

Tab

11



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

FROM: Robert L. Beasley, Interim Director RE: Café 817 Lic. # 4449

On January 28, 2014, Mark Novosad, a licensee, entered a plea of guilty during court proceedings in Anchorage District Court on one count of **Responsibility of Licensee**, a violation of AS 04.16.150. He was given a \$2,500.00 fine and a \$50.00 court surcharge. There was no jail time or probation; fine only.

Basis for this charge stemmed from an October 28, 2013 compliance check where a 19 year old female employee of Café 817 took an alcohol order from an ABC Underage Agent who was under 21 years of age.

The 19 year old employee relayed the alcohol order to another employee who was of age, and who believed the 19 year old employee had checked the Under Age Buyer's ID. As a result, the Underage Buyer was provided with an alcoholic beverage.

Licensee, Mark Novosad, was working in the kitchen and was present. When contacted by and ABC Investigator, Mr. Novosad produced an Alcohol Server Education Card that was expired.

Please see enclosed documents.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE

JUDGMENT

Plaintiff: ☒ State of Alaska ☐ Municipality of Anchorage

vs.

Defendant: Mark NovosadDL/ID (☐ CDL) 5039121

Address: _____

Case No.: 3AN-13-13093 CR

APSIN: _____

ATN: _____ CTN: 3

Offense Date: _____

Defendant is:

☐ (Amended Charge)☒ **GUILTY** of Lic. Responsible for alc. viol.☐ Attempt ☐ Solicitation ☐ Conspiracy ☐ Gang-related

Statute/Reg./Ord.: _____

Class: ☐ Misd. A ☐ Misd. B ☐ Misd. N ☐ Infrac./Viol.☐ **NOT GUILTY.** It is ordered that the defendant is acquitted and discharged.☒ CTN Charges Dismissed 2PLEA: ☐ Guilty ☐ No ContestPLEA AGREEMENT: ☒ Yes ☐ No ☐ PartialTRIAL: ☐ Court ☐ JuryDV Offense per AS 18.66.990(3) & (5) ☐ Yes ☒ NoSOREG Required by AS 12.63.100 ☐ Yes ☒ No☐ Motor vehicle used in offense (AS 28.15.181(a))☐ Traffic safety corridor ☐ Highway work zone☐ Commercial vehicle offense:☐ >26,000 lbs ☐ 15+ passengers ☐ Hazmat☐ **SUSPENDED IMPOSITION OF SENTENCE.** Imposition of sentence is suspended and defendant is placed on probation subject to the orders and conditions listed below.**SENTENCE IS IMPOSED AS FOLLOWS:****DIRECT COURT ORDERS**

1. FINE: \$ 2500 with \$ — suspended. Due 3/1/14 Bail to Fine \$ _____
☐ Fees paid to court-ordered programs will be credited to fine if defendant presents proof of payment to clerk by above due date.
2. POLICE TRAINING SURCHARGE due within 10 days: ☒ \$50 (Misd) ☐ \$10 (Infraction) ☐ None (Fine Under \$30)
3. JAIL _____ days with _____ days suspended. Report at 7:45 a.m. on _____ to the Cordova Center, 130 Cordova Street, Anchorage or a bench warrant may be issued for your arrest.
4. ☐ Initial Jail Surcharge: ☐ \$50 per case. Due now to AG's Office, 1031 W. 4th Ave., #200, Anchorage, AK 99501
5. ☐ Suspended Jail Surcharge: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
6. ☐ Report now to the Anchorage Alcohol Safety Action Program (AASAP). Follow all recommendations including residential treatment up to _____ days plus required aftercare in addition to any jail time ordered. Pay costs. *
7. ☐ Defendant is ordered to perform _____ hours Community Work Service (CWS) within/by _____ and pay any required fee. ☐ CWS not completed will convert to 3 hours of jail per CWS hour.
8. ☐ Defendant is ordered to make restitution ☐ as stated in the Restitution Judgment ☐ in an amount to be determined as provided in Criminal Rule 32.6 (c)(2).*
9. ☐ Defendant must give DNA sample if requested by an officer on state's behalf. (AS 11.41 offense)
10. ☐ Defendant is ordered to _____
11. Orders are imposed ☐ consecutive to ☐ concurrent with other counts and cases. [Periods of probation are concurrent.]

CONDITIONS OF PROBATION. Defendant is placed on probation for _____ years/months, subject to the following conditions:

12. ☒ Comply with all the above direct court orders by the deadlines stated, and follow the "After Sentencing Instructions."
13. ☒ Commit no jailable offenses during the period of probation.
14. ☐ Contact a state-approved batterer's intervention program within ten days for assessment and to follow all recommendations.
☐ Complete _____ anger management program; supply proof to the prosecutor by _____
15. ☐ Have no contact, direct or indirect, with _____ unless that person's written consent was supplied to the Prosecutor.
16. OTHER: _____

* Refer to "After Sentencing Instructions."

JUDGMENT FOR COST OF COUNSEL (If Appointed). IT IS ORDERED that defendant pay to plaintiff ☐ \$500 (Trial)☐ \$200 (Change of Plea) ☐ \$_____ for the cost of court-appointed counsel. Interest accrues on the judgment at the annual rate of 3.75% from the date of judgment until paid. Defendant is ordered to apply for the PFD every year defendant is eligible until the judgment is paid in full. This judgment has the same force and effect as a judgment in a civil action.

I certify that I gave a copy of this judgment to:

☒ Prosecutor ☒ Def ☒ Def Atty by JB on 1-28-14☐ Jail ☐ AASAP ☐ DV Monitor ☐ CWS ☐ CFEC☐ DMV, mail to 1300 W. Benson Blvd., Anch., AK 99503☐ w/ surr. lic. # _____ by _____ on _____

Judicial Officer

Effective Date

Print Name: B. Clark



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

Date: 11-15-13
Number AB13-0249
Page 1 of 2 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Muffin Man & Company Inc.	4449	Restaurant / Eating Place
D.B.A.	How Delivered <input checked="" type="checkbox"/> Certified Mail # On-File <input type="checkbox"/> In Person	Law Enforcement Agency
Café 817		Anchorage Police Department
Street or P.O. Box	City, State	Zip
817 W. 6 th Ave	Anchorage, AK	99501

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 10-28-13, at about 1252 hours, under 21 Elisabeth Swan Siefken; age 19, took an alcoholic beverage order from a person under 21 and relayed the order to waitress Danielle Amiel Severson. Severson believing Siefken checked the underage person's ID, served the drink without checking ID. Café 17 owner Mark Steven Novosad was present in the kitchen area. When asked to provide proof of server education, he provided an expired TAM card. The card had expired on 7-15-11. A check of the Alcohol Beverage Control Board (ABCB) records revealed Novosad signed a notarized document on 12-21-12 that he and his employees who are in the service/sale/storage all have server education. Severson could not provide proof of current server training at the time of the incident. This is a violation of Title IV and Title 11.

Your attention is directed to AS 04.16.150: Licensee responsible for violations, AS 04.21.030: Responsibility of licensees, agents and employees, AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensee, AS 04.21.025 & 3AAC304.465: Alcohol server education courses, AS11.56.200: Making a false statement.

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

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

Shirley A. Cote', Director
Alcoholic Beverage Control Board
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: Underage Buyer 11-005
Filed By: <i>JL Hamilton</i>	Title: Investigator III

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 MARK STEVEN NOVOSAD,)
)
 Defendant.)
 _____)

No. 3AN-S13-13093 CR

TRANSCRIPT OF PROCEEDINGS

January 28, 2014 - Pages 2 through 7

TRANSCRIPTION SUPPORT SERVICES

4782 Mills Drive
Anchorage, Alaska 99508-4733
(907) 333-6256 or (907) 337-0243 (fax)
(907) 223-6003 (cell)
lsfoley@acsalaska.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COP HEARING

BEFORE THE HONORABLE BRIAN K. CLARK
District Court Judge

Anchorage, Alaska
January 28, 2014
2:22 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

UNKNOWN
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

FOR THE DEFENDANT:

MICHAEL R. SMITH
LAW OFFICE OF MICHAEL R. SMITH
16201 Nickleen Street
Anchorage, Alaska 99516

P R O C E E D I N G S

30

02:22:18

MR. SMITH: Judge.....

THE COURT: Good afternoon.

MR. SMITH:Michael Smith here on behalf of Mark
Novosad, case 13-13093.....

THE COURT: Okay.

MR. SMITH:and we have an agreement with the state
that Mr. Novosad will be pleading to Count III which is
licensee responsible for alcohol violations. Count I and
Count II will be dismissed. The state has a recommendation of
a \$2,500 fine. This is Mr. Novosad's first offense of this
type of -- or this matter, really, and we're asking for 30
days for Mr. Novosad to pay the find and the state has an
agreement with that, whatever fine the court finds.

THE COURT: Okay. So it's -- I see a dismissal by the
state of Count I. There's also failure to maintain the
server's card so.....

MR. SMITH: That'd be Count II.

THE COURT: And that's being dismissed as well?

MR. SMITH: Yes.

THE COURT: Okay. So Count II is dismissed and then
Count III is the licensee responsible for alcohol violations.
Okay.

1 MR. SMITH: Correct.

2 (Pause)

3 THE COURT: And, I'm sorry, is this an appointment?

4 MR. SMITH: No, Judge, private counsel.

5 THE COURT: Okay. Private? All right. Mr. Novosad, the
6 maximum penalty for this on Count III is up to a year in jail
7 and a \$10,000 fine. The minimum's a \$50 surcharge and I'd
8 assert it's \$2,500 fine, \$50 surcharge, nothing else?

9 MR. SMITH: The.....

10 MR. NOVOSAD: Right.

11 MR. SMITH: There's nothing else. The fine is a
12 recommendation by the state.

13 THE COURT: Okay. So it's -- this is a -- not a Rule 11
14 agreement?

15 MR. SMITH: This is not a Rule 11 agreement.

16 THE COURT: Okay.

17 MR. SMITH: Oh, excuse me, my mistake. My eyes are
18 blurry, I'm sorry. It is a Rule 11 agreement.

19 THE COURT: Okay. All right.

20 MR. SMITH: It's still a recommendation of a \$2,500 fine.

21 THE COURT: Okay. I've never understood that but is that
22 what you have on your Rule 11 offer so that's a.....

23 DISTRICT ATTORNEY: I think on the form, it says
24 recommendation. We generally treat it as an agreement so.....

25 THE COURT: Okay. All right. Mr. Novosad, so the maximum

1 penalty, it sounds like you're expecting a \$2,500 fine and a
2 \$50 surcharge is my understanding.

3 MR. NOVOSAD: Yes.

4 THE COURT: That's the way I'm treating it because --
5 okay. All right. So to prove this -- and this is one I'm not
6 familiar with but just I want to make sure you're familiar
7 with the charge, they have to prove that you were a licensee
8 and that you knowingly allowed agents or employees to violate
9 Title IV and that, with criminal negligence, you failed to act
10 in accordance with some of your duties with the result that
11 your agents basically violated Title IV. And I don't know
12 what the theory is on that, whether it was people not checking
13 ID's or something like that. Was that what it was?

14 MR. SMITH: It's not checking ID's, correct.

15 THE COURT: Okay. So, basically, as the licensee, you're
16 responsible to make sure that you have people do that and
17 they're saying that, with criminal negligence, you failed to
18 act in accordance with your duties prescribed to make sure
19 that they complied with that law. So do you understand the
20 charge?

21 MR. NOVOSAD: Yes.

22 THE COURT: All right. And did you hear me go over all of
23 the rights that you have that you give up?

24 MR. NOVOSAD: Yes.

25 THE COURT: And did you understand all of that?

1 MR. NOVOSAD: Yes.

2 THE COURT: Any threats or promises other than what I've
3 just heard?

4 MR. NOVOSAD: No.

5 THE COURT: Are you under the influence of anything or are
6 you sick in any way?

7 MR. NOVOSAD: No.

8 THE COURT: All right. To this charge, how do you plead?

9 MR. NOVOSAD: Guilty.

10 THE COURT: Okay. Let me take a look at the factual
11 basis. Okay. So there is a factual basis there. Anything
12 further from the state?

13 DISTRICT ATTORNEY: Nothing bad to the extent I have to
14 make a recommendation of just that \$2,500 fine.....

15 THE COURT: Okay.

16 DISTRICT ATTORNEY:that I would recommend.

17 THE COURT: All right. Mr. Smith?

18 MR. SMITH: Nothing further, Judge.

19 THE COURT: All right. Mr. Novosad, is there anything you
20 would like to say?

21 MR. NOVOSAD: No.

22 THE COURT: All right. Then I'll -- in accordance with
23 what was the agreement, \$2,500 fine. There's a \$50 surcharge.
24 How long do you need to pay that fine?

25 MR. SMITH: We're asking for 30 days, Judge.

1 THE COURT: Okay. I'll just make it due March 1st. All
2 right. You can come get a copy. Any other cases, Mr. Smith?

3 MR. SMITH: Nothing further, Judge. Thank you.

4 THE COURT: All right. Thank you.

5 (Off record)

6 02:27:25

7 END OF REQUESTED PORTION

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

June 7, 2014

Linda S. Foley
Linda S. Foley, Transcriber



Alcoholic Beverage Control Board

Incident Report

Incident: AB13000249

Incident Type: Liquor Law Violations [90G]
Incident time: 10/28/2013 12:52 -
Reported time: 10/28/2013 12:52
Incident location: 817 W 6TH AVENUE, ANCHORAGE, Municipality of Anchorage AK USA 99501
(Beat/zone: UEBA)
Incident status: Closed, Juvenile referred other agency
Summary: On 10-28-13, at about 1252 hours, under 21 Elisabeth Swan Siefken; age 19, took an alcoholic beverage order from a person under 21 (UB11-005) and relayed the order to waitress Danielle Amiel Severson. Severson, believing Siefken checked the under persons ID, served the drink without checking ID. Cafe 817 owner Mark Steven Novosad was present in the kitchen area. When asked to provide proof of server education, he provided an expired TAM card. The card had expired on 7-15-11. A check of the Alcohol Beverage Control Board (ABCB) records revealed Novosad signed a nortized document on 12-21-12 that he and his employees who are in the serve/sale/storage of alcoholic beverage have server education. Charges of licensee responsible for violations, no server education and false statement under Title 11 are being referred to the Anchorage DAO for prosecution for Novosad. A charge of failing to show proof of server education are being referred to the Anchorage DAO for Severson.

Incident Activities/Offenses

- ABC - Compliance Check (covert)
- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - 13AAC104.465 - Failure To Maintain Alcohol Server Card
- Alcohol - AS04.16.052(1) - Licensee Sell Alcohol To Minor
- Alcohol - AS04.16.052(5) - Furnish Deliver To Minor While Licensee Working on Premises
- Alcohol - AS04.16.150 - Licensee Responsible for Alcohol Violations
- Alcohol - AS04.21.025 - Failure To Maintain Alcohol Server Card
- Perjury - AS11.56.200(a) - Makes False Sworn Statement

Involved Persons

SEVERSON, DANIELLE AMIEL

Classification: Charged; Interview

SID: AK7091237

DL: 7046463 AK

Gender: Female

DOB: 04/25/1987

Height: 5'8" **Weight:** 160lb **Build:**
Race: White **Hair Color:** Brown **Eye Color:** Green
Address: 3402 DORBRANDT STREET, ANCHORAGE, Municipality of Anchorage AK USA 99503 (Beat/zone: UEBA)
E-mail:
Telephone: (Landline) (907) 279-6836
Telephone: (Cellular phone) (907) 953-0425

SIEFKEN, ELISABETH SWAN

Classification: Interview
SID: AK7418135 **DL:** 7285512 AK
Gender: Female **DOB:** 11/17/1993
Height: 5'2" **Weight:** 130lb **Build:**
Race: **Hair Color:** Brown **Eye Color:** Blue
Address: 720 GAMBELL STREET, ANCHORAGE, Municipality of Anchorage AK USA 99501 (Beat/zone: UEBA)
E-mail:
Telephone: (Cellular phone) (907) 209-6377
Telephone: (Landline) (907) 279-6836

NOVOSAD, MARK STEVEN

Classification: Charged; Interview
SID: AK5639121 **DL:** 5639121 AK
Gender: Male **DOB:** 10/30/1963
Height: 6'3" **Weight:** 195lb **Build:**
Race: White **Hair Color:** Brown **Eye Color:** Blue
Address: 817 W 6TH AVENUE, ANCHORAGE, Municipality of Anchorage AK USA 99501 (Beat/zone: UEBA)
E-mail: NOVOALASKA@GMAIL.COM
Telephone: (Landline) (907) 279-6836

CAFE 817

Classification: Operator
SID: **DL:**
Gender: **DOB:**

Involved Property

- P13044024 / Beer / Evidence / WINTER ALE WINTER ALE

Involved Addresses

- 817 W 6TH AVENUE / Incident location / ANCHORAGE, Alaska, USA 99501 (Beat/zone: UEBA, ANCHORAGE)

Involved Officers

- Reporting unit / #ABCHABC ENFORCEMENT STATEWIDE / Reporting unit
- Reporting officer / #FRH0HAMILTON, FRANCIS J / Reporting officer

Reports

Arrest report

Subject: NOVOSAD, MARK STEVEN / Charged; Interview / DOB: 10/30/1963 (50) Gender: Male (817 W 6TH AVENUE, ANCHORAGE, Municipality of Anchorage AK USA 99501 (Beat/zone: UEBA) (Landline) (907) 279-6836 NOVOALASKA@GMAIL.COM) DL:AK:5639121

Author: #FRH0 HAMILTON, F. **Report time:** 11/15/2013 11:58

Charges: (1) AS04.16.150 Licensee Responsible for Alcohol Violations ()
(2) AS04.21.025 Failure To Maintain Alcohol Server Card ()
(3) AS11.56.200(a) Makes False Sworn Statement ()

Arrest report

Subject: SEVERSON, DANIELLE AMIEL / Charged; Interview / DOB: 04/25/1987 (27) Gender: Female (3402 DORBRANDT STREET, ANCHORAGE, Municipality of Anchorage AK USA 99503 (Beat/zone: UEBA)) DL:AK:7046463

Author: #FRH0 HAMILTON, F. **Report time:** 11/15/2013 12:22

Charges: (1) 13AAC104.465 Failure To Maintain Alcohol Server Card ()

General report

Author: #FRH0 HAMILTON, F. **Report time:** 11/15/2013 11:59

Narrative:

OBSERVATION:

On 10-28-13, at about 1247 hours, Underage Buyer 11-005; age 20, herein referred to as UB, entered Cafe 817. I remained outside. At about 1252 hours, UB sent me a text message essentially relating he had been sold a Winter Ale beer, age and ID were not asked. He paid for the beer with a recorded ten dollar bill.

OFFICER ACTION:

At about 1256 hours, I entered the establishment and located UB seated at a table with a glass of beer in front of him. I took a photo of UB with the beer. UB provided me his ID, identified who he placed the order with and paid, who delivered it to his table and then departed.

I made contact with who took the order; she as identified as Elisabeth S. Siefken, age 19, who served the beer; Danielle A. Severson and licensee Mark S. Novosad. Severson and Novosad were asked to provide server education cards.

INTERVIEW #1, I, E.S. SIEFKEN:

Siefken essentially stated she thought she could relay the order of an alcoholic beverage to someone who is allowed to serve. Siefken stated she has taken previous orders. After UB placed his order of Winter Ale, she related the order to Severson who poured and delivered the beverage to UB. Siefken has been working at Cafe 817 for about two months.

