

Tab

1



MEMORANDUM

TO: Chair Klein and Members of the
ABC Board

DATE: Monday, May 20, 2013

FROM: Shirley A. Coté *DAC*

RE: Director's Report

Legislation

During this reporting period Commissioner Bell and her staff met on Friday mornings in preparation for the next week's lineup of legislative hearings. This session I was involved in only one bill – HB 50 that involved commercial use of multi-unit housing financed by Alaska Housing Finance. I answered questions in one hearing and monitored only several other hearings. This bill that ultimately passed allows for the approval from the ABC Board of licensed premises for restaurant/eating place licenses and those establishments that qualify for a restaurant designation permit. The aide to the sponsor of the bill, Representative Costello had testified no bars would be allowed and I spoke with him to ensure he understood that a bar with a restaurant designation permit would qualify.

Budget

The House of Representatives approved our FY2014 budget to include the costs of the Commissioner's office and Administrative Services and legal services but not funds necessary to continue the compliance check program. The Senate approved our budget to include the compliance check program but not the others. This caused the budget to go to Conference Committee where all three of our budget requests were approved. The funds, however, for the Commissioner's Office and Administrative Services will come out of Administrative Services and the compliance check program was approved for one year. The program had previously been funded by the Enforcement of Underage Drinking Laws grant from the federal government which was terminated for all states.

We also received our supplemental request for the funds necessary to take us through FY2013 for legal services and \$50,000 to finish up the fiscal year for compliance checks.

Enforcement Unit

During the time I was on leave from May 6th to May 20th Enforcement Unit Supervisor Bob Beasley was the Acting Director.



Anchorage based ABC Investigators assisted APD with the investigation of an illegal night club in the Mountain View area. Anchorage police were successful in obtaining an arrest warrant for the operator of the club who was subsequently taken into police custody without incident. Police also contacted the building owner where the illegal activity had been taking place. The owner told police he would no longer rent the facility for such activities.

Training and Education

I have included premises inspections under the heading of training and education as we use this opportunity to either reinforce the compliant operations or provide those licensees not in compliance with the information they need to become compliant. Typically we do not issue citations, summonses, or notices of violation during inspections. However, if a violation noted is not rectified within a reasonable time issuance of a citation, summons, or notice of violation could occur. As of May 17, 2013 the following inspections have been completed:

Juneau	180
Anchorage	130
Fairbanks	95
Total:	405

On February 26, 2013 I presented at the Advisory Board on Alcohol and Drug Addiction in Juneau. The Board of Directors had requested information on board processes along with the work of the Stakeholders Group.

On April 2, 2013 I presented on the ABC Board and Title IV to the 40 students of the AST Citizens Academy in Palmer.

Compliance Checks Completed To May 17, 2013

AREA	TOTAL LIC.	% GOAL	# GOAL	TOTAL DONE	PASS	FAIL	% COMPLETE	% SUCCESS
CBJ	74	50%	37	40	35	5	54%	87.5%
FNSB	175	50%	88	90	76	14	51%	84.4%
MOA	431	75%	323	328	298	30	76%	90.9%
SE	192	35%	67	68	59	9	35%	86.8%
MSB	189	50%	95	97	85	12	51%	87.6%
KPB	198	50%	99	109	100	9	55%	91.7%
R-ON	151	35%	53	0	0	0	0%	
R-OFF	121	25%	30	35	26	9	29%	74.3%
Totals	1531		792	767	679	88		



Anchorage Safety Hour

On April 17th I attended the bi-monthly meeting of Anchorage CHARR. As always they requested an update on ABC Board activities and more specifically this time to address how the ABC Board was going to deal with the new Anchorage city ordinance allowing for a safety hour. As of that meeting no downtown businesses had signed up through the city clerk's office to participate in the program. A couple of licensees expressed displeasure with having to clear the tables at 3 a.m., not allowing for patrons to finish the drinks they had purchased prior to the 3 a.m. closure of alcohol sales. I advised that although it was not my intention to send a detail out to check on compliance we would react to violations like with any other city ordinance.

On April 26th I was invited to the board of directors meeting of the Anchorage Downtown Partnership. The members wanted further discussion of the safety hour and how the downtown establishments can work better together to prevent the violence and destruction that often comes at closing time.

ABC Board Stakeholders Subcommittee Meetings

Four of the five subcommittees met approximately 25 times since the last board meeting. I was able to attend the majority of those meetings with four dedicated to presentations by myself and two of the four in conjunction with Investigations Supervisor Bob Beasley and Investigator Joe Hamilton for the Underage Drinking Subcommittee. Licensing Supervisor Chris Lambert continues to serve on the Types of License Subcommittee. The Title 4 Steering Committee met on April 1st and April 29th. On April 17th The Mental Health Trust Authority invited me, along with other representatives of the Stakeholders Group to meet with Thea Agnew-Bemben from Agnew:Beck Consulting to discuss a contract to manage the Stakeholders Group project. Funding would come through the Trust with no funding through the ABC Board. Thea Agnew-Bemben facilitated the first Stakeholders Group meeting on May 17, 2012; therefore, she has some familiarization with the workings. The Steering Committee was in favor of contracting for this assistance as the work of the subcommittees becomes more time-consuming. Although the contract has not been finalized it is anticipated Agnew:Beck will assist in bringing all of the parts together in a comprehensive recommendation report.

Marijuana Initiative

I had been requested by the Administration to estimate the costs of implementation of an initiative to legalize marijuana. I am currently working with others within the administration to conduct research and compile accurate figures. Conservatively, I expect the size of the ABC Board would require nearly doubling. This is already an enormous project that will likely go on the ballot June 15th.



Pricing and Marketing

We recently had a case that caused quite a bit of controversy. It started with the presentation of a free drink card at the Board of Director's meeting held in Juneau on February 21, 2012 that was given to a fellow industry member. Through investigation we learned another member outside the industry was given the same type of card. After the investigation one of our investigators was given a card. It was determined that a fellow industry member was not necessarily a member of the general public. The second person presented with the card did not wish to be a witness in the case and the third person, one of our investigators was also not determined to be a member of the general public. Although the District Attorney's Office declined prosecution for these reasons the Office remains open if free drink cards are presented to the general public.

Tab

2

State of Alaska
Alcoholic Beverage Control Board
Meeting Minutes
February 12, 2013

● **DIRECTOR BRIEFING**

A. Director's Report [10:43:55 AM](#) TAB 1

● **ADMINISTRATION**

A. Approve minutes of the December 5, 2012 Board Meeting [10:57:23 AM](#) TAB 2

Bob Klein **motions to approve the minutes**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [10:57:52 AM](#)

Approved 4-0

B. Election of Officers/New Member [10:58:03 AM](#)

Ethan Billings **motions to elect Bob Klein as Chairman and Ellen Ganley as Vice Chair**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote [10:58:40 AM](#)

Approved 4-0

● **PUBLIC TESTIMONY**

Period of time for public testimony on issues not on this agenda. [10:59:26 AM](#)
Please phone 1-800-315-6338 code 222

A. David Sanden, 64 Thunderbird, LLC [11:00:00 AM](#)

Requests the ABC Board review policy regarding third waivers.
Suggestions to the ABC Board include:

1. An ownership transfer will allow three new waivers to new owner.
2. Allow an additional waiver to licensee with long term license ownership.
3. Board can allow a fourth waiver if circumstances warrant.

B. Felicia Keith-Jones, High Mark Distillery, Soldotna [11:14:03 AM](#)
Requests the ABC Board review taxation on distilleries in Alaska and advocate to lessen the state tax rate which is the highest in the United States.

C. Kyle Ryan, Bare Distillery, Anchorage [11:18:56 AM](#)
Explains the difficulties in recordkeeping for state and national taxes. Requests the ABC Board review and assist distilleries to get one record keeping system for state and federal taxes.

Jack Tripp, Viking Lounge, Juneau [11:29:07 AM](#)
Requests ABC Board review the three waiver policy and allow for new waivers with each new ownership.

● **BOARD CONSIDERATION**

A. **4270 & 4271 Alaska Rendezvous:** Alaska Rendezvous Inc.; [11:33:10 AM](#) **TAB 3**
Outside/Unorganized
Mile 45.6 Richardson Highway

Bob Klein **moves to grant extension of time for transfer application to May 2013 Board meeting**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote [11:36:38 AM](#)

Approved 4-0

B. **5164 Westmark Inn Skagway:** Westmark Hotels, Inc.; Skagway [11:37:10 AM](#) **TAB 4**
Third & Spring Street
New – Beverage Dispensary Tourism Duplicate

Marvin Yoder **moves to approve license application**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [11:46:43 AM](#)

Approved 4-0

- C. Procedures for Dismissed Notices of Violations [11:47:04 AM](#) [TAB 5](#)
- Bob Klein **moves to accept procedure for dismissed notices of violations as amended during the discussion**
 Marvin Yoder **seconds the motion**
Motion carried [1:43:23 PM](#)
- Roll call vote** [2:03:33 PM](#)
- Approved 4-0
- D. **4678 Fairbanks Junior Ice Dogs:** Fairbanks Junior Ice Dogs, Inc; [11:49:48 AM](#) [TAB 6](#)
 Fairbanks
 1920 Lathrop Street
Request Waiver for Renewal Late Fee
- Ethan Billings **moves to dismiss the renewal late fee**
 Marvin Yoder **seconds the motion**
Motion carried
- Roll call vote** [11:51:49 AM](#)
- Approved 4-0
- E. **370 BPO Elks Lodge #1595:** BPO Elks Lodge #1595; Wrangell [11:52:11 AM](#) [TAB 7](#)
 103 Front Street
Request Waiver for Renewal Late Fee
- Marvin Yoder **moves to approve the waiver of renewal late fee**
 Bob Klein **seconds the motion**
Motion carried
- Roll call vote** [11:53:27 AM](#)
- Approved 4-0
- F. **4111 Wilderness Express (Anch – Seward)** [11:53:41 AM](#) [TAB 8](#)
4112 Wilderness Express (Seward – Anch)
 Alaska Railroad
Request Waiver for Renewal Late Fee
- Marvin Yoder **moves to approve the waiver of renewal late fee**
 Ethan Billings **seconds the motion**
Motion carried
- Roll call vote** [11:54:25 AM](#)
- Approved 4-0

- G. 5194 Minnesota Billiards** [11:54:45 AM](#) [TAB 9](#)
5196 Johnny Woos Korean Restaurant
5197 Kodiak

Bob Klein **moves to approve licenses with delegation**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [12:08:12 PM](#)

Approved 3-0
Marvin Yoder dissenting vote

- I. Erik Miller** [12:09:16 PM](#) [TAB 10](#)
Micro-distillery Concept

● **ACTION ON LICENSE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions** [TAB 11](#)

- B. Angelo's: Anna Marie Kaloumenou; City of Kodiak** [12:12:55 PM](#) [TAB 12](#)
License: Restaurant Eating Place
2625 Mill Bay Road

Violation: Alcohol Server Education Course

Bob Klein **moves to suspend license for 30 days with 30 days suspended sentence provide no new notices of violations are issued within the next year**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [12:16:31 PM](#)

Approved 4-0

- **DISCUSSION FROM STAKEHOLDERS WORK GROUP** [2:04:05 PM](#) [TAB 13](#)

- 6 Airport Lounge & Snack Bar:** Airport Lounge & Snack Bar LLC; Ketchikan Gateway Borough
1600 Airport Terminal
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Ketchikan Gateway Borough has been notified.

- 2866 Anchor Inn & Lounge:** Shumagin Corporation; Sand Point **A**
Tract A, USS #55
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. City of Sand Point has been notified.

- 1309 Anchor River Inn:** Anchor River Inn Inc.; Kenai Peninsula Borough **B**
34358 Old Seward Hwy.
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Kenai Peninsula Borough has been notified.

- 4795 Beluga Lake Lodge:** Beluga Lake Lodge Inc.; Homer **C**
204 Ocean Drive Loop
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. City of Homer has been notified.

- 1402 Best Western Bidarka Inn:** Beluga Lake Lodge Inc.; Homer **D**
575 Sterling Hwy.
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. City of Homer has been notified.

- 1987 Brown Bear Saloon & Motel:** Alaskan Edge Inc.; Anchorage **E**
28065 Seward Highway
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Municipality of Anchorage has been notified.

- 248 Clover Pass Resort:** Clover Pass Investments LLC; Ketchikan Gateway Borough **F**
 Mile 16 N Tongass Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Ketchikan Gateway Borough has been notified.
- 3694 Courtyard By Marriott:** NANA Management Services LLC; Anchorage **G**
 4901 Spenard Rd
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Municipality of Anchorage has been notified.
- 4844 Crowne Plaza Midtown Anchorage:** Anchorage Hospitality LLC; Anchorage **H**
 109 W International Airport Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Municipality of Anchorage has been notified.
- 4869 Crowne Plaza Midtown Anchorage:** Anchorage Hospitality LLC; Anchorage **I**
 109 W International Airport Road
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Municipality of Anchorage has been notified.
- 4280 Denali Bluffs Hotel:** NANA Management Services LLC; Denali Borough **J**
 Mile 238.4 Parks Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Denali Borough has been notified.
- 3920 Denali River Cabins:** The River Cabins, Inc.; Denali Borough **K**
 Mile 231.1 Parks Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Denali Borough has been notified.
- 4696 Gene’s Place:** Northern Lights Espresso Inc.; Seward **L**
 217 Fifth Ave.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. City of Seward has been notified.

- 4099 Grande Denali Hotel – Alpenglow Restaurant:** NANA Management Services LLC; **M**
Denali Borough
Mile 238.2 Parks Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Denali Borough has been notified.
- 537 Hunger Hut Bar:** Hunger Hut Inc.; Kenai Peninsula Borough **Mc**
51815 Kenai Spur Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 4458 Iris Café and Saloon:** J & Y Enterprises Inc.; Fairbanks **N**
900 Noble Street
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. City of Fairbanks has been notified.
- 2695 King Salmon Motel & Restaurant:** A. Kearlee Wright; Soldotna **O**
35530 Kenai Spur Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. City of Soldotna has been notified.
- 1788 Latitude 62 Lodge** Latitude 62 LLC; Mat-Su Borough **P**
Mile 13 ³/₄ Talkeetna Spur Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 2063 Long Rifle Lodge:** Glacier View Ventures LLC; Mat-Su Borough **Q**
Mile 102 Glenn Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 4308 McKinley Chalet Resort – Nenana View Bar & Grille:** Aramark Corporation; Denali **R**
Borough
Mile 238.9 Parks Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Denali Borough has been notified.

- 2486 Millennium Hotel, Anchorage:** Anchorage-Lakefront Ltd. Partnership; Anchorage **S**
 4800 Spenard Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Municipality of Anchorage has been notified.
- 313 Prospector Hotel/TK Maguires:** Juneau Hospitality LLC; Juneau **T**
 375 Whittier Street
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. City of Juneau has been notified.
- 2111 Roadside Inn:** KLB, Inc.; Mat-Su Borough **U**
 Mile 49.5 Parks Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 1139 Spenard Paradise Inn & Lounge:** Hyun Ju Song & Kyong Teak Song; Anchorage **V**
 3001 Spenard Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Municipality of Anchorage has been notified.
- 941 Swiss Alaska Inn:** Werner J. Rauchenstein; Mat-Su Borough **W**
 22056 S F Street
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 3931 Talkeetna Alaskan Lodge:** CIRI Alaska Tourism Corporation; Mat-Su Borough **X**
 Mile 12.5 Talkeetna Spur
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 897 The Place Bar & Motel:** John R. Young; Kenai Peninsula Borough **YZ**
 53791 Sparrow Lane
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.

Bob Klein **moves to approve tourism renewal consent agenda**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote [2:15:24 PM](#)

Motion carried 4-0

END OF TOURISM LICENSES – RENEWALS

● **DELEGATED CONSENT AGENDA** [2:20:06 PM](#) **TAB 15**

416 2Go Tesoro: Tesoro Northstore Company; Mat-Su Borough
3600 E Palmer-Wasilla Hwy.

Transfer – Package Store

From: North Shore Liquor, North Shore Liquor, Inc., 3610 N Burkeshore Drive

All statutory requirements have been met. Mat-Su Borough, Dept. of Labor & Revenue approve.
Pending Central Mat-Su Fire Dept. approval.

4835 Alaska Experience Theatre & Portview Banquet Room: International Cinema Productions, Ltd;
Municipality of Anchorage
333 W Fourth Ave., Ste. 207

Transfer – Beverage Dispensary

From: Henri Hawaii, Henri Hawaii, Inc.; 201 E Northern Lights Blvd., Ste. B

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

2583 Harley’s Old Thyme Café: Eduardo Rodriguez; Municipality of Anchorage
7550 Old Seward Hwy.

Transfer – Restaurant Eating Place

From: Harley & Margaret Livingston

All statutory requirements have been met. Anchorage approval pending. Background investigation pending.

5201 High Mark Distillery: High Mark Distillery, Inc.; Kenai Peninsula Borough
37200 Thomas Street

New - Distillery

All statutory requirements have been met. Kenai Peninsula Borough approves. Background investigation pending.

5203 Hoodoo Sport Fishing Adventures: Hoodoo Sport Fishing Adventures, LLC;
Aleutians East Borough
New - Lodge

All statutory requirements have been met. Aleutians East Borough did not protest within 60 days of notice. Pending State Fire Marshall & Dept. of Environmental Conservation approval. Background investigation pending.

5202 Hoodoo Sport Fishing Adventures: Hoodoo Sport Fishing Adventures, LLC;
Cold Bay, Aleutians East Borough
New - Lodge

All statutory requirements have been met. Cold Bay & Aleutians East Borough did not protest within 60 days of notice. Dept. of Environmental Conservation approves. Pending State Fire Marshall approval. Background investigation pending.

5205 Mad Hatcher: Mad Hatcher Alaska, LLC; Mat-Su Borough
9351 N Palmer Fishhook
New – Restaurant Eating Place

All statutory requirements have been met. Mat-Su Borough and State Fire Marshall's Office approve. Dept. of Environmental Conservation approval pending. Background investigations pending.

3687 Thai House Restaurant: Boonchoo, Inc.; City of Fairbanks
412 Fifth Avenue
Transfer – Restaurant Eating Place
From: Charlermpon Boonprasert

All statutory requirements have been met. City of Fairbanks approves. Dept. of Labor approval pending. Background investigations complete.

187 The CAVE Wine Bar & Grille: The CAVE Wine Bar & Grille, LLC; Delta Junction
266 Richardson Hwy.
Transfer – Beverage Dispensary
From: Buffalo Lodge; Buffalo Lodge, Inc.; Mile 266 Richardson Hwy.

All statutory requirements have been met. Delta Junction approves. Dept. of Labor approval pending. Background investigations complete.

1078 The Crossbar: Wicked Wrister Enterprises, LLC; Municipality of Anchorage
No Premises

Transfer – Beverage Dispensary

From: Mac’s Sports Bar; Crazy Horse Too, Inc., 156 Muldoon Rd

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

4111 Wilderness Express: Wilderness Express, LLC
Alaska Railroad

Transfer – Common Carrier

From: Royal Celebrity Tours, Inc.

All statutory requirements have been met. Background investigations pending.

4112 Wilderness Express: Wilderness Express, LLC
Alaska Railroad

Transfer – Common Carrier

From: Royal Celebrity Tours, Inc.

All statutory requirements have been met. Background investigations pending.

4188 Wilderness Express: Wilderness Express, LLC
Alaska Railroad

Transfer – Common Carrier

From: Royal Celebrity Tours, Inc.

All statutory requirements have been met. Background investigations pending.

4189 Wilderness Express: Wilderness Express, LLC
Alaska Railroad

Transfer – Common Carrier

From: Royal Celebrity Tours, Inc.

All statutory requirements have been met. Background investigations pending.

Ethan Billings **moves to approve with delegation**

Marvin Yoder **seconds the motion**

Motion carried

Roll call vote [2:24:00 PM](#)

Motion carried 4-0

END OF DELEGATED CONSENT AGENDA

● **CONSENT AGENDA**

[2:15:33 PM](#)

TAB 16

1294 Big John's: Irini, Inc.; Kenai Peninsula Borough

No Premises

Transfer – Package Store

From: Gwin's Lodge, Gwin's Lodge Inc., Mile 52 Sterling Hwy.

All statutory requirements have been met. Kenai Peninsula Borough, Dept. of Labor & Revenue approve. Background investigations complete.

322 Brown Jug: Liquor Stores USA North, Inc; Anchorage

9200 Old Seward Hwy.

Transfer – Package Store

From: George's Homestead Liquor Store, George's Homestead Lounge, LLC; 10240 Old Seward Hwy.

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

1410 Brown Jug – Wasilla: Liquor Stores USA North, Inc.; Wasilla

1350 S Seward Meridian Parkway

Transfer – Package Store

From: 509 Parks Hwy.

All statutory requirements have been met. City of Wasilla approves. Background investigations complete. Temporary license has been issued.

Marvin Yoder **motions to approve the Brown Jug liquor licenses #322 & #1410**

Ethan Billings **seconds the motion**

Motion carried

Roll call vote [2:19:57 PM](#)

Motion carried 4-0

1847 George Inlet Lodge: George Inlet Development, LLC; Ketchikan Gateway Borough

11728 S Tongass Hwy.

Transfer – Beverage Dispensary

From: Sun Dogs, Inc.

All statutory requirements have been met. Ketchikan Gateway Borough, Dept. of Labor & Revenue approve. Background investigations complete.

3820 Igloo Liquor: Sunshine Liquor Inc.; Mat-Su Borough
10160 Parks Hwy.
Transfer – Package Store
From: Mile 188.5 Parks Hwy.

All statutory requirements have been met. Mat-Su Borough & State Fire Marshall's Office approve. Background investigations complete. Temporary license has been issued.

5170 La Bodega: Isles, Inc.; Municipality of Anchorage
1200 W Northern Lights
New – Package Store

All statutory requirements have been met. Municipality of Anchorage approves. Background investigations complete.

5191 Noodle World Alaska: Noodle World Alaska, LLC; Municipality of Anchorage
2844 E Tudor Road
New – Restaurant Eating Place

All statutory requirements have been met. Municipality of Anchorage approves. Background investigations complete. Temporary license has been issued.

5204 Pizza Express: Hector Barragan; City of Sitka
1321 Sawmill Creek Road, Ste. 1
New – Restaurant Eating Place

All statutory requirements have been met. City of Sitka and Dept. of Environmental Conservation approve. Background investigations pending. Temporary license has been issued.

828 Tripp's Viking Liquor: Jack D. Tripp; City of Juneau
218 Front Street
Transfer – Package Store
From: 151 S Franklin Street

All statutory requirements have been met. City of Juneau approves. Temporary license has been issued.

4873 Twister Creek Restaurant: Talkeetna Restaurant, LLC; Mat-Su Borough
13605 E Main Street
Transfer - Restaurant Eating Place
From: Twister Creek, LLC

All statutory requirements have been met. Talkeetna, Dept. of Labor & Revenue approve.
Temporary license has been issued.

