce". The signature is written in a cursive, flowing style.

Daniel G. Bruce

DGB:hnm

Enclosures: As stated



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-21-2013
Number AB13-00162
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Thibodeau's Market Inc	License Number 1129	Type of License Package Store
D.B.A. Liquor Barrel	How Delivered [X] Certified Mail # [] In Person	Law Enforcement Agency Juneau Police Department
Street or P.O. Box PO Box 20290	City, State Juneau, AK	Zip 99802

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 10-10-2013 at approximately 1324 hours, Frederick Howard, an employee of Liquor Barrel sold an alcoholic beverage to a person under 21 years of age. This incident occurred during a compliance check.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years


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 recurrence of this violation.

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

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

A Response Is Required

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

Receipt:	Violation Observed By: Steven M. Johnson
Filed By: 	Title: Investigator III

Thibodeaus Market Inc.
PO Box 20290
Juneau, AK 99802
Phone 907-780-4482
Fax 907-780-4708
Email sbb@alaska.net

November 3, 2013

Shirley A. Cote, Director
Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, Ak 99507

Re: License # 1129, Violation # AB13-00162

This is in regards to the violation by one of our clerks, Frederick Howard, on 10/10/2013 at Liquor Barrel. Following the incident we reprimanded the employee and advised him under no circumstances should this happen again and if it does he will be terminated. He was told that Thibodeau's Market Inc. takes it very seriously when identification is not checked correctly and alcohol is sold to a minor.

Thank you for your time in this matter.



Pete Thibodeau
Thibodeaus Market Inc.
Kenny's Liquor



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

Date: 11-14-13
Number AB13-0286
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Hyun Ju Song & Kyong Song	1139	Beverage Dispensary - Tourism
D.B.A.	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency
Spenard Paradise Inn & Lounge		Anchorage Police Department
Street or P.O. Box	City, State	Zip
3001 Spenard Road	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 11-5-13, at about 1836 the Wild Chicken, a restaurant located within the Spenard Paradise Inn & Lounge, failed an underage compliance check by furnishing alcohol to a person under 21. Investigation revealed the Wild Chicken does not have a liquor license. Hanging on the wall of the restaurant, is a restaurant designation permit issued to the Song's. Further investigation revealed the Wild Chicken space was leased to Su Chong An, owner of Wild Chicken, beginning on 6-1-13. Since that time, employees of the Wild Chicken have been serving alcoholic beverages from the Song's establishment. This is a violation of Title IV.

Your attention is directed to **AS 04.16.150: Licensee responsible for violations, AS 04.21.030: Responsibility of licensees, agents and employees, AS 04.11.090: Beverage dispensary license.**

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

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

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

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Underage Buyer 11-005
Filed By: <i>JR Hamilton</i>	Title: Investigator III

November 20, 2013

PARIDISE HOTEL
Kyong T Song , Owner
Dennis Elstad, GM
,3001 Spenard Rd
ANCHORAGE, Ak 99503

Re: Lic # 1139 Spenard Paradise Inn

Dear Director,

My name is Dennis Elstad , I work for the Spenard Paradise Inn . I am the General Manager of Paradise Properties, and the LIAISON for Mr. Song as well as Su Chong An for the Wild Chicken.

I will try to address the items in order that they are in the NOTICE OF VIOLATION yes , MS. An of Wild Chicken was cited, I spoke with both Joe and Brandon the following day at the Paradise Inn they explain what the waitress did in serving a minor, she did check for I.D and computed the date wrong. She goes court 11/25/13 and will not contest her violation. I spoke to MS An about going back to a TAP/Tam class, now since CHARR offers a KOREAN Class so she will comprehend better, so this does not happen again. We pulled RDP and there is no liquor service available at Wild Chicken.

In regards to Mr. Songs violations, we read Title IV and we understand what we did wrong, I'm amiss that it went this far, I spoke with Sara when applying for a Restaurant Eatery Lic . and a RDP for several weeks almost daily prior to ever filing the new application for a new Lic. for the Wild Chicken that was for Su Chong An and her partner Ming ZHE Zheng .

