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THE STATE  
*of* **ALASKA**  
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

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

## **ABC Board Meeting**

**Date: July 8, 2014**

**Time: 9:15 AM – Director’s Report**  
**9:30 AM – Meeting**

**Location:**

**Fairbanks**  
**Legislative Information Office**  
**1292 Sadler Way**  
**Suite 308**

**Teleconference Number:**

**1-800-315-6338 code 69173**

**State of Alaska**  
**Alcoholic Beverage Control Board**  
**Agenda**  
**July 8, 2014**

● **DIRECTOR BRIEFING**

A. Director's Report 9:15 AM TAB 1

● **ADMINISTRATION**

A. Approve minutes of the April 29, 2014 Board Meeting 9:30 AM TAB 2

● **PUBLIC TESTIMONY**

9:35 AM

A. Period of time for public testimony on issues not on this agenda.  
Please phone 1-800-315-6338 code 69173

● **BOARD CONSIDERATION**

A. Review of Initiative Application for "An Act to Tax and Regulate  
The Production, Sale, and Use of Marijuana." 12:25 PM TAB 3

B. Bottled Cocktails 12:40 PM TAB 4

C. **5281 Northern Lights Spa:** Basile Group, LLC 10:20 AM TAB 5  
5000 W International Airport Road; Anchorage  
**License: Beverage Dispensary – Tourism**

**Reconsideration of New License**

D. **1563 Rum Runners @ The Mat-Su Resort:** MSR, Inc. 10:35 AM TAB 6  
1850 Bogard Road; Mat-Su Borough  
**License: Beverage Dispensary – Tourism**

**No Response to Notice of Violation**

E. **1002 Salty Dawg Saloon:** Sdawg, Inc. 10:45 AM TAB 7  
4380 Homer Spit Road; Homer  
**License: Beverage Dispensary**

**Request to Dismiss Notice of Violation**

F. **1011 Three Bears:** Three Bears Alaska, Inc. 10:05 AM TAB 8  
22211 Birchwood Loop; Anchorage  
License: Package Store

**Reconsideration of Transfer**

● **RESURRECT & RENEW**

A. **4404 Legends:** Host International, Inc. 11:10 AM TAB 9  
Anchorage International Airport; Anchorage  
License: Beverage Dispensary – Tourism

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

A. Prior Licensee Sanctions TAB 10

B. **4449 Café 817:** Muffin Man & Company, Inc. 11:20 AM TAB 11  
817 W 6<sup>th</sup> Avenue; Anchorage  
License: Restaurant / Eating Place

**Violation: Licensee Responsible for Alcohol Violations**

C. **4353 Club Soraya:** Latin Connection Entertainment, LLC 11:30 AM TAB 12  
333 W 4th Avenue, Ste 207; Anchorage  
License: Beverage Dispensary

**Violation: Adulteration / Misbranding / False Advertising**

D. **297 De Canter Inn:** UMFA, Inc. 11:40 AM TAB 13  
Mile 107 Sterling Highway; Kenai Peninsula Borough  
License: Beverage Dispensary

**Violation: Alcohol Server Education Course Required**

E. **2069 Nikko Garden:** Si Cha Sin 11:50 AM TAB 14  
44715 Kilowatt Avenue; Kenai Peninsula Borough  
License: Restaurant / Eating Place

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

● **BEVERAGE DISPENSARY – TOURISM**

TAB 15

**4313 Cabin Nite Dinner Theatre:** Westmark Hotels, Inc.; Denali Borough  
Mile 238.9 Parks Highway

**Transfer: Beverage Dispensary – Tourism Duplicate**

From: Aramark Corporation d/b/a McKinley Chalet Resort – Cabin Nite Dinner Theatre

All statutory requirements have been met. Denali Borough approves.  
Departments of Labor and Revenue approve. Background investigations complete.  
Temporary has been issued.

**4876 Courtyard Cafe:** Westmark Hotels, Inc.; Denali Borough  
Mile 238.9 Parks Highway

**Transfer: Beverage Dispensary – Tourism Duplicate**

From: Aramark Corporation d/b/a McKinley Chalet Resort – Courtyard Cafe

All statutory requirements have been met. Denali Borough approves.  
Departments of Labor and Revenue approve. Background investigations complete.  
Temporary has been issued.

**5338 Kenai River Lodge:** River Edge, Inc.; Soldotna  
393 Riverside Drive

**New: Beverage Dispensary – Tourism**

All statutory requirements have been met. Department of Environmental Conservation approves. Pending City of Soldotna. Background investigations pending.

**5310 Mountain Sky Hotel Restaurant:** Kae Soung Hotel Enterprises, Inc.; Valdez  
101 Meals Avenue

**New: Beverage Dispensary – Tourism**

All statutory requirements have been met. City of Valdez does not protest.  
State Fire Marshal and Department of Environmental Conservation approve.  
Background investigations pending. Temporary has been issued.

**5258 Mt. McKinley Princess Wilderness Lodge – The Snack Cache:**  
Alaska Hotel Properties, LLC; Mat-Su Borough  
Mile 133 Parks Highway (Trapper Creek)

**New: Beverage Dispensary – Tourism**

All statutory requirements have been met. Department of Environmental Conservation approves. Pending Mat-Su Borough and State Fire Marshal.

**4308 Nenana View Bar and Grille:** Westmark Hotels, Inc.; Denali Borough  
Mile 238.9 Parks Highway  
**Transfer: Beverage Dispensary – Tourism**  
From: Aramark Corporation d/b/a McKinley Chalet Resort – Nenana View Bar and Grille

All statutory requirements have been met. Denali Borough approves.  
Departments of Labor and Revenue approve. Background investigations complete.  
Temporary has been issued.

**5341 Romeo's Tap Room:** Jacobsen/Daniels Associates, LLC; Juneau  
1873 Shell Simmons Drive, Ste 220  
**New: Beverage Dispensary – Tourism**

All statutory requirements have been met. Department of Environmental Conservation approves. Pending City & Borough of Juneau. Background investigations pending.

**5340 The Annex:** Jacobsen/Daniels Associates, LLC; Juneau  
1873 Shell Simmons Drive, Ste 220a  
**New: Beverage Dispensary – Tourism**

All statutory requirements have been met. Department of Environmental Conservation approves. Pending City & Borough of Juneau. Background investigations pending.

**5255 Tsaina Lodge (Winter):** RFS Management, LLC; Outside/Unorganized  
Mile 35 Richardson Highway (35 miles from Valdez)  
**Correction: Beverage Dispensary – Tourism**  
From: Beverage Dispensary

All statutory requirements have been met. State Fire Marshal and Department of Environmental Conservation approve. Background investigations complete.

**742 Voyager Inn:** Hickel Investment Company; Anchorage  
944 West 5<sup>th</sup> Avenue  
**Transfer: Beverage Dispensary – Tourism**  
From: RPS, LLC d/b/a The Voyager Restaurant

All statutory requirements have been met. Municipality of Anchorage does not protest.  
Departments of Labor and Revenue approve. Background investigations complete.

● **BEVERAGE DISPENSARY – DUPLICATE**

**TAB 16**

- 5291 The Attic:** The Last Roundup, LLC; Fairbanks  
2701 South Cushman Street (Upstairs)  
**New: Beverage Dispensary – Duplicate**

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

● **BEVERAGE DISPENSARY – COMMUNITY**

**11:00 AM**

**TAB 17**

- 5336 Kotzebue Grille:** City of Kotzebue; Kotzebue  
Corner of Third and Wanda Street  
**New: Beverage Dispensary – Community**

All statutory requirements have been met. City of Kotzebue approves.  
Pending State Fire Marshal and Department of Environmental Conservation.  
Background investigations pending.

● **DELEGATED CONSENT AGENDA**

**TAB 18**

- 113 Bettles Lodge:** Arctic Fox Ventures, Inc.; Bettles  
100 Bettles Field  
**Transfer: Package Store**  
From: Lynda K. Klaes

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending City of Bettles. Background investigations pending.

- 3096 Bettles Lodge:** Arctic Fox Ventures, Inc.; Bettles  
100 Bettles Field  
**Transfer: Beverage Dispensary**  
From: Lynda K. Klaes

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending City of Bettles. Background investigations pending.

- 176 Breeze-In Liquor:** Breeze-In Corporation; Juneau  
2200 Trout Street (8 Mile Old Glacier Highway)  
**Transfer: Package Store**  
From: Allan Ahlgren and Michael Corcoran

All statutory requirements have been met. Department of Revenue approves.  
Pending City & Borough of Juneau and Department of Labor.  
Background investigations complete.

**2847 Bojangles:** Scruff-N-Pork's, Inc.; Fairbanks  
1351 Cushman Street  
**Transfer: Beverage Dispensary**  
From: No d/b/a; No Premises

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending City of Fairbanks and Department of Environmental Conservation.  
Background investigations complete.

**3376 Fairbanks Golf Course:** Fairbanks Golf Course, Inc.; Fairbanks North Star Borough  
1735 Farmer's Loop Road  
**Transfer: Beverage Dispensary**  
From: Yukon Restaurant and Lounge, Inc. d/b/a Castle Restaurant; 4510 Airport Way

All statutory requirements have been met. Department of Revenue approves.  
Pending Fairbanks North Star Borough, State Fire Marshal, and Departments of Labor and  
Environmental Conservation. Background investigations complete.

**4923 JL-LL Holding:** JL-LL Holding, LLC; Anchorage  
No Premises  
**Transfer: Beverage Dispensary**  
From: Gourmet Associates, LLC d/b/a Muse; 625 C Street

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending Municipality of Anchorage. Background investigations pending.

**649 Klondike Mike's Saloon:** U-Line Beverage Company, Inc.; Palmer  
820 S Colony Way  
**Stock Transfer: Beverage Dispensary**  
From: Christopher Cox 50%; Armand Nyborg 25%; Lillian Nyborg 25%  
To: Santiago Lara 33.33%; Armand Nyborg 33.34%; Lillian Nyborg 33.33%

All statutory requirements have been met. Department of Revenue approves.  
Pending City of Palmer and Department of Labor. Background investigations pending.

**4547 Lavelle's Bistro:** Franklin Eagle and Kathleen Lavelle; Fairbanks  
No Premises  
**Transfer: Beverage Dispensary**  
From: Duke Investments, LLC d/b/a Chili's Grill & Bar (formerly at 506 Merhar Avenue)

All statutory requirements have been met. Department of Revenue approves.  
Pending City of Fairbanks and Department of Labor. Background investigations complete.

**5323 Mount Aurora Lodge:** Mount Aurora Lodge, LLC.; Fairbanks North Star Borough  
2320 Fairbanks Creek Road  
**New: Restaurant / Eating Place**

All statutory requirements have been met. Fairbanks North Star Borough does not protest.  
Pending Department of Environmental Conservation and State Fire Marshal.  
Background investigations pending.

**3239 New Peking and Sushi:** L & K Enterprise, LLC.; Kenai  
125 S Willow Street  
**Transfer: Restaurant / Eating Place**  
From: Jennifer Lee d/b/a New Peking Chinese Restaurant

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending City of Kenai. Background investigations pending.

**727 No DBA:** Franklin Eagle and Kathleen Lavelle; Fairbanks North Star Borough  
No Premises  
**Transfer: Beverage Dispensary**  
From: Barbara J. Dennis d/b/a Midway Lodge; 11191 Richardson Highway (Salcha)

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

**3709 Oasis Restaurant & Lounge:** Terlyn, LLC; Fairbanks North Star Borough  
734 University Avenue  
**Stock Transfer: Beverage Dispensary**  
From: G. Lynne Franklin 99.75%  
To: Curtis D. Franklin 75% and Chad M. Franklin 25%

All statutory requirements have been met. Fairbanks North Star Borough does not protest.  
Department of Revenue approves. Pending Department of Labor.  
Background investigations pending.

**3315 Old Town Liquor:** Old Town Liquor, LLC; Ketchikan  
602 Dock Street  
**Transfer: Package Store**  
From: Petro Alaska, Inc. d/b/a Petro Alaska, Inc.; 4161 Tongass Avenue

All statutory requirements have been met. Department of Revenue approves.  
Pending City of Ketchikan and Department of Labor. Background investigations pending.

**3077 Panda Restaurant:** Panda Restaurant, Inc.; Anchorage  
605 E Northern Lights Blvd  
**Transfer: Restaurant / Eating Place**  
From: Tseng Chiang Lee, Cheng Chi Lee, Jin Song Zhao

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending Municipality of Anchorage. Background investigations pending.

**3472 Patel's #2:** MSA, Inc.; Homer  
4287 Homer Spit Road #1  
**Transfer: Package Store**  
From: 3789 Homer Spit Road

All statutory requirements have been met. State Fire Marshal approves.  
Pending City of Homer. Background investigations complete.

**1456 Piccolinos:** Piccolinos Restaurants, Inc.; Anchorage  
12801 Old Glenn Highway (Eagle River)  
**Transfer: Beverage Dispensary**  
From: Eagle River Bowl, LLC d/b/a Whaler Bar & Grill; 171 Muldoon Road

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

**5224 Playa Azul:** Ramon Gonzalez.; Kenai  
12498 Kenai Spur Highway, Ste 1  
**Transfer: Restaurant / Eating Place**  
From: Francisco Rodriguez

All statutory requirements have been met. Department of Revenue approves.  
Pending City of Kenai and Department of Labor. Background investigations pending.

**1032 Sheep Creek Lodge:** All In, LLC; Mat-Su Borough  
59429 South Parks Highway (Mile 88 Parks Highway, Willow)  
**Transfer: Beverage Dispensary**  
From: John T. Kartsz c/o A. Lee Peterson

All statutory requirements have been met. Department of Revenue approves.  
Pending Mat-Su Borough and Department of Labor. Background investigations pending.

**1033 Sheep Creek Lodge:** All In, LLC; Mat-Su Borough  
59429 South Parks Highway (Mile 88 Parks Highway, Willow)  
**Transfer: Package Store**  
From: John T. Kartsz c/o A. Lee Peterson

All statutory requirements have been met. Department of Revenue approves.  
Pending Mat-Su Borough and Department of Labor. Background investigations pending.

**1060 Snyder Mercantile:** TKE Merc, LLC; Tenakee Springs  
Tenakee Avenue & E Street  
**Stock Transfer: Package Store**  
From: Jackie Heinricher 50% to Guy Thornburgh

All statutory requirements have been met. City of Tenakee Springs and Department of Revenue approve. Pending Department of Labor. Background investigations complete.

**5286 TRAX Outdoor Center:** TRAX Outdoor Center, LLC; Fairbanks North Star Borough  
314 Birch Hill Road  
**New: Restaurant / Eating Place**

All statutory requirements have been met. Fairbanks North Star Borough does not protest.  
Pending State Fire Marshal and Department of Environmental Conservation.  
Background investigations pending.

**1608 Villa Nova Restaurant:** Mozart, LLC; Anchorage  
5121 Arctic Blvd, Ste 1  
**Transfer: Restaurant / Eating Place**  
From: Elena, Inc.

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending Municipality of Anchorage. Background investigations pending.

**1244 Woodshed:** Woodshed, LLC; Anchorage  
535 West 3<sup>rd</sup> Avenue  
**Transfer: Beverage Dispensary**  
From: UPE, Inc. d/b/a Woodshed Lounge

All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending Municipality of Anchorage. Background investigations pending.

**END OF DELEGATED CONSENT AGENDA**

● **PROTESTS**

TAB 19

- 5317 Muse:** NANA Management Services, LLC; Anchorage  
625 C Street  
**New: Restaurant / Eating Place**
- All statutory requirements have been met.  
Background investigations completed.  
**Municipality of Anchorage protests pending approval from the Planning Division.**
- 416 North Shore Liquor:** North Shore Liquor, Inc.  
3610 N Burkeshore Drive; Mat-Su Borough  
**Renewal: Package Store**
- Unpaid \$100 Review Processing Fee**
- 612 King Mountain Lodge:** King Mountain Lodge, LLC  
34097 N Glenn Highway; Mat-Su Borough  
**Renewal: Beverage Dispensary**
- Unpaid Real Property Taxes and \$100 Review Processing Fee**
- 3059 Kenny Creek Lodge:** Kenny Creek Lodge, LLC  
Block 15 Lot 8; Mat-Su Borough  
**Renewal: Restaurant / Eating Place**
- Unpaid \$100 Review Processing Fee**
- 3888 Arctic Circle Club of North America:** James K. Flatley  
2750 E Palmer Wasilla Highway; Mat-Su Borough  
**Renewal: Beverage Dispensary**
- No Current MSB Business License or Tobacco Tax License**

● **OBJECTIONS**

**12:00 PM**

TAB 20

- 3219 Mom & Pops Grocery & Liquor:** LeeFamily Corporation; Anchorage  
601 W 36<sup>th</sup> Avenue, Ste 3 & 4  
**Transfer: Package Store**  
From: Mom & Pop Grocery & Liquor, Inc.
- Objection from citizen, Sam O'Connor**  
All statutory requirements have been met. Departments of Labor and Revenue approve.  
Pending Municipality of Anchorage. Background investigations pending.

● **COMPETING LICENSES – DELEGATION AUTHORITY**

12:10 PM

TAB 21

- 5322 Fireweed Chevron:** True North, Inc.; Anchorage  
2500 Seward Highway  
**New: Package Store**

All statutory requirements have been met. Pending Municipality of Anchorage.  
Background investigations pending.

- 5329 K & M Distributors:** Kwamayne Hopkins; Anchorage  
3048 Mountain View Drive, Ste 110  
**New: Package Store**

All statutory requirements have been met. Pending Municipality of Anchorage.  
Background investigations pending.

● **CONSENT AGENDA**

TAB 22

- 5294 Coco Café Restaurant:** Julio Estrada; Anchorage  
323 Barrow Street  
**New: Restaurant / Eating Place**

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

- 5326 Era Aviation N891EA:** Era Aviation, Inc.  
Alaskan Skies  
**New: Common Carrier**

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

- 5312 Fox Run Lodge & RV Campground:** Myra Desiree Olson; Mat-Su Borough  
4466 South Glenn Highway  
**New: Restaurant / Eating Place**

All statutory requirements have been met. Mat-Su Borough does not protest.  
State Fire Marshal and Department of Environmental Conservation approve.  
Background investigations pending. Temporary has been issued.

**1767 Gold Star Keg King:** Luna Sea, Inc.; Fairbanks North Star Borough  
1955 Van Horn Road  
**Transfer: Package Store**  
From: Golden Port Enterprises, Inc. d/b/a Gold Star Liquor Store

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Departments of Labor and Revenue approve. Background investigations complete. Temporary has been issued.