Marvin Yoder **moves to approve consent agenda**
Ethan Billings **seconds the motion**
Motion approved

Roll call vote [2:18:51 PM](#)

Motion carried 4-0

● **FIRST AND SECOND WAIVERS - CONSENT** [2:24:54 PM](#) **TAB 17**

1st Waivers

5074 Baranof Dream

License: Common Carrier - Seasonal
Alaskan Waters

3123 Hangar Lounge

License: Beverage Dispensary
Mile 1.5 D Big Lake Road, Mat-Su Borough

1047 Silver Spur

License: Beverage Dispensary
285 Romans Way, Fairbanks Northstar Borough

742 The Corsair

License: Beverage Dispensary Tourism
944 W Fifth Ave., Anchorage

5081 The Regatta

License: Common Carrier
Alaskan Waters

2652 Windmill Grille

License: Restaurant Eating Place - Seasonal
1544 Kanakanak Road, Dillingham

2nd Waivers

- 416** 2Go Tesoro
License: Package Store
3600 E Palmer-Wasilla Hwy., Mat-Su Borough
- 5074** Baranof Dream
License: Common Carrier - Seasonal
Alaskan Waters
- 110** Bering Sea Saloon
License: Beverage Dispensary - Seasonal
No Premises, Nome
- 534** Houston Lodge Liquor
License: Package Store
No Premises, Houston
- 826** No DBA
License: Beverage Dispensary - Seasonal
No Premises, Anchorage
- 1113** Tamarack Inn
License: Package Store
Mile 298 Parks Hwy., Outside/Unorganized
- 1078** The Crossbar
License: Beverage Dispensary - Seasonal
No Premises, Anchorage

Marvin Yoder **moves to approve first & second waivers**
Ethan Billings **seconds the motion**
Motion carried

Roll call vote [2:29:51 PM](#)

Motion carried 4-0

END OF CONSENT AGENDA

- **THIRD WAIVERS**

1198 2Go Tesoro

1:31:30 PM

License: Package Store
No Location, Anchorage

Bob Klein **moves to approve third waiver**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote 1:41:57 PM

Motion approved 4-0

4709 Pacific Venus

2:29:58 PM

License: Common Carrier
Alaskan Waters

Bob Klein **moves to approve third waiver**
Marvin Yoder **seconds the motion**
Motion carried

Roll call vote 2:30:14 PM

Motion approved 4-0

END OF CONSENT AGENDA

- **NOTICE OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses

TAB 18

- **NEXT ABC BOARD MEETING – May 30, 2013 - Anchorage**

Minutes reviewed & approved by:

Shirley A. Coté, Director

Shirley A. Coté

Christine C. Lambert, Records & Licensing Supervisor

Christine C. Lambert

Tab

3



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director
DATE: Tuesday, May 21, 2013
FROM: Christine Lambert, Records & Licensing Supervisor
RE: Municipality Late Renewal Protest

1/9/13

Notice of renewal applications mailed to Municipality of Anchorage. Municipality states the notice was received via US mail on 1/11/13.

2/12/13

Approved/Non-Objection Renewals notice received from the Municipality for the above noted liquor licenses.

3/13/13

Protested renewals notice was received in the ABC Board office. The protests were made for taxes owing the Municipality. The notice of renewal applications was received by the Municipality of Anchorage on 1/11/13, add 60 days (per AS 04.11.480) allows for protest to be accepted by the ABC Board up to close of business on 3/12/13. The protest is one day late.

Lambert, Christine C (CED)

From: Nowak, Anna T. <NowakAT@ci.anchorage.ak.us>
Sent: Wednesday, April 10, 2013 1:24 PM
To: Lambert, Christine C (CED)
Subject: FW: Liquor license renewal protests
Attachments: doc00675520130313153257.pdf

Good afternoon Chris,

The following licenses were received on January 11, 2013 with the last day to protest on March 12, 2013 and Assembly meeting on March 12, 2013:

1. O'Brady's Burgers & Brew LL#4614
2. Spirits of Alaska #1 LL#3556
3. ~~Kobe Teppanyaki House LL#2958~~ *Protest lifted 5-14-13*
4. Bombay Deluxe Restaurant LL#4158

Thank you

-----Original Message-----

From: Nowak, Anna T.
Sent: Wednesday, March 13, 2013 4:40 PM
To: Lambert, Christine C (CED); 'Oates, Sarah D (CED)'; Andrews, Maxine R (CED)
Subject: FW: Liquor license renewal protests

Original letter was placed in the mail.

Thank you

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

-----Original Message-----

From: Nowak, Anna T.
Sent: Wednesday, March 13, 2013 4:39 PM
To: Lambert, Christine C (CED); 'Oates, Sarah D (CED)'; Andrews, Maxine R (CED)
Subject: Liquor license renewal protests

Attached please find the protested renewals entered during the regular Assembly meeting on March 12, 2013. Should you have any questions please contact me at 343-4316.

Thank you

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

Lambert, Christine C (CED)

From: Nowak, Anna T. <NowakAT@ci.anchorage.ak.us>
Sent: Tuesday, May 21, 2013 8:35 AM
To: Cote, Shirley A (CED)
Cc: Lambert, Christine C (CED); Jones, Barbara A.; Moser, Amanda K.
Subject: RE: Liquor license renewal protests

Shirley,

Thank you for your response.

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

-----Original Message-----

From: Cote, Shirley A (CED) [mailto:shirley.cote@alaska.gov]
Sent: Monday, May 20, 2013 11:15 AM
To: Nowak, Anna T.
Cc: Lambert, Christine C (CED); Jones, Barbara A.; Moser, Amanda K.
Subject: RE: Liquor license renewal protests

Good morning Anna,

That makes good sense that you would give licensees the last opportunity to pay their taxes before a protest is issued. When they pay their taxes that saves all of us valuable time. As long as we are notified within the 60-day statutory requirement you are fine. Your email sent between those hours will be fine - as long as we also receive it within that time. The risk remains yours if for some reason your computer doesn't do its job and fails to send the message, I suppose. Thanks Anna.

Shirley

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

-----Original Message-----

From: Nowak, Anna T. [mailto:NowakAT@ci.anchorage.ak.us]
Sent: Monday, May 20, 2013 8:27 AM
To: Cote, Shirley A (CED)
Cc: Lambert, Christine C (CED); Jones, Barbara A.; Moser, Amanda K.
Subject: RE: Liquor license renewal protests

Good morning Shirley and thank you very much for your response.

The licenses were not put before the Assembly until the Regular Assembly Meeting of March 12, 2013. All licenses were protested for taxes owed. The Clerk's Office was waiting until the last Assembly meeting hoping that the applicants

would pay the taxes. In this scenario the last Assembly meeting was also the last day to protest. We did not notify the ABC Board until the next day which was ultimately the 61st day.

If similar situation were to occur in the future, can the Clerk's Office notify the ABC Board of the PROTEST between the hours of 5:00 p.m. until 12 a.m.?

Once again thank you very much for your explanation.

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

-----Original Message-----

From: Cote, Shirley A (CED) [mailto:shirley.cote@alaska.gov]
Sent: Friday, May 17, 2013 11:43 AM
To: Nowak, Anna T.
Cc: Lambert, Christine C (CED)
Subject: RE: Liquor license renewal protests

Hello Anna,

Is there reason why the licenses were not put before an Assembly meeting between the dates of January 11th and the Assembly meeting before the last day of protest on March 12th? If so and for the future, if we are notified by email within the 60 days I would say that it is sufficient notification. The following day clearly put you outside statute as explained by Chris. Please let me know if this answers your question sufficiently, or if I have missed something. Thank you!

Shirley

Shirley A. Coté
Director
Alcoholic Beverage Control Board
(907) 269-0351

From: Nowak, Anna T. [NowakAT@ci.anchorage.ak.us]
Sent: Tuesday, May 14, 2013 3:30 PM
To: Cote, Shirley A (CED)
Subject: RE: Liquor license renewal protests

Good afternoon Shirley,

Should the Municipality encounter similar situation in the future (when the last day to protest the liquor license is also the last Assembly meeting) would the email notification of the protest be sufficient? The email would be sent to ABC Board on the night of the Assembly meeting between the hours of 5:00 p.m. and 12:00 a.m.
Please let me know.

Thank you very much

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

-----Original Message-----

From: Lambert, Christine C (CED) [mailto:christine.lambert@alaska.gov]
Sent: Wednesday, April 10, 2013 1:49 PM
To: Nowak, Anna T.
Cc: Cote, Shirley A (CED)
Subject: RE: Liquor license renewal protests

Anna,

The Municipality's receipt of the ABC Board renewal notice on 1/11/13 allowed a protest from the Municipality within 60 days, or by 3/12/13. The Municipality's notice is dated 3/13/13, being 61 days after receipt of the ABC Board's notice of renewal. AS 04.11.480 states:

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer.

I have spoken with Shirley regarding the late notice and she has advised me to put the decision before the next ABC Board meeting on May 30, 2013. I will let you know the time for the Municipality to speak to the ABC Board regarding these four protests. If you need additional information, feel free to contact me. Chris

Christine C. Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive, Anchorage, AK 99501
263-5923 phone | 263-5930 fax | Christine.lambert@alaska.gov

-----Original Message-----

From: Nowak, Anna T. [mailto:NowakAT@ci.anchorage.ak.us]
Sent: Wednesday, April 10, 2013 1:24 PM
To: Lambert, Christine C (CED)
Subject: FW: Liquor license renewal protests

Good afternoon Chris,

The following licenses were received on January 11, 2013 with the last day to protest on March 12, 2013 and Assembly meeting on March 12, 2013:

1. O'Brady's Burgers & Brew LL#4614
2. Spirits of Alaska #1 LL#3556
3. Kobe Teppayaki House LL#2958
4. Bombay Deluxe Restaurant LL#4158

Thank you

-----Original Message-----

From: Nowak, Anna T.
Sent: Wednesday, March 13, 2013 4:40 PM
To: Lambert, Christine C (CED); 'Oates, Sarah D (CED)'; Andrews, Maxine R (CED)
Subject: FW: Liquor license renewal protests

Original letter was placed in the mail.
Thank you

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316

-----Original Message-----

From: Nowak, Anna T.
Sent: Wednesday, March 13, 2013 4:39 PM
To: Lambert, Christine C (CED); 'Oates, Sarah D (CED)'; Andrews, Maxine R (CED)
Subject: Liquor license renewal protests

Attached please find the protested renewals entered during the regular Assembly meeting on March 12, 2013.
Should you have any questions please contact me at 343-4316.

Thank you

Anna Nowak
Deputy Municipal Clerk - Licensing
Ph. 907-343-4316



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

March 13, 2013

Ms. Christine Lambert
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507

Dear Ms. Lambert:

Liquor Licenses

The Anchorage Municipal Assembly at its regular meeting on **March 12, 2013** took the following final action:

PROTESTED RENEWALS

Beverage Dispensary

Chili's Grill & Bar #4200
O'Brady's Burgers & Brew #4614

Package Store

Spirits of Alaska #1 #3556

Restaurant/Eating Place

Kogi #5107
Kobe Teppayaki House #2958
Bombay Deluxe Restaurant #4158
Kansha Japanese Restaurant #4688

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

Concur,

Barbara A. Jones ← for



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E Tudor Road
Anchorage, Alaska 99507
Main: 907 269 0350
Chris Lambert: 907.269.0359
TDD: 907 465 5437
Fox: 907.272.9412

January 9, 2013

Renewal Application Notice

Municipality of Anchorage
Attn: Municipality Clerk
VIA EMAIL: MuniLicenses@muni.org

DBA	Lic Type	Lic #	Owner	Service Location
American Legion Post #28	Club	59	American Legion Spenard Post #28	7001 Brayton Drive
Bella Vista Pizzeria & Restaurant	Restaurant/Eating Place	107	Charlampos Alefantinos	20908 Ben Stephens Dr
In and Out Liquor #1	Package Store	156	In Sook Kang	3601 Arctic Blvd
Brown Jug - Eagle River	Package Store	162	Liquor Stores USA North Inc.	11221 Old Glenn Hwy
Carpentier's Cocktail Lounge	Beverage Dispensary	201	Little Dipper Inc	335 Boniface Pkwy
Reilly's	Beverage Dispensary	216	Reilly's Alaska Inc.	317 W Fireweed Ln
Blues Central/Chef's Inn	Beverage Dispensary	217	Sluice Box Investments LLC	825 W Northern Lights Blvd
Crow's Nest	Beverage Dispensary-Duplicate	290	Hickel Investment Company	928 W 4th Ave
George's Homestead Liquor Store	Package Store	322	George's Homestead Lounge LLC	10240 Old Seward Hwy
Fiori D'Italia	Beverage Dispensary	434	Ulber Ferati	2502 McRae Rd
Black Angus Steak House #2	Beverage Dispensary-Tourism AS 04.11.400(d)	531	A.C., Inc	1430 Gambell St
Long Branch Saloon	Beverage Dispensary	670	OTL Enterprises	1737 E Dimond Blvd
Brown Jug - Whaler	Package Store	686	Liquor Stores USA North Inc.	171 Muldoon Road

F Street Station	Beverage Dispensary	762	Station Inc	325 F Street
Office Lounge	Beverage Dispensary	806	Nura Abdul-Halim	545 E Northern Lights Blvd.
The New Peanut Farm	Beverage Dispensary	842	The New Peanut Farm Inc	5227 Old Seward Hwy
Pioneer Bar	Beverage Dispensary	866	Old Timers Inc.	739 W. 4th Ave.
The Quarterdeck	Beverage Dispensary-Duplicate	932	Hickel Investment Company	928 W 4th Avenue
The Cabin Tavern	Beverage Dispensary	970	Cabin Tavern Inc	264 Muldoon Road
Eagle River Liquor	Package Store	1011	Eagle River Liquor LLC	16535 Artillery Road
Spenard Paradise Inn & Lounge	Beverage Dispensary-Tourism AS 04.11.400(d)	1139	Hyun Ju Song & Kyong Teak Song	3001 Spenard Rd
Time Out Lounge	Beverage Dispensary	1140	Icy Ivan Inc.	4600 Old Seward Hwy
Whale's Tail	Beverage Dispensary	1224	Hickel Investment Company	928 W 4th Ave
Woodshed Lounge	Beverage Dispensary	1244	UPE, Inc.	535 West 3rd Avenue
Marx Bros Café	Restaurant/Eating Place	1422	Band of Reknown Enterprises Inc	627 W 3rd Ave
K & L Distributors	Wholesale - General	1510	K & L Distributors Inc	6307 Arctic Spur Rd
Pizza Man	Restaurant/Eating Place	1533	PFD Inc	16410 Brooks Loop #1
Northern China Restaurant	Restaurant/Eating Place	1582	Han Duk Yi	353 Muldoon Rd
Sea Galley	Beverage Dispensary	1666	Pepper Mill LLC	4101 Credit Union Drive
Jewel Lake Pizza & Tea Garden	Restaurant/Eating Place	1805	Jade Dynasty Inc	9150 Jewel Lake Road
Ichiban Restaurant	Restaurant/Eating Place	2113	Pyung Ki Kim & Mi Kyong Kim	2488 E Tudor Road
Kincaid Grill	Restaurant/Eating Place	2115	R.A. Levinsohn, LLC	6700 Jewel Lake Road
Garcia's Cantina	Beverage Dispensary	2275	Garcia's Birchwood Ltd Partnership	11901 Business Blvd Ste 104
Fletcher's	Beverage Dispensary-Duplicate	2290	Hickel Investment Company	928 W 4th Avenue
American Legion Post #33	Club	2476	American Legion Post #33	21426 Old Glenn Hwy
Millennium Hotel, Anchorage	Beverage Dispensary-Tourism AS 04.11.400(d)	2486	Anchorage-Lakefront Ltd Partnership	4800 Spenard Road
Today's Pizza	Restaurant/Eating	2568	C & H Corporation	4608 Spenard Rd

	Place			
Cyrano's Crepes & Books	Restaurant/Eating Place	2724	Cyrano's Crepes & Books LLC	413 D St
AMVETS Post #2	Club	2943	AMVETS Post #2 Inc	855 E 38th Ave
Kobe Teppayaki House	Restaurant/Eating Place	2958	Kobe Teppayaki House	3400 Arctic Blvd
The Greek Corner	Restaurant/Eating Place	3251	Herrera Brothers Inc	201 E Northern Lights Blvd #A
Lone Star Steakhouse & Saloon	Beverage Dispensary	3494	Lone Star Steakhouse & Saloon of Alaska Inc	4801 C Street
Jalapeños Mexican Restaurant	Beverage Dispensary	3518	Jalapeños Inc.	11823 Old Glenn Highway
Carlos' Fine Mexican Restaurant	Beverage Dispensary	3538	Carlo's Fine Mexican Restaurant Inc	11401 Old Seward Hwy
Spirits of Alaska #1	Package Store	3556	T & M Enterprises Inc	1149 Gambell St
Silvertip Grill	Restaurant/Eating Place	3558	Judson Crosby	221 Hightower St
Gallo's Mexican Restaurant #2	Beverage Dispensary	3572	Gallo's Mexican Restaurant Inc	8615 Old Seward Hwy
Petroleum Club of Anchorage	Club	3586	Petroleum Club of Anchorage	3301 C Street #120
Outback Steakhouse	Beverage Dispensary	3753	Anchorage Outback Inc.	101 W 34th Ave
The Bungalow Lounge	Beverage Dispensary	3781	Bernard I Souphanavong	626 D Street
Sweet Basil Café	Restaurant/Eating Place	3897	Buba Corporation	1021 W Northern Lights Blvd
Y2K Liquors	Package Store	3898	Vision Investment Group Inc	6020 Old Seward Hwy
Uncle Joe's Pizzeria	Restaurant/Eating Place	3915	Uncle Joe's Inc	11700 Old Seward Hwy
Organic Oasis Health Foods & Juice Bar	Restaurant/Eating Place	3921	Organic Oasis Health Foods & Juice Bar Inc	2610 Spenard Rd Suite #B
K & L Beverage Company LLC	Wholesale - General	3964	K & L Beverage Co LLC	6307 Arctic Spur Rd
Brown Jug - College Mall	Package Store	4069	Liquor Stores USA North Inc.	2210 E Northern Lights Blvd
Fu Do Restaurant	Beverage Dispensary	4109	Mong Chen Inc	2600 E Tudor Rd
Rumrunner's Old Towne Bar & Grill	Beverage Dispensary	4157	Basilio Gallo	No Premises

Bombay Deluxe Restaurant	Restaurant/Eating Place	4158	Bombay Deluxe Restaurant Inc	555 W Northern Lights Blvd
Chili's Grill & Bar	Beverage Dispensary	4200	Duke Investments LLC	No Premises
Subzero	Beverage Dispensary-Duplicate	4261	Hook Line & Sinker Inc	612 F St
Uncle Joe's Pizzeria	Restaurant/Eating Place	4293	Uncle Joe's Inc	3401 E Tudor Rd
Eddie's Sports Bar	Beverage Dispensary-Duplicate	4317	Rockdance Inc	6300 Old Seward Hwy
Three Amigo's Mexican Restaurant	Beverage Dispensary	4350	Victor Hurlado & Jose Diaz	360 Boniface Pkwy. A 30-31
Café 817	Restaurant/Eating Place	4449	Muffin Man & Company Inc	817 W 6th Avenue
The Peanut Farm Sports Grill	Beverage Dispensary-Duplicate	4469	The New Peanut Farm Inc	5227 Old Seward Hwy
Northern Spirits Distributors	Wholesale-Malt Beverage & Wine	4497	Northern Spirits Distributors LLC	601 W 58th
Brown Jug / Northern Lights at Spenard	Package Store	4520	Liquor Stores USA North Inc.	2710 Spenard Rd
O'Brady's Burgers & Brew	Beverage Dispensary	4614	Maurice B MacDonald Jr	1501 Huffman
Kansha Japanese Restaurant	Restaurant/Eating Place	4688	Kansha Inc	209 E Dimond Blvd
Alaska Wild Berry Products	Recreational Site	4722	Alaska Wild Berry Products Inc	5225 Juneau St
Paris Bakery & Cafe	Restaurant/Eating Place	4845	Antoine Amouret	500 Muldoon St 6
Table 6	Beverage Dispensary	4847	Haute Quarter Grill Inc	3210 Denali Street Ste. 7 & 8
Midnight Sun Brewing Co.	Brewery	4866	Midnight Sun Brewing, LLC	8111 Dimond Hook Dr.
Polaris Distributor	Wholesale - General	4867	Koala Inc.	230 E Potter St #6
Wine House @ Jewel Lake	Package Store	4883	TCCH Incorporated	8841 Jewel Lake Rd
Alaska Liquor	Package Store	4919	KDAJ Investment Group, Inc.	2844 E Tudor Rd
El Tango	Restaurant/Eating Place	4930	El Tango Inc.	4300 Old Seward Hwy #D1
Bare Distillery	Distillery	4985	Bare Distillery Alaska, LLC	6310 A Street
Ruby's Cafe	Restaurant/Eating Place	5013	Ruby's Cafe LLC	101 W Benson Blvd, Suite 101
Ling and Louie's Asian Bar and Grill	Restaurant/Eating Place	5038	Hapa Ventures LLC	3801 Old Seward Hwy
Fressen Restaurant	Restaurant/Eating Place	5043	Fressen Food Service LLC	2602 Spenard Rd

Korean Garden	Restaurant/Eating Place	5044	Leanne K Kang	300 Dimond Blvd Ste 67
Unwined	Package Store	5045	NW Alaska Properties LLC	751 E 36th Ave #113
Kubo Restaurant	Restaurant/Eating Place	5087	Erica Ciabu	3020 Minnesota Dr Ste 13
Shine's Fusion Asian Bistro	Restaurant/Eating Place	5104	WTH Gourmet Food, LLC	12400 Old Glenn Hwy #3
KOGI	Restaurant/Eating Place	5107	Sushi Garden, Inc.	800 Northway Dr.
Labodega	Package Store	5111	Isles, Inc.	530 E Benson Blvd, Unit 104, 105 & 106

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 843-4316 • Fax: (907) 843-4313 <http://www.muni.org>

Office of the Municipal Clerk Business License

January 22, 2013

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

Dear Ms. Lambert:

Liquor Licenses

The Anchorage Municipal Assembly at its regular meeting on **February 12, 2013** took the following final action:

APPROVED/NON-OBJECTION RENEWALS

Club

American Legion Post 28 #59
American Legion Post 33 #2476
AMVETS Post 2 #2943
Petroleum club of Anchorage #3586

Package Store

In and Out Liquor 1 #156
Brown Jug – Eagle River #162
Brown Jug – Old Seward South #322
Brown Jug – Whaler #686
Eagle River Liquor #1011
Spirits of Alaska 1 #3556
Y2K Liquors #3898
Brown Jug – College Mall #4069
Brown Jug – Northern Lights at Spenard #4520
Wine House @ Jewel Lake #4883
Alaska Liquor #4919
Unwined #5045
La Bodega #5111

Distillery

Bare Distillery #4985

Recreational Site

Alaska Wild Berry Products #4722

Wholesale – Malt Beverage & Wine

Northern Spirits Distributors #4497

Beverage Dispensary

Carpentier's Cocktail Lounge # 201

Reilly's #216

Blues Central/Chef's Inn #217

Fiori D'Italia #434

Long Branch Saloon #670

F Street Station #762

Office Lounge #806

New Peanut Farm, The #842

Pioneer Bar #866

The Cabin Tavern #970

Time Out Lounge #1140

Whale's Tail #1224

Woodshed Lounge #1244

Sea Galley #1666

Garcia's Cantina #2275

Lone Star Steakhouse & Saloon #3494

Jalapenos Mexican Restaurant #3518

Carlos' Fine Mexican Restaurant #3538

Gallo's Mexican Restaurant 2 #3572

Outback Steakhouse #3753

Bungalow Lounge, The #3781

Fu Do Restaurant #4109

Rumrunner's Old Towne Bar & Grill #4157

Chilis Grill & Bar #4200

Three Amigos Restaurant #4350

O'Brady's Burgers & Brew #4614

Table 6 #4847

Beverage Dispensary/Tourism

Black Angus Steak House 2 #531

Spenard Paradise Inn & Lounge #1139

Millennium Hotel, Anchorage #2486

Beverage Dispensary/ Duplicate

Crow's Nest #290

Quarterdeck, The #932

Fletcher's #2290

Subzero #4261

Eddie's Sports Bar #4317

Peanut Farm Sports Grill, The #4469

Brewery

Midnight Sun Brewing Co. #4866

Wholesale-General

K & L Distributors #1510

K & L Beverage Company LLC #3964

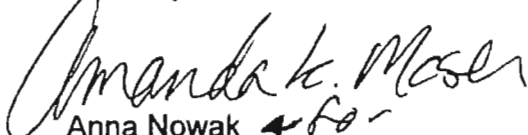
Polaris Distributor #4867

Restaurant/Eating Place

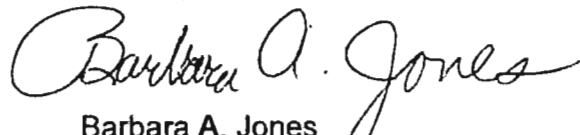
Bella Vista Pizzeria & Restaurant #107
Marx Bros Café #1422
Pizza Man #1533
Northern China Restaurant #1582
Jewel Lake Pizza & Tea Garden #1805
Ichiban Restaurant #2113
Kincaid Grill #5115
Today's Pizza #2568
Cyrano's Crepes & Books #2724
Kobe Teppayaki House #2958
Greek Corner, The #3251
Silvertip Grill #3558
Sweet Basil #3897
Uncle Joe's Pizzeria #3915
Organic Oasis health Foods & Juice Bar #3921
Bombay Deluxe Restaurant #4158
Uncle Joe's Pizzeria #4293
Café 817 #4449
Kansha Japanese Restaurant #4688
Paris Bakery & Café #4845
El Tango #4930
Ruby's Café #5013
Ling and Louie's Asian Bar and Grill #5038
Fressen Restaurant #5043
Korean Garden #5044
Kubo Restaurant #5087
Shine's Fusion Asian Bistro #5104
Kogi #5107

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 *for*
Deputy Licensing Clerk

Concur,


Barbara A. Jones
Municipal Clerk

Tab

4



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director
FROM: Christine Lambert, Records & Licensing Supervisor
DATE: Tuesday, May 21, 2013
RE: Yamato Ya Restaurant #1617 Resurrect & Renew License

9/19/12

Pre-printed renewal application and cover letter mailed to address on record for licensee. Mail was not returned to ABC Board as undeliverable

1/17/13

Notice of non-renewal mailed to licensee at address on record. Mail was not returned to ABC Board as undeliverable.

