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State of Alaska
Alcoholic Beverage Control Board
Agenda
April 29, 2014

● **DIRECTOR BRIEFING**

A. Director's Report **8:45AM** **TAB 1**

● **ADMINISTRATION**

A. Approve minutes of the February 11, 2014 Board Meeting **9:00AM** **TAB 2**

● **PUBLIC TESTIMONY**

9:05AM

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

● **BOARD CONSIDERATION**

A. **613 Brown Jug:** Liquor Stores USA North Inc.; Wasilla **TAB 3**
172 S. Lamont Circle, Unit C
Transfer – Package Store
To: 509 Parks Hwy., Wasilla

All statutory requirements have been met. City of Wasilla &
Central Mat-Su Fire approve. Background investigations complete.
Temporary has been issued.

B. **4100 Brown Bear Liquor:** Ellen P. Tubbs; Outside/Unorganized **9:40AM** **TAB 4**
Mile 183.5 Glenn Hwy.
Appeal of Ownership Transfer

C. Recommend Investigator Joseph Bankowski to Carry Firearm **TAB 5**

D. **5227 George Inlet Lodge(PDR 4):** George Inlet Development, **9:50AM** **TAB 6**
LLC; Ketchikan
11728 S Tongass Hwy.
Request Duplicate License Reconsideration

- E. 5281 Northern Lights Spa:** Basile Group, LLC; Anchorage
5000 W International Airport Road
New – Beverage Dispensary Tourism **10:00AM** **TAB 7**
- All statutory requirements have been met. Anchorage does not protest. Background investigation pending. Temporary has been issued.
- F. 177 Breeze Inn:** Juris Mindenburgs; Seward
1311 Fourth Ave.
Refund Renewal Late Fee **10:10AM** **TAB 8**
- G. 1040 Shelikof Lodge:** Rella Mae Corporation; Kodiak
211 Thorsheim
Refund Renewal Late Fee **10:10AM**
- **Resurrect & Renew** **10:20 AM** **TAB 9**
- 1242 Willow Tree Inn:** Alaska '49 LLC; Dillingham
License: Beverage Dispensary
513 Wood River Road
- **Regulations**
- A.** Licensed Premises 3 AAC 304.185 **TAB 10**
- B.** Conduct of board meetings 3 AAC 304.025
- C.** Public notice 3 AAC 304.125
- D.** Powers of investigative personnel 3 AAC 304.505
- **ACTION ON LICENSEE CONVICTION/VIOLATION**
- A.** Prior Licensee Sanctions **TAB 11**
- B. 493 Hamilton's Place:** Mark & Dolores Wilson;
Kenai Peninsula Borough
License: Package Store **10:30AM** **TAB 12**
18280 Sterling Hwy
- Violations: 1. Furnishing Alcohol to a Person Under 21**

C. **5107 KOGI:** Sushi Garden, Inc.; Anchorage 10:40 AM TAB 13
800 Northway Drive
License: Restaurant Eating Place

Violation: Licensee Responsible for Violations

● **TOURISM LICENSES – RENEWALS – CONSENT AGENDA** TAB 14

10 **Al’s Alaskan Inn:** Allen Henry Choy LLC; Anchorage
7830 Old Seward Hwy.
Renewal – Beverage Dispensary - Tourism

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

45 **Mykel’s Restaurant:** Mykel’s Restaurant, Inc. Soldotna A
35041 Kenai Spur Road
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Soldotna has been notified.

67 **Coast International Inn:** International Inn Inc.; Anchorage B
3450 Aviation Ave.
Renewal – Beverage Dispensary - Tourism

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

518 **Best Western Landing/Jeremiahs:** The Landing Restaurant LLC; Ketchikan C
3434 Tongass Ave.
Renewal – Beverage Dispensary - Tourism

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

553 **Indian House:** Mark A. Sollenberger; Anchorage D
27655 Seward Hwy.
Renewal – Beverage Dispensary - Tourism

Licensee has not provided a tourism statement. All statutory requirements have been met. Anchorage has been notified.

555 **Inlet View Restaurant & Bar:** Inlet View Restaurant & Bar Inc.; Kenai Peninsula Bor. E
15630 Sterling Hwy.
Renewal – Beverage Dispensary - Tourism

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

- 591 Westmark Inn Skagway:** Westmark Hotels, Inc.; Skagway F
 Third & Spring Street
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Skagway has been notified.
- 1758 Last Hook Off:** King Cove Corporation; King Cove G
 NHN Windy Walkway
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. King Cove has been notified.
- 2424 Sophie Station Hotel:** Fountainhead Development Inc.; Fairbanks H
 1717 University Ave. S
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met. Fairbanks has been notified.
- 3002 Eagle Crest Dining Room:** Alaska Hotel Properties LLC; Kenai Peninsula Bor. I
 17245 Frontier Circle Complex 1
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 3074 Wedgewood Resort:** Fountainhead Development Inc.; Fairbanks J
 212 Wedgewood Drive
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Fairbanks has been notified.
- 3316 Fairbanks Princess Riverside Lodge:** Alaska Hotel Properties LLC; Fairbanks K
 4477 Pikes Landing
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met. Fairbanks has been notified.
- 3320 Fairbanks Princess Riverside Lodge:** Alaska Hotel Properties LLC; Fairbanks
 4477 Pikes Landing
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Fairbanks has been notified.

- 3616 Wedgewood Resort – Bear Lodge:** Fountainhead Development Inc.; Fairbanks **L**
 212 Wedgewood Drive
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Fairbanks has been notified.
- 3999 Alaskan Steakhouse & Motel:** Juice, Inc.; Delta Junction **M**
 Mile 265 Richardson Hwy.
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met. Delta Junction has been notified.
- 4236 Hilton Garden Inn:** BRE Select Hotel Properties, LLC; Anchorage **N**
 4555 Union Square Drive
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Anchorage has been notified.
- 4354 Homewood Suites:** BRE Select Hotel Properties, LLC ; Anchorage **O**
 101 W 48th Avenue
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met. Anchorage has been notified.
- 4379 Skagway’s Pizza Station:** Elizabeth F. Smith; Skagway **P**
 444 Fourth Street
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met. Skagway has been notified.
- 4387 Central Corner, LLC:** Central Corner, LLC; Outside/Unorganized **Q**
 Mile 128 Steese Hwy.
Renewal – Beverage Dispensary – Tourism
- All statutory requirements have been met.
- 5131 Silver Gulch Brewing & Bottling:** Silver Gulch Brewing & Bottling Inc.; Anchorage **R**
 5000 W International Airport Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Anchorage has been notified.

5146 Eagle Hotel Restaurant & Lounge: Eagle Hotel, LLC; Palmer S
918 S Colony Way
Renewal – Beverage Dispensary – Tourism

All statutory requirements have been met. Palmer has been notified.

5164 Westmark Inn – The Chilkoot Room: Westmark Hotels, Inc.; Skagway T
Third & Spring Street
Renewal – Beverage Dispensary – Tourism – Duplicate - Seasonal

All statutory requirements have been met. Skagway has been notified.

● **BEVERAGE DISPENSARY - TOURISM** TAB 15

5282 Anchorage City Limits Lofts: H.P. Holdings; Anchorage
239 W 4th Ave.
New – Beverage Dispensary - Tourism

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

4443 Bristol Bay Lodge: Bristol Bay Lodge, LLC; Outside/Unorganized
16 Miles NW of Aleknagik
Transfer – Beverage Dispensary - Tourism
From: Bristol Bay PHP, LLC

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

3920 Denali River Cabins: ARAMARK Sports & Entertainment Services, LLC; Denali Borough
Mile 231.1 Parks Hwy.
Transfer – Beverage Dispensary - Tourism
From: The River Cabins, Inc.

All statutory requirements have been met. Pending no protest from Denali Borough. Pending Dept. of Labor. Dept. of Revenue approves. Background investigation pending.

5290 Katmai Lodge: R.J.F Enterprises, Inc.; Lake & Peninsula Borough
Alagnak River Mile 28
New – Beverage Dispensary - Tourism

All statutory requirements have been met. Lake & Peninsula Borough does not protest. Dept. of Environmental Conservation & Fire approve. Background investigation pending.

5276 Natural Retreats Tsaina Lodge: NA Tsaina Lodge LLC; Outisde/Unorganized
Mile 35 Richardson Hwy.
New – Beverage Dispensary - Tourism

All statutory requirements have been met. Depts. of Environmental Conservation & Fire approve.
Background investigation complete.

5289 Seldovia Boardwalk Hotel: Herring Bay, LLC; Seldovia
239 Main Street
New - Beverage Dispensary - Tourism

All statutory requirements have been met. City of Seldovia does not protest. Pending Dept. of
Environmental Conservation & Fire approvals. Background investigations pending.

5297 The Overlook: Latitude 63 North, Inc.; Denali Borough
Mile 238.5 Parks Hwy.
New - Beverage Dispensary - Tourism

All statutory requirements have been met. Denali Borough does not protest. Pending Dept. of Environmental
Conservation approval. Fire approves. Background investigation complete.

● **RESTAURANT EATING PLACE – PUBLIC CONVENIENCE**

TAB 16

5287 Seward Brewing Company: Catcherco, LLC; Seward
139 Fourth Ave.
New – Restaurant Eating Place – Public Convenience

All statutory requirements have been met. Pending City of Seward no protest. Dept. of
Environmental Conservation approves. Background investigations pending.

● **DELEGATED CONSENT AGENDA**

TAB 17

4750 Anchorage Billiard Palace: PTS Investments, Inc.; Anchorage
903 W Northern Lights Blvd. #100-101
Transfer – Beverage Dispensary
From: B.P. Billiards, LLC

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

3458 Aquamarine Café & Suites: Aquamarine LLC; Kodiak
508 W Marine Way

Transfer – Restaurant Eating Place

From: Anna Maria Kaloumenou; 2625 Mill Bay Road; d/b/a Angelo's

All statutory requirements have been met. Kodiak does not protest. Pending approval from Depts. of Environmental Conservation & Labor. Dept. of Revenue approves. Background investigations complete.

2973 Blue Coyote: Eureka Services, Inc.; Anchorage
508 West 6th Ave.

Transfer – Beverage Dispensary

From: William Wong; 810 East 6th; d/b/a Rice Bowl

All statutory requirements have been met. Pending no protest from Anchorage. Dept. of Revenue approves. Dept. of Labor pending. Background investigation pending.

492 Grizzly Ridge: Grizzly Ridge, LLC; Kenai Peninsula Borough
18280 Sterling Hwy.

Transfer – Beverage Dispensary

From: Mark R. & Dolores Wilson; d/b/a Hamilton's Place

All statutory requirements have been met. Pending no protest from Kenai Peninsula Borough. Dept. of Revenue approves. Dept. of Labor pending. Background investigation pending.

493 Grizzly Ridge: Grizzly Ridge, LLC; Kenai Peninsula Borough
18280 Sterling Hwy.

Transfer – Package Store

From: Mark R. & Dolores Wilson; d/b/a Hamilton's Place

All statutory requirements have been met. Pending no protest from Kenai Peninsula Borough. Dept. of Revenue approves. Dept. of Labor pending. Background investigation pending.

5304 Horizon Air – Anchorage: Horizon Air Industries, Inc.
Alaskan Skies

New – Common Carrier

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

5305 Horizon Air – Fairbanks: Horizon Air Industries, Inc.
Alaskan Skies

New – Common Carrier

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

5306 Horizon Air – Kodiak: Horizon Air Industries, Inc.
Alaskan Skies
New – Common Carrier

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

5284 Riversong Lodge: Riversong, Inc.; Mat-Su Borough
Yentna River @ Lake Creek
New - Lodge

All statutory requirements have been met. Mat-Su Borough does not protest. Pending Dept. of Environmental Conservation & Fire. Background investigations pending.

5279 Samovars: Russian Alaska, LLC; Juneau
245 Marine Way
New – Restaurant Eating Place

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

5288 Seward Brewing Company: Catcherco, LLC; Seward
139 Fourth Ave.
New - Brewpub

All statutory requirements have been met. Pending City of Seward no protest. Dept. of Environmental Conservation approves. Background investigations pending.

5285 Shemya Little Store: Chugach Federal Solutions, Inc.; Outside/Unorganized
Eareckson Air Station – Shemya Island
New – Conditional Contractor’s Permit

All statutory requirements have been met. Commanding Officer has given permission..
Background investigation pending.

5104 Shine’s Asian Fusion Bistro Restaurant: Manna 2 Corporation; Anchorage
12400 Old Glenn Hwy. #3
Transfer – Restaurant Eating Place
From: WTH Gourmet Food, LLC

All statutory requirements have been met. Pending no protest from Anchorage. Depts. of Labor & Revenue approve. Background investigations complete.

5283 Tempura Inn: Young Chul Kin; Anchorage
2210 E Northern Lights Blvd. #110
New – Restaurant Eating Place

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

826 Tequila Kitchen: Tequila Kitchen LLC; Anchorage
445 W Fourth Ave.
Transfer – Beverage Dispensary
From: Serrano's, LLC; No Premises, No d/b/a

All statutory requirements have been met. Anchorage does not protest. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigations pending.

2267 The Pizza Studio: TPS, LLC; Anchorage
1254 Muldoon Road Unit B
Transfer – Beverage Dispensary
From: Regency Management Inc.; no premises; d/b/a Red Robin

All statutory requirements have been met. Pending no protest from Anchorage. Depts. of Labor & Revenue approve. Background investigation complete.

1536 The Sluice Box: Gracious House LLC; Mat-Su Borough
Mile 82.2 Denali Hwy.
Transfer – Beverage Dispensary
From: The Sluice Box Inc.

All statutory requirements have been met. Pending no protest from the Mat-Su Borough. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigation complete.

432 Trappers' Den Tavern: Trappers Den Tavern, Inc.; Outside/Unorganized
Mile 2 Tok Cutoff Road
Transfer with Security Interest – Package Store
From: Trapper Den Tavern, Inc.; d/b/a Trapper's Den

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

1168 Trappers' Den Tavern: Trappers Den Tavern, Inc.; Outside/Unorganized
Mile 2 Tok Cutoff Road
Transfer with Security Interest – Beverage Dispensary
From: Trapper Den Tavern, Inc.; d/b/a Trapper's Den

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

4574 Valley Country Store #1: Valley Country Store & Fuel, LLC; Mat-Su Borough
4891 E Stoney Hollow Drive
Transfer – Package Store
From: North Lakes Liquor, Inc.; d/b/a North Lakes Liquor

All statutory requirements have been met. Pending no protest from the Mat-Su Borough. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigation complete.

4773 Valley Country Store #2: Valley Country Store & Fuel, LLC; Mat-Su Borough
3065 N Church Road
Transfer – Package Store
From: North Lakes Liquor, Inc.; d/b/a North Lakes Liquor

All statutory requirements have been met. Pending no protest from the Mat-Su Borough. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigation complete.

END OF DELEGATED CONSENT AGENDA

● **PROTESTS**

1011 Three Bears: Three Bears Alaska, Inc.; Anchorage
22211 Birchwood Loop
Transfer – Package Store
From: Eagle River LLC; 16535 Artillery Road; d/b/a Eagle River Liquor
Anchorage protests pending Planning Division approval

TAB 18

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

● **OBJECTIONS**

TAB 19

1032 Sheep Creek Lodge: John T. Kartesz; Mat-Su Borough
Mile 88 Parks Hwy.

Involuntary Re-Transfer – Beverage Dispensary

From: Beyond Dreams Inc.

Dept. of Labor objects

All statutory requirements have been met. Mat-Su Borough does not protest.
Dept. of Revenue approves. Background investigations complete.

1033 Sheep Creek Lodge: John T. Kartesz; Mat-Su Borough
Mile 88 Parks Hwy.

Involuntary Re-Transfer – Beverage Dispensary

From: Beyond Dreams Inc.

Dept. of Labor objects

All statutory requirements have been met. Mat-Su Borough does not protest.
Dept. of Revenue approves. Background investigations complete.

● **RENEWAL PROTESTS**

TAB 20

- A. **2101 Kachemak Bowl:** Mark Cooper; Homer
672 East End Road
Delinquent & unpaid taxes – Recreational Site
- B. **4192 Seong’s Sushi Bar:** Seong S. Kim, Juneau
740 W 9th Street
Delinquent & unpaid taxes – Restaurant Eating Place
- C. **5195 The Sourdough:** Katherine R. Kysar, Homer
1316 Ocean Drive
Delinquent & unpaid taxes – Restaurant Eating Place – Public Convenience
- D. **5220 Trophy King Lodge:** Alaska’s Trophy King Lodge, LLC,
Kenai Peninsula Borough
24915 Driftwood Court
Delinquent & unpaid taxes – Lodge - Seasonal

● **COMPETING LICENSES – DELEGATION AUTHORITY**

10:50AM TAB 21

- 5295 Lunchbox:** Timberwolf Ventures, Inc.; Juneau
495 S Franklin Street
New – Restaurant Eating Place

All statutory requirements have been met. Juneau does not protest. Dept. of Environmental Conservation approves. Background investigation pending.