**5301 Houston Lodge Restaurant:** Laura Pruett; Houston  
16696 W Parks Highway  
**New: Restaurant / Eating Place**

All statutory requirements have been met. City of Houston does not protest. State Fire Marshal and Department of Environmental Conservation approve. Background investigations complete. Temporary has been issued.

**5302 Hungry Bear Restaurant:** Hwabok, LLC; Anchorage  
401 I Street  
**New: Restaurant / Eating Place**

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

**3695 Louie's Douglas Inn:** South of the Bridge, LLC; Juneau  
915 3<sup>rd</sup> Street  
**Transfer: Beverage Dispensary**  
From: No Premises

All statutory requirements have been met. City & Borough of Juneau and Department of Environmental Conservation approve. Background investigations complete. Temporary has been issued.

**4733 No DBA:** Triplets, Inc.; Wasilla  
No Premises  
**Transfer: Beverage Dispensary**  
From: Wasilla Apple, Inc. d/b/a Glacier Canyon Grill; 2900 E Parks Highway

All statutory requirements have been met. City of Wasilla does not protest. Departments of Labor and Revenue approve. Background investigations complete.

**787 Nugget Liquor:** McCarthy Ventures, LLC; Outside/Unorganized  
50 Kennicott Avenue (McCarthy)  
**Transfer: Package Store**  
From: 101 Kennicott Avenue

All statutory requirements have been met. State Fire Marshal approves.  
Background investigations complete. Temporary has been issued.

**4530 Regency Fairbanks Hotel:** Pacific Rim Associates I, Inc.; Fairbanks  
1288 Sadler Way  
**Transfer: Beverage Dispensary**  
From: Xavier's, Inc. d/b/a Barracuda's Beach Bar

All statutory requirements have been met. City of Fairbanks does not protest.  
Departments of Labor and Revenue approve. Background investigations complete.

**5321 Resolution Brewing Company:** Chugach Brewing Company, LLC; Anchorage  
3024 Mountain View Drive  
**New: Brewery**

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

**5309 Sea Otter Sound Lodge:** Alaska Sea Otter Sound Lodge, LLC; Outside/Unorganized  
55° 47' 16.89" N, 133° 29' 22.94" W (44 miles NW of Craig)  
**New: Lodge**

All statutory requirements have been met. State Fire Marshal and Department of  
Environmental Conservation approve. Background investigations pending.  
Temporary has been issued.

**5319 Steamboat Bay Fishing Club:** Steamboat Bay Fishing Club, LLC; Outside/Unorganized  
Steamboat Bay, Noyes Island  
**New: Lodge**

All statutory requirements have been met. Department of Environment Conservation and  
State Fire Marshal approve. Background investigations complete.  
Temporary has been issued.

**447 Suite 907:** Suite 907, LLC; Juneau  
9121 Glacier Highway  
**Transfer: Beverage Dispensary**  
From: Alaska Promotions, LLC d/b/a Brandi's Airport Bar; 1873 Shell Simmons Drive

All statutory requirements have been met. City & Borough of Juneau does not protest.  
Departments of Environmental Conservation, Labor, and Revenue approve.  
Background investigations pending. Temporary has been issued.

- 5318 The Flats Bistro:** The Flats, Inc.; Kenai Peninsula Borough  
39847 Kalifornsky Beach Road  
**New: Restaurant / Eating Place**

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

- 3043 The Green Store:** The Green Store, Inc.; Mat-Su Borough  
3655 S Old Glenn Highway  
**Transfer: Package Store**  
From: Peggy J. Watson d/b/a Wolverine Lodge; 16.2 Lake Louise Junction Road

All statutory requirements have been met. Mat-Su Borough approves. State Fire Marshal and Departments of Labor and Revenue approve. Background investigations completed.

- 5314 The Green Store & Cafe:** The Green Store, Inc.; Mat-Su Borough  
3655 S Old Glenn Highway  
**New: Restaurant / Eating Place**

All statutory requirements have been met. Mat-Su Borough approves. State Fire Marshal and Department of Environmental Conservation approve. Background investigations completed. Temporary has been issued.

- 5316 The Red Chair Cafe:** Muddsuckers, Inc.; Anchorage  
337 East 4<sup>th</sup> Avenue, South Entrance  
**New: Restaurant / Eating Place**

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

- 5296 Torchon Bistro:** Busted Chefs, Incorporated; Anchorage  
1921 W Dimond Blvd, Ste 160  
**New: Restaurant / Eating Place**

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

- 5311 White Spot Cafe:** Tom Doerner; Anchorage  
109 West 4<sup>th</sup> Avenue  
**New: Restaurant / Eating Place**

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

5307 **Won Jo Tofu House:** Song D. Hong; Anchorage  
515 W Fireweed Lane  
**New: Restaurant / Eating Place**

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

**END OF CONSENT AGENDA**

● **FIRST WAIVERS**

**TAB 23**

742 **The Voyager Restaurant:** RPS, LLC; Anchorage  
944 West 5<sup>th</sup> Avenue  
**License:** Beverage Dispensary – Tourism

● **NOTICES OF VIOLATION**

A. Notices of Violation Issued and Licensee Responses

**TAB 24**

● **NEXT ABC BOARD MEETING**



**Alcoholic Beverage Control Board  
Schedule of Appearance  
July 8, 2014**

| <u>Time</u> | <u>Name/D.B.A.</u>                             | <u>Name of person to appear</u>   | <u>Tab</u> |
|-------------|--|---|------------|
| 9:15 AM     | Director Briefing                              | Interim Director Beasley  | 1          |
| 9:35 AM     | Public Testimony                               |   |            |
| 10:05 AM    | Three Bears:<br>Reconsideration of<br>Transfer | Steve Mierop, Three Bears<br>980-0721<br>Sun Sims, Eagle River Liquor<br>622-4545<br>Michael Butler<br>830-5426 | 8          |
| 10:20 AM    | Northern Lights Spa:<br>Reconsideration        | Jeff Graham, Basile Group<br>240-7431   | 5          |
| 10:35 AM    | Rum Runners @ Mat-Su:<br>No Response to NOV    | John Emmi, Mat-Su Resort<br>229-7135  | 6          |
| 10:45 AM    | Salty Dawg Saloon:<br>Request to Dismiss NOV   | Cecilia Rockett, Manager<br>299-7776  | 7          |
| 11:00 AM    | Kotzebue Grille:<br>New BD - Community         | Joe Evans, City Attorney<br>Derek Martin, City Manager  | 17         |
| 11:10 AM    | Legends:<br>Resurrect & Renew                  | Laura VanDaniker, Host International<br>644-7405  | 9          |
| 11:20 AM    | Café 817:<br>NOV                               | Mark Novosad, Muffin Man & Co.<br>306-0090  | 11         |
| 11:30 AM    | Club Soraya:<br>NOV                            | Hector Ortiz, Latin Connection<br>563-6940  | 12         |
| 11:40 AM    | De Canter Inn:<br>NOV                          | Glenn Tisdale, Owner<br>598-0600  | 13         |
| 11:50 AM    | Nikko Garden:<br>NOV                           | Si Cha Sin, Owner<br>262-7122   | 14         |

| <u>Time</u> | <u>Name/D.B.A.</u>                          | <u>Name of person to appear</u>   | <u>Tab</u> |
|-------------|---|---|------------|
| 12:00 PM    | Mom & Pops Liquor:<br>Objection to Transfer | Sherman Ernouf, Ernouf & Coffey<br>274-3385   | 20         |
| 12:10 PM    | Competing Licenses                          | Michelle Mulholland, Fireweed Chevron<br>349-0677<br>Kwamayne Hopkins, K & M Distributors<br>947-4740 | 21         |



**License List by Tab Numbers**

**July 8, 2014**

| <b>License #</b> | <b>Establishment</b>                | <b>Tab #</b> |
|------------------|-------------------------------------|--------------|
| 3888             | Arctic Circle Club of North America | 19           |
| 113              | Bettles Lodge                       | 18           |
| 3096             | Bettles Lodge                       | 18           |
| 2847             | Bojangles                           | 18           |
| 176              | Breeze-In Liquor                    | 18           |
| 4313             | Cabin Nite Dinner Theatre           | 15           |
| 4449             | Café 817                            | 11           |
| 4353             | Club Soraya                         | 12           |
| 5294             | Coco Café Restaurant                | 22           |
| 4876             | Courtyard Café                      | 15           |
| 297              | De Canter Inn                       | 13           |
| 5326             | Era Aviation N891EA                 | 22           |
| 3376             | Fairbanks Golf Course               | 18           |
| 5322             | Fireweed Chevron                    | 21           |
| 5312             | Fox Run Lodge & RV Campground       | 22           |
| 1767             | Gold Star Keg King                  | 22           |
| 5301             | Houston Lodge Restaurant            | 22           |
| 5302             | Hungry Bear Restaurant              | 22           |
| 4923             | JL-LL Holding                       | 18           |
| 5329             | K & M Distributors                  | 21           |
| 5338             | Kenai River Lodge                   | 15           |
| 3059             | Kenny Creek Lodge                   | 19           |
| 612              | King Mountain Lodge                 | 19           |
| 649              | Klondike Mike's Saloon              | 18           |
| 5336             | Kotzebue Grille                     | 17           |
| 4547             | Lavelle's Bistro                    | 18           |
| 4044             | Legends                             | 9            |
| 3695             | Louie's Douglas Inn                 | 22           |
| 3219             | Mom & Pops Grocery & Liquor         | 20           |
| 5323             | Mount Aurora Lodge                  | 18           |
| 5310             | Mountain Sky Hotel Restaurant       | 15           |
| 5258             | Mt. McKinley PWL - The Snack Cache  | 15           |
| 5317             | Muse                                | 19           |
| 4308             | Nenana View Bar and Grille          | 15           |
| 3239             | New Peking and Sushi                | 18           |
| 2069             | Nikko Garden                        | 14           |
| 4733             | No DBA (Glacier Canyon Grill)       | 22           |
| 727              | No DBA (Midway Lodge)               | 18           |
| 416              | North Shore Liquor                  | 19           |
| 5281             | Northern Lights Spa                 | 5            |
| 787              | Nugget Liquor                       | 22           |

**License List by Tab Numbers**  
**July 8, 2014**

|      |                                 |    |
|------|---------------------------------|----|
| 3709 | Oasis Restaurant & Lounge       | 18 |
| 3315 | Old Town Liquor                 | 18 |
| 3077 | Panda Restaurant                | 18 |
| 3472 | Patel's #2                      | 18 |
| 1456 | Piccolinos                      | 18 |
| 5224 | Playa Azul                      | 18 |
| 4530 | Regency Fairbanks Hotel         | 22 |
| 5321 | Resolution Brewing Company      | 22 |
| 5341 | Romeo's Tap Room                | 15 |
| 1563 | Rum Runners @ The Mat-Su Resort | 6  |
| 1002 | Salty Dawg Saloon               | 7  |
| 5309 | Sea Otter Sound Lodge           | 22 |
| 1032 | Sheep Creek Lodge               | 18 |
| 1033 | Sheep Creek Lodge               | 18 |
| 1060 | Snyder Mercantile               | 18 |
| 5319 | Steamboat Bay Fishing Club      | 22 |
| 447  | Suite 907                       | 22 |
| 5340 | The Annex                       | 15 |
| 5291 | The Attic                       | 16 |
| 5318 | The Flats Bistro                | 22 |
| 3043 | The Green Store                 | 22 |
| 5314 | The Green Store & Café          | 22 |
| 5316 | The Red Chair Café              | 22 |
| 5307 | The Voyager Restaurant          | 23 |
| 1011 | Three Bears                     | 8  |
| 5296 | Torchon Bistro                  | 22 |
| 5286 | TRAX Outdoor Center             | 18 |
| 5255 | Tsaina Lodge (Winter)           | 15 |
| 1608 | Villa Nova Restaurant           | 18 |
| 742  | Voyager Inn                     | 15 |
| 5311 | White Spot Café                 | 22 |
| 5307 | Won Jo Tofu House               | 22 |
| 1244 | Woodshed                        | 18 |

**Tab**

**1**



## MEMORANDUM

TO: Chair Klein and Members of the ABC Board      DATE: June 30, 2014

FROM: Robert L. Beasley, Interim Director      RE: Director's Report

A handwritten signature in blue ink, appearing to be "RLB", positioned between the "FROM" and "RE" lines of the memorandum header.

### Director Vacancy

The ABC Board's Executive Director position, left vacant following the retirement of Shirley Coté on May 23, 2014, has been advertised with a closing date of June 30, 2014. The DCCED Commissioner's office has been tasked with the recruiting and interviewing of those who have applied. I was appointed as Interim Director by the Governor's office effective May 24, 2014 until a new Director is appointed.

### Employee Promoted

Following interviews with eleven applicants, ABC Business Registration Examiner, Sarah Oates, was promoted to Records & Licensing Supervisor on June 19, 2014. The Records & Licensing Supervisor position had been vacated as a result of the retirement of Christine Lambert on May 14, 2014. Prior to her promotion, Sarah had been serving as the acting supervisor since May 24, 2014.

### Investigator Training

Fairbanks Investigator, Rich Finney, and Juneau Investigator, Steve Johnson, both successfully completed a forty-hour FTO (Field Training Officer) course sponsored by Kiminsky & Associates.

### Investigation – Traffic in Alcohol Without a License or Permit

ABC Investigators completed an investigation regarding complaints from several business owners in the Denali Park area that an unlicensed Lodge has a reputation of serving beer to its overnight guests for donations.

Several investigations into other businesses conducting similar activities are also underway.



### **Interim Director Travel**

On June 15, 2014, I flew to Portland, Oregon at the request of Chair Klein, and approved by the Commissioner's office, to attend a two-day (6/16 – 6/17) meeting sponsored by the Center for Disease Control regarding marijuana.

Diane Casto with the Department of Health & Social Services and Natasha Pineda with the Mental Health Trust Authority also attended. There were representatives from the States of Colorado, Washington, Hawaii, Oregon, and Alaska present. The purpose of the meeting was to learn and discuss what impacts recreational marijuana has had on Colorado, what impacts Washington anticipates as a result of its recreational marijuana law, and what were the unintended consequences not realized at the time the regulations and statutes were finalized.

### **Regulation Changes**

The three regulation changes and/or amendments discussed during the last board meeting have been submitted to the Department of Law for preliminary review. That review has been completed and will come before the Board for adoption.

### **2014 Compliance Check Goals Completed**

| REGION | TOTAL | PASS | FAIL | PERCENTAGE PASS |
|--------|-------|------|------|-----------------|
| CBJ    | 41    | 37   | 4    | 90.2 %          |
| FNSB   | 96    | 77   | 19   | 80.2 %          |
| MOA    | 328   | 300  | 28   | 91.4 %          |
| SE     | 80    | 75   | 5    | 93.7 %          |
| MSB    | 97    | 87   | 10   | 89.6 %          |
| KPB    | 115   | 101  | 14   | 87.8 %          |
| R-ON   | 68    | 62   | 6    | 91.1 %          |
| R-OFF  | 30    | 28   | 2    | 93.3 %          |

Total Compliance Checks: 855

Overall Passage Rate:

2014 89.7 %  
2013 89.0 %  
2012 87.0 %  
2011 88.0 %  
2010 86.0 %

**Tab**

**2**

**State of Alaska  
Alcoholic Beverage Control Board  
Anchorage Meeting Minutes  
April 29, 2014**

● **DIRECTOR BRIEFING**

A. Director's Report [8:55:24 AM](#) **TAB 1**

● **ADMINISTRATION**

A. Approve minutes of the February 11, 2014 Board Meeting [9:22:37 AM](#) **TAB 2**

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

**Roll call vote** [9:23:29 AM](#)  
Approved 5-0

Bobby Evans requests that the minutes be amended to “excused” rather than “absent” for his voting record

● **PUBLIC TESTIMONY** [9:23:49 AM](#)

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 [9:49:11 AM](#) **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.

Bob Klein recuses himself – Ethan Billings chaired the meeting during this matter

Marvin Yoder **motions to approve transfer**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote:** [10:02:27 AM](#)  
Approved 4-0

- B. 4100 Brown Bear Liquor:** Ellen P. Tubbs; Outside/Unorganized  
 Mile 183.5 Glenn Hwy.  
**Appeal of Ownership Transfer**
- [10:03:06 AM](#)      [TAB 4](#)  
[12:07:10 PM](#)
- Ethan Billings **motions to revoke license from Cindy Rhodes**  
[10:30:14 AM](#)  
 Bobby Evans **seconds the motion**
- [10:30:28 AM](#) Chair polls board members regarding  
 misrepresentation on renewal applications from Cindy Rhodes
- Roll call vote states misrepresentation occurred & revocation is  
 in order** [10:31:07 AM](#)
- Motion carried** [10:31:24 AM](#)  
 Approved 5-0
- Marvin Yoder **motions to reconsider transfer of license to Ms.  
 Tubbs** [10:31:48 AM](#)  
 Ethan Billings **seconds the motion**
- Roll call vote** [10:31:54 AM](#)  
 Approved 5-0
- Discussion delayed until Assistant Attorney General can review  
 liquor license file** [10:36:09 AM](#) Discussion moved to 11:30AM
- [12:07:20 PM](#) Assistant Attorney General gives Board members  
 opinion of liquor license file review
- [12:18:17 PM](#) **Roll call vote to rescind transfer of liquor license**  
 Approved 5-0
- C. Recommend Investigator Joseph Bankowski to Carry Firearm** [1:00:02 PM](#)      [TAB 5](#)
- Bobby Evans **motions to approve**  
 Ethan Billings **seconds the motion**  
**Motion carried**
- Roll call vote** [1:02:31 PM](#)  
 Approved 5-0
- D. 5227 George Inlet Lodge(PDR 4):** George Inlet Development,  
 LLC; Ketchikan  
 11728 S Tongass Hwy.  
**Request Duplicate License Reconsideration**
- No motion made** [10:39:30 AM](#)      [TAB 6](#)

- E. **5281 Northern Lights Spa:** Basile Group, LLC; Anchorage [11:02:51 AM](#) TAB 7  
5000 W International Airport Road  
**New – Beverage Dispensary Tourism**

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

Marvin Yoder **motions to approve**  
Ellen Ganley **seconds the motion**  
**Motion does not carry**

**Roll call vote** [11:17:01 AM](#)

Denied 1-4  
Bob Klein votes yes  
Ellen Ganley votes no  
Ethan Billings votes no  
Marvin Yoder votes no  
Bobby Evans votes no

- F. **177 Breeze Inn:** Juris Mindenburgs; Seward [11:26:31 AM](#) TAB 8  
1311 Fourth Ave.  
**Refund Renewal Late Fee**

- G. **1040 Shelikof Lodge:** Rella Mae Corporation; Kodiak  
211 Thorsheim  
**Refund Renewal Late Fee**

Marvin Yoder **motions to deny**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote** [11:30:42 AM](#)

Approved 5-0

- **Resurrect & Renew** [11:30:58 AM](#) TAB 9

**1242 Willow Tree Inn:** Alaska '49 LLC; Dillingham  
**License: Beverage Dispensary**  
513 Wood River Road

Marvin Yoder **motions to approve**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote** [11:34:01 AM](#)

Approved 5-0

● **Regulations**

- A. Licensed Premises 3 AAC 304.185(a) 1:04:28 PM

Marvin Yoder **motions to approve**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote** 1:09:15 PM  
Approved 5-0

- B. Conduct of board meetings 3 AAC 304.025 1:09:28 PM

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

**Roll call vote** 1:10:11 PM  
Approved 5-0

- C. Public notice 3 AAC 304.125 1:10:20 PM

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

**Roll call vote** 1:11:42 PM  
Approved 5-0

- D. Powers of investigative personnel 3 AAC 304.505 1:11:58 PM

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

**Roll call vote** 1:15:50 PM  
Approved 5-0

- E. Regulation proposal for license not required 3 AAC 304 1:16:08 PM

No motion made

● **ACTION ON LICENSEE CONVICTION/VIOLATION**

- A. Prior Licensee Sanctions TAB 11

**B. 493 Hamilton's Place:** Mark & Dolores Wilson; 11:34:25 AM TAB 12  
Kenai Peninsula Borough  
**License: Package Store**  
18280 Sterling Hwy

**Violations: 1. Furnishing Alcohol to a Person Under 21**

Ethan Billings **motions to waive fine & suspension**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote 11:38:45 AM**  
Approved 5-0

**C. 5107 KOGI:** Sushi Garden, Inc.; Anchorage 11:39:43 AM TAB 13  
800 Northway Drive 1:18:16 PM  
**License: Restaurant Eating Place**

**Violation: Licensee Responsible for Violations**

Bobby Evans **motions to suspend license for 30 days, 23 days suspended, no further violations for one year**  
Ethan Billings **second the motion**  
**Motion carried**

**Roll call vote 1:28:23 PM**  
Approved 5-0

● **TOURISM LICENSES – RENEWALS – CONSENT AGENDA** 9:24:26 AM 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 48<sup>th</sup> 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.