4/24/13

Investigators visited licensee and found the liquor license had expired. Licensee was advised to speak with the Licensing staff regarding renewal.

5/6/13

Licensee comes to ABC Board office and applies for renewal and changes the mailing address to premises address: 3501 Old Seward Hwy., Anchorage, AK 99503



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 19, 2012

Yamato Inc
PO Box 222041
Anchorage, AK 99522

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/ *Christine C. Lambert*
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

January 17, 2013

Yamato Inc
PO Box 222041
Anchorage, AK 99522

RE: Yamato Ya Restaurant Lic#1617

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2013**.

The ABC Board must receive the following by February 28, 2013:

1. Completed two page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee**.

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2013 or **hand delivered to our office by 4:00PM** on February 28, 2013.

Please contact our office if you have questions or concerns regarding the renewal of your liquor license.

ABC Board Office Contact Information Until 2/1/13

5848 E Tudor Road, Anchorage, AK 99507
Phone: 907-269-0350
Fax: 907-272-9412

ABC BOARD CONTACT ADDRESS AS OF 2/4/13

2400 Viking Drive
Anchorage, AK 99501

2013/2014 Renewal Checklist

License # 1617

License Application Complete: 05/6/13 mra

DBA	No Change <input checked="" type="checkbox"/>	New:
Licensee	No Change <input checked="" type="checkbox"/>	New:
Premises Address	No Change <input checked="" type="checkbox"/>	New: Authorized:
Mailing Address	No Change <input type="checkbox"/>	New: 3501 Old Seward Hwy. Anchorage, AK 99503

License questions answered correctly: Yes No
Corrections taken:

Corporation Information:

In "good standing" – Div. of Corporation website Yes No
Stockholders and officers match our licensing database Yes No

Fees paid: License fee Filing fee FP fee Late fee
fee notes

Corrections made:

EIN 92-0083361

2013-2014 renewal never received. Licensee has written the board requesting resurrect and renew

1
6
1
7

To: Liquor Board

From: Yamato Ya Restaurant

We would like to reinstate our beer and wine license please. We did not receive our renewal notices in the mail. This is the first time we have ever been in this situation. We have been in good standing with our liquor license over the many years.

We had moved location in 2011 and think maybe this is why there was a mix up with our renewal.

I hope there is some way to expedite our renewal as this is a vital part of our revenue and our continuing success since 1982.

If there is any further information you require, please let us know.

Thank you for your help and consideration.

A handwritten signature in black ink, appearing to be 'Keola Nakamoto', written in a cursive style.

Keola Nakamoto

Yamato Ya

Keola @ 947-6505 cell

Tab

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MEMORANDUM

TO: Chair Klein and Members of the
ABC Board

DATE: May 2, 2013

FROM: Shirley A. Coté *SAC*

RE: Resurrect and Renew, Blue Loon,
License # 3195

Alaska Statute 04.11.270(b)(2) states that on or before November 1, the director shall mail a renewal application to each licensee whose license will expire on December 31st. The license must reach our office by January 1st; however, with a \$500 penalty fee, the licensee still has two months to renew without expiration until February 28th under AS 04.11.540.

Records & Licensing Supervisor Christine Lambert sent Adam Wool his 2013/2014 renewal application on September 24, 2013. On January 17, 2013 she sent Mr. Wool a reminder that his liquor license would expire on February 28th. On April 2, 2013 an Alaska State Trooper noticed that Mr. Wool's liquor license was expired. Ms. Lambert sent the list of expired licenses on April 9th so eventually Mr. Wool would have been caught anyway. I advised Mr. Wool that none of our correspondence came back to us. He advised he had no doubt the renewal application and the follow-up reminder arrived but got misplaced.

Mr. Wool wanted to operate off catering permits. I advised Mr. Wool that the board had decided that catering permits would not be issued in a manner that would circumvent licensing. He asked if he could call the board members and I answered in the affirmative. He called Mr. Klein which prompted the polling of the board. After receiving three affirmative votes from Mr. Klein, Mr. Billings, and Mr. Yoder Mr. Wool was advised he could seek a licensee willing to apply for catering permits - eight on a week-to-week basis to ensure no issues arose with this arrangement or his establishment. Frank Eagle, licensee for LaVelle's Bistro called to advise he was willing to seek catering permits for Mr. Wool.

Mr. Wool will come before the board to request a resurrection and renewal of his license.

FAX COVER LETTER

Total no of pages including cover: 4

**Attn: Shirley Cote
Director ABC Board
State of AK**

Fax no: 907-263-5930

**From: Blue Loon
Adam Wool
Fax no: 907-457-5616**

Shirley Cote
Director
State of AK ABC Board

4/12/13

Shirley,

I am sending you my renewal application for my beverage dispensary license #3195. I realize my license wasn't renewed by the deadline of Feb 28, 2013 and needs to be resurrected. I am therefore requesting to have an appearance in front of the board on their next meeting on May 30, 2013. I was planning on attending the meeting in Anchorage on that date.

Please advise on anything else that you would like to see from me at that time. I would also like to request copies of renewal notices that the ABC board sent to me in the period of Dec 2012 until March 2013 or thereabouts including the mailing address that was used to send me those notifications.

Thank You

Adam Wool
Blue Loon
Fairbanks, AK
907-457-5666
907-457-5616 fax
907-388-5666 cell

2013/2014 Liquor License Renewal

License Number	License Type	Establishment Name
3195	Beverage Dispensary	Blue Loon
	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premises Address
PO 81430 Fairbanks, AK 99708	2999 Parks Hwy City: Fairbanks Borough: FNSB

Phone: 907-457-5666	Fax: 907-457-5616
Email: adam@theblueloon.com	
Employer Identification # (EIN)	58-2679725
Community Council (Anchorage & Mat-Su only)	

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2011? Yes No
- Was your business open at least 30 days for 8 hours each day in 2012? Yes No
- Has the licensed premises changed from the last diagram submitted? Yes No
- Has any person named in this application been convicted of a felony or Title 4 violation? Yes No

IF RESTAURANT EATING PLACE LICENSE:

Gross receipts from sale of food were at least 50% of total gross receipts for 2011 and 2012? Yes No

IF PACKAGE STORE LICENSE:

Do you intend to ship alcoholic beverages in response to a written order? Yes No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone
Adam Wood PO 81430 Fbks, AK	owner	100	907-457-5666

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

Name & Mailing Address	Title	Phone

License Fee *see page 3 for fees	\$ 2500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee – If Received or Postmarked after 12/31/12	\$ 500
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$ 3200.00

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a licensee (a sole proprietor or partner), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

Licensee Signature

Adam Wool owner

Printed Name & Title

Notary Signature

Notary Public in and for the State of MA

Subscribed and sworn to before me this

12th day of April 2012

My commission expires:





THE STATE
of **ALASKA**

GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 24, 2012

Adam Wool
PO Box 81430
Fairbanks, AK 99708

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/ *Christine C. Lambert*

Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov

2013/2014 Liquor License Renewal

License Number	License Type	Establishment Name
3195	Beverage Dispensary	Blue Loon
	Seasonal Date From:	Seasonal Date To:

Mailing Address	Premises Address
Adam Wool PO Box 81430 Fairbanks, AK 99708	2999 Parks Hwy

Community Council (Anchorage & Mat-Su only)	
Phone:	Fax:
Email:	
Employer Identification # (EIN)	

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2011? Yes No
 Was your business open at least 30 days for 8 hours each day in 2012? Yes No
 Has the licensed premise changed from the last diagram submitted? Yes No
 Has any person named in this application been convicted of a felony
 or Title 4 violation? Yes No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone

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

Name & Mailing Address	Title	Phone

License Fee	\$ 2500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee – If Received or Postmarked after 12/31/12	\$
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a licensee (a sole proprietor or partner), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.

Licensee Signature

Printed Name & Title

Notary Signature

Notary Public in and for the State of _____

Subscribed and sworn to before me this

_____ day of _____

My commission expires: _____



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

January 17, 2013

Adam Wool
PO Box 81430
Fairbanks, AK 99708

RE: Blue Loon Lic#3195

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2013.**

The ABC Board must receive the following by February 28, 2013:

1. Completed two page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee.**

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2013 or **hand delivered to our office by 4:00PM** on February 28, 2013.

Please contact our office if you have questions or concerns regarding the renewal of your liquor license.

ABC Board Office Contact Information Until 2/1/13

5848 E Tudor Road, Anchorage, AK 99507
Phone: 907-269-0350
Fax: 907-272-9412

ABC BOARD CONTACT ADDRESS AS OF 2/4/13
2400 Viking Drive
Anchorage, AK 99501

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director
DATE: Tuesday, May 21, 2013
FROM: Christine Lambert, Records & Licensing Supervisor
RE: Bobby's Downtown Lic. #4763
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application with cover letter mailed to address on record. Mail was not returned to our office undeliverable.

1/17/13

Letter sent to licensee regarding the non-receipt of liquor license renewal.

2/28/13

Renewal application received with request for refund of \$500.00 late fee.



THE STATE
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Department of Commerce, Community,
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ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 24, 2012

Delta Epsilon Inc
PO Box 71681
Fairbanks AK 99707-1681

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELLI

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

ALCOHOLIC BEVERAGE CONTROL BOARD

*\$2700 2/28/13
due by 2/28/13
263 6923*

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

January 17, 2013

Delta Epsilon Inc
PO Box 71681
Fairbanks, AK 99707-1681

RE: Bobby's Downtown Lic#4763

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2013.**

The ABC Board must receive the following by February 28, 2013:

1. Completed two page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee.**

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2013 or **hand delivered to our office by 4:00PM** on February 28, 2013.

Please contact our office if you have questions or concerns regarding the renewal of your liquor license.

[ABC Board Office Contact Information Until 2/1/13](#)

5848 E Tudor Road, Anchorage, AK 99507
Phone: 907-269-0350
Fax: 907-272-9412

ABC BOARD CONTACT ADDRESS AS OF 2/4/13
2400 Viking Drive
Anchorage, AK 99501



BOBBY'S DOWNTOWN

609 SECOND AVENUE, FAIRBANKS, AK 99701 TEL 456-3222 FAX 457-4972

February 20, 2013

ABC Board
5848 E Tudor Road
Anchorage AK 99507

Subject: Bobby's Downtown Lic#4763

Enclosed is my Liquor License 2013/2014 Renewal and a check for \$3200.

The only notification received from your agency notifying me of the renewal is dated January 17, 2013. In bold letters is "LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013." The letter is misleading at most. I can understand my clerk's error in how she read the notice. ***I wish to protest the late fee of \$500.*** Firstly, because your letter is misleading; and, secondly, this is my livelihood as well as the thirty one plus people I employ. I would never jeopardize my business by failing to renew my liquor license.

Please, when your board meets next, reconsider charging this late fee and refund this fee.

Thank you for reading my letter and considering my request. I look forward to a written response.

Sincerely,

Bobby Nikolaides

BOBBY'S DOWNTOWN

907-456-3222
609 2ND AVE
FAIRBANKS, AK 99701

3062

89-5/1252 3422
3881156453

DATE 2/20/2013

PAY
TO THE
ORDER OF

ABC Board

\$

Thirty Two Hundred

DOLLARS



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

FOR

2013/2014 Liquor License

Danny Long

⑈0000003062⑈ ⑆125200057⑆ 3881156453⑈

Tab

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Denali Brewing Comp. Lic. #5019
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application and cover letter sent to address on record. Letter was not returned to the ABC Board office.

1/18/13

Non-renewal notice and pre-printed license application sent to address on record.

1/24/13

Mail was returned to ABC Board office "Attempted unknown". A review of the license application from 2010 indicated the ABC Board had incorrectly entered the licensee's mailing address. I phoned the licensee explaining the situation. I advised licensee request a refund of the \$500.00 late fee due to the mistake in mailing address input.



THE STATE
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GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 24, 2012

Twister Creek, LLC
PO Box 278
Talkeetna AK 99676

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

January 17, 2013

Twister Creek, LLC
PO Box 278
Talkeetna, AK 99676

RE: Denali Brewing Company Lic#5019

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2013

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2013.**

The ABC Board must receive the following by February 28, 2013:

1. Completed two page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee.**

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2013 or **hand delivered to our office by 4:00PM** on February 28, 2013.

Please contact our office if you have questions or concerns regarding the renewal of your liquor license.

ABC Board Office Contact Information Until 2/1/13

5848 E Tudor Road, Anchorage, AK 99507
Phone: 907-269-0350
Fax: 907-272-9412

ABC BOARD CONTACT ADDRESS AS OF 2/4/13
2400 Viking Drive
Anchorage, AK 99501

State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507

#12890001

Twister Creek, LLC
PO Box 278
Talkeetna AK 99676



NIXIE 995 DE 1 00 01/24/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

99676#0278 B0
99507@1286

BC: 99507128648 *1989-00960-19-02



27 February 2013

Twister Creek, LLC
d/b/a Denali Brewing
P.O. Box 1021
Talkeetna, AK 99676

Alaska Alcoholic Beverage Control Board
attn: Christine Lambert
2400 Viking Drive
Anchorage, AK 99501

Ms. Lambert,

I am sending this letter to request that the ABC Board refund the late fee associated with the renewal of license number 5019. We did not receive renewal paperwork prior to the deadline, and it was brought to our attention by you that the paperwork was sent to the wrong address.

We have included a check in the amount of \$1700 to cover the license and filing fees as well as the late fee, which we expect to be refunded for. Please contact me if you have any questions regarding this request. Thank you.

Sincerely,

Boe Barnett
Brewery Operations Manager
Twister Creek, LLC
907-354-2337
boebarnett@yahoo.com

2013/2014 Liquor License Renewal

License Number 5019	License Type Brewery	Establishment Name Denali Brewing Company
	Seasonal Date From:	Seasonal Date To:

Mailing Address Twister Creek, LLC PO Box 278 1021 Talkeetna, AK 99676	Premises Address 37083 South Talkeetna Spur Rd
---	--

Community Council (Anchorage & Mat-Su only)	
Phone: 907-733-2536	Fax: 907-733-2539
Email: denalibrewing@gmail.com	boebarnett@yahoo.com
Employer Identification # (EIN)	80-0315191

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2011? Yes No
- Was your business open at least 30 days for 8 hours each day in 2012? Yes No
- Has the licensed premise changed from the last diagram submitted? Yes No
- Has any person named in this application been convicted of a felony or Title 4 violation? Yes No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone

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

Name & Mailing Address	Title	Phone
See attachment		

Tab

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELI

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: American Legion Post 28 Lic. #59
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application and cover letter sent to address on record. Letter was not returned to the ABC Board office.

12/13

Day undetermined. The licensee states he called and spoke with Maxine regarding the last day a renewal can be turned into the ABC Board without being considered "late". Licensee states that Maxine told him "the first Monday in January". The rush of last minute renewals and related phone calls was especially intense this year and no staff member can remember whether this licensee was told he could wait until 1/7/13 to complete the renewal without the late fee being assessed.



THE STATE
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GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

September 24, 2012

American Legion Spenard Post #28
7001 Brayton Dr
Anchorage, Mun. of AK 99507

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2013/2014 calendar years. The renewal application, corresponding fees and any additional information requested on the application must be received in our office, or postmarked no later than December 31, 2012.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2012 will be assessed a \$500.00 late fee in addition to license fees per AS 04.11.270(b)(3). All liquor license applications not postmarked or received in the ABC Board office by February 28, 2013 will be considered expired licenses per AS 04.11.270 (b)(4) & AS 04.11.540.

A personal or bank check, money order or credit card (Visa, MasterCard or Discover only) are all acceptable forms of payment for a renewal application. *If you choose to pay by credit card, please write in a contact phone number below.*

Please call me at this phone number to process credit card fee for renewal application.

Please feel free to call the ABC Board office at 269-0350 with any questions or concerns you have regarding this notice and accompanying renewal application.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



American Legion Post 28
7001 Brayton Drive
Anchorage, Alaska 99507


State of Alaska
Department of Commerce, Community,
And Economic Development
Alcoholic Beverage Control Board
5848 Tudor Road
Anchorage, Alaska 99507

January 29, 2013

To Whom It May Concern:

We are requesting a refund of the \$500.00 penalty charge due to a misunderstanding by all parties. Thank you for your consideration.

Sincerely,


Arnold G. Heck
Post Manager

Tab

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Club Manchu #576 &
Speedway Inn #1071
Request to Refund Renewal Late Fees

Licensee states in his letter that he phoned the ABC Board office in December 2012 to request the status of the two renewal applications that were submitted in November 2012. He was told they were being processed. In January 2013 he "found" the renewals had been returned to his office and were not processed.

The ABC Board has no documentation of receiving the applications before 2/4/13 at which time we were required statutorily to collect the \$500.00 late fee for both applications. As I cannot dispute the licensee's statements with facts from our office, I advise we refund the \$1,000.00 in late fees collected.

1071 8570

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

January 29, 2013

To Whom It May Concern:

Kelco Properties completed our applications for Liquor Licenses Renewal in October as you can see from the copies they were notarized and sent in November.

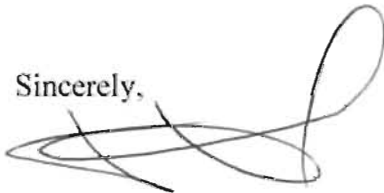
In December 2012 I, Randall Kelsch owner of Kelco Properties called to inquire as to the status of our applications as the checks had not cleared our account and we had not received the licenses. At this time I was told the applications were in process and we should be receiving them shortly. I did not inquire as to the name of the person I spoke with due to never having any issue with the ABC Board before.

On January 29, 2013 they were found, returned to our office. At which time our bookkeeper, Kristin Vinton called to verify. When it was mentioned to me that we would have to pay a late fee of \$500 per application I was appalled as I had been told they in fact had been received and were in process. I called the office at this time and spoke to Judy. She suggested I write a letter disputing these charges.

We are a long time Fairbanks owned company. If you look back over our history you can see that we are prompt with our payments. Due to miscommunication and an excellent payment history, I would like a refund of the \$500 per application.

Thank you for your time.

Sincerely,



Randall G. Kelsch
Owner
Kelco Properties

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Tustemena Lodge Lic. #207
Request to Refund Renewal Late Fee

3/4/13

Renewal application and check for \$3,200.00 received from owner, Duane P. Lafleur.

3/14/13

ABC Board notified check used to pay for renewal was returned "Non-sufficient funds".

5/7/13

Susan Cook, prior owner of Tustemena Lodge liquor license visits ABC Board to complete involuntary retransfer of liquor license due to Mr. Lafleur's default in payment. Ms. Cook requests refund of late fee.

Return Item Image

Maker Name:

Miscellaneous:

Driver's License:

Maker Account Number: 3316896483

Maker Routing Number: 125200057

Check Number: 2267

Check Amount: \$3,200.00

Return Reason: NSF 2nd time

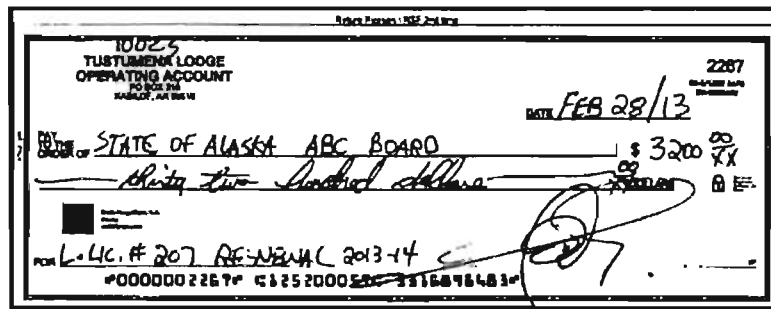
Item Type: Chargeback

[return item report](#)

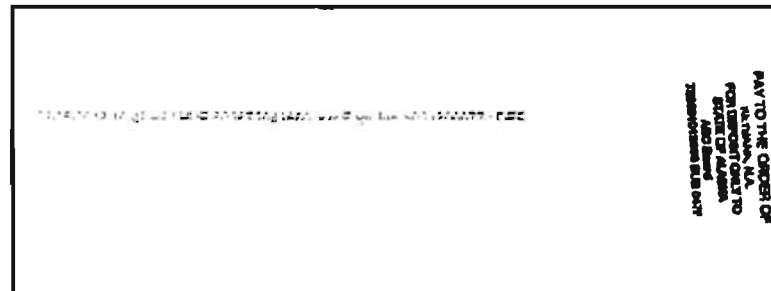
[main page](#)

[view detail](#)

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THE STATE
of **ALASKA**

GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

April 12, 2013

Duane P. Lafleur
PO Box 216
Kasilof, AK 99610

VIA CERTIFIED RETURN RECEIPT
7006 3450 0003 7321 0544

RE: Tustemena Lodge Liquor License #207

Dear Mr. Lafleur:

The check #2267 in the amount of \$3200.00 has been returned NSF from your bank, checking account number 3316896483 (Wells Fargo Bank). The payment for your liquor license renewal must be received in the ABC Board office by April 22, 2013 or the liquor license will expire.

