

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

● **Board Members Present:**

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

**Staff Members Present:**

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

**ABC Board Counsel Present:**

Harriet Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report

[9:32:29 AM](#)

[TAB 1](#)

● **ADMINISTRATION**

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

[9:54:32 AM](#)

[TAB 2](#)

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

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

● **PUBLIC TESTIMONY**

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

[9:55:07 AM](#)

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

[9:56:32 AM](#)

● **BOARD CONSIDERATION**

A. Waiver Policy Discussion

[2:52:47 PM](#)

[TAB 3](#)

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

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

[3:03:45 PM](#)

[TAB 4](#)

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

Bobby Evans **seconds the motion**  
**Motion carried**

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

Bobby Evans **seconds the motion**  
**Motion carried**

● **Regulations**

- C. Recreational Site Proposed Regulation

[1:01:53 PM](#)

[TAB 5](#)

Persons speaking to the Board regarding regulation:

Fred Odsen, Representing Minnesota Billiards

[1:06:12 PM](#)

Eric, Valley Cinema

[1:13:00 PM](#)

Harriet Milks, Assistant Attorney General

[1:13:40 PM](#)

Steve Agni, O'Malley Gardens

[1:15:25 PM](#)

Harriet Milks, Assistant Attorney General

[1:18:02 PM](#)

Shirley Cote', Director

[1:20:03 PM](#)

Sean Weems, Beluga Billiards

[1:20:54 PM](#)

Marvin Yoder, Board Member

[1:22:14 PM](#)

Ellen Ganley, Board Member

[1:23:55 PM](#)

Bobby Evans, Board Member

[1:26:38 PM](#)

Harriet Milks, Assistant Attorney General

[1:28:14 PM](#)

Ethan Billings, Board Member

[1:29:34 PM](#)

Calvin Culverwell, Alaska Golf Shot

[1:34:08 PM](#)

Eric, Valley Cinema

[1:34:57 PM](#)

Al Lane, Coming Attractions

[1:35:32 PM](#)

Harriet Milks, Assistant Attorney General

[1:36:26 PM](#)

Jeff Jessee, Mental Health Trust Authority

[1:39:46 PM](#)

Eric, Valley Cinemas

[1:43:24 PM](#)

Sean Weems, Beluga Billiards

[1:44:17 PM](#)

Ellen Ganley, Board Member

[1:46:22 PM](#)

Marvin Yoder, Board Member

[1:47:17 PM](#)

Ethan Billings, Board Member

[1:48:50 PM](#)

Bobby Evans, Board Member

[1:49:12 PM](#)

Sean Weems, Beluga Billiards

[1:52:03 PM](#)

Harriet Milks, Assistant Attorney General

[1:55:02 PM](#)

Sean Weems, Beluga Billiards

[1:56:18 PM](#)

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

[1:58:44 PM](#)

D. Update on Wine Club Regulation

[3:51:12 PM](#)

[TAB 6](#)

● **Policies & Procedures**

E. Municipal Refunds

[3:07:13 PM](#)

[TAB 7](#)

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

[TAB 8](#)

G. Procedure on Dismissed Notices of Violations

[3:16:58 PM](#)

[TAB 9](#)

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

● **Refund Request Reconsideration**

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

[TAB 10](#)  
[2:51:47 PM](#)

Issue tabled until next meeting

● **Resurrect & Renew**

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

[TAB 11](#)  
[10:14:43 AM](#)

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

**ACTION ON LICENSE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions **TAB 12**
  
- B. **4595 Roma's: SOE LLC; Sitka** **TAB 13**  
**License: Restaurant Eating Place** **3:37:45 PM**  
327 Seward Square #1

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

Issue tabled until next meeting

- C. **5033 Jimmy Sushi Restaurant; Jimmy Zhou; Anchorage** **TAB 14**  
**License: Restaurant Eating Place** **3:38:14 PM**  
301 E Dimond Blvd.

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

Issue tabled until next meeting

- D. **3695 Triple F Bar & Grill: 64 Thunderbird LLC; Juneau** **TAB 15**  
**License: Beverage Dispensary** **2:37:12 PM**  
9109 Mendenhall Road, Ste. 4B

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

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

- **BEVERAGE DISPENSARY TOURISM – NEW & TRANSFER** **TAB 16**

- 207 **Tustumena Lodge: Susan Cook; Kenai Peninsula Borough** **10:18:27 AM**  
Mile 111 Sterling Hwy.  
**Involuntary Re-Transfer – Beverage Dispensary Tourism**  
From: Duane Lafleur

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

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

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

[10:19:13 AM](#)

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

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

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

[10:20:14 AM](#)

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

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

● **BEVERAGE DISPENSARY – DUPLICATE**

**TAB 17**

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

[10:37:00 AM](#)

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

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

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

[10:40:43 AM](#)

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

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

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

● **RECREATION SITE – NEW & TRANSFER**

[TAB 18](#)

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

[2:03:23 PM](#)

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

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

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

[TAB 19](#)  
[2:15:00 PM](#)

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

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

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

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

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

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

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

● **RESTAURANT EATING PLACE PUBLIC CONVENIENCE**

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

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

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

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

● **DELEGATED CONSENT AGENDA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

**Transfer – Restaurant Eating Place**

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

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

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

**Transfer – Restaurant Eating Place**

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

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

**Transfer – Beverage Dispensary**

From: LCW, LLC

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

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

**New – Common Carrier - Seasonal**

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

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

**Transfer – Package Store**

From: Nome Commercial Company

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

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

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

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

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

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

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

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

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

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

[3:44:53 PM](#)

**END OF DELEGATED CONSENT AGENDA**

● **Protests**

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

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

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

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

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

**10:53:14 AM**

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

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

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

**3:50:03 PM**

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

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

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

**10:57:18 AM**

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

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

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

● **CONSENT AGENDA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[3:46:43 PM](#)

● **FIRST AND SECOND WAIVERS**

**TAB 25**

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

5170 La Bodega

**3:49:01 PM**

**License:** Package Store

1200 W Northern Lights, Ste. F, Anchorage

Ellen Ganley **motions to approve**

Ethan Billings **seconds the motion**

**Motion carried**

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

4694 La Mex Too

**3:49:36 PM**

**License:** Beverage Dispensary - Seasonal

No Premises, Anchorage

Ethan Billings **moves to approve**

Bobby Evans **seconds the motion**

**Motion carried**

**END OF CONSENT AGENDA**

● **NOTICE OF VIOLATION**

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

**TAB 26**

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

Minutes reviewed & approved by:

Shirley A. Coté, Director Shirley A. Coté

Date: 7/30/13

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

Date: 7-29-13