INTERVIEW #2, I, D.A. SEVERSON:

Conducted in a non-custodial manner. Severson essentially related she saw UB come in. Siefken asked a question about which of the beers were Alaskan beer, she told her Winter Ale, then Siefken relayed UB's order of Winter Ale to her. Severson said she was going to ask Siefken if she checked his ID but didn't. When asked why she would do that, she stated to see if he was old enough. Severson later related she didn't check ID because she thought Siefken did. Severson stated she had server education but she could not provide a copy. She has been selling/serving for about 5 years.

INTERVIEW #3, DI, M.S. NOVOSAD:

Conducted in a non-custodial manner. Novosad provided me with an expired alcohol server card. I asked him for a more current one. After looking around for it, he stated he did have a more current one. Regarding Siefken taking orders, he thought under 21's were allowed to take order but not serve them.

OFFICER ACTION:

Severson and Novosad were advised that they could not serve alcoholic beverages until they could show proof of server education. After discussing consequences of the violations, I departed the establishment.

INFORMATION:

On 10-28-13, at about 1552 hours, the Alcoholic Beverage Control Board (ABCB) received a fax from 276-3663 which depicted that Severson had current server education, TAP 104529, exp. 7-7-14, instructor Mulroy.

UB 11-005 completed 14 compliance checks on 10-28-13. Three establishments sold/furnished alcohol to UB 11-005.

On 11-15-13, I reviewed the license file for Cafe 817 at the ABCB. On 12-21-12, Novosad signed a notarized document that he is familiar with Title IV laws, and that he and his employees that are in the service/sale/storage of alcoholic beverages, have current server education.

CASE STATUS:

Closed. Charges of licensee responsible for violations, no server education and false statement/perjury are being referred to the DAO for Novosad. A charge of failing to provide proof of server education is being referred for Severson.

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. AB 13-0249
Date: 10-28-13 Time In: 1247 Time Sold: 1252 Time Out: 1256
Name of Business: Cafe 817
Store #: _____ Alcohol License #: 4449
Address: 817 W. 6th Ave.

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: _____

Male () Female (☒) Hair Color Brownish Eye Color _____

Height 5' 10" Weight 120 Age 25 Glasses: Yes or (☒) No

Wearing Blue shirt, Blue Jeans

PURCHASE

I purchased winter Ale, an alcoholic beverage and paid \$6.00
Describe Alcohol Purchased

I was not questioned as to my age (INSERT WAS OR WAS NOT)

I was not asked for my identification (INSERT WAS OR WAS NOT)

NOTES:

I walked into Cafe 817 & approached the counter. I grabbed a menu brochure & looked over the Alcohol list. I asked what products they had at Alaska Brewing Co. they informed they had winter Ale. I ordered that & paid \$6. Another waitress poured & handed me the beer. I then had a seat & texted my investigator. Once he arrived I proceeded to the vehicle.

I have read the above statement and all the facts are true and correct

Buyer # 11-005 Age 20 DOB: 07-30-1993



UNITED STATES UNIFORMED SERVICES			
		EXPIRATION DATE	2014JUL29
		SPONSOR SERVICE / STATUS	CH/RA/RET
		SPONSOR RANK / PAY GRADE	SGT / E5
		DDO ID NUMBER	
SIGNATURE		SPONSOR	
RELATIONSHIP		CH	
DATE OF BIRTH		BENEFITS NUMBER	
1993JUL30			

DATE OF ISSUE	MEDICAL	CIVILIAN	EFF DATE	EXP DATE
2013JAN02	DIRECT: YES	YES	2009FEB07	2014JUL29

Cafe 817

ID no age no

Winter ale

Paid yes

12:52, Oct 28

K

12:52, Oct 28

Tap to enter message

Send



OCT-28-2013 15:52 FROM: CAFE 817

9072763663

TO: 2635930

DUPLICATE CERTIFICATE # 104529

TAP
Trained for Alcohol Professionals
Not Valid for Law Enforcement

Name: Danielle Severson

Birthdate: 4/25/87

Signature: *D. Severson*

800-478-2427 or 907-274-8133
www.alcoholism.com

Mulroy
Instructor

EXPIRES ON: 7/7/2014

ATTN: JOE HAMILTON

FROM: MARK NOVASAD
CAFE 817

306-0090

License Fee	\$ 600.00
Filing Fee	\$ 200.00
TOTAL	\$ 800.00
Late Fee – If Received or Postmarked after 12/31/12	\$
Fingerprint Fee – \$51.50 per person (only for new owners/members)	\$
GRAND TOTAL	\$

By affixing my signature below:

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

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

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

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

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

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

Mark S. Novosad
Licensee Signature

MARK S. NOVOSAD *PRESIDENT*
Printed Name & Title

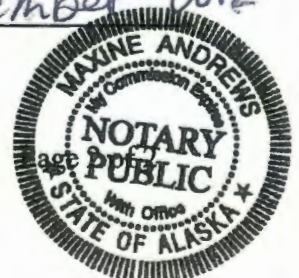
Maxine Andrews
Notary Signature
Notary Public in and for the State of AK

Subscribed and sworn to before me this

21 day of December 2012

My commission expires: 11/office

ABC Board - 5848 E. Tudor Rd - Anchorage, AK 99507
Phone: 907-269-0350 Fax: 907-272-9412



10-28-13

1247 Cape 817

1252 TEXT ED NR AGE NO
WINTER ale Paid yes

Took over

ELISABETH SWAN SPIERMAN
A/C 7285512

720 Garfield Am 833

Anch DOB 11-17-93

907 209 6377

OWNER

MARK STEVEN WOVOSAN
A/L 5639121

Ligian Louche 9 yrs

TAM 3019 EXP 7-25-11

WVVO alaska @ Gmail.com

ing Mileage

Date

ing Mileage

Weather

Mileage

Vehicle

10-28-13

Time

4-25-87

\$10:00

Served FD 7046463

Danielle Angel Severson

Maid to work

3402 DOORST DOORBRANDS ST
ANCH AK 99503

953-0425 AM.

W 274 6836

ABOUT 5-14-5

1320 10-8

[REDACTED]

7009 2820 0001 7253 2194

PS Form 3800, August 2006

See Reverse for Instructions

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

Postage
Certified Fee
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

Postmark
Here

U.S. Postal ServiceTM

CERTIFIED MAIL[®] RECEIPT

(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Tab

12



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

FROM: Robert L. Beasley, Interim Director RE: Club Soraya Lic. # 4353

On April 2, 2014, Latin Connection Entertainment, LLC, d/b/a Club Soraya was represented in Anchorage District Court by Hector Ortiz, 100% Shareholder of the Limited Liability Corporation. On behalf of the LLC, Mr. Ortiz entered a plea of guilty to one count of Responsibility of Licensee in violation of AS 04.16.150, resulting from an investigation of **Adulteration**. The corporation was fine \$3,000.00 and a \$50.00 court surcharge.

Basis for this charge stemmed from a complaint received on October 24, 2013 from a business professional who told investigators the week prior, he had hosted an event at Club Soraya and the mixed drinks that were being served by bar staff appeared to be adulterated.

ABC Investigators subsequently received and executed a search warrant on Club Soraya, seizing several bottles of alcoholic beverages that were present on the licensed premises.

The Department of Public Safety's Scientific Crime Lab determined that two of the samples submitted by ABC for analysis were likely to be adulterated as the bottles indicated a lower ethanol content than the control sample that was provided.

Please see enclosed documents.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT ANCHORAGE

JUDGMENT

Plaintiff: ☒ State of Alaska ☐ Municipality of Anchorage

vs.

Defendant: Latin Connection Entertainment LLC DOB: _____DL/ID (☐ CDL) DBA Club Soraya ☐ AK ☐

Address: _____

Case No.: 3AN: 14-1446 CRAPSN: 5459261ATN: 114146775 CTN: _____Offense Date: 10/25/2013Defendant is: Licensee Responsible for Alcohol Violations (☐ Amended Charge)☒ **GUILTY** of Licensee Responsible for Alcohol Violations☐ Attempt ☐ Solicitation ☐ Conspiracy ☐ Gang-relatedStatute/Reg./Ord.: 04.16.150Class: ☒ Misd. A ☐ Misd. B ☐ Misd. N ☐ Infrac./Viol.☐ **NOT GUILTY.** It is ordered that the defendant is acquitted and discharged.☐ CTN Charges Dismissed _____PLEA: ☒ Guilty ☐ No ContestPLEA AGREEMENT: ☒ Yes ☐ No ☐ PartialTRIAL: ☐ Court ☐ JuryDV Offense per AS 18.66.990(3) & (5) ☐ Yes ☒ NoSOREG Required by AS 12.63.100 ☐ Yes ☒ No☐ Motor vehicle used in offense (AS 28.15.181(a))☐ Traffic safety corridor ☐ Highway work zone☐ Commercial vehicle offense:☐ >26,000 lbs ☐ 15+ passengers ☐ Hazmat☐ **SUSPENDED IMPOSITION OF SENTENCE.** Imposition of sentence is suspended and defendant is placed on probation subject to the orders and conditions listed below.SENTENCE IS IMPOSED AS FOLLOWS:**DIRECT COURT ORDERS**

1. FINE: \$ 3000 with \$ 0 suspended. Due 4/2/2016 Bail to Fine \$ _____
☐ Fees paid to court-ordered programs will be credited to fine if defendant presents proof of payment to clerk by above due date.
2. POLICE TRAINING SURCHARGE due within 10 days: ☒ \$50 (Misd) ☐ \$10 (Infraction) ☐ None (Fine Under \$30)
3. JAIL _____ days with _____ days suspended. Report at 7:45 a.m. on _____ to the Cordova Center, 130 Cordova Street, Anchorage or a bench warrant may be issued for your arrest.
4. ☐ Initial Jail Surcharge: ☐ \$50 per case. Due now to AG's Office, 1031 W. 4th Ave., #200, Anchorage, AK 99501
5. ☐ Suspended Jail Surcharge: \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or is sentenced to jail.
6. ☐ Report now to the Anchorage Alcohol Safety Action Program (AASAP). Follow all recommendations including residential treatment up to _____ days plus required aftercare in addition to any jail time ordered. Pay costs. *
7. ☐ Defendant is ordered to perform _____ hours Community Work Service (CWS) within/by _____ and pay any required fee. ☐ CWS not completed will convert to 3 hours of jail per CWS hour.
8. ☐ Defendant is ordered to make restitution ☐ as stated in the Restitution Judgment ☐ in an amount to be determined as provided in Criminal Rule 32.6 (c)(2).*
9. ☐ Defendant must give DNA sample if requested by an officer on state's behalf. (AS 11.41 offense)
10. ☐ Defendant is ordered to _____
11. Orders are imposed ☐ consecutive to ☐ concurrent with other counts and cases. [Periods of probation are concurrent.]

CONDITIONS OF PROBATION. Defendant is placed on probation for _____ years/months, subject to the following conditions:

12. ☒ Comply with all the above direct court orders by the deadlines stated, and follow the "After Sentencing Instructions."
13. ☒ Commit no jailable offenses during the period of probation.
14. ☐ Contact a state-approved batterer's intervention program within ten days for assessment and to follow all recommendations.
☐ Complete _____ anger management program; supply proof to the prosecutor by _____
15. ☐ Have no contact, direct or indirect, with _____ unless that person's written consent was supplied to the Prosecutor.
16. OTHER: _____

* Refer to "After Sentencing Instructions."

JUDGMENT FOR COST OF COUNSEL (If Appointed). IT IS ORDERED that defendant pay to plaintiff ☐ \$500 (Trial) ☒ \$200 (Change of Plea) ☐ \$ _____ for the cost of court-appointed counsel. Interest accrues on the judgment at the annual rate of 3.75% from the date of judgment until paid. Defendant is ordered to apply for the PFD every year defendant is eligible until the judgment is paid in full. This judgment has the same force and effect as a judgment in a civil action.

I certify that I gave a copy of this judgment to:

☐ Prosecutor ☐ Def ☐ Def Atty by KL on 4.2.14☐ Jail ☐ AASAP ☐ DV Monitor ☐ CWS ☐ CFEC☐ DMV, mail to 1300 W. Benson Blvd., Anch., AK 99503☐ w/ surr. lic. # _____ by _____ on _____Judicial Officer DICKSONPrint Name: DICKSONEffective Date 4/2/14

I hereby certify that this is a true and correct copy of the original on file in my office.

ATTES: _____

Clerk of the Trial Courts at Anchorage

By: KL Date: 5/11/14



Notice of Violation

(13 AAC 104.525)

Licensee	License Number	Type of License
Latin Connection Entertainment	4353	Beverage Dispensary
D.B.A.	How Delivered	Law Enforcement Agency
Club Soraya	<input checked="" type="checkbox"/> Certified Mail # On File <input type="checkbox"/> In Person	Anchorage Police
Street or P.O. Box	City, State	Zip
333 West 4th Avenue, Suite 207	Anchorage, Alaska	99501

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 October 24th, 2013, Investigator Hunter received information from a customer of Club Soraya who stated that she was served Peace Ciroc the previous weekend, but did not believe the liquor she was served was actually Peace Ciroc. The customer stated that she is aware that Peach Ciroc is clear in color, but the beverage she was served had an orange hue. The complainant stated that she brought this to the attention of the bartender (Hector Ortiz) who showed her the bottle and stated that it was Peach Ciroc. Based on other information obtained, Investigators obtained a search warrant and searched Club Soraya, seizing two bottles of Peach Ciroc which no longer appear to contain the original spirit and appear to have been replaced with another liquid. Further comparison with bottles of Peach Ciroc obtained from local liquor stores clearly indicates that the substance within Club Soraya's bottles is different from the commercial product sold as Peach Ciroc. Latin Connection Entertainment, LLC, was subsequently charged with Adulteration / Misbranding / False Advertising.

Your attention is directed to **3AAC 304.405 - Adulteration / Misbranding / False Advertising**

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. Coté, Director
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, Alaska 99501

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Brandon Hunter
Filed:	Title: Investigator III

Defendant

Latin Connection Entertainment, LLC

ABCA P

00049377
0049377

Plaintiff

State of Alaska

Agency

DCCEDAgency Case # AB13-000191CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050

District Court at

Anchorage

Judicial District:

3rd

Court Case #

DEFENDANT

DOB _____ Age _____ Driver's Lic _____ State _____ Class _____ APSIN ID 83008041
 Hair _____ Eyes _____ Race _____ Sex _____ Ht _____ Wt _____ Hm Ph _____ Wk Ph 276-0670
 Res Addr 333 West 4th Ave, Suite 207, Anchorage, AK 99501
 Mail Addr ☒ Same 333 West 4th Ave, Suite 228, Anchorage, AK Employer _____

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____

Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 10-25-2013 Time 1445 ATN 114146001 CTN 001 Code _____Location Anchorage Loc. Code UEBA ☐ Hwy Work Zone ☐ Safety Corridor☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section _____Offense: 3 AAC 304.405 - Adulteration / Misbranding / False AdvertisingOver Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality

Item(s) Seized per AS 16.05.190 _____

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have reasonable grounds to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

R. Hunter
Officer's SignatureBrandon Hunter
Officer's Printed NameBTHS
ID10-24-13
Date Served on Defendant

REQUIRED RESPONSE

☒ MANDATORY COURT APPEARANCE. You must appear in court as shown below. If you fail to appear for a misdemeanor or AS 04.16.050 a warrant will be issued for your arrest. For a minor offense, see consequences on back. I promise to appear in court. _____

Defendant's Signature

☐ CORRECTABLE. This citation will be dismissed if you correct the defect and present the vehicle for inspection by _____ at any Alaska State Trooper Post or ☐ _____. If you do not, you must either appear in court or mail/deliver your plea as instructed under OPTIONAL APPEARANCE.

☐ OPTIONAL COURT APPEARANCE. You must either (1) appear in court as shown below, or (2) fill out the back of this form and mail/deliver it before then, to:
Address (if different from court address): _____

COURT APPEARANCE: ☐ within _____ days. ☒ on November 20th at 0830 AM PMCourt Address: 825 West 4th Ave, Suite B1

Bring this citation with you to court. If you are under 18, you must bring your parent or legal guardian.

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

STATE OF ALASKA,)
)
Plaintiff,)
)
v.)
)
LATIN CONNECTION ENTER-)
TAINMENT, LLC d/b/a CLUB)
SORAYA,)
)
Defendant.)
_____)

No. 3AN-S14-01446 CR

TRANSCRIPT OF PROCEEDINGS

April 2, 2014 - Pages 2 through 9

TRANSCRIPTION SUPPORT SERVICES

4782 Mills Drive
Anchorage, Alaska 99508-4733
(907) 333-6256 or (907) 337-0243 (fax)
(907) 223-6003 (cell)
lsfoley@acsalaska.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COP HEARING

BEFORE THE HONORABLE LESLIE N. DICKSON
District Court Judge

Anchorage, Alaska
April 2, 2014
2:26 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF:

MELISSA N. WOHLFEIL
Assistant District Attorney
District Attorney's Office
310 K Street, Suite 520
Anchorage, Alaska 99501

FOR THE DEFENDANT:

BRITTANY A. GOODNIGHT
Assistant Public Defender
Alaska Public Defender Agency
900 West Fifth Avenue,
Suite 200
Anchorage, Alaska 99501

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

39

02:26:25

THE COURT: Hector Ortiz? That's O-r-t-I-z, case number
3AN-14-01446.

MS. WOHLFEIL: Okay.

MS. GOODNIGHT: And this will be a change of plea, Your
Honor.

THE COURT: All right. Very good.

UNIDENTIFIED FEMALE SPEAKER: Right here.

UNIDENTIFIED MALE SPEAKER: Thank you.

THE COURT: Yup. All right. I've got an amended
information for licensee responsible for alcohol violations
which is what, a A misdemeanor, I guess.

MS. GOODNIGHT: I believe so, Your Honor, yes, it is.

THE COURT: So is that different than.....

MS. GOODNIGHT: There was a name change, I believe, on
the.....

THE COURT: Ah. Ah, I see.

MS. GOODNIGHT: Now it's the name of the corporation.

THE COURT: Got it. Okay. Understood. All right. So
what are the terms of this agreement?

MS. GOODNIGHT: Your Honor, via Mr. Ortiz, Latin
Connection Entertainment, LLC will be pleading guilty to the
charge. The fine has been determined to be \$3,000.

1 THE COURT: Okay. So the defendant on the judgment should
2 be.....

3 MS. GOODNIGHT: Latin Connection Entertainment, LLC.

4 THE COURT: Okay.

5 MS. GOODNIGHT: That's how I understand it. This will be
6 a first for me though.

7 MS. WOHLFEIL: Me as well.

8 THE COURT: I guess corporations are people. All right.
9 Let me read to you this. Latin Connection Entertainment, LLC
10 d/b/a Soraya. All right. And then is there any other --
11 anything else besides the fine?

12 MS. GOODNIGHT: No.

13 THE COURT: And do we have any agreements about when the
14 fine would be paid?

15 MS. GOODNIGHT: We'd ask for two years, Your Honor,
16 although that hasn't been.....

17 MS. WOHLFEIL: It hasn't -- it's not -- I'm looking for
18 the notes. I don't see that it's been discussed.

19 MS. GOODNIGHT: That's not something I discussed with
20 Heather. Is that something you guys would be amenable to
21 would be two years?

22 MS. WOHLFEIL: Two years? I think a year. It'd be.....

23 MS. GOODNIGHT: The reason we'd ask for two years in this
24 case -- and I should have brought it up with the assigned DA
25 -- is that \$3,000 is, obviously, a large sum of money. This

1 isn't Mr. Ortiz's personal money, this is through the LLC.
2 While it is a corporation, it doesn't mean that it's cash rich
3 or that it's able to liquidate assets to pay this fee so my
4 concern would be that we hit it with this fine and then it
5 could be the end of this particular company. For that reason,
6 I'd ask for two years to pay the fee.

