

State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
October 2, 2013

Board Members Present:

Ellen Ganley, Vice Chair (Acting as Chair)
Bobby Evans, Member
Ethan Billings, Member – Telephonic
Marvin Yoder – Telephonic

Staff Members Present:

Shirley Coté, Director
Christine Lambert, Records & Licensing Supervisor

ABC Board Counsel Present:

Harriett Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report [1:07:20 PM](#) [TAB 1](#)

● **ADMINISTRATION**

A. Approve minutes of the July 23, 2013 Board Meeting [1:16:59 PM](#) [TAB 2](#)

Bobby Evans **motions to approve the minutes**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [1:17:28 PM](#)
Approved 4-0

● **PUBLIC TESTIMONY** [1:18:12 PM](#)

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

A. Sue Steinacher, Director, Nome Emergency Shelter Team [1:18:44 PM](#)
Requests ABC Board advocacy on behalf of increased alcohol treatment facilities throughout the State of Alaska. Information given to ABC Board regarding Nome Emergency Shelter.

B. Bridie Trainor, Kawerak Wellness [1:26:07 PM](#)
Presents information on cost of heavy alcohol consumption impact to the State of Alaska in support of ABC Board being housed under the Department of Public Safety.

- C. Ben Esch, Retired Superior Court Judge [1:28:27 PM](#)
Thanks the ABC Board for travelling to rural communities for meetings. Encourages ABC Board to continue enforcement efforts in Nome and throughout the State of Alaska.
- D. Dorcas Bloom, Resident of Nome [1:30:29 PM](#)
Questioned ABC Board on efforts to stop “home brew” alcohol.
- E. Mike McNally, Alaska Commercial Company [1:34:23 PM](#)
Addresses concern regarding “home brew”. Yeast is the main ingredient of “home brew” orders received for large amounts of yeast are a “red flag” for retailers. Alaska Commercial Company will not fill large orders for yeast.
- F. Nome Strategic Prevention Framework Grant Presentation [1:58:35 PM](#)

● **BOARD CONSIDERATION**

- A. **3121 Twister Creek Restaurant:** Talkeetna Restaurant, LLC; [2:24:06 PM](#) TAB 3
Mat-Su Borough
Off-premises Brewing

No motion presented. Prior off site brewing allows this application to operate within AS 04.11.135(d). Bobby Evans, Ethan Billings, Marvin Yoder and Ellen Ganley all in favor of allowing off-premises brewing.
- B. **Delegation of Authority – Permits** [2:45:51 PM](#) TAB 4

Marvin Yoder **motions to delegate authority to the Director to impose restrictions and conditions on permits**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [2:48:54 PM](#)
Approved 4-0
- C. **Alaska Justice Forum Article** [4:52:03 PM](#) TAB 5
“Reducing Sales of Alcohol to Underage Persons in Alaska”

● **REGULATIONS – UPDATES ONLY**

- A. Recreational Site License [3:04:24 PM](#) TAB 6
- B. Wine Clubs [3:06:39 PM](#) TAB 7

● **POLICIES & PROCEDURES**

- A. Press Contact Discussion – Discussion to resume at the next ABC Board meeting [4:55:38 PM](#)

● **REFUND REQUEST CONSIDERATION**

- A. **4763 Bobby’s Downtown:** Delta Epsilon, Inc.; Fairbanks
609 Second Avenue
Renewal Late Fee Refund Reconsideration [3:15:53 PM](#) TAB 8
- No motion to reconsider decision of May 30th meeting**

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions TAB 9
- B. **688 In and Out Bush Liquor #2:** Kay, Inc.; Anchorage [3:30:17 PM](#) TAB 10
(DBA Changed to In & Out Wine & Bush Liquor #2)
License: Package Store
1100 W Benson Blvd
- Violation: Furnishing Alcohol to a Person Under 21**

Ethan Billings **motions to fine licensee \$500.00 for not having an alcohol server education card, with 45 days suspension, 45 days suspended and no further violations within the next 12 months**
Marvin Yoder **seconds the motion**