The following fees are assessed to the liquor license payment:

Renewal fee	\$2700.00
Late renewal fee	<u>\$ 500.00</u>
TOTAL DUE	\$3200.00

The accepted forms of payment include a cashier's check or money order. The ABC Board cannot accept a personal check for this renewal payment. If you have questions or concerns regarding this matter, please contact me.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/ *Christine C. Lambert*
Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov


ABC Board

5-7-13

To whom it may concern:

I am requesting the renewal late fee for Tustumena Lodge be refunded to me. The Lodge has been in foreclosure and then bankruptcy and now in foreclosure again with a June 28 auction date. I am paying all fees + licensing that Mr LaFleur let lapse.

Thank you for your
consideration,


Susan Cook

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Hidden Inlet Resort Lic. #4699
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application and cover letter sent to address on record. Letter was not returned to the ABC Board office.

1/18/13

Non-renewal notice and pre-printed license application sent to address on record.

1/31/13

ABC Board received application with letter requesting refund of late fee. Owner states that the first application was sent to the ABC Board in October 2012, and attached a copy of the check issued on 10/16/12. The ABC Board did not receive the application.



R.R. Badowski, CPA
Dean S. White, CPA

January 28, 2013

ABC Board

5848 E. Tudor Rd.

Anchorage, AK 99507

Re: HIR Hidden Inlet Resort, LLC / License #4699

To Whom It May Concern:

Enclosed please find two checks; #10452 in the amount of \$825 for 2012/13 liquor license renewal and #10453 in the amount of \$500 for penalties assessed, and a copy of check stub #10424 issued on 10/16/12. If possible, please abate the \$500 and do not cash the related check due to the following reasonable cause.

Check #10424 was issued and mailed along with the renewal application on or about October 16, 2012. In connection with year-end reconciliation and tax preparation, I did notice that this check had not year cleared the HIR bank account. It was not until we received your notice dated January 17, 2013, did we realize that the ABC Board did not receive the previous application renewal and payment.

All other payments issued and mailed on that same date in October were received by the vendors and checks deposited. I have no other explanation, other than speculation that there was a problem with the post office, for the first renewal application not being received.

As we made a timely and valid attempt to renew in October, can you abate the \$500 late fee. If you need further explanation, please contact me at the references below.

Yours truly,

Dean S. White, CPA

H.I.R. HIDDEN INLET RESORT, LLC
ABC Board

2012/2013 Liquor License Renewal

10/16/2012

10424
825.00

Checking-Meridian Ba License #4699

825.00

H.I.R. HIDDEN INLET RESORT, LLC
ABC Board

2012/2013 Liquor License Renewal

10/16/2012

10424
825.00

COPY

Checking-Meridian Ba License #4699

825.00

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Moose Creek Lodge Lic. #527
Request to Refund Renewal Late Fee

9/24/12

Preprinted renewal application and cover letter sent to address on record. Letter was not returned to the ABC Board office.

1/18/13

Non-renewal notice and pre-printed license application sent to address on record.

4/22/13

ABC Board received a fax with a Certificate of Mailing stamped from the US Post Office in Port Greely, AK stating the application was mailed on 12/29/12. The ABC Board did not receive the application until 4/25/13 via fax.

To whom it may concern,

I am asking for a return
on my \$500 late fee. I have
sent in proof of mailing before
the deadline.

Sincerely,

Melanie White

907-263-5930

488-9378

Melanie

527



U.S. POSTAL SERVICE CERTIFICATE OF MAILING

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:
 Melanie White
 6669 Johnson Rd
 Salcha AK 99714

One piece of ordinary mail addressed to:
 ABC Board
 5848 E Tudor Road
 Anchorage AK 99507

USPS



PS Form 3817, January 2001

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Shirley A. Coté, Director

DATE: Tuesday, May 21, 2013

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Bayview Restaurant License #4771
Request to Refund Waiver Late Fee

Licensee is requesting a refund of the \$1,000.00 late fee for a first waiver of operation application.
3 AAC 304.170(i) allows the ABC Board to waive fees for the following reasons:

In circumstances of death of a licensee, destruction of the premises, or comparable circumstances showing extraordinary hardship, the board will, in its discretion, waive the fees under (c) and (b) of this section.



Goldsmith Gallery

Bayview Trading Co. • 407 Lincoln St. • Sitka, Alaska 99835 • (907)-747-5744 • gold@alaskajewelry.com

April 30, 2013

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage AK 99501
907-263-5900

RE: Waiver of Operation Application for license number 4771

To whom it may concern,

In reference to liquor license number 4771, we would like to request that the board waive the penalty fee of \$1000 against this license for non-usage.

The current holders of the license, Jamie and David Jenks, acquired a full liquor license and at that time they ceased using the wine and beer license. At that time we were not aware that non-usage would cause a penalty to be assessed, nor were we ever advised by the ABC Board that such a fee would be imposed. Had we been aware, we would have gladly taken care of any paperwork or standard fees associated with the license at that time. We have been actively attempting the sale/transfer of this license knowing that at a certain date it would expire. We now have a buyer for the license.

As we began the transfer process, it came to our attention that the penalty would be assessed us. As stated, we had no knowledge of this during the time we held the license. This license is going to help a small start up business and higher fees make it difficult for all entities concerned. Please consider waiving the \$1000.00 penalty. It will be much appreciated by all parties involved.

Thank you very much for your time and consideration.

Sincerely,

Christopher C. Fondell

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)

#10090

License Information		Fees*	
Liquor License Number: 4771	License Type: Beer + Wine Restaurant/Eating Place	Waiver Fee	\$ 300.-
Local Governing Body: (City, Borough or Unorganized) City & Borough of Sitka	Name of Licensee: Jamie Jenks + David Jenks	Penalty (If applicable)	\$ 1,000.00
Doing Business As (Business Name) The Bayview Restaurant + Pub	Telephone Number: 907-747-5300	Total Submitted	\$ 1300.-
Mailing Address: 407 Lincoln St. Sitka AK 99835	Street Address or Location of Business 407 Lincoln St. City: SITKA AK 99835	*The fee is non-refundable	

Waiver Request Information

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

Waiver Request for Calendar Year: 2012 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.

Please, see Attached letter of explanation + contact number for Board meeting scheduling for refund request

747-5744
 Tam or Chris

Signature of Licensee(s)	
Signature: <i>Jamie A. Jenks</i>	Signature: <i>David Jenks</i>
Name (Please Print): JAMIE A. JENKS	Name (Please Print): David Jenks
Date: 4/30/13	Date: 4/30/13

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Chair Klein and Members of the
ABC Board

DATE: Monday, May 20, 2013

FROM: Shirley A. Coté *Sac*

RE: Death of Licensee, Captain's Choice Motel,
Beverage Dispensary-Tourism, License #4890

On September 3, 2012 Lloyd E. Lapeyri, licensee for the Captain's Choice Motel passed away unexpectedly. Lawrence Beck, President of Captain's Choice Inc. has been designated as the personal representative in Mr. Lapeyri's will. Mr. Beck expects probate could take up to two years to finalize, allowing for the transfer to Mr. Lapeyri's heir. Mr. Beck is requesting an extension of the 90-day time frame mandated by statute and asks the board for their allowance of an extension under AS 04.11.030(c).

The license is on this agenda for renewal of the 2013-2014 licensing years.



*Captain's
Choice*
Inc. **MOTEL**

*"A Pleasant
Touch of Luxury"*

TOLL FREE 1-800-478-2345 or (907) 766-3111 • FAX (907) 766-3332 • P.O. Box 392, Haines, Alaska 99827
Email: capchoice@usa.net • Internet: <http://www.capchoice.com>

December 19, 2012

Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, AK 99507

Dear Board Members:

This letter is in reference to the renewal of License 4890, under the establishment name Captain's Choice Motel.

Mr. Lloyd E. Lapeyri, the owner of the Captain's Choice Motel, passed away on September 3rd from injuries sustained in an automobile accident. The Captain's Choice will continue to operate through probate under the management of Laurence F. Beck, named Personal Representative in Mr. Lapeyri's Will.

It would be my desire to maintain the Liquor License registered to the Captain's Choice Inc. as showing his ownership of the motel, but registering me as the trustee of the license until such time as probate is finalized and the stock in Captain's Choice Inc. can be transferred to the designated heir in accordance with the instructions left by Mr. Lapeyri. This process is anticipated to take up to two years. My intention is to register as President and Treasurer with Jon E. Lapeyri registering as Vice President and Secretary.

The renewal application has been filled out reflecting this change and the enclosed fingerprint card done by the Haines Police Department has been enclosed to facilitate any background investigation required. Thank you for your consideration in this matter.

Sincerely,

Laurence F. Beck, President

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MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: May 22, 2013

FROM: Shirley A. Coté
Director, ABC Board

RE: Administrative Hearing on Patrick Peterson
d/b/a Louie's Douglas Inn, License #673

The City and Borough of Juneau (CBJ) protested the renewal of Louie's Douglas Inn for failure to pay taxes. At the Board of Directors meeting held on May 16, 2012 the Board upheld the protest. Mr. Peterson requested an administrative hearing. The administrative hearing was held on November 20, 2012 and on March 12, 2013 the Administrative Hearing Officer rendered a decision that CBJ's protest was not arbitrary, capricious or unreasonable and that the Board should deny Mr. Peterson's application for the continued operation of an alcoholic beverage dispensary license.

On March 14, 2013 we received a letter from Beth McEwen, Deputy City Clerk for CBJ stating Mr. Peterson had paid all outstanding balances on his accounts with CBJ and they were withdrawing all protests on renewal and continued operation.

Under AS 44.64.060. Procedure for hearings the board has the following options:

1. Adopt the decision
2. Return the case to the administrative judge to take additional evidence, make additional findings, or conduct specific proceedings
3. Revise the enforcement action, determine best interest, order, award, remedy, sanction, penalty, or other disposition of the case
4. Reject, modify or amend one or more factual findings
5. Reject, modify or amend the interpretation or application of a statute or regulation in the decision

I recommend option #3 that would allow the Board to accept the lifting of the protest by CBJ in the best interest of all parties.



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

March 19, 2013

Certified/Return Receipt Requested

Patrick M. Peterson
d/b/a Louies Douglas Inn
Peterson Pacific Holding Inc.
P.O. Box 240069
Douglas, Alaska 99824

RE: Processing Fee

Dear Mr. Peterson,

I am in receipt of the letter from Deputy Clerk Beth McEwen of the City and Borough of Juneau lifting their protest of renewal and continued operation. I understand as of March 14th you have paid all outstanding balances on your accounts with the city and borough. Alaska Administrative Code 3 AAC 304.147 (a)(4) states that if delinquent taxes are paid after an administrative hearing, but before the board adopts a hearing officer's recommendation to deny license renewal the licensee shall pay to the State of Alaska a fee in the amount of \$2,000.

Please remit this amount to the ABC Board before May 15, 2013. If you have any questions do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Shirley A. Cote".

Shirley A. Cote
Director

cc: Harriet Milks, Assistant Attorney General, Dept. of Law
Christine Lambert, Licensing Supervisor, ABC Board
Gilbert Nelson, Administrative Assistant, ABC Board



OFFICE OF THE MUNICIPAL CLERK

Ph: (907)586-0203 Fax: (907)586-4552

e-mail: Beth_McEwen@ci.juneau.ak.us

March 14, 2013

Sent via e-mail & USPS

Christine Lambert, Records & Licensing Supervisor
State of AK Alcohol Beverage Control
5848 E. Tudor Road
Anchorage, AK 99507

Re: **Withdrawal** of Liquor License Protest of 2012-2013 Renewal and 2013 Continued Operation

Dear Chris:

I received word today from our Finance Department that Mr. Patrick Peterson has paid all outstanding balances owing on his accounts and therefore CBJ is withdrawing all protests against the renewal and continued operation of the below listed liquor license:

Beverage Dispensary License #673: Peterson Pacific Holding Inc. d/b/a Louie's Douglas Inn, location 915 Third Street, Douglas

Our thanks to the ABC staff for all your assistance with this matter over the past two years! If you have any questions, please send an e-mail or call me at 907-586-0203.

Sincerely,

Beth McEwen, CMC
Deputy Clerk

cc: Licensee Patrick M. Peterson
ABC Director Shirley Cote
CBJ Mayor & Assembly
City Manager Kim Kiefer
City Attorney John Hartle
Finance Director Bob Bartholomew
Sales Tax Administrator Joan Roomsburg

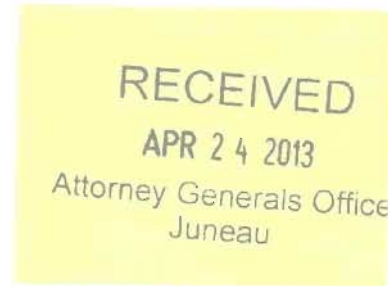


THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Administration

ADMINISTRATIVE HEARINGS

PO Box 110231
Juneau, AK 99811-0231
Main: 907.465.1886
Fax: 907.465.2280
www.doa.alaska.gov/oah



April 22, 2013

Shirley Gifford
Alcoholic Beverage Control Board
~~5848 E. Tudor Rd.~~ 2400 Viking Drive, Anchorage, AK 99501
~~Anchorage, AK 99507~~

Re: Matter of Patrick M. Peterson; OAH No. 12-0392-ABC
ACTION REQUIRED BY MAY 30, 2013 MEETING

Dear Board Members:

Enclosed is a duplicate of the proposed decision document prepared the administrative law judge (ALJ) who heard the above-referenced matter on your behalf. No party has filed a proposal for action and the deadline for doing so has passed. The case, therefore, is ready for issuance of a final decision.

Under AS 44.64.060(e), the board may do one of the following:

1. adopt the ALJ's proposed decision as the final agency decision;
2. return the case to the ALJ to take additional evidence or make additional findings or for other specific proceedings;
3. revise the proposed enforcement action, determination of best interests, order, award, remedy, sanction, penalty, or other disposition of the case;
4. reject, modify, or amend a factual finding;
5. reject, modify, or amend an interpretation or application of a statute or regulation.

Under AS 44.64.060(f), the board must take action on the proposed decision during or before its next regularly scheduled meeting occurring at least 45 days after the proposed decision was distributed. **The proposed decision was distributed March 13, 2013, which means the board has until the next regularly scheduled meeting occurring on May 30, 2013 to act on the decision.**

If you do not take action by that date, the proposed decision will become the final decision by operation of law.

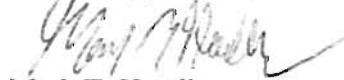
The board is free to take up the decision sooner. Because the ALJ who heard the case is no longer with our office, I will be available to the board during consideration of the case, including during any executive session the board may convene to deliberate on the case. I can be available by teleconference in Juneau at 465-1886.

The decision document includes an adoption/non-adoption order that you can use to record your final decision. If you select an option other than adoption of the proposed decision as written, I may be able to assist you in using the non-adoption options or in drafting an appropriate standalone order. If you would prefer an electronic version of the adoption/non-adoption order, please let us know and we will send you one.

The final decision must be distributed to the parties. Under our regulations, the Office of Administrative Hearings takes care of that distribution. If you will send your final decision to us, we will ensure that it is distributed.

If you have any questions about the new procedures, please do not hesitate to contact me.

Very truly yours,



Mark T. Handley

Administrative Law Judge

Enclosures/as stated

Cc: Patrick Peterson (w/out enclosures)

Harriet Milks, Assistant Attorney General (w/out other enclosures)

John Hartle, City & Borough of Juneau Attorney (courtesy copy)

BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of)	OAH No. 12-0392-ABC
PATRICK M. PETERSON)	ABC Board No. 12-04
d/b/a Louies Douglas Inn)	
_____)	

DECISION AND ORDER

I. Introduction

On November 20, 2012 a formal hearing was held to hear the appeal of Patrick M. Peterson. Mark T. Handley, Administrative Law Judge from the Office of Administrative Hearings, conducted the hearing. This hearing was held after several status conferences. Patrick M. Peterson represented himself. Harriet Milks, assistant attorney general, represented the Alcohol Beverage Control Board (Board) staff. John Hartle, city attorney, represented the City and Borough of Juneau (CBJ). The CBJ has taken the lead in defending the CBJ's protest. The record closed at the end of the hearing.

This case is Mr. Peterson's appeal of the May 25, 2012 action of the Board, which set for hearing the denied continued operation of the license of Patrick M. Peterson, doing business as Louies Douglas Inn, after upholding a protest filed by the CBJ.

Having reviewed the record in this case the Administrative Law Judge concludes, based on his failure to pay sales taxes that he collected in the operation of Louies Douglas Inn, the protest should be upheld, and that the Board should deny Mr. Peterson's application for his license renewal. The protest was valid, properly filed, and was not arbitrary, capricious or unreasonable.

II. Facts

A. History

Louies Douglas Inn is a bar located in downtown Douglas, Alaska within the City and Borough of Juneau. Mr. Peterson owns Louies Douglas Inn and its liquor license. The CBJ filed a protest against continued operation of this license.¹ The protest was based on Mr. Peterson's failure to pay CBJ the sales taxes he collected from the operation of Louies Douglas Inn. Mr.

¹ CBJ's protest in the portion of the letter from CBJ Deputy Clerk Beth McEwen to the Board dated February 14, 2012 that is part of the submission filed by the Alaska Department of Law with its letter of November 2, 2012.

Peterson appealed the protest. The Board referred the appeal to the Office of Administrative Hearings for a formal hearing before an Administrative Law Judge.

An evidentiary hearing was held in order to provide Mr. Peterson with an opportunity to show that the CBJ's protest was arbitrary, capricious and unreasonable.

Prior to the hearing, the CBJ presented documentation of its history of problems with Mr. Peterson's failure to pay the city sale taxes he collected from his customers, and documentation showing Mr. Peterson's recent criminal convictions for collecting, but not paying these taxes to the CBJ.

At the hearing, Mr. Peterson did not dispute his failure to pay the city sales taxes he had collected from the operation of Louies Douglas Inn. Mr. Peterson explained that he intended to pay these taxes, but he would not be able to pay the taxes if his liquor license was revoked because that was how he planned to earn the money to pay the taxes he owed.

B. Findings

Mr. Peterson did not contest any of the evidence submitted by CBJ. Based on the evidence in the record, I conclude that it is more likely than not that:

1. Mr. Peterson was fined \$1000 by the Board in 2009 for late payment of CBJ city sales tax.²
2. After Mr. Peterson came back into compliance for the late payments that led to the fine in 2009, Mr. Peterson fell behind on remitting the sales taxes he was collecting again in February of 2010 and did not come back into compliance.³
3. Mr. Peterson was convicted of the crime of failure to remit city sales tax on March 26, 2003.⁴
4. Mr. Peterson was convicted of four counts of the crime of failure to remit city sales tax on October 5, 2012. As part of his sentence for these criminal convictions, Mr. Peterson is required to pay CBJ \$45,364.41 in restitution. This amount includes \$32,378.51 in unremitted sales tax; \$5,130.68 in interest; \$7,680.22 in penalties; and \$175 in late fees.⁵

III. DISCUSSION

A local governing body may file a protest with the Board to protest the continued

² Letter to Mr. Peterson from the Board dated June 17, 2009.

³ Adjudication and Sentence dated March 26, 2012 in Alaska District Court case number 1JU-03-00069CR.

⁴ Affidavit of CBJ Sales Tax Compliance Accountant Clinton Sigletary.

⁵ Affidavit of CBJ Assistant City and Borough Attorney August Petropulos regarding Alaska Court case number 1JU-C12-265CR.

operation of an alcoholic beverage dispensary license.⁶ The Board must deny continued operation unless the Board finds that the protest is arbitrary, capricious and unreasonable. The limit of the Board's inquiry is analogous to an appellate court's review of an appealed administrative action. When reviewing a protest, the Board may not substitute its judgment for that of the local governing body.⁷

CBJ acted reasonably in filing its protest against Mr. Peterson's liquor license. The protest was neither arbitrary nor capricious. CBJ protested the continued operation of Mr. Peterson's alcoholic beverage dispensary license because his failures to timely transfer sales taxes to CBJ violated local law, which justifies denying continued operation of his alcoholic beverage dispensary license.⁸ CBJ found that Mr. Peterson had violated his local law by failing to pay the city sales tax. This finding was also well supported by the written record and the testimony at the hearing. Mr. Peterson has a history of failing to timely remit the sales taxes he collects in the operation of his alcoholic beverage dispensary license to CBJ, the local taxing authority.

The filing of a protest to the renewal of an alcoholic beverage dispensary license by a local governing body, such as CBJ, is governed by Alaska Regulation 3 AAC 304.145. Under 3 AAC 304.145(g), this regulation specifically provides for circumstances like Mr. Peterson's, where the protest is based on a failure to pay local sales taxes.

Alaska Regulation 3 AAC 304.145(g) provides in pertinent part:

In addition to the other grounds for protest set out in this section, a local governing body may protest the

(1) renewal or transfer of a license based on nonpayment of delinquent taxes of at least \$200 arising in whole or in part from the conduct of the licensed business;

In addition, Alaska Regulation 3 AAC 304.147, which sets additional filing fees when late sales taxes are paid after a protest is filed, but before a final decision to deny renewal is adopted by the Board, provides that the failure to pay all the delinquent taxes before the Board is

⁶ AS 04.11.480(a).

⁷ 3 AAC 304.145(e) & *Stoltz v. City of Fairbanks* 703 P.2d 1155, (Alaska 1985).

⁸ Affidavit of CBJ Deputy Clerk Elizabeth J. McEwen. CBJ's protest in the portion of the letter from CBJ Deputy Clerk Beth McEwen to the Board dated February 14, 2012 that is part of the submission filed by the Alaska Department of Law with its letter of November 2, 2012.

notified of the protest is additional grounds to deny renewal.⁹ The delinquent taxes Mr. Peterson collected from his customers in the operation of Louies Douglas Inn and failed to transfer to CBJ are far in excess of \$200. Mr. Peterson did not pay these taxes before the protest was filed. Mr. Peterson had not transferred these funds to CBJ by the time the record in his appeal closed.

As stated earlier, a local governing body's protest based on these violations of local law is reasonable, and therefore, as supported by the evidence presented by the CBJ, would necessarily result in the Board's denial of the continued operation of Mr. Peterson's alcoholic beverage dispensary license.¹⁰ A protest is reasonable when based on "logical and traditional grounds" and those grounds are supported by the evidence.¹¹ Violations of law in connection with the operation of the license are logical and traditional grounds for denying continued operation under a license.¹²


IV. Conclusion

The CBJ's protest should be upheld and the Board should deny Mr. Peterson's application for the continued operation of an alcoholic beverage dispensary license. CBJ's protest was not arbitrary, capricious or unreasonable.

