State of Alaska
Alcoholic Beverage Control Board
Anchorage Meeting Minutes
December 10, 2013

Board Members Present:
Bob Klein, Chair
Ellen Ganley, Vice Chair - Telephonic
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member

Staff Members Present:
Shirley Coté, Director
Bob Beasley, Enforcement Unit Supervisor
Christine Lambert, Records & Licensing Supervisor
Gil Nelson, Administrative Assistant

ABC Board Counsel Present:
Harriett Milks, Assistant Attorney General

● DIRECTOR BRIEFING

A. Director's Report 8:49:10 AM TAB 1

● ADMINISTRATION

A. Approve minutes of the October 2, 2013 Board Meeting 9:04:36 AM TAB 2

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

   Roll call vote 9:04:51 AM
   Approved 5-0

● PUBLIC TESTIMONY 9:05:20 AM

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

   Robin Sue Jeffery
   Speaks to the term “knowingly allows” and discusses public harm of alcohol consumption 9:05:52 AM

B. Strategic Prevention Framework State Incentive Grant 9:40:43 AM TAB 3
   Presentation by Diane Casto, DHSS
● REGULATIONS

A. Recreational Site License

Sheri Musgrave, Alaska State Fair (Director Coté read letter into the record) 10:10:59 AM
Director Coté read proposed 3 AAC 304 Recreational Site License into record 10:14:07 AM
Director Coté provided history of the regulation review 10:17:51 AM
John Koltun, Anchorage Ski Club 10:30:42 AM
Joe Wooden, SMG – Sullivan Arena 10:42:41 AM
Robert Brewster, Alaska Club 10:57:10 AM
Fred Odsen, representing Minnesota Billiards 10:57:10 AM
Chris Meier, Alaska Travel Adventures 11:10:58 AM
Eric Moore, Valley Cinemas 11:16:35 AM
John Schweiger, Backstage Bistro/Valley Cinemas 11:31:44 AM

Ellen Ganley motions to table discussion
Bobby Evans seconds the motion
Motion carried

Roll call vote 11:43:32 AM
Approved 5-0

● BOARD CONSIDERATION

Request for transfer of security interest

No motion necessary

B. 866 Pioneer Bar: Old Times, Inc., Anchorage
Clariﬁcation of transfer with security interest

No motion necessary

● ACTION ON LICENSEE CONVICTION/VIOLATION

A. Prior Licensee Sanctions

TAB 7
B. 2616 Chepo’s Fiesta: Jose Nanez; Wasilla  
License: Beverage Dispensary  
731 W Parks Highway  

Violations: 1. Furnishing Alcohol to a Person Under 21  
2. Failure to Maintain Alcohol Server Education  

Marvin Yoder motions to suspend liquor sales for 30 days with 30 days suspended, no further violations for one year  
Ethan Billings seconds the motion  
Motion carried  

Roll call vote 1:45:49 PM  
Approved 4-1  
Bobby Evans voted No

C. 688 In and Out Bush Liquor #2: Kay, Inc.; Anchorage  
(DBA Changed to In & Out Wine & Bush Liquor #2)  
License: Package Store  
1100 W Benson Blvd  

Violation: Furnishing Alcohol to a Person Under 21  

Ellen Ganley motions to suspend liquor sales for 45 days with 38 days suspended, $500.00 fine and no further violations for one year  
Bobby Evans seconds the motion  
Motion carried  

Roll call vote 1:54:56 PM  
Approved 4-1  
Ethan Billings voted No

D. 4325 Old Power House Restaurant: Ocean Enterprises of Alaska Inc.; Kodiak  
License: Beverage Dispensary  
516 E Marine Way  

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

Bobby Evans motions to suspend liquor sales for 30 days with 23 days suspended, no further violations for one year  
Marvin Yoder seconds the motion  
Motion carried  

Roll call vote 2:14:13 PM  
Approved 5-0
BEVERAGE DISPENSARY TOURISM – NEW

5252 Navigator Lounge: Allstar Alliance Company; Kodiak Island Borough
1633 Airport Way (Kodiak Airport)
New – Beverage Dispensary – Tourism

All statutory requirements have been met. Kodiak Island Borough and
Dept. of Environmental Conservation approve. Background investigations complete.
Temporary has been issued.

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

Roll call vote 9:28:45 AM
Approved 5-0

DELEGATED CONSENT AGENDA

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.

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.

ABC Board Meeting Minutes 12/10/13
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.

Ethan Billings motions to approve delegated consent agenda
Bobby Evans seconds the motion
Motion carried

Roll call vote 9:17:00 AM
Approved 5-0

END OF DELEGATED CONSENT AGENDA

PROTESTS

A. 321 Chili’s Bar and Grill: Peppers North, LLC; Anchorage
800 E Dimond Blvd, #162
Transfer – Beverage Dispensary
From: George’s Homestead Lounge, LLC
d/b/a George’s Homestead Lounge; 10240 Old Seward Highway

All statutory requirements have been met. Dept. of Revenue approves. Background investigations completed. Pending Dept. of Labor. Anchorage protests pending approval from Anchorage Fire, Planning, and Health & Human Services.