Bobby Evans **motions to amend fine licensees \$500.00 with 45 days suspension 38 days suspended and no further violations within the next 12 months**
Motion not seconded

First motion by Ethan Billings voted on
Roll call vote [3:45:00 PM](#)
Marvin Yoder & Ethan Billings – Yes
Bobby Evans & Ellen Ganley – No

Item tabled until next ABC Board meeting due to tie vote with no tie breaker vote available

- C. **5033 Jimmy Sushi Restaurant:** Jimmy Zhou; Anchorage [3:45:50 PM](#) TAB 11
(Tabled from July 23, 2013 meeting)
License: Restaurant/Eating Place
301 E Dimond Blvd

Violation: Furnishing Alcohol to a Person Under 21

Marvin Yoder motions to fine \$500.00 and suspension of 45 days with 38 days suspended no new violations within next 12 months

Bobby Evans seconds the motion

Motion carried

Roll call vote [3:47:05 PM](#)

Approved 4-0

- D. **4325 Old Power House Restaurant:** Ocean Enterprises of Alaska [1:17:44 PM](#) TAB 12
Inc.; Kodiak
License: Beverage Dispensary
516 E Marine Way

**Violations: 1. Responsibility of Licensees, Agents, & Employees
2. Licensed Premises**

Tabled to December 2013 meeting

- E. **4595 Roma's:** SOE, LLC; Sitka [3:47:45 PM](#) TAB 13
(Tabled from July 23, 2013 meeting; DBA Changed to Asian Palace)
License: Restaurant/Eating Place
327 Seward Square #1

Violation: Responsibility of Licensees, Agents, & Employees

Marvin Yoder motions a suspension of 30 days with 23 days suspended with no further new violations for 12 months

Bobby Evans seconds the motion

Motion carried

Roll call vote [3:53:19 PM](#)

Approved 4-0

● **BEVERAGE DISPENSARY TOURISM – TRANSFERS**

[4:50:01 PM](#)

TAB 14

4236 Hilton Garden Inn: BRE Select Hotels Properties, LLC; Anchorage
4555 Union Square Drive

Transfer – Beverage Dispensary - Tourism

From: Apple Six Services Anchorage I, LLC

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

4354 Homewood Suites: BRE Select Hotels Properties, LLC; Anchorage
101 West 48th Avenue

Transfer – Beverage Dispensary – Tourism

From: Apple Six Services Anchorage II, LLC

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

Ethan Billings **motions to approve beverage dispensary tourism transfers for both
license numbers 4236 & 4354**

Bobby Evans **seconds the motion**

Motion carried

Roll call vote [4:51:27 PM](#)

Approved 4-0

● **DELEGATED CONSENT AGENDA**

[4:40:29 PM](#)

TAB 15

3173 Club Soda: Luna Sea, Inc.; Fairbanks North Star Borough
1855 Van Horn Road

Stock Transfer – Beverage Dispensary

From: Melodee Weber selling 50% stock to Nicholas Kelsch

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

4779 Grape Expectations: Grape Brothers, LLC; Anchorage
510 West 6th Avenue

Transfer – Package Store

From: Grape Expectations, LLC

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

4157 Hard Rock Café: Hard Rock Café International (STP), Inc.; Anchorage
415 E Street

Transfer – Beverage Dispensary

From: Bear Paw Restaurant, LLC; DBA Bear Paw Bar & Grill

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

757 Holiday #632: Holiday Alaska, Inc.; Anchorage

801 East Tudor Road

Transfer – Package Store

From: D.A.W.G., Inc.; DBA Liquor Locker; 20146 Pilots Road Suite D

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

156 In and Out Liquor #1: Dong K. Kang; Anchorage

3601 Arctic Blvd

Transfer – Package Store

From: In Sook Kang

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

4077 Levant at Wolf Run: Levant, LLC; Fairbanks North Star Borough

3360 Wolf Run

Transfer – Restaurant/Eating Place

From: Joshua P & Jennifer K Rindlisbacher; DBA Wolf Run Restaurant

All statutory requirements have been met. Dept. of Labor approves. Pending Fairbanks North Star Borough & Dept. of Labor. Background investigations pending.