V. Order

The continued operation of the beverage dispensary license held by Patrick M. Peterson, doing business as Louies Douglas Inn, is denied based on a protest filed by the CBJ under AS 04.11.480(a).

DATED this 12th day of March, 2013.

By: 
Mark T. Handley
Administrative Law Judge

Adoption

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Alcohol Beverage Control Board and in accordance with AS

⁹ The statutory provision giving the Board authority to deny renewal for nonpayment of taxes is found at AS 04.11.330(b).

¹⁰ AS 04.11.480(a).

¹¹ *Stoltz v. City of Fairbanks* 703 P.2d 1155, (Alaska 1985).

¹² *Alaska Alcoholic Beverage Control Bd. v. Malcolm, Inc.*, 391 P.2d 441, (Alaska 1964).

44.64.060, adopts this Decision and Order as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this _____ day of _____, 2013.

By: _____
Signature

Name

Title

Non-Adoption Options

A. The undersigned, on behalf of the Alcohol Beverage Control Board and in accordance with AS 44.64.060, declines to adopt this Decision and Order, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to

take additional evidence about _____;

make additional findings about _____;

conduct the following specific proceedings: _____;

DATED this _____ day of _____, 2013.

By: _____

Signature

Name

Title

B. The undersigned, on behalf of the Alcohol Beverage Control Board and in accordance with AS 44.64.060 (e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this _____ day of _____, 2013.

By: _____

Signature

Name

Title

C. The undersigned, on behalf of the Alcohol Beverage Control Board and in accordance with AS 44.64.060(e)(4), rejects, modifies or amends one or more factual findings as follows, based on the specific evidence in the record described below:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this _____ day of _____, 2013.

By: _____
Signature

Name

Title

D. The undersigned, on behalf of the Alcohol Beverage Control Board and in accordance with AS 44.64.060(e)(5), rejects, modifies or amends the interpretation or application of a statute or regulation in the decision as follows and for these reasons:

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this _____ day of _____, 2013.

By: _____
Signature

Name

Title

Tab

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MEMORANDUM

TO: Robert Klein, Chair and
Members of the ABC Board

DATE: April 11, 2013

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

RE: Municipal Refunds

Introduction:

During the legislative audit of 2009 the auditors pointed out on page 10 (copy attached) under 3. Licensing and Administrative Procedures, bullet seven that staff was not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees. In 2010 the auditors returned and we discussed the issue of municipalities enforcing alcoholic beverage laws and at that time they seemed to accept my explanation that from my experience and contacts with police across the state for many years that part of the everyday function of the police included the enforcement of alcoholic beverage laws. This issue was not addressed in the follow-up report of September 28, 2010. However, I took steps to ensure this issue does not arise in the next audit of late 2014 or early 2015 (the ABC sunset is June 30, 2015).

Relevant statutes and regulations:

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

- (a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.
- (b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of commerce, community, and economic development may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.
- (c) The Department of Commerce, Community, and Economic Development shall recover any amounts erroneously refunded under (a) of this section. The



Department of Commerce, Community, and Economic Development shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

Regulation 3 AAC 304.610. Refunds to municipalities states the following:

- (a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .
- (b) The director shall recommend that the commissioner of commerce, community, and economic development deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

Peace officers shall investigate and report to the board violations of this title.

Actions taken:

I developed a simple report form (copy attached) for police departments to use to capture their quarterly statistics. Most of the departments use this form, or one fairly similar. I continue to accept e-mails and letters. Several departments report more frequently by sending their police reports as the violations occur. At the end of each quarter I send an e-mail reminder to the chiefs, or their designee.

In 2012 at the end of the first quarter six municipalities failed to report; second quarter – 10; third quarter – seven; fourth quarter – seven. Attached is an Excel spreadsheet containing the names of the 36 cities with and X to indicate a quarterly report has been submitted. It is not always the same municipalities failing to report consistently and at the end of the third quarter I called each police department personally that had no report filed and still seven did not report.

Questions:

1. During 2012 every municipality reported for at least one quarter. Biennial license fees are refunded semi-annually. Shall we divide the semi-annual fees by two and if the municipality reports for one quarter but not the other then should I request that the Commissioner withhold one half of the semi-annual fee?
2. Two communities with a high number of liquor licenses report no violations or even warnings in the last quarter of 2012. If a police department provides a quarterly report should that be interpreted that the laws are “actively enforced?”

2. Licensing Revenues. Licensing fee revenues recorded in the ABC Board's database does not agree with nor is reconciled to the same revenue as it is recorded in the State accounting system. The failure to reconcile has resulted in overpayments to municipalities and missed payments by licensees. Timely, complete, and accurate reconciliation between the two systems would likely resolve these problems and provide information for the board and director to take immediate action regarding noncompliant licensees.
3. Licensing and Administrative Procedures. The ABC Board members and director are not providing appropriate guidance and oversight to staff to ensure compliance with state laws, and with its decisions.

The ABC Board does not consistently adhere to the statutory requirement of notifying the local governing body within ten days of receipt of an application per AS 04.11.520. This important requirement allows time for the local government to review and possibly protest the issuance, renewal, relocation or transfer of a license.

The ABC Board is also not enforcing the law requiring the return of caterers and special event permits within 48 hours. Other deficiencies in the ABC Board's licensing files, recordkeeping, database, and administrative processes include:

- No current written policy and procedures to give guidance in situations where licensees are involved in bankruptcy proceedings.
- Staff routinely failed to properly use existing checklists for verifying the completeness of licensing applications.
- Instances where staff had not submitted local government protests in a timely manner to the board for review and action.
- Significant occurrences of expired and/or unpaid licenses being incorrectly listed as active license holders.
- Failure to detect instances where required wholesale affidavits had not been filed by wholesale licensees.
- Municipalities being over or under paid for municipal license fee refunds.
- The ABC Board's staff is not confirming and enforcing reports that should be filed by municipal law enforcement agencies prior to refunding municipal license fees.
- The concerns of local governments that the ABC Board's policy and procedures do not include written notification to local governments regarding expired licenses.

The above activities show that the ABC Board may not be operating effectively and efficiently and is not achieving its potential in furthering the public interest.

4. Enforcement Data Procedures. The ABC Board's investigators inconsistently or inaccurately entered case record information into the Alaska Public Safety Information

Gifford, Shirley A (DPS)

From: Gifford, Shirley A (DPS)
Sent: Friday, January 13, 2012 12:28 PM
To: Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen!; John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons
Cc: Nelson, Gilbert E (DPS)
Subject: Alcohol sales and manufacturing violations

Dear Alaska Chiefs of Police,

Some of you may know that in the past couple of years there was work in progress on reporting certain crimes to the State of Alaska. I don't know if or when that reporting will come to fruition; therefore, I am asking for your cooperation in reporting violations of local ordinances, federal and state laws and regulations relating to the manufacture and sale of alcoholic beverages in the state. During the last legislative audit of the ABC Board I was asked if police departments were reporting as required. Many were not reporting. Although the auditors accepted my answer that I knew the departments were enforcing these laws "because that is what they do" I believe we all have a responsibility to follow the statutes and regulations.

Alaska Statute **Sec. 04.11.610. Refund to municipalities** states the following:

(a) Biennial license fees, excluding annual wholesale fees and biennial wholesale license fees, collected within a municipality shall be refunded semi-annually to the municipality.

(b) If the officers of a municipality fail to actively enforce local ordinances, laws of the United States and the state, and the regulations relating to the manufacture and sale of alcoholic beverages in the state, the commissioner of public safety may deny the refund provided for under (a) of this section until the board finds the enforcement of the ordinances, laws, and regulations is resumed.

(c) The Department of Public Safety shall recover any amounts erroneously refunded under (a) of this section. The Department of Public Safety shall schedule repayments of erroneously refunded amounts over a sufficient period of time to minimize financial hardship to the municipality involved.

Several of you do report to the ABC Board on a quarterly basis. A couple of you report daily or weekly. I am sending this email for expediency sake (I have a tendency to respond more quickly to an email than a formal written letter). It is not my desire to add more work to your load; however, it seems as though this law and its companion regulation have not been enforced over the years.

Regulation **13 AAC 104.610. Refunds to municipalities** states the following:

(a) For the purposes of AS 04.11.610 a municipality's failure to actively enforce local ordinances, laws of the United States and the state, and the provisions of this chapter relating to the manufacture and sale of alcoholic beverages in the state includes the failure of the municipality's peace officers to comply with AS 04.21.070 .

(b) The director shall recommend that the commissioner of revenue deny the refund of biennial license fees under AS 04.11.610 if the director determines that the municipality's peace officers have not provided the director with quarterly reports of violations of AS 04 occurring on licensed premises within the municipality.

Alaska Statute **Sec. 04.21.070. Enforcement** states the following:

Sec. 04.21.070. Enforcement.

Peace officers shall investigate and report to the board violations of this title.

I have cc'ed Gil Nelson, my administrative assistant who maintains the reports from police departments. In an effort not to create more work than is absolutely necessary, you may send an email during the first week of April (1st quarter), first week of July (2nd quarter), first week of October (3rd quarter), and first week of January (4th quarter) to Gil and me for our files, and for my review semi-annually when the refunds to municipalities are processed. I appreciate your cooperation and invite you to ask questions or give feedback in this process. Thank you.

Shirley

Shirley A. Gifford
Director
Alcoholic Beverage Control Board
(907) 269-0351

Gifford, Shirley A (DPS)

From: Gifford, Shirley A (DPS)
Sent: Friday, January 13, 2012 4:11 PM
To: Bill Comer; Bob Griffiths; Craig Moates; David Scofield; Doug Dombroski; Frank Sackman; Gary Lowe; Gene Beldon; Greg Browning; Gus Sandahl; Henry Ivanoff, Jr.; Jamie Sunderland; Jeremy Fernandes; Jim Anger; Jim Jensen (jjesen@yakutatak.ak.us); John Lucking; Joseph Shoemaker; Josh Dossett; KC Alberg; Kelly Swihart; Laren Zager; Larry Elarton; Leon Boyea; Mark Mew; Mark Robl; Paul Lindhag; Ray Leggett; RJ Ely; Robert Gould; Rodney Enevoldsen; Rus Boatright; Sheldon Schmitt; TC Kamai; Tom Clemons
Cc: Nelson, Gilbert E (DPS)
Subject: Form to aide reporting
Attachments: Municipal reporting form.docx

Dear Alaska Chiefs of Police,

I have attached a form that may assist you in capturing the data I wrote to you about earlier today. I am not mandating the use of this form, nor is the list of statutes all encompassing. I have added blocks in the event you need to capture federal violations, local ordinance violations, state regulations or other statutes not included on this list. I tried to capture those most likely to be your focus and some other in section 04.16. I hope this helps and I am certainly open to any ideas you may have regarding the necessary capture of data. I am sending the document in word form for you to customize if you wish. Thank you!

Shirley

Shirley A. Gifford
Director
Alcoholic Beverage Control Board
(907) 269-0351

Report of Violations within Municipalities
 Relating to Manufacture and Sale of Alcoholic Beverages
 Calendar Quarter _____ Year _____
 City _____

Statute	Arrest	Summons	Citation	Warning
04.16.010 Hours of sale				
04.16.015 Pricing and marketing				
04.16.020 Solicitation of alcoholic beverages				
04.16.025 Illegal presence and municipal ordinances				
04.16.030 Drunken persons (not allowed by licensee)				
04.16.035 Homebrew ingredients				
04.16.040 Drunken person				
04.16.045 Restrictions on premises				
04.16.047 Restricted persons				
04.16.049 Underage persons				
04.16.050 Minor in possession				
04.16.051 Furnishing				
04.16.052 Furnishing by licensee				
04.16.055 Furnishing in a rental room				
04.16.057 Minor possessing in a dwelling				
04.16.059 Furnishing by sex offender				
04.16.060 Purchase by underage person				
04.16.070 Sales on election day				
04.16.080 Sales or consumption at school events				
04.16.090 Bottle clubs				

Report of Violations within Municipalities
Relating to Manufacture and Sale of Alcoholic Beverages
 Calendar Quarter _____ Year _____
 City _____

04.16.100 Size of containers				
04.16.110 Certain alcoholic beverage content				
04.16.120 Removal or introduction				
04.16.125 Transportation by common carrier				
04.16.130 Stock confined to licensed premises				
04.16.140 Sale or consumption in warehouse				
04.16.150 Licensees responsible				
04.16.160 Restriction on purchasing				
04.16.170 Source and supply				
04.16.172 Purchase and sale from licensee				
04.16.175 Furnishing in aid of gambling				

Tab

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Robert Klein, Chair and
Members of the ABC Board

DATE: March 28, 2013

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

RE: House Policy Development

Enforcement Unit Supervisor Bob Beasley was conducting research recently and came across the attached "House Policy Development" manual created by the New Hampshire Liquor Commission (NHLC). With the permission of the NHLC Inv. Beasley revised the policy to better fit Alaska laws and desired business practices.

With the approval of the Board I will send this model policy to licensees in the next full mailing along with the attached cover letter.



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

May 30, 2013

RE: House Policy Development

Dear Licensee,

Attached you will find documents that may assist you in the development of house policies. These policies are models that were customized from the New Hampshire Liquor Commission publication, with their consent. The models may be beneficial to you and your establishment in promoting legal and responsible alcohol service. The model policy is available from our website at <http://commerce.alaska.gov/dnn/abc/Home.aspx> in a word document for easy customization for your licensed premises.

Aside from the legal mandates referred to in the document, you are not in any way required by the ABC Board to adopt these policies. Many licensees already have good policies in place. This manual is merely being provided as an aide that may help you in the development of your policies. If there is anything I, or any member of my staff can do to assist you please let me know.

Sincerely,

Shirley A. Coté
Director

cc: Alcoholic Beverage Control Board
Bob Klein, Chair
Ellen Ganley, Vice Chair
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member
ABC Board Staff

State of Alaska
Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

HOUSE POLICY DEVELOPMENT



A Guide to Developing Responsible Business Practices for On-Premises Licensees

Modeled after the New Hampshire Liquor Commission's House Policy Development publication.

Introduction

Your business is very important. It is valuable to you, your community, and to the economy. You have invested your time, energy and financial resources. Your business offers a place that meets local dining and/or entertainment needs and provides jobs. The best way to protect your valued business is through responsible business practices. Responsible business practices can help reduce your risk of criminal or administrative charges, and civil lawsuits.

Responsible business practices promote profitability and ensure a comfortable and safe environment for your customers. You should document your responsible business practices in the form of written house policies. If you have none, each employee may have his or her own idea about what the rules are, what they mean, and when they should be applied. House policies offer practical solutions to common problems faced by licensed establishments.

With good house policies in place, your employees will not have to make difficult judgment calls about who to serve or how to handle a tough situation - they know what to do because their responsibilities and your expectations are clearly spelled out. The portion of your house policies for customers are public documents that should be posted in highly visible locations as they are a set of house rules concerning customers' entry and behavior while in your establishment.

The portion of your house policies for staff is directly related to the portion for customers, in that it communicates management's expectations of staff regarding sale of alcohol and instructions for denying entry and ejecting undesirables. These policies indicate your establishment's responsible serving practices and intention to comply with the law and should be shared with the Alcoholic Beverage Control Board, your local police or troopers, your insurance company, and the community along with your patrons.

This manual is intended to provide guidelines to assist you in developing your own house policies as well as model policies which you can use when creating your policies. You may want to use our "Model House Policies" or modify them to meet your own specific needs, but three factors are common to all successful policies. In order to work, house policies must be written, communicated to your employees and supported by management.

Your employees must know that you will back them if they deny service to any customer or ask an unruly guest to leave. House policies create a framework within which your customers can enjoy themselves and your employees can operate both effectively and efficiently. In the long term, the responsible business will build a strong and loyal customer base.

Policy Development Guidelines

When Developing House Policies...

- You may have a company policy that does not conflict with existing laws (for example, no discrimination).
- It is always good to obtain ideas from your managers and employees when writing new policies. They will be more supportive of policies they helped to create.
- Make sure policies are clear and specific.
- Provide all employees with a copy of the policies.
- To ensure that employees have read and understand the house policies, have them sign an Employee Acknowledgement Statement (Appendix A). Keep this in each employee's personnel file.
- Reinforce policies by giving regular training to employees.
- Between trainings, hold regular staff meetings. At the meetings, discuss the rules, recent problem situations, and ways to prevent future problems.
- Advise employees that you will spot check their compliance with the policies.
- Give them a regular performance review.
- Reward employees who do a good job. Provide rewards to those who engage in anti-drug events. Remember: Written policies, good communication, and a supportive environment will go a long way toward the success of your business.
- Review and update your policies regularly (annually if possible). This will ensure that your policies retain their relevancy and do not conflict with state law or administrative regulations.

Market Your Position

- Explain and market your program internally with incentives and to customers (tent cards, posters, posted policies)
- Indicate that you wish no customer to drink to intoxication
- Develop a Mission Statement and post it prominently

MODEL MISSION STATEMENT

"The goal of our establishment is to be successful by providing responsible, courteous, safe and professional food and beverage service. We will serve customers in a responsible, friendly, and professional manner. We are committed to adhering to all liquor laws while assisting customers in their decision to drink responsibly"

Monitor Your Door

- Post additional signage indicating that management reserves the right to deny entry to intoxicated and/or underage persons
- Assign a staff member who is currently trained in Alcohol Server Education to monitor the door at all times to:
 - Check for age and fraudulent identification
 - Deny entry to intoxicated people
 - Count the number of people on premise to prevent overcrowding and exceeding the legal capacity and provide for a proper customer to staff ratio
 - Allow free access to fire and law enforcement personnel, and the Alcoholic Beverage Control Board.

Market Food Actively

- Providing a range of food menu selections enhances the marketability of your establishment
- Have low-cost, low-salt snacks or food available at all times
- Offering reduced food prices during late afternoon and evening will reduce the effects of alcohol
- Provide incentives to servers for increased food sales

Responsible Beverage Pricing

- Do not promote drink specials or discounts
- Do not serve the equivalent of several drinks in oversized glasses - use standard glassware. The maximum drinks a patron can have in front of them is two

Promote Alternative Beverages

- Stock a good selection of light and non-alcoholic beer and wine
- Price non-alcoholic products competitively with alcohol products
- Promote non-alcoholic drinks
- Serve alcohol-free drinks in containers that are easily distinguishable from alcohol drinks
- Evaluate servers on total sales including non-alcoholic products

Train All Staff

- Have all staff trained as soon as possible in Alcohol Server Education and ensure all employees who serve alcoholic beverages, or employees who check ID have valid server cards on file. Some municipalities may require servers to have the training prior to employment.
- Provide all staff with a copy of the establishment's house policies and train them on how to use it
- Keep an incident log of problem situations (Appendix B)
- Regularly review the policy and the incident log with all staff
- Although state law does allow servers to drink on the job, you may want to prohibit drinking on the job by all staff and managers

Adopt a Safe Transportation Plan

- Identify transportation options
- Confirm necessary arrangements with outside companies
- Ensure your employees feel comfortable in their understanding of when to use the program
- Advertise your program

Never Serve Underage Individuals

- Verify that all servers are legally old enough to serve alcoholic beverages
- Ensure that staff understand their legal duty regarding service to underage and intoxicated individuals and provide them with clear guidelines on how to deal with these individuals
- Establish with staff when to ask for identification
- Train staff on how to identify underage customers

- Identify what forms of identification are acceptable
- Train staff on how to recognize a fake ID and what to do when one is presented
- Serve alcohol-free drinks in containers that are easily distinguishable from alcohol drinks

Underage Compliance Checks

- Train staff as to what a compliance check is
- If a staff member is the subject of a compliance check, remind him or her to remain professional at all times regardless if the Underage Buyer was served an alcoholic beverage or the sale was denied.
- Verify that a compliance check has occurred by retaining the Underage Buyer's identification that was presented and wait for an ABC Investigator or other law enforcement officer to personally retrieve it
- If the identification card is not retrieved in a reasonable amount of time (five-minutes or so) then it most likely was not a compliance check. Local police or troopers should be notified immediately.

Monitor Drinking of Customers

- Provide staff with guidelines for recognizing the signs of intoxication
- Promote the service of one standard drink at a time and in a reasonable time frame (i.e. one standard drink per hour)

Manage the Intoxicated Individual

- Deny entry to intoxicated customers
- Monitor consumption of customers to avoid intoxication
- Deny further service to intoxicated customers
- Ensure staff are aware of effective ways to deal with intoxicated individuals
- Reinforce policies by giving staff incentives for effectively discouraging and managing intoxicated individuals

MODEL HOUSE POLICIES

To: All Employees
From: Management
Subject: Reducing Youth Access to Alcohol

It is everyone's job to ensure patrons who are buying or drinking alcohol are at least 21 years of age. The state of Alaska issues driver's licenses and identification cards to persons under 21 in a vertical format with a red banner listing the month, day and year the holder will be 21 years old.

- We will request proof of age (I.D.) from any patron who appears 30 years of age or younger.
- When selling pitchers, we will request an I.D. from each person who receives a glass.
- We will use a pre-printed age chart as a quick way to figure age. The age chart, which says, "To Buy or Consume Alcohol, You Must Have Been Born on or Before [date]," will be updated daily.
- We will use separate types of glassware to tell alcoholic drinks from non-alcoholic drinks.

To help employees do their job, managers will post the following sign in the business:

- a) "NOTICE: Our employees request I.D. from any patron who appears to be under age 30. Thank you for your cooperation."
 - b) We have the right to, and will, refuse service to any patron who cannot produce proper I.D.
- All servers and door personnel will be trained on a regular basis to ensure that they have the most up to date and relevant information concerning their responsibilities regarding the state's alcoholic beverage laws and regulations. We will know what are considered legally acceptable forms of identification for the purchase of alcoholic beverages.

We may accept the following as proof of age:

- A driver's license issued by the state of Alaska, or a valid driver's license issued by another state which bears the date of birth, name, address, and photograph of the licensee.
- An identification card issued by the state of Alaska, or identification card issued by another state which bears the date of birth, name, address and photograph of the individual.
- An armed services identification card.
- A valid United States passport or a valid passport from any country.
- When an underage patron moves from one station to another, servers will tell each other.

To: All Employees
From: Management
Subject: Advertising, Promotions and Pricing

- We will maintain an atmosphere that promotes socializing.
- We will provide things to do other than drinking.
- Advertising materials and campaigns will not use alcohol as the main way to attract patrons.

The following practices are unlawful:

1. We will not use promotions that encourage intoxication. There will be no drinking contests.
2. We will not advertise, "Buy one drink, get one free, two for the price of one, or all you can drink."
3. We will not offer free alcohol or sell them below cost.
4. We will not lower alcohol prices to promote sales.
5. We will not promote a "Happy Hour" because this promotes too much drinking.
6. We will not promote drink specials to certain groups of people. For example, "Ladies' Night."

Instead:

- We will use food or entertainment for cocktail-hour specials. For example, we will have a "Hungry Hour." Appetizers will be free or offered for a low admission price. This brings in patrons and holds down intoxication.
- When we promote a special cocktail, wine or beer, we will offer a comparable nonalcoholic drink.
- If we promote or list alcohol on a menu or display, we will promote a nonalcoholic drink also.
- We will promote food and other non-alcoholic items using table tents.
- If we offer free appetizers or snacks, we will offer them to any patron, whether or not the patron buys alcohol.