In the new application in the t financial interest portion, it states Mr. Song had no interest in that business. I also spoke to Brandon several times on the phone and also 3 times at the lounge and in the Wild Chicken , he commented on how much money she had spent remodeling Regards to the RDP he told me that she needed to keep the Draft Beer Machine, that she wanted in the lounge until she got her own Beer/Wine Lic. then we look at the area in bar that we could temporarily place the machine which was the liquor room connected to the side of the bar, which he approved.

On the day he delivered the RDP, Brandon explained that once she received her Lic. that the bar could no longer service the Wild Chicken. After writing this, it appears that we had miss communication If you have any further questions my cell # is 748-0202.

I hope I answered all your questions

cc Kyong Song
Su Chong An

Sincerely
Dennis Elstad





Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-21-2013
Number AB13-00139
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Alaskan Hotel & Bar Inc.	License Number 1378	Type of License Beverage Dispensary-Tourism AS 04.11.400(d)
D.B.A. Alaskan Hotel	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # <input type="checkbox"/> [] In Person	Law Enforcement Agency Juneau Police Department
Street or P.O. Box 167 South Franklin Street	City, State Juneau, AK	Zip 99801

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 10-07-2013 at approximately 1540 hours, Theron Jenne, an employee of the Alaskan Hotel served an alcoholic beverage to a person under 21 years of age. This incident occurred during a compliance check.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years


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 recurrence of this violation.

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

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

A Response is Required

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

Receipt:	Violation Observed By: Steven M. Johnson
Filed By: 	Title: Investigator III



Established 1913

JUNEAU ALASKA

Alcoholic Beverage Control Board

2400 Viking Dr.

Anchorage, Ak 99501

Re: NOV 10/17/2013; AS 04.16.052: *Furnishing of alcoholic beverages to persons under the age of 21 by licensees.*

Dear Sirs,

This letter is written in response to a *Notice of Violation* received recently as part of a JPD sting operation. One of our bartenders, Paul Theron Jenne, served a minor without checking her ID. Paul has been a bartender for over 20 years, and this goes to show that even the most experienced bartender can become remiss when not paying attention. Shortly after the event, I called a staff meeting and talked to the bartenders about the importance of carding everyone that looks 30 or younger, just to be safe. It is of utmost concern to us that we have staff that are "on the ball" at all times, as it only takes one mistake to spell catastrophe.

It isn't just the new staff that need to be trained to examine ID's, but it needs to be reiterated to the older staff, lest they become complacent.

Sincerely,

Joshua Adams

General Manager

Alaskan Hotel and Bar, Inc.

167 So. Franklin

Juneau, Ak 99801



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

Date: 11-4-13-13
Number AB13-0237
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee Garcia's Birchwood Ltd Partnership	License Number 2275	Type of License Beverage Dispensary
D.B.A. Garcia's Cantina	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 11901 Business Blvd, Ste 104	City, State Anchorage, AK	Zip 99577

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 10-29-13, at about 1344 hours, Garcia's Cantina bartender Mary Jo Larson furnished an alcoholic beverage to a person under the age of 21 (age 20) and then allowed the under 21 person to remain on the premises. The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

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

Receipt:	Violation Observed By: Underage Buyer 11-005
Filed By: <i>JR Hamilton</i>	Title: Investigator III

To ABC Board Director,

This is to inform you that I have went through to all my wait and bar staff to retrain them on the importance of not only checking the id, but making sure they get proper year on said id. My employee that served the minor that you sent in did card this person, but her math was wrong. She didn't remember that each computer has a born on this day sticker with 1992 on it. Also I have the calendar with the born on year and day on it as you walk in the dining room from the kitchen.

Her error does not make it right, so I made sure to tell them that no matter how busy you get, take the extra time to card them right. I take this seriously and have a policy that if it happens twice they will be terminated.

I appreciate the work you guys do on trying to make this industry safer.