- 5278 Paradise Café & Bakery:** Joan Deering; Juneau
9351 Glacier Hwy.
New – Restaurant Eating Place

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

● **CONSENT AGENDA**

TAB 22

- 4028 Black Diamond Golf:** Black Diamond Resort Co.; Denali Borough
247 George Parks Hwy.
Stock Transfer – Golf Course
From: Frank Talerico 25%, Anitra Talerico 25%, Marilyn Usibelli 50%
To: Marilyn Usibelli 100%

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

- 5299 Crown Princess:** Princess Cruise Lines, Ltd.
Alaskan Waters
New – Common Carrier

All statutory requirements have been met. Background investigations complete.

- 4880 Friar Tuck’s Hoagie House:** Joshua Roach & Stafford Roach; Fairbanks
427 Merhar Ave.
Transfer – Restaurant Eating Place
From: Garlic Lovers, LLC, d/b/a Geraldo’s Restaurant & Pizzeria; No Premises

All statutory requirements have been met. Fairbanks does not protest. Depts. of Environmental Conservation, Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4197 ms Amsterdam: Holland America Line N.V., LLC

Alaskan Waters

Transfer – Common Carrier

From: Holland America Line, Inc., d/b/a Amsterdam, M/S

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4399 ms Oosterdam: Holland America Line N.V., LLC

Alaskan Waters

Transfer – Common Carrier

From: Holland America Line, Inc., d/b/a/ MS Oosterdam

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

3511 ms Statendam: Holland America Line N.V., LLC

Alaskan Waters

From: Holland America Line, Inc., d/b/a/ Statendam

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4009 ms Volendam: Holland America Line N.V., LLC

Alaskan Waters

From: Holland America Line, Inc., d/b/a/ Volendam, M/V

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4590 ms Westerdam: Holland America Line N.V., LLC

Alaskan Waters

From: Holland America Line, Inc., d/b/a/ MS Westerdam

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4126 ms Zaandam: Holland America Line N.V., LLC

Alaskan Waters

From: Holland America Line, Inc., d/b/a/ MS Zaandam

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

4591 ms Zuiderdam: Holland America Line N.V., LLC
Alaskan Waters
From: Holland America Line, Inc., d/b/a/ MS Zuiderdam

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations complete. Temporary has been issued.

5308 M/V Callisto Voyager: CIRI Alaska Tourism Corp.
Alaskan Waters
New – Common Carrier

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

5313 M/V Gulf Coast Responder: Alaskan Leader Tours, LLC
Alaskan Waters
New – Common Carrier

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

5293 M/V Safari Explorer: Innersea Discoveries, LLC
Alaskan Waters
New – Common Carrier

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

5292 M/V S.S. Legacy: Innersea Discoveries, LLC
Alaskan Waters
New – Common Carrier

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

5298 Pacific Princess: Princess Cruise Lines, Ltd
Alaskan Waters
New – Common Carrier

All statutory requirements have been met. Background investigations complete.

828 Thibodeaus Liquor: Thibodeaus Market Inc.; Juneau
No Premises
Transfer – Package Store
From: Jack D. Tripp, d/b/a Tripp’s Viking Liquor; 218 Front Street

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

2812 Tracy’s King Crab Shack: Genuine Ventures, LLC; Juneau
406 S Franklin Street
Transfer – Restaurant Eating Place
From: 356 S Franklin Street

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

● **FIRST AND SECOND WAIVERS**

TAB 23

1st Waivers

1488 Cache Creek: Cache Creek Lodge, LLC
License: Beverage Dispensary - Tourism
Mile 114.8 Parks Hwy.; Trapper Creek

4880 Geraldo’s Restaurant & Pizzeria: Garlic Lovers, LLC
License: Restaurant Eating Place
701 College Road; Fairbanks

2nd Waivers

2641 Sprazzo: Sprazzo, LLC
License: Restaurant Eating Place
112 N Franklin; Juneau

4th Waivers

3315 Petro Alaska Inc.: Petro Alaska Inc.
License: Package Store
4161 Tongass Ave.

11:00AM

TAB 24

● **2013 EXPIRED LIQUOR LICENSE LIST**

TAB 25

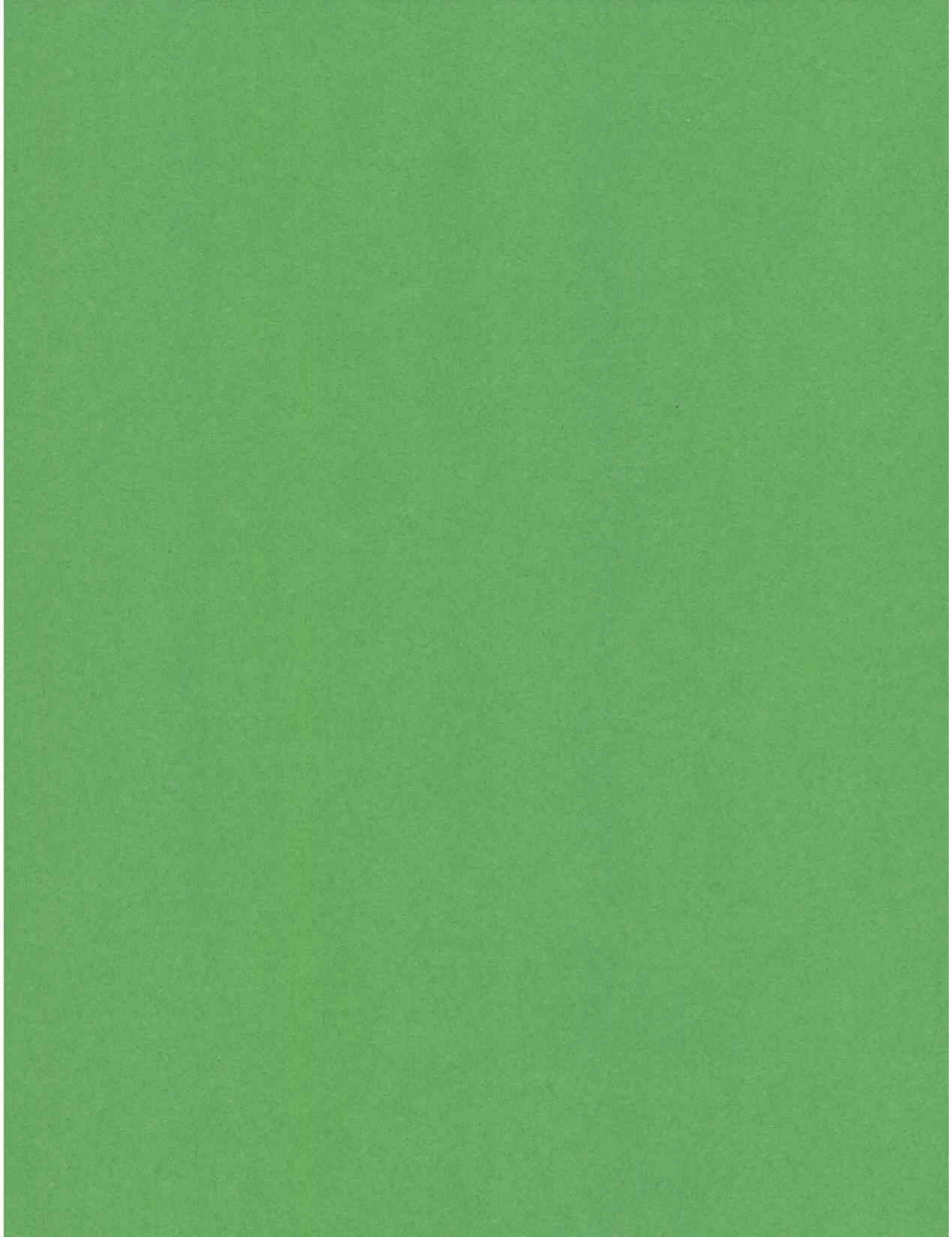
END OF CONSENT AGENDA

- **NOTICE OF VIOLATION**

- A. Notices of Violation Issued and Licensee Responses

TAB 26

- **NEXT ABC BOARD MEETING**



**Alcoholic Beverage Control Board
Schedule of Appearance
April 29, 2014**

<u>Time</u>	<u>Name/D.B.A.</u>	<u>Name of person to appear</u>	<u>Tab</u>
8:45 AM	Director Briefing	Director Coté	1
9:05 AM	Public Testimony		
9:40 AM	Brown Bear Liquor Appeal of transfer	Ellen Tubbs, Owner 822-3771 Don Horrell, Tazlina Liquor 822-3277 Bonnie Wilson, Basin Liquor 822-3319	4
9:50 AM	George Inlet Lodge Duplicate license	Russell Thomas Attend meeting in person	6
10:00 AM	Northern Lights Spa New BD – Tourism	Shannon Basile, Owner 244-0492	7
10:10 AM	Breeze Inn Shelikof Lodge	Juris Mindenbergs 425-885-5333 Same as above	8
10:20 AM	Willow Tree Inn Resurrect & Renew	Kim Parker, Owner Attend meeting in person	9
10:30 AM	Hamilton’s Place NOV	Mark Wilson 702-299-7274 or 907-598-1078	12
10:40 AM	KOGI NOV	Young Hyon Kim 242-5114	13
10:50 AM	Competing Applications	Lunchbox Michael Tripp, Owner 586-9502 Paradise Café & Bakery John Deering, Owner 586-2253	21

<u>Time</u>	<u>Name/D.B.A.</u>	<u>Name of person to appear</u>	<u>Tab</u>
11:00 AM	Petro Alaska 4 th Waiver	Nicholas Gefre 971-777-0892	24

License Number List by Tab Number
ABC Board Meeting 4/29/14

License #	Establishment	Tab #
3999	Alaskan Steakhouse & Motel	14
10	Al's Alaskan Inn	14
4750	Anchorage Billiard Palace	17
5282	Anchorage City Limits Lofts	15
3458	Aquamarine Café & Suites	17
518	Best Western Landing/Jeremiahs	14
4028	Black Diamond Golf	22
2973	Blue Coyote	17
177	Breeze Inn	8
4443	Bristol Bay Lodge	15
4100	Brown Bear Liquor	4
613	Brown Jug	3
1488	Cache Creek	23
4387	Central Corner, LLC	14
67	Coast International Inn	14
5299	Crown Princess	22
3920	Denali River Cabins	15
3002	Eagle Crest Dining Room	14
5146	Eagle Hotel Restaurant & Lounge	14
3316	Fairbanks Princess Riverside Lodge	14
3320	Fairbanks Princess Riverside Lodge	14
4880	Friar Tuck's Hoagie House	22
5227	George Inlet Lodge (PDR 4)	6
4880	Geraldo's Restaurant & Pizzeria	23
492	Grizzly Ridge	17
493	Grizzly Ridge	17
493	Hamilton's Place	12
4236	Hilton Garden Inn	14
4354	Homewood Suites	14
5304	Horizon Air - Anchorage	17
5305	Horizon Air - Fairbanks	17
5306	Horizon Air - Kodiak	17
553	Indian House	14
555	Inlet View Restaurant & Bar	14
2101	Kachemak Bowl	20
5290	Katmai Lodge	15
5107	KOGI	13
1758	Last Hook Off	14
5295	Lunchbox	21
5308	M/V Callisto Voyager	22
5313	M/V Gulf Coast Responder	22
5292	M/V S.S. Legacy	22
5293	M/V Safari Explorer	22

**License Number List by Tab Number
ABC Board Meeting 4/29/14**

4197	ms Amsterdam	22
4399	ms Oosterdam	22
3511	ms Statendam	22
4009	ms Volendam	22
4590	ms Westerdam	22
4126	ms Zaandam	22
4591	ms Zuiderdam	22
45	Mykel's Restaurant	14
5276	Natural Restreats Tsaina Lodge	15
5281	Northern Lights Spa	7
5298	Pacific Princess	22
5278	Paradise Café & Bakery	21
3315	Petro Alaska	24
5284	Riversong Lodge	17
5279	Samovars	17
5289	Seldovia Boardwalk Hotel	15
4192	Seong's Sushi Bar	20
5287	Seward Brewing Company	16
5288	Seward Brewing Company	17
1032	Sheep Creek Lodge	19
1033	Sheep Creek Lodge	19
1040	Shelikof Lodge	8
5285	Shemya Little Store	17
5104	Shine's Asian Fusion Bistro Restaurant	17
5131	Silver Gulch Brewing & Bottling	14
4379	Skagway's Pizza Station	14
2424	Sophie Station Hotel	14
2641	Sprazzo	23
5283	Tempura Inn	17
826	Tequila Kitchen	17
5297	The Overlook	15
2267	The Pizza Studio	17
1536	The Sluice Box	17
5195	The Sourdough	20
828	Thibodeaus Liquor	22
1011	Three Bears	18
2812	Tracy's King Crab Shack	22
432	Trappers' Den Tavern	17
1168	Trappers' Den Tavern	17
5220	Trophy King Lodge	20
4574	Valley Country Store #1	17
4773	Valley Country Store #2	17
3074	Wedgewood Resort	14
3616	Wedgewood Resort - Bear Lodge	14

License Number List by Tab Number
ABC Board Meeting 4/29/14

5164	Westmark Inn - The Chilkoot Room	14
591	Westmark Inn Skagway	14
1242	Willow Tree Inn	9

Tab

1



MEMORANDUM

TO: Chair Klein and Members of the
ABC Board

DATE: April 21, 2014

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

RE: Director's Report

ABC Board Stakeholders Group

The Stakeholders Group met on March 25, 2014. Of the 62 designated members invited 33 showed up at the Dena'ina Convention Center in Anchorage. We also had 17 other stakeholders and guests present to observe. We had 22 presenters amongst the five subcommittees in a show of cooperation for the materials discussed over the past 14 months. The results of the polling will go back to the subcommittees for consideration. The group is still on track for bill consideration of Title 4 revisions.

Legislation

During this legislative session I spent time writing fiscal notes and bill analyses and answered questions during hearings on the last four bills listed below:

HB140 Notice of Regulation Adoption: requires boards and commissions to submit board approved regulations to the Governor before transmittal to the Lt. Governor for filing. The Governor has 30 days before having to transmit to the Lt. Governor. It passed the Senate 16 to 4 and was sent back to the House with an amendment. On April 20, 2014 the House held the bill under unfinished business.

HB213 Golf Course Alcoholic Beverage Licenses: allows for service of spirits in addition to beer and wine; allows a person 16-21 of age or a person under the age of 16 accompanied by a person over 21, with the consent of a parent or guardian to enter for dining or golfing. On January 21, 2014 the bill was referred to House Labor & Commerce. On February 12, 2014 Rep. Millet joined as a co-sponsor and that was the last action.

HB309 Craft Distillery License: allows distilleries to sell to persons present one gallon for off-premise consumption; allows sales to licensees under Title 4 and in another state or country in any amount; requires warning signs and alcohol server education course. On April



11, 2014 the bill passed the House 30-4 with three excused absences and three absences. It passed the Senate on April 17, 2014 twenty to zero and is awaiting transmittal to the Governor.

HB336 Alcohol Sales Near School/Church: increases the distance between the boundary line of a school or church from 200 feet to 400 feet. On April 14, 2014 the bill passed the House 22 to 15 and was referred to Senate Labor & Commerce and Senate Finance. On April 16, 2014 the Senate Finance referral was removed.

HB357 Access to Licensed Premises: allows spouses of military personnel to purchase alcoholic beverages at a club; allows access of under 21 persons if the person is a guest of a member of the club, or the spouse accompanying a guest and the guest possesses a valid active duty military or armed forces identification card. On April 11, 2014 the bill passed the House with 36 yeas, two excused absences and two absences. On April 16, 2014 the bill was moved out of Senate Labor and Commerce and moved to Senate Rules.

Legislative Audit

The legislative auditors initiated their work after the last board meeting of February 11th. Three of the auditors worked out of our conference room during the week of March 24th and spent a little time at the Stakeholders Group meeting. As expected, they have many questions that staff and I are available to answer as expeditiously as possible. One issue brought to my attention was corrected with the termination of our agreement with the Alaska Marine Highway System as the ABC Board has no authority to waive fees (in exchange for travel for investigators). The agreement was made a decade or longer ago, with a renewal upon my appointment in 2009.

Licensing Unit

The most significant event to report for the Licensing Unit is that Records & Licensing Supervisor Christine Lambert is leaving us. Her last day is May 16th, making this her last board meeting. Chris has done a phenomenal job in her position. Fortunately for us, and to her credit, she has maintained an open line of communication with the business registration examiners and all others within and outside the agency. Chris has always ensured that everyone in the agency has access to the same information she and her staff have created in the database. Chris also ensured that crucial data was maintained on the shared computer drive. She put in place written procedures and updated and created forms that made processes easier to follow and provide assurances the proper steps were completed. Chris will be a huge loss to our agency.

Inv. IV Bob Beasley is the hiring manager for our agency and he has gone through the extremely complicated and time-consuming process of posting this position.



Enforcement Unit

On March 31, 2014 Investigator Beasley was the guest speaker at the annual NACE (National Association for Catering and Events) Convention in Anchorage. He did a presentation on Title 4 regarding caterer's permits, special events permits and restaurant caterer's permits.

Investigator Joe Bankowski began employment with the ABC Board on April 10th, and started his Field Training with Investigator Steve Johnson in Juneau for one week before his arrival date in Anchorage on April 21st.

Investigators assisted troopers in Bethel regarding their investigation of two establishments that were allowing patrons to bring in their own alcohol in violation of AS 04.16.090 for operating a bottle club.

The new Written Order Database under DCCED went live on March 19, 2014 and is up and running well. That was the last system to be transferred. We have received excellent technical support which includes the updates in our website. Our licensing information is now available on our website under license search.