To: All Employees
From: Management
Subject: Drink Service

- Management and supervisors will support servers' decisions to stop or refuse service to any patron. If they don't, the server might not act so responsibly in the future.
- We will discourage intoxication and not serve any person who looks or acts intoxicated, even if they are taking a taxi or have a "designated driver." This includes employees and regular patrons who may "always act that way."
- When a patron has been "cut off" in one person's station, that person will tell other employees.
- During shift change the outgoing server will brief the oncoming server regarding the length of time a patron has been at the establishment, what they have been drinking and how many drinks they have had. This will help the oncoming server to avoid over serving the patron.
- Responsible service techniques may reduce a server's tips. Therefore, we guarantee the tip to any server who stops service to a patron who displays signs of intoxication.
- Drinking on the job impairs your ability to perform your duties. You are more likely to make mistakes in judgment such as serving underage or obviously intoxicated patrons. Therefore, drinking alcohol during your shift is not allowed.
- We will not assume a patron wants alcohol. Instead of saying, "May I bring you a cocktail?" say, "May I bring you a beverage?"
- We will promote "alternative beverages." This is any beverage that can take the place of alcohol. The purpose is for pacing drinking, slowing intoxication, preparing to drive, or offering a beverage choice besides alcohol. Examples are: coffee, juices, mineral water, flavored waters, seltzer, non-alcoholic or low-alcoholic content beverages.
- We will provide and promote "mocktail" non-alcoholic drinks that are similar to popular cocktails.
- We make sure that we know who is getting each drink.
- We will not bring a drink for anyone who is not present.
- We will count drinks.
- We will use measured shots, rather than free pouring to ensure against over pouring. (Shots will be one ounce, rather than 1-1/2 or 2 ounces.)
- We will not sell more than one drink to a patron at one time even though the law allows a patron to have no more than two drinks in front of them.

- We will not sell pitchers of beer to individual patrons.
- We will not bring a second drink before the patron has finished the first one.
- We will discourage the buying of rounds.
- We will not push drinks.
- We will slow down service if the patron is ordering or drinking rapidly.
- We will visit the table less often and avoid the table until all patrons have finished their drinks.
- At closing time, we will announce, "It's closing time." We will pick up all drinks in ___minutes." We will not announce "last call" because this encourages patrons to gulp drinks before driving. We do not believe in "one more for the road."
- Bartenders will follow our standard drink recipes.

To: All Employees
From: Management
Subject: Safe Rides

- If a patron is too impaired to drive safely, we will persuade the person not to drive, and arrange for a safe ride. If the patron refuses, employees should advise a supervisor.
- The supervisor will call the police with a description of the patron, description of the vehicle including the license plate number, and the direction of travel the vehicle took when leaving.
- We will post a list of taxi phone numbers at each bar, hostess station, and pay phone.
- We will use the "Designated Driver" Program.
- The server will ask groups of three or more who the Designated Driver will be. The Designated Driver may receive free non-alcoholic drinks and/or food such as an appetizer or dessert.
- If the server sees the Designated Driver drinking alcohol, the Designated Driver must pay for all drinks and food he or she has consumed. "Designated Driver" does not mean that employees may over-serve others in the group.

To: All Employees
From: Management
Subject: Staff Training

- All staff will be provided with a copy of our house policies and trained on how to use them.
- We will keep an incident log of problem situations.
- We will regularly review the policy manual and the incident log with all staff.
- All staff will be continually updated by management (meetings, memos, etc.).
- We will provide extra training for employees who need practice in serving alcohol. ^{ny}

To: All Employees
From: Management
Subject: Food Service

- We will promote food during the late afternoon and evening hours. Appetizers will be available in the bar until closing time. We will offer high-protein or fatty foods such as meats and cheeses, which slow the absorption of alcohol.
- We will avoid salty, crunchy items because they cause patrons to drink more.
- We will provide rewards to servers for increased food sales.
- Servers will be rewarded for total sales, including non-alcoholic products.
- We will promote non-alcoholic drinks with table tents.

To: All Employees
From: Management
Subject: Crowd Control and Security

- We will allow free access to all state and local law enforcement officers, fire department personnel and ABC Board Members (All of whom may or may not be wearing uniforms).
- Overcrowding will not be allowed for several reasons. First, it makes us less able to watch our patrons. This can result in sales to minors and intoxicated patrons, fights, injury, and property damage. Second, patrons may not be able to exit the building during a fire or other crisis. Third, too many patrons can lead to more mistakes, poorer service, and smaller tips.
- We will limit our patrons to the Fire Department's legal limit. During busy times, door people will track the number of people coming in and out of the business.
- We will have enough employees on duty. This will help us watch beverage sales and patrons. We will advise management when more staff is needed.
- We will keep patrons from crowding around the bar. We will make sure patrons are able to move freely in hallways, aisles, and common areas.
- To encourage socializing, we will provide table seating for groups of different sizes, games, and other non-drinking fun.
- We will keep the lighting from getting too dim and the music from getting too loud. Floor managers will have instant control over all lights, music, audio, and climate controls.
- Patrons are guests in our business. We will not permit loud, unpleasant, or obnoxious behavior.
- We will not tolerate fighting amongst patrons. Security or management will ask anyone who is fighting to leave. If needed, security or management will call the police for help.
- We will permanently refuse to admit any chronic problem patron.
- We will record any serious problem (such as fights, injuries, or vandalism) in our Incident Log for future reference.
- Security will monitor outside adjacent property to prevent loitering, drinking, illicit drug activity, etc.
- We will maintain a close working relationship with law enforcement.

To: All Employees
From: Management
Subject: Drug-Free Workplace

- We will not tolerate illicit drug use or sales by patrons or employees.
- It is a violation of company policy to possess, sell, trade, or offer illegal drugs for sale or engage in the illegal use of drugs on the job.
- It is a violation of company policy to use or be under the influence of illegal drugs or alcohol at any time while on or using company property, conducting company business or otherwise representing the company.
- Violations of this policy are subject to (letter of reprimand/suspension from work without pay/dismissal).

Employee Acknowledgement Statement **

I hereby acknowledge that I have received the (Business Name) House Policy Manual.

Further, I acknowledge that I am responsible for having read and understood this manual's policies, additions or amendments as they may be applicable.

Signature

Printed Name

Date

**** This form may be duplicated.**

INCIDENT DOCUMENTATION FORM**

Date _____ Time _____ AM/PM

Patron Name _____

Address _____

Phone Number _____

Employer _____

Age of the person _____ Verified or Approximated (circle one)

Physical Description of Patron

1. Was the patron's ID checked? Yes _____ No _____

2. By Whom _____

3. Type of ID presented _____

4. Number _____

5. Time the patron arrived _____ AM/PM Time departed _____ AM/PM

6. Where was the patron before your place? _____

7. Number and types of drinks served: _____

8. In what amount of time were the drinks served? _____

9. Was the patron injured? Yes _____ No _____

a) If yes, describe the injury _____

b) Was medical attention given? Yes _____ No _____

c) Was hospitalization needed? Yes _____ No _____

d) How did the patron contribute to the injury? _____

10. Were law enforcement authorities called? Yes _____ No _____

a) If yes, time of the call _____ AM/PM

b) Who made the call? _____

c) Name(s) of the officer(s) responding:

11. Did the patron drive from the establishment? Yes _____ No _____

a) Auto Make _____ Model _____ Color _____

b) License Number & State _____

12. If the incident occurred outside, describe weather conditions: _____

13. Describe the incident, (including eyewitness accounts) _____

Employee Name _____

Address _____

Phone _____

Signature _____

Witness Name _____

Address _____

Phone _____

Signature _____

Employer _____

**** This form may be duplicated.**

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Chair Klein, Members of the
ABC Board

DATE: April 2, 2013

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

RE: Procedure on Dismissed Notices of Violation

At the board of directors meeting of December 5, 2012 I submitted a draft procedure on the handling of dismissed violations. The board had delegated that I rewrite the procedure based upon the discussion that correspondence relating to the eventual dismissal be placed in a manila folder along with the dismissed notice of violation (bullet #2); that the board has no authority to withhold dismissed notices of violation from local governing bodies (bullet #4); and that public records may not be destroyed nor should we request others to destroy records (bullet # 5).

What was not discussed at the meeting but was discussed with Assistant Attorney General Harriet Milks afterwards was bullet #6 that dismissed notices of violation would not be included on a list that goes to the board. Ms. Milks advised that the board should have this information in order to make good informed decisions on the license, or the performance of staff.

Therefore, I am bringing this procedure back before the board with the revised procedure that also includes an introductory paragraph that explains the background for the procedure.



MEMORANDUM

TO: Chair Klein, Members of the
ABC Board, and Staff

DATE: March 11, 2013

FROM: Shirley A. Coté
Director, ABC Board

RE: Procedure on Dismissed Notices of Violation

The ABC Board adopted 3 AAC 304.525 Communication with licensees in an effort to provide good communications with licensees “to assist them in conducting their licensed businesses in the public interest and in conformity with existing statutes and regulations.” Notices of violation, advisory notices, and inspection reports are means of communications with licensees. Although the intent of a notice of violation is informal the notice may be used in making determinations of suspension, revocation, or refusal to renew the license. The intention of the internal procedure is to give proper indication and notification of the dismissal, prevent inappropriate copying or use, and ensure compliance with recordkeeping laws and regulations. If additional information is received that the board of directors or the director believe a dismissal is warranted, the following procedure will be followed.

- The notice of violation will be stamped with **DISMISSED** and maintained in the license and investigative files.
- The dismissed notice of violation and the correspondence associated with the eventual dismissal of the notice of violation will be kept in a separate folder within the files. The cover of the folder will state, “Do not copy or forward without the approval of the director.”
- If the notice of violation is dismissed after a copy is shared with a local governing body the director will write a letter to the local governing body advising of the dismissal.
- If the dismissed notice is placed on a list that may be provided to the board, or to outside agencies it will be indicated that the notice of violation has been dismissed.

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MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 16, 2013

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

RE: Waivers

Prior to about five years ago when a license was transferred a new license number was issued. Waivers would then naturally start over with the new licensee. When the license numbers remained the same from a transfer the board decided the waivers should follow the license and not the licensee.

Fourth, fifth and sixth waivers were not unheard of; however, in a particular case involving Red Robin the licensee had received four waivers after promising to operate by a certain date. He was unable to operate and came back to the board requesting a fifth and sixth waiver. Members of the board did not offer a second to the motion to grant a fifth and sixth waiver and the licensee took the case to Superior Court (the licensee had waived his right to an administrative hearing with the granting of the fourth waiver). Although not part of the official findings of the court, Judge Craig Stowers opined during the proceedings that the board overextended its authority in granting 4th and 5th waivers. He cited then **13 AAC 104.170**. (now 3 AAC 304.170). **Waiver of annual operating requirement and minimum operating requirements:**

(e) The board will, in its discretion, deny a third or subsequent consecutive application for waiver unless the licensee clearly shows that the licensed premises were not operated because the premises were condemned or substantially destroyed by any cause. If the premises identified on an applicant's license are not leased or owned by the licensee, the third or subsequent application will, in the board's discretion, be denied. Additionally, a third or subsequent consecutive application for waiver that does not identify a licensed premises location will, in the board's discretion, be denied.

The board took the Judge's opinion seriously and began the practice of approving third waivers with the condition that no fourth waiver would be granted for the license.

Situations have arisen where a transferor did not reveal, or revealed late in the transaction that all three waivers had been used for the particular license. Other potential transfers were stopped when the transferee learned no further waivers would be granted for the license. This causes a devaluation of the license unbeknownst to the transferee.



At the last board of directors meeting held on February 12, 2013 during public testimony the subject of waivers arose with two licensees who have been or could be affected by the limitation of the three-waivers allowed in regulation. It was decided this would be placed on this meeting agenda for discussion.

Options for discussion (there may be others):

1. Status quo – first and second waivers approved under consent, third waiver approved (or not) with the stipulation that no fourth waiver
2. Waivers follow the licensee and not the license (consider how this would apply when shareholders change)
3. Waivers start over after a period of time as some licenses have been in existence for decades
4. Licensees earn credit for a certain number of years in operation

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THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Robert Klein, Chair and Members
of the ABC Board

DATE: May 20, 2013

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

RE: Regulation 3 AAC 304. Wine clubs
allowing written orders from annual
membership application

Attached is a copy of the final wording for the regulation that would allow annual membership applications for the purpose of fulfilling periodic written orders.

The 30-day required notice was given to the public with the written comment period closing on April 30, 2013 at 4:30 p.m. It is important that no further public comments be allowed as this will reopen the public comment period. The ABC Board staff has received no comments from the public regarding this change.

Although special attention to the cost of the regulations to private persons need not be part of the motion it must be part of the record of the board meeting. I expect no cost to private persons and no required increase in appropriation to our budget.

You may decide not to approve of the changes to these regulations; however, if you decide to make a motion to approve I am providing the required language below:

“I make a motion to approve 3 AAC 104. Wine Clubs as written.”

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

3 AAC 304. Wine Clubs

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

(1) the licensee has an original or clear photocopy a document bearing the purchaser's signature described in 3 AAC 304.645(b);

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

(3) the agreement requires that payment for the wine be received by the licensee at least five working days prior to the date of shipment and allows the licensee or purchaser to terminate the agreement by giving 5 days written notice of termination.

(b) Before shipping wine into an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1)- (2), or (3) or (b)(1) or (2) the licensee shall consult the database maintained by the board under AS 04.11.095 in the manner required by AS 04.11.150(g). When shipping the wine the purchaser shall comply with

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

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

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

(d) If the agreement requires the licensee to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), (3) or (b)(1) or (2), the licensee shall enter a written order, within 24 hours after receiving full payment, into the written order database established under AS 04.06.095.

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

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

BRIEF DESCRIPTION:

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with written orders from annual membership applications for wine clubs as it relates to package store licensees, including the following:

- (1) 3 AAC 304 is proposed as a new regulation that would allow annual membership applications for the purpose of fulfilling periodic written orders.

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

If you are a person with a disability who may need a special accommodation in order to participate in the process on the proposed regulations, please contact the Alcoholic Beverage Control Board at (907) 269-0350 no later than April 24, 2013 to ensure that any necessary accommodations can be provided.

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

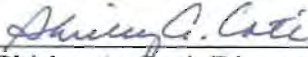
After the public comment period ends, the Alcoholic Beverage Control Board will either adopt this or other provisions dealing with the same subject, without further notice, or take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

Statutory Authority: AS 04.06.090, AS 04.06.100

Statutes Being Implemented, Interpreted, or Made Specific: AS 04.11.150

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

DATE: March 22, 2013



Shirley A. Coté, Director
Alcoholic Beverage Control Board

Cote, Shirley A (CED)

From: Cote, Shirley A (CED)
Sent: Friday, March 29, 2013 3:29 PM
To: 'DeVeaux, Shauni (LNG-SA2)'
Subject: RE: Proposed *New* 3 AAC 304
Attachments: Wine Clubs regulation 1-25-13.pdf

Please see attached, Shauni. It is the same as what we advertised in February but had to start the process over due to a technical error. Let me know if you have questions.

Shirley

Shirley A. Cote
Director
Alcoholic Beverage Control Board
(907) 269-0351

From: DeVeaux, Shauni (LNG-SA2) [<mailto:shauni.deveaux@lexisnexis.com>]
Sent: Friday, March 29, 2013 3:04 PM
To: Cote, Shirley A (CED)
Subject: Proposed *New* 3 AAC 304

Good afternoon!

I need to obtain the text for the following proposed new rule:

3 AAC 304, concerning annual membership applications for the purpose of fulfilling written orders.

If you can send the text via e-mail, please send to:

shauni.deveaux@lexisnexis.com

If you have to mail or fax, send to:

Shauni DeVeaux
Regulations Analyst
State Net
2101 K Street
Sacramento, CA 95816
fax: 800/829-4629

If you have any questions I can be reached at (916) 497-4157.

Thank you for your assistance.

Shauni DeVeaux
Regulations Analyst
Lexis Nexis

Cote, Shirley A (CED)

From: Cote, Shirley A (CED)
Sent: Wednesday, April 10, 2013 1:47 PM
To: 'Hopkins, Kyle'
Subject: RE: Proposed wine club changes?
Attachments: Wine Clubs regulation 1-25-13.pdf

Hello Kyle,

Here is the draft regulation. It may get revised as it makes it to the regulations attorneys but in any event you have the major gist. Let me know if you have questions.

Shirley

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

From: Hopkins, Kyle [<mailto:khopkins@adn.com>]
Sent: Wednesday, April 10, 2013 1:17 PM
To: Cote, Shirley A (CED)
Subject: Proposed wine club changes?

Hi Shirley,

I noticed on the ABC Board website that there is a proposed regulatory change related to wine clubs. Where can I find the details of the proposal?

Can you email them to me? Maybe the draft proposal?

Thanks,
Kyle

Cote, Shirley A (CED)

From: Cote, Shirley A (CED)
Sent: Monday, April 01, 2013 7:59 AM
To: 'Emil Georgi'
Subject: RE: regulation changes
Attachments: Wine Clubs regulation 1-25-13.pdf

Here you go, Emil. Please let me know if you have questions. Thank you for your interest.

Shirley

Shirley A. Cote
Director
Alcoholic Beverage Control Board
(907) 269-0351

From: Emil Georgi [<mailto:EmilGeorgi@cqrollcall.com>]
Sent: Monday, April 01, 2013 6:49 AM
To: Cote, Shirley A (CED)
Subject: regulation changes

Hello,

I am looking for a copy of the proposed changes to the ABC regulations pertaining to wine clubs. Could you please forward me a copy?

Thank you,

Emil Georgi

CQ Roll Call - StateTrack
77 K Street NE · Washington, DC 20002
202-650-6593 (o)

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Cote, Shirley A (CED)

From: Cote, Shirley A (CED)
Sent: Friday, March 29, 2013 3:02 PM
To: 'Cartwright, Wendy'
Subject: RE: Proposed Amendment Text Request
Attachments: Wine Clubs regulation 1-25-13.pdf

Per your request, Wendy. Please let me know if you have any questions.

Shirley

Shirley A. Cote
Director
Alcoholic Beverage Control Board
(907) 269-0351

From: Cartwright, Wendy [<mailto:Wendy.Cartwright@wolterskluwer.com>]
Sent: Friday, March 29, 2013 2:05 PM
To: Cote, Shirley A (CED)
Subject: Proposed Amendment Text Request
Importance: High

Would you please send me the full text for the following proposed amendment?
Thanks in advance for your assistance.

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

The Alcoholic Beverage Control Board proposes to adopt regulation changes in Title 3 of the Alaska Administrative Code dealing with written orders from annual membership applications for wine clubs as it relates to package store licensees, including the following:
(1) 3 AAC 304 is proposed as a new regulation that would allow annual membership applications for the purpose of fulfilling periodic written orders.

Wendy Cartwright
Content Management Team Leader
Wolters Kluwer Law & Business
wendy.cartwright@wolterskluwer.com
Phone: 800-364-2512 Ext. 3086
fax: 479-471-5635

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LICENSEE SANCTIONS UNDER AS 04.16.180						
Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Anna Maria Markos Kaloumenou	Angelo's Restaurant	3458	Failure to have proper alcohol server training	04.21.025(c)	2/12/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Francisco Barajas	Aztecs Sports Bar and Grill	5042	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/5/2012	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Arturo & Gloria Esparza	Las Margaritas	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/16/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Duane LeFleur	Tustemena Lodge	207	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Sivisay & Malada Vongsamath	Thai House Restaurant	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nancy Elkins	Creekside Liquor	1119	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	\$500 Fine. Must have no new violations for 1 Year.

John Pattee	Avenue Bar	1184	Conduct contrary to the best interests of the public		12/7/11	90 Days suspension of alcohol sales with 76 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Sarah Lee Lo	Chiang Mai Ultimate Thai Restaurant	4459	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/7/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Levitta Lee Burks	Anchor Bar	61	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Gerald Berryman	H & H Lakeview Restaurant	3904	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Peter & Sherryl Scott	Inn Café	4351	Failure to have proper alcohol server training	AS 04.16.150	3/24/11	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Wesley J. & Linda M. Sherrill	Moose Pass Inn	752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Hye Suk Min	Peking Restaurant	4215	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	60 Days suspension of alcohol sales. \$3,000 fine.
Ming Tze Chen	168 E-Lu-Fa Restaurant	4936	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/13/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Monica S. Wirtz	Peking Wok Restaurant	2813	Failure to have proper alcohol server training & allowing employee to work without alcohol server training.	AS 04.16.150	12/13/10	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Dennis Freeman	West Rib Café and Pub	3667	No server card, pricing and marketing violations	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine for no server card. \$500 fine for pricing and marketing violations. Must have no new violations for 1 year.
Fernando and Mary Nicolas	The Galley	1557	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. \$250 fine for having underage employees. Must have no new violations for 1 year.
Masahide & Kazuko Yamada	Yamaya Restaurant	3728	Furnishing alcohol to persons under 21	AS 04.16.052(5)	7/6/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Michael G. West	Dexter Roadhouse	1863	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 21 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Nancy Ida Milani-Henson	Bush Bottle Inn	2729	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Accusation		2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Albert W. Gartz	Northern Liquors	785	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Dong J. Yi	Tokyo Japanese Steakhouse	4731	Business name change without approval or transfer		2/26/10	\$2,500 fine.
Catarino & Maria Patricia Robles	Chico's Mexican Restaurant	4326	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.

Howard & Chum Sim	Tips Bar	1142	Failure to have proper alcohol server training	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Allowing impaired person to serve alcohol. Allowing drunken persons to remain on premises.	AS 04.16.030 AS 04.16.040	2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Juan Carlos Macias	Agave Restaurant	4854	Furnishing Alcohol to persons under 21	AS 04.16.180(b)	11/19/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nohemi Reyes De Zambrano	La Fiesta Dos	3913	Failure to have proper alcohol server training	AS 04.16.150	7/14/09	30 Days Suspension of License with 15 Days Suspended
Filameno & Ana Bravos	El Chicano	3299	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	5/7/09	45 Days suspension of alcohol sales and \$2,000 fine. Must have no new violations for 1 year.
Deanna Peterson	FOE Aerie #4200	3133	Violating municipal ordinance (smoking)	AS 04.16.150	11/6/08	35 Days suspension of alcohol sales with 30 days suspended. \$1,000 fine.

Mayo	How How, Inc.	3796	Furnishing Alcohol to persons under 21	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 30 days suspended. \$2,000 fine.
Minas Charalambous	Froso's	1540	Failure to have proper alcohol server training	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine.
Gary & Franchesca Cogdill	Big Lake Liquor	118	Furnishing Alcohol to persons under 21, and failure to have proper alcohol server training	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Russell Wimmer, Jr.	Mendeltna Creek Lodge	2579	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$500 Fine.
Hye Suk Min	Peking Restaurant	4215	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	30 Days Suspension of License. \$1,500 Fine.
Richard Solis	3 Amigos Restaurant	3811	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
Tuyen & Tran Thuy Dinh	Airport Restaurant & Lounge	3759	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
C. Scott Bald & Carol Lallatin	Marina Restaurant	3021	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
Konstantinos Kanaras	Appollo Restaurant	3230	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of license with 4 days suspended.
Dana Ma	Fu Do	4109	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended.
Barbara Abbott	Tundra Lodge and R/V Park	1176	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 35 days suspended. \$1,000 Fine.