Thank you for your understanding,

Ronn Laurin, owner


Garcia's Cantina & Cafe
11901 Business Blvd. Suite 104
Eagle River, AK 99577
694-8600
License Number 2275

11/08/13



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 10-21-2013
Number AB13-00139
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee The Asylum LLC	License Number 3120	Type of License Beverage Dispensary
D.B.A. The Asylum	How Delivered <input checked="" type="checkbox"/> Certified Mail # <input type="checkbox"/> In Person	Law Enforcement Agency Ketchikan Police Department
Street or P.O. Box 522 Water Street	City, State Ketchikan, AK	Zip 99901

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 10-12-2013 at approximately 0209 hours, staff members of The Asylum bar were given verbal warning by officers of the Ketchikan Police Department for allowing drunken persons; namely Doug Vill and Lonnie Taylor to remain on the licensed premises as well as serving the aforementioned drunken persons.

Your attention is directed to:

Sec. 04.16.030. Prohibited conduct relating to drunken persons. (a) A licensee, an agent, or employee may not with criminal negligence

(1) sell, give, or barter alcoholic beverages to a drunken person;

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


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

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

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

A Response is Required

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

Receipt:	Violation Observed By: Officer Christopher Travers, Ketchikan Police Department
Filed By: 	Title: Investigator III

Alcohol Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

October 28, 2013

Re: Notice of Violation- Number AB13-00190

Violation: On 10-12-2013 two Ketchikan Police Officers came to the Asylum Bar. It was several minutes after 0200 hours.

At 2:00 AM, one of our employees had made what she termed a "courtesy" call to the police because she saw two men fighting in the street.

The two officers, Sgt. Walker and Officer Christopher Travers, came to the door and asked me to come outside. I complied and I was told about our responsibility regarding conduct relating to drunken persons.

The two men fighting were not known to me. They purchased their first drink and were served about 6-6:30 PM. No other beverages were purchased by them until 11:00 PM. This was a pitcher of beer. Our staff was told that was to be their last purchase.

They were both on the first floor during their time in the bar. It may be that other folks bought them drinks. I can only hazard a guess since this often times does happen in most bars. At no time were they causing any problems, nor did they appear to be drunk.

We made our usual "last call" at 1:45AM and at 1:50AM our usual "Everybody Out!" Herding them out the door which was then locked.

After Sgt. Walker paused, I asked him if he wanted me to call a cab for the two men to send them home. He replied that I should get them a hotel room or get them to the hospital. Meanwhile I looked around and the two men seemed to have gone. I don't know if Officer Travers took them or just told them to get lost. Then both Sgt. Walker and Officer Travers left and I returned to the bar to continue our closing clean-up.

Jose Sepulveda,
Night Manager

The Asylum

Page 2

The above is my brother's account of the events of 10-12-2013. Your letter has been shared with all of our staff using it as a means to emphasize the importance of being aware of legal prohibited behavior.

Sincerely,



Carlos Sepulveda

Co- Owner- The Asylum



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

Date: 10-24-13
Number AB13-0138
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Costco Wholesale Corporation	3352	Package Store
D.B.A. Costco Wholesale #107 5225 Commercial Way	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Juneau Police Department
Street or P.O. Box 999 Lake Drive	City, State Issaquah, WA	Zip 98027

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 Costco Wholesale #107 clerk James Jeffrey Marshall sold an alcoholic beverage to a person under the age of 21 (age 19). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

3 AAC 304.525 (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: F.R. Hamilton
Filed By: <i>F.R. Hamilton</i>	Title: Investigator III

REEVES AMODIO LLC
ATTORNEYS AT LAW



November 4, 2013

VIA EMAIL (shirley.cote@alaska.gov) AND FACSIMILE (272-9412)

Ms. Shirley Cote
Director
Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Re: Costco Wholesale Corporation d/b/a Costco Wholesale #107
5225 Commercial Way
License Number 3352
Notice of Violation Number: AB13-0138

Dear Shirley:

I am writing on behalf of Costco Wholesale Corporation ("Costco" or "We") in response to Notice of Violation No. AB13-0138 ("NOV"). The NOV alleges that our clerk, James Marshall, sold alcoholic beverage to a person under the age of twenty-one (21). Costco endeavors to sell products in accordance with all applicable laws, including state alcoholic beverage laws. Costco also endeavors to train its employees to request and scrutinize proper identification to determine whether a customer is old enough to purchase alcoholic beverages. Further, all of our employees in Alaska responsible for alcohol sales have valid TAM cards, in accordance with law.