Inspections

Investigator Johnson in Juneau has conducted 171 premises inspections so far this fiscal year. Investigator Finney in Fairbanks has conducted 131 premises inspections so far this fiscal year. The Anchorage investigator position has been vacant since November 2013 but inspections will begin again at the end of April.

Compliance Checks

REGION	TOTAL	PASS	FAIL	PERCENTAGE PASS
CBJ	41	37	4	90.2
FNSB	96	77	19	80.2
MOA	328	300	28	91.5
SE	80	75	5	93.8
MSB	97	87	10	89.7
KPB	115	101	14	87.8
R-ON	0	0	0	0
R-OFF	<u>30</u>	<u>28</u>	<u>2</u>	<u>93.3</u>
Totals:	787	705	82	89.6 overall

As of March 31st, 787 premises have had compliance checks. With one quarter left in the fiscal year the industry is running an 89.6 percent success rate, down .2 percent from the last reporting of January 22nd. The most significant change came with the Kenai Peninsula Borough who had a success rate of 97.8 percent with 46 checks and 45 passes to a decrease to



87.8 percent with 115 checks completed and 101 passes. The checks have taken place in seven of the eight regions.

Marijuana Initiative

A joint Senate and House of Representatives met on Saturday, March 29th to provide a briefing from departments affected along with testimony from the public. Administrative Director Jeanne Mungle and I presented on behalf of DCCED. Director Mungle presented on the cost of implementation for our department and I presented on the need for regulations. Special Assistant to the Commissioner's Office, Leslye Langla is the point person for our department.

Tab

2

State of Alaska
Alcoholic Beverage Control Board
Juneau Meeting Minutes
February 11, 2014

Board Members Present:

Bob Klein, Chair
Ellen Ganley, Vice Chair
Ethan Billings, Member
Marvin Yoder, Member
Bobby Evans, Member – Telephonic (Absent during parts of meeting due to travel)

Staff Members Present:

Shirley Coté, Director
Christine Lambert, Records & Licensing Supervisor

ABC Board Counsel Present:

Harriett Milks, Assistant Attorney General

● **DIRECTOR BRIEFING**

A. Director's Report [11:16:44 AM](#) [TAB 1](#)

● **ADMINISTRATION**

A. Approve minutes of the December 10, 2013 Board Meeting [11:40:52 AM](#) [TAB 2](#)

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

Roll call vote [11:41:10 AM](#)
Approved 5-0

B. Election of Officers [11:41:41 AM](#)

Bob Klein was nominated to Chair the ABC Board
Ellen Ganley was nominated to Vice Chair

Roll call vote [11:42:27 AM](#)
Approved 5-0

● **PUBLIC TESTIMONY**

[11:42:43 AM](#)

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

Jeff Jesse, Chief Executive Officer, Mental Health Trust Authority
Thanks the ABC Board for the stakeholder committee groups Mr. Jesse has enjoyed working as the Chair for the Licensing subcommittee. Asks the Board to review catering permits in light of “tasting” permit applications.

● **EXECUTIVE SESSION**

- A. Administrative Hearing Decision in the Matter of Alaska Pike
Safari’s Application for Outdoor Recreation Lodge License

Ellen Ganley **motions to enter executive session** [12:15:55 PM](#)
Ethan Billings **seconds the motion**

Marvin Yoder **motions to come out of executive session** [1:04:25 PM](#)
Ellen Ganley **seconds the motion**

Marvin Yoder **motions to adopt the hearing officers recommendation**
[1:04:52 PM](#) (to approve the application)
Ethan Billings **seconds the motion**

Roll call vote [1:05:37 PM](#)
Approved 3-1
Ellen Ganley dissenting vote
Bobby Evans absent

● **BOARD CONSIDERATION**

- A. Transfer Regulation on Licenses with Three or More Waivers [3:15:25 PM](#) **TAB 3**

No motion

- B. Catering Permits for Package Stores [3:06:15 PM](#) **TAB 4**

No motion. Director to follow statute and evaluate applications on an individual basis.

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

A. Prior Licensee Sanctions

TAB 5

B. **493 Hamilton's Place:** Mark & Dolores Wilson;
Kenai Peninsula Borough
License: Package Store
18280 Sterling Hwy

2:51:17 PM

TAB 6

Violations: 1. Furnishing Alcohol to a Person Under 21

Moved to next meeting. Licensee did not call into the meeting.

● **TOURISM LICENSES – RENEWALS – CONSENT AGENDA**

11:50:13 AM

402 Flight Deck Bar/Arctic Inn: Ivory Manufacturing Corp of AK; Anchorage
834 W International Airport Road
Renewal – Beverage Dispensary - Tourism

TAB 7

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

442 Glacier Bear Lodge: Glacier Bear Lodge Inc.; Yakutat
812 Glacier Bear Road
Renewal – Beverage Dispensary - Tourism

A

All statutory requirements have been met. Yakutat has been notified.

600 Chart Room: Kodiak Inn Inc.; Kodiak
236 Rezanof
Renewal – Beverage Dispensary - Tourism

B

All statutory requirements have been met. Kodiak has been notified.

658 The Lions Den: New Lion LLC; Anchorage
1000 E 36th Ave.
Renewal – Beverage Dispensary - Tourism

C

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

1031 Westmark Sitka Hotel: JL Sitka, Inc.; Sitka
230 Seward Street
Renewal – Beverage Dispensary - Tourism

D

All statutory requirements have been met. Sitka has been notified.

- 1096 Sunrise Inn:** Quartz Creek Enterprises Inc.; Kenai Peninsula Borough E
Mile 45 Sterling Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 1185 Harbor View Bar & Grill:** Unisea Inc.; Unalaska F
Dutch Harbor
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Unalaska has been notified.
- 1378 Alaskan Hotel:** Alaskan Hotel & Bar Inc.; Juneau G
167 S Franklin Street
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Juneau has been notified.
- 1400 Anchor Inn:** Chou Joe & YenWen Anne Shen; Whittier H
Lot 2 Block 1
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Whittier has been notified.
- 1435 Wolverine Lodge:** Peggy J. Watson; Mat-Su Borough I
16.2 Lake Louise Jct. Road
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 1859 Uptown Motel/Louie’s:** Schilling Alaska Inc.; Kenai J
18021 Kenai Spur Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai has been notified.
- 2237 Uptown Motel/Back Door Lounge:** Schilling Alaska Inc.; Kenai K
18021 Kenai Spur Hwy.
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Kenai has been notified.

- 1925 Windbreak Hotel, Café & Lounge:** A & W Windbreak Inc.; Wasilla **L**
 2201 E Parks Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Wasilla has been notified.
- 2147 The Duck Inn:** Rosin Investments, Inc.; Kenai Peninsula Borough **M**
 43187 K-Beach Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 2184 The Point Lodge:** Prospect Ventures LLC; Mat-Su Borough **Mc**
 Mile 17.2 Lake Louise Road
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Mat-Su Borough has been notified.
- 2541 Juneau Airport Travel Lodge:** MGO Inc.; Juneau **N**
 9200 Glacier Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Juneau has been notified.
- 2993 The Upper Deck:** Upper Deck, LLC; Kenai **O**
 305 N Willow Street
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Kenai has been notified.
- 3113 Trail Lake Lodge:** 5-4 LLC; Kenai Peninsula Borough **P**
 33654 Depot Road
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 3290 Grand Aleutian Hotel:** Unisea Inc.; Unalaska **Q**
 Margaret’s Bay
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Unalaska has been notified.

- 3301 Grand Aleutian Hotel-Chart Room:** Unisea Inc.; Unalaska R
Margaret's Bay
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Unalaska has been notified.
- 3445 Alyeska Resort:** Alyeska Resort Management Company; Anchorage S
1000 Arlberg Avenue
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Anchorage has been notified.
- 3446 Alyeska Resort – Seven Glaciers Lounge:** Alyeska Resort Management Company; T
Anchorage
1000 Arlberg Avenue
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Anchorage has been notified.
- 3447 Alyeska Resort – Sitzmark Bar & Grill:** Alyeska Resort Management Company; U
Anchorage
1000 Olympic Ave.
Renewal – Beverage Dispensary – Tourism - Duplicate
- All statutory requirements have been met. Anchorage has been notified.
- 3823 Resurrection Roadhouse:** CIRI Alaska Tourism Corp.; Kenai Peninsula Borough V
31772 Herman Leirer Road
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Kenai Peninsula Borough has been notified.
- 3824 Frontier Suites Hotel:** Hospitality Group LLC; Juneau W
9400 Glacier Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Juneau has been notified.
- 3849 Rivers Edge Resort:** Rivers Edge Inc.; Fairbanks North Star Borough X
4200 Boat Street
Renewal – Beverage Dispensary – Tourism - Seasonal
- All statutory requirements have been met. Fairbanks North Star Borough has been notified.

- 3945 Anchorage Marriott:** Columbia Properties Anchorage Limited; Anchorage
820 W 7th Ave.
Renewal – Beverage Dispensary - Tourism **YZ**
- All statutory requirements have been met. Anchorage has been notified.
- 4035 Midnight Sun Bar & Grill:** Pike’s On The River, Inc.; Fairbanks North Star Borough
1850 Hoselton Road
Renewal – Beverage Dispensary - Tourism **AA**
- All statutory requirements have been met. Fairbanks North Star Borough has been notified.
- 4203 Hotel Halsingland:** Haines Investments Inc.; Haines
13 Fort Seward Drive
Renewal – Beverage Dispensary – Tourism - Seasonal **BB**
- All statutory requirements have been met. Haines has been notified.
- 4357 Cold Bay Lodge:** Bill Martin Fish-Alaska Inc.; Cold Bay
1000 Mitchell Ave.
Renewal – Beverage Dispensary - Tourism **CC**
- All statutory requirements have been met. Cold Bay has been notified.
- 4358 Fireweed Roadhouse:** Valerie Robin Donnigan; Outside/Unorganized
Mile 288.5 Parks Hwy.
Renewal – Beverage Dispensary - Tourism **DD**
- All statutory requirements have been met. No local governing body.
- 4403 Chili’s Too:** Host International, Inc.; Anchorage
Anchorage International Airport
Renewal – Beverage Dispensary - Tourism **EE**
- All statutory requirements have been met. Airport license, Anchorage has been notified.
- 4419 The Grill:** Twins Inc.; Wasilla
2900 E Parks Hwy.
Renewal – Beverage Dispensary - Tourism **FF**
- All statutory requirements have been met. Wasilla has been notified.

- 4423 Board Room:** Alaska Airlines; Anchorage **GG**
5000 International Airport Road
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Airport license, Anchorage has been notified.
- 4618 Stikine Inn:** Southeast Properties LLC; Wrangell **HH**
107 Stikine Avenue
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Wrangell has been notified.
- 4774 Embassy Suites Anchorage:** Apple Nine Hospitality Management, Inc.; Anchorage **II**
600 E Benson Blvd.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Anchorage has been notified.
- 4945 Cantwell Lodge & Longhorn Saloon:** Longhorn Liquor, Inc.; Denali Borough **JJ**
Mile 136 Denali Hwy.
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Denali Borough has been notified.
- 4966 Salmon Falls Lodge:** Salmon Falls Inc.; Ketchikan Gateway Borough **KK**
16707 N Tongass Hwy
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Ketchikan Gateway Borough has been notified.
- 4987 Humpy’s Great Alaskan Alehouse:** Host International, Inc.; Anchorage **LL**
Anchorage International Airport
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Airport license, Anchorage has been notified.
- 4988 Norton Sound Seafood House:** Host International, Inc.; Anchorage **MM**
Anchorage International Airport
Renewal – Beverage Dispensary - Tourism
- All statutory requirements have been met. Airport license, Anchorage has been notified.

- 5106 Annie Mae Lodge:** The Annie Mae Corporation; Gustavus NN
2 Grandpa's Farm Road
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Gustavus has been notified.

- 5129 Prey Bar & Eatery:** Alaskan Park Properties, Inc.; Denali Borough OO
Milepost 229 George Parks Hwy.
Renewal – Beverage Dispensary – Tourism - Seasonal

All statutory requirements have been met. Denali Borough has been notified.

- 5130 Denali Backcountry Lodge:** Alaskan Park Properties, Inc.; Denali Borough PP
Mile 92 Denali Park Road
Renewal – Beverage Dispensary – Tourism - Seasonal

All statutory requirements have been met. Denali Borough has been notified.

- 5180 Locals:** Triplets, Inc.; Wasilla QQ
3100 E Parks Hwy.
Renewal – Beverage Dispensary - Tourism

All statutory requirements have been met. Wasilla has been notified.

- 5210 Alyeska Resort – Sakura Asian Bistro:** Alyeska Resort Management Comp.; Anchorage RR
1000 Arlberg Ave.
Renewal – Beverage Dispensary - Tourism

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

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

Roll call vote [11:55:59 AM](#)
Approved 5-0

● **RESTAURANT EATING PLACE – PUBLIC CONVENIENCE** [11:56:47 AM](#) **TAB 8**

- 5256 Little Mermaid:** Evan & Mary Vogl; Homer
4246 Homer Spit Road #4 & 6
New – Restaurant Eating Place – Public Convenience

All statutory requirements have been met. City of Homer does not protest. Dept. of Environmental Conservation approves. Pending Fire approval. Background investigations pending.

Ellen Ganley **motions to approve with delegation**
Ethan Billings **seconds the motion**
Approved 4-0
Bobby Evans absent from meeting

● **DELEGATED CONSENT AGENDA** [11:59:09 AM](#) **TAB 9**

- 5271 Alaskan Leader Tours:** Alaskan Leader Tours, LLC
Alaska Waters
New – Common Carrier

All statutory requirements have been met. Background investigations pending.

- 3607 Brews Brothers:** The Brews Brothers, LLC; Anchorage
No Premises
Transfer – Beverage Dispensary
From: The Anchor, LLC; d/b/a The Anchor

All statutory requirements have been met. Pending no protest from Anchorage. Dept. of Revenue approves. Pending Dept. of Labor approval. Background investigations complete.

- 5280 Cadillac Café:** James A. Shepard; Mat-Su Borough
Mile 49 Parks Hwy.
New – Restaurant Eating Place

All statutory requirements have been met. Pending no protest from Mat-Su Borough. Dept. of Environmental Conservation approves. Pending Fire approval. Background investigations pending.

- 5267 Colony Inn Café:** Crumb LLC; Palmer
325 E Elmwood Ave.
New – Restaurant Eating Place

All statutory requirements have been met. Palmer does not protest. Pending Dept. of Environmental Conservation & Fire approval. Background investigation pending.

1078 Fantasies on 5th: Fantasies on 5th Avenue, LLC; Anchorage
1911 E 5th Ave
Transfer – Beverage Dispensary
From: Club Vega Investments, Inc.

All statutory requirements have been met. Pending no protest from Anchorage. Dept. of Revenue approves. Pending Dept. of Labor approval. Background investigations pending.

5277 Majestic Heli Ski: Aspen Heli Ski, LLC; Mat-Su Borough
16162 W Glenn Hwy.
New - Lodge

All statutory requirements have been met. Mat-Su Borough does not protest. Dept. of Environment Conservation and Fire Dept. pending. Background investigations pending.

4694 No DBA: Moreland Properties, LLC; Anchorage
2550 Spenard Road
Transfer – Beverage Dispensary
From: La Mexicana, Inc.; d/b/a La Mex

All statutory requirements have been met. Pending no protest from Anchorage. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigations complete.

2641 Saffron: Saffron, LLC; Juneau
112 N Franklin Street
Transfer – Restaurant Eating Place
From: Sprazzo, LLC; d/b/a Sprazzo

All statutory requirements have been met. Pending no protest from Juneau. Pending Dept. of Labor approval. Dept. of Revenue approves. Background investigations complete.

644 Salt Alaska; Wolfpack Ventures, LLC; Juneau
200 Seward Street
Transfer With Security Interest Agreement – Beverage Dispensary
From: BCM, Inc.; d/b/a Marlintini's Lounge; 9121 Glacier Hwy., 2nd Floor

All statutory requirements have been met. Pending no protest from Juneau. Pending Dept. of Labor approval. Dept. of Revenue & Dept. of Environmental Conservation approve. Background investigations complete.

4580 Tilted Kilt: L&M Spirits, Inc.; Anchorage
8001 Old Seward Hwy.
Transfer – Beverage Dispensary
From: Las Marg, LLC; d/b/a Las Margaritas

All statutory requirements have been met. Pending no protest from Anchorage. Pending DOL. DOR appr. Background investigations pending.

848 V's Cellar Door: V's Grinders, LLC; Juneau
222 Seward Street
Transfer – Restaurant Eating Place
From: Olivia Castaneda; d/b/a Olivia's De Mexico

All statutory requirements have been met. Pending no protest from Juneau.
Pending Dept. of Labor approval. Dept. of Revenue approves. Background
investigation pending.