7 MS. WOHLFEIL: If I can just have a minute, I'll look at
8 the.....

9 THE COURT: Yup.

10 MS. GOODNIGHT: And if I may, part of the agreement to
11 reduce the fee to \$3,000 was actually in consideration of the
12 fact that the alcohol board is likely to hit this LLC with an
13 additional fine.

14 MS. WOHLFEIL: That's fine then, Your Honor. Two years is
15 fine.

16 THE COURT: Okay. So that's still 61.50 -- all right. Is
17 there any police training surcharge in this case? Sorry, I'm
18 trying to look this up but is that -- I don't know if there's
19 any.....

20 (Whispered conversation)

21 MS. GOODNIGHT: It doesn't call for any jail time so I
22 wouldn't think so but I don't know.

23 THE COURT: Madam Clerk knows everything but no. All
24 right. So do we have a bus -- this is good enough to identify
25 this corporation. Do we do -- we don't need a business

1 license number or anything else on this judgment?

2 MS. GOODNIGHT: I don't think so.

3 THE COURT: Okay. And regarding plea, do we plead -- are
4 we pleading not guilty or -- I mean, sorry, no contest or
5 guilty?

6 MS. WOHLFEIL: Oh, it would be guilty.

7 MS. GOODNIGHT: It has to be guilty to accept the
8 agreement, Your Honor.

9 THE COURT: All right. And, Mr. Ortiz, are you the owner
10 of the company?

11 MR. ORTIZ: Yes, Your Honor.

12 THE COURT: Okay. So I give -- do you believe I give an
13 advisement to the owner?

14 MS. WOHLFEIL: I think that seems appropriate.

15 THE COURT: Okay.

16 MS. GOODNIGHT: So he's pleading on behalf of the
17 corporation so.....

18 THE COURT: Right. All right. So I'll go through this
19 advisement briefly with Mr. Ortiz. I know you were sitting
20 here when I was doing the advisement with the other person
21 that was here, the other gentleman that was here, but you
22 understand your corporation would have a right to --
23 obviously, you have an attorney. You have a right to go to
24 trial. You understand what a trial is?

25 MR. ORTIZ: Yes, Your Honor.

1 THE COURT: And you are going to give up your right to
2 have.....

3 MR. ORTIZ: Yes, Your Honor.

4 THE COURT:the corporation have a trial? All right.
5 And also giving up the right to appeal certain issues that may
6 have come up in the case up until this time. Do you
7 understand that?

8 MR. ORTIZ: Yes, Your Honor.

9 THE COURT: And are you clear-headed today? In other
10 words, are you under the influence of any pain medication or
11 drugs or alcohol that would cloud your judgment?

12 MR. ORTIZ: Oh, no.

13 THE COURT: Have you had enough time to think about
14 this and talk to your attorney?

15 MR. ORTIZ: Yes.

16 THE COURT: And is anyone forcing you or threatening you
17 in any way to take this offer?

18 MR. ORTIZ: No, Your Honor.

19 THE COURT: And then you understand that I don't know what
20 any sort of immigration consequences would be but if you're
21 not a United States citizen, there could be some sort of
22 immigration fall-out from this. You understand that?

23 MR. ORTIZ: Yeah, I am a citizen.

24 THE COURT: Okay. All right. So on behalf of the
25 corporation then, how do you plead?

1 MR. ORTIZ: Guilty.

2 THE COURT: All right. So I'll accept that and find it's
3 knowing and voluntary and I have noted that there is a factual
4 basis in the original information filed and I read it. Are
5 there any comments anyone has to make about this, Ms.
6 Wohlfheil, do you have.....

7 MS. WOHLFEIL: Not from the state, Your Honor.

8 THE COURT: Ms. Goodnight?

9 MS. GOODNIGHT: No, Your Honor. Thank you.

10 THE COURT: Mr. Ortiz, anything you'd like to say?

11 MR. ORTIZ: No, not really, Your Honor.

12 THE COURT: Okay.

13 THE CLERK: (Indiscernible - away from microphone).

14 THE COURT: All right. I've never not -- I mean, the
15 reason I was looking it up is because I've never not issued
16 the \$50 police training surcharge. My understanding was that
17 it was a mandatory fee.

18 MS. GOODNIGHT: Okay.

19 THE COURT: That'll be due in.....

20 THE CLERK: (Indiscernible - away from microphone) and
21 this case is \$50.

22 THE COURT: Right.

23 THE CLERK: And then (indiscernible - away from
24 microphone).

25 THE COURT: Infractions? Line under 30 is 59 so the only

1 exemption I can find in that is fines under 30.

2 MS. GOODNIGHT: I'm sorry, say that again, Your Honor.

3 THE COURT: Oh, just that the only surchar -- I'd never
4 not issued a surcharge and I did understand it was mandatory.
5 Our legal tech now confirms that. The only time that I
6 understand it's not imposed is for fines under \$30. So this
7 is a \$50 surcharge that would be due in 10 days at the Clerk's
8 office. All right. So then there's a \$3,000 fine with zero
9 suspended and I'll make that due in -- on April 2nd, 2016. So
10 I'll give you two years to do that in case you have other
11 financial consequences. Is there anything else?

12 MS. GOODNIGHT: No, Your Honor. Thank you.

13 THE COURT: Okay. Thank you. I learned something today.

14 (Other matters)

15 02:34:45

16 END OF REQUESTED PORTION

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 9 are a true, accurate, and complete transcript of proceedings in Case No. 3AN-S14-01446 CR, State of Alaska v. Latin Connection Entertainment, LLC d/b/a Club Soraya, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

June 12, 2014

Linda S. Foley
Linda S. Foley, Transcriber



Alcoholic Beverage Control Board

Incident Report

Incident: AB13000191

Incident Type: Liquor Law Violations [90G]
Incident time: 10/18/2013 20:00 - 10/19/2013 22:00
Reported time: 10/23/2013 11:10
Incident location: 333 W 4TH AVENUE, Suite 207, ANCHORAGE, Municipality of Anchorage AK USA 99501
Incident status: Closed by arrest
Summary: Investigation into adulteration of alcohol at Club Soraya. Investigation resulted in the seizure of several bottles of Peach Ciroc which appear to have been adulterated. Latin Connection Entertainment LLC was charged and issued a NOV for Adulteration/Misbranding/False Advertising.

Incident Activities/Offenses

- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - 13AAC104.405 - Adulteration Misbranding False Advertising

Involved Persons

HANDY, DEWANDA

Classification: Witness
SID: AK6393156 **DL:** 6393156 AK
Gender: Female **DOB:** 05/27/1969
Height: 5'4" **Weight:** 168lb **Build:**
Race: Black **Hair Color:** Black **Eye Color:** Brown
Address:
E-mail:
Telephone: (Cellular phone) (907) 444-7549
Telephone: (Cellular phone) (907) 744-3086

SANDOVAL, MARJORIE GABRIELA

Classification: Suspect

SID: AK7189090 **DL:** 7117568 AK
Gender: Female **DOB:** 06/09/1988
Height: 5'0" **Weight:** 150lb **Build:**
Race: White **Hair Color:** Black **Eye Color:** Brown
Address:
E-mail:
Telephone: (Cellular phone) (907) 947-0537

LATIN CONNECTION ENTERTAINMENT LLC

Classification: Arrested; Charged; Owner

SID: **DL:**
Gender: **DOB:**

CLUB SORAYA

Classification: Operator

SID: **DL:**
Gender: **DOB:**

SANDERS, STEPHANIE ANN

Classification: Witness

SID: AK6900036 **DL:** 6900036 AK
Gender: Female **DOB:** 03/29/1983
Height: 5'5" **Weight:** 170lb **Build:**
Race: Indian **Hair Color:** Brown **Eye Color:** Brown
Address:
E-mail:
Telephone: (Cellular phone) (907) 306-7916

ORTIZ, HECTOR JUAN

Classification: Suspect

SID: AK5459201 **DL:** 5459201 AK
Gender: Male **DOB:** 02/19/1947
Height: 6'0" **Weight:** 267lb **Build:**
Race: Black **Hair Color:** Black **Eye Color:** Brown

Address: 410 NORTH STAR STREET, ANCHORAGE, Municipality of Anchorage AK USA 99503 (Beat/zone: UEBA)

E-mail:

Telephone: (Cellular phone) (907) 764-8680

HARRIS, TITANIA LASHAWN

Classification: Witness

SID: AK6680153

DL: 6680153 AK

Gender: Female

DOB: 12/10/1975

Height: 5'5"

Weight: 160lb

Build:

Race: Black

Hair Color: Black

Eye Color: Brown

Address:

E-mail:

Telephone: (Cellular phone) (907) 223-6554

BURDEN, EDITH MARIE

Classification: Witness

SID: AK0342653

DL: 0342653 AK

Gender: Female

DOB: 04/18/1955

Height: 5'5"

Weight: 210lb

Build:

Race:

Hair Color: Black

Eye Color: Brown

Address:

E-mail:

Telephone: (Cellular phone) (907) 250-6041

COWANS, WILLIE COLEMAN

Classification: Complainant; Witness

SID: AK6547821

DL: 6547821 AK

Gender: Male

DOB: 07/19/1968

Height: 5'4"

Weight: 155lb

Build:

Race: Black

Hair Color: Bald

Eye Color: Brown

Address:

E-mail:

Telephone: (Cellular phone) (907) 229-7936

Involved Property

- P13041881 / Spirits / Evidence; Seized with warrant / HENNESSY VS HENNESSY
- P13041884 / Spirits / Evidence; Seized with warrant / GRAY GOOSE GRAY GOOSE
- P13041888 / Spirits / Evidence; Seized with warrant / GRAY GOOSE GRAY GOOSE
- P13041890 / Spirits / Evidence; Seized with warrant / GRAY GOOSE L'ORANGE GRAY GOOSE
- P13041892 / Spirits / Evidence; Seized with warrant / PEACH CIROC CIROC
- P13041893 / Spirits / Evidence; Seized with warrant / PEACH CIROC CIROC
- P13041896 / Spirits / Evidence; Seized with warrant / PEACH CIROC CIROC
- P13041900 / Spirits / Evidence / GREY GOOSE CONTROL SAMPLE GREY GOOSE
- P13041902 / Spirits / Evidence / GREY GOOSE L'ORANGE CONTROL SAMPLE GREY GOOSE
- P13041904 / Spirits / Evidence / HENNESSY CONTROL SAMPLE HENNESSY
- P13041905 / Spirits / Evidence / MONARCH VODKA CONTROL SAMPLE MONARCH
- P13041911 / Spirits / Evidence / PEACH CIROC CONTROL SAMPLE CIROC
- P13043186 / Spirits / Evidence / POUR SPOUT TOPS

Involved Addresses

- 333 W 4TH AVENUE, Suite 207 / Incident location / ANCHORAGE, Alaska, USA 99501

Involved Officers

- Investigator / #FRH0HAMILTON, FRANCIS J / Investigator
- Reporting unit / #ABCAABC ANCHORAGE ENFORCEMENT UNIT / Reporting unit
- Reporting officer / #BJH5HUNTER, BRANDON J / Reporting officer

Reports

Arrest report

Subject: LATIN CONNECTION ENTERTAINMENT LLC / Arrested; Charged; Owner
Author: #BJH5 HUNTER, B. **Report time:** 11/05/2013 10:34
Charges: (1) 13AAC104.405 Adulteration Misbranding False Advertising ()

General report

Author: #BJH5 HUNTER, B. **Report time:** 11/05/2013 08:20
Narrative:

INFORMATION:

On October 23rd, 2013 at approximately 1113 hours, I received a phone call from Will COWANS (AK 6547821) of LeMak Entertainment. Cowans stated that he wished to make a complaint about Club Soraya, and believes they were serving adulterated liquor during the weekend of October 18th-20th.

CONTACT WITH COWANS:

Cowans explained that he is a club promoter and owns a business called LeMak Entertainment. Cowans stated that he held an event (The Ultimate Male Revue) on October 19th and 20th at Club Soraya and received

multiple complaints from his guests that they were served adulterated liquor by the club staff. Cowans went on to explain that he had knowledge of at least 4 separate incidents over the weekend that led him to believe this had occurred and provided contact information for the people involved in each incident:

- Dewandy Handy - Saw bartender watering down grenadine, also ordered Grey Goose and club soda and does not believe it was Grey Goose.
- Jewell Noble - Saw another brand of alcohol being poured into a Grey Goose bottle by club staff with a funnel.
- "Titania" - Ordered Grey Goose, but doesn't believe she received Grey Goose. Also tasted drink from another customer who ordered Hennessy, but did not receive Hennessy.
- "Stephanie" - Ordered Peach Ciroc, but received orange liquor and does not believe it was Ciroc.
- "Edie" - Ordered Hennessy, but did not believe it was Hennessy.

Cowans also explained that he had a disagreement with the club's owner, Hector Ortiz, about the cost of him utilizing Club Soraya's facilities that night. Cowans explained that he was upset over the additional expenses and also believed LeMak Entertainment was suffering damages to its business reputation over the drink complaints. Cowans explained that there is a perception from his customers that he is ultimately responsible for all aspects of an event, including beverage service, even when these services are provided by another entity.

CONTACT WITH DEWANDA HANDY (AK 6393156):

On October 23, I contacted Dewanda Handy by telephone and spoke with her about this matter. Handy explained that she is a friend of Cowans and was assisting with the show this past Friday and Saturday night. Handy explained that she saw a female bartender pouring water into a bottle of grenadine (a non-alcoholic flavored syrup) and noted that the red liquid inside appeared to be substantially watered down as a result. Handy also explained that between 2030 and 2100 hours on Saturday night, she ordered a Grey Goose and club soda, and believes that the liquor within did not taste right and she did not believe it to be Grey Goose. Handy stated that this has become a regular drink for her and she is familiar with the taste.

While on the phone with Handy she provided me with her Alaska ID and stated that she would be willing to testify further about this matter if required.

CONTACT WITH JEWELL NOBLE (NC 23920372):

On October 23, I contacted Jewell Noble by telephone and spoke with him about this matter. Noble explained that he has worked with Cowans for 4-5 years and was performing in the shows this past Friday and Saturday night. On Saturday night, at approximately 2000-2100 hours, Noble stated that he saw a man whom he recognized as the owner of the club, "Hector" (Hector J Ortiz), approach a short Latina or Native American bartender and engage her in some sort of verbal discussion. Noble explained that he couldn't overhear the conversation from his position at the bar, but believes, based on the bartender's body language, that Ortiz was instructing her to do something she did not want to do. Noble stated that he then saw the bartender grab a funnel and an empty bottle of Grey Goose, and begin pouring liquid from another "off-brand" bottle of vodka into the Grey Goose bottle. Noble described the "off-brand" bottle of vodka as a tall glass bottle with an X on the label. Noble stated that he had heard of bartenders adulterating alcohol in the past, but was shocked to see this done out in the open in an occupied bar.

Noble also stated that as he was passing through the crowd in the bar later in the evening he overheard another patron confronting a waitress about her drink being incorrect. Noble stated that this woman, whom he described as an older African American woman in her 40s with dyed blonde hair (later identified as Edith Burden, 4/18/1955), told the waitress that she had ordered a Hennessy (Cognac) and that the liquid contained in her drink was not Hennessy. Noble stated that another patron (later identified as Titania Harris, 12/10/1975) also tasted the drink and stated that she did not believe it was Hennessy. Noble overheard the waitress offer to refund Burden's money, but thought it was odd that she did not offer to replace the beverage.

While on the phone with Noble he provided me with his North Carolina ID and stated that he would be willing to testify further about this matter if required.

CONTACT WITH EDITH BURDEN (AK 0342653):

On October 24, I contacted Edith Burden by telephone and spoke with her about this matter. Burden stated that while at Club Soraya this past Saturday, a waitress came to her table to take her order and she ordered Hennessy. The waitress did not initially know if they had this beverage, left to check, then came back and told Burden they had the beverage. Burden then ordered a Hennessy in a brandy snifter, was brought the beverage, and paid and tipped the server. Burden stated that when she tasted the beverage she tasted it and didn't believe it was Hennessy. Burden added that it did not taste like any cognac that she was familiar with and told Cowans that she had been served something else. Cowans brought the error to the server's attention, who insisted that it was Hennessy. Burden stated that Cowans then asked a bartender friend of his (Harris) to taste the beverage. Burden explained that Harris smelled her beverage, asked her if she could taste it, then stated that she also did not believe it to be Hennessy.

While on the phone with Burden, she provided me with her Alaska ID and stated that she would be willing to testify further about this matter if required.

CONTACT WITH TITANIA HARRIS (AK 6680153):

On October 24, I contacted Titania Harris by telephone and spoke with her about this matter. Harris is employed by the Alaska Court System and also works part-time as a bartender at the Frontier Club. Harris stated that on Saturday she was asked by Cowans to taste Burden's drink and share her opinion on whether or not she believed it to be Hennessy. Harris explained that she first smelled, then tasted the beverage. Harris explained that based on her experience as a bartender, she is familiar with the distinctive flavor of Hennessy and does not believe that Burden's drink was Hennessy.

While on the phone with Harris, she provided me with her Alaska ID and stated that she would be willing to testify further about this matter if required.

CONTACT WITH STEPHANIE SANDERS (AK 6900036):

On October 24, I contacted Stephanie Sanders and spoke with her about this matter. Sanders stated that she had also been at Club Soraya this past Saturday. Sanders stated that she ordered a peach Ciroc at the bar, and was given a beverage with an orange tint to it. Sanders stated that she is familiar with Ciroc and knows this beverage to be clear in color without a peach hue. Sanders stated that she confronted the bartender, who showed her the peach Ciroc bottle and told her it was Ciroc.

While on the phone with Sanders, she provided me with her Alaska ID and stated that she would be willing to testify further about this matter if required.

APPLICATION FOR SEARCH WARRANT:

Based on the information obtained from Cowans, Handy, Noble, Burden, Harris, and Sanders I applied for and was granted Search Warrant 3AN-13-1814SW, authorizing a search of the premises of Club Soraya and the seizure of opened or empty bottles of Grey Goose, Hennessy and Peach Ciroc.

CONTACT WITH HECTOR ORTIZ (AK 5459201)

I contacted Ortiz by telephone on October 25th and spoke with him briefly about events over the past weekend. During this conversation, Ortiz confirmed that both he and "Gabby" were working as the only bartenders this weekend. Ortiz then provided me with contact information for "Gabby" (whom I later identified as Marjorie Gabriela Sandoval).

CONTACT WITH MARJORIE "GABBY" SANDOVAL (AK 7117568):

At approximately 1409 hours, I contacted Sandoval via telephone and asked to speak with her about the events over this past weekend. I learned that Sandoval was at the premises of Club Soraya, and Investigator Hamilton and I entered the club to speak with her in person.

Sandoval denied any knowledge of adulteration, either by other employees of the Club or herself. Sandoval stated that she did see another employee pouring Monarch vodka into a Grey Goose bottle, but stated that this

was a mistake and did not believe any alcohol was served from that bottle. Sandoval explained that they frequently pour from 1.75L bottles of Monarch into smaller bottles of Monarch, but it is always the same alcohol in both, properly marked bottles. Sandoval added that this other employee was not a bartender and would not have been making drinks, but was working as a barback. Sandoval stated that just she and Ortiz were tending the bar this past weekend.