Bobby Evans **motions to approve**  
Ethan Billings **seconds the motion**  
**Motion carried**  
**Roll call vote [9:29:39 AM](#)**  
Approved 5-0

● **BEVERAGE DISPENSARY – TOURISM** [9:30:50 AM](#) TAB 15

5282 **Anchorage City Limits Lofts:** H.P. Holdings; Anchorage  
239 W 4<sup>th</sup> 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; Outside/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.

Marvin Yoder **motions to approve**  
Bobby Evans **seconds the motion**  
**Motion carried**

**Roll call vote [9:33:11 AM](#)**  
Approved 5-0

● **RESTAURANT EATING PLACE – PUBLIC CONVENIENCE** [2:01:13 PM](#) **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.

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

**Roll call vote [2:02:41 PM](#)**  
Approved 5-0

● **DELEGATED CONSENT AGENDA** [9:33:35 AM](#) **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 6<sup>th</sup>; 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**

[9:33:47 AM](#)

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.

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

**Roll call vote** [9:41:26 AM](#)  
Approved 5-0

#### **END OF DELEGATED CONSENT AGENDA**

#### ● **PROTESTS**

**1011 Three Bears:** Three Bears Alaska, Inc.; Anchorage [1:54:13 PM](#)    **TAB 18**  
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**

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

Bobby Evans **motions to uphold protest with delegation**  
Marvin Yoder **seconds the motion**  
**Motion carried**

**Roll call vote** [1:56:30 PM](#)  
Approved 5-0

● **OBJECTIONS**

1:56:40 PM

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 – Package Store**  
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.

**Marvin Yoder motions to uphold protest with delegation**  
**Bobby Evans seconds the motion**  
**Motion carried**

**Roll call vote 1:58:34 PM**  
Approved 5-0

● **RENEWAL PROTESTS**

1:58:48 PM

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 9<sup>th</sup> Street  
**Delinquent & unpaid taxes – Restaurant Eating Place**  
  
**Protest has been lifted**
- 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**

Marvin Yoder **motions to uphold protest with delegation**  
Bobby Evans **seconds the motion**  
**Motion carried**

Roll call vote [2:00:47 PM](#)  
Approved 5-0

● **COMPETING LICENSES – DELEGATION AUTHORITY** [11:41:40 AM](#) **TAB 21**

**5295 Lunchbox.:** Timberwolf Ventures, Inc.; Juneau [11:50:31 AM](#)  
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 [11:46:09 AM](#)  
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.

ABC Board decides to select the licensee by drawing. Chair selected right hand of Director Coté containing the name of Lunchbox. [12:00:32 PM](#)

● **CONSENT AGENDA** [9:42:11 AM](#) **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.

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

**Roll call vote** [9:44:38 AM](#)  
Approved 5-0

● **FIRST AND SECOND WAIVERS**

[9:44:48 AM](#)

**TAB 23**

**1<sup>st</sup> 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

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

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

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

**Roll call vote 9:45:41 AM**  
Approved 5-0

**4<sup>th</sup> Waivers**

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

12:24:07 PM      TAB 24

Bobby Evans **motions to approve 4<sup>th</sup> and final waiver with provision that license must be operated in 2014**  
Martin Yoder **seconds the motion**

**Roll call vote 12:35:38 PM**  
Approved 5-0

● **2013 EXPIRED LIQUOR LICENSE LIST**

TAB 25

**END OF CONSENT AGENDA**

● **NOTICE OF VIOLATION**

2:04:04 PM

A. Notices of Violation Issued and Licensee Responses

TAB 26

● **NEXT ABC BOARD MEETING – July 8, 2014 in Fairbanks**

2:13:29 PM

Minutes reviewed & approved by:

Shirley A, Coté, Director Shirley A. Cote

Date: 5/5/14

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

Date: 5-5-14

**Tab**

**3**

June 11, 2013

The Honorable Mead Treadwell  
Lieutenant Governor  
P.O. Box 110015  
Juneau, Alaska 99811-0015

Re: *Review of Initiative Application for "An Act to Tax and Regulate the  
Production, Sale, and Use of Marijuana."*  
A.G. File No. JU2013200236

Dear Lieutenant Governor Treadwell:

You asked us to review an application for an initiative entitled "An Act to tax and regulate the production, sale, and use of marijuana" ("13PSUM"). Because the application complies with the specific constitutional and statutory provisions governing the initiative process, we recommend that you certify the application.

**I. Summary of the proposed bill.**

**A. Brief summary and background.**

The bill proposed by this initiative would provide for the taxation and regulation of the production, sale, and use of marijuana. The bill provides for the personal use of marijuana and imposes various restrictions on personal cultivation, public use, and the operation of marijuana-related facilities. The bill also allows the legislature to create a Marijuana Control Board in the Department of Commerce, Community, and Economic Development, provides for the adoption of regulations, and allows for local control of the manufacture and sale of marijuana (but probably not the local prohibition of personal use). Finally, the bill imposes an excise tax on the sale or transfer of marijuana, and provides for the enforcement and administration of that tax.

**B. Sectional summary.**

The bill proposed by this initiative is eight pages long, single-spaced, and consists of three sections. The first section adds a new chapter to Title 17 of the Alaska Statutes consisting of 14 new statutes. The second section adds a new chapter to Title 43 of the

Alaska Statutes consisting of three new statutes. The third section adds a severability clause to the bill.

**Section 1.** This section would add a new chapter, AS 17.38, Regulation of Marijuana, to the Alaska Statutes consisting of fourteen provisions:

- **AS 17.38.010. Purpose and findings.** This provision states the Act's intent to legalize marijuana for use by persons age 21 or older, in the interest of allowing law enforcement to focus on violent and property crimes and to promote individual freedom. The statute would provide that the production and sale of marijuana should be regulated such that legitimate businesses—not criminal actors—sell marijuana and that such sale should be conducted in a manner that protects consumers and promotes public health and safety. Finally, the statute would provide that the Act does not intend to abrogate or diminish rights or responsibilities under the Alaska Constitution or federal law.
- **AS 17.38.020. Personal use of marijuana.** This statute would legalize the personal use of marijuana for persons age 21 or older. Specifically, the statute would permit: the possession, use, display, purchase, or transportation of marijuana accessories or one ounce or less of marijuana; the possession, growth, processing, or transporting of no more than six marijuana plants (with three or fewer being mature, flowering plants) and possession of the marijuana on the premises where the plants were grown; the transfer of one ounce or less of marijuana and up to six immature marijuana plants to a person who is 21 years of age or older without remuneration; the consumption of marijuana in a non-public location; and assisting another person who is 21 years of age or older in any of the above activities.
- **AS 17.38.030. Restrictions on personal cultivation, penalty.** This statute would impose certain restrictions on the personal cultivation of marijuana. Specifically, marijuana plants must be: cultivated in a location where the plants are not subject to naked-eye public view; reasonably secure from unauthorized access; cultivated only on property lawfully possessed by the cultivator or with the property owner's consent. The statute would impose a maximum \$750 fine for a violation.

- **AS 17.38.040. Public consumption banned, penalty.** This statute would ban the public consumption of marijuana and would permit a maximum \$100 fine for a violation.
- **AS 17.38.050. False identification, penalty.** This statute would prohibit a person under 21 years of age from presenting false identification to purchase or attempt to purchase marijuana or marijuana accessories, or access a marijuana establishment. The statute would provide for a \$400 maximum fine for a violation.
- **AS 17.38.060. Marijuana accessories authorized.** This statute would legalize the manufacture, possession, purchase, distribution, and sale of marijuana accessories by and to persons age 21 years of age or older.
- **AS 17.38.070. Lawful operation of marijuana-related facilities.** This statute would legalize certain activities conducted by a validly registered retail marijuana store, marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or any such establishment's authorized owner, agent, or employee, as long as that person is 21 years of age or older. Generally, the statute would provide that such an establishment may purchase, possess, display, store, transport, deliver, transfer, receive, harvest, process, or package marijuana and marijuana products subject to certain restrictions. The statute would provide that such an establishment may be penalized for violations of the Act or duly adopted rules of the Alcoholic Beverage Control (ABC) Board or local governments pursuant to the Act. Finally, the statute would provide that the provisions of AS 17.30.020 (Controlled Substances) do not apply to marijuana establishments.
- **AS 17.38.080. Marijuana Control Board.** This statute would permit the legislature to create a Marijuana Control Board in the Department of Commerce, Community, and Economic Development to assume the duties of the ABC Board under AS 17.38.
- **AS 17.38.090. Rulemaking.** This statute would require the ABC Board to adopt regulations to implement AS 17.38 no later than nine months after the Act's effective date. Generally, such regulations must include regulations governing marijuana establishments and cover such topics as: procedures subject to the Administrative Procedure Act to apply for, receive, and revoke the registration of a marijuana establishment; a

schedule of registration fees; qualifications for registration; security requirements and requirements to prevent the sale of marijuana to persons under 21 years of age; labeling requirements, advertising and display restrictions, and health and safety standards for marijuana and marijuana products; and civil penalties for failure to comply with the regulations. This statute would provide that the ABC board shall not require a consumer to present any personal information other than a government-issued identification to prove age at a retail marijuana store, and that such a store shall not be required to acquire personal information about consumers.

- **AS 17.38.100. Marijuana establishment registrations.** This statute would govern the application process for registering a marijuana establishment. The statute would vest this duty primarily in the ABC Board, acting in conjunction with local governments as applicable. The statute would impose various timeframes for the processing of such applications. The statute would provide that each registration must specify where the establishment would operate, and that books and records of such establishments would be subject to the ABC Board's inspection.
- **AS 17.38.110. Local control.** Generally, this statute would allow a local government to: prohibit the operation of a marijuana cultivation, manufacturing, testing, or retail facility through the enactment of an ordinance or through voter initiative; enact ordinances to govern the time, place, and manner of marijuana establishment operations; designate a local regulatory authority to process applications to register a marijuana establishment and create procedures surrounding this application process subject to the Administrative Procedure Act.
- **AS 17.38.120. Employers, driving, minors and control of property.** This statute provides that the Act is not intended to: require any employer to permit or accommodate the use, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace; allow driving under the influence of marijuana or supersede related laws; permit the transfer of marijuana with or without remuneration to a person under age 21; or prohibit a person, employer, or any other entity who occupies, owns or controls private property from prohibiting or controlling the use, display, transfer, distribution, sale, or growth of marijuana on that property.

- **AS 17.38.130. Impact on medical marijuana law.** This statute would provide that nothing in the Act is intended to limit the privileges or rights of a medical marijuana patient or caregiver under AS 17.37.
- **AS 17.38.900. Definitions.** This statute would define fourteen different terms used throughout the Act.

**Section 2.** This section adds a new chapter, AS 43.61, Excise Tax on Marijuana, to the Alaska Statutes, consisting of three provisions:

- **AS 43.61.010. Marijuana tax.** This statute would impose a \$50 per ounce (or proportionate part) excise tax on the sale or transfer of marijuana from a marijuana cultivation facility to a retail marijuana store or marijuana product manufacturing facility. The marijuana cultivation facility would pay the tax. The Department of Revenue could exempt certain parts of the marijuana plant from the tax or could establish a lower rate for certain parts of the plant.
- **AS 43.61.020. Monthly statement and payments.** This statute would require each marijuana cultivation facility to send monthly tax statements and payments to the Department of Revenue based on the amount of marijuana sold or transferred to retail marijuana stores and marijuana product manufacturing facilities during the preceding month.
- **AS 43.61.030. Administration and enforcement of tax.** This statute would subject a marijuana cultivation facility to the civil penalties under AS 43.05.220 for delinquent payments under the Act and allow for the revocation of a delinquent facility's registration pursuant to regulations adopted under the Act.

**Section 3.** This section is a standard severability clause providing that if any portion of the Act is found invalid, the remainder will not be affected.

## **II. Analysis.**

Under AS 15.45.070, the lieutenant governor must review an application for a proposed initiative and within sixty calendar days of receipt either "certify it or notify the initiative committee of the grounds for denial." The application for the 13PSUM initiative was filed on April 16, 2013. The 60th calendar day after the filing date is June 15, 2013. Under AS 15.45.080, certification shall only be denied if: "(1) the

proposed bill to be initiated is not confined to one subject or is otherwise not in the required form; (2) the application is not substantially in the required form; or (3) there is an insufficient number of qualified sponsors.”

**A. Form of the proposed bill.**

In evaluating an initiative application, you must determine whether the application is in the “proper form.”<sup>1</sup> Specifically, you must decide whether the application complies with “the legal procedures for placing an initiative on the ballot, and whether the initiative contains statutorily or constitutionally prohibited subjects which should not reach the ballot.”<sup>2</sup>

The form of a proposed initiative bill is prescribed by AS 15.45.040, which requires four things: (1) the bill be confined to one subject; (2) the subject be expressed in the title; (3) the enacting clause state: “Be it enacted by the People of the State of Alaska”; and (4) the bill not include prohibited subjects. The prohibited subjects are the dedication of revenues, the making or repealing of appropriations, the creation of courts, defining the jurisdiction of courts or prescribing their rules, or enacting local or special legislation.<sup>3</sup>

This initiative bill meets the first three requirements. It is confined to one subject—the production, taxation, sale, and use of marijuana. The subject is expressed in the title, “An act to tax and regulate the production, sale, and use of marijuana.” And the required enacting clause is present.

With respect to the final requirement, in determining whether an initiative bill contains a prohibited subject, the Alaska Supreme Court has adopted a “deferential attitude toward initiatives,”<sup>4</sup> and has consistently recognized that the constitutional and statutory provisions pertaining to the use of the initiative should be liberally construed in

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<sup>1</sup> Alaska Const. art. XI, § 2.

<sup>2</sup> *McAlpine v. Univ. of Alaska*, 762 P.2d 81, 87 n.7 (Alaska 1988).

<sup>3</sup> AS 15.45.010; *see* Alaska Const. art. XI, § 7 (also prohibiting dedication of revenue, the creation of courts, defining the jurisdiction of courts or prescribing their rules).

<sup>4</sup> *Yute Air Alaska, Inc. v. McAlpine*, 698 P.2d 1173, 1181 (Alaska 1985).

favor of allowing an initiative to reach the ballot.<sup>5</sup> Indeed, the court has “sought to preserve the people’s right to be heard through the initiative process wherever possible.”<sup>6</sup> Analyzing the bill with these principles in mind, we conclude that the initiative bill contains no prohibited subject and satisfies the fourth requirement relating to the form of an initiative.

### 1. Does 13PSUM Contain a Prohibited Subject?

As noted above, an initiative may not be proposed to dedicate revenue, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation.<sup>7</sup> Proposed initiative 13PSUM does not create a court, define the jurisdiction of a court or prescribe a court rule. The bill applies statewide and therefore is not a local or special act. Nor does the bill dedicate revenue or make or repeal an appropriation.<sup>8</sup> Accordingly, it contains no prohibited subject.

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<sup>5</sup> *McAlpine*, 762 P.2d at 91; *Yute Air*, 698 P.2d at 1181.

<sup>6</sup> *Pebble Ltd. P’ship ex rel. Pebble Mines Corp. v. Parnell*, 215 P.3d 1064, 1076 (Alaska 2009).

<sup>7</sup> AS 15.45.010; Alaska Const. art. XI, § 7.

<sup>8</sup> The Alaska Supreme Court has approved the imposition and distribution of taxes through ballot initiative. *See, e.g., North West Cruiseship Ass’n of Alaska, Inc. v. State, Office of Lieutenant Governor, Div. of Elections*, 145 P.3d 573 (Alaska 2006) (initiative imposing certain taxes and other requirements on cruise ships allowed on 2006 statewide primary election ballot); *see also City of Fairbanks v. Fairbanks Convention and Visitors Bureau*, 818 P.2d 1153 (Alaska 1991) (placing on the ballot an initiative reallocating hotel bed tax revenues). Further, neither the creation of a Marijuana Control Board nor the imposition of duties on the ABC Board makes an appropriation, because courts have held that laws that “merely create new government programs or liabilities do not constitute appropriations.” *McAlpine*, 762 P.2d at 90. The creation of the Marijuana Control Board is committed to the legislature’s discretion. The Alaska Supreme Court has held that an initiative would make an appropriation where it would “designate the use of state assets in a manner that is executable, mandatory, and reasonably definite with no further legislative action.” *Id.* at 91. Nothing in 13PSUM meets that definition.