Marvin Yoder **motions to approve**
Ethan Billings **seconds the motion**

New vote with Ethan Billings abstaining [12:05:20 PM](#)

Marvin Yoder **motions to approve [12:06:24 PM](#)**
Ellen Ganley **seconds the motion**

Roll call vote [12:06:34 PM](#)
Approved 3-0
Bobby Evans absent for vote

END OF DELEGATED CONSENT AGENDA

● **PROTESTS**

A. 286 Crossroads: Where Friends Meet, Inc.; Anchorage [2:52:54 PM](#) **TAB 10**
1402 Gambell Street
Stock Transfer – Beverage Dispensary
From: Donald Skewis to Dorothy Miller 50% & Tami Feagler 50%
d/b/a Crossroads Lounge

All statutory requirements have been met. Dept. of Revenue and Labor
approve. Background investigations completed.
**Anchorage protests pending approval from Health & Human
Services & Building Safety Departments.**

B. 2244 Crossroads Dart Pub: Where Friends Meet, Inc.; Anchorage **TAB 11**
1402 Gambell Street
Stock Transfer – Beverage Dispensary
From: Donald Skewis to Dorothy Miller 50% & Tami Feagler 50%
d/b/a Crossroads Lounge

All statutory requirements have been met. Dept. of Revenue and Labor
approve. Background investigations completed.
**Anchorage protests pending approval from Health & Human
Services & Building Safety Departments.**

- C. **4150 KK Hometown Restaurant:** Hyun Sook Kim; Anchorage **TAB 12**
3020 Minnesota Drive, Ste. 17
Transfer – Restaurant / Eating Place
From: HK Restaurant LLC d/b/a Hometown Restaurant

All statutory requirements have been met. Depts. of Labor & Revenue approve. Background investigations pending. **Anchorage protests pending approval from Health & Human Service & Building Safety Depts.**

- D. **5275 myThai Restaurant:** myThai Restaurant, LLC; Anchorage **TAB 13**
333 W 4th Ave.
New – Restaurant Eating Place

All statutory requirements have been met. Background investigations completed.
Anchorage protests pending approval from Fire, Planning, & Health & Human Services, & Building Safety Departments.

- E. **5274 Sakura Asian Fusion:** Brandon Sundara; Anchorage **TAB 14**
137 West 5th Ave.
New – Restaurant Eating Place

All statutory requirements have been met. Background investigations pending.
Anchorage protests pending approval from Planning, Health & Human Services & Building Safety Departments.

Ellen Ganley **motions to uphold protests/delegated consent if protest lifted**
Marvin Yoder **seconds the motion**

Roll call vote [2:55:59 PM](#)
Approved 5-0

- F. **5268 Tofu House:** Un Yong Choe; Anchorage **TAB 15**
5121 Arctic Blvd., Unit A
New – Restaurant Eating Place

All statutory requirements have been met. Background investigations pending.
Anchorage protests pending approval from Fire Department.

Ellen Ganley **motions to (uphold the protest & delegate consent if protest is lefted)**
Ethan Billings **seconds the motion**

Roll call vote [2:56:32 PM](#)
Approved 5-0

● **COMPETING LICENSES – DELEGATION AUTHORITY**

[2:57:20 PM](#)

5266 Fushimi Japanese Restaurant: Fushimi LLC; Fairbanks
607 Old Steese Hwy. Ste. 105

New – Restaurant Eating Place

All statutory requirements have been met. Fairbanks has protested pending issuance of a Certificate of Occupancy. Pending DEC approval.
Background investigation pending.

Richard Tilley, Contractor for licensee speaks to ABC Board regarding business plan for license

[2:59:26 PM](#)

5270 Friar Tuck’s Hoogie House: Stafford & Joshua Roach; Fairbanks
427 Merhar Ave., Unit 2

New – Restaurant Eating Place

All statutory requirements have been met. Fairbanks has protested pending issuance of a Certificate of Occupancy. DEC approves.
Background investigation pending.

Josh Roach speaks to ABC Board regarding business plan for license

ABC Board decides to select the licensee by drawing. Chair selected left hand of Director Coté containing the name of Fushimi Japanese Restaurant.

[3:01:02 PM](#)

● **CONSENT AGENDA**

[12:02:07 PM](#)

TAB 16

3378 49er Bar & Liquor Store: K&T Investments, LLC; Ketchikan
1010 Water Street

Transfer – Beverage Dispensary

From: 49’er Bar, Inc. d/b/a 49’er Bar

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

3379 49er Bar & Liquor Store: K&T Investments, LLC; Ketchikan
1010 Water Street

Transfer – Package Store

From: 49’er Bar, Inc. d/b/a 49’er Bar

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

447 Brandi's Airport Bar: Alaska Promotions, LLC; Juneau
1873 Shell Simmons Drive
Transfer – Beverage Dispensary
From: Statewide Services, Inc. d/b/a Glacier Restaurant & Catering

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

5269 Denali Brewpub: Talkeetna Restaurant, LLC; Mat-Su Borough
13605 E Main Street
New - Brewpub

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

5265 Killjoy Tasting Room: Killjoy Tasting Room LLC; Anchorage
400 W 4th Ave.
New – Restaurant Eating Place

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

5273 M/V Silver Discoverer: Silversea Provisioning, LLC
Alaskan Waters
New – Common Carrier - Seasonal

All statutory requirements have been met. Background investigations complete.

5272 M/V Silver Explorer: Silversea Provisioning, LLC
Alaskan Waters
New – Common Carrier - Seasonal

All statutory requirements have been met. Background investigations complete.

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

Roll call vote [12:04:41 PM](#)
Approved 3-0
Ethan Billings abstains & Bobby Evans is off the phone

● **FIRST AND SECOND WAIVERS**

[12:07:36 PM](#)

TAB 17

1st Waivers

1294 Big John's

License: Package Store

No Premises; Kenai Peninsula Borough

1032 Sheep Creek Lodge

License: Beverage Dispensary

Mile 88 Parks Hwy.; Mat-Su Borough

1033 Sheep Creek Lodge

License: Package Store

Mile 88 Parks Hwy.; Mat-Su Borough

2nd Waivers

1441 Acres Beverage Center

License: Package Store

No Premises; Valdez

100 Beachcomber Inn

License: Beverage Dispensary

384 Mitkof Highway; Petersburg

492 Hamilton's Place

License: Beverage Dispensary - Seasonal

18280 Sterling Hwy.; Kenai Peninsula Borough

1019 Seldovia Liquor Store

License: Package Store

281 Main Street; Seldovia

Marvin Yoder **motions to approve**

Ellen Ganley **seconds the motion**

Vote [12:09:51 PM](#)

Approved 4-0

Bobby Evans absent

END OF CONSENT AGENDA

● **THIRD WAIVERS**

416 2Go Tesoro 2:19:46 PM TAB 18
License: Package Store
3600 E Palmer-Wasilla Hwy.; Mat-Su Borough

Moved to next ABC Board regarding ownership clarification.

484 Gwin's Lodge 2:46:35 PM TAB 19
License: Beverage Dispensary
No Premises; Kenai Peninsula Borough

Ellen Ganley **motions to approve the 3rd waiver with the understanding there will not be a 4th waiver granted**
Ethan Billings **seconds the motion**

Roll call vote 2:49:57 PM
Approved 5-0

● **FOURTH WAIVERS**

1198 2Go Tesoro 2:30:43 PM TAB 20
License: Package Store
No Premises; Anchorage

Ellen Ganley **motions to approve**
Ethan Billings **seconds the motion**

Roll call vote 2:45:37 PM
1-4 Motion not carried – Ethan Billings voted yes

● **NOTICE OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses TAB 21

● **NEXT ABC BOARD MEETING – April 29, 2014 in Anchorage**

Meeting Adjourned 3:29:35 PM

Minutes reviewed & approved by:

Shirley A. Coté, Director Shirley A. Coté

Date: 2/12/14

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

Date: 2-12-14

ABC Board Meeting Minutes 2/11/14

Tab

3



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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 18, 2013

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

RE: Brown Jug Transfer, License #613

In 2013 The Chickaloon Trading Post located at 172S Lamont Circle, Unit C transferred their license to Liquor Stores USA North, Inc., d/b/a Brown Jug. This area located outside the Wasilla city limits was according to City Planner, Tina Crawford unpopulated. In 2014 the area was annexed by the City of Wasilla. On March 17, 2014 we received an application from Brown Jug for a transfer to 509 Parks Highway, a more heavily traveled and populated area of Wasilla.

As the city is allowed one transfer per decade, and that transfer has been effected for this decade the City of Wasilla was concerned enough to call us for advice in the transfer of this license. The City does not protest the license.

I conferred with Assistant Attorney General Harriet Milks who advised she knew of no statutes that prohibited such an action. This puts the number of licenses one more over the population limit. By population, Wasilla at 8,207 is permitted three package store licenses. This license transfer would increase the current number to seven.

Tab

4



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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 18, 2013

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

RE: Brown Bear Liquor, License #4100 transfer

On April 7, 2014 I received a call from Don Horrell, the licensee for the Tazlina Liquor, a package store, License #1122 that he was concerned that a license, Brown Bear Liquor, License #4100, also a package store had been transferred within the 5-mile radius of another package store license, Basin Liquor, License #96 owned by Bonnie Wilson. I assigned the case for investigation to Inv. Finney (copy of his report attached).

Evidently, it was known there was a 5-mile radius issue in 2001 when the original license was issued. On February 14, 2001, after an informal conference the board voted to approve the license. Discussions ensued after the approval and the board meeting so the item was placed back on the agenda for the May 2001 board meeting. The Board voted not to reconsider and the approval stood.

Up until a recent transfer of the license the licensee renewed every biennial period. However, now we learn there was no indication of operation – not until the new licensee opened for business. Bonnie Wilson and Don Horrell would like to appeal the approval of the transfer of the license that was approved at the May 30, 2013 board meeting.

**Investigator Richard L. Finney
Alcoholic Beverage Control Board
Fairbanks Office
April 16 - 17, 2014**

PERSONS CONTACTED:

- 1. ELLEN AND ROBERT TUBBS
Brown Bear Liquor, license number 4100
PO Box 271 Glennallen, AK 99588
Telephone: 907-822-3771**

- 2. BONNIE WILSON
Basin Liquor, license number 96
PO Box 316 Glennallen, AK 99588
Telephone: 907-822-3319**

- 3. DON HORRELL
Tazlina Liquor, license number 1122
PO Box 364 Glennallen, AK 99588
Telephone: 907-822-3277**

- 4. CINDY RHODES
PO Box 110 Glennallen, AK 99588
Telephone: 907-822-3663**

INFORMATION:

In response to the initial denial of the transfer of licenses #4100, an informal conference was held in Juneau. On February 14th, 2001 the transfer of package store license# 4100, known as Cub Spirits and Party Store, was approved by a vote of 3 to 0 after legal and factual arguments.

ABC Board Chairman Klein stated that council for the Board and council for the licensees were in agreement that this decision was in the discretion of the Board. At this informal conference were the ABC Board, staff, and counsel. Counsel for Don and Cindy Rhodes was Dan Coffey, and the Board was represented by Assistant Attorney General, Linda Kesterson. After this approval, the ABC's Staff and counsel asked for reconsideration.

On May 18th, 2001 a letter was sent to licensees, Doug and Cindy Rhodes from Director Douglas B. Griffin stating that after considering additional public input and advice from the Board's legal counsel, the decision was made not to reconsider the approval of the transfer granted at the February 14th, 2001 meeting. Therefore the transfer is approved.

On May 8th, 2013 license years 2013/2014, liquor license #4100 for Brown Bear Liquor was issued a temporary license. However, this license was not open for business until April 11, 2014.

During this investigation the question was raised, "Did this license operate the minimum required for 2013?" Since the license was a seasonal license May 1 to October 31, and changed to a full time license on October 29, 2013.

Ellen Tubbs received a temporary license on May 8, 2013, but did not operate until April 11, 2014. It is apparent by those dates that license#4100 could not have operated the minimum amount of hours required in 2013. Further, I can find no evidence that this license, while belonging to Doug and Cindy Rhodes, although was renewed and fees paid, ever operated.

INTERVIEW - BONNIE WILSON, BASIN LIQUOR #96:

Bonnie Wilson, owner of Basin Liquor, license #96, was surprised to learn that the license had been issued in 2001. She stated she was under the impression that the license had been denied and never issued. She further stated she thought the license at Brown Bear liquor was a new license. Ms. Wilson lives close to the Brown Bear, and stated she has never seen any sign of a liquor license. Nor has anybody in the community including locals, Alaska State Troopers, venders.

INFORMATION:

Investigator Hamilton was surprised as well that there was a package store license at that location, since during his compliance checks, he found no other license at that location. I conducted an inspection of the Brown Bear Roadhouse in 2011, and was unaware there was a package store license at that location.

The response I received from Odom was that no alcohol was sold to that license number from 2001 to the time of the transfer.

K & L Distributors stated that an account for Cub Spirits & Party Store licenses #4100 that was opened on August 3, 2001 and the only activity on this account has been from May 13, 2011 through October 31, 2011.

INTERVIEW – CINDY RHODES, FORMER OWNER CUB SPIRITS AND PARTY STORE #4100:

On April 17, 2014 I spoke to Cindy Rhodes on the telephone. She stated that they did not operate the package store much, as it was just her and her husband there to run things, and that the package store was located in the same small building. There was no signage, hours of operation or cash register for the package store sales, nor was there any heat or electricity. Sales were rung up inside the Bar.

INFORMATION:

On April 17, 2014, I contacted Bonnie Wilson from Basin Liquor, and Don Horrell, owner of Tazlina Liquor, license #1122 regarding their concerns about Brown Bear Liquor. Both Bonnie Wilson and Don Horrell stated they desire to protest the issuance and transfer of license #4100 to Brown Bear Liquor.

END.

BROW0308
BROWN BEAR RHODE; \$638.10
#121981

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Jada L. Nowling

being first duly sworn on oath deposes and says that he/she is an representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

03/13/13, 03/20/13 & 03/27/13

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Jada L. Nowling

Subscribed and sworn to before

Me this 29 day of March
20 13

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

05/18/15

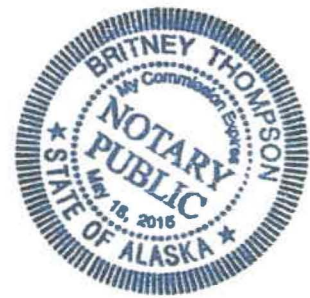
Liquor License Transfer

Doug and Cindy Rhodes,
d/b/a Brown Bear Rhodehouse Located at 183.5 Glenn Hwy. Glennallen AK 99586 is applying For transfer of a Package Store Ref# 04.11.150 and Beverage Dispensary Ref# 04.11.090 liquor license to Ellen Tubbs D/b/a Brown Bear Rhodehouse.

The transfer/lessor retains a security interest in the liquor License which is the subject of this conveyance under The terms of AS 04.11.360 (4)(B); AS 04.11.6470 and 13 AAC 104.107 and may, as a result, be able to obtain a retransfer of the License without satisfaction of other creditors.

** Interested persons should submit written comment to their Local governing body, the applicant and to the Alcoholic Beverage Control Board at 5848 E. Tudor Road Anchorage AK 99507.

121981



STATE OF ALASKA
DEPARTMENT OF REVENUE
Alcoholic Beverage Control Board

TONY KNOWLES, GOVERNOR
550 W. 7TH AVENUE, SUITE 540
Anchorage, Alaska 99501-6698
Phone: 907-269-0350
FAX: 907-272-9412

May 18, 2001

Douglas L. and Cindy L. Rhodes
P.O. Box 110
Glennallen, Alaska 99588

RE: ABC Board Approval of Transfer of Package Store License # 01/-02-4100

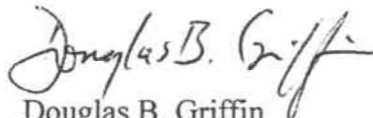
Dear Mr. and Mrs. Rhodes:

At its meeting of April 25, 2001, the Alcoholic Beverage Control (ABC) Board placed on its agenda the reconsideration of its earlier decision to approve the transfer of a package store license from Ward and Son, Inc. After taking additional public input regarding the matter and upon consideration of advice from the ABC Board's legal counsel, the Board decided not to reconsider the approval of the transfer it granted at its February 14, 2001 meeting.

The denial of reconsideration means that the transfer is approved. Therefore, upon notification that you are prepared to operate this package store license, it will be provided to you.

If you have any questions, please contact this office.

Sincerely,


Douglas B. Griffin
Director

cc: Dan Coffey, Attorney at Law
Linda Kesterson, Asst. Attorney General, Department of Law

MEMO TO ABC BOARD

Facsimile: (907) 274-4258. Phone: (907) 274-3385.

Email: dcoffey@gci.net

TO: ALCOHOLIC BEVERAGE CONTROL BOARD
FROM: DAN COFFEY
 -Attorney for Douglas and Cindy Rhodes
RE: REQUEST FOR RECONSIDERATION
 -Prior Approval of license transfer
CASE NO: 00-18
DATE: 4/24/01

INTRODUCTION

The purpose of this Memo is to outline the issues associated with the request by the staff for the Board to reconsider its approval of the application for transfer of location and ownership of this package license which occurred after an informal conference in February in Juneau. At that time, after presentations by both counsel for the Board and counsel for the Rhodes and after hearing from another licensee in the area, the Board approved the relocation of this package license. The issue now before the Board is whether or not to reconsider its prior decision to approve the transfer of location. Then, if reconsideration is granted, the next question is whether the Board should reverse its prior position.