Despite the training received by our employees and the oversight provided by Costco, an error may still, occasionally, occur. That appears to be what happened here. After investigating the facts and circumstances relating to the NOV, it appears that the allegation is correct. The clerk in question, Mr. Marshall, asked for ID, checked the ID, but made a mistake and made a sale to a person under the age of twenty-one (21) which is, of course, a violation of state law.

Costco takes any violation (or alleged violation) very seriously, and has taken several steps to ensure that a similar violation does not occur again. Costco has provided formal counseling to Mr. Marshall regarding this matter, as well as confirming that he has a valid TAM card. Upon learning of the violation, Costco also immediately transferred Mr. Marshall from the liquor department. Further, all employees working in the liquor sales area have received additional instruction as to the applicable law, especially the fact that persons under the age of twenty-one (21) cannot purchase alcoholic beverages, and as to the importance of reviewing all ID's carefully. All such employees have also been apprised of this violation, and have been instructed to use special care when they are presented with any ID.

Direct Phone
(907) 222-7104

Direct Facsimile
(907) 222-7199

E-Mail
tom@reevesamodio.com

500 L
STREET
Suite 300
ANCHORAGE
Alaska
99501

Telephone
(907) 222-7100
Facsimile
(907) 222-7199
Website
www.reevesamodio.com

Ms. Shirley Cote
Director, ABC Board
November 4, 2013
Page 2

Costco regrets the occurrence of the violation. We strive to be a responsible package store license holder and regard compliance with applicable law and regulation as a mandatory code of conduct to be observed at all time. We believe that the steps described above will help to ensure that such violations do not occur in the future.

If you should have any questions, please do not hesitate to call me.

Sincerely,
REEVES AMODIO LLC

A handwritten signature in blue ink, appearing to read 'Thomas P. Amodio', is written over the typed name. The signature is stylized with large, sweeping loops.

Cc: Deanna Nakashima, Director of Licensing
Costco Wholesale Corporation



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

Date: 9-17-13
Number AB13-0084
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee	License Number	Type of License
Wines International Ltd.	4229	Package Store
D.B.A.	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency
Wines International		Ketchikan Police Department
Street or P.O. Box	City, State	Zip
#5 Salmon Landing, Ste 108	Ketchikan, AK	99901

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 8-30-13, at about 1200 hours, Wines International clerk Heidi Marie Hansen sold an alcoholic beverage to a person under the age of 21 (age 18). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

3 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: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III

Wines International, LTD

**#5 Salmon Landing, Ste. 108
Ketchikan, AK 99901**

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

In response to violation number AB13-0084:

On August 30th, 2013, Heidi Hansen illegally sold alcohol to a minor while employed at Wines International, LTD (license # 4229). We have had several staff meetings, at which employees are informed of the importance of checking all customer identification. Heidi has since been dismissed from her position. We will continue to reiterate the importance of following all alcohol regulations to our employees.

Thank you,

A handwritten signature in cursive script, appearing to read "Katie Chapel".

Katie Chapel, Manager



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

Date: 10-21-13
Number AB13-0145
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee The Trees LLC	License Number 4542	Type of License Package Store
D.B.A. The Trees RV Park & General Store	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Petersburg Police Department
Street or P.O. Box PO Box 404	City, State Petersburg, AK	Zip 99833

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 10-8-13, at about 1651 hours, The Trees RV Park & General Store clerk Harold Edwin Ballou sold an alcoholic beverage to a person under the age of 21 (age 19). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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 recurrence of this violation.

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

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

A Response is Required

3 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: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III

November 1, 2013

To: Shirley A Cote, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

From: The Tree's LLC
Larry Dunham
Alcohol License Number: 4542
PO Box 404
Petersburg, AK 99833

Dear Ms. Cote

This letter is in response to your Notice of Violation, dated 10/21/2013. On 10/08/2013 my Day Manager, Harold (Skip) Ballou, was cited for sale of an alcoholic beverage to a minor. Your notice has requested explanation of what actions I am taking to prevent re-occurrence of future violations.