SERVICE OF SEARCH WARRANT 3AN-13-1814SW:

After speaking with Sandoval, Investigator Hamilton began serving our search warrant while I spoke with Ortiz. While Investigator Hamilton was serving the warrant, I noticed that he located several bottles of Peach Ciroc which were tinted orange, and did not appear to be consistently colored amongst the three bottles. This inconsistency suggested that these bottles had been adulterated and did not contain the original spirit.

CONTACT WITH ORTIZ:

I contacted Ortiz and informed him that we were at Club Soraya to investigate multiple complaints of adulterated alcoholic beverages. Ortiz initially appeared surprised, but after explaining the nature of the complaints, Ortiz understood and we spoke further about these matters.

As Investigator Hamilton located several bottles of Peach Ciroc which were not consistently colored, I confronted Ortiz about these bottles being adulterated. Ortiz readily agreed that the bottles were not the same and stated that he didn't recall adulterating the bottles himself, but would accept responsibility for it. Ortiz had no explanation for how the alcohol came to be adulterated; other than he did not do it himself, and did not instruct anyone else to do it. Ortiz assured me that it would never happen again, and that he would be much more vigilant in the management of his business. Ortiz also mentioned several times that he had an idea about how the adulteration may have occurred, but would not share this information with investigators.

Ortiz admitted that he may have served someone a different liquor other than Hennessy over the weekend, and would have done so intentionally. When asked to explain this a bit more, Ortiz stated that he may have grabbed the wrong bottle in a rush, poured the wrong drink, and served it to the customer anyway. Ortiz denied this being a regular practice at his bar.

Ortiz was informed of the possible penalties for adulteration and advised that he would most likely be receiving a summons in the next few days. Ortiz stated that he understood.

EVIDENCE ITEMS SEIZED:

- P13041881 - A 750ml bottle of Hennessy VS, approximately 3/4 full.
- P13041884 - An empty 750ml bottle of Grey Goose.
- P13041888 - A 750ml bottle of Grey Goose, approximately 1/4 full.
- P13041890 - An empty 750ml bottle of Grey Goose L'Orange.
- P13041892 - A 750ml bottle of Peach Ciroc, approximately 1/2 full.
- P13041893 - A 1L bottle of Peach Ciroc, approximately 1/2 full.
- P13041896 - A 750ml bottle of Peach Ciroc, approximately 3/4 full.

CONTACT AT BROWN JUG LIQUOR STORE:

After

serving Search Warrant 3AN-13-1814SW, Investigator Hamilton and I responded to the downtown location of Brown Jug Liquor to confirm our suspicions that the seized Peach Ciroc had been tampered with. I asked the clerk for permission to handle an unopened bottle of Peach Ciroc from the store shelf. I observed that while the bottle's base itself is tinted orange, the liquid within is clear. I then compared this bottle to our seized bottle (P13041896) under a variety of lighting conditions and angles and confirmed that the seized bottle contains an obviously orange tinted liquid, while the store's bottle does not.

PURCHASE OF CONTROL SAMPLES:

On October 28th, Investigator Beasley and I went to Gold Rush Liquors and purchased bottles of Grey Goose, Grey Goose L'Orange, Hennessy VS, Monarch Vodka and Peach Ciroc to be provided as control samples to the State Crime Lab. These items have the original factory seal intact and were entered, unopened, into evidence.

CONTACT WITH ORTIZ AT THE ABC OFFICES:

I spoke with Ortiz again on October 28th and asked him to come to the ABC Board offices so that I could issue a summons to him. Ortiz stated he would do so, but was uncertain if he would be able to make it that day.

Ortiz came to the ABC Office at approximately 1502 hours on October 29th. I spoke with Ortiz in the conference room and reminded him that he was free to leave at any time. Ortiz emphatically stated that he wanted to speak with me and intended to cooperate with our investigation to the greatest extent possible. I spoke with Ortiz at length about this investigation, and confronted him with the incongruous statements that he and Sandoval had made. Ortiz agreed with me that he was the only one who stood to profit from the adulterated liquor, agreed that the liquor was obviously adulterated, agreed that the adulteration occurred on his premises, and repeatedly stated that he accepted responsibility (as the licensee) for the adulteration occurring. Ortiz, however, stopped short of admitting any role in adulterating the alcohol himself, or having any knowledge of who did.

I issued a summons to Ortiz as the agent of Latin Connection Entertainment LLC (Ortiz is the 100% owner) and explained the requirement to appear on November 20th, 2013. Ortiz signed the summons stating that he understood. Ortiz also had many questions about the process forward, which I explained to him. Ortiz expressed a desire to accept the consequences and move forward, and I suggested that he consult with an attorney further before making any decisions.

SUBMISSION OF EVIDENCE TO STATE CRIME LAB:

Evidence items in this case were forwarded to the State of Alaska Scientific Detection Laboratory on November 6th for further analysis. Specifically, Investigators have requested that control samples of each brand of alcohol be compared with the seized items and that a chemical analysis be performed to indicate whether or not these substances are similar.

CONTACT WITH DIAGEO PLC:

On November 5th, I contacted Diageo, the parent company for Ciroc brand Vodka. On November 7th I received an e-mail from Pete Ruiz, Regional Director of Corporate Security for Diageo. Ruiz stated that they have not had any reports of browning in Ciroc Peach vodka, even after prolonged heat tests where the beverage was subjected to high temperatures for three months at a time. Ruiz added that it was highly unlikely that Peach Ciroc would change color.

CASE STATUS:

Based on the obvious tampering present in two of the three seized bottles of Peach Ciroc (P13041893 and P13041896), a single charge of Adulteration/Misbranding/False Advertising has been filed against Latin Connection entertainment, LLC. Additional charges are pending results from the Crime Lab indicating whether or not the seized bottles of Grey Goose or Hennessy have been tampered with.

This case has been forwarded to the Anchorage District Attorney's Office for further consideration.

Closed by arrest/summons.

Supplementary report

Author: #FRH0 HAMILTON, F.

Report time:

Remarks:

Narrative:

On 11-21-13 I received multiple e-mails from Bertha P. Anagnabooguk, State Crime Lab, which depicted results of items submitted for evidence. On 12-2-13, at about 1130 hours, I spoke with Brandi Barnett, Forensic Scientist III, State Crime Lab.

The following property items were identified with results in the e-mails:

P13041888 Inconclusive for adulteration

P13041890 Inconclusive for adulteration

P13041881 Inconclusive for adulteration

P13041884 Inconclusive for adulteration

P13041892 Consistent with bottle labeling

P13041893 Likely to be adulterated as bottle indicates a lower Ethanol content

P13041896 Likely to be adulterated as bottle indicates a lower Ethanol content

P13041911, P13041905, P13041904, P13041902, P13041900, the control samples, all tested consistent for Ethanol levels as stated on the bottle.

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Anchorage

SEARCH WARRANT

NO. 13 18¹⁴ SW

Relates to case number(s):

TO: Any Peace Officer

Having received information under oath from Inv. Brandon Hunter

given ☐ in person ☐ by telephone ☒ by original affidavit ☐ by faxed affidavit

I find probable cause to believe that

☐ on the person of _____

☒ on the premises known as Club Soraya (333 West 4th Avenue, Suite 207) at (city and state) Anchorage, Alaska, there is now being concealed property, namely:

- 1) An opened bottle (or bottles) of Gray Goose Vodka.
- 2) An opened bottle (or bottles) of Hennessy Cognac.
- 3) An opened bottle (or bottles) of Ciroc Peach Vodka.

and that such property (see AS 12.35.020)

- ☒ 1. is evidence of the particular crime(s) of 3 AAC 304.405 - Adulteration, Misbranding and False Advertising.
- ☒ 2. tends to show that the Licensee or Agent of Club Soraya committed the particular crime(s) of 3 AAC 304.405 - Adulteration, Misbranding and False Advertising.
- ☐ 3. is stolen or embezzled property.
- ☐ 4. was used as a means of committing a crime.
- ☐ 5. is in the possession of a person who intends to use it as a means of committing a crime.
- ☐ 6. is one of the above types of property and is in the possession of _____, to whom _____ delivered it to conceal it.
- ☐ 7. is evidence of health and safety violations.

YOU ARE HEREBY COMMANDED to search the person or premises named for the property specified, serving this warrant, and if the property be found there, to seize it, holding it secure pending further order of the court, leaving a copy of this warrant, and all supporting affidavits, and a receipt of property taken. You shall also prepare a written inventory of any property seized as a result of the search pursuant to or in conjunction with the warrant. You shall make the inventory in the presence of the applicant for the warrant and the person from whose possession or premises the property is taken, if they are present, or in the presence of at least one credible person other than the warrant applicant or person from whose possession or premises said property is taken. You shall sign the inventory and return it and the warrant within 30 days after this date to this court as required by law.

YOU SHALL SERVE THIS WARRANT:

- ☒ between the hours of 7:00 a.m. and 10:00 p.m.
- ☐ between the hours of _____ ☐ a.m. ☐ p.m.
and _____ ☐ a.m. ☐ p.m.
- ☐ at any time of the day or night.

SEARCH WARRANT NO. 13-1814 SW

YOU SHALL MAKE THE SEARCH:

- ☐ immediately.
- ☐ within _____ ☐ days ☐ hours.
- ☒ within 30 days.
- ☐ contingent upon the happening of the events expected to occur as set forth in the supporting testimony, specifically _____

From the information provided in the application for the warrant, I find compelling reasons to postpone delivery of this notice beyond the time set in Criminal Rule 37(b).¹ Therefore, this notice must be given:

- ☒ immediately upon seizure of the property.
- ☐ within a reasonable period, not to exceed 90 days from this date.
- ☐ within _____ days, which I have determined to be a reasonable time in this case.

If you cannot deliver the notice within this time limit, you must apply to the court for an extension of the time limit. Your sworn application must show good cause for the extension.

(SEAL)

at 25/13
Date

William H. Felt
Judge/Magistrate

10:30
Time Issued

☒ a.m. ☐ p.m.

Type or Print Name

TELEPHONIC SEARCH WARRANTS. If this search warrant was issued by telephone, the judicial officer named above has orally authorized the applicant for this warrant to sign the judicial officer's name. AS 12.35.015(d).

Time Warrant Served: _____

¹ *Jones v. State*, 646 P.2d 243, 249 (Alaska App. 1982). Reasons for postponement include, but are not limited to: avoiding jeopardizing a confidential informant's safety, avoiding impairing the informant's investigative efforts in other cases, and allowing time for follow-up investigations in this case.

SEARCH WARRANT NO. 13-1814 SW

RECEIPT AND INVENTORY OF PROPERTY SEIZED

1 750 ml Bottle Hennessy, approx. $\frac{3}{4}$ full
1 750 ml Bottle Grey Goose, empty
1 750 ml Bottle Grey Goose, approx $\frac{1}{4}$ full
1 750 ml Bottle Grey Goose L'Orange, empty
1 750 ml Bottle Ciroc Peach, approx $\frac{1}{2}$ full
1 Liter Bottle Ciroc Peach, approx little over $\frac{1}{2}$ full
1 750 ml Bottle Ciroc Peach, approx $\frac{3}{4}$ full

RETURN

I received the attached search warrant on Oct 25, 2013, and have executed it as follows:

On Oct 25, 2013, at 1415 a.m., I searched ☐ the person
☒ the premises described in the warrant, and I left a copy of the warrant ☒ with
☐ at Hector Ortiz
(person warrant was left with or place warrant was left)

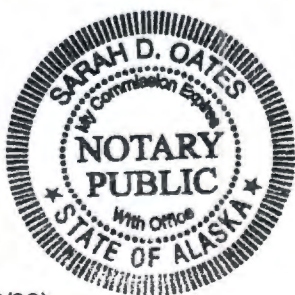
The above inventory of property taken pursuant to the warrant was made in the presence of Hector Ortiz and of Inv. Brandon Hunter.

I swear that this inventory is a true and detailed account of all property taken by me on the authority of this warrant.

Ry/H Investigator
Name and Title

Signed and sworn to before me on November 7th, 2013.

(SEAL)



Son
Judge/Magistrate/Notary Public
Sarah D. Oates
Type or Print Name

FILED In the TRIAL COURTS
STATE OF ALASKA, THIRD DISTRICT

OCT 25 2013

Clerk of the Trial Courts

By _____ Deputy

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____ Anchorage _____

Search Warrant No. 13-1814 SW

Affiant -- List all related court case numbers, if any:

AFFIDAVIT FOR SEARCH WARRANT

NOTE: Before completing this affidavit, read the following points which should be addressed in your statement of the facts. A search warrant may not be issued until probable cause for the search has been shown. You should explain:

1. Who was observed (give names or other identifying information).
2. When did the observations take place (date, time, and sequence of events).
3. Who made the observations.
4. Why were the observations made. If, for example, the information came from an informant, the informant's reasons for making the observations should be specified, and reasons for relying on the informant's information should be set out.
5. What was observed. Include a full description of events relevant to establish probable cause.
6. Where did the observations take place. Describe the location of the observers and the persons or objects observed. The description must be as specific as the circumstances will allow.
7. How were the observations made. For example, was an informant used, was there an undercover officer, was electronic surveillance involved, etc.
8. All other relevant information.

Being duly sworn, I state that I have reason to believe that:

- ☐ on the person of _____
- ☒ on the premises known as Club Soraya (333 West 4th Avenue, Suite 207)
at Anchorage, Alaska,

Exempt from VRA while sealed.
Screen for VRA when public.

Search Warrant No. 13-1814
SW

there is now being concealed property, namely:

- 1) An opened bottle (or bottles) of Gray Goose Vodka.
- 2) An opened bottle (or bottles) of Hennessy Cognac.
- 3) An opened bottle (or bottles) of Ciroc Peach Vodka.

which (see AS 12.35.020)

- ☒ 1. is evidence of the particular crime(s) of 3 AAC 304.405 - Adulteration, Misbranding and False Advertising,
- ☒ 2. tends to show that the Licensee or Agent of Club Soraya committed the particular crime(s) of 3 AAC 304.405 - Adulteration, Misbranding and False Advertising,
- ☐ 3. is stolen or embezzled property,
- ☐ 4. was used as a means of committing a crime,
- ☐ 5. is in the possession of a person who intends to use it as a means of committing a crime,
- ☐ 6. is one of the above types of property and is in the possession of _____,
to whom _____
delivered it to conceal it,
- ☐ 7. is evidence of health and safety violations,

and the facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

Investigator Information:

Investigator Brandon Hunter has been an Investigator with the State of Alaska Alcohol Control Board since December of 2012. Prior to that, Investigator Hunter was a Police Officer with the Unalaska Department of Public Safety from June 2006 through August 2012. Investigator Hunter also served as a Community Service Officer with the University of Alaska Fairbanks Police Department from September 2002 through May 2006. In November of 2005, Investigator Hunter graduated from the Tanana Valley Campus Law Enforcement Academy in Fairbanks, Alaska. In addition to basic police training, Investigator Hunter has completed over 800 hours of specialized law enforcement training.. Investigator Hunter's current duties include the investigation of crimes related to alcoholic beverage control within the State of Alaska, specifically, violations of Title 4 and 3 AAC.

Specific Case Information:

On October 23, 2013, Investigator Hunter received a telephonic complaint from Willie

Cowans (7/19/1968), stating that he believed Club Soraya was serving adulterated liquor this past weekend.

Cowans explained that he is a club promoter, and owns a business called LeMak Entertainment. Cowans stated that he held an event on October 19th and 20th at Club Soraya and received multiple complaints from his guests about them being served adulterated liquor by the club staff. Cowans went on to explain that he had knowledge of at least 4 separate incidents over the weekend that led him to believe this had occurred, and provided contact information for the people involved in each incident.

On October 23, Investigator Hunter spoke with Dewanda Handy (5/27/1969). Handy explained that she is a friend of Cowans and was assisting with the show this past Friday and Saturday night. Handy explained that she saw a female bartender pouring water into a bottle of grenadine (a non-alcoholic flavored syrup) and noted that the red liquid inside appeared to be substantially watered down as a result. Handy also explained that between 2030 and 2100 hours on Saturday night, she ordered a Gray Goose and club soda, and believes that the liquor within did not taste right and she did not believe it to be Gray Goose. Handy stated that this has become a regular drink for her and she is familiar with the taste.

On October 23, Investigator Hunter spoke with Jewell Noble (2/19/1976). Noble explained that he has worked with Cowans for 4-5 years and was performing in the shows this past Friday and Saturday night. On Saturday night, at approximately 2000-2100 hours, Noble stated that he saw a man whom he recognized as the owner of the club, "Hector" (Hector J Ortiz), approach a short Latina or Native American bartender and engage her in some sort of verbal discussion. Noble explained that he couldn't overhear the conversation from his position at the bar, but believes, based on the bartender's body language, that Ortiz was instructing her to do something she did not want to do. Noble stated that he then saw the bartender grab a funnel and an empty bottle of Gray Goose, and begin pouring liquid from another "off-brand" bottle of vodka into the Gray Goose bottle. Noble described the "off-brand" bottle of vodka as a tall glass bottle with an X on the label. Noble stated that he had heard of bartenders adulterating alcohol in the past; but was shocked to see this done out in the open in an occupied bar.

Noble also stated that as he was passing through the crowd in the bar later in the evening he overheard another patron confronting a waitress about her drink being incorrect. Noble stated that this woman, whom he described as an older African American woman in her 40s with dyed blonde hair (later identified as Edith Burden, 4/18/1955), told the waitress that she had ordered a Hennessy (Cognac) and that the liquid contained in her drink was not Hennessy. Noble stated that another patron (later identified as Titania Harris, 12/10/1975) also tasted the drink and stated that she did not believe it was Hennessy. Noble overheard the waitress offer to refund Burden's money, but thought it was odd that she did not offer to replace the beverage.

On October 24, Investigator Hunter contacted Edith Burden. Burden stated that while at

Club Soraya this past Saturday, a waitress came to her table to take her order and she ordered Hennessy. The waitress did not initially know if they had this beverage, left to check, then came back and told Burden they had the beverage. Burden then ordered a Hennessy in a brandy snifter, was brought the beverage, and paid and tipped the server. Burden stated that when she tasted the beverage she tasted it and didn't believe it was Hennessy. Burden added that it did not taste like any cognac that she was familiar with and told Cowans that she had been served something else. Cowans brought the error to the server's attention, who insisted that it was Hennessy. Burden stated that Cowans then asked a bartender friend of his (Harris) to taste the beverage. Burden explained that Harris smelled her beverage, asked her if she could taste it, then stated that she also did not believe it to be Hennessy.

On October 24, Investigator Hunter contacted Titania Harris. Harris is employed by the Alaska Court System and also works part-time as a bartender at the Frontier Club. Harris stated that on Saturday she was asked by Cowans to taste Burden's drink and share her opinion on whether or not she believed it to be Hennessy. Harris explained that she first smelled, then tasted the beverage. Harris explained that based on her experience as a bartender, she is familiar with the distinctive flavor of Hennessy and does not believe that Burden's drink was Hennessy.

On October 24, Investigator Hunter contacted Stephanie Sanders (3/29/1983), who stated that she had also been at Club Soraya this past Saturday. Sanders stated that she ordered a peach Ciroc at the bar, and was given a beverage with an orange tint to it. Sanders stated that she is familiar with Ciroc and knows this beverage to be clear in color without a peach hue. Sanders stated that she confronted the bartender, who showed her the peach Ciroc bottle and told her it was Ciroc.

Investigator Hunter is aware that Hennessy, Gray Goose and Ciroc are generally considered call spirits; meaning that they would not be served unless the specific brand is requested by the customer. These spirits in particular are all "premium" spirits, and command a greater price than the typical well (or default) selections for a given spirit.