PRIOR INFORMAL CONFERENCE

In response to the initial denial of this location transfer, an informal conference was held with the ABC Board, staff, and counsel on February 14, 2001 in Juneau. At the informal conference, the ABC Board heard factual arguments concerning the reasons for and against relocation and also legal arguments pertaining to limitations that exist in state statutes applicable to the siting of liquor licenses in unorganized areas. Both Linda Kesterson, attorney for the Board, and Dan Coffey, attorney for the Rhodes, agreed that the ABC Board had the discretion, under the law, to make this decision. Coffey argued that the facts of the matter supported the relocation and the other licensee in the area stated facts in opposition to the relocation.

After the legal and factual arguments, Board Chairman Klein stated, "... and to summarize what we've heard from Ms. Kesterson and Mr. Coffey, they appear to be in vehement agreement that this is one which is strictly up to us as to how we perceive this transfer." (See transcript page 14, Line 20).

The Board then decided to reconsider its earlier denial of the transfer of location. Upon reconsideration, the Board voted 3 to 0 to approve the transfer of location. The factual basis for the approval is stated by various Board members during their deliberations and is not repeated here. However, it is the Rhodes' position that the factual basis for the decision is sound and should be upheld on the merits. The question here is **not** whether there is a solid basis in fact for the Board's decision (there clearly is), but whether, based upon a conflict of laws, there should be a reconsideration of this matter.

Since the initial informal conference, the ABC Board's staff and legal counsel expressed concern about the Board's approval of this transfer of location based upon the provision of AS 04.11.340(3). They have asked for a reconsideration by the Board to resolve the issue raised in the Executive Director's letter to the Licensee dated March 5, 2001. While agreeing with the staff that there are two (2) conflicting statutes, the Rhodes oppose reconsideration of a decision which was clearly justified on the merits.

CONFLICT OF LAW

Essentially, there are two conflicting statutes which deal specifically with relocation of licenses. On one hand, AS 04.11.400(a)(1), provides that "... the board **may prohibit** relocation of an existing license (1) outside an established village, incorporated city, unified municipality, or organized borough if after the issuance or relocation there would be ... (B) more than one license of each other type, ..., in a radius of five miles of the licensed premises...".

This statute gives the Board discretion which was the subject of the "vehement agreement" between counsel at the informal conference. What this provision states is that, even if there are population limitations, the Board may grant a relocation.

On the other hand, AS 04.11.340 provides, that "an application requesting approval for the relocation of licensed premises **shall be denied** if...(3) the license would be relocated out of the established village, incorporated city, unified municipality, or population area established under AS 04.11.400(a) within which it is located."

This statute directs the Board to deny a relocation if the license is being relocated outside of the population area established under AS 04.11.400, the same statute which gives the Board discretion to act even if there are population limitations.

The first statute clearly provides that the Board has discretion to approve the relocation regardless of the population limitation. The second statute clearly requires the Board to deny a request for relocation. The general rule of statutory interpretation requires that meaning be given to both statutes, if at all possible. Here, however, there is no clear way to resolve these conflicting statutes and give meaning to both statutes. Thus, resolution of this statutory conflict by the ABC Board is impossible.

PROPOSED RESOLUTION

Given the following:

- 1) that there can be no resolution of this conflict at the Board level (or, for that matter, at the administrative hearing officer level); and
- 2) that the Board approved this transfer of location at the informal conference held in February based on the argument that AS 04.11.400(a) gives the Board the discretion to permit such a transfer; and
- 3) that the facts on which the Board made its early decision are sound and fully support the decision;

the Board should allow its February decision to stand.

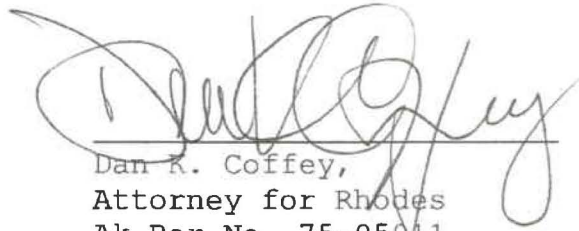
NO ADMINISTRATIVE REMEDY AT THE HEARING OFFICER LEVEL

If the Board does not believe that the February decision should stand, there is no reason to require an administrative hearing on this matter. The conflict between AS 04.11.400 and AS 04.11.340 in their respective grant of authority on one hand, and prohibition of discretion on the other, makes this an issue for the court, not for an administrative hearing. Like the Board, an administrative hearing officer could only recognize the conflict. He or she could not resolve it. Therefore, to require an administrative hearing would be a total waste of time and money.

CONCLUSION

In conclusion, any challenge to a Board decision to either allow or disallow this transfer of location, should be heard in Superior Court. Since the factual basis for the decision is sound, the Board should be uphold its earlier decision and allow this transfer to be completed. Let anyone who is opposed to the approval make the challenge. In such event, the Rhodes will, undoubtedly, be a party to the proceeding and would, in fact, bear the burden of litigation. To reconsider and to then deny the transfer might result in litigation which would not otherwise occur.

Respectfully submitted,



Dan R. Coffey,
Attorney for Rhodes
Ak Bar No. 75-05011

Copy of letter to Taylor Mahon

Tazlina River Trading Post Inc.
DBA Tazlina Liquor
PO Box 364
Glennallen, AK 99588

Survey of Licensee's answer to question 6b

I have just come aware of a packaged liquor license at Brown Bear Rhodehouse that I did not know of.

My concerns are that I have and always have complied with the rules and regulations of the ABC Board and I do not understand how this license was obtained. I followed all the requirements and regulations in obtaining my liquor license. I posted, did my signatures of my area, had my establishment approved after inspection of my facilities, and all other requirements that the ABC Board required. At the time of receiving my license the law was (because of population) that all license had to be five (5) miles apart. I have just become aware that there is a problem with this rule.

There has never been an operating packaged liquor store at this establishment. There was at no time a separate building for the packaged liquor store operating and I have lived in Glennallen since May of 1971 and I know there was never a package store at this address.

I do not care if some one applies for a license as long as they follow all the rules and regulations that one must do to obtain a license, when this does not happen it is unfair to the rest of us who did obtain their license legally. This to me makes the ABC Board unfairly enforcing the laws and regulations of all licensees.

Don Forsell

Don Horrell
PO Box 364
Glennallen, AK 99588

April 10, 2014

State of Alaska
Alcoholic Beverage Control Board
Richard Finney

I am the past owner of Copper Basin Distributors Inc. of which I operated for 38 years in the Copper Basin area, including Tok, Valdez, Paxson and all areas in between. I personally along with my past employees made deliveries to the Brown Bear Rhodehouse each week. Delivering Pepsi, Frito Lay, Wonder products, full line of grocery items and was the agent for Lyden Transport I did deliver to the Brown Bear Bar and at no time did I deliver product to a package liquor store at this establishment.

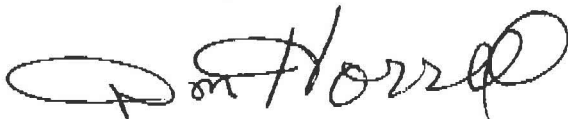
For many years my wife and I would dine on Friday night there and I would have lunch once or twice a week with friends from Glennallen. I was at that establishment many times over the years and never witnessed a package store being open on this property I was surprised to learn that Cindy and Doug Rhodes (the past owners of Brown Bear) had been able to obtain a package liquor license, as the rule was no license could be with in five miles of another package license. Mrs. Wilson who owns Basin Liquors is no more than a mile from Brown Bear. I along with Mrs. Wilson had thought the license was never issued. I have just learned that the license was first issued in 2001 and then transferred last October and as I do read the local paper and I never saw the transfer, nor did I see a posting at the post office. I do realize that I could have missed both postings.

My understanding of the law is the license must operate thirty (30) days a year for at least eight hours (8) a day. I hope that this license is looked at closely as I know this not to be true. This license transfer is unfair to the rest of us who have always followed the rules and regulations of the ABC Board. This is especially unfair to Mrs. Wilson who has owned and operated Basin Liquor that is a short distance away.

The ABC Board can easily go to Copper Valley Electric, Copper Valley Telecom, and the Alaska State Troopers who would be able to establish if any services provided to the building stated as the package liquor store. There is still no electric meter on that building as of this date.

If I can be of any further help please contact me.

Sincerely,



Don Horrell

April 17 - 2014

Basin Logging
Glennallen, Ak.
Lic. Lic #96

ABC Board
Anc. Alaska

Attn: Shirley/Richard

Relating to Basin Logging/Brown Bear

For 45 years we have all felt secure in the knowledge that by following the ABC's books on rules, laws & regulations we were also protected.

In this action - by a single suggestion of an alleged "loop hole" some of these laws do not apply.

The action of the Brown Bear moving an existing PK9 stove lic to Brown Bear over 5 miles (illegal), to 183.2 - one mile from existing lic, lic Basin Logging is also illegal

In 2001 when this transpired - I called the ABC Board in Anc. and a female employee told me not to worry about it because it was illegal. Now for 13 years I was secure in the knowledge we were protected by the law, no one informed me this was not true. That the laws in the rule book evidently did not apply to honest, hard working people if an opportunist works hard finding a "loop hole."

I do hope this action can be corrected & amended
Sincerely
Bonnie L Wilson

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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: March 14, 2014

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

RE: Recommendation for Inv. III Joseph Bankowski
to carry a firearm

Joseph Bankowski will start in his position as an ABC Board Investigator III on April 10, 2014. Inv. Bankowski possesses a basic certificate through the Alaska Police Standards Council. From 2011 up until he accepted a position with us he served as a Juneau police officer. For four months prior to being hired by the City of Juneau Inv. Bankowski was a Children's Services Specialist and before that a Facility Supervisor with Juneau Youth Services for about a year and a half. Inv. Bankowski holds a Bachelor's Degree in Criminology.

Alaska Administrative Code 3 AAC 304.505(b) states, "Consistent with federal, state, and local law, the board's investigative personnel may carry firearms in the performance of their duties, if individually authorized by the board. In the same code, (a)(6) states, "the board's investigative personnel may exercise specified peace officer powers upon the written concurrence of the commissioner of public safety filed with the lieutenant governor and the director, but only if necessary for the enforcement of the criminally punishable provisions of AS 04 and regulations adopted under AS 04."

Inv. Bankowski will be involved in the compliance check and shoulder tap operations in addition to other investigations of violations relating to Title 4. I request your approval to arm Inv. Bankowski so that I may seek the concurrence of the commissioner and follow the procedures set forth in regulation and department policy. I have attached a copy of Commissioner Folger's letter that was updated from Commissioner Master's letter of June 3, 2009 giving concurrence to the concept in general.



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: 907.269.0350
TDD: 907.465.5437

MEMORANDUM OF AGREEMENT
BETWEEN THE
ALCOHOLIC BEVERAGE CONTROL BOARD
AND THE DEPARTMENT OF PUBLIC SAFETY

In accord with Alaska Statute 04.06.110 the director and the persons employed by the Alcoholic Beverage Control Board may, with the concurrence of the Commissioner of the Department of Public Safety, exercise the powers of peace officers when those powers are specifically granted by the Board.

Upon hiring an investigator the Director will make a recommendation to the Board to grant the powers of peace officers to the Investigator. Once those powers are specifically granted by the Board, the Director will seek concurrence from the Commissioner of Public Safety by submitting a Special Police Commission Application to the Commissioner's Office. Special Commission applicants who request to carry firearms will need to adhere to the Alcoholic Beverage Control Board's Firearms Policy which must require special commission applicants to meet the Alaska Police Standards Council's minimum criteria for certification.

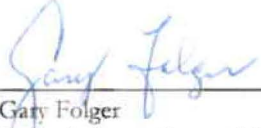
The Commissioner of the Department of Public Safety will renew concurrence of each investigator in possession of a special commission on a bi-annual basis as special commissions are valid for two years. New applications for a special commission will be reviewed by the Department of Public Safety Special Commission Committee during their monthly meeting.

Robert Klein
Chair, ABC Board

Date

Shirley A. Coté
Director, ABC Board

Date



Gary Folger
Commissioner, Dept. of Public Safety

03-14-14

Date



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: 907.269.0350
TDD: 907.465.5437
Fax: 334-2285

At the Board of Directors meeting held in Anchorage on April 29, 2014, the Board made a motion and voted unanimously to approve Investigator III Joseph Bankowski to carry a firearm in relation to his duties as an investigator for the Alcoholic Beverage Control Board.

Approve:

Concur:

Robert Klein
Chair
Alcoholic Beverage Control Board

Gary Folger
Commissioner
Department of Public Safety



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

OFFICE OF THE COMMISSIONER
Gary Folger

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.5086
Fax: 907.269.4543

450 Whittier Street
PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4322
Fax: 907.465.4362

March 14, 2014

Robert Klein
Chairman
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507

Dear Chairman Klein:

I write to memorialize in a single document my concurrence as Commissioner of the Alaska Department of Public Safety regarding the enforcement activities and investigative efforts authorized to be undertaken by investigators of the Alcoholic Beverage Control Board.

Alaska Statutes 11.81.900(b)(44) defines "peace officer" as "a public servant vested by law with a duty to maintain public order or to make arrests, whether the duty extends to all offenses or is limited to a specific class of offense or offenders." Alaska Statutes 04.06.110 authorizes the ABC Board to allow its investigators to enforce the criminally punishable provisions of Title 4 of the Alaska Statutes as well as the Alaska criminal laws prohibiting prostitution and gambling. Under the same statute, however, the Commissioner of the Department of Public Safety must "concur" in that decision of the ABC Board before the investigators are authorized to exercise those powers.

The ABC Board, through its Director, has authorized ABC investigators, pursuant to 13 AAC 104.505, to inspect premises licensed to sell alcohol, investigate licensees, applicants, transferees and other persons with respect to applications, investigate the possession and sale of alcoholic beverages, or licensed premises, issue notices of violation, seize alcohol subject to forfeiture, serve subpoenas for board adjudicative proceedings, execute search warrants, and take such other action as is considered necessary by the Director provided all of those efforts relate to compliance with or violation of Title 4 of the Alaska Statutes and regulations promulgated to fully enact those statutes. The ABC Board, through its Director, additionally has authorized ABC investigators to engage in undercover investigative efforts that involve the use of persons under the age of 21 years to determine if persons that are under the age to legally consume or possess alcohol. These investigative efforts are known as "compliance checks" and "shoulder taps". I hereby concur in the decision of the ABC board to authorize its investigators to engage in these activities provided they are conducted in accord with all applicable policies and/or directives of the ABC Board and its Director.

The ABC Board generally has authorized ABC investigators who meet the firearm related qualifications and successfully complete the firearm training and proficiency requirements set forth in ABC policies and procedures as well as the Department of Public Safety Operating Procedures Manual to possess firearms, whether loaded or unloaded, in performance of the authorized activities and investigative efforts described in the above paragraph. I hereby concur in the decision of the ABC Board to generally authorize ABC investigators to possess firearms, whether loaded or unloaded, in performance of the authorized activities and investigative efforts described in the above paragraph provided the firearm possession is in accord with all applicable policies and/or directives of the ABC Board and its Director, that must include meeting the qualifications and successfully completing the firearms training and proficiency requirements set forth in the Department of Public Safety Operating Procedures Manual. Additionally, each individual authorized by the Board possess firearms will require concurrence of the DPS Commissioner or Designee.

Alaska Administrative Code 13 AAC 105.505(b) must be complied with before individual investigators are authorized to possess firearms in performance of authorized activities and investigative efforts. That regulation allows ABC investigators to possess firearms in performance of authorized activities and investigative efforts provided doing so does not violate a federal, state, or local law and the ABC Board specifically authorizes individual investigators to do so. The regulation additionally requires that the Commissioner of Public Safety concur in an individual authorization before an ABC investigator may possess a firearm in performance of authorized activities and investigative efforts.

At this present time, the ABC Board has not authorized any ABC investigators to possess firearms in performance of authorized activities and investigative efforts. It is my expectation that the ABC Board Director will propose for ABC Board consideration the granting of such authorization only for investigators who meet firearm related qualifications and successfully complete the firearm training and proficiency requirements set forth in ABC policies and procedures as well as the Department of Public Safety Operating Procedure Manual. I will carefully consider in the future whether or not to concur in a decision of the ABC Board to authorize and individual investigator to possess firearms in performance of authorized activities and investigative efforts.

This letter supersedes the letter dated June 3, 2009, from previous Commissioner Joseph A. Masters.

Sincerely,



Gary Folger
Commissioner

Cc: Lt. Governor's Office
Shirley A. Coté – Director, ABC Board

State of Alaska
Alcoholic Beverage Control Board

Hereby awards this
Certificate of Commission
as a
PEACE OFFICER
to
JOSEPH E. BANKOWSKI

Pursuant to AS 04.06.110

Awarded April 29, 2014

Robert Klein, Chair
Alcoholic Beverage Control Board



Gary Folger, Commissioner
Department of Public Safety

**DEPARTMENT OF PUBLIC SAFETY
SPECIAL POLICE COMMISSION APPLICATION**

Last BANKOWSKI	First JOSEPH	Middle NAME: EDWARD	FOR DPS USE ONLY Approved: _____ Not Approved: _____ Restrictions: _____ _____ _____ Date: _____
AGENCY ADDRESS: DCCED/ ABC Board 5848 E. Tudor Rd., Anchorage, AK 99507			
PHONE: WORK:	HOME: 813-523-6275		
DOB: 1/24/65	HEIGHT: 5'8"	WEIGHT: 150	
SSN: 376-02-2620	HAIR: BRO	EYES: BLU	
INSURANCE BENEFICIARY: Name ELISE BANKOWSKI Relationship WIFE ADDRESS: 8413 DELAY BLVD TULEAU, AK 99501			

PART A. ARREST RECORD (IF ANY)

Date of Arrest	Charge	Disposition

PART B. POLICE TRAINING - POLICE CERTIFICATION

State	Type of Certification	Date Certified	Certification Number
AK	APSL POLICE (BASIC)	2012	5458

(IF NOT CERTIFIED, FILL OUT THE FOLLOWING BLOCK)

Police Training Course or School Attended	Taught by: FBI, AST, CITY P.D., etc.	Hours	Dates:	
			From:	To:


REASON FOR NEEDING COMMISSION: Ability to enforce criminal elements of Title 04, and to assist AST/ABADE.