I take responsibility for compliance very seriously. Up to this point, I have utilized daily calendar updates of legal purchase age, which is displayed at my service counter. In addition, I counsel each of my employees on the significance of validating ID's on all individuals who could likely be under age. I now realize that this approach is too subjective. As soon as this citation occurred, I instituted the following;

1. Counseled all employees again on the legal requirements of Title IV and the ramifications of this citation to both the employee and my business.
2. I have placed signs on the exterior bulletin board, interior bulletin board, entrance to the package store, and notices on all alcohol cooler doors, that we card 100% of all patrons.
3. All employees have been required to re-read the TAM training guide that is kept on the premises and sign a statement that they understand the requirement to card 100% of patrons attempting to purchase alcoholic beverages.
4. Any employee not complying with the new policy will be terminated.

As with many small local businesses, this has been a very difficult year to find adequate staffing to keep the business open. As a result, employees are working longer hours trying to manage multiple sales tasks (convenience store/package store/RV Park).

I would like to request consideration of leniency for Mr. Ballou, my Day Manager, who is 67 years old, retired and on a limited income. At the time of this citation, Mr. Ballou had been filling in for several days for another employee who was in

Anchorage having surgery, and was very tired. It is very non-typical for him not to card a younger person, as I often receive complaints from customers in their mid to late 20's, that he is overzealous in this area of service. He is a very serious and valued employee who takes his responsibilities to heart and helps train and counsel new employees on legal requirements and their resulting personal liability.

I would hope you take these statements into account in your determination of actions to be taken as a result of this incident. My staff and I are very proud of the business and our service and responsibility to our community. We strive to maintain a professional operation at all times. If you have additional questions, please free to contact me on my cell at 907 518-0567.

Respectfully

A handwritten signature in cursive script that reads "Larry Dunham". The ink is dark and the signature is fluid, with a long, sweeping underline.

Larry Dunham
The Tree's LLC



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

Date: 9-18-13
Number AB13-0098
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee G&C Inc.	License Number 4749	Type of License Package Store
D.B.A. Alaska Liquor Store 655 Broadway St., Unit A	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency Skagway Police Department
Street or P.O. Box PO Box 199	City, State Skagway, AK	Zip 99840

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 9-10-13, at about 1411 hours, Wines International clerk Rebecca Ann Baker sold an alcoholic beverage to a person under the age of 21 (age 18). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

3 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: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III

September 30, 2013

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

Director Cote,

I am writing in response to Notice of Violation number AB13-0098. The Package license number that was cited for the violation is #4749.

First of all, I want to acknowledge that I take the responsibilities that come with a liquor license very seriously. I have operated my other package license for over 10 years without incident or violation. I was extremely upset that this employee and thus my store did not pass a compliance check. In addition to alcohol management training we have had many in house discussions about I.D. checking protocol. The "Born On" Calendars are always beside the registers to assist the employees.

Going forward, I am requiring all employees to take their alcohol management training classes each year whether their card is due to expire or not. I will also be requiring that the employee not only look at a person's identification for proof of age but also ask the person their date of birth while examining the document. Hopefully this will provide a second opportunity to fully validate the age of the customer. I will be reiterating the responsibilities and policies the employees must follow in bi-weekly reminders to all staff.

The employee in question has not been retained and although this has never happened before, it is my policy to terminate any employee that violates any regulation.

I appreciate being given the opportunity to respond to this notice of violation.

Sincerely,

A handwritten signature in blue ink that reads "Carol Bourcy". The signature is fluid and cursive, with the first name "Carol" being more prominent than the last name "Bourcy".

Carol Bourcy
G&C Inc. dba Alaska Liquor Store
P.O. Box 199
Skagway, Alaska 99840



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

Date: 10-17-13
Number AB13-0188
Page 1 of 1 Page

Notice of Violation

(3AAC 104.525)

Licensee Prinillas, LLC	License Number 5114	Type of License Package Store
D.B.A. 88th Street Liquor Boutique	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 2300 E. 88th Avenue	City, State Anchorage, AK	Zip 99507

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 10-16-13, at about 1943 hours, 88th Street Liquor Boutique licensee Patricia Jan Gialopsos sold an alcoholic beverage to a person under the age of 21 (age 19). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

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

Receipt:	Violation Observed By: Underage Buyer 13-008
Filed By: <i>JL Hamilton</i>	Title: Investigator III