Based on the information provided by Cowans, Handy, Noble, Burden, Harris and Sanders, Investigators believe that the licensee or agents of Club Soraya placed an inferior spirit into Gray Goose, Ciroc Peach or Hennessy bottles and sold this inferior spirit as if it were the premium spirit. This action would constitute adulteration, misbranding or false advertising of alcoholic beverages, which is an A Misdemeanor offense under 3 AAC 304.405.

Request:

It is respectfully requested that Investigators be permitted to enter the premises described above to search for bottles of Gray Goose Vodka, Ciroc Peach Vodka, and/or Hennessy Cognac and to seize any ~~un~~opened, empty, or partial bottles as evidence. Any liquid contained within will then be sent to the Alaska Scientific Crime Detection Laboratory and

Exempt from VRA while sealed.
Screen for VRA when public.

compared with control samples to test for the present of adulterants.

In addition, I believe there are compelling reasons for postponing service of notice of the search warrant. Postponing service of the notice of the search warrant may:

- ☐ avoid jeopardizing a confidential informant's safety.
- ☐ avoid impairing the informant's investigative efforts in other cases.
- ☐ allow time for follow-up investigations in this case.

Investigator III
Title

[Signature]
Signature

Subscribed and sworn to or affirmed before me on Oct 25, 2013, at
Healy, Alaska.

(SEAL)

[Signature]
Clerk of Court, Notary Public, or other
person authorized to administer oaths.
My commission expires:

DC Judge for Len

☐ Additional testimony relating to this affidavit was recorded on Tape/CD # _____,
beginning log # _____, ending log # _____.

AGENCY CASE NUMBER: AB13-000191

REQUEST FOR LABORATORY SERVICES

Please Print or Type

Submitting Agency and Address:				Submitting Officer: Inv. Brandon Hunter			
DCCED - ABC Board 2400 Viking Drive Anchorage, AK 99501				Send Report to (Agency Rep): <input type="checkbox"/> Same as above			
				Name: Inv. Joe Hamilton			
				Email: joe.hamilton@alaska.gov		Phone: 263-5925	
Suspect(s)	DOB	SEX	AP SIN #	Victim(s)	DOB	SEX	AP SIN #
Latin Connection LLC			8300804	State of Alaska			

CHAIN OF CUSTODY:

RECEIVED FROM:	DATE:	TO:
RECEIVED FROM:	DATE:	TO:
RECEIVED FROM:	DATE:	TO:

Has any evidence been previously submitted to the laboratory in this case? YES ☐ NO ☒ (Check one)

Cross reference by Agency Case Number: Crime Lab Number:

Note: A brief synopsis or offense report attached to this submission will greatly enhance our ability to assist you with your investigation.

Investigation into alcohol adulteration at Club Soraya. Multiple complaints indicate that Hennessy, Grey Goose and Peach Ciroc may have been replaced with cheaper brands of alcohol and sold as the more expensive name brand. Investigators served search warrant and seized multiple bottles of alcohol. Peach Ciroc appears to be adulterated based on visual observation. Please compare seized vodkas with their name brand control sample + Monarch control sample ; the seized vodkas are believed to contain Monarch vodka in some %. Please also compare Hennessy with control sample provided.

OFFENSE: Alcohol Adulteration DATE OF OFFENSE: 10/25/2013 DOMESTIC VIOLENCE YES ☐ NO ☒ (Check one)

LIST OF PHYSICAL EVIDENCE SUBMITTED (USE ONLY ONE LINE PER ITEM)

EVIDENCE ITEM #	DETAILED DESCRIPTION	EXAMINATION(S) REQUESTED
P13041881	1 750ml bottle Hennessy VS, approx. 3/4 full	Beverage Alcohol
P13041884	1 750ml bottle Grey Goose, w/ remnants	Beverage Alcohol
P13041888	1 750ml bottle Grey Goose, approx. 1/4 full	Beverage Alcohol
P13041890	1 750ml bottle Grey Goose L'Orange w/ remnants	Beverage Alcohol
P13041892	1 750ml bottle Peach Ciroc, approx 1/2 full	Beverage Alcohol
P13041893	1L bottle Peach Ciroc, approx 1/2 full	Beverage Alcohol
P13041896	1 750ml bottle Peach Ciroc, approx 3/4 full	Beverage Alcohol
P13041900	Control Sample - Grey Goose	
P13041902	Control Sample - Grey Goose L'Orange	
P13041904	Control Sample - Hennessy VS	
P13041905	Control Sample - Monarch Vodka	
P13041911	Control Sample - Peach Ciroc	

--	--	--

Rev: May 2013



Hamilton, Joe (CED)

From: Angnabooguk, Bertha P (DPS)
Sent: Thursday, November 21, 2013 3:21 PM
To: Hamilton, Joe (CED)
Subject: Agency #AB13000191 Lab #13-05695
Attachments: 13-05695-0003.PDF

State of Alaska Scientific Crime Detection Laboratory

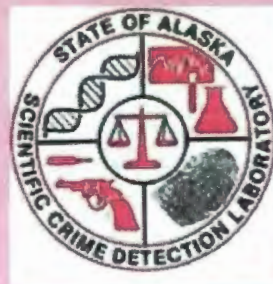
ATTN: Inv. Joe Hamilton

Your final report is attached.

**Please contact the Crime
Laboratory with any questions.**

Thank you,

**Alaska State Crime Lab
4805 Dr. Martin Luther King Jr. Ave
Anchorage, Alaska 99507
(907) 269-5740**



NOTE: This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. If you have received this message in error, please notify the sender immediately by email and delete all copies of this message.



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol

Laboratory Number: 13-05695



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041888	750 mL Grey Goose Vodka Bottle approximately 1/3 full of clear liquid.

Results, Conclusions and Opinions

Ethanol: 40.6%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041890	750 mL Grey Goose L'Orange Vodka Bottle with a residue amount of clear liquid.

Results, Conclusions and Opinions

Ethanol: 16.4%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave. Anchorage, AK 99507 Voice (907) 269-5740 Fax (907) 868-7946
Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol

Laboratory Number: 13-05695



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041881	1L Bottle of Hennessy, approximately 4/5 full of brown liquid.

Results, Conclusions and Opinions

Ethanol: 40.8%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol

Laboratory Number: 13-05695



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041884	750 mL Grey Goose Vodka Bottle containing residue amounts of clear liquid. Bottle had no cap only evidence tape sealed the opening.

Results, Conclusions and Opinions

Ethanol: Less than 1.2%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041892	750 mL bottle of Ciroc Peach approximately half full containing a clear liquid.

Results, Conclusions and Opinions

Ethanol: 35.4%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041893	1L bottle of Ciroc Peach approximately 2/3 full containing an amber colored liquid.

Results, Conclusions and Opinions

Ethanol: 40.0%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave. Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041896	750 mL bottle of Ciroc Peach approximately 3/4 full containing an amber colored liquid.

Results, Conclusions and Opinions

Ethanol: 40.6%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

Item

P13041900

Description

Factory Sealed 50 mL bottle of Grey Goose Vodka containing clear liquid.

Results, Conclusions and Opinions

Ethanol: 41.0%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041902	Factory Sealed 50 mL bottle of Grey Goose L'Orange containing a clear liquid.

Results, Conclusions and Opinions

Ethanol: 40.6%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave. Anchorage, AK 99507 Voice (907) 269-5740 Fax (907) 868-7946
Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

Item

P13041904

Description

Factory Sealed 50 mL bottle of Hennessy containing an amber colored liquid.

Results, Conclusions and Opinions

Ethanol: 40.8%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

<u>Item #</u>	<u>Description</u>
P13041905	Factory Sealed 375 mL bottle of Monarch Vodka containing a clear liquid.

Results, Conclusions and Opinions

Ethanol: 41.0%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T



State of Alaska

Department of Public Safety

SCIENTIFIC CRIME DETECTION LABORATORY REPORT

Sean Parnell, Governor

Keith L. Mallard, Acting Commissioner

November 21, 2013

Requesting Agency: Alaska Department of Public Safety

Laboratory Number: 13-05695

Agency File Number: AB13000191

Report To: Joe Hamilton

Requested Service: Beverage Alcohol



Items Analyzed

Item

P13041911

Description

Factory Sealed 750 mL bottle of Ciroc Peach containing a clear liquid.

Results, Conclusions and Opinions

Ethanol: 35.8%v/v

The crime lab does not currently determine the volume of beverage samples. No volume measurement was made. Any volume listed on the report was taken from the container label.

Brandi M Barnett

Forensic Scientist III: Brandi Barnett

Report Technically Reviewed by Charles Foster

4805 Dr. Martin Luther King Junior Ave.

Anchorage, AK 99507

Voice (907) 269-5740

Fax (907) 868-7946

Accredited by ASCLD-LAB Certificate ALI-251-T

Tab

13



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

FROM: Robert L. Beasley, Interim Director RE: De Canter Inn Lic. # 297

On January 4, 2014, De Canter Inn owner and licensee, Glenn Tisdale, entered a plea of guilty in Kenai District Court for one count of **Alcohol Server Education Course Required** in violation of AS 04.21.025(c). Mr. Tisdale was sentenced to six-months probation and a \$50.00 court surcharge.

Basis for this charge stemmed from an Alaska State Trooper contact with the licensee, Mr. Tisdale, on the licensed premises. When the trooper requested to see the licensee's Alcohol Server Education Card, he was presented with a card that had been expired for more than one year. The trooper issued a uniform citation to Mr. Tisdale to appear in court.

Please see enclosed documents.

JUDGMENTState of Alaska
vs.

Case No. 3KN-13-00558CJR Count 01 CTN 001 ATN 114266448

Offense Date 04/10/13 OLID 6318788 State AK

Glenn Allen Tisdale

DOB 8/1/1959 APSIN 6318788

Box 703
Sordana AK
99669

Offense Charged Alcohol Serve Education Course Card Required AS04.21.025(c)

(Offense)

(Statute)

PLEA: ☐ Not Guilty ☒ Guilty ☐ No Contest TRIAL: ☐ Court ☐ JuryDV Offense Per AS 18.66.990(3)&(5) ☐ Yes ☒ No Rule 11 Agreement ☒ Yes ☐ No**DEFENDANT IS ADJUDGED:**☐ NOT GUILTY. It is ordered that defendant is acquitted and discharged.☒ GUILTY as charged. ☐ GUILTY of _____

(Amended Offense)

(Statute)

☐ DISMISSED Cr.R 43(a) _____**SENTENCE****SENTENCE IS IMPOSED AS FOLLOWS:**Court Surcharge: ☐ \$10 ☒ \$50 ☐ \$75 DUE: Immediately☒ **SUSPENDED IMPOSITION OF SENTENCE.** Imposition of sentence is suspended and defendant is placed on probation for 6 months, subject to the conditions detailed below. Any restitution ordered below will continue to be civilly enforceable after probation expires.☐ FINE \$ _____ with \$ _____ suspended. Due: _____ ☐ Credit ASAP fees to fine.☐ JAIL _____ days with _____ days suspended. ☐ Remanded☐ Defendant to call Wildwood Pretrial by _____ to schedule remand date which must begin by _____**DIRECT COURT ORDERS**☐ Correctional Facility Surcharge \$150 with \$100 suspended. The unsuspended \$50 is to be paid to: State of Alaska, Collections Unit, 1031 W. 4th Ave., Suite 200, Anchorage, AK 99501. Phone (907)269-5205.☐ Complete the treatment recommended by a Alcohol Safety Action Program (ASAP) and pay all costs. ☐ Outpatient only. ☐ This may include residential treatment up to _____ days plus required aftercare with Nygren credit toward ☐ suspended ☐ unsuspended jail time ordered above. Report to ☐ Kenai ☐ _____ ASAP within 10 days.☐ Complete State approved Batterer's Intervention Program through _____. Report within 10 days. Pay all costs.☐ Driver's license is revoked for ☐ 30 days ☐ 90 days ☐ 1 yr ☐ 3 yrs ☐ 5 yrs ☐ Concurrent with DMV action.☐ Perform _____ hours Community Work Service (CWS) by _____. Submit proof of completion to the Court by _____. ☐ In lieu of jail ☐ As a condition of probation. ☐ Toward fine/surcharge @ \$6.25/hr.☐ Restitution: ☐ Pay reasonable restitution in the amount of \$ _____ as stated in the Restitution Judgment. ☐ The amount of restitution will be determined as provided in Criminal Rule 32.6(c)(2). ☐ Apply for and assign your Alaska Permanent Fund Dividend, if eligible, each year until restitution is paid in full.☐ No Petitions to Revoke Probation (PTRP) to be filed by State in any other Kenai, Homer or Seward misdemeanor matters.☐ Other _____**CONDITIONS OF PROBATION**Defendant is placed on probation for 6 mos./yrs. subject to the following conditions:☒ Comply with all direct court orders listed above by the deadlines stated.☒ No criminal/jailable traffic offenses during the period of probation.Effective Date: 1/24/14Magistrate Matthew C. Christian/ District Court Judge Sharon S. Illsley
Magistrate Master Judge Jennifer K. WellsI certify that on 1/28/14

a copy of this judgment was given to:

☒ DA ☐ Def ☐ Atty ☐ DPS ☐ Jail ☐ ASAP ☐ FWP ☐ Parks ☐ ABC ☒ Media ☐ AGO ☒ DMV ☐ JS/AST-COR Clerk: WPK



AK13023702

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

Date: 4-17-13
Number 13-0406
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
UMFA Inc.	297	Beverage Dispensary
D.B.A. De Canter Inn Mile 107 Sterling Hwy	How Delivered [X] Certified Mail # On-File [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box PO Box 703	City, State Soldotna, AK	Zip 99669

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 or about 4-10-13, Alaska State Trooper Eric Olsen contacted you at the De Canter Inn where you are the licensee. When Trooper Olsen asked for proof of current server education, you provided an expired TAM card of 3-18-12. In reviewing your license file, it appears you are aware of your need for server education as you signed a notarized document on or about 12-20-11 stating you and your employees have current server education.

Your attention is directed to **AS 04.21.025: Alcohol server education course** and **03AAC104.465: Alcohol server education course**.

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

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

Shirley A. Cote', Director
Alcoholic Beverage Control Board
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: Alaska State Trooper Eric Olsen
Filed By: <i>JK Hamilton</i>	Title: Investigator III

page 1 of 1

Defendant Tisdale Glenn Allen Agency ID SOLE P 00162826
Last First Middle Suffix
Plaintiff SOA Agency DPS / AST Agency Case # AK13023702
0162826

CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050

District Court at Kenai Judicial District: 3rd Court Case # _____

DOB 8-1-59 Age _____ Driver's Lic 6318788 State AK Class D APSIN ID 6318788
Hair Grn Eyes Grn Race W Sex M Ht _____ Wt _____ Hm Ph 598-0600 Wk Ph 262-5917
Res Addr Lot 32, Creamy Circle, Soldotna, AK 99669
Mail Addr ☐ Same P.O. Box 703 Soldotna Employer De Canter Inn

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____
Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

Date 4-10-13 Time 2042 ATN 114266448 CTN 001 Code _____
Location De Canter Inn, mile 107 Sterling Loc. Code HDQH ☐ Hwy Work Zone ☐ Safety Corridor
☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section AS 04.21.025(C)
Offense: Alcohol Server Education Course Card Required

Over Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality
To wit: A who is the owner and licensee of the De Canter Inn, was found to be serving alcohol to patrons of the bar. A also held an Alcohol Server Education Course card that was not valid, as it had expired on 03-18-2012.

Item(s) Seized per AS 16.05.190
ASEC Card # 69652, issued to Glenn Tisdale

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have reasonable grounds to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I personally served this citation on the defendant.

Eric T. Olson Eric T. Olson ETOS 4-16-13
Officer's Signature Officer's Printed Name ID Date Served on Defendant

REQUIRED RESPONSE

- ☒ MANDATORY COURT APPEARANCE. You must appear in court as shown below. If you fail to appear for a misdemeanor or AS 04.16.050 a warrant will be issued for your arrest. For a minor offense, see consequences on back. I promise to appear in court. _____
Defendant's Signature
- ☐ CORRECTABLE. This citation will be dismissed if you correct the defect and present the vehicle for inspection by _____ at any Alaska State Trooper Post or ☐ _____ If you do not, you must either appear in court or mail/deliver your plea as instructed under OPTIONAL APPEARANCE.
- ☐ OPTIONAL COURT APPEARANCE. You must either (1) appear in court as shown below, or (2) fill out the back of this form and mail/deliver it before then, to:
Address (if different from court address): _____

COURT APPEARANCE: ☐ within _____ days. ☐ on 5-14 at 1:30 AM/PM

Court Address: 125 Trading Bay, Kenai Court Kenai, AK

Bring this citation with you to court. If you are under 18, you must bring your parent or legal guardian.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
 GLENN ALLEN TISDALE,)
)
 Defendant.)
 _____)

No. 3KN-S13-00558 CR

TRANSCRIPT OF PROCEEDINGS

January 24, 2014 - Pages 2 through 10

TRANSCRIPTION SUPPORT SERVICES

4782 Mills Drive

Anchorage, Alaska 99508-4733

(907) 333-6256 or (907) 337-0243 (fax)

(907) 223-6003 (cell)

lsfoley@acsa/alaska.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COP HEARING

BEFORE THE HONORABLE SHARON S. ILLSLEY
Magistrate

Kenai, Alaska
January 24, 2014
11:48 o'clock a.m.

APPEARANCES:

FOR THE PLAINTIFF:

CRAIG C. SPARKS
Assistant District Attorney
District Attorney's Office
120 Trading Bay Drive,
Suite 200
Kenai, Alaska 99611

FOR THE DEFENDANT:

GLENN ALLEN TISDALE
In propria persona

P R O C E E D I N G S

KN6

11:48:22

THE COURT: And then Mr. Tisdale represents himself so I want to address some comments specifically to him. Mr. Tisdale.....

MR. TISDALE: Yes.

THE COURT:you have the right to have a trial by a district court judge and I am not a district court judge, I am a -- what's called a magistrate judge and I can go over with you in more detail if you want what the differences are between the two but the bottom line is the judge is appointed by the Governor. I am appointed by the presiding judge. I'm an at-will employee. They serve with a whole different retention system.

District court judges have more authority than magistrate judges so they have a broader jurisdiction than magistrate judges and, by law, magistrate judges do not handle trials, criminal jury trials, unless you file written consent to allow them to do that. We -- in this case, we both have gone to law school and been lawyers and been on the bench for a number of years but that's the broad outline of what your rights are and what the differences are between district court judge and a magistrate judge.

So that's all sort of the background information of where

1 we're at this morning. Mr. Sparks, from the state's
2 perspective, what are your views on this list? Any other
3 changes that are made to this list?

4 MR. SPARKS: Yes, Your Honor, it's my understanding,
5 speaking with Mr. Scott and Mr. Tisdale, that it's going to be
6 a change of plea. I don't know if we can do that after the
7 remainder of the status hearings.

8 THE COURT: Yeah, we can do that.

9 MR. SPARKS: Okay.

10 THE COURT: I know he's been here for a number of hearings
11 and I don't want to make him come back another day. Is that
12 correct, Mr. Tisdale, that you've reached an agreement?

13 MR. TISDALE: That's correct, we've agreed -- we agreed to
14 six months SIS on the whole matter.

15 THE COURT: Okay. All right. So if you just take a seat,
16 when I'm done with the rest of these, we'll do that. I'm
17 assuming you want to get it taken care of now.....