Dennis Selman	Club Paris	258	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Si Cha Sin	Nikko Garden	2069	Furnishing Alcohol to persons under 21	AS 04.16.150	7/11/07	30 Days suspension of license with 15 days suspended. \$1,000 fine with \$500 suspended.
Jennifer Lee	New Peking Chinese Restaurant	3239	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
James S. Yang	Mr. D's	2457	Failure to have proper alcohol server training	AS 04.16.150	4/18/07	7 Days suspension of license and \$500 fine.
Tami Kilbourn	Sunset Strip	1098	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	7 Days suspension of license (all 7 days suspended) and \$500 fine.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	5 Days suspension of license. License suspension for alcohol sales only.
Benito Herrera	Jamico's Pizzeria	3889	Failure to have proper alcohol server training	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
Thomas Kirkman, Administrator	Craig Moose Lodge #1206	746	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
James Bass	Bing Brown's	126	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	1 Hour suspension of license.

John Riblett	Pizza Man	1533	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only.
Sandra Ramos	Jalapeno's Mexican Restaurant	3766	Furnishing Alcohol to persons under 21	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only. \$500 Fine.
Dennis Shaw	Salcha River Lodge	3487	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	5 Days Suspension
Alfred Sousa	Talkeetna Motel	1287	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	5 Days Suspension
Byron Yang	Golden Pond	2845	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine with \$500 suspended.
Itsuro Tamaki	Kumagoro Restaurant	2276	Failure to have proper alcohol server training	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine.
Mary Lou Redmond	Diamond Jim's Package Store	2926	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$500 fine.
Ying Po Liu	Golden Shanghai	3467	Failure to have proper alcohol server training	AS 04.16.150	8/9/06	15 Days Suspension and \$1,000 Fine.
Charlampos Alefantinos	Bella Vista	107	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$1,000 fine.
Robert Clutts	Anchor River Inn	1309	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	4 Days Suspension beginning 10/16/06.

Carlos Gomez	Pancho's Villa Restaurant	74	Furnishing Alcohol to persons under 21	AS 04.16.150	6/15/06	7 Days Suspension beginning 6/30/06 and \$500 fine.
Emmanual Xeninkakis	Nero's Pizza	3369	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension beginning 8/29/06 and \$500 fine.
Jose Nanez	Chepo's Fiesta		Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$500 Fine.
Lewis T. Johnson	Galena Liquor Store	433	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended. \$500 fine
Patricia Estrada	Mangia! Mangia!	4281	Furnishing Alcohol to persons under 21	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended.
Marlene Marshall	Yukon Inn	1804	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension and \$1,000 fine.
Arturo Esparza	Las Margaritas	3363	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	30 Days Suspension of License with 15 Days Suspended
John Kartesz	Sheep Creek Lodge	1033	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	Licensee said he had sold business, but not transferred license. Board suspended licenses for package store (1032) & beverage dispensary (1033).

LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Anna Maria Markos Kaloumenou	Angelo's Restaurant	3458	Failure to have proper alcohol server training	04.21.025(c)	2/12/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Francisco Barajas	Aztecs Sports Bar and Grill	5042	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/5/2012	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Arturo & Gloria Esparza	Las Margaritas	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/16/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Duane LeFleur	Tustemena Lodge	207	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Sivisay & Malada Vongsamath	Thai House Restaurant	4752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Nancy Elkins	Creekside Liquor	1119	Furnishing alcohol to persons under 21	AS 04.16.052(5)	2/21/12	\$500 Fine. Must have no new violations for 1 Year.

John Pattee	Avenue Bar	1184	Conduct contrary to the best interests of the public		12/7/11	90 Days suspension of alcohol sales with 76 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Sarah Lee Lo	Chiang Mai Ultimate Thai Restaurant	4459	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/7/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Levitta Lee Burks	Anchor Bar	61	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Gerald Berryman	H & H Lakeview Restaurant	3904	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Peter & Sherryl Scott	Inn Café	4351	Failure to have proper alcohol server training	AS 04.16.150	3/24/11	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Wesley J. & Linda M. Sherrill	Moose Pass Inn	752	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Hye Suk Min	Peking Restaurant	4215	Furnishing alcohol to persons under 21	AS 04.16.052(5)	3/24/11	60 Days suspension of alcohol sales. \$3,000 fine.
Ming Tze Chen	168 E-Lu-Fa Restaurant	4936	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/13/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Monica S. Wirtz	Peking Wok Restaurant	2813	Failure to have proper alcohol server training & allowing employee to work without alcohol server training.	AS 04.16.150	12/13/10	30 Days suspension of alcohol sales with 30 days suspended. Must have no new violations for 1 year.
Dennis Freeman	West Rib Café and Pub	3667	No server card, pricing and marketing violations	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine for no server card. \$500 fine for pricing and marketing violations. Must have no new violations for 1 year.
Fernando and Mary Nicolas	The Galley	1557	Furnishing alcohol to persons under 21	AS 04.16.052(5)	9/30/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. \$250 fine for having underage employees. Must have no new violations for 1 year.
Masahide & Kazuko Yamada	Yamaha Restaurant	3728	Furnishing alcohol to persons under 21	AS 04.16.052(5)	7/6/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.

Michael G. West	Dexter Roadhouse	1863	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 21 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Nancy Ida Milani-Henson	Bush Bottle Inn	2729	Furnishing alcohol to persons under 21	AS 04.16.052(5)	5/4/10	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Accusation		2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Albert W. Gartz	Northern Liquors	785	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.
Dong J. Yi	Tokyo Japanese Steakhouse	4731	Business name change without approval or transfer		2/26/10	\$2,500 fine.
Catarino & Maria Patricia Robles	Chico's Mexican Restaurant	4326	Furnishing Alcohol to persons under 21	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 38 days suspended. \$1,000 fine. Must have no new violations for 1 year.

Howard & Chum Sim	Tips Bar	1142	Failure to have proper alcohol server training	AS 04.16.150	2/26/10	45 Days suspension of alcohol sales with 40 days suspended. \$1,000 fine. Must have no new violations for 1 year.
James D. West	Board of Trade Saloon	144	Allowing impaired person to serve alcohol. Allowing drunken persons to remain on premises.	AS 04.16.030 AS 04.16.040	2/26/10	45 Days suspension of alcohol sales with 35 days suspended. \$2,000 fine. Must have no new violations for 1 year.
Juan Carlos Macias	Agave Restaurant	4854	Furnishing Alcohol to persons under 21	AS 04.16.180(b)	11/19/09	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
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Deanna Peterson	FOE Aerie #4200	3133	Violating municipal ordinance (smoking)	AS 04.16.150	11/6/08	35 Days suspension of alcohol sales with 30 days suspended. \$1,000 fine.

Mayo	How How, Inc.	3796	Furnishing Alcohol to persons under 21	AS 04.16.150	8/28/08	45 Days suspension of alcohol sales with 30 days suspended. \$2,000 fine.
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Russell Wimmer, Jr.	Mendeltna Creek Lodge	2579	Furnishing Alcohol to persons under 21	AS 04.16.150	7/10/08	45 Days suspension of license with 38 days suspended. \$500 Fine.
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Tuyen & Tran Thuy Dinh	Airport Restaurant & Lounge	3759	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
C. Scott Bald & Carol Lallatin	Marina Restaurant	3021	Failure to have proper alcohol server training	AS 04.16.150	7/10/08	4 Days Suspension of License.
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Dana Ma	Fu Do	4109	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended.
Barbara Abbott	Tundra Lodge and R/V Park	1176	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 35 days suspended. \$1,000 Fine.

Dennis Selman	Club Paris	258	Furnishing Alcohol to persons under 21	AS 04.16.150	4/17/08	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
Si Cha Sin	Nikko Garden	2069	Furnishing Alcohol to persons under 21	AS 04.16.150	7/11/07	30 Days suspension of license with 15 days suspended. \$1,000 fine with \$500 suspended.
Jennifer Lee	New Peking Chinese Restaurant	3239	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
James S. Yang	Mr. D's	2457	Failure to have proper alcohol server training	AS 04.16.150	4/18/07	7 Days suspension of license and \$500 fine.
Tami Kilbourn	Sunset Strip	1098	Furnishing Alcohol to persons under 21	AS 04.16.150	4/18/07	7 Days suspension of license (all 7 days suspended) and \$500 fine.
Carlos Carillo	Carlos' Fine Mexican Restaurant	3538	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	5 Days suspension of license. License suspension for alcohol sales only.
Benito Herrera	Jamico's Pizzeria	3889	Failure to have proper alcohol server training	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$500 Fine.
Thomas Kirkman, Administrator	Craig Moose Lodge #1206	746	Furnishing Alcohol to persons under 21	AS 04.16.150	2/21/07	45 Days suspension of license with 38 days suspended. \$1,000 Fine.
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John Riblett	Pizza Man	1533	Failure to have proper alcohol server training	AS 04.16.150	11/29/06	45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only.
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Alfred Sousa	Talkeetna Motel	1287	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	5 Days Suspension
Byron Yang	Golden Pond	2845	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine with \$500 suspended.
Itsuro Tamaki	Kumagoro Restaurant	2276	Failure to have proper alcohol server training	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$1,000 fine.
Mary Lou Redmond	Diamond Jim's Package Store	2926	Furnishing Alcohol to persons under 21	AS 04.16.150	10/4/06	45 Days Suspension of License with 38 Days suspended, \$500 fine.
Ying Po Liu	Golden Shanghai	3467	Failure to have proper alcohol server training	AS 04.16.150	8/9/06	15 Days Suspension and \$1,000 Fine.
Charlampos Alefantinos	Bella Vista	107	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$1,000 fine.
Robert Clutts	Anchor River Inn	1309	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	4 Days Suspension beginning 10/16/06.

Carlos Gomez	Pancho's Villa Restaurant	74	Furnishing Alcohol to persons under 21	AS 04.16.150	6/15/06	7 Days Suspension beginning 6/30/06 and \$500 fine.
Emmanual Xeninkakis	Nero's Pizza	3369	Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension beginning 8/29/06 and \$500 fine.
Jose Nanez	Chepo's Fiesta		Failure to have proper alcohol server training	AS 04.16.150	6/15/06	7 Days Suspension and \$500 Fine.
Lewis T. Johnson	Galena Liquor Store	433	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended. \$500 fine
Patricia Estrada	Mangia! Mangia!	4281	Furnishing Alcohol to persons under 21	AS 04.16.150	4/20/06	45 Days Suspension of License with 38 Days Suspended.
Marlene Marshall	Yukon Inn	1804	Licensee responsible for violations	AS 04.16.150	4/20/06	45 Days Suspension and \$1,000 fine.
Arturo Esparza	Las Margaritas	3363	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	30 Days Suspension of License with 15 Days Suspended
John Kartesz	Sheep Creek Lodge	1033	Furnishing Alcohol to persons under 21	AS 04.16.051	2/9/06	Licensee said he had sold business, but not transferred license. Board suspended licenses for package store (1032) & beverage dispensary (1033).

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: May 21, 2013

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

RE: Conviction of Licensee, Chong Pak, Seoul Gate
Restaurant, License #4941

On December 27, 2012 a compliance check was conducted on the Seoul Gate Restaurant in Fairbanks. The server failed a compliance check and was issued a summons for furnishing alcohol to an underage person. The server did not possess proof of an alcohol server education card and was also issued a summons for that violation. The license, Chong Pak stated she had told her employee to obtain the alcohol server education course at least three times over the past two years but allowed her to continue to serve alcohol without proper training. Ms. Pak signed her renewal application on November 10, 2011 certifying that all her agents and employees had received alcohol server training and their certification was currently valid. The licensee was issued a summons for violation of AS 04.16.150 Licensee responsible for violations.

The licensee was convicted and received a \$250 fine with the option of performing 40 hours of community work service, a \$50 surcharge for police training, one year probation and a \$100 surcharge to be paid in the event Ms. Pak's probation is revoked or she is taken to jail. Ms. Pak has no prior criminal history.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

State of Alaska,
vs.
Chong Hwa Pak,
Plaintiff,
Defendant.

CASE NO: 4FA-13-00138CR

Order Suspending Imposition of Sentence

DOB: 09/24/1956 ATN: 114147324
DOV: 12/27/2012 OLN: 6418551 - AK
APSIN: 6418551

CTN Offense
001: AS04.16.150: Licensee Respons For Alcohol Violations

PLEA: Guilty

Defendant came before the court on 2/15/2013, was found and adjudged:
 GUILTY of the offense(s) named above.

DV offense per AS 18.66.990(3) and (5): No

SENTENCE

Imposition of sentence is suspended and the defendant is placed on probation.

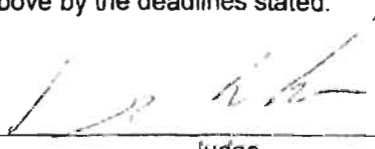
FINE:
001: Defendant is fined \$250. Defendant may perform 40 hours of community work service in lieu of fine. Proof of community work service or payment of any unsuspended fine is due to the court within 6 months.

POLICE TRAINING SURCHARGE: To be paid within 10 days: \$50 (Misd)

SUSPENDED STATE JAIL SURCHARGE: \$100 per case with \$100 suspended. Must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.

PROBATION: Defendant is placed on probation for 1 year, subject to the following conditions:
 Comply with all direct court orders listed above by the deadlines stated.
 No criminal violations.
 No jailable offenses.

2/15/2013
Effective Date



Judge
Ben A Seekins
Date signed: 2/15/2013

Clerk: lr

I certify that on 2/15/2013 a copy of this judgment was sent to:
 Def/Atty DA ASAP
 AG Jail DPS
 Police DMV Other: _____
 CFEC

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT FAIRBANKS

Ctrm: 201

STATE OF ALASKA

Judge: Seekins

Date: February 15, 2013

vs.

Clerk: Robinson

Chong Hwa Pak

Case: 4FA-13-00138CR

PROCEEDINGS: Change of Plea

COUNSEL PRESENT

Plaintiff: Risa Leonard, Assistant District Attorney

Defendant: John J. Burns

Defendant: Present/Out of Custody

08:35:45 On record

08:36:22 Court and counsel discuss offense.

08:36:42 Burns: We've reached an agreement. SIS and a \$250 fine.

08:37:36 Leonard: That's correct.

08:38:33 Court reiterates agreement and recites mandatory minimum(s)

Defendant acknowledges and understands the agreement

08:39:07 Court advises of rights and maximum penalties

Defendant acknowledges and understands waiver of rights

08:41:19 Defendant: Yes, Us Citizen. Plea is voluntary. No force, no pressure
and not under the influence.

08:42:32 Defendant enters guilty plea.

08:42:38 COURT: Accepts plea.

Find it knowing and voluntary.

Find there's a factual basis in the complaint for the plea.

08:43:01 Defendant waives right of allocution.

08:43:05 COURT IMPOSES SENTENCE

08:47:20 To next case

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

STATE OF ALASKA,)
)
) Plaintiff,)
)
) v.)
)
) CHONG HWA PAK,)
)
) Defendant.)
)
 _____)

No. 4FA-S13-00138 CR

TRANSCRIPT OF PROCEEDINGS

February 15, 2013 - Pages 2 through 11

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COP HEARING

BEFORE THE HONORABLE BENJAMIN A. SEEKINS
District Court Judge

Fairbanks, Alaska
February 15, 2013
8:35 o'clock a.m.

APPEARANCES:

FOR THE PLAINTIFF:

RISA C. LEONARD
Assistant District Attorney
District Attorney's Office
455 Third Avenue, Suite 150
Fairbanks, Alaska 99701

FOR THE DEFENDANT:

JOHN J. BURNS
BORGESON & KRAMER, PC
100 Cushman Street, Suite 311
Fairbanks, Alaska 99701

P R O C E E D I N G S

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08:35:45

THE CLERK: On record.

THE COURT: State of Alaska versus Chong Pak, 4FA-13-138 CR, and defendant's present out of custody with the attorney, Mr. Burns, and for the state, let's see, I have to actually check on this particular offense.

MR. BURNS: Yes, Your Honor, Ms. Pak owns So Get Restaurant and one of her employees, notwithstanding the fact they looked at the license, nonetheless served and it turned out that the individual had not completed the education. So I've discussed the matter with the district attorney's office and we have reached an agreement so we are at this point entering a change of plea.

THE COURT: Okay. And I'm just double checking on this particular offense. It's one we almost never see.

MR. BURNS: Yes, it's.....

THE COURT: It looks like it's a Class A misdemeanor so maximum year in jail and \$10,000 fine. Ms. Leonard, is there any particular mandatory minimums that you're aware of?

MS. LEONARD: Not that I'm aware of, Your Honor.

THE COURT: I'm not aware of any either so.....

MR. BURNS: There are none, Your Honor.

THE COURT: Okay. So what's the deal today then?

1 MR. BURNS: The -- and I will -- let me put it on the
2 record and district attorney's office can correct me if I'm
3 wrong but it is a -- an SIS. There is, you know, obviously,
4 the obligation not to have a similar offense in the next year
5 and a \$250 fine.

6 THE COURT: And was that the state's understanding as
7 well?

8 MS. LEONARD: Yes, Your Honor.

9 THE COURT: And she was never arrested on this offense,
10 right?

11 MS. LEONARD: Not that I'm aware of.

12 MR. BURNS: No, she was not, Your Honor.....

13 THE COURT: That's good.

14 MR. BURNS:and this is one of those vicarious
15 liability ones.

16 THE COURT: A \$50 surcharge and a hundred dollar with a
17 hundred suspended surcharge.

18 MR. BURNS: Thank you, Your Honor.

19 THE COURT: And, ma'am, I have to go through a list of
20 questions with you to make sure you understand what you're
21 doing here today. Okay?

22 MR. BURNS: You have to say yes.

23 THE COURT: And you have to answer out loud. They're
24 recording everything.

25 MR. BURNS: He's -- he is going to be asking you some

1 questions so.....

2 MS. PAK: Yes, sir.

3 THE COURT: And do we have any language barrier today?

4 MR. BURNS: We do not.

5 THE COURT: Okay. So, ma'am, I have to make sure that you
6 understand your rights. So these questions we ask of
7 everybody who ever comes in for a change of plea and so I'm
8 going to ask them of you as well and you have to answer out
9 loud so that we make sure you understand what you're doing
10 today.

11 First of all, do you understand the nature of what you're
12 accused of doing? Do you understand what they're saying that
13 you did wrong?

14 MS. PAK: Yes. Yes.

15 THE COURT: And do you understand that this offense, if
16 you were convicted, would have the worst possible sentence of
17 a year in jail and \$10,000 fine and the best possible result
18 of no fine and no jail?

19 MS. PAK: Yes, sir.

20 THE COURT: You understand -- sorry -- understand that by
21 pleading guilty here today, you're going to give up your
22 rights.....

23 MS. PAK: Yes, sir.

24 THE COURT:associated with trial and appeal?

25 MS. PAK: Yes, Your Honor.

1 THE COURT: So for appeal rights, you'd have the right to
2 -- normally if you went to trial and you -- and the case was
3 over, you would have the right to appeal but, by pleading
4 guilty here today, you're going to give up your right to
5 appeal which means you'll give up your right to appeal the
6 sentence because you've agreed on what the sentence will be.
7 You'll also give up your right to appeal any mistakes or
8 evidentiary issues in the case.

9 MS. PAK: Yes, sir.

10 THE COURT: For trial, you'd give up the right to go
11 forward with trial which would include going to trial, having
12 trial by a jury or by a jury. If you had a trial by a jury,
13 you'd have a right for all the jury to one hundred percent
14 agree on their verdict. So if all of them didn't agree, you
15 would not be found guilty. All of them would have to agree.

16 You would also have the right to be presumed innocent.
17 So when the trial started, you would be determined to be
18 innocent and they would have to prove you guilty. The state
19 would have the burden of proof so they would have to prove by
20 presenting evidence and witnesses that you were guilty of this
21 offense and they'd have to prove that by a standard that's
22 called beyond reasonable doubt and they'd have to prove that
23 for each and every element of the offense. All parts of this
24 offense they'd have to prove by that standard. They'd try to
25 do that by calling witnesses and presenting evidence. You

1 could confront and cross examine those witnesses. You could
2 challenge any evidence that they presented. You could present
3 your own witnesses. You could force your witnesses to come to
4 court if they didn't want to come by using the court's
5 subpoena power. You could present your own evidence. You
6 could testify yourself if you wanted to and it looks like she
7 was about to ask you something. She was leaning.....

8 MR. BURNS: No.

9 THE COURT: No? Okay.

10 MS. PAK: No, sir.

11 THE COURT: All right. You could testify yourself if you
12 wanted to but nobody could make you testify and if you chose
13 not to testify, then no one -- we would tell the jury and the
14 court and no one would be allowed to use that against you in
15 any way that decision. You understand that?

16 MS. PAK: Yes, sir.

17 THE COURT: And are you a United States citizen?

18 MS. PAK: Yes, sir.

19 THE COURT: Is your plea today voluntary, your choice?

20 MS. PAK: Yes, sir.

21 THE COURT: Has anyone used any force or threats or
22 promises to make you plea this way?

23 MS. PAK: Yes, sir.

24 MR. BURNS: No.

25 MS. PAK: No, sir.

1 MR. BURNS: He's asking -- do you understand he's asking
2 you if this is voluntary, that you're -- it is your decision
3 to.....

4 MS. PAK: No, no.

5 MR. BURNS:enter this -- your decision to enter this
6 agreement.....

7 MS. PAK: No, I can honest.....

8 MR. BURNS:that nobody forced you to do this.

9 MS. PAK: No. No, no, no, no. No, no.

10 THE COURT: Okay.

11 MS. PAK: No, sir.

12 THE COURT: All right. And are you sick or have you
13 consumed alcohol, drugs or medicine today?

14 MS. PAK: No, sir.

15 THE COURT: And that's just something we ask everybody to
16 make sure they're thinking clearly. So like I'm sick today
17 but I feel like I'm still thinking pretty clearly -- as I
18 cough some more.

19 All right then. Officially then to the offense of
20 licensee being responsible for alcohol violations, how do you
21 plea?

22 MR. BURNS: Wait, he's asking you how do you plead and
23 that's when we talked about guilty. Guilty.

24 MS. PAK: Ye -- yes, I am guilty. Yes. Uh-huh.

25 THE COURT: Guilty?

1 MS. PAK: Yes, sir.

2 THE COURT: Okay. Then we'll -- I'll accept that plea.
3 I'll find it's knowing and voluntary. You understand the
4 rights you're giving up, you appear to be clear-headed.
5 There's a factual basis for the charge in the complaint and
6 we'll proceed to sentencing. Any comments by the state?

7 MS. LEONARD: Nothing. Thank you.

8 THE COURT: By the defense?

9 MR. BURNS: Nothing, Your Honor. Thank you.

10 THE COURT: And, ma'am, you have a right to make any
11 comments that you want to make but you don't have to make any,
12 you can just say nothing if you want. Is there anything you
13 want to say?