REEVES AMODIO LLC
ATTORNEYS AT LAW



November 8, 2013

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

Re: Prinillas, LLC
License Number ~~3352~~ 5114
Notice of Violation Number: AB13-0188

Dear Ms. Cote':

We are writing on behalf of Prinillas, LLC ("Prinillas".) We are in receipt of the above-referenced Notice of Violation, which alleges that Prinillas' clerk, Patricia Gialopsos, sold an alcoholic beverage to a person under the age of twenty-one (21). Ms. Gialopsos was issued a summons for furnishing alcohol to a person under the age of twenty-one (21). Prinillas endeavors to sell products in accordance with all applicable laws, including state alcoholic beverage laws. Prinillas also endeavors to train its employees to request and scrutinize proper identification to determine whether a customer is old enough to purchase alcoholic beverages. Further, all of Prinillas' employees responsible for alcohol sales have valid TAM cards, in accordance with law.

Despite the training received by Prinillas' employees and the oversight provided by Prinillas, an error may still, occasionally, occur. That appears to be what happened here. After investigating the facts and circumstances relating to the NOV, it appears that the allegation is correct. The clerk in question, Ms. Gialopsos, made a mistake in failing to check for proper identification and made a sale to a person under the age of twenty-one (21) which is, of course, a violation of state law.

Prinillas takes any violation (or alleged violation) very seriously, and has taken several steps to ensure that a similar violation does not occur again. I have provided formal legal counseling to Ms. Gialopsos regarding this matter, as well as confirming that she has a valid TAM card. Further, all employees selling liquor have received additional instruction as to the applicable law, especially the fact that persons under the age of twenty-one (21) cannot purchase alcoholic beverages, and as to the importance of reviewing all ID's carefully. All such employees have also

Direct Phone
(907) 222-7102

Direct Facsimile
(907) 222-7199

E-Mail
brian@reevesamodio
.com

500 L
STREET
Suite 300
ANCHORAGE
Alaska
99501

Telephone
(907) 222-7100
Facsimile
(907) 222-7199
Website
www.reevesamodio.com

Prinillas, LLC NOV
November 8, 2013
Page 2


been apprised of this violation, and have been instructed to use special care when they are presented with any ID.

Prinillas regrets the occurrence of the violation. Prinillas strives to be a responsible package store license holder and regard compliance with applicable law and regulation as a mandatory code of conduct to be observed at all time. We believe that the steps described above will help to ensure that such violations do not occur in the future.

Please direct further communications related to this NOV, if any, to me. If you should have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

REEVES AMODIO LLC

A handwritten signature in black ink, appearing to be "B. Stibitz", with a long horizontal line extending to the right.

Brian J. Stibitz



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

Date: 11-5-13
Number AB13-0244
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
7 Streams Development LLC	5115	Restaurant / Eating Place
D.B.A. Wild Wings N Things 1102 N. Muldoon Road	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 19240 Babroff Drive	City, State Eagle River, AK	Zip 99577

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 10-29-13, at about 1447 hours, Wild Wings N Things server Jennifer Lee Baciú sold an alcoholic beverage to a person under the age of 21 (age 20). The sale occurred during a compliance check. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverage to a person under the age of 21 by licensees.**

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

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

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

A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Underage Buyer 11-005
Filed By: <i>JR Hamilton</i>	Title: Investigator III

11/11/13.

Wild Wings n Things

1102 N. Muldoon Rd. St[#] 4.2

Anch, AK, 99504

General Manager

License # 5115

Renee L. Ablecp.

Dear Sir:

On, October 29th, 2013

Received phone call from Jenn,
she had failed a sting at the
restaurant and was extremely
upset and crying. She did card
the individual, and served a
beer. She was then approached
by a police officer informing
her that she failed a sting.
Jenn was immediately suspended
from working the front of the
house and required to retake her
TAM class in accordance with
Wild Wings n Things house policy.
At this time, a decision has not been

reached in the court as this case
has not been fully adjudicated by
a court of law. If you have
any questions please feel free to
call me at 694:4444.

Sincerely,

Rene Ablecp
General Manager.

Regarding Jennifer Lee Baciu

7/11/2016 10:15 AM