## 2. Does 13PSUM Raise Any Additional Constitutional Concerns?

Initiative 13PSUM includes a statement of purpose and findings, providing that the bill is not intended to diminish the constitutional right to privacy under *Ravin v. State*,<sup>9</sup> nor “require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.” We briefly address *Ravin* and relevant federal drug control laws in light of these statements.

In 1975, the Alaska Supreme Court held in *Ravin v. State* that the right to privacy under the Alaska Constitution permits an adult to use and possess small amounts of marijuana in the home. Accordingly, *Ravin* sets Alaska’s minimum constitutional standard for such activity. Because 13PSUM expands rather than restricts the personal use of marijuana, we believe the bill is facially consistent with *Ravin*.

The interplay between restrictive federal drug control laws and permissive state laws that allow the medical or personal use of marijuana raises complex, often highly academic questions of federalism, pre-emption, and enforcement.<sup>10</sup> The federal Controlled Substances Act (CSA) strictly prohibits the manufacture, distribution, and possession of marijuana, including for medical use.<sup>11</sup> But like many other states, Alaska

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<sup>9</sup> 537 P.2d 494 (Alaska 1975).

<sup>10</sup> Under the doctrine of preemption: “[i]f state law purports to authorize something that federal law forbids or to penalize something that federal law gives people an unqualified right to do, then courts would have to choose between applying the federal rule and applying the state rule, and the Supremacy Clause [U.S. Const. Art. VI, Clause 2] requires them to apply the federal rule.” Caleb Nelson, *Preemption*, 86 Va. L. Rev. 225, 261 (2000). However, there are constraints on Congress’s preemption authority, and at least one scholar has closely examined the CSA, medical marijuana, and “the states’ underappreciated power to legalize activity that Congress bans” in that context. See Robert A. Mikos, *On the Limits of Supremacy: Medical Marijuana and the States’ Overlooked Power to Legalize Federal Crime*, 62 Vand. L. Rev. 1421 (2009).

<sup>11</sup> 21 U.S.C. § 801; see *United States v. Oakland Cannabis Buyers’ Coop.*, 532 U.S. 483 (2001) (holding that no implied medical necessity exception exists to prohibitions on manufacturing and distribution of marijuana established by the CSA).

already has laws—namely the medical marijuana statutes in AS 17.37<sup>12</sup> and the *Ravin* case—that are in apparent conflict with the CSA.<sup>13</sup> So to the extent 13PSUM implicates concerns of pre-emption and enforcement, existing Alaska law already presents these issues.

In any event, a court would almost certainly refuse to entertain these types of substantive challenges at the certification stage, both for jurisdictional reasons related to standing and ripeness,<sup>14</sup> and because pre-election judicial review of a ballot measure is limited and circumscribed, extending only to prohibited subject matter and clearly unconstitutional proposals.<sup>15</sup> Indeed, our office has previously advised the certification of ballot measures that attempted to legalize marijuana for personal use.<sup>16</sup>

In short, 13PSUM must be construed in favor of constitutionality.<sup>17</sup> In reviewing an initiative application for certification, our role is not to identify all conceivable constitutional vulnerabilities in the proposed bill. To the contrary, the Alaska Supreme Court has consistently held that absent a clear prohibition on the use of the initiative

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<sup>12</sup> Alaska’s medical marijuana laws were enacted by ballot measure in 1998 (1998 Ballot Measure No. 8 (97PSDM)); *see also* AS 11.71.060(a) (Misconduct involving a controlled substance in the sixth degree).

<sup>13</sup> *See Mikos, supra* note 10, at 1427-32.

<sup>14</sup> *See, e.g., State v. ACLU of Alaska*, 204 P.3d 364, 374-75 (Alaska 2009) (refusing to entertain constitutional challenge to a newly amended statute prohibiting the possession and use of marijuana, because the challenge was pre-enforcement and therefore not ripe for review).

<sup>15</sup> *See State v. Trust the People*, 113 P.3d 613, 624 (Alaska 2005) (“pre-election judicial review may extend only to subject matter restrictions that arise from a provision of Alaska law that expressly addresses and restricts Alaska’s constitutionally-established initiative process or to proposals that are clearly unlawful under controlling authority”).

<sup>16</sup> *See* 2001 Inf. Op. Att’y Gen. (Nov. 9; 663-02-0066) (recommending certification of ballot measure 01MRNA, which proposed to decriminalize and regulate marijuana).

<sup>17</sup> *See, e.g., Whitesides v. State, Dep’t of Pub. Safety, Div. of Motor Vehicles*, 20 P.3d 1130, 1139 (Alaska 2001) (where reasonable to do so, court will construe statute to avoid constitutional problems).

process or controlling authority directly on point, an initiative bill must proceed to the ballot.<sup>18</sup>

You have the authority to deny certification only if you determine that the measure violates any of the liberally construed constitutional and statutory restrictions on initiatives.<sup>19</sup> As discussed above, we do not believe such violations exist. With respect to other constitutional challenges “grounded in general contentions that the provisions of an initiative are unconstitutional,” you may deny certification only if “controlling authority leaves *no room for argument* about its unconstitutionality.”<sup>20</sup> We find no such controlling authority, and so we cannot say that this initiative bill is clearly unconstitutional on its face, or that the people should be denied access to the initiative process on that basis.

**B. Form of the application.**

The form of an initiative application is prescribed in AS 15.45.030, which provides as follows:

The application must include the

- (1) proposed bill;
- (2) printed name, the signature, the address, and a numerical identifier of not fewer than 100 qualified voters who will serve as sponsors; each signature page must include a statement that the sponsors are

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<sup>18</sup> See, e.g., *Trust the People*, 113 P.3d at 624; see also *Alaska Action Ctr., Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (Alaska 2004) (“The executive officer may only reject the measure if controlling authority leaves no room for argument about its unconstitutionality. The initiative's substance must be on the order of a proposal that would mandate local school segregation based on race in violation of *Brown v. Board of Education* before the clerk may reject it on constitutional grounds. And absent controlling authority, the court should not decide this type of challenge until the initiative has been enacted by the voters.”) (internal citations and quotations omitted). (continued)  
(continued) The roles of the lieutenant governor and a municipal clerk are analogous in the statewide and municipal initiative certification context, respectively. *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 898 (Alaska 2003).

<sup>19</sup> *Alaska Action Ctr.*, 84 P.3d at 992.

<sup>20</sup> *Id.* (internal citations and quotations omitted) (emphasis added).

qualified voters who signed the application with the proposed bill attached; and

- (3) designation of an initiative committee consisting of three of the sponsors who subscribed to the application and represent all sponsors and subscribers in matters relating to the initiative; the designation must include the name, mailing address, and signature of each committee member.

The application on its face meets the first and third requirements, as well as the latter portion of the second requirement regarding the statement on the signature page. With respect to the first clause of the second requirement, we understand that the Division of Elections has determined that the application contains the signatures and addresses of not fewer than 100 qualified voters.

**C. Number of qualified sponsors.**

As noted above, we understand that the Division of Elections has determined that the application contains the signatures and addresses of not fewer than 100 qualified voters.

**III. Proposed ballot and petition summary.**

We prepared a ballot-ready petition title and summary for your consideration. It is our practice to provide you with a title and summary to assist you in compliance with AS 15.45.090(2) and AS 15.45.180. Under AS 15.45.180, the title of an initiative is limited to twenty-five words and the body of the summary is limited to the number of sections in the proposed law multiplied by fifty. "Section" in AS 15.45.180 is defined as "a provision of the proposed law that is distinct from other provisions in purpose or subject matter." Alaska Statute 15.45.180 requires that the ballot proposition "give a true and impartial summary" of an initiative bill, and the Alaska Supreme Court has held that such a summary should provide "an accurate depiction of the scope and substance of the initiative."<sup>21</sup>

Technically this initiative bill has only three "sections," but these three sections create two new chapters of the Alaska Statutes consisting of eighteen new statutory

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<sup>21</sup> *Pebble Ltd.*, 215 P.3d at 1084.

provisions. All of these provisions are distinguishable in purpose, if not subject matter. If the bill were treated as three sections, the summary would be limited to 150 words.

It is not possible to accomplish these mandates by summarizing this initiative bill in 150 or fewer words. Given the extensive statutory changes in multiple chapters, we think the proper approach is to treat these eighteen new statutory provisions as separate sections for purposes of summary preparation. Therefore the maximum number of words for the summary may not exceed 900. We used 523 words in the summary and thirteen words in the title of the following proposed summary, which we submit for your review:<sup>22</sup>

**An Act to Tax and Regulate the Production,  
Sale, and Use of Marijuana.**

This bill would tax and regulate the production, sale, and use of marijuana in Alaska.

The bill would make the use of marijuana legal for persons 21 years of age or older. The bill would allow a person to possess, use, show, buy, transport, or grow set amounts of marijuana, with the growing subject to certain restrictions. The bill would ban the public use of marijuana. The bill would prohibit a person under 21 years of age from using false identification to buy or try to buy marijuana or marijuana accessories.

The bill would allow validly registered marijuana-related entities and persons 21 years of age or older who own or are employed by these entities to make, possess, buy, distribute, sell, show, store, transport, deliver, transfer, receive, harvest, process, or package marijuana and marijuana products, subject to certain restrictions. Alaska Statute 17.30.020 (Controlled Substances) would not apply to these entities.

The bill would require the Alcoholic Beverage Control (ABC) Board to implement parts of the bill. But the bill would also let the legislature create a Marijuana Control Board to assume these duties. The bill would require the ABC Board to adopt regulations governing marijuana-related entities. The regulations would need to cover certain topics and be subject to certain restrictions. The bill would also create procedures for registering a marijuana-related entity. The procedures would be managed by the ABC board and local governments.

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<sup>22</sup> At the request of your office, and consistent with past practice, we worked with the sponsors of the initiative in developing this summary.

The bill would allow a local government to prohibit the operation of marijuana-related entities. A local government could do that by enacting an ordinance or through voter initiative. The ordinances could cover the time, place, manner, and registration of a marijuana entity's operations.

The bill would allow a person 21 years of age or older to possess, use, show, buy, or transport marijuana accessories. Marijuana accessories are products individuals use to grow or consume marijuana. The bill would also allow persons 21 years of age or older to make marijuana accessories and to distribute or sell them to persons who are 21 years of age or older.

The bill states that it is not intended to require an employer to allow marijuana use, transportation, possession, sale, growth, or transfer, or prevent an employer from prohibiting these activities. The bill does not intend to supersede laws prohibiting driving under the influence of marijuana. The bill does not intend to prohibit schools, correction facilities, hospitals, or private persons or entities from restricting marijuana on their property. The bill does not intend to limit the state's existing medical marijuana laws.

The bill would impose a \$50 per ounce (or proportionate) excise tax on the sale or transfer of marijuana from a cultivation facility to a retail store or marijuana product manufacturing facility. The marijuana cultivation facility would pay the tax and send monthly tax statements to the Department of Revenue. The Department of Revenue could exempt certain parts of the marijuana plant from the tax. It could also establish a lower tax rate for certain parts of the plant.

The bill defines numerous terms. The bill contains a statement of purpose and findings. The bill would impose civil fines and penalties for violations.

Should this initiative become law?

This summary has a Flesch test score of 39.9. Although this figure falls short of the target readability score of 60 set out in AS 15.80.005, the nature of the bill makes it difficult to provide a summary with a higher readability score. This is likely due to the length and complexity of the bill and the use of long, complicated terms in the bill such as "marijuana cultivation facility" and "marijuana product manufacturing facility." The use of these terms cannot be avoided without compromising the accuracy of the summary. We have otherwise tried to use simple words in the summary.

We note that this office has previously recommended a proposed ballot summary with a Flesch test score of 33.8 for a complicated ballot initiative, and that summary was

upheld verbatim by the Alaska Supreme Court.<sup>23</sup> We therefore believe a court would uphold this summary as well.

**IV. Conclusion.**

For the foregoing reasons, we find that the proposed bill and application are in the proper form and that the application complies with the constitutional and statutory provisions governing the use of the initiative. We therefore recommend that you certify the initiative application and notify the initiative committee of your decision. You may then begin to prepare petitions in accordance with AS 15.45.090.

Please contact us if we can be of further assistance in this matter.

Sincerely,

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By:  
Elizabeth M. Bakalar  
Assistant Attorney General

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<sup>23</sup> See 2007 Op. Att'y Gen. (Oct. 17; 663-07-0179); *Pebble Ltd.*, 215 P.3d at 1082-84.

**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: Chair Klein and Members of the ABC Board

DATE: June 30, 2014

FROM: Robert L. Beasley, Interim Director

RE: Bottled Cocktails

I received some information regarding the new trend rapidly spreading in the lower forty-eight states where, for example, a beverage dispensary will bottle their signature mixed drinks and sell them for consumption on the licensed premises. The issue facing TTB is that there are several federal laws being violated by these types of actions, such as bottling, labeling and so forth.

We have both in statute and regulation that would also prohibit this type of conduct, but I thought it would be worthy of passing the information on to your for information purposes only. Hand-outs will be available at the meeting.



# *Bottled Cocktail Trend Across The USA*

# Bottled-Cocktail Trends

As part of a national trend, more bars are offering customers the option of cracking open a bottle for a craft cocktail. Bars hand-mix the cocktails in batches and then sell them in single-serving bottles. The chilled drinks can be poured over ice or sipped straight from the bottle.

Bartenders say customers like the speedy service and unique presentation provided by the bottled drinks. When asked how the taste compares to traditional cocktails, some say the bottled versions taste better because the carbonation enhances flavor and the lack of melting ice keeps the drink consistent.



# **Bottled-Cocktail Trends – USA Today Article Feb 6<sup>th</sup>, 2014**

The bottled cocktail trend is spreading around the globe at this very moment. Some places offer straightforward, exceptionally well-made versions of familiar classics, while others play around in their "cocktail labs" with the intention of blowing their customers' minds. The approach also dovetails nicely with the growing popularity of aging mixed drinks in barrels. Some mixologists embrace the trend as a form of quality-control to ensure that they can finely calibrate a particular concoction and bottle it, eliminating the possibility of a bartender making the slightest miscalculation when preparing a drink. There are even a couple of high-end purveyors selling bottles of expertly-made cocktails, allowing the home mixologist a no-fuss option for treating guests to perfect drinks.

## **Bigalora Wood Fired Cucina in Detroit**

With three Detroit-area locations, Bigalora Woodfired Cucina serves up Neapolitan-style pizzas alongside inventive bottled cocktails such as the "Fancy Hobo In Manhattan." Made with Redemption High-Rye bourbon, Michigan cherry-infused Contratto Vermouth Rosso and house-made aromatic bitters, the drink is served chilled in a 187 ml Champagne split and sipped from a paper bag filled with orange and cherry essences.

## **Continental Mid-town in Philadelphia**

The Philadelphia restaurant icon Stephen Starr puts a fun twist on the trend by offering the Capri Cooler at his trendy modern diner, the Continental Mid-town. Served in a playful pouch, the flavorful concoction mixes Absolut CherryKran, blood orange bitters and fresh lemon sour mix.

# **Bottled-Cocktail Trends – USA Today Article Feb 6<sup>th</sup>, 2014 (article continued)**

## **Crafthouse Cocktails in Chicago**

The brainchild of the Chicago-based mixology titan Charles Joly (the reigning "American Bartender of the Year" according to Tales of the Cocktail), Crafthouse Cocktails allows anyone to enjoy perfectly made classic drinks with micro-distilled base liquors and natural ingredients. The classic Moscow Mule combines small-batch vodka, ginger beer, lime juice and cane sugar; the Southside mixes small-batch winter wheat gin, mint, lime juice and cane sugar; the tart Paloma is made with blanco tequila, hand-crafted grapefruit soda, lime juice and cane sugar. Currently available online and at two of Chicago's most acclaimed retailers, West Lakeview Liquors and Binny's, the bottles are expected to receive wider distribution in the coming months.

## **Distilled in New York City**

Distilled, a "New American Public House" nestled in trendy Tribeca, churns out creative interpretations of classic cocktails. Head bartender Benjamin Wood's bottled Mead Americano uses Carroll's Mead (honey wine) from New York's Brotherhood Winery (the oldest winery in America), Aperol and Spring 44 gin; Wood charges each bottle with CO2 for effervescence, and guests enjoy the drink poured over ice, with a dash of bitters and a grapefruit twist.

## **Fluid Dynamics in major cities**

Fluid Dynamics' handsome bottled cocktails (200 ml, \$20) are growing in popularity and can be found in stores and restaurants in New York City, Chicago, San Francisco and other major markets. The company elevates classic recipes by using its award-winning, craft-method spirits and then barrel-ages the concoctions in oak casks. Popular varieties include the Brandy Manhattan (Germain-Robin brandy and Vya sweet vermouth) and the 1850 (Germain-Robin brandy and absinthe, Low Gap whiskey).

## **Bottled-Cocktail Trends – USA Today Article Feb 6<sup>th</sup>, 2014 (article continued)**

### **Garces Trading Company in Philadelphia**

The Philadelphia-based Iron Chef Jose Garces has a foot in the bottled cocktail craze via his Garces Trading Company. An assortment of bottled carbonated cocktails are offered in 187 ml Champagne splits as well as single-serving 6 oz. bottles. The Pepino Fresco is made with Cuervo Gold tequila, St. Germain elderflower liqueur, celery, cucumber and lemon; the Avenue 1111 is a refreshing combination of Tanqueray gin, lime cordial, ginger beer and mint.

### **High West Distillery in Park City**

Park City, Utah's High West Distillery produces barrel aged cocktails (750 ml, \$50) that can be enjoyed at its restaurant and saloon. The 36th Vote, a classic rye Manhattan, is aged four months before bottling, and the Boulevardier combines the company's award-winning bourbon with Gran Classico Bitter liqueur.

### **Maurepas Foods in New Orleans**

One of New Orleans' most lauded culinary newcomers, Maurepas Foods also impresses with its eclectic beverage offerings. The bar manager, Tony DiMunno, has one carbonated bottled cocktail available at all times; the current offering, the "Sax 5th Ave.," combines Isle of skye scotch, Drambuie, citric acid, Bäska Snaps and Cherry Heering.

# **Bottled-Cocktail Trends – USA Today Article Feb 6<sup>th</sup>, 2014 (article continued)**

## **Rose. Rabbit. Lie. in Las Vegas**

Rose. Rabbit. Lie., the hip "social club" at The Cosmopolitan of Las Vegas, sells freshly bottled cocktails poured over custom-made ice. The New Moon mixes Chopin wheat vodka, violet liqueur, lemon and orange cream citrate; the Jacquemot Rose is an attractive merging of apple brandy, fresh citrus and pomegranate nectar.