656 Linwood Bar: Seldovia Enterprises, Inc.; Seldovia

257 Main Street

Transfer – Beverage Dispensary

From: Miller & Miller, Inc.

All statutory requirements have been met. Seldovia approves. Dept. of Labor & Revenue approve. Background investigation pending. Temporary has been issued.

657 Linwood Bar: Seldovia Enterprises, Inc.; Seldovia
257 Main Street
Transfer – Package Store
From: Miller & Miller, Inc.

All statutory requirements have been met. Seldovia approves. Dept. of Labor & Revenue approve. Background investigation pending. Temporary has been issued.

3695 Louie’s Douglas Inn: South of the Bridge, LLC; Juneau
No Premises
Transfer – Beverage Dispensary
From: 64 Thunderbird, LLC; DBA Triple F Bar and Grill;
9109 Mendenhall Mall Road, Suite 4B

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

674 Lucky Lady: MSE, LLC; Juneau
192 S Franklin Street
Transfer – Beverage Dispensary
From: Lucky Lady, Inc.

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

1850 Lynx Creek Liquor: White Raven, LLC; Denali Borough
Mile 238.6 Parks Highway 3
Transfer – Package Store
From: Zarcone Brothers Real Estate Limited Partnership

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

5253 M/V Le Soleal: Compagnie Du Ponant, SAS
Alaskan Waters
New – Common Carrier

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

5254 M/V Sikumi: Coastal Alaska Adventures, Corp.
Alaskan Waters
New – Common Carrier

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

4200 No DBA: Texas Roadhouse Holdings, LLC; Anchorage
No Premises
Transfer – Beverage Dispensary
From: Duke Investments, LLC DBA Chili's Grill & Bar; 1811 Abbot Road

All statutory requirements have been met. Anchorage & Dept. of Revenue do not protest.
Pending Dept. of Labor approval. Background investigation pending.

5191 Noodle World Alaska: Y K, LLC; Anchorage
2844 East Tudor Road, Unit A
Transfer – Restaurant/Eating Place
From: Noodle World, LLC

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

866 Pioneer Bar: Old Timers, Inc.; Anchorage
739 W 4th Avenue
Stock Transfer – Beverage Dispensary
From: Dennis French 25%, William Selkenreich 50% and Connie French 25% to
David Croffut 50% and Michael Ward 50%

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

4905 Taco Azteca Mexican Restaurant: Taco Azteca, Inc.; North Pole
101 Santa Claus Lane
Transfer – Restaurant/Eating Place
From: 08 Capital, Inc.; DBA Benny's Grill

All statutory requirements have been met. Dept. of Environmental Conservation,
Revenue, and Labor approve. Pending North Pole & Fire Marshal approvals.
Background investigations complete.

5255 Tsaina Lodge: RFS Management, LLC; Unorganized Borough
Mile 35 Richardson Highway
New – Beverage Dispensary

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

4948 Wal-Mart Supercenter: Wal-Mart Stores, Inc.; Anchorage
7405 Debarr Road
Transfer – Package Store
From: No Premises

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

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

Roll call vote [4:45:41 PM](#)
Approved 4-0

END OF DELEGATED CONSENT AGENDA

● **PROTESTS**

A. **5245 Fat Ptarmigan Wood Fired Pizza:** Fat Ptarmigan Management **[2:53:15 PM](#)** **TAB 16**
LLC; Anchorage
441 W 5th Avenue
New – Restaurant/Eating Place

Background investigations pending.
**Anchorage protests pending approval from Anchorage Fire Dept.
and Administrative Site Plan Review.**

Marvin Yoder **motions to approve with delegation**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [2:54:51 PM](#)
Approved 4-0