18 (Whispered conversation)

19 THE COURT: Mr. Tisdale, I'm assuming you want to get it
20 taken care of now, is that right?

21 MR. TISDALE: Yes, ma'am. Yes, ma'am.

22 THE COURT: Okay.

23 MR. TISDALE: Thank you.

24 THE COURT: Okay. So that.....

25 UNIDENTIFIED MALE SPEAKER: So we're crossing out Scott

1 now?

2 THE COURT: We're crossing out Glenn Tisdale and Matthew
3 Stowe. So one and two are gone. Mr. Sparks, any other
4 changes to this list that you know about?

5 11:50:33

6 (Other matters)

7 12:13:42

8 THE COURT: You can have a seat if you prefer.

9 MR. TISDALE: It's okay, either way. I'm comfortable.
10 Stay out of it set, do all already (ph).

11 THE COURT: All right. So this is Mr. Tisdale in 3KN-13-
12 558 CR and I guess the parties have reached an agree so, Mr.
13 Sparks, can you please tell me what the offer is?

14 MR. SPARKS: Your Honor, the offer is Mr. Tisdale would be
15 pleading guilty to failure to possess a valid TAMS card and
16 the sentence would be.....

17 THE COURT: I'm sorry, can I stop you there? That's not
18 -- all right. So that's what the charge is now, you just
19 phrased it differently than how I saw it.

20 MR. SPARKS: Yeah, I'm sorry, failure to possess a valid
21 alcohol server education card.

22 THE COURT: Okay. All right. So go ahead.

23 MR. SPARKS: And the sentence would be an SIS for a period
24 of six months.

25 THE COURT: Any -- is that it?

1 MR. SPARKS: No conditions, Your Honor, just a -- no bail.

2 THE COURT: Well, there's going to have to be conditions
3 of, yeah, follow all court orders, commit no criminal or
4 jailable traffic offenses but nothing else beyond that?

5 MR. SPARKS: No special conditions.

6 THE COURT: Okay. And then there is a surcharge too, Mr.
7 Tisdale. Did you know that, a \$50 court surcharge?

8 MR. TISDALE: No, I did not.

9 THE COURT: Yeah, and there's a hundred dollar suspended
10 jail surcharge. You only have to pay that if you're arrested
11 for violating probation which I assume will not be a problem
12 but the \$50 is mandatory and that's not a fine or -- it's just
13 a police training surcharge that's required by law.

14 MR. TISDALE: Okay. So there's no choice in this matter
15 though, a \$50 fee?

16 THE COURT: No choice in the \$50 if you want to take the
17 deal.

18 MR. TISDALE: Boy howdy. It's a tough decision. I'm
19 going to take the deal though because I don't have a -- I
20 don't want to waste any more time on this so.....

21 THE COURT: Okay. So the six months probation sounds like
22 what you thought you were agreeing to today?

23 MR. TISDALE: I was agreeing to six months SIS, don't do
24 anything bad, everything's okay and it comes off my record.

25 THE COURT: The conviction is set aside at the end of six

1 months, yes.

2 MR. TISDALE: Okay.

3 THE COURT: Okay. So let me ask you a number of
4 additional questions before I can move forward. Do you
5 understand that by pleading guilty to this, that you are
6 giving up your right to require the state to prove it beyond a
7 reasonable doubt either to a judge or a magistrate sitting
8 alone or, two, a unanimous jury of six people?

9 MR. TISDALE: Yes.

10 THE COURT: Do you understand that if the state doesn't
11 prove it, it would be dismissed if they couldn't prove it at
12 trial, obviously?

13 MR. TISDALE: Yes.

14 THE COURT: And do you understand that at trial, you'd be
15 able to look at, listen to and ask questions of anybody who
16 spoke out against you, you'd be able to subpoena your own
17 witnesses into court to tell your side of the story. You'd be
18 able to tell your side of the story yourself if you wanted or
19 you could choose to say nothing and if you said nothing, that
20 couldn't be used against you. So do you understand you're
21 giving up all of those rights?

22 MR. TISDALE: I do.

23 THE COURT: And are you sick or under the influence of
24 anything that would make it hard to understand what's
25 happening today?

1 MR. TISDALE: No.

2 THE COURT: Has anybody made any threats or promises other
3 than this offer to get you to do this?

4 MR. TISDALE: No, Your Honor.

5 THE COURT: Do you understand if you're not a U.S.
6 Citizen, there could be immigration consequences?

7 MR. TISDALE: Yes.

8 THE COURT: Do you understand if I accept these
9 agreements, you will not be able to appeal the conviction or
10 the sentence to another court?

11 MR. TISDALE: I do.

12 THE COURT: So it's intended to be final.

13 MR. TISDALE: Yes.

14 THE COURT: Do you understand that you have today and
15 you've always had a right to have a lawyer help you if you
16 prefer?

17 MR. TISDALE: Yes.

18 THE COURT: And if you want a lawyer and can't afford one,
19 you can ask the court to appoint one. Do you understand that?

20 MR. TISDALE: Yes.

21 THE COURT: Okay. So I understand you understand all your
22 rights so, given that, what plea are you entering to this
23 count?

24 MR. TISDALE: I'm going to enter a guilty plea.

25 THE COURT: All right. Thank you. I will accept the

1 guilty plea, enter a judgment of conviction, go on to consider
2 the sentence. Mr. Sparks, any comments in aid of sentencing?

3 MR. SPARKS: No, Your Honor.

4 THE COURT: Mr. Tisdale, anything you'd like to say?

5 MR. TISDALE: No, ma'am.

6 THE COURT: All right. This matter's been pending for
7 months. Mr. Tisdale has been diligent making his court dates,
8 attending to his obligations. I am sure this has been an
9 unpleasant experience. I'm sure that what he's gone through
10 already is probably punishment enough and will insure that he
11 is in good compliance with the law. I don't expect any
12 problems for the next six months. I will accept the parties'
13 agreement. There is a \$50 police training surcharge that is
14 required. Imposition of sentence is suspended. Mr. Tisdale
15 is placed on probation for six months on the condition that he
16 follow all court orders and commit no criminal or jailable
17 traffic offenses. Any questions about this?

18 MR. TISDALE: No, Your Honor.

19 THE COURT: Anything else from the state?

20 MR. SPARKS: No, Your Honor.

21 THE COURT: Mr. Tisdale, what is your mailing address,
22 please?

23 MR. TISDALE: P.O. Box 703, Soldotna, Alaska, 99669.

24 THE COURT: Okay. Thanks. You can pay that \$50 at the
25 front counter and why don't you come get some paper work?

1 We'll mail you the judgment separately but all this
2 information's also going to be in these log notes.

3 MR. TISDALE: Okay.

4 THE COURT: Okay. Thanks.

5 MR. TISDALE: Thank you.

6 THE COURT: Anything else, Mr. Sparks?

7 MR. SPARKS: No, Your Honor.

8 THE COURT: All right. Thanks. We'll go off record.

9 (Off record)

10 12:19:11

11 END OF REQUESTED PORTION

12

13

14

15

16

17

18

19

20

21

22

23

24

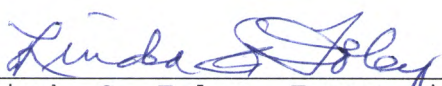
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 10 are a true, accurate, and complete transcript of proceedings in Case No. 3KN-S13-00558 CR, State of Alaska v. Glenn Allen Tisdale, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

June 7, 2014



Linda S. Foley, Transcriber



Alaska Department of Public Safety

General Report

Incident: AK13023702

Author: #ETO9 OLSEN, E. **Report time:** 04/12/2013 23:16

Narrative:

On 04-10-13 at approximately 2042 hours, Trp. Thad Hamilton and I arrived at the De Canter Inn, an Alcoholic Beverage Control (ABC) board licensed liquor establishment, which has been issued a beverage dispensary type of liquor license, specifically license # 297. The De Canter Inn is located at mile 107 of the Sterling Highway.

Upon entry, I noted there were 4 persons sitting at the bar with alcoholic beverages placed before them. I asked who the bartender was and an individual by the name of Glenn A. TISDALE, AK6318788, identified himself as the owner of the bar (aka known as "the licensee") and as the acting bartender.

I asked G. Tisdale for his alcohol server education course (ASEC) card and he proceeded to provide me with the card in question (see photo of card). I noted the card was issued card number 69652, the card was signed by G. Tisdale, and the card had expired on 03-18-12. It was evident G. Tisdale was serving alcohol to the public with an ASEC card that had expired over a year ago.

I asked G. Tisdale when was the last time he attended an ASEC training course. G. Tisdale said he took the course in 2011 at Michael's restaurant when Steve Cornish was the cabaret, hotel, and restaurant retailers (CHARR) instructor. I questioned G. Tisdale further about the training and he admitted that he didn't renew his card because Cornish is no longer training the ASEC course and Cornish did not send Tisdale an ASEC renewal reminder card. Tisdale then changed his story to say he took the ASEC class with his wife, Trudy TISDALE, AK6436411.

I asked T. Tisdale if she had a valid ASEC card and she said she did. I examined her ASEC card and I noted it was valid and wasn't due to expire until 06-20-15. I advised G. Tisdale he was to cease serving alcohol and that if he wished to keep the bar open, his wife, T. Tisdale was to assume the responsibilities of the acting bartender. I also told G. Tisdale I would contact the ABC board to determine the status of his ASEC training and verify if he was operating without a valid ASEC card. G. Tisdale agreed to my suggestion and I left the bar thereafter.

On 04-10-13, I contacted ABC board enforcement supervisor, Robert Beasley, and ABC investigator, Joe Hamilton, and requested their assistance with contacting CHARR. On 04-11-13 at approximately 0955 hours, Inv. Hamilton advised me that according to CHARR, G. Tisdale took his last ASEC class on 3-18-09 and his ASEC card expired on 3-18-12.

On 04-16-13, I met with and I advised G. Tisdale of my investigation. G. Tisdale stated after he spoke with me, he renewed his ASEC card and was issued a new card (see attached photo). G. Tisdale also said he did not take the ASEC renewal class with his wife as previously stated. After speaking with G. Tisdale, I issued him a summons to appear in court regarding the charge of AS 04.21.025(c), failure to maintain an alcohol server education course card; which is a class A misdemeanor charge.

On 04-17-13, ABC board investigator, Joe Hamilton, provided me with a Notice of Violation (NOV) that was issued to the De Canter Inn regarding the violation of G. Tisdale's failure to possess a valid alcohol server education course card. The NOV also documents that G. Tisdale, as the licensee, signed a notarized document on or about 12-20-11 stating that he and his employees have their current ASEC training.

-After my investigation was complete, I placed my photos and audio in evidence. No physical arrests were made during this investigation and the charge of failure to possess a valid ASEC card was forwarded to the Kenai District Attorney's office.

Ak13023702

Ending Mileage

Date 04-10-83

Starting Mileage _____

Weather

Total Mileage _____

Vehicle

Trp Olsen's Case Notes

Ak13023702

2042	10-6 @ Decatur Inn
	OL 6318788 T3 dke
	ASEL 69052 March 18, 2012

Ending Mileage

Date

04-10-13

Starting Mileage

Weather

Total Mileage

AK13023702

Vehicle

Time	-	lost had training @ 2011
		@ Michael Restaurant
	-	Steve Cornish did training
	-	don't get reminder
		Glenn Allen Tisdale
		OL # 6318788
		DOB 8-1-59
		6'2 305 Grog / Gen
		phy lot 32 ^{feary} Crossing Circle
		soldotore
	mail	Box 703
		soldotore 99669
	wh	Decatur
		mile 107 Sterling Hwy
	hm	
	cell	252-598-0600
	wh	262-5917
	-	owner of establishment

Ending Mileage

Date

4-10-13

Starting Mileage

Weather

Total Mileage

Vehicle

Time	
	took class @ sue time
	at wife
	Tandy Tisdale
	DOB 1-5-59
	exp 6-20-15
2107	10-8

Ak13023702

Date 4-16-13
Weather Sunny 36°
Vehicle Trp. Hamilton

1528	10-5 w/ Glenn Tisdale
	tdr test the next day
	- new expiration dot
	4-11-16
	certificate # 115307
	Served summons on
	Glenn Tisdale

Tab

14



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

FROM: Robert L. Beasley, Interim Director RE: Nikko Garden Lic. # 2069

On April 18, 2014, Nikko Garden owner and licensee, Si Cha Sin entered a plea of guilty in Kenai District Court for one count of **Licensee Furnishing an Alcoholic Beverage to a person under the age of 21**. Ms. Si Cha Sin was ordered to pay a \$1,000.00 fine and a \$50.00 court surcharge.

Basis for this charge stemmed from a compliance check conducted at Nikko Garden on March 22, 2014 where the licensee, Si Cha Sin, served an alcoholic beverage to an ABC Underage Buyer.

Please see enclosed documents.

IN THE DISTRICT COURT FOR THE STATE OF ALASKA AT KENAI
JUDGMENT

State of Alaska

vs.

Defendant Si Cha SinAPSN 5381520DOB 11/19/1955DLN/ID (☐ CDL) 5381520DL/ID ST AKAddress 44870 Big Eddy Road Soldotna AK 99669Case No. 3KN-14-00473CRATN 114146127CTN 001Plea ☒ Guilty☐ No contest☐ Not guiltyPlea Agreement ☒ Yes☐ No☐ PartialTrial ☐ Court☐ JuryDate of Offense 03/22/2014**DEFENDANT IS ADJUDGED:**☐ **NOT GUILTY.** It is ordered that defendant is acquitted and discharged.☒ **GUILTY** OF AS04.16.052(5): Licensee Furnish/Delivr Alcohol to Minor (☐ Amended Charge)Class: A Misdemeanor☐ Motor vehicle used in offense (AS 28.15.181(a))☐ Traffic safety corridor ☐ Highway work zone☐ Commercial vehicle offense☐ DV offense per AS 18.66.990(3)&(5) No☐ >26K lbs ☐ 15+ passengers ☐ Hazmat materials☐ Sex offender reg. required by AS 12.63.100☐ DISMISSED: ☐ Cr. R. 43(a) ☐**SENTENCE****SENTENCE IS IMPOSED AS FOLLOWS:**

- ☐ SUSPENDED IMPOSITION OF SENTENCE. Imposition of sentence is suspended and defendant is placed on probation subject to the conditions below.
- FINE. \$ 1000 with \$ 0 suspended. Due 4/30/14. Bail to fine \$ _____.
☐ Credit court-ordered program fees to fine, including ASAP, if proof of payment to court clerk by fine due date.
- JAIL. _____ days with _____ suspended. A warrant for your arrest will be issued unless you contact Wildwood Pretrial Facility by _____ to arrange remand, and you remand as arranged but no later than _____.
- SURCHARGES.
 - Police Training Surcharge due immediately: ☒ \$50 (misd) ☐ \$10 (infrac) ☐ None (fine under \$30)
 - ☐ Initial Jail Surcharge of \$50 per case due now to AG's Office at 1031 W. 4th Ave., #200, Anch., AK 99501
 - ☐ Suspended Jail Surcharge of \$100 per case with \$100 suspended. Surcharge must be paid if probation is revoked and, in connection, defendant is arrested and taken to jail or sentenced to jail.
- TREATMENT.
 - ☐ ASAP. Report for treatment to ☐ Kenai ☐ _____ ASAP ☐ within 10 days ☐ by _____.
Complete recommended treatment. Pay all related costs. This may include residential treatment up to _____ days plus required aftercare in addition to any jail time ordered above.
 - If ordered not to consume alcohol, defendant is also restricted from buying alcohol, and any ID card issued under AS 18.65.310 must list the buying restriction during the period of probation or parole. (AS 04.16.160)
 - ☐ Complete ☐ state-approved DV intervention program ☐ anger management program. Pay all fees.
Defendant must submit quarterly compliance reports to the Kenai District Attorney's Office.
- COMMUNITY WORK SERVICE (CWS). Complete _____ hours of CWS. Submit proof of completion to the court by _____. CWS is ☐ in lieu of jail ☐ condition of probation ☐ toward fine/surcharge at \$ _____ per hour ☐ incomplete CWS converts to 3 hours of jail per CWS hour.
- RESTITUTION. Make restitution ☐ as stated in the Restitution Judgment ☐ in an amount determined pursuant to Crim. R. 32.6(c)(2). Apply for PFD each year eligible until restitution is paid in full. Restitution will continue to be civilly enforceable after probation expires.
- LICENSE ACTIONS. Surrender defendant's ☐ driver's ☐ _____ license to the court immediately. Such license or privilege to apply for such license is ☐ revoked ☐ suspended for _____ ☐ days ☐ years.
☐ A limited license is issued for _____ ☐ days ☐ years with the following limits: _____
- DNA. ☐ Defendant must give DNA sample if requested by an officer on state's behalf (AS 11.41 offense).
- OTHER ORDER(S). _____

CONDITIONS OF PROBATIONDefendant is placed on probation for _____ ☐ years ☐ months, subject to the following conditions:

- Comply with all direct court orders listed above by the deadlines stated.
- Obey all laws.
- ☐ Have no direct or indirect contact with _____.
- ☐ Other. _____

Effective Date 4/14/14

I certify that I gave a copy of this judgment to:

☒ DA ☒ Def ☐ Def Atty by In-Court Clerk _____ on _____☐ DPS ☐ Jail ☐ ASAP ☐ Parks ☒ ABC ☐ Med ☐ JS/ASTCOR☐ DMV by mail to 1300 W. Benson Blvd., Anch., AK 99503☐ w/ surr. lic. # 5381520 by Clerk DA on 4/23/14☒ District Court Judge Sharon A.S. Illsley☒ Magistrate Judge Martin C. Fallon☐ Magistrate Judge Jennifer K. Wells



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 3-27-14
Number AB14-0421
Page 1 of 1 Page

Notice of Violation

(3 AAC 304.525)

Licensee Si Cha Sin	License Number 2069	Type of License Restaurant / Eating Place
D.B.A. Nikko Garden 44715 Kilowatt Ave	How Delivered <input checked="" type="checkbox"/> [X] Certified Mail # On-File <input type="checkbox"/> [] In Person	Law Enforcement Agency Alaska State Troopers
Street or P.O. Box 36100 Kenai Spur Hwy	City, State Soldotna, AK	Zip 99669

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 3-22-14, at about 1827 hours, Nikko Garden licensee Si Cha Sin furnished an alcoholic beverage to a person under 21 (age 18). 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 recurrence 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: UB 13-012
Filed By: <i>JL Hamilton</i>	Title: Investigator III

Defendant

SIN, Si CHAAgency ID
ABCEAP00355323

Plaintiff

SOA / DCCED

Agency

ABC

Agency case #

A3 14-0421CITATION FOR ☐ MINOR OFFENSE ☒ MISDEMEANOR ☐ AS 04.16.050(b) & (c) Minor ConsumingF&G Offense charged as strict liability violation ☐ Yes ☐ No

District Court at

Kenai

Judicial District:

3

Court Case#

DEFENDANT

DOB 11-19-85 Age _____ Driver's Lic 5381520 State AK Class D APSIN ID 5381520
 Hair BK Eyes BRO Race A Sex F Ht 5'3" Wt 150 Ph N/A Wk Ph 262-7122
 Res Addr 44870 Big Eddy Road, Soldotna AK 99669
 Mail Addr ☐ Same Employer Nikko Garden

VEHICLE

Lic/Reg _____ St _____ Expires _____ Yr _____ Make _____ Model _____ Color _____ ADF&G _____

Commercial: ☐ Over 10,000 lbs ☐ Over 26,000 lbs ☐ Over 15 psngr ☐ HazMat DOT INSP# _____ USDOT# _____

OFFENSE

Date 3-22-14 Time 1827 ATN 114 146127 CTN 001 Code _____Location 36100 Kenai Spur Loc. Code _____ ☐ Hwy Work Zone ☐ Safety Corridor☒ Statute ☐ Regulation ☐ Ordinance ☐ Adopted by reference Section 04-16-052(5)Offense: FURNISHINGOver Limit _____ MPH in a _____ MPH Zone ☐ Damage Only ☐ Injury ☐ Fatality ☐ Commercial Fishing

Item(s) Seized that can be forfeited per AS 16.05.190, AS 04.16.205 or other statute/ordinance (list other statute/ordinance: _____):

Game Restitution amount for _____ taken illegally: \$ _____ AS 16.05.925(b) for mandatory appearance offense only.