## **Talde in New York City**

Hip crowds fill Brooklyn's trendy Talde restaurant, where beverage director John Bush offers a bottled Manhattan. Bush ages Four Roses bourbon, Carpano Antica (red vermouth) and house-made maple bitters for 11 months in a bourbon barrel from the Brooklyn-based Widow Jane distillery.

## **Toro in New York City**

The lower Chelsea tapas hot spot Toro serves as a playground for beverage director Caitlin Doonan (formerly of New York's forward-looking Momofuku). Doonan's selection of bottled cocktails includes an inventive gin and tonic made with Brooklyn's Greenhook gin, house-made tonic and dashes of star anise, lemongrass and lime; Andalusian Punch combines Spanish sherry, fresh citrus juices and a dusting of nutmeg.

## ***Bottled Cocktails – San Francisco***



Jasper's Corner Tap & Kitchen and Harry Denton's Starlight Room offer handcrafted bottled cocktails, which have the same great taste as those shaken and stirred in front of you. Head bartenders at both spots – Kevin Diedrich and Joel Teitelbaum, respectively – are fans of serving drinks this way which speed up service and consistency while still delivering a high quality product.

## ***Bottled Cocktails - Philadelphia***

The Philadelphia-based Iron Chef Jose Garces has a foot in the bottled cocktail craze via his Garces Trading Company. An assortment of bottled carbonated cocktails are offered in 187 ml Champagne splits as well as single-serving 6 oz. bottles.



## ***Bottled Cocktails – Las Vegas***

Rose. Rabbit. Lie., the hip "social club" at The Cosmopolitan of Las Vegas, sells freshly bottled cocktails poured over custom-made ice. The New Moon mixes Chopin wheat vodka, violet liqueur, lemon and orange cream citrate.



The Jacquemot Rose is an attractive merging of apple brandy, fresh citrus and pomegranate nectar.



## ***Bottled Cocktails - Philadelphia***

The Philadelphia restaurant icon Stephen Starr puts a fun twist on the trend by offering the Capri Cooler at his trendy modern diner, the Continental Mid-town. Served in a playful pouch, the flavorful concoction mixes Absolut CherryKran, blood orange bitters and fresh lemon sour mix.



## *Bottled Cocktails - NYC*

Hip crowds fill Brooklyn's trendy Talde restaurant, where beverage director John Bush offers a bottled Manhattan.



## ***Bottled Cocktails – New Orleans***

One of New Orleans' most lauded culinary newcomers, Maurepas Foods also impresses with its eclectic beverage offerings. The bar manager, Tony DiMunno, has one carbonated bottled cocktail available at all times.



## ***Bottled Cocktails - NYC***

Toro's Andalusian Punch combines Spanish sherry, fresh citrus juices and a dusting of nutmeg.



## ***Bottled Cocktails - Detroit***



With three Detroit-area locations, Bigalora Woodfired Cucina serves up Neapolitan-style pizzas alongside inventive bottled cocktails. Made with Redemption High-Rye bourbon, Michigan cherry-infused Contratto Vermouth Rosso and house-made aromatic bitters, the "Fancy Hobo In Manhattan" is served chilled in a 187 ml Champagne split and sipped from a paper bag filled with orange and cherry essences.

## *Bottled Cocktails – D.C.*



The Coupe, a diner/bar/coffeehouse that opened in Columbia Heights in D.C, offers three cocktails that are concocted and bottled in-house. So far, the drinks include the "Georgia Comforter" (\$11) with bourbon, rosemary smoked maple syrup, and peach bitters, "Grandma's Pink Lemonade" (\$8) with vodka, strawberry-lemon shrub, and Madeira over crushed ice, and "Bitter Ex" (\$9) with gin, Cynar, Aperol, and grapefruit juice served with a straw. The selection will change seasonally.

# Bottled cocktails

## TOOLS



BOTTLE CAPPERS

HANDHELD

APPROX. \$20

BENCH

APPROX. \$40



BOTTLE CAPS

APPROX. \$.25



BOTTLES

APPROX. \$.75



## HOW TO BUILD YOUR OWN CARBONATION RIG BY GARY HAYWARD

### WHAT YOU NEED:

- A REGULATOR
- A CARBONATOR CAP
- CARBON DIOXIDE

### PUTTING IT ALL TOGETHER

GETTING THE TANK CONNECTED TO THE CARBONATOR CAP IS EASY, FIRST OFF, A QUICK DISCONNECT TO ATTACH TO THE CARBONATOR CAP. THIS ALLOWS YOU TO TAKE THE HOSE ON AND OFF THE BOTTLE WITH EASE.

NEXT, YOU'LL NEED SOME HOSE AND A COUPLE OF HOSE CLAMPS TO SECURE EITHER END TO YOUR EQUIPMENT. USE ABOUT FIVE FEET OF HOSE FOR FLEXIBILITY.

NOW ALL YOU NEED TO DO IS CONNECT ONE END OF THAT HOSE TO THE QUICK DISCONNECT, AND THE OTHER TO THE HOSE BARB. USE THOSE HOSE CLAMPS TO GET IT GOOD AND SECURE ON EITHER END, AND THEN SCREW THE REGULATOR TO THE CO<sub>2</sub> TANK. OPEN UP THE TANK, FLIP THAT VALVE ON THE REGULATOR SO THAT IT'S PARALLEL TO THE HOSE, AND CRANK YOUR PSI UP TO 35.

### TIME FOR BUBBLES!

GET YOUR EMPTY TWO-LITER BOTTLE AND FILL IT WITH THE BEVERAGE YOU WANT TO CARBONATE. THE MOST IMPORTANT THING HERE IS THAT YOUR LIQUID IS AS COLD AS POSSIBLE, BECAUSE CARBON DIOXIDE IS MUCH MORE SOLUBLE IN COLD WATER THAN IN WARM. SO CHILL YOUR DRINK OVERNIGHT IN THE FRIDGE IF YOU NEED TO.

ONCE COLD, SCREW ON THE CARBONATOR CAP, CONNECT THE QUICK DISCONNECT TO THE CAP, AND MAKE SURE EVERYTHING IS ON THERE GOOD AND TIGHT. NOW, WHILE THE TANK IS CONNECTED, YOU'VE GOT TO SHAKE THE BOTTLE VIGOROUSLY. SHAKING WILL INCREASE THE SURFACE AREA BETWEEN THE GAS AND THE LIQUID, WHICH IS WHERE THE TRANSFER OF CO<sub>2</sub> HAPPENS. SHAKE IT HARD UNTIL YOU CAN'T FEEL OR HEAR ANY MORE GAS BEING DELIVERED TO THE BOTTLE. THIS USUALLY TAKES BETWEEN THIRTY SECONDS AND A MINUTE.

DISCONNECT THE QUICK DISCONNECT VALVE AND YOU'RE DONE. IF YOU'RE ONLY CARBONATING WATER, THEN YOU CAN UNSCREW THE CARBONATOR CAP AND YOU'RE READY TO GO. IF YOU HAVE ANYTHING WITH SUGAR IN THERE THEN YOU'LL WANT TO UNSCREW THAT CAP REALLY SLOWLY SO THAT IT DOESN'T FIZZ UP ALL OVER YOUR COUNTER.

1. CO2 TANK: \$68.40, \$15 TO REFILL.
2. TAP-RITE REGULATOR: \$58.99
3. 5 FEET OF HOSE AND TWO HOSE CLAMPS: \$5.24
4. BALL VALVE QUICK DISCONNECT: \$9.99
5. CARBONATOR CAP: \$12.65
6. EMPTY TWO LITER BOTTLE: \$0.05

TOTAL COST: \$155.32

# Bottled cocktails

## TOOLS

### WHAT IS PERLINI?

*The Perlini Cocktail Carbonating System is a new product for producing sparkling cocktails. Unlike cocktails that are made sparkling with the addition of soda or Champagne, Perlini infuses all of the components of the beverage with effervescence—including the alcohol. The resulting Perlini cocktails sparkle with the vigor, persistence, and delicacy of a fine Champagne. Perlini creates an entirely new cocktail category.*

*Perlini is designed to respect the classic methods of cocktail creation and presentation, but with a twist. Cocktail connoisseurs, bartenders, and mixologists will all find Perlini an indispensable tool for their craft. Chefs too are finding dozens of uses for Perlini in the kitchen, creating carbonated garnishes, sauces, foams, and the like. With Perlini, you can be part mixologist, part chef, and part mad scientist. The only limit is your imagination.*

STRIPPED DOWN TO THE ESSENTIALS THIS SET CONTAINS:

ONE SHAKER, ONE HAND-HELD PRESSURIZER, INSTRUCTIONS ON FLASH DRIVE, VALVE, GASKET AND SIX CO2 CARTRIDGES IN A BOX.

COST: APPROX. \$200



<http://youtu.be/SQ3J5skaWfc>

## Bottled Cocktails



Tips to bottle a cocktail :

1: “Stay Strong” - Stick with high-proof, spirit driven cocktails, and avoid bottling anything with large amounts of fresh citrus as those flavors can change over time and are less shelf stable — obviously less of a worry if you plan on drinking up the night of.

2: Stick with classics - Favorites are the Manhattan, Bicycleette, Negroni, and Champagne Sparkler.

3: Clean and sanitize all of the materials used for bottling.

4: Have Supplies Ready - Crown capper, Bottle caps, Mini glass champagne bottles, Larger glass pitcher, Small funnel, Measuring cup with ounces clearly marked and the cocktail ingredients.

Supplies can be ordered at: <http://www.homebrewit.com/beer-bottles.php>

-Glass bottles -187ml - item #5218 - \$0.99 each

-Crown caps - item #4280 - \$0.03 each

-Bottle Capper - item #4014 - \$6.95

## Bottled Cocktails

Tips to bottled carbonated cocktails:



1: The introduction of CO<sub>2</sub> to your cocktail creates carbonic acid, which can cause drinks to be more tart. To combat this, you may want to decrease your allotment of citrus.

2: Speaking of citrus, always fine-strain your juices. Pulp will cause drinks to expire more quickly.

3: Keep Cool. Bubbles are more lively when the drink you're carbonating is super-cold, so combine all ingredients ahead and refrigerate for at least two hours before charging with CO<sub>2</sub>.

4: Keep the bottle steady. Once you've bottled your carbonated cocktail, try to keep movement at a minimum. Agitation will just cause loss of carbonation.

5: Don't Overfill. Make sure you leave room in the neck of the bottle just in case it tries to fizz over when you open it. And store capped, carbonated bottles in the fridge since the cold air helps hold the bubbles.

## *Carbonated Cocktails*



Carbonated cocktails is another trend to infuse carbonation into cocktails that normally do not contain the bubbles. Such as a Negroni or Manhattan.  
Chez Papa's Adam Chapman using his Perlini carbonated cocktail shaker

## *Hand Bottled Cocktails*



### Bottled & Capped Cocktail



**Glassware:** 187ml bottle and serving glass

**Drink Making Method:** bottle

***Ingredients:***

1 ½ oz BACARDI 8yr  
1 oz Aperol  
1 oz ST-GERMAIN Elderflower Liqueur  
1 ½ oz Filtered Water

***Garnish:***

Orange Peel

Combine all ingredients in a large glass pitcher. Stir.

Using a funnel, pour contents into a small glass bottle that's been sanitized.

Using a crown capper and bottle caps, bottle and cap the cocktails.

Keep refrigerated for up to two months.



## *Hand Bottled Cocktails*

### Bittersweet Farewell



**Glassware:** 187ml bottle and serving glass

**Drink Making Method:** bottle

***Ingredients:***

|        |                           |
|--------|---------------------------|
| 1 ½ oz | BOMBAY SAPPHIRE           |
| ½ oz   | Campari                   |
| ½ oz   | Red Passion Syrup (Monin) |
| 1 oz   | Lemon Sour (Finest Call)  |
| 1 ½ oz | Filtered Water            |

***Garnish:***

Strawberry  
Lemon Slice

Combine all ingredients in a large glass pitcher. Stir.

Using a funnel, pour contents into a small glass bottle that's been sanitized.

Using a crown capper and bottle caps, bottle and cap the cocktails.

Keep refrigerated for up to one month.

## *Hand Bottled Cocktails*



# Sweet Cherry Vodka Lemonade



**Glassware:** 187ml bottle and serving glass

**Drink Making Method:** bottle

### *Ingredients:*

1 ½ oz      GREY GOOSE Cherry Noir  
½ oz        Disaronno Amaretto  
¼ oz        Grenadine  
2 oz        Lemon Sour (Finest Call)  
1 ½ oz      Filtered Water

### *Garnish:*

Cherries  
Lemon Slice

Combine all ingredients in a large glass pitcher. Stir.

Using a funnel, pour contents into a small glass bottle that's been sanitized.

Using a crown capper and bottle caps, bottle and cap the cocktails.

Keep refrigerated for up to one month.

## *Hand Bottled Cocktails*



### Mango Ginger Cocktail



**Glassware:** Bottle and serving glass

**Drink Making Method:** bottle & cap

***Ingredients:***

- 1 ½ oz BACARDI MANGO FUSION
- 1 oz Domaine de Canton Ginger Liqueur
- ½ oz Mango Syrup (Monin)
- 1 oz Lemon Sour (Finest Call)
- 1 oz Filtered Water

***Garnish:***

Orange Slice

Combine all ingredients in a large glass pitcher. Stir.

Using a funnel, pour contents into a small glass bottle that's been sanitized.

Using a crown capper and bottle caps, bottle and cap the cocktails.

Keep refrigerated for up to two weeks.





## ***Hand Bottled Carbonated Cocktails***

Additional bottled carbonated cocktails created by our BUSA National Brand Ambassador Gary Hayward.



### **GREY GOOSE Fizzy Passion Tea**

“Grey Goose, St-Germain, passion fruit tea, citrus, mint and bubbles”

- 2 oz Grey Goose
- 2 oz iced tea (red passionfruit)
- 6 mint leaves
- ½ oz St-Germain
- ½ oz lemon juice
- 2 oz sparkling water

### **BACARDI Ginger-Cucumber Soda**

“Bacardi Superior, ginger, citrus, cucumber and bubbles”

- 1 ½ oz Bacardi superior
- ½ oz lime juice
- 3 oz ginger beer
- 1oz cucumber juice
- 1 ½ oz chilled purified water

**Tab**

**5**



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  
Fax: 907.334.2285

**MEMORANDUM**

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

DATE: Tuesday, July 01, 2014

FROM: Sarah D. Oates  
Records & Licensing Supervisor

RE: Northern Lights Spa #5281

At the April 29, 2014 ABC Board of Directors Meeting, the Board voted 4-1 to **not approve** the issuance of a new Beverage Dispensary – Tourism License for an establishment in the Anchorage International Airport.

The applicant, Basile Group, LLC, is requesting that the Board reconsider the application due to new evidence being offered by the members of the LLC at the July 8, 2014 meeting.

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

The applicant operates a spa in the Anchorage International Airport.

**Oates, Sarah D (CED)**

---

**From:** Jeff Graham <jgraham@alaskadts.com>  
**Sent:** Tuesday, May 06, 2014 8:03 PM  
**To:** Oates, Sarah D (CED)  
**Subject:** Motion for Reconsideration

Department of Alcohol Beverage Control

Basile Group DBA Northern Lights Spa at 5000 W. International Airport, SB2050

Jeff Graham and Shannon Basile would like to have an appearance for reconsideration at the next ABC Board meeting due to new evidence being offered.

This pertains for the denial of License #5281 Beverage Dispensary/Tourism License.

Jeff Graham  
Northern Lights Spa  
[Jeff@NLightsSpa.com](mailto:Jeff@NLightsSpa.com)  
907-240-7431



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNEIL

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

April 30, 2014

Shannon Basile  
Jeffrey Graham  
Basile Group, LLC  
d/b/a Northern Lights Spa  
2808 Brittany Drive  
Anchorage, Alaska 99504

RE: Denial of License # 5281

Dear Mr. Basile and Mr. Graham,

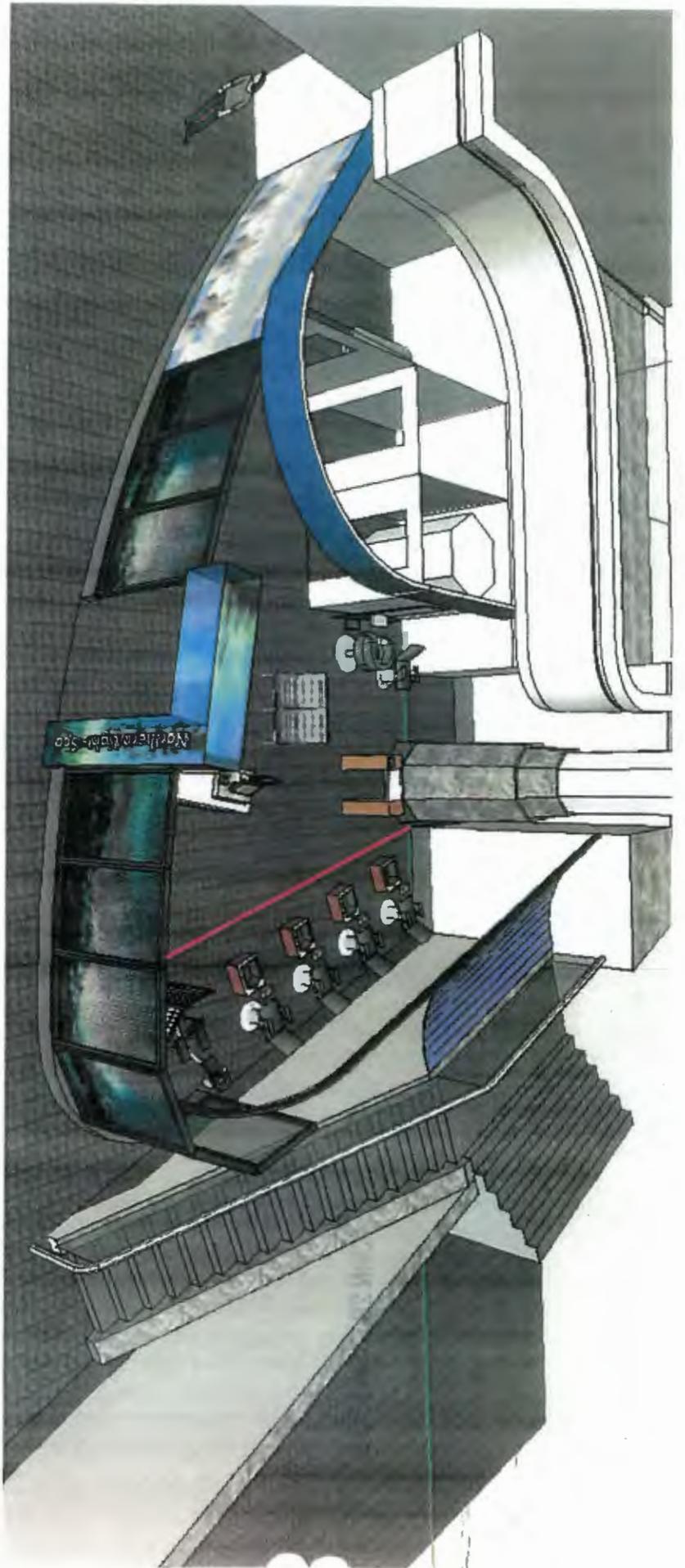
Thank you for your testimony before the ABC Board yesterday in Anchorage. The board of directors considered your application for a beverage dispensary – tourism license at the Ted Stevens Anchorage International Airport located at 5000 W. International Airport Road in Anchorage. After deliberation the board voted against the approval of your license. The board discussion revolved around the need to control licenses that differ greatly from a restaurant/eating place in an airport. Concern was raised that recently a license like an art gallery (paint studio) was denied; there were already plenty of licenses in the airport; and the business model clouds the purpose of the tourism license.