- B. 1839 Great Alaskan Bush Company:** B.V., Inc.; Anchorage [2:50:08 PM](#) **TAB 17**
631 E International Airport Road
Controlling Interest Transfer – Beverage Dispensary
From: Vicky Cox 60% to E. Shannon Fillman 48% and Justin Cox 52%
- Dept. of Revenue & Labor approve. Background investigations pending.
Anchorage protests pending approval from Health & Human Services Department.
- Ethan Billings **motions to approve with delegation**
Bobby Evans **seconds the motion**
Motion carried
- Roll call vote [2:52:48 PM](#)**
Approved 4-0
- C. 1248 Nome Liquor Store:** The North West Company (International), [4:03:03 PM](#) **TAB 18**
Inc.; Nome
205 Front Street
Transfer – Package Store
From: Nome Commercial Company
- All statutory requirements have been met. Nome approves. Dept. of Revenue & Labor approve. Background investigations complete.
Public objection.
- ABC Board decision not to overturn the delegated consent given at the July 23rd ABC Board meeting. All requirements have been met. [4:36:49 PM](#)**
Transfer is approved.
- D. 4459 Turnagain Arm BBQ Pit:** Turnagain Arm BBQ Pit, LLC; [2:55:17 PM](#) **TAB 19**
Anchorage
3637 Old Seward Highway
Transfer – Restaurant/Eating Place
From: Chiang Mai, Inc. DBA Chiang Mai Ultimate Thai
- Pending Anchorage. Dept. of Revenue approves. Background investigations complete.
Dept. of Labor protests.
- Tabled for next meeting due to lack information regarding protest**

- E. **5251 Wild Chicken:** Su Chong An & Mingzhe Zheng; Anchorage [2:58:46 PM](#) TAB 20
3001 Spenard Road
New – Restaurant/Eating Place

Background investigations pending.
Anchorage protests pending approval from Anchorage Fire and Planning Departments

Marvin Yoder **motions to approve with delegation**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [3:02:36 PM](#)
Approved 4-0

● **CONSENT AGENDA** [4:46:16 PM](#) TAB 21

- 2773 **City Lighthouse Liquor Store:** Williams Incorporated; Ketchikan
3812 Tongass Avenue
Transfer – Package Store
From: U.S. Spirits, Inc. DBA Kaptain’s Keg

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

- 5254 **Era Aviation N880EA:** Era Aviation, Inc.
Alaskan Skies
New – Common Carrier

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

- 4738 **Knik Kountry Liquor:** Knik Kountry Liquor, Inc.; Mat-Su Borough
No Premises
Involuntary Retransfer – Beverage Dispensary
From: Big Su Lodge, Inc. DBA Big Su Lodge; 36535 S Parks Highway

All statutory requirements have been met. Mat-Su Borough does not protest. Background investigation complete.

996 La Bodega: Midtown Spirits, LLC; Anchorage
194 Olympic Mountain Loop, Unit #C107 (Girdwood)
Transfer – Package Store
From: 3801 Old Seward Highway

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

4573 Sizzlin Café: Grizzly Group, Inc.; Anchorage
346 E 5th Avenue
Transfer – Restaurant/Eating Place
From: 523 W 3rd Avenue

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

5247 Tequila Kitchen Express: Tequila Kitchen Express, LLC; Anchorage
2514 E Tudor Road
New – Restaurant/Eating Place

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

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

Roll call vote [4:47:34 PM](#)
Approved 4-0

END OF CONSENT AGENDA

● FIRST AND SECOND WAIVERS

TAB 22

1st Waivers

3472 Patel's #2

[4:47:53 PM](#)

License: Package Store – Seasonal
3789 Homer Spit Road; Homer

Marvin Yoder **motions to approve waiver**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [4:48:35 PM](#)
Approved 4-0

2nd Waivers

4905 Benny's Grill

4:48:47 PM

License: Restaurant/Eating Place – Seasonal
101 Santa Claus Lane; North Pole

Ethan Billings **motions to approve waiver**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote 4:49:38 PM
Approved 4-0

● **NOTICES OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses

TAB 23

● **NEXT ABC BOARD MEETING – Tuesday, December 10, 2013 - Anchorage**

Minutes reviewed & approved by:

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

Date: 10/4/13

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

Date: 10-4-13