Department Head Signature

Name / Title (Printed or Typed)

Date: _____

I swear the above information is true and correct.



Signature of Applicant

Date: **03/03/14**

STATE OF ALASKA

Alaska Police Standards Council



This

Basic Certificate

Is Awarded To

JOSEPH E. BANKOWSKI

who has qualified pursuant to 13 AAC 85.040 as a

Certified Police Officer

given under our hands this 23RD day of March, 2012.

Sheldon Schmitt

Chairman

D. A. Sutt

Executive Director

#5458

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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 17, 2013

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

RE: George Inlet Lodge, Duplicate License # 5227

Russell Thomas is the manager for George Inlet Development, LLC. At the May 30, 2013 board meeting you approved two duplicate licenses but requested more information on a third duplicate. Mr. Russell provided additional information at the July 24, 2013 board meeting; however, you denied this duplicate license as the room was in a separate building from the parent license. Mr. Russell would like the board to reconsider your decision of July 24, 2013 as his option #1. He has also presented two other options for your consideration, 2) connect the main building with a covered breezeway, and 3) remodel the facility to connect the two buildings with more than a deck.

**George Inlet Development, LLC
PO Box 8331
Ketchikan, AK 99901**

April 14, 2014

Bob Klein, Chairman
Alcohol Control Board
2400 Viking Drive
Anchorage, AK 99501

Chairman Klein & ABC Board Members:

First, I would like to express my appreciation to Director Cote and her staff. As I have worked through my issue Director Cote and her staff have been available to answer questions, provide direction, and have shown a genuine desire to help me come to a solution that meets my needs as a business owner as well as adheres to the law and is in keeping with the direction given them by the ABC Board.

In late 2012 George Inlet Development, LLC finalized the purchase of George Inlet Lodge from Sun Dogs, Inc. As part of that purchase, we applied for a transfer of the liquor license held by Sun Dogs, Inc. to George Inlet Development, LLC. This transfer was considered and approved at your February 12, 2013 meeting. Because we were required to submit facility drawings as part of the liquor license transfer, the ABC Staff called us to get further clarification on how we were operating. Their questions led them to note we were likely out of compliance with the regulations because our three private dining rooms had fixed bars that our current license did not cover.

Once we were alerted to the problem we immediately applied for duplicate licenses to cover the three private dining rooms. On May 30, 2013 the ABC Board voted to approve duplicate licenses for Private Dining Room #1 & Private Dining Room #2-3, but asked that the motion for the duplicate license for Private Dining Room #4 come back before the Board at its July 24th meeting.

During the July 24, 2013 meeting the ABC Board expressed concern that Private Dining Room #4 (PDR 4) was not on the same piece of property as the rest of the facility and was in a building that was not physically connected to the rest of the facility. After a motion to approve the duplicate license failed to receive a second, the motion was voted down 4-0.

The discussion between the board identified some discrepancies regarding how these types of situations have been handled in the past. Two instances that were pointed out included the liquor license for the Alyeska Resort, which had been issued duplicate licenses for buildings that were miles apart from one another, and a hotel and restaurant separated by a parking lot in Fairbanks where the proprietor was required to have separate licenses for both the hotel bar and the restaurant.

These conflicting situations, and only a few minutes of discussion during the ABC Board meeting, left me with unclear direction on how to move forward to solve the problem of needing a duplicate license for PDR 4. Director Cote suggested I come to the Board during this meeting, ask for some time to discuss this issue with the Board, and receive further direction on what solutions might be agreeable. Following this informal discussion we would bring a formal proposal to a future board meeting for official action.

I have attached a list of proposed solutions in order of our preference. My hope is that I will have an opportunity during your April 29th Board Meeting to discuss these options and get some direction as to a solution you believe will ultimately be agreeable to the Board.

I appreciate your consideration in this matter.

Regards,



Russell Thomas
LLC Manager

The Following Options Were Considered As Possible Solutions But Were Deemed Untenable:

Combining the two lots so all of the buildings would be on one piece of property.

This was considered as a solution to address some of the concerns expressed by the Board during its July meeting. Although it would not solve the problem of the buildings being physically separated from one another, it would solve the issue of them being on separate lots. PDR 4 sits on lot 2. The main lodge and the rest of the PDRs all sit within the tidelands property leased from the State of Alaska. Because the tidelands are leased, it would be impossible for us to combine the two pieces of property.

Treating PDR 4 as a stand-alone restaurant and applying for its own liquor license.

Since the Board decided PDR 4 did not qualify for a duplicate license, we then surmised that PDR 4 might then qualify as its own restaurant. Following that logic, we discussed with ABC Director Cote the possibility of applying for a separate license for PDR 4 as a stand-alone location. However, upon further discussion, we were told PDR 4 would not qualify as a stand-alone restaurant because it did not have its own kitchen.

For these reasons we are asking the ABC Board to consider the following options:

Option 1:

Have the duplicate license for PDR 4 brought back before the Board for reconsideration.

When I presented to the Board in July of 2013 I was not aware of the issues that were going to be addressed by the Board. Now that I am aware of those issues I feel like I can more adequately address the concerns expressed in July.

George Inlet Lodge is located 12 miles from downtown Ketchikan on the south end of town. We are 2.5 miles from the nearest residence (located back towards Ketchikan) and 1 mile from the Beaver Falls power plant and the George Inlet Cannery. Guests come to George Inlet Lodge as part of one of three organized tours provided by our company. They are assigned to their dining room based on the tour type, group size, and available staffing. Guests do not have the ability to choose where they would like to eat but are subject to assignment by company staff. The main dining room, PDR 1, PDR 2-3, and PDR 4 are all served from the kitchen located adjacent to the main dining room. PDR 4 does not have its own kitchen facility. Dishes from all PDRs, including PDR 4, are washed in one central location. Food is

stored, prepped, cooked and served to all PDRs, including PDR 4, from one location. The distance from the kitchen door to the door of PDR 4 is 40' along the wood deck that connects the two buildings.

Most of the lodge facility is located on tidelands leased from the State of Alaska and managed by the Ketchikan Gateway Borough. Lot 2, where PDR 4 is located, would have no value to the company without the rest of the facility located on the tidelands, as its size would not allow for any meaningful business enterprise to take place there on its own. The Ketchikan Gateway Borough has issued one address for the entire facility, 11728 South Tongass Highway. One driveway services the both the tideland lot and lot 2. Water is provided to the entire facility through one distribution point. All of the facility is hooked into one septic and waste water discharge system. Other permits for the facility including drinking water, wastewater, DEC Food Establishment permits, etc.. are issued for all buildings located at this address. For all intents and purposes, all other agencies and jurisdictions treat George Inlet Lodge as one piece of property and one facility.

In addition, there was no opposition to our application. In my opinion, this was based on a number of factors including our distance from any other land owner, our distance from town, historical use of the property, the fact that we are a well-established local business providing jobs and generating tax revenues, and the fact that we had no violations under the liquor license.

This is our preferred option as it would be the least disruptive to our operations, could be handled expeditiously, and would not require major facility renovations.

Option 2:

Connect PDR 4 to the main building with a covered breezeway.

This option may address the Board's concern of the buildings being physically separated as it would connect the roofs of the two buildings and provide another physical connection between the two other than just the deck. This option would be more costly than a reconsideration of the duplicate license but less costly and time consuming than option 3. This option would also be less intrusive as we tried to maintain some of the look and feel of the historic cannery building.

Option 3:

Remodel the facility to physically connect the two buildings with more than just the deck.

This option would address the Board's stated concern of the building being physically separated but it would still not address the concern raised over the two buildings being on separate pieces of property. Our proposal would be to enclose deck area separating the main lodge and PDR 4, making it one large physical facility. This solution would allow us to expand our current gift shop space but would be a costly and time consuming project. However, our current gift shop is small but highly profitable. We maintain a large selection but don't carry a significant inventory. The small size allows the gift shop to

be managed by one person, makes taking inventory efficient, and allows for quick reordering when inventory starts to run low. This expansion would more than quadruple our current gift shop space, requiring us to maintain a more costly inventory, require additional staffing to run and maintain, and limit our ability to protect from inventory loss when compared to our current model. While the potential for increased profits is a possibility, bigger is not always better.

In addition, George Inlet Lodge is an historic building. The main lodge was an old cannery building that was salvaged and floated over 70 miles to its current location. Care would need to be taken to maintain the historical integrity of the building's look and feel.

The cost, the time, and the dramatic change to the gift shop operation, among other considerations, make option number three the least desirable of all three.



THE STATE
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GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

July 25, 2013

Patricia Shaughnessy
George Inlet Investments, LLC
P.O. Box 8331
Ketchikan, Alaska 99901

Certified/Return Receipt Requested

RE: Denial of Duplicate License #5227

Dear Ms. Shaughnessy,

At the ABC Board of Directors meeting held on May 30, 2013 your applications for two duplicate licenses, Room 1 and the combined Room 2-3 was approved. The Board members decided they needed more information regarding Room 4 - a better illustration of how the rooms were connected.

Prior to the meeting held on July 23, 2013 in Fairbanks your manager, Russell Thomas provided us with the requested information that was included in the Board packet. We appreciated that Mr. Thomas was available to testify and to answer questions by the Board. Unfortunately, the Board voted to deny this duplicate license on the basis that the room was in a separate building from the parent license.

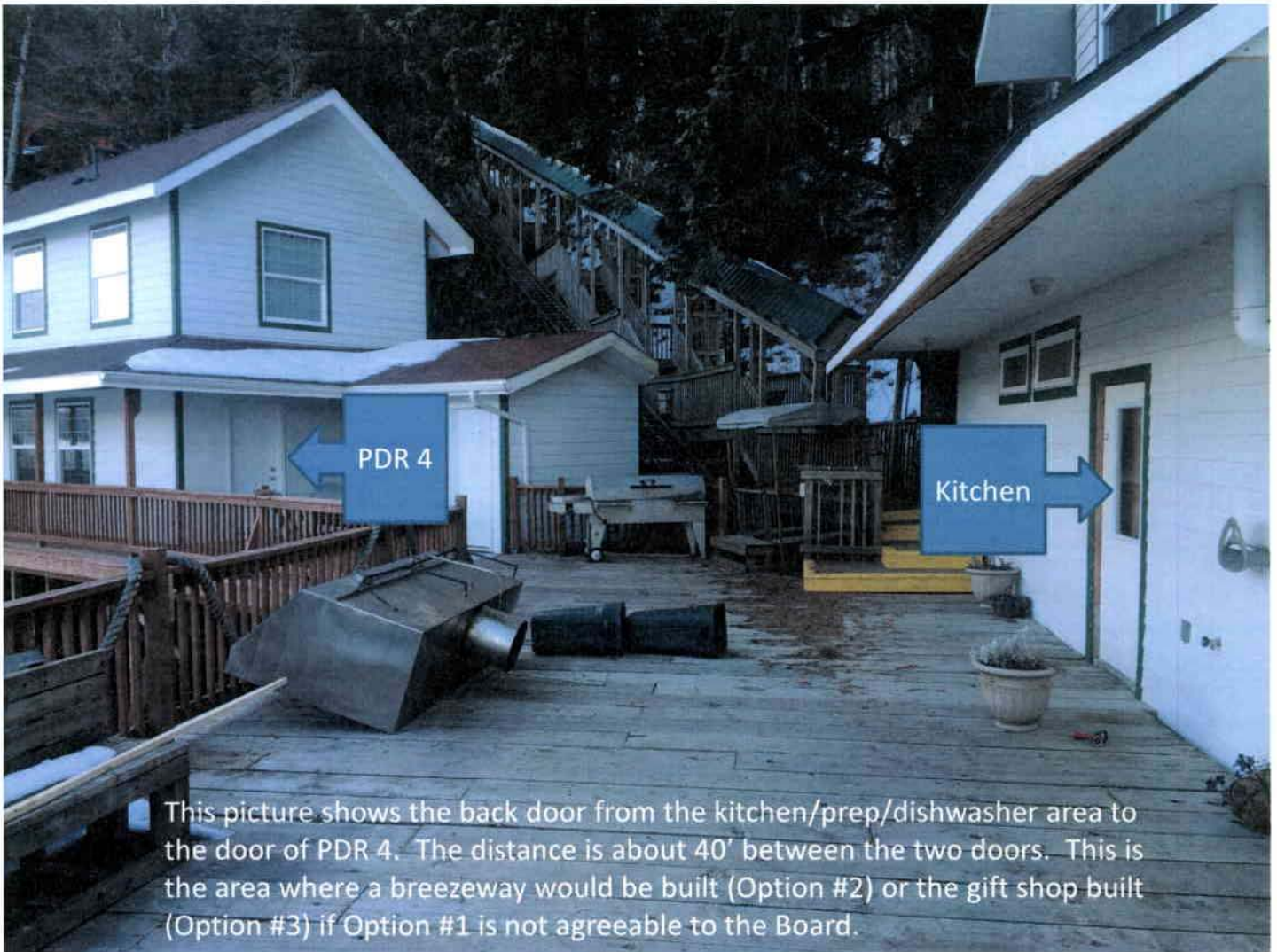
If you have any questions do not hesitate to contact me.

Sincerely,

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

Shirley A. Cote
Director

cc: Russell Thomas, Manager, George Inlet Lodge
Robert Beasley, ABC Board Enforcement Unit Supervisor
Christine Lambert, ABC Board Records & Licensing Supervisor

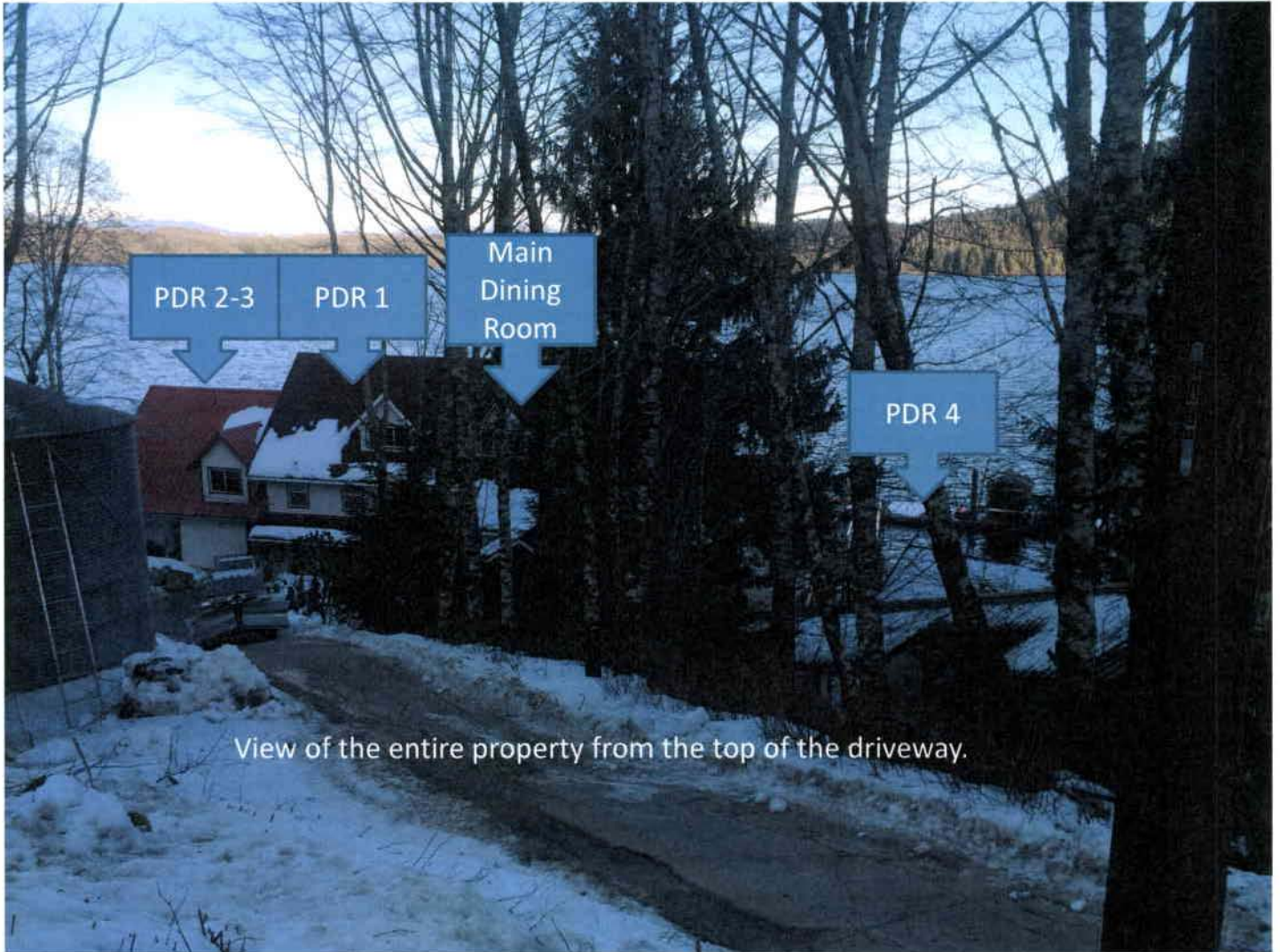


This picture shows the back door from the kitchen/prep/dishwasher area to the door of PDR 4. The distance is about 40' between the two doors. This is the area where a breezeway would be built (Option #2) or the gift shop built (Option #3) if Option #1 is not agreeable to the Board.