Under AS 04.11.510(b) you may appeal the board's decision to deny your license by requesting an informal hearing with me or the board, or a formal administrative hearing under AS 44.62. To appeal the decision, complete and return the enclosed Notice of Defense and Request for Hearing form. The form must be returned to this office within fifteen (15) days from receipt of this letter to preserve your rights.

Sincerely,

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

Shirley A. Coté  
Director



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**STATE OF ALASKA**  
**DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**  
**DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**  
**BEFORE THE ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of: )  
 ) OAH No. 14-0703-ABC  
BASILE GROUP, LLC ) Board Case No. 14-12  
d/b/a Northern Lights Spa. )  
\_\_\_\_\_ )

**CONSENT AGREEMENT**

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development (DCCED) and the Basile Group, LLC d/b/a Northern Lights Spa (Basile Group) as follows:

1. **Licensure.** The Basile Group does not currently hold a liquor license. Its application for a beverage dispensary-tourism license was denied by the Alcoholic Beverage Control Board (the ABC board).

2. **Admission/Jurisdiction.** The Basile Group admits and agrees that the ABC board has jurisdiction over the subject matter of its liquor license in Alaska and over this Consent Agreement.

3. **Facts.** The Basile Group admits to the following facts:

a) On April 14, 2014, the staff of the Alcoholic Beverage Control Board (the ABC board) issued a temporary beverage dispensary-tourism license to Basile Group for its business, a walk-in massage spa located inside the terminal of the Ted Stevens International Airport in Anchorage. At that time, all statutory requirements had been met and there had been no protest under AS 04.11.480 nor any objections under AS 04.11.470. This liquor license approval was temporary pending final ABC board approval.

b) The Basile Group requested the board's approval at the board's April 29, 2014 meeting. In support of its request for approval, the Basile Group argued that a beverage dispensary license issued to its business would encourage an improvement in the airport terminal that would not be feasible without a liquor license, and in turn, that improvement would encourage tourism consistent with the requirements of 3 AAC 304.325(a).

- 1 c) Since 2012, the ABC board has granted eight tourism licenses in the airport  
2 terminal.
- 3 d) Whether to grant any tourism license lies solely within the discretion of the ABC  
4 board pursuant to its broad grant of authority under AS 04.06.090 and 3 AAC 304.325.
- 5 e) After consideration and discussion, the board voted 4-1 to deny the Basile Group's  
6 application for a license, citing its past experiences related to recreational site license  
7 applications (AS 04.11.210) submitted by businesses not located in an airport and which were  
8 open to general public use, including an art studio, zip line, health club, bowling alley and  
9 billiard parlor.
- 10 f) Following the vote to deny, two board members signified an interest in  
11 reconsidering their vote at the next meeting. The board chair stated that reconsideration was  
12 always an option.
- 13 g) The Basile Group requested a hearing pursuant to AS 44.62. On May 8, 2014, the  
14 board referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned  
15 the matter to Administrative Law Judge Lawrence A. Pederson. Counsel for the board and  
16 Basile Group entered their appearances and an initial scheduling conference was held.
- 17 h) **Formal Hearing Process.** In the interest of a prompt and fair settlement of this  
18 matter, consistent with the public interest and responsibilities of the board, it is the intent of  
19 the parties to this Consent Agreement to provide for the compromise and settlement of all  
20 issues currently pending in the above-captioned administrative matter.
- 21 i) **Waiver of Rights.** The Basile Group understands that it has a right to further  
22 pursue administrative remedies on the facts in this case, including the hearing which is  
23 presently scheduled to take place on August 29, 2014. The Basile Group understands and  
24 agrees that by signing this Consent Agreement, it is waiving its rights to pursue those  
25 administrative remedies as they relate to the board's denial of its application for a beverage  
26 dispensary-tourism license at the business identified in the caption, above.
- 27 j) **Effect of Non-Acceptance of Consent Agreement.** The Basile Group and  
28 DCCED agree that this Agreement is subject to the approval of the ABC board. They agree  
29 that, if the board rejects this Agreement, it will be void, and the aforementioned administrative  
30 matter will proceed or continue accordingly. If this Agreement is rejected by the board, it will  
31 not constitute a waiver of the Basile Group's right to a hearing on the captioned matter and the

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facts and terms set forth herein will have no effect. The Basile Group agrees that, if the board rejects this Agreement, the board may issue a final decision after the presently scheduled hearing and submission by the ALJ of a proposed decision, and the board's consideration of this Agreement shall not alone be grounds for claiming that the board is biased against the Basile Group, that it cannot fairly decide the case, or that it has received ex parte communication.

k) **Agreement, Decision, and Order.** Both parties agree that the board has the authority to enter into this Agreement and to issue the following Decision and Order. The parties hereby agree that this Agreement will be submitted to the Board for final approval and adoption as the final disposition of Case No. OAH No. 14-0703-ABC; Agency No. 14-12, currently pending before the OAH. If the Agreement is approved by the board, the parties shall file any and all filings necessary to dispose of and/or dismiss the pending administrative matter.

**PROPOSED DECISION AND ORDER**

IT IS HEREBY ORDERED that the ABC board will issue to the Basile Group a beverage dispensary-tourism license for its business called the Northern Lights Spa, located in the terminal of the Ted Stevens International Airport. This license shall be subject to the following terms and conditions, in addition to any imposed on this type of license by statute or regulation:

**A. Limitation on sales**

The license shall be limited to beer and wine.

**B. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Agreement.

**C. Compliance with Laws**

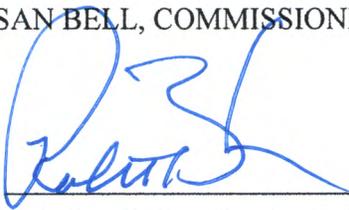
The Basile Group shall obey all federal, state, and local laws, and all statutes and regulations governing its license, and remain in full compliance with any conditions as herein agreed.

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IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect immediately upon its adoption by the board and is a public record of the board and the State of Alaska. The State may provide a copy of it to any person or entity, professional licensing board, federal, state, or local government, or other entity making a relevant inquiry.

DATED this 15<sup>th</sup> day of July, 2014 at Juneau, Alaska.

SUSAN BELL, COMMISSIONER

By: 

Robert L. Beasley, Investigator IV, Interim Director  
State of Alaska, Alcoholic Beverage Control Board,  
Division of Corporations, Business and  
Professional Licensing

I, Jeffrey Graham, represented and advised by counsel Jeffrey Jarvi, have read the Consent Agreement, understand it, and agree to be bound by its terms and conditions.

DATED: \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of July, 2014, at Juneau, Alaska.

SEAL

\_\_\_\_\_  
Notary Public in and for Alaska.

\_\_\_\_\_  
Notary Printed Name

My commission expires: \_\_\_\_\_

**Tab**

**6**



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: Chair Klein and Members of the ABC Board

DATE: June 30, 2014

FROM: Robert L. Beasley, Interim Director

RE: Fail to respond to NOVs

On February 27, 2014 it was discovered that MSR, Inc. D/B/A Rumrunners at Mat-Su Resort had removed the sign displaying the business's name by property entrance and replaced it with another sign displaying the name of the business as North Shore Alehouse, a violation of 3 AAC 304.185 for changing the name of the business without notifying ABC. The NOV was sent via certified mail on February 28, 2014 and was received according to the receipt.

A second Notice of Violation was issued to MSR, Inc. on May, 9, 2014 regarding their failure to respond to the first NOV. This second NOV was also sent via certified mail and was received according to the receipt.

Please see attachments.



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

Date: 2-28-14  
 Number AB14-0275  
 Page 1 of 1 Page

## Notice of Violation

(3 AAC 304.525)

|  |   |   |
|--|---|---|
| Licensee<br><b>MSR Inc</b>   | License Number<br><b>1563</b>   | Type of License<br><b>Beverage Dispensary - Tourism</b> |
| D.B.A.<br><b>Rum Runners @ The Mat-Su<br/>Resort, 1850 Bogard Road</b> | How Delivered<br><input checked="" type="checkbox"/> Certified Mail # On-File<br><input type="checkbox"/> In Person | Law Enforcement Agency<br><b>Alaska State Troopers</b>  |
| Street or P.O. Box<br><b>4603 North Pittman Road</b>                   | City, State<br><b>Wasilla, AK</b>   | Zip<br><b>99654</b>                                     |

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

**Note: This is not an accusation or a criminal complaint.**

**VIOLATION:** On 2-27-14, at about 16:50 hours, it was learned by a representative of the Alcoholic Beverage Control Board that you have removed signage from Rum Runners @ The Mat-Su Resort to North Shore Alehouse. A check of the ABC records reveal you should still be doing business as Rum Runners @ The mat-Su Resort. This is a violation of Title IV.

Your attention is directed to **3AAC304.185: Licensed premises (name change)**

**You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.**

**\*Please include your Alcohol License Number in your response.**

Shirley A. Cote', Director  
 Alcoholic Beverage Control Board  
 2400 Viking Drive  
 Anchorage, Alaska 99501

### A Response is Required

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

|                              |  |
|------------------------------|--|
| Receipt:                     | Violation Observed By:<br><b>F.R. Hamilton</b> |
| Filed By: <i>FR Hamilton</i> | Title:<br>Investigator III                     |

7009 2820 0001 7253 1784

*No Response*



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

Date: 5-9-14  
Number AB14-0275  
Page 1 of 1 Page

## Notice of Violation

(3AAC 304.525)

|  |   |   |
|--|---|---|
| Licensee<br><b>MSR Inc.</b>  | License Number<br><b>1563</b>   | Type of License<br><b>Beverage Dispensary - Tourism</b> |
| D.B.A.<br><b>Rum Runners @ the Mat-Su<br/>Resort, 1850 Bogard Road</b> | How Delivered<br><input checked="" type="checkbox"/> Certified Mail # On-File<br><input type="checkbox"/> In Person | Law Enforcement Agency<br><b>Alaska State Troopers</b>  |
| Street or P.O. Box<br><b>4603 North Pittman Road</b>                   | City, State<br><b>Wasilla, AK</b>   | Zip<br><b>99654</b>                                     |

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

**Note: This is not an accusation or a criminal complaint.**

**You were previously issued a notice of violation for the below occurrence. You have failed to respond to the original notice accepted by Chris Bar..., on 3-18-14. You are now receiving another notice of violation for failing to communicate with the Alcoholic Beverage Control Board. A violation of 3AAC304.525: Communication with licensees.**

**VIOLATION:** On 2-7-14, at about 1650 hours, it was learned by a representative of the Alcoholic Beverage Control Board that you have removed signage from Run Runners @ The Mat-Su Resort to North Shore Alehouse. A check of the ABC records reveals you should still be doing business as Rum Runners @ the Mat-Su resort. . This is a violation of Title IV.

Your attention is directed to **3AAC304.185: Licensed premises.**

**You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Alcohol License Number in your response.**

**Shirley A. Cote', Director  
Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, Alaska 99501**

**A Response is Required**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

|                                |   |
|--------------------------------|---|
| Receipt:                       | Violation Observed By:<br>F.R. Hamilton |
| Filed By: <i>F.R. Hamilton</i> | Title:<br>Investigator III              |

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



MSR Inc.  
 d.b.a. Rum Runners @ The Mat-Su Re:  
 4603 North Pittman Road  
 Wasilla, AK 99654

2. Article Number  
(Transfer from service label)

7006 3450 0003 7321 3033

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Chris Apt*  Address

B. Received by (Printed Name) C. Date of Delivery  
*Chris Bargebo* 3-18-14

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

MAR 19 '14 AM 11:43

Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.



MSR Inc.  
 d.b.a. Rum Runners @ The Mat-Su Resort  
 4603 North Pittman Road  
 Wasilla, AK 99654

2. Article Number  
(Transfer from service label)

7009 2820 0001 7253 1784

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 *Chris Bargebo*  Address

B. Received by (Printed Name) C. Date of Delivery  
*Chris Bargebo* 5/15/14

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

*MSR*

Service Type  
 Registered  Express Mail  
 Insured Mail  Return Receipt for Merchandise  
 C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**Tab**

**7**



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

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

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5438  
Fax: 907.263.5930

**MEMORANDUM**

TO: Robert Beasley  
Interim Director

DATE: 6-27-14

FROM: Joe Hamilton  
Investigator

Handwritten signature of Joe Hamilton in blue ink.

RE: Salty Dawg, AB14-0541

Regarding manager of Salty Dawg, Cecilia Rockett's, request to dismiss this notice of violation, I recommend the request be denied due to the following facts:

Although District Attorney Scott Leaders dismissed the case without prejudice according to a Rule 43A agreement, he did comment that he didn't think he could get a conviction because the underage buyer was on the premises for the limited scope of purchasing a "hoodie".

Lu A. Lovelace was the on duty bartender during the incident. She correctly identified the underage buyer as being underage to be on the premises. She also advised the underage buyer that she could not use her debit card to purchase the "hoodie" because it would leave a paper trail of the underage person being on the premises.

Ms. Lovelace then instructed the underage buyer to the nearest ATM located down the road a short distance so that the underage buyer could return with cash. The underage buyer then left the Salty Dawg and returned later with cash. Lovelace allowed the underage buyer to enter the licensed premises to complete the transaction.

Thank you in advance for your consideration.

June 16, 2014

Alaska Beverage Control Board

Attention Board Chair Bob Klein

I write to request that the Notice of Violation ("NOV") No. P00355467 issued on April 25, 2014, to the Salty Dawg Saloon be dismissed and subsequently removed from the official licensee file maintained by the Alcohol Beverage Control Board ("Board"). This request comes following the State of Alaska's recent decision to file a Rule 43(a) dismissal of the underlying criminal charge prior to Ms. Lovelace's District Court Arraignment on May 13, 2014. A copy of the dismissal is attached for your convenience.

As it stands, the Board is now routinely called upon to determine whether NOV's should be dismissed or remain a part of the permanent record based on the competing hearsay accounts presented by licensees and Board staff. Factual determinations based on such information represent scant due process for determinations having obvious potential to impact a licensee in the future. Given the State's immediate rejection of the forwarded charge by investigator Hamilton, dismissal and removal of this NOV is appropriate.

If you are unwilling to dismiss and permanently remove this NOV from our file, then I request an opportunity to appear before the Board to present arguments in favor of dismissal and removal.

Thank you for your consideration.

Sincerely,



Cecilia Rockett

Manager Salty Dawg Saloon

Enclosures

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3 IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT HOMER

4 STATE OF ALASKA, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. )  
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10 LU A. LOVELACE, )  
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MAY 15 2014  
Birch Horton  
Bittner & Cherot  
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No. 3HO-14-172 CR

**DISMISSAL**

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.  
 ALL COUNTS  NONE  SPECIFIED BELOW

The following charges are hereby dismissed without prejudice by the prosecuting attorney pursuant to Criminal Rule 43(a):

Count I: Licensee Allowing Minor On Alcohol Premises. AS 04.16.052(2), CTN 001.

DATED this 13 day of May, 2014 at Kenai, Alaska.

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

By: Scot H. Leaders

Scot H. Leaders  
District Attorney  
Alaska Bar No. 9711067

CERTIFICATE OF SERVICE  
I hereby certify that on the 13th day of May, 2014, the above document was mailed to the attorney of Scot H. Leaders in the above matter.  
By: [Signature]  
DISTRICT ATTORNEY OFFICE, Kenai

STATE OF ALASKA  
OFFICE OF THE DISTRICT ATTORNEY  
THIRD JUDICIAL DISTRICT  
120 TRADING BAY RD., SUITE 200  
KENAI, ALASKA 99611  
PHONE: (907) 283-3131



Alcoholic Beverage Control Board  
 2400 Viking Drive  
 Anchorage, AK 99501

Date: 05/01/14  
 Number AB14-0541  
 Page 1 of 1 Page

## Notice of Violation

(3AAC 304.525)

|   |   |  |
|---|---|--|
| Licensee<br><b>Sdawg Inc</b>                                | License Number<br><b>1002</b>   | Type of License<br><b>Beverage Dispensary</b>            |
| D.B.A.<br><b>Salty Dawg Saloon<br/>4380 Homer Spit Road</b> | How Delivered<br><input checked="" type="checkbox"/> Certified Mail # On-File<br><input type="checkbox"/> In Person | Law Enforcement Agency<br><b>Homer Police Department</b> |
| Street or P.O. Box<br><b>PO Box 2581</b>                    | City, State<br><b>Homer, AK</b>   | Zip<br><b>99603</b>                                      |

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

**Note: This is not an accusation or a criminal complaint.**

**VIOLATION:** On 04/25/14 at about 1832 hours, Salty Dawg Saloon bartender Lu Anna Lovelace allowed a person under 21 years of age on the licensed premises to purchase a hooded sweatshirt after correctly identifying the person as being under 21 years of age. Lovelace informed the underage person that she was not allowed to use her debit card in the premises to complete the sale and that the underage person needed to go to an off-site ATM and return with cash in order to complete the sale. The underage person returned and was allowed to purchase a hooded sweatshirt with cash. This is a violation of Title IV.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees**

**You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.**

\*Please include your Alcohol License Number in your response.