PENALTY Driver License Points _____ Bail/Fine \$ _____ Surcharge \$ _____ Total Due \$ _____

I have probable cause to believe the defendant committed the above offense. I certify under penalty of perjury that the above information is true and that I **personally** served this citation on the defendant.

Officer's Signature

Officer's Printed Name

ID

Date Served on Defendant

REQUIRED RESPONSE

- ☒ MANDATORY COURT APPEARANCE. You must appear on 4-18-14 at 830 (AM/PM).
 If you fail to appear: For a misdemeanor or a minor consuming alcohol charge, a warrant will be issued for your arrest. For a minor offense, a default judgment will be entered against you as explained on the back of this citation.

Court's Physical Address: 125 Trading Bay Rd. Kenai

- ☐ CORRECTABLE. This citation will be dismissed if, within 30 days, you:

- ☐ Correct the defect and present the vehicle for inspection
☐ Show proof of a valid license
☐ Show proof of valid insurance

at any Alaska State Trooper Post or _____

If you do not, you must pay online or fill out the back of this form and mail it within 30 days to: (court or city)

- ☐ OPTIONAL COURT APPEARANCE. Within 30 days you must pay online or fill out the back of this form and mail it to:
 (court or city mailing address) _____

If you come to court, bring this citation with you. If you are under 18, you must bring your parent or legal guardian.

THIRD JUDICIAL DISTRICT AT KENAI

STATE OF ALASKA,

Plaintiff,

v.

SEE SHA SIN,

Defendant.

No. 3KN-S14-00473 CR

TRANSCRIPT OF PROCEEDINGS

April 18, 2014 - Pages 2 through 12

TRANSCRIPTION SUPPORT SERVICES

4782 Mills Drive
Anchorage, Alaska 99508-4733
(907) 333-6256 or (907) 337-0243 (fax)
(907) 223-6003 (cell)
lsfoley@acsaalaska.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ARRAIGNMENT

BEFORE THE HONORABLE _____
District Court Judge

Kenai, Alaska
April 18, 2014
3:18 o'clock p.m.

APPEARANCES:

FOR THE PLAINTIFF: JONATHON T. TORRES
Associate Public Defender
Alaska Public Defender Agency
900 West Fifth Avenue,
Suite 200
Anchorage, Alaska 99501

FOR THE DEFENDANT: SEE SHA SIN
In propria persona

P R O C E E D I N G S

1

2 KN7

3 03:18:18

4 THE COURT:one day. Okay. You can come forward,
5 ma'am. We'll -- yes, please.

6 THE CLERK: You can come up to the podium. Oh.....

7 THE COURT: Okay. So do you have a copy of the complaint,
8 the white piece of paper?

9 MS. SIN: Yes, sir.

10 THE COURT: All right. Is your name and date of birth
11 correct on there?

12 MS. SIN: Yes, sir.

13 THE COURT: And are you ready for a address, Madam Clerk?

14 THE CLERK: Almost.

15 THE COURT: Almost. Okay. When -- just let me know. So
16 we're taking up Ms. Sin's case. It's 3KN-14-473. What's a
17 good mailing address for you, ma'am?

18 MS. SIN: 44870 Big Eddy Road, Soldotna, Alaska, 99669.

19 THE COURT: Okay.

20 THE CLERK: Thank you.

21 THE COURT: And so the state's filed paper work charging
22 you with furnishing alcohol to a minor. It's a Class A
23 misdemeanor. You face anywhere from zero to one year in jail,
24 zero to \$10,000 fine. There's a \$50 police training surcharge
25 and a \$100 suspended jail surcharge. So you understand what

1 you're charged with and what the possible penalties are?

2 MS. SIN: I don't understand. If you don't mind, if my
3 daughter can trans for me, then.....

4 THE COURT: We can get it. What -- we can get a
5 translator for you on the line.

6 MS. SIN: Uh-huh. Korean.

7 THE COURT: Korean?

8 MS. SIN: Yes.

9 THE COURT: And why don't we -- I think we have a couple
10 -- why don't we finish, we can just finish up the next couple
11 and we'll get the translator. I'm going to take up -- just we
12 have two more cases we'll take and we'll come right back to
13 you, ma'am, if you don't mind.

14 MS. SIN: Okay. Sure, I don't mind, I can go out and come
15 right back?

16 THE COURT: Sure. Yeah, just you.....

17 THE CLERK: (Indiscernible - whispering).

18 THE COURT: What do we have.....

19 THE CLERK: Five or 3:15?

20 THE COURT: Sure, you have a couple minutes if you want to
21 go.

22 MS. SIN: Thank you.

23 THE COURT: Thank you, ma'am. So Lawrence Snelling? And
24 does it take time for those translators or do they -- as soon
25 as you call, they're there?

1 THE CLERK: I don't (indiscernible - whispering).

2 THE COURT: Yeah, if there's any way you can start it and
3 then when we're ready -- okay. Ms. Snelling, excuse me, your
4 case is.....

5 03:20:33

6 (Other matters)

7 03:27:10

8 THE COURT: So, Ms. Sin, we'll take your case up again.
9 There's a -- what -- okay. Who do we have on the line? Who's
10 on the phone?

11 INTERPRETER: Oh, yes, sir, my name is Dong Ho Shen, a
12 Korean interpreter from Langashon (ph) Services.

13 THE COURT: Thank you. Could you raise your right hand?
14 We'll have you sworn in as an interpreter.

15 INTERPRETER: Yes, Your Honor.

16 (Oath administered)

17 INTERPRETER: Yes, Your Honor.

18 THE CLERK: Thank you.

19 THE COURT: All right. So, Mr. Shen, I'm going to ask Ms.
20 Sin some questions. You can translate what I say into English
21 and then her -- I mean, into Korean and then her statements
22 back into English.

23 INTERPRETER: Yes, Your Honor.

24 THE COURT: So, first, Ms. Sin, do you have a copy of the
25 complaint in this case?

1 INTERPRETER: Yes, I do.

2 THE COURT: And is your name and date of birth correct on
3 the first page?

4 INTERPRETER: Yes, sir.

5 THE COURT: And is your current mailing address 44870 Big
6 Eddy Road?

7 MS. SIN: Yes.

8 INTERPRETER: Yes, Your Honor.

9 THE COURT: Okay. That's in Soldotna, Madam Clerk.

10 THE CLERK: Yes.

11 THE COURT: So you're charged with furnishing alcohol to a
12 minor.

13 INTERPRETER: Yes.

14 THE COURT: And that's a Class A misdemeanor.

15 INTERPRETER: Yes.

16 THE COURT: And you face a penalty of anywhere from zero
17 to one year in jail, anywhere from zero to \$10,000 fine.

18 INTERPRETER: Yes.

19 THE COURT: There's also a \$50 police training surcharge
20 and \$100 jail surcharge.

21 INTERPRETER: Yes.

22 THE COURT: And before I proceed, do you have any question
23 about your rights that you saw in the video?

24 INTERPRETER: No thank you, Your Honor.

25 THE COURT: Okay. Would you like to have an attorney help

1 you with this case?

2 INTERPRETER: No thank you, Your Honor.

3 THE COURT: And are you -- would you like to accept the
4 state's offer?

5 INTERPRETER: Your Honor, this is interpreter, Dong Ho
6 Shen. This lady could not understand my interpretation so can
7 I repeat my interpretation by (indiscernible), sir?

8 THE COURT: Yes, please.

9 INTERPRETER: No thank you, Your Honor, I'm just going to
10 plea guilty.

11 THE COURT: Okay. Let me ask the state was an offer made
12 this case?

13 MR. TORRES: Yes, Your Honor, there was. This is another
14 furnishing case. I.....

15 THE COURT: Okay. Hold on, well, I'm not sure she's
16 accepting. So, Ms. Sin, you said you wanted to plead guilty.
17 Are you -- did you get a pink piece of paper from the state?

18 INTERPRETER: Are you -- I was wondering if you are
19 referring to this white paper that was given me right here.

20 THE COURT: We're just confirming what.....

21 MS. SIN: Oh, yes. [*Speaks Korean*].

22 INTERPRETER: Yes, I have that here.

23 THE COURT: Okay. And are you -- do you wish to accept
24 that offer or do you wish to plead not guilty?

25 INTERPRETER: I will accept that, Your Honor.

1 THE COURT: Okay. So I'll ask the state to put the offer
2 on the record if you could translate as Mr. Torres puts the
3 offer on the record, Mr. Shen? So Mr. Torres?

4 MR. TORRES: The offer is \$1,000 fine with zero suspended.

5 INTERPRETER: I'll accept that, Your Honor.

6 THE COURT: Okay. We -- was there any -- we may not be
7 done yet. Mr. Torres?

8 MR. TORRES: All applicable surcharges and fees.

9 MS. SIN: Yeah.

10 INTERPRETER: Yes.

11 THE COURT: Okay. Ms. Sin, was that your understanding of
12 the offer?

13 MS. SIN: Yes, sir.

14 INTERPRETER: Yes.

15 THE COURT: So, Mr. Shen, I'm going to run through --
16 she's going to waive a certain number of rights if she wants
17 to proceed today. I'm going to have to ask her if she is
18 willing to do that and then I'll ask for a plea.

19 INTERPRETER: Yes, Your Honor.

20 THE COURT: And she's just -- so, Ms. Sin, you understand
21 you do not have to enter a guilty plea today, you could plead
22 not guilty and take this case to trial?

23 INTERPRETER: No, I'm not going to do that. I don't know,
24 I'm not going to do that.

25 THE COURT: Right. And could you just explain to her that

1 we need to be sure she's aware of all the rights she'd be
2 waiving so I'm going to go through each one of them with her
3 before I can take a plea.

4 INTERPRETER: [*Interprets*].

5 THE COURT: Okay. So do you understand you have a right
6 to have an attorney represent you and if you couldn't afford
7 one, one would be appointed? Do you understand that?

8 INTERPRETER: Yes, Your Honor.

9 THE COURT: Okay. And if we go forward today, you'd be
10 waiving all of your trial rights. Do you understand that?
11 Mr. Shen, ask if she understands she'll be waiving all her
12 trial rights if we go forward today.

13 INTERPRETER: Yes, sir. [*Interprets*]. Yes.

14 THE COURT: And if you are not a United States citizen, a
15 guilty plea could affect your immigration or naturalization
16 status.

17 INTERPRETER: Your Honor, I am a U.S. citizen.

18 THE COURT: Okay. Are you sick or under the influence of
19 any drugs or alcohol this afternoon?

20 INTERPRETER: No.

21 THE COURT: Other than the offer by the state, has anyone
22 made any promises or threats to get you to enter a plea today?

23 INTERPRETER: No.

24 THE COURT: All right. So to the -- to Count I,
25 furnishing alcohol to a minor, what is your plea?

1 INTERPRETER: I did, I made my mistake so I plead guilty.

2 THE COURT: All right. Thank you. There's a factual
3 basis for your plea and I will accept your plea as knowingly
4 and voluntarily given.

5 INTERPRETER: [*Interprets*]. Yes.

6 THE COURT: I'll ask Mr. Torres anything in support of the
7 agreement?

8 MR. TORRES: Your Honor, I was just going to mention that
9 I spoke with the defendant and I wanted to try to make it more
10 consistent with the other furnishing we'd had earlier.

11 THE COURT: Oh, so you'd like to amend the offer?

12 MR. TORRES: Sorry, I was waiting for the translation.
13 No. However, she adamantly wants the fine and no community
14 work service. She says she has no time to do that so.....

15 THE COURT: Yeah.

16 MR. TORRES: She does have one prior and that's the reason
17 for the offer and so I would ask that the court accept that
18 agreement.

19 THE COURT: Okay. And if you'd -- Mr. Shen, so the
20 state's saying that there is one prior similar offense. Ms.
21 Sin would prefer not to do community work service so this is a
22 reasonable resolution. Do you let her know that?

23 INTERPRETER: [*Interprets*].

24 THE COURT: And.....

25 INTERPRETER: Yes, sir, what are they going to limit?

1 THE COURT: She asked you limit what? What was the
2 question?

3 INTERPRETER: So in connection with the prior history, can
4 you repeat -- elaborate once again what the state is going to
5 do for me?

6 THE COURT: Yes, the offer is, as we stated earlier,
7 \$1,000 fine with nothing suspended and.....

8 INTERPRETER: [Interprets]. Yeah, I am aware of that,
9 sir.

10 THE COURT: Okay. And would you like to say anything, Ms.
11 Sin, before sentence is imposed?

12 INTERPRETER: No. Thank you, Your Honor.

13 THE COURT: Okay. Well, I will impose sentence in
14 accordance with your agreement. You're sentenced to a \$1,000
15 fine. How much time do you need to pay that fine?

16 INTERPRETER: Yes, Your Honor, the -- as soon as I get
17 back home, I will mail a check for \$1,000.

18 THE COURT: Okay. Well, the -- just to be safe, this fine
19 due date will be April 30th, 2014.

20 INTERPRETER: Yes, Your Honor.

21 THE COURT: There is also a mandatory \$50 police training
22 surcharge.

23 INTERPRETER: Where should I send it to, sir?

24 THE COURT: To the same -- the court. You'll -- Madam
25 Clerk will give you paper work. It's all sent to the court.

1 INTERPRETER: So one document shows all these details, is
2 that correct understanding, sir?

3 THE COURT: Yes, she has a copy of the judgment -- or when
4 she logs in.....

5 INTERPRETER: Yes, Your Honor.

6 THE COURT: Yes, we'll -- okay. And that -- we'll --
7 Madam Clerk will give you paper work here in the courtroom
8 today.

9 INTERPRETER: Yes.

10 THE COURT: All right. Thank you, ma'am, and thank you,
11 Mr. Shen.

12 INTERPRETER: You're welcome, sir.

13 THE COURT: Okay.

14 INTERPRETER: Have a wonderful evening. Bye-bye now.

15 THE COURT: Thank you. You too. Was that -- there was
16 one other person back there. You're all set, ma'am. You
17 understand, you have that paper work? Oh, one minute, please.
18 No, I saw someone leave the courtroom. I thought it was
19 Sauers but.....

20 THE CLERK: I think she was just observing.

21 THE COURT: Okay.

22 03:45:36

23 END OF REQUESTED PORTION

24

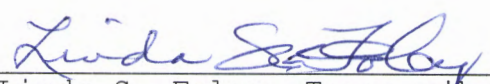
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TRANSCRIBER'S CERTIFICATE

I, Linda S. Foley, hereby certify that the foregoing pages numbered 2 through 12 are a true, accurate, and complete transcript of proceedings in Case No. 3KN-S14-00473 CR, State of Alaska v. See Sha Sin, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

June 7, 2014


Linda S. Foley, Transcriber



Alcoholic Beverage Control Board

Incident Report

Incident: AB14000421

Incident Type: Liquor Law Violations [90G]
Incident time: 03/22/2014 18:22 -
Reported time: 03/22/2014 18:22
Incident location: 44715 KILOWATT AVENUE, SOLDOTNA, Kenai Peninsula Borough AK USA 99669 (Beat/zone: HDQD)
Incident status: Closed by arrest
Summary: On 3-22-14, at about 1827 hours, Nikko Garden licensee Si Cha Sin furnished an alcoholic beverage to a person under 21 (Underage Buyer 13-012; age 18). Sin was issued a summons with a mandatory court date of 4-18-14, 0830 hours, Kenai District Court. The incident occurred during a compliance check.

Incident Activities/Offenses

- ABC - Compliance Check (covert)
- ABC - Issue Notice Of Violation (Licensee Response Required)
- Alcohol - AS04.16.052(5) - Furnish Deliver To Minor While Licensee Working on Premises

Involved Persons

SIN, SI CHA

Classification: Arrested; Charged; Citation issued to; Interview; Licensee

SID:	AK5381520	DL:	5381520 AK		
Gender:	Female	DOB:	11/19/1955		
Height:	5'3"	Weight:	150lb	Build:	
Race:	Asian	Hair Color:	Black	Eye Color:	Brown
Address:	44870 BIG EDDY ROAD, SOLDOTNA, Kenai Peninsula Borough AK USA 99669 (Beat/zone: HDQD, SOLDOTNA)				

E-mail:

Telephone: (Landline) (907) 262-7122

NIKKO GARDEN

Classification: Operator

SID:

DL:

Gender:

DOB:

Involved Addresses

- 44715 KILOWATT AVENUE / Incident location / SOLDOTNA, Alaska, USA 99669 (Beat/zone: HDQD)

Involved Officers

- Reporting unit / #ABCHABC ENFORCEMENT STATEWIDE / Reporting unit
- Reporting officer / #FRH0HAMILTON, FRANCIS J / Reporting officer

Reports

Arrest report

Subject: SIN, SI CHA / Arrested; Charged; Citation issued to; Interview; Licensee / DOB: 11/19/1955 (58) Gender: Female (44870 BIG EDDY ROAD, SOLDOTNA, Kenai Peninsula Borough AK USA 99669 (Beat/zone: HDQD, SOLDOTNA) (Landline) (907) 262-7122) DL:AK:5381520

Author: #FRH0 HAMILTON, F.

Report time: 03/27/2014 12:08

Charges: (4) AS04.16.052(5) Furnish Deliver To Minor While Licensee Working on Premises
()

General report

Author: #FRH0 HAMILTON, F.

Report time: 03/27/2014 12:11

Narrative:

OBSERVATION:

On 3-22-14, at about 1822 hours, Underage Buyer 13-012; age 18, herein referred to as UB, entered Nikko Garden. I remained outside. At about 1827 hours, UB sent me a text message essentially relating she had been furnished a Budweiser beer, ID was checked, age was not asked. The ID presented was a valid military dependent card which has the date of birth on the back of the card in the upper left corner. It reads, "1995AUG16". UB later advised me that she told the server where the DOB was on the ID. The server then read the correct DOB out loud. UB said a person behind the sushi bar said UB was only 19. The server apologized for trying to figure out the math from the card and stated something to the effect her mind calculator was all weird and that she had a problem with getting caught selling to a minor before. She laughed and gave UB the beer. The person behind the sushi bar opened the beer for UB.

OFFICER ACTION:

At about 1831 hours, I entered the establishment and located UB seated at the sushi bar. Off to her left on the counter was an opened Budweiser beer. I took a photo of UB with the beer. UB provided me with her ID, identified her server and exited the establishment. I made contact with the server whom I know from a previous contact. Her name was Si Cha Sin, licensee. I advised Sin that UB was 18.

INTERVIEW #1, DI, S.C. SIN:

Conducted in a non-custodial manner. I showed Sin the ID. I told her she looked at the ID and she replied, "1995". I asked if she just went the wrong way and she agreed (Referencing the on or before date to be sold to). Sin then said that she denied the sale but UB told her it was okay. She then talked about confusing 2014 and 2015. Even if she had the year 2015, UB still would not be old enough. Sin said that someone told her before lunch that she better be careful that a 19 year old girl with long hair was trying to get alcohol. Not even four hours ago she said she was advised. Sin has been serving about 29 years and has received alcohol server training, TAP 120182, exp. 8-5-16.