14 MS. PAK: No, sir.

15 THE COURT: Okay. I'll go ahead and proceed with
16 sentencing. I'll place you on probation for one year. That's
17 one year of open court probation. No probation officer, just
18 good behavior, obey all laws, follow all conditions of
19 probation and during that one year, your sentence will be
20 suspended so we'll suspend imposition of sentence for that one
21 year. You'll have to pay a \$250 fine, make that due in six
22 months.

23 MR. BURNS: That's fine, Your Honor.

24 THE COURT: And you'll have to pay a \$50 surcharge.
25 That's automatically due within 10 days and there'll be a

1 hundred dollar with a hundred suspended surcharge. You won't
2 have to pay that unless you come back for any reason.

3 MR. BURNS: Your Honor, if I could just clarify, the two
4 checks, would they both be issued to the State of Alaska,
5 State Court System?

6 THE COURT: Is the \$50, is that a attorney general one?
7 Is the jail surcharge the attorney general one?

8 THE CLERK: It's the attorney general one.

9 THE COURT: What about the \$50 due in 10 days, is that a
10 court one?

11 THE CLERK: Yes, the court.

12 THE COURT: That's the court. Yeah, so it looks like all
13 \$300 would be to the court.

14 MR. BURNS: Okay.

15 THE COURT: And otherwise.....

16 THE CLERK: (Indiscernible - whispering).

17 THE COURT: We will? So we'll have a judgment for you
18 this morning.

19 MR. BURNS: Okay. Thank you.

20 THE COURT: Anything further on this case?

21 MS. LEONARD: Nothing.

22 THE COURT: And bail will be exonerated.

23 MR. BURNS: Thank you.

24 THE COURT: Thank you.

25 THE CLERK: I need to show on the bail.....

1 MS. PAK: Thank you, sir.

2 THE COURT: I don't think there is.

3 THE CLERK: I don't think there is any bail.

4 THE COURT: Yeah.

5 MR. BURNS: I'm sorry?

6 THE COURT: I don't think there is any bail but I'm just
7 saying it's exonerated just in case.

8 MR. BURNS: Yeah.

9 THE COURT: We'll have a judgment for you in about a
10 couple minutes here.

11 MR. BURNS: Okay.

12 (Off record)

13 08:44:45

14 END OF REQUESTED PORTION

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TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 11 are a true, accurate, and complete transcript of proceedings in Case No. 4FA-S13-00138 CR, State of Alaska v. Chong Hwa Pak, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

May 9, 2013

Linda S. Foley, Transcriber

In the District Court of the State of Alaska
Fourth Judicial District in Fairbanks, Alaska

12-1393
Agency Number

State of Alaska,

Plaintiff

vs.

Chin Suk Wahlgren

DOB/ 3-28-55

ID/ 6614889

ATN: 114 147 342

Defendant

Misdemeanor
Criminal Complaint

No. _____ Cr.

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

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)
 ALL COUNTS NONE SPECIFIED BELOW

CTN 001
FURNISHING OF ALCOHOLIC
BEVERAGES TO PERSONS UNDER
THE AGE OF 21 BY LICENSEES
A.S. 04.16.052(5)

Complainant states that on or about the 27th day of December, 2012, at or near Fairbanks in the Fourth Judicial District, State of Alaska, Chin Suk Wahlgren, a licensee or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

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

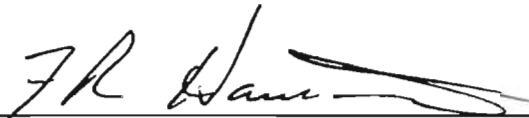
CTN 002
ALCOHOL SERVER EDUCATION COURSE
A.S. 04.21.025(c)

Complainant states that on or about the 27th day of December, 2012, at or near Fairbanks, in the Fourth Judicial District, State of Alaska, Chin Suk Wahlgren, a licensee, agent, or employee who sells or serves alcoholic beverages, did not complete an approved alcohol server education course within 30 days after being employed at a licensed liquor establishment.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.21.025(c) and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Underage Buyer 11-005; age 19, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment, Seoul Gate Restaurant, a licensed liquor establishment in Fairbanks, where the Defendant furnished UB a 12-oz bottled Alaskan Amber beer, an alcoholic beverage. Further, the Defendant has been employed at the establishment for at least 30 days (two years) and has failed to obtain required server education. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control Board, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control Board.

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

A handwritten signature in black ink, appearing to read "F.R. Hamilton", is written over a horizontal line. The signature is cursive and somewhat stylized.

Signature of Complainant



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No. ABC 12-1393	
Detach A	Unit/IG ABCA

Reporting Officer INV F.R. HAMILTON	PermID FRH0	Investigating Agency ALCOHOL BEVERAGE CONTROL	Date Reported 12-27-12	Time Reported 2022
---	-----------------------	---	----------------------------------	------------------------------

ACT# 1	Activity Code 9931	UCR No. 22	Statute / Regulation AS 04.16.052(5)	Type of Activity Furnishing Alcohol to a Person Under 21	Date Occurred 12-27-12	Time Occurred 2022
Location of Activity Seoul Gate Restauant, 958 Cowles Street				N: _____ W: _____	Patrol Zone UJBA	Dom Viol. _____ Alcohol or Drugs Involved A

ACT # 2	Activity Code 4102	UCR No. 22	Statute / Regulation AS 04.21.025(c)	Type of Activity No Server Education	Date Occurred 12-27-12	Time Occurred 2022
Location of Activity Seoul Gate Restaurant, 958 Cowles Street				N: _____ W: _____	Patrol Zone UJBA	Dom Viol. _____ Alcohol or Drugs Involved A

Pers No 1	Role(s) DI	Name Chin Suk Wahlgren	Sex F	Race A	Ht. 64	Weight 125	Hair BLK	Eyes BLK	D O B / Approx. Age 3-28-55
Residence Address 451 Shannon Drive, Fairbanks, AK			Residence / Cell Phone 328-8055			Driver's License No 6614889			State AK
Place of Employment Seoul Gate Restaurant, 958 Cowles Street, Fairbanks, AK			Work Phone 456-2060			Occupation Waitress			VCCB OVR <input type="checkbox"/>
APSIN ID NO. 6614889		E-Mail Address	ATN / NCIC / Other ID No 114 147 342		Charged With	1S	2S	Susp Act No	Juv. Dispo

Pers No 2	Role(s) DI	Name Chong Hwa Pak	Sex F	Race A	Ht. 62	Weight 175	Hair BRO	Eyes BLK	D O B / Approx. Age 9-24-56
Residence Address 1020 25th Ave, Fairbanks, AK			Residence / Cell Phone 888-4488			Driver's License No 6418551			State AK
Place of Employment Seoul Gate Restaurant, 958 Cowles Street, Fairbanks, AK			Work Phone 456-2060			Occupation Licensee			VCCB OVR <input type="checkbox"/>
ASPIN ID No 6418551		E-Mail Address	ATN / NCIC / Other ID No 114 147 324		Charged With	3S	Susp Act No	Juv. Dispo	

SYNOPSIS / DETAILS:

SYNOPSIS: On 12-27-12, at about 2022 hours, Seoul Gate Restaurant waitress Chin Suk Wahlgren, a two year employee, furnished an alcoholic beverage to a person under 21. When asked to provide proof of server education, she stated she hasn't completed training in Alaska. On the premises at the time of the incident was licensee Chong Hwa Pak who stated she has told Wahlgren to get her server education at least three times over the past two years but let her continue to serve. The incident occurred during a compliance check.

OBSERVATION: On 12-27-12, at about 2018 hours, Underage Buyer 11-005; age 19, herein referred to as UB, entered Seoul Gate Restaurant. I remained outside. At about 2022 hours, UB sent me a text message essentially relating he had been served an Alaskan Amber beer, ID was asked for but age was not. The ID presented was a valid military dependant card which has the date of birth on the back of the card in the upper left corner.

OFFICER ACTION: At about 2027 hours, I entered the establishment and located UB seated at a table with an Alaskan Amber beer in front of him. I took a photo of UB with the beer. I was approached by a female whom UB identified as his server. She also admitted to serving UB the beer but not selling it to him. UB gave me his ID and departed the establishment. The female attempted to remove the beer from UB as I talked with her. The server was identified as Chin Suk Wahlgren. Also present was licensee Chong Hwa Pak.

INTERVIEW #1, DI, C.S. WAHLGREN: Conducted in a non-custodial manner. Wahlgren essentially related she looked at his military ID and assumed he was old enough. She served the beer without knowing his age. Wahlgren stated UB looked young. When asked about server education, Wahlgren stated she has not been to server education. Wahlgren wears glasses to read but did not have them on at the time of the incident. Wahlgren stated she knows she is required to have server education and that Pak has told her to get server education.

INTERVIEW #2, DI, C.H. PAK: Conducted in a non-custodial manner. Pak stated Wahlgren has been an on and off employee for the past two years. Wahlgren has been told to get server education about three times over the past two years. Pak stated she is the one that usually servers the alcohol. Pak stated Wahlgren has server education from Seattle.

OFFICER ACTION: Wahlgren was issued summonses for furnishing alcohol to a person under 21 and for not having required server education. Pak was issued a summons for licensee responsible for violations. Both were assigned mandatory court dates of 1-22-13, 0900 hours, Fairbanks District Court. I then departed the establishment.

NOTE: UB completed 24 compliance checks on 12-27-12. Three establishments sold/furnished UB an alcoholic beverage. A check of the licensing file for Seoul Gate Restaurant revealed that on November, 20, 2011, Pak signed a notarized statement to the ABC Board that she and all agents tasked with patron identification verification have received alcohol server training and their certifications are currently valid.

EVIDENCE: Digital audio and photos, two 4-oz canning jars partially filled with Alaskan Amber beer and one empty 12-oz Alaskan Amber beer bottle.

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

CASE CLOSURE CA	COPIES TO District Attorney's Office, Fairbanks	REVIEWED AND APPROVED BY Robert L. Beasley, Enforcement Supervisor	PermID RLB8	DATE CLOSED 1/17/13
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STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No
12-1393

Reporting Officer
Inv. F.R. Hamilton

PermiD
FRH0

Investigating Agency
Alcoholic Beverage Control

Detach
A

UnitID
ABCA

ACT#
3

Activity Code
4102

UCR No
22

Statute / Regulation
AS 04.16.150

Type of Activity
Licensee Responsible for Violations

Date Occurred
12-27-12

Time Occurred
2030

Location of Activity
Seoul Gate Restaurant, 958 Cowles Street

N: _____ W: _____

Patrol Zone
UJBA

Dom Viol.

Alcohol or Drugs Involved

A

ACT# _____ Activity Code _____ UCR No. _____ Statute / Regulation _____ Type of Activity _____ Date Occurred _____ Time Occurred _____

Location of Activity _____ N: _____ W: _____ Patrol Zone _____ Dom Viol. Alcohol or Drugs Involved

ACT# _____ Activity Code _____ UCR No. _____ Statute / Regulation _____ Type of Activity _____ Date Occurred _____ Time Occurred _____

Location of Activity _____ N: _____ W: _____ Patrol Zone _____ Dom Viol. Alcohol or Drugs Involved

ACT# _____ Activity Code _____ UCR No. _____ Statute / Regulation _____ Type of Activity _____ Date Occurred _____ Time Occurred _____

Location of Activity _____ N: _____ W: _____ Patrol Zone _____ Dom Viol. Alcohol or Drugs Involved

Pers No.
3

Role(s)
W

Name
Underage Buyer 11-005

Sex _____ Race _____ Ht. _____ Weight _____ Hair _____ Eyes _____ D.O.B./Approx. Age
7-30-93

Residence Address _____ Residence / Cell Phone _____ Driver's License No. _____ State _____

Place of Employment
Alcoholic Beverage Control Board Enforcement Team

Work Phone
269-0063

Occupation
Buyer

VCCB OVR

APSIN ID NO. _____ Social Security No _____ ATN / NCIC / Other ID No. _____ Charged With _____ Susp Act No. _____ Juv. Dispo.

Pers No. _____ Role(s) _____ Name _____ Sex _____ Race _____ Ht. _____ Weight _____ Hair _____ Eyes _____ D.O.B./Approx. Age _____

Residence Address _____ Residence / Cell Phone _____ Driver's License No. _____ State _____

Place of Employment _____ Work Phone _____ Occupation _____ VCCB OVR

APSIN ID NO. _____ Social Security No _____ ATN / NCIC / Other ID No. _____ Charged With _____ Susp Act No. _____ Juv. Dispo.

Pers No. _____ Role(s) _____ Name _____ Sex _____ Race _____ Ht. _____ Weight _____ Hair _____ Eyes _____ D.O.B./Approx. Age _____

Residence Address _____ Residence / Cell Phone _____ Driver's License No. _____ State _____

Place of Employment _____ Work Phone _____ Occupation _____ VCCB OVR

APSIN ID NO. _____ Social Security No _____ ATN / NCIC / Other ID No. _____ Charged With _____ Susp Act No. _____ Juv. Dispo.

Pers No. _____ Role(s) _____ Name _____ Sex _____ Race _____ Ht. _____ Weight _____ Hair _____ Eyes _____ D.O.B./Approx. Age _____

Residence Address _____ Residence / Cell Phone _____ Driver's License No. _____ State _____

Place of Employment _____ Work Phone _____ Occupation _____ VCCB OVR

APSIN ID NO. _____ Social Security No _____ ATN / NCIC / Other ID No. _____ Charged With _____ Susp Act No. _____ Juv. Dispo.

NUMB. _____ REGISTRATION NO. _____ STATE _____ VIN / SERIAL NO. _____ COLOR _____ YEAR _____ MAKE _____ MODEL _____

BODY STYLE/TYPE _____ ADF&G NUMBER _____ NAME OF WATERCRAFT _____ LENGTH _____

NUMB. _____ REGISTRATION NO. _____ STATE _____ VIN / SERIAL NO. _____ COLOR _____ YEAR _____ MAKE _____ MODEL _____

BODY STYLE/TYPE _____ ADF&G NUMBER _____ NAME OF WATERCRAFT _____ LENGTH _____



STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL

Case No
ABC 12-1393
AST 12-64325

Location / Evidence Locker Anchorage	Property Status E	APSIN Status Codes	S = Stolen, R = Recovered, F = Found, E = Evidence, K = Safekeeping, M = Missing
Submitting Officer INV F.R. HAMILTON	PermiID FRH0	UnitID ABCA	UCR Type Codes A = Currency, B = Jewelry, C = Clothing, D = Vehicles, E = Office Eq., F = Electronic Eq., G = Firearms, H = Household, I = Consumables, J = Livestock, K = Misc
Case Officer INV F.R. HAMILTON	PermiID FRH0	UnitID ABCA	

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
1	K		NCV	Digital Audio / Photos					
Serial No.				Other Information Audio of contact and photos of contact				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry		Submitted To		Return Date		Final Disposition of Article (If Destroyed Sign Here)	

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. **X** Date: _____ Printed Name: _____ ID Number _____

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
2	I		NCV	Alcoholic Beverage	Alaskan Amber				
Serial No.				Other Information 2 partially filled 4-oz canning jars with Alaskan Amber and 1 empty AK Amber beer bottle				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry		Submitted To		Return Date		Final Disposition of Article (If Destroyed Sign Here)	

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. **X** Date: _____ Printed Name: _____ ID Number _____

Item No.	UCR Code	NCIC Code	Estimated Value	Type of Article	Brand Name	Model	Color	Model Year	Caliber
3									
Serial No.				Other Information				Owner APSIN ID	
Place Stored		APSIN / NCIC Entry		Submitted To		Return Date		Final Disposition of Article (If Destroyed Sign Here)	

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. **X** Date: _____ Printed Name: _____ ID Number _____

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

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

This is to certify that I, the undersigned, received the property described in this section and relieve the Dept. of Public Safety from responsibility for same. Signature or P.O. Reg. No. **X** Date: _____ Printed Name: _____ ID Number _____

RECORD OF CUSTODY

ITEM#	REC FROM: SIGNATURE - PermID / P.O. REG NO	DATE RECEIVED	REC. BY: SIGNATURE - PermID / P.O. REG NO
	FRH0		

License Fee	Application Fee	Late Fee	Fingerprint Fee	TOTAL
\$600.00	\$200.00			800.00/00

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

As a licensee (a sole proprietor, partner or officer, director, shareholder, member, of the entity to which license is issued), I certify that I have received alcohol server training and my certification is currently valid.

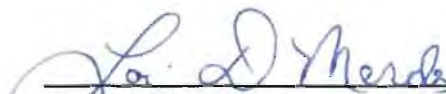
As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.



 Licensee Signature

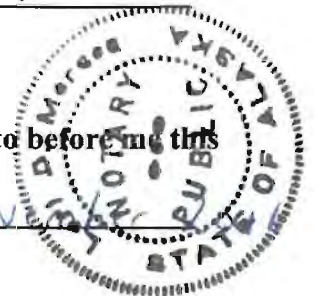
Chong Pak

 Printed Name & Title



 Notary Signature
 Notary Public in and for the State of AK

Subscribed and sworn to before me this
10 day of Nov



My commission expires: July 11, 2013

Agency ID: ABCA P 00049354
 P 0049354
 Defendant: PAK, Chong HWA
 Plaintiff: DCCED Agency: ABCA Agency Case #: 12-1393

CITATION FOR MINOR OFFENSE MISDEMEANOR AS 04.16.050

District Court at Fairbanks Judicial District: 4 Court Case # _____

DEFENDANT	DOB <u>92456</u> Age _____ Driver's Lic <u>6418551</u> State <u>AK</u> Class <u>D</u> APSIN ID <u>6418551</u>
	Hair <u>Blk</u> Eyes <u>Blk</u> Race <u>A</u> Sex <u>F</u> Ht <u>62</u> Wt <u>190</u> Hrn Ph <u>308-803</u> Wk Ph <u>456 2060</u>
VEHICLE	Res Addr <u>1020 25th Ave Fairbanks 9974988</u>
	Mail Addr <input checked="" type="checkbox"/> Same Employer <u>Seoul Gas</u>
	Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
OFFENSE	Commercial: <input type="checkbox"/> Over 10,000 lbs <input type="checkbox"/> Over 26,000 lbs <input type="checkbox"/> Over 15 psngr <input type="checkbox"/> HazMat DOT INSP# _____ USDOT# _____
	Date <u>12-27-12</u> Time <u>2030</u> ATN <u>114147324</u> CTN <u>001</u> Code <u>402</u>
	Location <u>958 Cowles St</u> Loc. Code <u>USBA</u> <input type="checkbox"/> Hwy Work Zone <input type="checkbox"/> Safety Corridor
	<input checked="" type="checkbox"/> Statute <input type="checkbox"/> Regulation <input type="checkbox"/> Ordinance <input type="checkbox"/> Adopted by reference Section <u>04-16-150</u>
	Offense: <u>Licensee Responsible for Violations</u>
Over Limit _____ MPH in a _____ MPH Zone <input type="checkbox"/> Damage Only <input type="checkbox"/> Injury <input type="checkbox"/> Fatality	
Item(s) Seized per AS 16.05.190 _____	

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have reasonable grounds to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

[Signature] Officer's Signature E.R. Hamilton Officer's Printed Name [Signature] ID 12-27-12 Date Served on Defendant

REQUIRED RESPONSE

- MANDATORY COURT APPEARANCE.** You must appear in court as shown below. If you fail to appear for a misdemeanor or AS 04.16.050 a warrant will be issued for your arrest. For a minor offense, see consequences on back. I promise to appear in court. [Signature] Defendant's Signature
- CORRECTABLE.** This citation will be dismissed if you correct the defect and present the vehicle for inspection by _____ at any Alaska State Trooper Post or _____ If you do not, you must either appear in court or mail/deliver your plea as instructed under OPTIONAL APPEARANCE.
- OPTIONAL COURT APPEARANCE.** You must either (1) appear in court as shown below, or (2) fill out the back of this form and mail/deliver it before then, to:
Address (if different from court address): _____

COURT APPEARANCE: within _____ days. on 1-22-13 at 0800 AM/PM

Court Address: 101 Lacy St

Bring this citation with you to court. If you are under 18, you must bring your parent or legal guardian.

In the District Court of the State of Alaska
Fourth Judicial District in Fairbanks, Alaska

12-1393
Agency Number

State of Alaska,)	Misdemeanor
)	Criminal Complaint
vs.)	
)	No. _____ Cr.
Chong Hwa Pak)	
)	CTN 001
DOB/ 9-24-56)	LICENSEE RESPONSIBLE
ID/ 6418551)	FOR VIOLATIONS
)	A.S. 04.16.150
ATN: 114 147 324)	

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

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5) <input type="checkbox"/> ALL COUNTS <input checked="" type="checkbox"/> NONE <input type="checkbox"/> SPECIFIED BELOW

Complainant states that on or about the 27th day of December, 2012, at or near Fairbanks in the Fourth Judicial District, State of Alaska, Chong Hwa Pak, a licensee,

Did either knowingly allow agents or employees to violate this title or regulation adopted under this title nor recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of this licensee violates a law or regulation.

All of which is a class A misdemeanor offense being contrary to and in violation of A.S. 04.16.150 and against the peace and dignity of the State of Alaska.

This complaint is based upon the statement of Investigator F.R. Hamilton, Alaska Alcoholic Beverage Control Board (ABC Board). Seoul Gate Restaurant is owned by the Defendant and licensed by the ABC Board to sell alcoholic beverages. All persons who dispense alcoholic beverages are required to attend an approved alcohol server training course within 30 days of employment. The Defendant's employee, Chin Suk Wahlgren, failed an underage complinace check. As a result of the failure, it was identified that the employee had been instructed to obtain server education by the Defendant at least three times over a two year period. The employee failed to get the required educaiton but was allowed by the Defendant to continue serving alcoholic beverages.

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



Signature of Complainant (F.R. Hamilton)



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

Date: 1-7-13
 Number 12-1393
 Page 1 of 1 Page

Notice of Violation

(13AAC 104.525)

Licensee Chong Pak	License Number 4941	Type of License Restaurant / Eating Place
D.B.A. Seoul Gate Restaurant	How Delivered <input checked="" type="checkbox"/> Certified Mail # On File <input type="checkbox"/> In Person	Law Enforcement Agency Fairbanks Police Department
Street or P.O. Box 958 Cowles Street	City, State Fairbanks, AK	Zip 99701

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 12-27-12, at about 2022 hours, Seoul Gate Restaurant waitress Chin Suk Wahlgren, a two year employee, furnished an alcoholic beverage to a person under 21. When asked to provide proof of server education, she stated she hasn't completed training in Alaska. On the premises at the time of the incident was licensee Chong Hwa Pak who stated she has told Wahlgren to get her server education at least three times over the past two years but let her continue to serve. The incident occurred during a compliance check. Wahlgren was issued summonses for furnishing alcohol to a person under 21 and for not having required server education. Pak was issued a summons for licensee responsible for violations. Both were assigned mandatory court dates of 1-22-13, 0900 hours, Fairbanks District Court.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees, AS 04.21.025: Alcohol server education, AS 04.16.150: Licensee responsible for violations.**

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
5848 E. Tudor Road
Anchorage, Alaska 99507

A Response is Required

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

Receipt:	Violation Observed By: F.R. Hamilton
Filed By: <i>FR Hamilton</i>	Title: Investigator III