**Shirley A. Cote', Director  
 Alcoholic Beverage Control Board  
 2400 Viking Drive  
 Anchorage, Alaska 99501**

**A Response is Required**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

|                              |   |
|------------------------------|---|
| Receipt:                     | Violation Observed By:<br><b>Underage Buyer 14-005, F.R. Hamilton</b> |
| Filed By: <i>FR Hamilton</i> | Title:<br><b>Investigator III</b>                                     |

**Tab**

**8**



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  
Fax: 907.334.2285

**MEMORANDUM**

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

DATE: Monday, June 30, 2014

FROM: Sarah D. Oates  
Records & Licensing Supervisor

RE: Three Bears #1011

At the April 29, 2014 ABC Board of Directors Meeting, the Board gave delegated consent for the transfer of Package Store License #1011.

The transfer was from:

Eagle River Liquor, LLC d/b/a Eagle River Liquor located at 16535 Artillery Road

to:

Three Bears Alaska, Inc. d/b/a Three Bears located at 445 N Pittman Road, Ste B

On May 20, 2014, the final approval was received from Department of Labor, and the license was printed and issued, completed the transfer process to Three Bears.

On May 21, 2014, Michael E. Butler hand delivered a cover letter and court documents.

The first document, issued March 21, 2014, was a Domestic Relations Initial Order & Order to File Financial Documents, with Michael Butler listed as the plaintiff and Sun Sil Sims as the defendant. Sun S. Sims is 100% shareholder of Eagle River Liquor, LLC. One of the orders listed on this document states that: "In a divorce case, **you cannot sell or dispose of any marital or disputed property...**"

The second document, issued May 19, 2014, is an Order on Motion for Expedited Consideration of Motion for Preserve Assets. This consideration was denied, but the judge instructed the defendant to reference the "highlighted court order dated 3/21/14".

Mr. Butler is asking that the Board reconsider this transfer. His claim is that Eagle River Liquor, LLC and the corresponding liquor license are considered both marital assets and disputed property, and that the sale and transfer of this license would violate a court order issued prior to the original consideration of the license transfer by the Board.

21 May 14

Notice to Whom it May Concern:

Regarding the sale of Eagle River Liquor License to Three Bears Alaska.

Please find the attached Court Orders for Case No. 3AN-14-05764 CI

{ Michael Butler }  
vs.  
{ Sun Sil Sims }

Also contained in the attachment are the written notes of Judge Catherine M. Easter concerning the sale or other disposition of marital or disputed property.

- 1) Eagle River Liquor, LLC is a marital asset
- 2) Eagle River Liquor License is a marital asset
- 3) The sale/transfer of these assets by Sun Sil Sims, solely, is disputed.

Sincerely,  
Michael E Butler  


IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

AT Anchorage  
City or Town where the Court is located

Michael E. Butler  
Plaintiff,

vs.

Sun Sil Sims  
Defendant.

Your Case No. 3AN-14-5764 CI

ORDER ON MOTION FOR EXPEDITED CONSIDERATION  
Of  
MOTION FOR Preserve Assets

(THE JUDGE WILL FILL OUT THE REST OF THE FORM.)

Plaintiff  Defendant having moved for expedited consideration of the Motion indicated above filed on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. it is HEREBY ORDERED that:

1.  The non-moving party is given until \_\_\_\_\_ at \_\_\_\_\_ to respond in writing to  the Motion for Expedited Consideration and  the main motion, to the fullest extent possible. Fax filing  is  is not acceptable. Fax number is \_\_\_\_\_. WARNING: If you fail to respond, the Court may rule without further notice.

2.  A hearing is set for \_\_\_\_\_ at \_\_\_\_\_ in courtroom \_\_\_\_\_. The non-moving party shall be heard orally at the beginning of the hearing as to whether (s)he opposes expedited consideration. The parties should be prepared for an immediate hearing on the main motion if expedited consideration is granted, court time permitting. Telephonic appearance  is  is not authorized for  Plaintiff  Defendant  both parties. Parties appearing telephonically  must call \_\_\_\_\_ at the time set for the hearing OR  be prepared to accept a collect a collect call at a number you provide to the Court. Call \_\_\_\_\_ before the hearing time with the number at which you can be reached.

3.  Expedited consideration is GRANTED without providing the other party(ies) an opportunity to be heard based on \_\_\_\_\_

4.  Expedited consideration is DENIED. However, please note that the underlying motion is not being decided at this time. The opposition and the reply to that motion are due according to the timeline set in Civil Rule 77.

5.  Other: Please see highlighted court order dated 3/21/14.

Dated at Anchorage Alaska this 19<sup>th</sup> day of May, 2014.

I certify that on 5/19/14 a copy of the above was mailed to each of the following: at their addresses of record. (List names if not an agency)

CSSD/ AG  CI

M. Butler  
S. Pharr  
Deputy Clerk / Secretary

Catherine M. Carter  
Judge

MAY 16 2014

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

Michael Butler,  
vs.  
Sun Sil Sims,

Plaintiff,  
Defendant.

CASE NO. 3AN-14-05764CI

DOMESTIC RELATIONS INITIAL ORDER &  
ORDER TO FILE FINANCIAL DOCUMENTS

FILED  
STATE OF ALASKA  
THIRD DISTRICT

2014 MAR 21 PM 2:31

BY [Signature] TRIAL COURT

1. Judge Catherine M Easter will hear and decide your case.
2. The following **ORDERS** are in effect when this document is delivered to you and remain until the court enters the final order and decree in this case.
  - You cannot threaten, harass or harm the opposing party or children. For example, you cannot physically hurt, stalk, excessively call, email or text the opposing party.
  - Unless the opposing party agrees in writing, OR this court orders it:
    - You cannot remove any child who is the subject of this case from Alaska.
    - In a divorce case, you cannot sell or dispose of any marital or disputed property, except you can use marital funds or assets only for the immediate personal and necessary living expenses of yourself and your children.
    - In a divorce case, you cannot cancel, change or stop paying for any insurance policy.
3. **FINANCIAL DOCUMENTS IN CHILD CUSTODY CASES:** If there are minor child(ren) involved in the case, you must file the following documents and serve the opposing party with a copy no later than **45 days after the answer** is filed.
  - Completed Child Support Guidelines Affidavit, DR 305 ([www.courts.alaska.gov/forms/dr-305f.pdf](http://www.courts.alaska.gov/forms/dr-305f.pdf)). Fill in your column completely and fill in the other parent's column if you can.
  - Copies of 4 most recent pay stubs.
  - Copy of most recent tax return, all schedules, attachments, W-2s, 1099s.
  - Your employer's name, address and phone number.
  - Letter from your employer or health insurance company stating:
    - what health insurance coverage you have currently
    - who is covered, and
    - how much it costs to insure (1) you alone and (2) you and your child(ren).
  - If you did NOT receive the Alaska PFD, provide a statement explaining why not.

**Black out any confidential information** such as social security numbers and account numbers except for the last 4 digits so that the parties and court can identify the specific account. You can use the Notice of Filing, SHC 1605 ([www.courts.alaska.gov/shc/shc-1605.doc](http://www.courts.alaska.gov/shc/shc-1605.doc)) cover sheet to file with the financial documents.

4. **PARENT EDUCATION:** If there are minor children involved in the case, you have to either (1) watch the approved parent education video at the courthouse, or (2) complete the web-based class *Children in Between*. This requirement must be satisfied before the entry of the final decree in the case. See [www.courts.alaska.gov/shcparent-ed.htm](http://www.courts.alaska.gov/shcparent-ed.htm).
5. **DISCOVERY OF INFORMATION IN DIVORCE CASES:** Each party must give the opposing party (or their attorney if represented) information about the marital property and debt within

**45 days after the answer** is filed. Do NOT file this information in court, but only provide it to the opposing party or their attorney. Learn more about Civil Rule 26.1 disclosures and forms you can use at: [www.courts.alaska.gov/property.htm#2](http://www.courts.alaska.gov/property.htm#2). You may request additional discovery according to Civil Rules 26–37 ([www.courts.alaska.gov/civ.htm](http://www.courts.alaska.gov/civ.htm)).

6. **SUPPORTING FINANCIAL INFORMATION:** You must file a **completed Financial Declaration, DR-250**, ([www.courts.alaska.gov/forms/dr-250f.pdf](http://www.courts.alaska.gov/forms/dr-250f.pdf)) if you file a motion asking for money from the opposing party (e.g. Motion for Attorney's Fees or a Motion for Interim Spousal Support). If you file an opposition to a motion asking for money, you must file a completed Financial Declaration, DR-250 ([www.courts.alaska.gov/forms/dr-250f.pdf](http://www.courts.alaska.gov/forms/dr-250f.pdf)).
7. **SERVING COPIES OF COURT FILINGS:** You must give the opposing party (or their attorney if represented) a copy of **every document** you file in court. The complaint and the attached documents must be served by (1) certified mail, restricted delivery, return receipt or (2) a process server. All other documents can be filed by 1st class U.S. mail or hand delivery. You must file a Certificate of Service that tells the court that you served the opposing party, by what method and when. See a sample at [www.courts.alaska.gov/serve.htm](http://www.courts.alaska.gov/serve.htm).
8. **NEXT COURT DATE:** The court will set a status conference approximately 60 days after the answer is filed and notify you to discuss the possibility of settlement or schedule a trial date. If the defendant does not file an answer, the plaintiff may file for default. (See [www.courts.alaska.gov/shcdefault.htm](http://www.courts.alaska.gov/shcdefault.htm) to learn about the default process.)

**You must follow this ORDER. If you do not, the court may reject your paperwork and your case will be delayed. The court may order sanctions, such as paying the opposing party's attorney's fees and costs and/or finding you in contempt of court which may result in fines or jail time.**

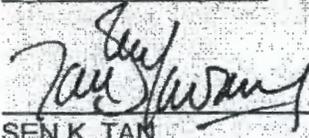
You must follow specific procedures in divorce and custody cases. If you are representing yourself, contact the Family Law Self-Help Center to understand court procedures and forms:

- (907) 264-0851; toll-free (866) 279-0851 (In Alaska, but outside Anchorage)
- [www.courts.alaska.gov/selfhelp.htm](http://www.courts.alaska.gov/selfhelp.htm)

You can find additional forms at: [www.courts.alaska.gov/forms-subj.htm](http://www.courts.alaska.gov/forms-subj.htm) and court rules at: [www.courts.alaska.gov/civ.htm](http://www.courts.alaska.gov/civ.htm).

March 21, 2014

Date

  
SEN K. TAN  
Presiding Judge  
Third Judicial District

I certify that a copy of this Order was  mailed  given to  Plaintiff  Plaintiff's attorney to serve on the Defendant with the summons.

Deputy Clerk: KKrause Date: 3/21/2014

**FILE COPY**

Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501

### Transfer Liquor License

(907) 263-5900  
Fax: (907) 263-5930  
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is:  Full Year OR  Seasonal List Dates of Operation: \_\_\_\_\_

| SECTION A - LICENSE INFORMATION  |   |  | FEES   |
|--|---|--|--|
| License Year:<br>2013/2014   | License Type:<br>Package Store  | Statute Reference<br>Sec. 04.11.150        | Filing Fee: \$100.00   |
| License #: 1011  |   |  | Rest. Desig. Permit Fee: (\$50.00) \$                        |
| Local Governing Body: (City, Borough or Unorganized)<br>Municipality of Anchorage                                    | Community Council Name(s) & Mailing Address:<br>Birchwood Community Council<br>1057 W. Fireweed Ln., Ste. 100 |  | Fingerprint: \$<br>(\$51.50 per person)                      |
| Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership):<br>Three Bears Alaska, Inc.                              | Doing Business As (Business Name):<br>Three Bears   | Business Telephone Number:<br>907.357.4311 | TOTAL 100.00   |
| Mailing Address:<br>445 N. Pittman Rd, Ste. B  | Street Address or Location of Premises:<br>22211 Birchwood Loop<br>Chugiak, AK 99567                          | Business Telephone Number:<br>907.357.4312 | Email Address:<br>Regulatory-Compliance@threebearsalaska.com |
| City, State, Zip:<br>Wasilla, AK 99623   |   |  |  |
| Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |   |  |  |
| If "yes" please state the relationship _____   |   |  |  |

**SECTION B - TRANSFER INFORMATION**

|  |   |
|--|---|
| <input checked="" type="checkbox"/> Regular Transfer<br><input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents.<br><input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670. | Name and Mailing Address of <b>CURRENT</b> Licensee:<br>Eagle River Liquor, LLC<br>16535 Artillery Rd., Eagle River, AK 99577 |
|  | Business Name (dba) <b>BEFORE</b> transfer:<br>Eagle River Liquor, <del>LLC</del>   |
|  | Street Address or Location <b>BEFORE</b> transfer:<br>16535 Artillery Road<br>Eagle River, AK 99577                           |

**SECTION C - PREMISES TO BE LICENSED**

|   |   |   |
|---|---|---|
| Distance to closest school grounds:<br>450 Feet   | Distance measured under:<br><input checked="" type="checkbox"/> AS 04.11.410 OR<br><input type="checkbox"/> Local ordinance No. | <input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.<br><input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.<br><input checked="" type="checkbox"/> Not applicable |
| Distance to closest church:<br>515 Feet   | Distance measured under:<br><input checked="" type="checkbox"/> AS 04.11.410 OR<br><input type="checkbox"/> Local ordinance No. |   |
| Premises to be licensed is:<br><input type="checkbox"/> Proposed building<br><input type="checkbox"/> Existing facility<br><input checked="" type="checkbox"/> New building |   | <input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)<br><input type="checkbox"/> Diagram of premises attached   |

## Transfer Liquor License

### SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes  No If Yes, complete the following. Attach additional sheets if necessary.

| Name                  | Name of Business | Type of License | Business Street Address | State |
|-----------------------|------------------|-----------------|-------------------------|-------|
| Please see attachment |                  |                 |                         |       |
|                       |                  |                 |                         |       |
|                       |                  |                 |                         |       |
|                       |                  |                 |                         |       |
|                       |                  |                 |                         |       |

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes  No If Yes, attach written explanation.

### SECTION E – OWNERSHIP INFORMATION - CORPORATION

*Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.*

|   |                         |  |  |
|---|-------------------------|--|--|
| Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):<br><b>Three Bears Alaska, Inc.</b>   |                         | Telephone Number:<br><b>907.357.4311</b>                                 | Fax Number:<br><b>907.357.4312</b>       |
| Corporate Mailing Address:<br><b>445 N. Pittman Road, Suite B</b>   | City:<br><b>Wasilla</b> | State:<br><b>Alaska</b>  | Zip Code:<br><b>99623</b>                |
| Name, Mailing Address and Telephone Number of Registered Agent:<br><b>Jean Tradostino</b><br><b>420 L St., Ste. 400, Anchorage, AK 99501 907.276.1969</b>   |                         | Date of Incorporation OR Certification with DCED:<br><b>May 19, 1981</b> | State of Incorporation:<br><b>Alaska</b> |
| Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee. |                         |  |  |

### Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

| Name                  | Title | % | Home Address & Telephone Number | Work Telephone Number | Date of Birth |
|-----------------------|-------|---|---------------------------------|-----------------------|---------------|
| Please see attachment |       |   |                                 |                       |               |
|                       |       |   |                                 |                       |               |
|                       |       |   |                                 |                       |               |
|                       |       |   |                                 |                       |               |
|                       |       |   |                                 |                       |               |
|                       |       |   |                                 |                       |               |

# Transfer Liquor License

NOTE: If you need additional space, please attach a separate sheet.

## SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

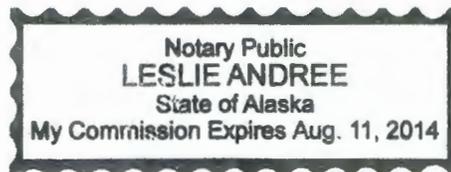
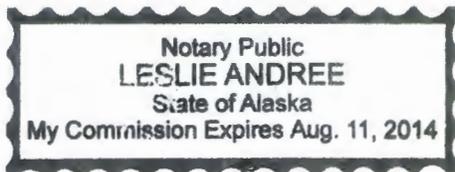
**Individual Licensees/Affiliates** (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

|                            |  |                            |  |
|----------------------------|--|----------------------------|--|
| Name:<br>Address:          | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/> | Name:<br>Address:          | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/> |
| Home Phone:<br>Work Phone: | Date of Birth:   | Home Phone:<br>Work Phone: | Date of Birth:   |
| Name:<br>Address:          | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/> | Name:<br>Address:          | Applicant <input type="checkbox"/><br>Affiliate <input type="checkbox"/> |
| Home Phone:<br>Work Phone: | Date of Birth:   | Home Phone:<br>Work Phone: | Date of Birth:   |

### Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

| Signature of Current Licensee(s)   | Signature of Transferee(s)   |
|--|--|
| Signature<br><i>Three Bears Alaska, Inc.</i>                                       | Signature<br><i>Eagle River Liquor, LLC</i>  |
| Signature<br><i>Stephen D. Mierop</i>  | Signature<br><i>Sam Sims</i>   |
| Name & Title (Please Print)<br><i>Stephen D. Mierop, Vice President</i>            | Name & Title (Please Print)<br><i>Sam Sims Member &amp; Manager</i>                |
| Subscribed and sworn to before me this<br><i>27</i> day of <i>November, 2013</i> . | Subscribed and sworn to before me this<br><i>27</i> day of <i>November, 2013</i> . |
| Notary Public in and for the State of Alaska<br><i>[Signature]</i>                 | Notary Public in and for the State of Alaska<br><i>[Signature]</i>                 |
| My commission expires: <i>8/11/2014</i>  | My commission expires: <i>8/11/14</i>  |



**Three Bears Alaska, Inc.****Transfer Application for Alaska Liquor License Number 1011****November 27, 2013****Corporate Officers, Directors & 10% or Greater Owners**

| Name                              | Title                      | ✓ if Director | %      | Home Address & Telephone Number   | Date of Birth             | Work Telephone Number |
|-----------------------------------|----------------------------|---------------|--------|---|---------------------------|-----------------------|
| Larry A. Weisz Sr.                | Chairman                   | ✓             | N/A    | 1740 S. Hidden View Rd., Wasilla, AK 99623<br>907-357-5592                    | 08/09/1940                | 907-357-4311          |
| David A. Weisz Sr.                | President                  | ✓             | 5.09%  | 3771 N. Meadow Lakes Dr., Wasilla, AK 99654<br>907-357-3502                   | 09/30/1962                | 907-357-4311          |
| Janeen M. Weisz                   | Director                   | ✓             | N/A    | 1740 S. Hidden View Rd., Wasilla, AK 99623<br>907-357-5592                    | 06/01/1958                | 907-357-4311          |
| Rachel A. Sanford                 | Treasurer; Asst. Secretary | ✓             | N/A    | .1 Schiovalli Road, Tok, AK 99780<br>907-883-5432                             | 01/20/1974                | 907-883-4324          |
| Paul D. Sonnenberg                | Vice President             |               | N/A    | 3700 North Bear Street, Wasilla, AK 99654<br>907-357-1529                     | 08/24/1962                | 907-357-4311          |
| Stephen D. Mierop                 | Vice President; Secretary  |               | N/A    | 3819 Hampton Drive, Anchorage, AK 99504<br>907-337-1550                       | 05/07/1957                | 907-357-4311          |
| Three Bears Investment Group, LLC | Shareholder                |               | 75.62% | 445 N. Pittman Road, Suite B<br>Wasilla, AK 99654<br>Attn: David A. Weisz Sr. | 11/10/2008<br>(formation) | 907-357-4311          |

**Tab**

**9**



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  
Fax: 907.334.2285

**MEMORANDUM**

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

DATE: Tuesday, July 01, 2014

FROM: Sarah D. Oates  
Records & Licensing Supervisor

RE: Resurrection & Renewal of Expired  
License for Legends #4404

Host International, Inc., owner of Beverage Dispensary – Tourism License #4404 d/b/a Legends, was issued the required notification per statute that a renewal was due for the license. On December 16, 2013 received renewal applications for the other four licenses owned by Host International, Inc. along with the original 2012-2013 liquor license for #4404 and a letter requesting that this license be expired due to closure.