View from the dock showing the layout of the main lodge in relationship to PDR 4

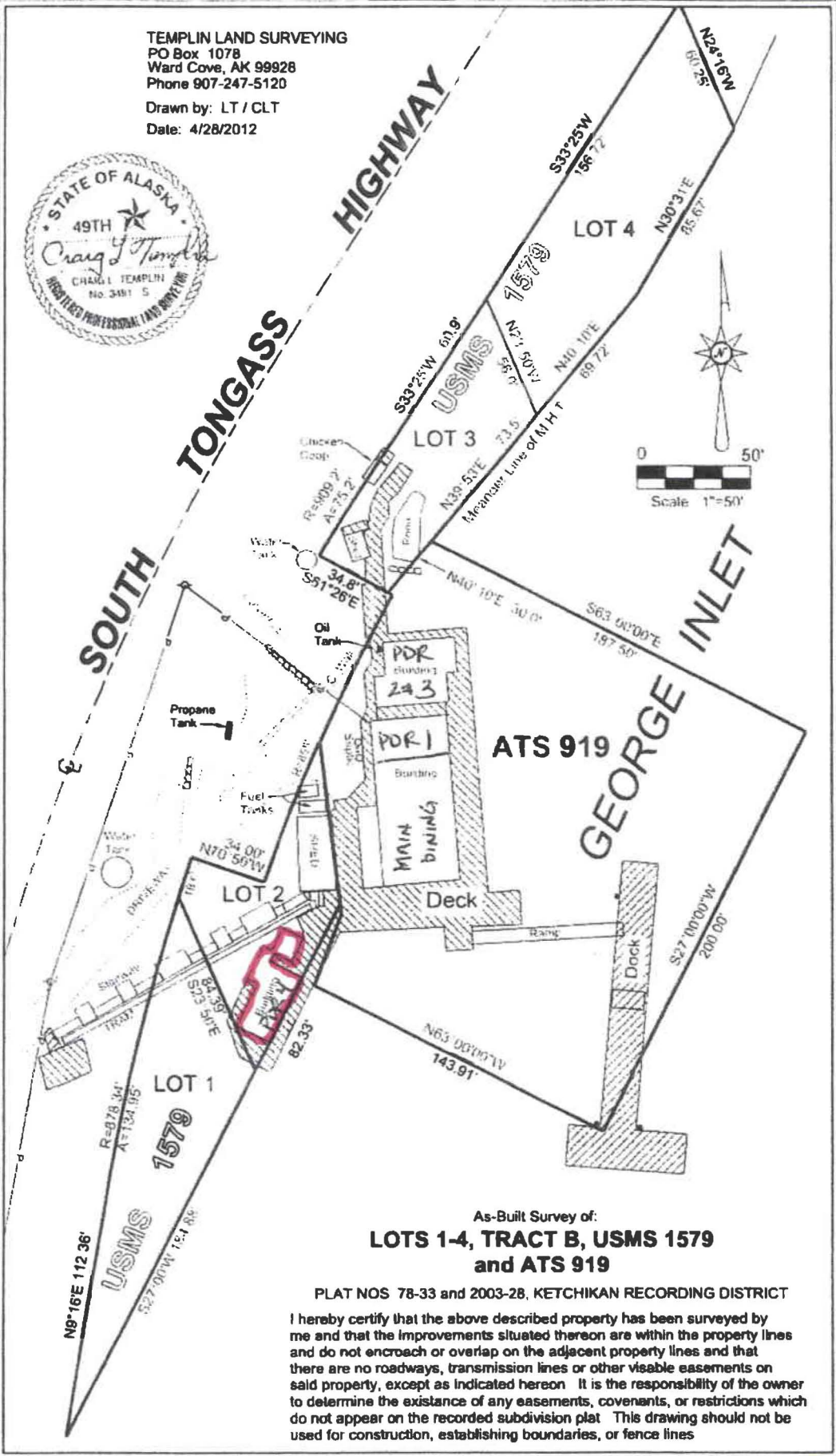




View of the entire property from the top of the driveway.



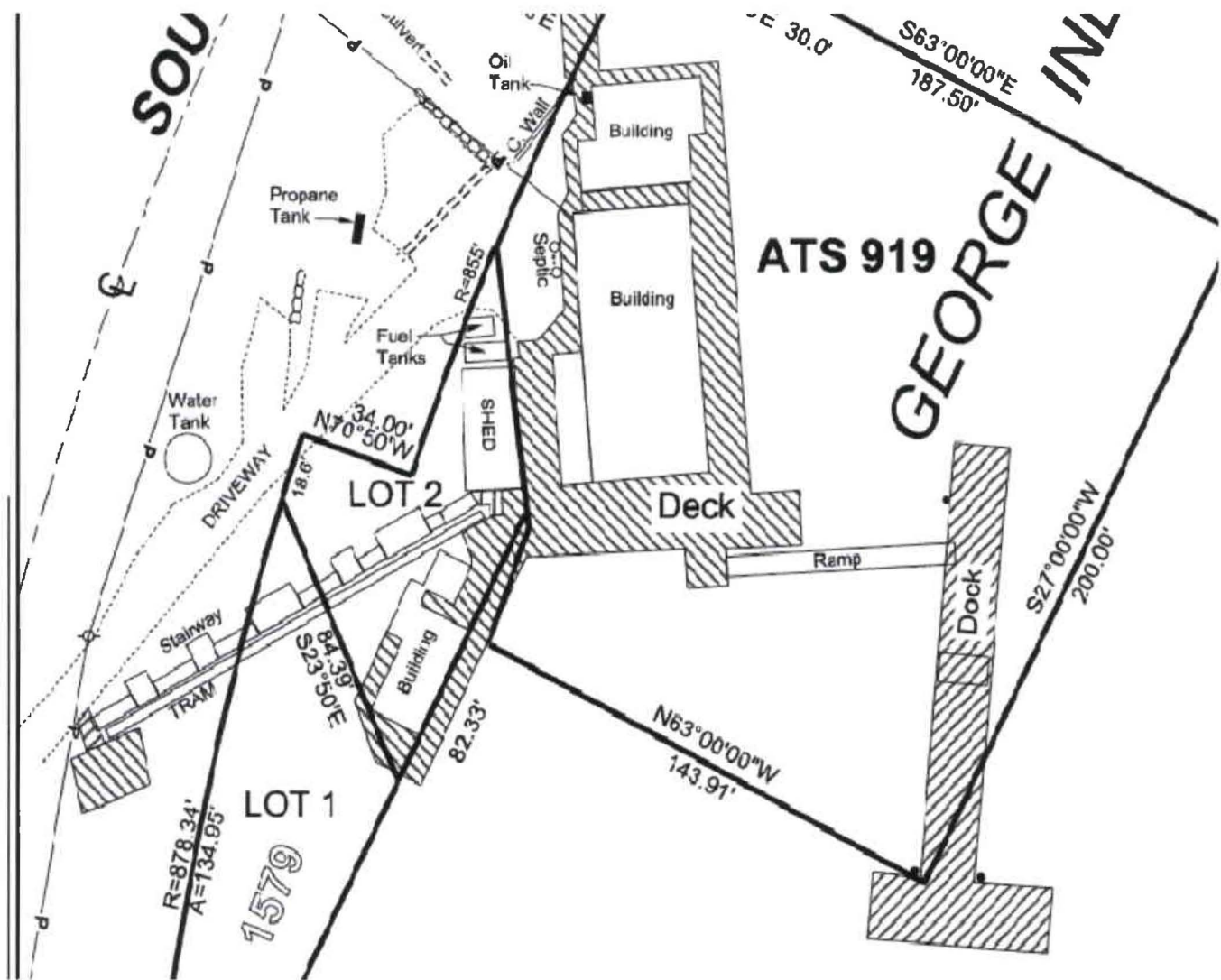
TEMPLIN LAND SURVEYING
 PO Box 1078
 Ward Cove, AK 99928
 Phone 907-247-5120
 Drawn by: LT / CLT
 Date: 4/28/2012



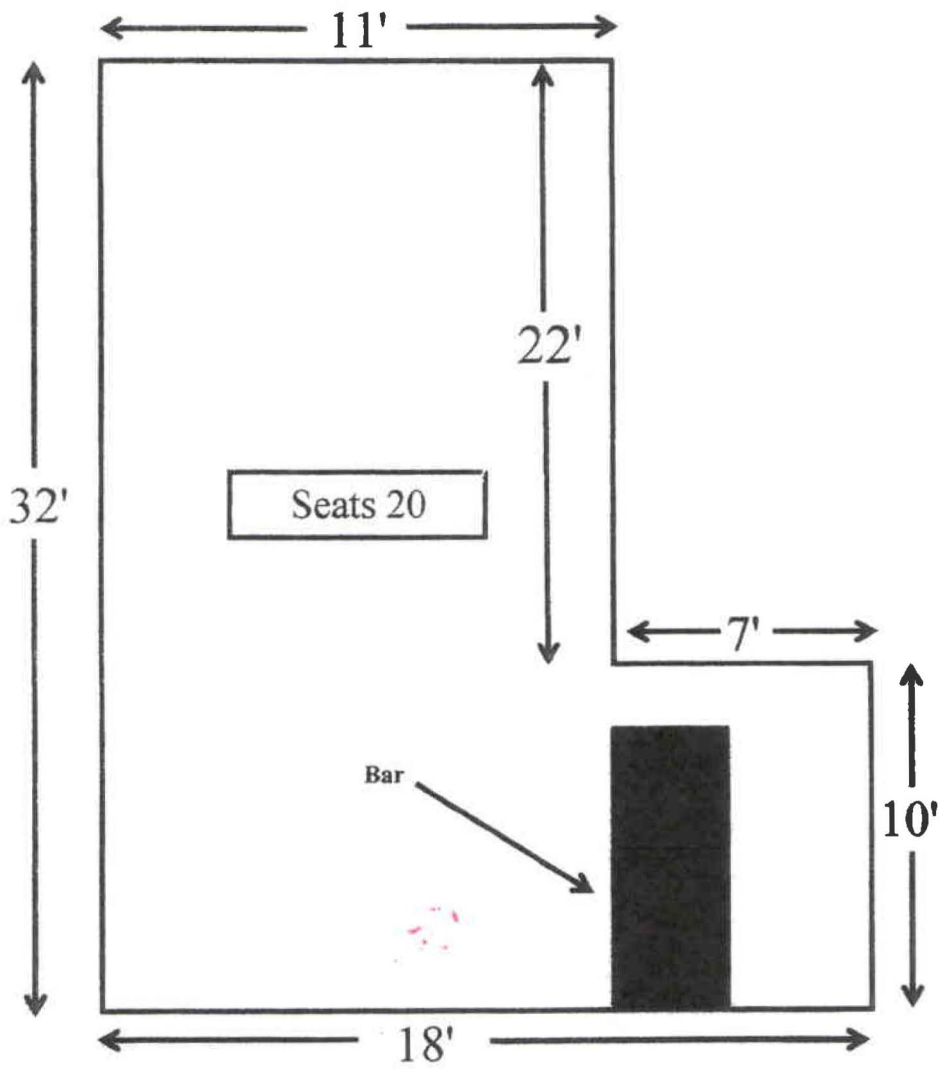
As-Built Survey of:
**LOTS 1-4, TRACT B, USMS 1579
 and ATS 919**

PLAT NOS 78-33 and 2003-28, KETCHIKAN RECORDING DISTRICT

I hereby certify that the above described property has been surveyed by me and that the improvements situated thereon are within the property lines and do not encroach or overlap on the adjacent property lines and that there are no roadways, transmission lines or other visible easements on said property, except as indicated hereon. It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. This drawing should not be used for construction, establishing boundaries, or fence lines.



Private Dining Room 4



Tab

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THE STATE
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GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5438
Fax: 907.334.2285

MEMORANDUM

TO: Shirley A. Coté, Director

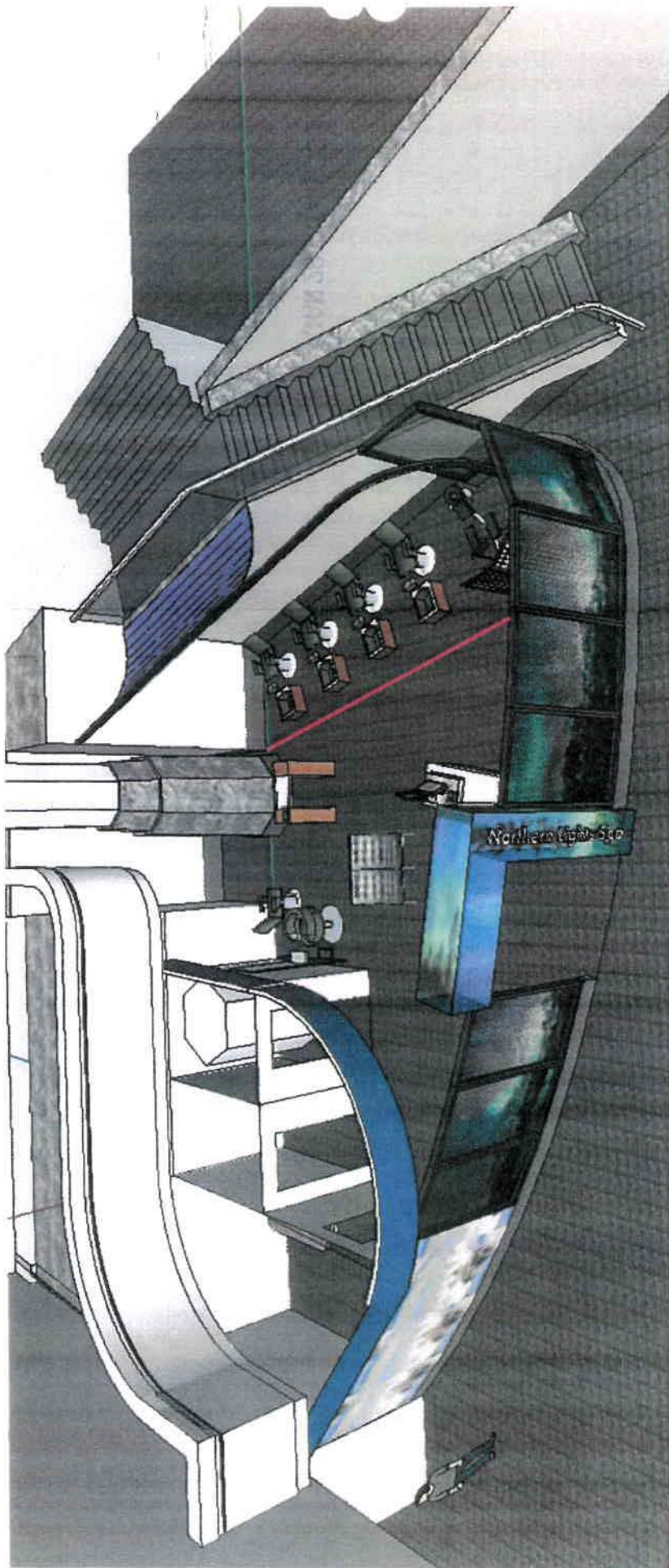
DATE: Tuesday, April 15, 2014

FROM: Christine Lambert, Records &
Licensing Supervisor

RE: Northern Lights Spa
Liquor Lic File #5281

AS 04.11.400(d)(2) requires licensed premises be located in an airport terminal.

This licensee operates a spa within the Anchorage International Airport.



Tab

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THE STATE
of **ALASKA**
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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 of Directors

DATE: Monday, April 21, 2014

FROM: Shirley A. Coté, Director *AAC*

RE: Renewals for Breeze Inn #177
Shelikof Lodge #1040

The Breeze Inn in Seward and the Shelikof Lodge in Kodiak are owned by the same licensee, Juris Mindenbergs. In February 2014 Mr. Mindenbergs came to the ABC Board office and said he had not received the renewal application, and not until he received the reminder letter in January did he realize he needed to renew the two licenses. The renewal application was mailed to the same address as the reminder sent in January and it was not returned as undeliverable.

In accord with AS 04.11.270(b)(1) the director shall mail a renewal application to each licensee before November 1st stating that unless renewed the license will expire on December 31st. This application shall be mailed to the licensee at the licensed premises or to an address furnished by the licensee. The licensee is required to submit the application and the fee prior to January 1st. If not date stamped by December 31st, a \$500 penalty fee is attached.

Records & Licensing Supervisor Christine Lambert took the usual extra step in the requirement and in October sent an email to all licensees who were up for renewal, as long as the licensees provided an email address on the prior application. No email address was provided for The Breeze Inn. One was provided for the Shelikof Lodge, however, we failed to enter it into our database.