Ellen Ganley motions to uphold protest and delegate consent if protested lifted
Bobby Evans seconds the motion
Motion carried

Roll call vote 2:17:15 PM
Approved 5-0
New – Beverage Dispensary – Duplicate
All statutory requirements have been met.
Background investigations complete.
*Anchorage protests pending approval from Anchorage Health & Human Services Department. Protest has been lifted per Director Coté.*

Marvin Yoder *motions to uphold protest and delegate consent if protested lifted*
Bobby Evans *seconds the motion*
*Motion carried*

*Roll call vote 1:33:43 PM*
Approved 5-0

C. 5154 I Luv Sushi: B.M.K., LLC; Anchorage
3826 Spenard Road
Transfer – Restaurant / Eating Place
From: Tempura Kitchen, LLC
All statutory requirements have been met. Depts. of Revenue & Labor approve. Background investigations complete.
*Anchorage protests due to taxes owed to the MOA and pending approval from Anchorage Fire & Building Safety Depts.*

Marvin Yoder *motions to uphold protest and delegate consent if protested lifted*
Ethan Billings *seconds the motion*
*Motion carried*

*Roll call vote 2:18:10 PM*
Approved 5-0
D. 1. **4200 No DBA**: Texas Roadhouse Holdings, LLC; 14200
   
   **Anchorage**: No Premises
   
   **Transfer – Beverage Dispensary**
   
   From: Duke Investments, LLC d/b/a Chili’s Grill & Bar; 1811 Abbot Road
   
   All statutory requirements have been met. Anchorage does not protest. Dept. of Revenue approves. Background investigations pending. Dept. of Labor approves. **Lien prohibiting transfer from former employee, Evanjelina Gonzalez.**

2. **4200 Texas Roadhouse**: Texas Roadhouse Holdings, LLC;
   
   **Anchorage**: 1154 North Muldoon Road
   
   **Transfer – Beverage Dispensary**
   
   From: No Premises; No DBA
   
   All statutory requirements have been met. Anchorage protests pending approval of Conditional Use Permit and Anchorage Fire Dept.

   Marvin Yoder motions to uphold protest and delegate consent if protested lifted
   
   Bobby Evans seconds the motion
   
   Motion carried

   Roll call vote **2:48:58 PM**
   
   Approved 5-0

● **CONSENT AGENDA** 9:12:50 AM  TAB 17

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.

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.
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.

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

Roll call vote 9:14:08 AM
Approved 5-0
FIRST AND SECOND WAIVERS

1st Waivers

5157  Asuka II, MV
License: Common Carrier
Alaska Waters

410  Forks Roadhouse
License: Beverage Dispensary
No Premises; Matanuska-Susitna Borough

4835  Henri Hawaii
License: Beverage Dispensary
201 E Northern Lights Blvd, Ste B; Anchorage

996  La Bodega
License: Package Store
194 Olympic Mountain Loop #C107; Anchorage

1248  Nome Liquor Store
License: Package Store
205 Front Street; Nome

4686  Sicily’s Pizza
License: Beverage Dispensary
259 S McCallister Drive; Matanuska-Susitna Borough

2nd Waivers

5170  La Bodega
License: Package Store
1200 W Northern Lights Blvd, Ste F; Anchorage

2267  Red Robin
License: Beverage Dispensary
No Premises; Anchorage

Ellen Ganley motions to approve first and second waivers (all deemed no operation due to no fault of licensee)
Marvin Yoder seconds the motion
Motion carried

Roll call vote 9:20:49 AM
Approved 5-0

END OF CONSENT AGENDA
THIRD WAIVERS

110  Bering Sea Saloon
License: Beverage Dispensary
No Premises; Nome

Postponed until next meeting – licensee not available

534  Houston Lodge
License: Package Store
No Premises; Houston

Ethan Billings motions to approve with warning that a fourth waiver will not be granted
Marvin Yoder seconds the motion
Motion carried

Roll call vote 2:52:09 PM
Approved 5-0

826  No DBA (Serrano’s, LLC)
License: Beverage Dispensary
No Premises; Anchorage

Marvin Yoder motions to approve with warning that a fourth waiver will not be granted
Bobby Evans seconds the motion
Motion carried

Roll call vote 2:55:28 PM
Approved 5-0

2267 Red Robin
License: Beverage Dispensary
No Premises; Anchorage

Marvin Yoder motions to approve with warning that a fourth waiver will not be granted
Ethan Billings seconds the motion
Motion carried

Roll call vote 2:58:02 PM
Approved 5-0
EXECUTIVE SESSION

A. Subject that would tend to prejudice the reputation and character of a person.

Marvin Yoder motions to go into executive session
Ethan Billings seconds the motion
Motion carried

Executive Session Ends 1:02:58 PM

B. Subject that would tend to prejudice the reputation and character of a person

Marvin Yoder motions to go into executive session
Ethan Billings seconds the motion

Executive Session Ends 3:16:57 PM

Meeting Adjourned 3:18:23 PM

NOTICE OF VIOLATION

A. Notices of Violation Issued and Licensee Responses

NEXT ABC BOARD MEETING

February 11, 2014 - Juneau

Minutes reviewed & approved by:

Shirley A. Coté, Director

Date: 12/16/13

Christine C. Lambert, Rec.& Lic. Supervisor

Date: 12-16-13