On June 12, 2014, we received a letter and completed renewal application (including a check for the renewal and late fees) from the licensee requesting that this license be resurrected and renewed. The renewal is currently pending approval by the Municipality of Anchorage.



**LAURA J. VANDANIKER**  
Senior Manager, Licensing  
Tel: 240.694.4865 | Fax: 240.694.4635  
E-mail: [laura.vandaniker@hmshost.com](mailto:laura.vandaniker@hmshost.com)

June 11, 2014

**VIA FEDERAL EXPRESS MAIL**

Maxine Andrews  
Business Registration Examiner  
The State of Alaska  
Dept. of Commerce and Economic Development  
Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501

**RE: Host International, Inc. d/b/a Legends  
License #4404  
Resurrection and Renewal of Beverage Dispensary Tourism License**

Dear Ms. Andrews:

Host International, Inc. ("Host") previously operated a unit known as *Legends* at Anchorage International Airport (the "Airport"), and held Beverage Dispensary Tourism License #4404. On December 12, 2013, we informed you via letter that *Legends* was closed, and we subsequently surrendered its original liquor license.

As mentioned to you via telephone, the Airport has asked us to re-open *Legends* and resume food and alcoholic beverage service to airport passengers in this unit. Accordingly, this letter is to respectfully request that the Alcoholic Beverage Control Board resurrect and renew Beverage Dispensary Tourism License #4404. We would greatly appreciate if this request is added to the agenda for consideration at the July 8, 2014 Board Meeting.

Enclosed please find a completed 2014/2015 Liquor License Renewal application, along with check #03686446 in the amount of \$3,200.00 for the renewal/late fee.

If you have any questions, or require further information, feel free to contact me. Thank you for your cooperation and assistance.

Sincerely,

Laura J. Vandaniker

Enclosures

11367

### 2014/2015 Liquor License Renewal

| License Number          | License Type                                   | Establishment Name       |
|-------------------------|--|--------------------------|
| 4404                    | Beverage Dispensary-Tourism AS<br>04.11.400(d) | Legends                  |
| <b>If Seasonal Lic.</b> | <b>Seasonal Date From:</b>                     | <b>Seasonal Date To:</b> |

| Mailing Address   | Premises Address   |
|---|--|
| Host International, Inc., Attn: HMS Host Legal Dept.<br>6905 Rockledge Dr. MS 7-1<br>Bethesda, MD 20817<br>Community Council/s<br>(Anchorage & Mat-Su only) | Anchorage International Airport<br>City: Anchorage, Mun. of<br>Borough: Other<br>Sand Lake |

**Please mark the correct box to answer:**

- Was your business open at least 30 days for 8 hours each day in 2012?  Yes  No
- Was your business open at least 30 days for 8 hours each day in 2013?  Yes  No
- Has the licensed premises changed from the last diagram submitted?  Yes  No
- Has any person named in this application been convicted of a felony or Title 4 violation?  Yes  No

**Please answer the following questions:**

What is a good contact **phone number** for us to use? 240-694-4865

Please give us a **fax number** if available or write N/A 240-694-4365

Give us an **email address** to use in contacting you licensing@hmshost.com

Please write your Employer Identification Number (**EIN**) here 52-1242334

**List all corporation/LLC members, managers and shareholders below:**

| Name & Mailing Address | Title | Share % | Phone |
|------------------------|-------|---------|-------|
| See "Attachment A"     |       |         |       |
|                        |       |         |       |
|                        |       |         |       |

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

| Name & Mailing Address | Title | Share % | Phone |
|------------------------|-------|---------|-------|
|                        |       |         |       |

|   |            |
|---|------------|
| License Fee   | \$ 2500.00 |
| Filing Fee  | \$ 200.00  |
| TOTAL   | \$ 2700.00 |
| Late Fee of \$500.00 -- If Received or Postmarked after 12/31/13    | \$ 500.00  |
| Fingerprint Fee -- \$51.50 per person (only for new owners/members) | \$         |
| GRAND TOTAL   | \$ 3200.00 |

By affixing my signature below:

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

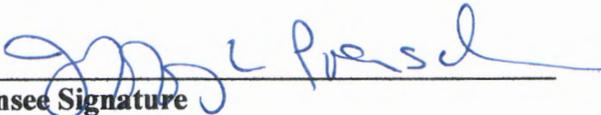
I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

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

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

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

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

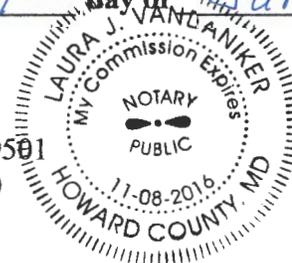
  
 Licensee Signature

Jeffrey L. Poersch, Secretary  
 Printed Name & Title

  
 Notary Signature  
 Notary Public in and for the State of Maryland

Subscribed and sworn to before me this  
9<sup>th</sup> day of June, 2014

My commission expires: 11/08/2016



**"ATTACHMENT A"**

**STATE OF ALASKA  
2014/2015 LIQUOR LICENSE RENEWAL**

---

**HOST INTERNATIONAL, INC.  
OFFICERS/DIRECTORS**

| <b>Name</b>             | <b>Title</b>        | <b>% of Stock</b> |
|-------------------------|---------------------|-------------------|
| Paul Mamalian           | President/ Director | 1%                |
| Charles Edward Powers   | Vice President      | 0%                |
| Bernard Nathaniel Brown | Vice President      | 0%                |
| Mark Theodore Ratych    | Treasurer/ Director | 1%                |
| Jeffrey Leonard Poersch | Secretary           | 1%                |
| HMSHost Corporation     | Shareholder         | 97%               |

The mailing address for all officers is: HMSHost Corporation, 6905 Rockledge Drive MS 7-1  
Bethesda, MD 20817

The phone number for all officers is: (240) 694-4100

## Division of Corporations, Business and Professional Licensing

### Name(s)

| Type       | Name                     |
|------------|--------------------------|
| Legal Name | HOST INTERNATIONAL, INC. |

### Entity Details

**Entity Type:** Business Corporation

**Entity #:** 41693F

**Status:** Good Standing

**AK Formed Date:** 2/29/1988

**Duration/Expiration:** Perpetual

**Home State:** DELAWARE

**Next Biennial Report Due:** 1/2/2016

**Entity Mailing Address:** 6905 ROCKLEDGE DRIVE, BETHESDA, MD 20817

**Entity Physical Address:** 6905 ROCKLEDGE DRIVE, BETHESDA, MD 20817

### Registered Agent

**Agent Name:** PRENTICE-HALL CORPORATION SYSTEM, INC.

**Registered Mailing Address:** 9360 GLACIER HWY STE 202, JUNEAU, AK 99801

**Registered Physical Address:** 9360 GLACIER HWY STE 202, JUNEAU, AK 99801

### Officials

| AK Entity# | Name                 | Titles                           | Percent Owned |
|------------|----------------------|----------------------------------|---------------|
|            | BERNARD BROWN        | Vice President                   |               |
|            | CHARLES E POWERS     | Vice President                   |               |
|            | HMSHOST CORPORATION  | Shareholder                      | 97            |
|            | JEFFREY POERSCH      | Shareholder, Secretary           | 1             |
|            | MARK THEODORE RATYCH | Director, Shareholder            | 1             |
|            | PAUL MAMALIAN        | Director, President, Shareholder | 1             |

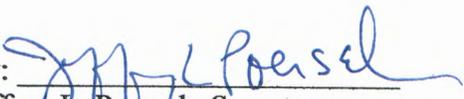
### Filed Documents

| Date Filed | Type | Filing | Certificate |
|------------|------|--------|-------------|
|            |      |        |             |

"TOURISM STATEMENT"  
2014/2015 Liquor License Renewal  
Host International, Inc. d/b/a Legends  
License # 4404

Host International, Inc., and its parent company, HMSHost Corporation, is in compliance with AS 04.11.400(d) as evidenced by the attached press release detailing its role and responsibility to support tourism at the Anchorage International Airport.

Host International, Inc.

By:   
Jeffrey L. Poersch, Secretary

Date: 6/9/2014



An Autogrill Company 



An Autogrill Company 

Contact: [hmshostcorpcommunications@hmshost.com](mailto:hmshostcorpcommunications@hmshost.com)

## For Immediate Release

**HMSHost Renews Food & Beverage Contract at Anchorage International Airport**  
*New restaurant created in partnership with Norton Sound Economic Development Corporation*



**BETHESDA, MD** – HMSHost Corporation, a world leader in travel dining and shopping, today announced a ten-year extension of its food and beverage concessions contract with Anchorage International Airport (ANC). HMSHost will continue to offer an exceptional lineup of local and national brands to ANC travelers, highlighted by the new *Norton Sound Seafood House*.

“HMSHost continues to deliver exceptional, well-designed dining options that enhance our food and beverage concessions program. This agreement will bring new venues to give visitors to Alaska the local flavor they eagerly anticipate and enjoy,” said Debbie Herrick, Properties Manager, Anchorage International Airport.

The *Norton Sound Seafood House* is a showcase of the fishery resources and the small-boat fishermen of remote Northwest Alaska communities. HMSHost is pleased to work in partnership with the Norton Sound Economic Development Corporation (NSEDC), a local, non-profit corporation, to develop this exciting, locally-themed seafood restaurant for ANC. NSEDC’s goals are to support local fisheries and provide economic development through education, employment, training and financial assistance to its 15 member communities.

– more –

"NSEDC is very pleased to be a partner in this project for several reasons," said Janis Ivanoff, NSEDC's Chief Executive Officer. "The prime location will certainly result in increased exposure to our region's high-quality seafood; this will let consumers passing through the airport experience the fishery resources that our region has depended on for thousands of years, improve the markets for our local small-boat fishermen, and ultimately to bring the fishermen's and consumers' best interests together in this niche operation in Alaska's busiest airport."

Locally-caught seafood will be the star of the **Norton Sound Seafood House** menu with items created by well-known television celebrity **Chef Al Levinsohn**. Selections include Chef Al's Alaskan Crab Po Boy, Original Ale battered Halibut Po Boy, Original Ale battered Halibut and King Crab Cake Dinner. Scheduled to open in August, the restaurant will be located post-security on Concourse C, and will provide travelers a cozy, modern atmosphere with a full bar featuring locally-brewed beer, fine wines, and cocktails.

**Humpy's Great Alaskan Alehouse**, a popular Anchorage pub that features a range of local draft beers and is famous for Alaskan Fish & Chips, is another new concept opening on Concourse B in July. HMSHost's current ANC food and beverage options include **Starbucks Coffee, Chili's Too, Quiznos, Legends, Café Del Mundo** and **Upper One Lounge**.

"We believe this new agreement expresses the airport's confidence that we are making the traveler's day better at Anchorage International Airport. We are also very pleased to support the local community in partnership with the Norton Sound Economic Development Corporation and are working with them to create a unique restaurant that truly gives ANC's travelers a sense of place," said Stephen Douglas, Vice President, Business Development, HMSHost.

About HMSHost

*HMSHost is a world leader in creating shopping and dining for travel venues. HMSHost operates in more than 100 airports around the globe, including the 20 busiest airports in North America. The Company has annual sales in excess of \$2.7 billion and employs more than 34,000 sales associates worldwide. HMSHost is a part of Autogrill Group, the world's leading provider of food and beverage and retail services for people on the move. With over €5.8 billion expected sales in 2008, the Group operates in 43 countries and employs some 70,000 people. It manages over 5,300 stores in more than 1,200 locations worldwide. Visit [www.HMSHost.com](http://www.HMSHost.com) for more information and become a Fan of HMSHost on Facebook.*

###



**JOAN BENNETT**  
 Licensing Specialist  
 Tel: 240.694.4634 | Fax: 240.694.4635  
 E-mail: joan.bennett@hmshost.com

December 12, 2013

**VIA FEDERAL EXPRESS MAIL**

Maxine Andrews  
 The State of Alaska  
 Alcoholic Beverage Control Board  
 2400 Viking Drive  
 Anchorage, AK 99501

**RE: Licensee: Host International, Inc.**  
**Premises: Anchorage International Airport, Anchorage, AK 99502**  
**Application: 2014/2015 Liquor License Renewals**

Dear Ms. Andrews:

Enclosed please find duly executed Liquor License Renewal applications, corporate checks for the applicable fees, and "tourism statements" for the licenses referenced below.

| License No. | Trade Name                     | License Type                                | Corporate Check No. | Check Amt. |
|-------------|--------------------------------|---|---------------------|------------|
| 1187        | Upper One                      | Beverage Dispensary                         | 03653044            | \$2,700    |
| 4403        | Chili's Too                    | Beverage Dispensary-Tourism AS 04.11.400(d) | 03653045            | \$2,700    |
| 4987        | Humpy's Great Alaskan Alehouse | Beverage Dispensary-Tourism AS 04.11.400(d) | 03653043            | \$2,700    |
| 4988        | Norton Sound Seafood House     | Beverage Dispensary-Tourism AS 04.11.400(d) | 03653046            | \$2,700    |

Please note that Laura A. Babin resigned as Corporate Secretary of Host International, Inc., and was replaced by Jeffrey L. Poersch. Sadye C. Sanders also resigned as Assistant Secretary of Host International, Inc. The 2014 Business Corporation Biennial Report (copy enclosed) submitted to the State of Alaska Department of Commerce on December 2, 2013 references the current officers for Host International, Inc.

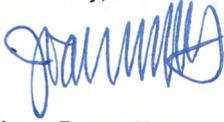
Also enclosed please find the original liquor license for the closed unit mentioned below. Please "expire" this license.

| License No. | Trade Name               | License Type                                |
|-------------|--------------------------|---|
| 4404        | Legends<br><b>CLOSED</b> | Beverage Dispensary-Tourism AS 04.11.400(d) |

State of Alaska  
Alcoholic Beverage Control Board  
December 12, 2013  
Page 2 of 2

Please process accordingly, and contact me with any questions. Thank you for your assistance in this matter.

Sincerely,



Joan Bennett

Enclosures

**Tab**

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**LICENSEE SANCTIONS UNDER AS 04.16.180**

| <b>Licensee</b>         | <b>Business</b>             | <b>License Number</b> | <b>Offense</b>  | <b>Statute</b>                   | <b>Date of Board Meeting</b> | <b>Sanction</b>   |
|-------------------------|-----------------------------|-----------------------|---|----------------------------------|------------------------------|---|
| Young Hyon Kim          | Sushi Garden, Inc. dba Kogi | 5107                  | Responsibility of licensee, agents, & employees & Licensed premises           | AS 04.21.030 & 3 AAC 304.185 (c) | 4/29/14                      | 30 Days Suspension of License with 23 Days Suspended. Must have no new violations for 1 year.                   |
| 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                  | Furnishsing 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.   |

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| 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. |

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| 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.   |

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| 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.       |

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| 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. |

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| Sandra Ramos           | Jalapeno's Mexican Restaurant | 3766 | Furnishing Alcohol to persons under 21         | AS 04.16.150 | 11/29/06 | 45 Days suspension of license with 38 days suspended. License suspension for alcohol sales only. \$500 Fine. |
| Dennis Shaw            | Salcha River Lodge            | 3487 | Failure to have proper alcohol server training | AS 04.16.150 | 11/29/06 | 5 Days Suspension  |
| Alfred Sousa           | Talkeetna Motel               | 1287 | Furnishing Alcohol to persons under 21         | AS 04.16.150 | 10/4/06  | 5 Days Suspension  |
| Byron Yang             | Golden Pond                   | 2845 | Furnishing Alcohol to persons under 21         | AS 04.16.150 | 10/4/06  | 45 Days Suspension of License with 38 Days suspended, \$1,000 fine with \$500 suspended.                     |
| Itsuro Tamaki          | Kumagoro Restaurant           | 2276 | Failure to have proper alcohol server training | AS 04.16.150 | 10/4/06  | 45 Days Suspension of License with 38 Days suspended, \$1,000 fine.  |
| Mary Lou Redmond       | Diamond Jim's Package Store   | 2926 | Furnishing Alcohol to persons under 21         | AS 04.16.150 | 10/4/06  | 45 Days Suspension of License with 38 Days suspended, \$500 fine.  |
| Ying Po Liu            | Golden Shanghai               | 3467 | Failure to have proper alcohol server training | AS 04.16.150 | 8/9/06   | 15 Days Suspension and \$1,000 Fine.   |
| Charlampos Alefantinos | Bella Vista                   | 107  | Failure to have proper alcohol server training | AS 04.16.150 | 6/15/06  | 7 Days Suspension and \$1,000 fine.  |
| Robert Clutts          | Anchor River Inn              | 1309 | Failure to have proper alcohol server training | AS 04.16.150 | 6/15/06  | 4 Days Suspension beginning 10/16/06.  |
| Carlos Gomez           | Pancho's Villa Restaurant     | 74   | Furnishing Alcohol to persons under 21         | AS 04.16.150 | 6/15/06  | 7 Days Suspension beginning 6/30/06 and \$500 fine.  |
| Emmanual Xeninkakis    | Nero's Pizza                  | 3369 | Failure to have proper alcohol server training | AS 04.16.150 | 6/15/06  | 7 Days Suspension beginning 8/29/06 and \$500 fine.  |
| Jose Nanez             | Chepo's Fiesta                |      | Failure to have proper alcohol server training | AS 04.16.150 | 6/15/06  | 7 Days Suspension and \$500 Fine.  |

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| 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 | 2/9/05  | Licensee said he had sold business, but not transferred license. Board suspended licenses for package store (1032) & beverage dispensary (1033). |