At the board meeting of May 30, 2013 Assistant Attorney General Harriet Milks advised the waiver of late fees are not allowed for in statute; however, I maintain that if it is clearly the fault of board staff that the board should consider a refund. I have no evidence that we did not fulfill our responsibilities in giving notice as required. We did fail to enter the one email address for the Shelikof Lodge.

Attached are copies of the letters of renewal sent along with the second warning letter that the license is about to expire. Mr. Mindenbergs's email of appeal is also attached for your consideration.



THE STATE
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Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

August 21, 2013

Rella Mae Corporation
PO Box 774
Kodiak, AK 99615

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2014/2015 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, 2013**.

If a corporation/LLC owns the liquor license please do the following:

1. On-line go to <http://www.dced.state.ak.us/CBP/Main/CBPLSearch.aspx?mode=Corp>
2. Type in the corporation/LLC name under Entity Name – see example attached #1
3. Choose your entity from the list you see – see example attached #2
4. Review the following data to make sure your entity is in compliance and the information agrees with the ABC Board records – see example attached #3
 - Make sure your status is in **“Good Standing”**. If not, contact Division of Corporations at (907) 465-2550 or corporations@alaska.gov.
 - Review the information under Officials. Names, titles and percentage owned must match what you have written on your renewal application, as well as matching the existing ABC records. If you need to make changes with Corporations please see contact information above.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2013 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, 2014 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.



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2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.263.5900
TDD: 907.465.5437
Fax: 907.263.5930

December 13, 2013

Rella Mae Corporation
PO Box 774
Kodiak, 99615

RE: Shelikof Lodge Lic#1040

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, 2014.**

The ABC Board must receive the following by February 28, 2014:

1. Completed two or three page liquor license renewal application with notarized signature
2. License fee, application fee and **\$500.00 late fee (for applications received after 12/31/13).**

The completed application and all fees must be **postmarked by 5:00PM** on February 28, 2014 or **hand delivered to our office by 4:00PM** on February 28, 2014.

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

[ABC Board Office Contact Information](#)

2400 Viking Drive, Anchorage, AK 99501
Phone: 907-263-5900
Fax: 907-263-5930



THE STATE
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ALCOHOLIC BEVERAGE CONTROL BOARD

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

August 21, 2013

Juris Mindenbergs
PO Box 2147
Seward, AK 99664

Dear Licensee:

Please find enclosed your liquor license renewal application for the 2014/2015 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, 2013**.

If a corporation/LLC owns the liquor license please do the following:

1. On-line go to <http://www.dced.state.ak.us/CBP/Main/CBPLSearch.aspx?mode=Corp>
2. Type in the corporation/LLC name under Entity Name – see example attached #1
3. Choose your entity from the list you see – see example attached #2
4. Review the following data to make sure your entity is in compliance and the information agrees with the ABC Board records – see example attached #3
 - Make sure your status is in **“Good Standing”**. If not, contact Division of Corporations at (907) 465-2550 or corporations@alaska.gov .
 - Review the information under Officials. Names, titles and percentage owned must match what you have written on your renewal application, as well as matching the existing ABC records. If you need to make changes with Corporations please see contact information above.

Applications postmarked or brought into our office after close of business at 4:30PM on December 31, 2013 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, 2014 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.



THE STATE
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GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

January 15, 2014

Juris Mindenbergs
PO Box 2147
Seward, AK 99664

RE: Breeze Inn Lic # 177

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2014

Dear Licensee:

This letter is notice as required under AS 04.11.550 that your liquor license will **expire at midnight, February 28, 2014.**

The ABC Board must receive the following by February 28, 2014:

1. Completed two or three page liquor license renewal application with notarized signature. Please contact the ABC Board for a renewal application if needed.
2. License fee, application fee and **\$500.00 late fee (for applications received after 12/31/13).**

The completed application and all fees must be **postmarked by February 28, 2014 or hand delivered to our office by 4:00PM** on February 28, 2014. Please contact our office if you do not wish to renew or have questions or concerns regarding the renewal of your liquor license.

[ABC Board Office Contact Information](#)

2400 Viking Drive, Anchorage, AK 99501
Phone: 907-269-0350
Fax: 907-334-2285

Cote, Shirley A (CED)

From: BWasdo868@aol.com
Sent: Monday, April 21, 2014 9:01 AM
To: Cote, Shirley A (CED)
Cc: Lambert, Christine C (CED)
Subject: Re: Appeal of late fees?

We are filing this appeal because neither The Breeze Inn nor The Shelikof Lodge received an initial invoice for the 2014-2015 liquor license renewal during the summer of 2013 as claimed by the ABC Board. We first learned of a license fee due in mid January 2014 after which the Board tacked on a \$500 delinquent fee for each company.

We understand that our businesses were not singled out for delinquency as we heard from our liquor salesmen that other Alaskan businesses were complaining of the same issue. We further heard from the CHARR organization that many members expressed the same complaint.

We feel strongly that the problem quite possibly arose from the ABC Board's software and/or personnel and we were unfairly charged the delinquent fees. A review of our history of payments should indicate timely remittances always as we strive to maintain an impeccable credit worthy record. In conclusion, we urge you to reverse the delinquent fees and refund the improper assessments.

Sincerely,
Juris Mindenbergs, Proprietor
Breeze Inn and Shelikof Lodge
(425) 885-5333

In a message dated 4/21/2014 9:14:27 A.M. Pacific Daylight Time, shirley.cote@alaska.gov writes:

I have included Christine Lambert's email address above in the cc. She is the Records & Licensing supervisor. We will need your letter no later than the end of today. Thank you.

Shirley

Shirley A. Coté

Director

Alcoholic Beverage Control Board

(907) 269-0351

From: BWasdo868@aol.com [<mailto:BWasdo868@aol.com>]
Sent: Friday, April 18, 2014 12:47 PM
To: Cote, Shirley A (CED)
Subject: Re: Appeal of late fees?

Yes, we are the licensee for both the Breeze Inn in Seward and Shelikof Lodge in Kodiak. Who is Christine Lambert and we don't have an email/ mailing address for her.

The owner of both companies is out of the office recovering from surgery. Can we have an extension of time to provide you with the letter?

Thanks,

Beverly

P.S.

The correct email address for owner Juris Mindenbergs is trendconstruct@aol.com

In a message dated 4/18/2014 1:28:54 P.M. Pacific Daylight Time, shirley.cote@alaska.gov writes:

Can you please provide us with a letter for the board packet explaining the circumstances of why the renewal was late? Please ensure that Christine Lambert is cc'ed on your email/letter as she is putting the packets together. Thank you very much. I had also sent an email to trendconstruction@aol.com but that was returned undeliverable. Are you the licensee for both Breeze Inn in Seward and Shelikof Lodge in Kodiak?

Shirley

Shirley A. Cote

Director

Alcoholic Beverage Control Board

(907) 269-0351

From: BWasdo868@aol.com [<mailto:BWasdo868@aol.com>]

Sent: Friday, April 18, 2014 12:24 PM

To: Cote, Shirley A (CED)
Subject: Re: Appeal of late fees?

Shirley,

Yes, we absolutely do want to appeal the payment of late fees. Please inform us as to what you need to move forward with the appeal.

Thank you,

Beverly Wasdo

In a message dated 4/18/2014 1:19:04 P.M. Pacific Daylight Time, shirley.cote@alaska.gov writes:

Hello,

On February 19, 2014 you expressed concern over the late fee attached to the renewal of your licenses. We talked about your right to appeal to the board of this fee. We have a deadline of Tuesday, April 22nd for getting materials in the board packets and ready for the April 29th meeting. Please let me or Chris Lambert know at your earliest convenience if you plan to appeal the payment of the late fees. Thank you.

Shirley

Shirley A. Coté

Director

Alcoholic Beverage Control Board

(907) 269-0351

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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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 14, 2013

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

RE: Resurrect and Renew on Expired License for
Willow Tree Inn, License #1242

The Willow Tree Inn, License #1242 was issued the required notification per statute that renewal was due for the license. On March 5, 2014 we received the renewal application date stamped by the U.S. Postal Service as March 3, 2014. The licensee was advised she would need to cease the service of alcoholic beverages. On Friday, April 11, 2014 we received word from the Dillingham City Council that they did not protest the renewal of the license. On Monday, April 14, 2014 Willow Tree Inn licensee, Kim Parker was issued a Temporary License. She is requesting her license be resurrected and renewed.

4/10/14

To: Christine Lambert, ABC Records and Licensing Supervisor

From: Kim Parker, Co-Owner Willow Tree Inn

RE: License # 1242

We request a chance to be added to the agenda when the ABC Board meets on April 29th 2014. We request our liquor license renewal be accepted and approved. We understand our liquor license will need to be resurrected and renewed since the application was not postmarked by the deadline.

Our application was *notarized* on the deadline, but we put the envelope in the mailbox outside the post office the same day and it did not get date stamped by the deadline.

Thank you for the consideration,

Kim Parker

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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: 907.269.0350
TDD: 907.465.5438
Fax: 907.334-2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 24, 2013

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

RE: Regulation proposal for license not required

Over the past couple of weeks we have been dealing with a situation in Bethel. As some of you will remember, about four years ago Bethel removed their local option but enacted an ordinance that prohibited sales. Six establishments applied for liquor licenses and the board denied the licenses on the grounds that the city was not arbitrary, capricious, and unreasonable in their protest. I received an anonymous call asking if a restaurant could allow patrons to bring their own alcoholic beverages into the restaurant. I advised they could not and a call to Inv. Beasley followed with the specifics in Bethel. The owners of the restaurant in question were contacted and advised to cease the practice. During that conversation, it came to light that the VFW was doing the same thing. We began working with the state troopers in an attempt to rectify the situation with the VFW.

What we discovered, and in conference with Assistant Attorney General Harriet Milks she confirmed that we have two statutes that are in conflict with each other. Under AS 04.11.020 it seems as though the practice is permitted - a license is not required if equal contributions (their own alcohol) are made; it is a private gathering; and no profits are made by the house. However, under AS 04.16.090, prohibition of bottle clubs a person may not maintain a place where alcoholic beverages are brought for consumption by members of a club unless licensed by the ABC Board. I have included the specific language of each statute below:

Sec. 04.11.020. Exceptions: License or permit not required.

(a) A license or permit is not required to authorize sales made by a person under a judgment and decree of foreclosure, under the bankruptcy law of the United States, or under order of the board or a court under AS 04.16.220 .

(b) A license or permit is not required to serve alcoholic beverages in exchange for valuable contributions at a private gathering of a bona fide group of co-workers or of a professional, social, or fraternal organization if equal contributions are made by all in attendance and only the amount required to purchase the alcoholic beverages is contributed. All other applicable provisions of this title and regulations under this title shall be observed at these private gatherings.



Sec. 04.16.090. Prohibition of bottle clubs.

(a) A person may not maintain a place in which alcohol beverages are received or kept, or to which alcoholic beverages are brought, for consumption by members of the public or by members of a club, corporation, or association, unless the person is authorized to do so under this title.

(b) A person may not maintain, operate, or lease premises for the purpose of providing, for a consideration, a place for drinking alcoholic beverages by members of the public or other persons, unless the person is authorized to do so under this title.

(c) For the purposes of this section, "consideration" includes but is not limited to cover charge, the sale of food, ice, mixers, or other liquids used with alcoholic beverage drinks, or the furnishing of glassware or other containers for use in the consumption of alcoholic beverages.

In our attempt to work with the VFW, the Alaska State Troopers, and Representative Bob Herron I recommend a new regulation for a clarification of AS 04.16.090 with language such as, "A patriotic organization who otherwise meets the requirements of AS 04.11.110(b) shall be exempt from the prohibitions described in (a) of this title if located within an area, other than a local option area under AS 04.11.491, where no liquor licenses exist."



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 18, 2014

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

RE: Regulation Change Proposals –
1. 3 AAC 304.185(a). Licensed premises
2. 3 AAC 304.025(c). Tie-breaking vote
3. 3 AAC 304.125(c). Director – his or her
4. 3AAC 304.505 – add (8) for recertifying
alcohol server education course

The first proposal is to clarify names on licensed premises. The second and third proposals are necessary clean-up of the particular regulations and the fourth is a new subsection that would allow investigators to assist licensees and their agents or employees who live in remote areas who may not have the same access to alcohol server education courses as those in or near the larger populated areas.

1. 3 AAC 304.185(a). Licensed premises

From time to time investigators conducting compliance checks or inspections observe that the doing business as (d/b/a) name and the name displayed on the business do not match. Under 3 AAC 304.185(a) it states, “The address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application.”

Over the years a reasonable interpretation has been that the name on the license and the name on the establishment should match. However, in consultation with Assistant Attorney General Harriet Milks her interpretation is that the business name must be on the application; however, there is no requirement that the name on the establishment must be the same as on the application. That leads to frequent enough difficulty while doing field work that I propose additional verbiage:

“The address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application **and the same name at or near the entrance of the business.**”

2. 3 AAC 304.025(c). Tie-breaking vote



The second sentence under (c) should be removed to align with the change in AS 04.06.060 that allowed for the director to cast a tie-breaking vote during board meetings.

3. 3 AAC 304.125(c). Director – his or her

If the director considers it necessary to provide adequate public notice, or if the director is requested to do so by a local governing body or village counsel, the director will, in his or her discretion,.....

4. 3AAC 304.505 – add (8) for recertifying alcohol server education course

See attached memorandum from Inv. Bob Beasley explaining this recommendation:

3 AAC 304.505. Powers of investigative personnel. (a) The board's investigative personnel may

(1) conduct inspections of licensed premises and investigations of licensees, applicants, transferees and other personnel with respect to applications, the possession and sale of alcoholic beverages, or licensed premises;

(2) issue notices of violation;

(3) seize alcoholic beverages which are subject to forfeiture under AS 04.16.220;

(4) serve subpoenas issued by a hearing officer in a board adjudicative proceeding;

(5) execute search warrants;

(6) exercise specified peace officer powers upon the written concurrence of the commissioner of public safety filed with the lieutenant governor and the director, but only in necessary for the enforcement of the criminally punishable provisions of AS 04 and regulations adopted under AS 04;

(7) take such actions as is considered necessary by the director to assure the enforcement of AS 04 and is not in conflict with a law or regulation.

(b) Consistent with federal, state, and local law, the board's investigative personnel may carry firearms in the performance of their duties, if individually authorized by the board.

(8) Investigative personnel of the board may administer, proctor or verify testing for recertification purposes, all alcohol server education courses approved by the state.



MEMORANDUM

TO: Shirley A. Coté, Director

DATE: April 15, 2014

FROM: Robert L. Beasley, Enforcement Supervisor

RE: Alcohol Server Education Courses

Director Coté:

As you are aware, there have been times when our investigative personnel have been conducting either inspections or compliance checks in remote communities throughout the state and have encountered licensees and employees whose alcohol server education cards have expired, and there are no instructors available to administer the recertification exams.

Although recertification testing can be done through the internet, in many occasions those communities do not have internet availability. The last time a situation like this occurred was on Prince of Whales Island where a licensee and both employees had expired alcohol server education cards.

During that situation, I was able to contact Alaska CHARR by telephone and have the tests sent to them by fax, and I proctored the exams. When they were done with the testing, I faxed the answer sheets back, and the CHARR instructor verbally acknowledged to me their passing scores and recertification status.

3 AAC 304.465(e) allows internet-based courses for those who are employed in rural premises, which are those licensed premises not on a statewide road system or further than 50 miles on a road system from a community where a course is offered at least once every month. However, this section of the regulation also requires that the student be under supervision of the licensee or the licensee's manager when testing, and that the licensee or licensee's manager certify to the course provider that the student did not receive outside help in taking the test and that no copies of the test have been kept.

It would be beneficial to licensees, their agents and employees if the board's investigative personnel were officially authorized to proctor or administer tests for recertification purposes only, any approved alcohol server education course in the state. The student would still be responsible for payment of testing charges or fees to the actual course provider.

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LICENSEE SANCTIONS UNDER AS 04.16.180

Licensee	Business	License Number	Offense	Statute	Date of Board Meeting	Sanction
Tomio Demura	Old Power House Restaurant	4325	Responsibility of licensee, agents, & employees & Licensed premises	AS 04.21.030 & 3 AAC 304.185 (c)	12/10/2013	30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.
Martin Moochan Kim	In & Out Bush Liquor #2	688	Furnishing alcohol to persons under 21	AS 04.16.052(5)	12/10/2013	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Jose Nanez	Chepo's Fiesta	2616	Furnishing alcohol to persons under 21 & Licensee responsible for violations	AS 04.16.052(5) & AS 04.16.150	12/10/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.
Jimmy Zhou	Jimmy Sushi Restaurant	5033	Furnishing alcohol to persons under 21	AS 04.16.052(5)	10/2/2013	45 Days suspension of alcohol sales with 38 days suspended. \$500 fine. Must have no new violations for 1 year.
Kwang Su Yoon, SOE, LLC	Roma's	4595	Licensee responsible for violations	AS 04.16.150	10/2/2013	30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.
Chong Pak	Seoul Gate Restaurant	4941	Licensee responsible for violations	AS 04.16.150	5/30/2013	30 Days Suspension of License with 30 Days Suspended. Must have no new violations for 1 year.

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	Violation of Conditions imposed 2/26/13		9/30/10	35 Days previously suspended of the 45 days imposed to be served.
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.
Emmanuel 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).