OFFICER ACTION:

Sin was issued a summons for furnishing alcohol to a person under 21. A mandatory court date of 4-18-14, 0830 hours, Kenai District Court was assigned. While completing the summons, Sin asked if she could just pay a fine and not go to court. After issuing the summons, I departed the establishment.

NOTE:

UB completed 12 compliance checks on 3-22-14. Four establishments sold/furnished UB an alcoholic beverage.

EVIDENCE:

Digital audio and photos. The Budweiser beer was left at the establishment.

CASE STATUS:

Closed by issuance of summons. Referred to the DAO for prosecution.

Third Judicial District in Kenai, Alaska

State of Alaska,

Plaintiff

vs.

Si Cha Sin

DOB/ 11-19-55

ID/ 5381520

ATN: 114 146 127

)

)

)

)

)

)

)

)

)

)

Misdemeanor

Criminal Complaint

No. _____ Cr.

CTN 001

FURNISHING OF ALCOHOLIC

BEVERAGES TO PERSONS UNDER

THE AGE OF 21 BY LICENSEES

A.S. 04.16.052(5)

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

DOMESTIC VIOLENCE OFFENSES Per AS 18.66.990(3) and (5)

☐ ALL COUNTS ☒ NONE ☐ SPECIFIED BELOW

Complainant states that on or about the 22nd day of March, 2014, at or near Soldotna in the Third Judicial District, State of Alaska, Si Cha Sin, a licensee or an agent or an employee of the licensee, did with criminal negligence, while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21.

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

This complaint is based upon the statement of Underage Buyer 13-012; age 18, herein referred to as UB. UB was conducting an alcohol compliance check at the Defendant's place of employment where she is a licensee, Nikko Garden, a licensed liquor establishment in or near Soldotna, where the Defendant furnished UB a Budweiser beer, an alcoholic beverage. Finally, UB was a person whose age was verified by Investigator F.R. Hamilton, Alcoholic Beverage Control, prior to the furnishing and UB was working as an undercover operative for the Alcoholic Beverage Control.

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



Signature of Complainant (F.R. Hamilton)

ALCOHOLIC BEVERAGE CONTROL BOARD
UNDERAGE BUYER NOTES

ABC Case No. AB14-0421

Date: 3/22/14 Time In: 1822 Time Sold: 1827 Time Out: 1831

Name of Business: Nikko Garden

Store #: _____ Alcohol License #: 2069

Address: 44715 Kilowatt Ave.

CLERK DESCRIPTION

The seller is: (Height/Weight/Age are approximates) Name Tag: _____

Male () Female ☒ Hair Color Black Eye Color _____

Height 5'1" Weight 190 Age 50 Glasses: Yes or No

Wearing floral shirt

PURCHASE

I purchased Budweiser, an alcoholic beverage and paid \$ 0
Describe Alcohol Purchased

I was not questioned as to my age (INSERT WAS OR WAS NOT)

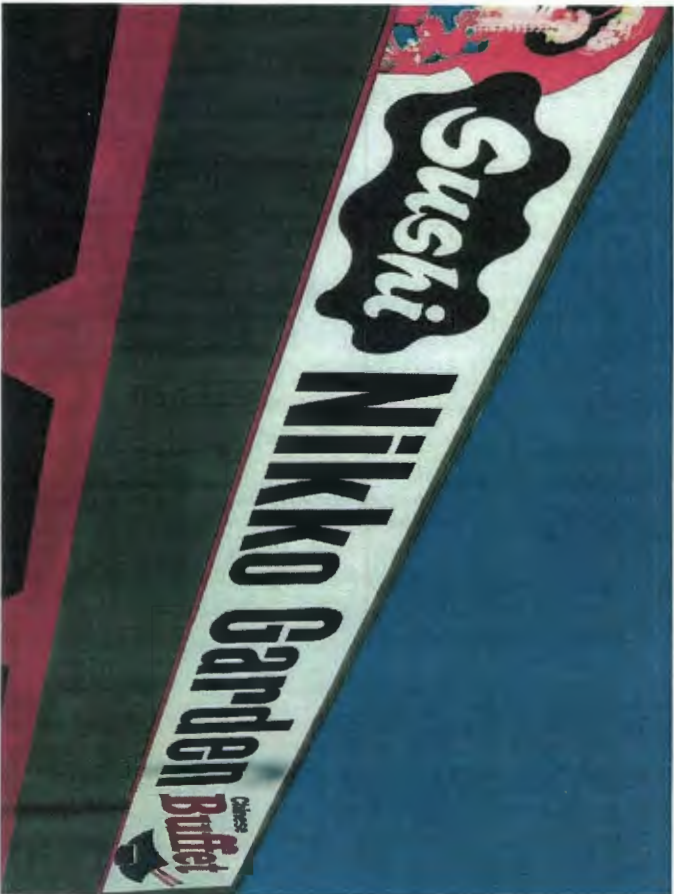
I was asked for my identification (INSERT WAS OR WAS NOT)

NOTES:

I walked up to the sushi bar & sat down. I asked the waiter for a Budweiser. She asked for my ID. She couldn't find the birthdate so I told her where it was she said my birth year out loud & then a few seconds later said my birthdate in full. The guy behind the sushi bar said I was only 19, but my server kept trying to do the math. She started rambling on about years then apologized for having an issue. She said her mind calculator was all weird. She said she has had a problem w/ getting caught selling to a minor before. She laughed & gave me the beer. The guy behind the sushi bar opened it for her.

I have read the above statement and all the facts are true and correct

Buyer # 13-012 Age 18 DOB: 8/16/95



UNITED STATES UNIFORMED SERVICES

EXPIRATION DATE 2015JAN07

SPONSOR SERVICE / STATUS USAF/RES

SPONSOR RANK / PAY GRADE SSGT / E5

SPONSOR SSN

RELATIONSHIP CH

SOCIAL SECURITY NUMBER XXX-XX-XXXX

SIGNATURE

SPONSOR

AUTHORIZED PASSPORT EXCHANGE COMMISSARY

IDENTIFICATION AND PRIVILEGE CARD

1995AUK16 125 24 BN BL

2011JAN08 WITH ACTIVE DUTY ORDERS DE 0115 2 2011

NO FORM 100-1 CITY IS PROPERTY OF THE SERVICE AND NOT

18:27

17:33, Mar 22

K

17:33, Mar 22

Niko
I'd yes
Age no
Budweiser

18:27, Mar 22

K

18:27, Mar 22

Tap to enter message

Send

165/1

Ending Mileage

Date

Starting Mileage _____

Weather

Total Mileage

Vehicle

3-22-14

Time	
1822	Nikko Garden
	1827 TEXT I A yes Are M
	Budweiser
	1831 left
	Went wrong way
	was told where to look
	told woman she said yes
	since 1985 serving
	wanted about description
	earlola not even 1/2 hours
	Earlola
	TAP 120182
	8-5-16
	Si Cha Sen AAC 5381520
	11-19-55
	262 7122 wk
1843	108

2442
2970 0003 3312 7442
Er
St
To

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006

Reverse for instructions

23-14

Tab

15



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: Cabin Nite Dinner Theatre #4313

AS 04.11.400(d)(1)(B) requires 20 rental rooms if the population is 1,501 – 2,500.

The Denali Borough has a certified net population of 1,871.

The applicant offers 478 guest rooms and full dining facilities.

Westmark Hotels, Inc

Cabin Nite Dinner Theatre

Tourism Statement

Located only one mile from the entrance to Denali National Park, McKinley Chalet Resort is a premium riverside accommodation in the area. A deck overlooks the Nenana River Canyon. The campus of McKinley Chalet Resort consists of 478 guest rooms. Resort stays are a primary component of Holland America Line's unique Land/Sea Journeys, which combine a Gulf of Alaska cruise with a land tour segment of 3 to 10 days during the months of May through September. Guest rooms include television and telephone. Amenities also include: gift shop, laundry and the Tour Desk. During the 2013/2014 winter there were a number of room remodels, building relocations and upgrades.

There are a variety of dining options available at McKinley Chalet Resorts, including: Nenana View Bar and Grille, Cabin Nite Dinner Theatre, Courtyard Café and Grizzly Grind Espresso.

For those that enjoy the out of doors, the Tour Desk has a variety of outdoor adventures available, including Tundra Wilderness Tour, Natural History Tour, river rafting, horseback riding, and flights via airplane or helicopter for a unique perspective of the immense wilderness preserve. There is also complimentary shuttle service between the Resort and the Denali National Park Visitor's Center.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Cabin Nite Dinner Theatre

PREMISES LOCATION: mile 238.9 Parks Hwy, DNP, AK

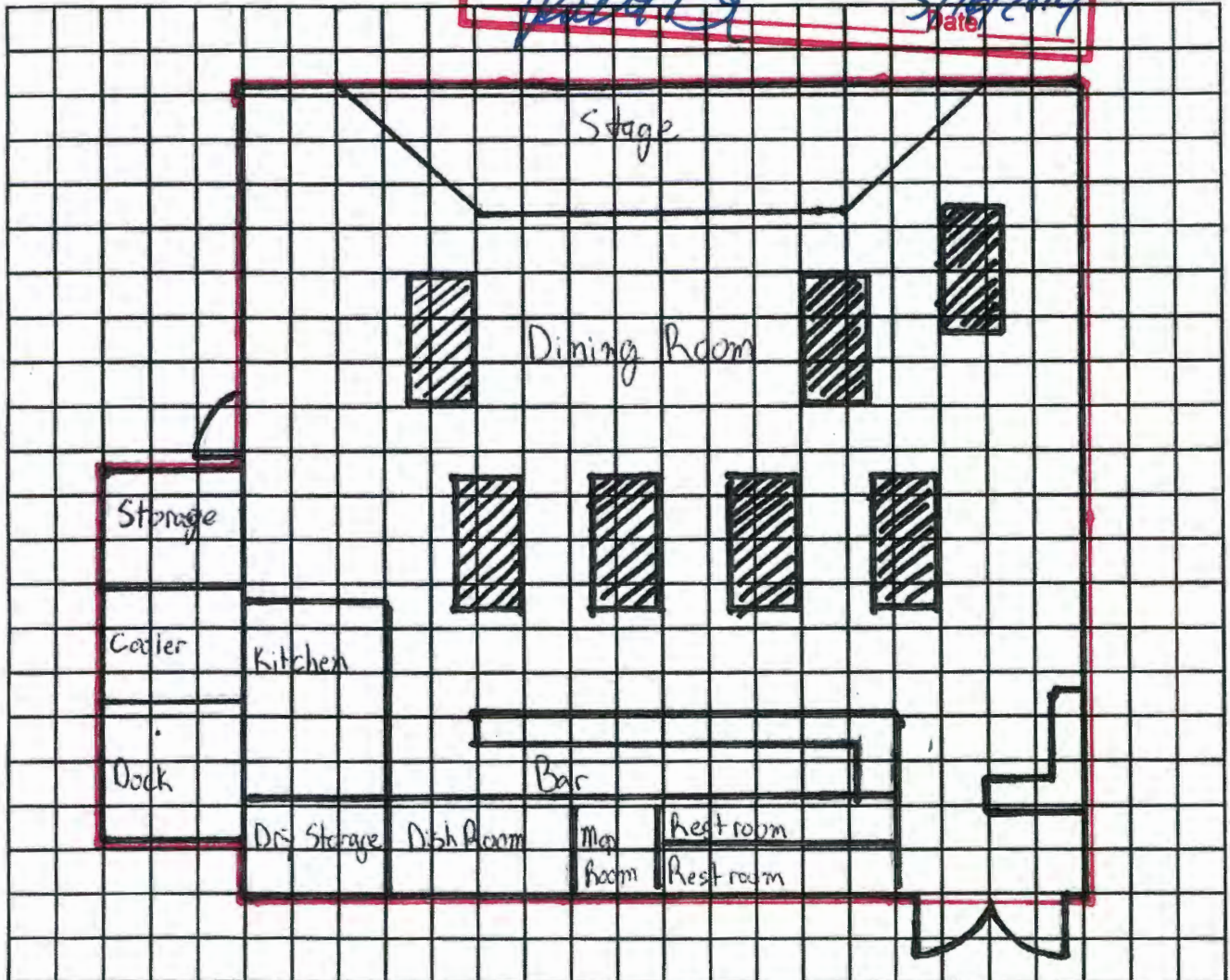
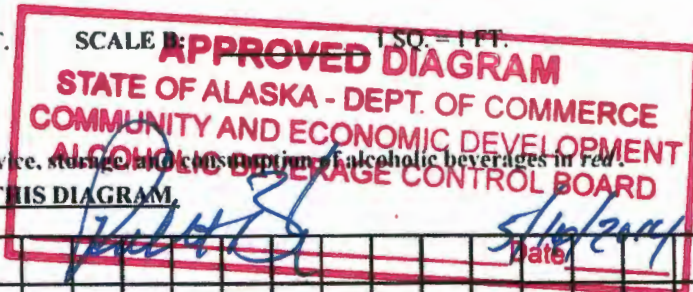
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 2 FT.

SCALE B: 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



McKinley Chalets

Cabin Nite Dinner Theater Menu

Two Shows Nightly

Fresh Green Salad

Baked Alaskan Salmon

BBQ Ribs

Vegetable Succotash

Baked Beans

Sourdough Rolls and Butter

Blueberry Pie

Set the Stage for an Unforgettable Meal - Presented at the McKinley Chalet Resort, you'll enjoy a night of fun, festivity and food! Get a taste of old-time Alaska at Alaska Cabin Nite Dinner Theater– the popular dinner theater performed in an authentic, log-paneled roadhouse.







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: Courtyard Café #4876

AS 04.11.400(d)(1)(B) requires 20 rental rooms if the population is 1,501 – 2,500.

The Denali Borough has a certified net population of 1,871.

The applicant offers 478 guest rooms and full dining facilities.

Westmark Hotels, Inc

Courtyard Cafe

Tourism Statement

Located only one mile from the entrance to Denali National Park, McKinley Chalet Resort is a premium riverside accommodation in the area. A deck overlooks the Nenana River Canyon. The campus of McKinley Chalet Resort consists of 478 guest rooms. Resort stays are a primary component of Holland America Line's unique Land/Sea Journeys, which combine a Gulf of Alaska cruise with a land tour segment of 3 to 10 days during the months of May through September. Guest rooms include television and telephone. Amenities also include: gift shop, laundry and the Tour Desk. During the 2013/2014 winter there were a number of room remodels, building relocations and upgrades.

There are a variety of dining options available at McKinley Chalet Resorts, including: Nenana View Bar and Grille, Cabin Nite Dinner Theatre, Courtyard Café and Grizzly Grind Espresso.

For those that enjoy the out of doors, the Tour Desk has a variety of outdoor adventures available, including Tundra Wilderness Tour, Natural History Tour, river rafting, horseback riding, and flights via airplane or helicopter for a unique perspective of the immense wilderness preserve. There is also complementary shuttle service between the Resort and the Denali National Park Visitor's Center.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below, show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Courtyard Cafe

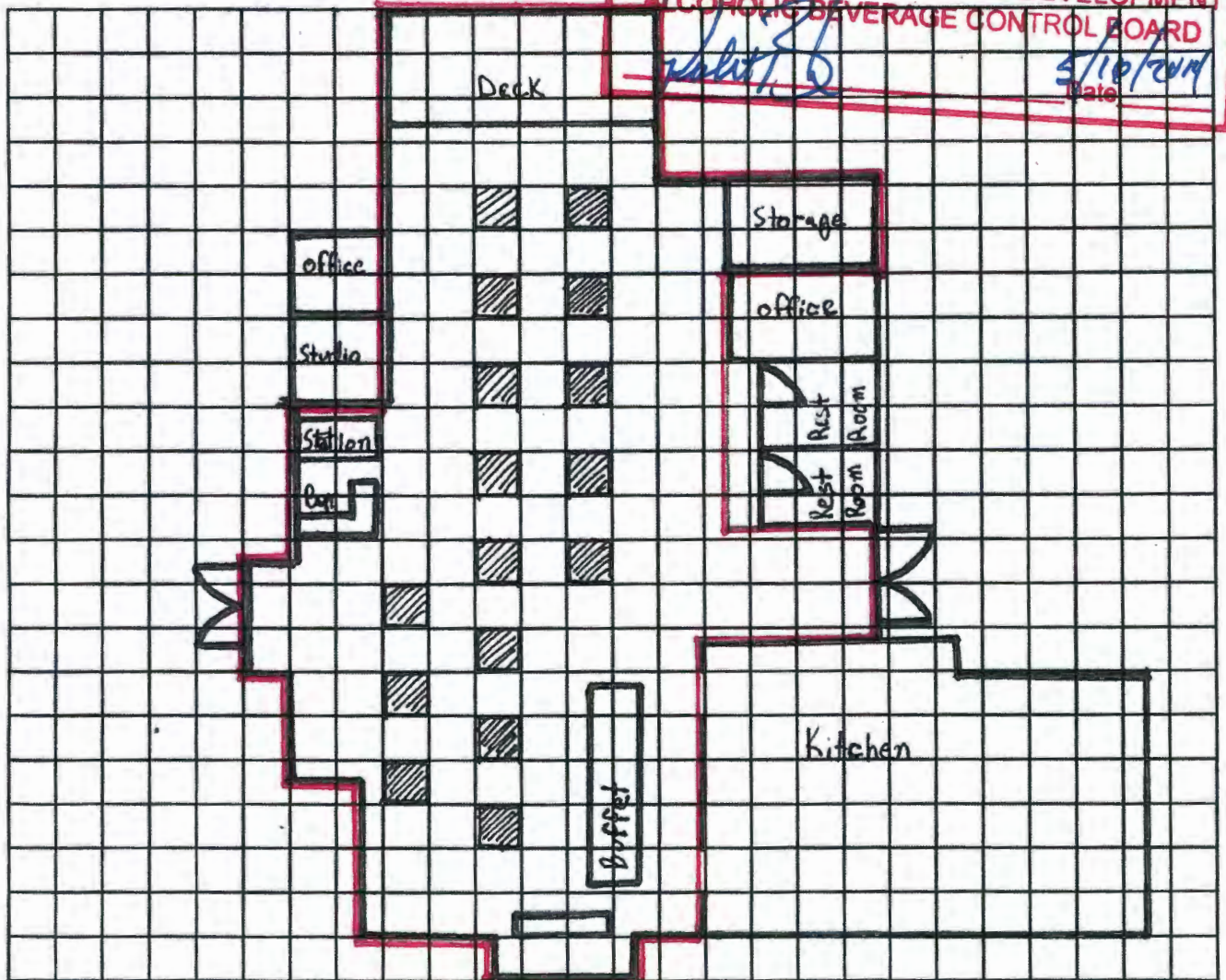
PREMISES LOCATION: mile 238.9 Parks Hwy, DNP, AK

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Sourdough Trading Company

Dinner Menu

Appetizers

Breaded Deep Fried Three cheese ravioli served with marinara and a basil pesto

Smoked salmon spread served with baguette slices

Crab cakes served with a spicy remoulade and coleslaw

Brined Smoked Chicken wings with a spicy buffalo sauce served with blue cheese dressing and assorted fresh vegetables.

Soups

Crab Bisque topped with a puff pastry

5 onion soup topped with blue cheeses crumbles crostini

Salads

Blue Cheese salad- Mixed Green, grapes, candied pecans and blue cheese crumbles

Caesar salad- fresh cut romaine lettuce, sourdough croutons, grated parmesan tossed with a creamy dressing

House salad- romaine and mixed greens tomato wedge, cucumber, olives shredded carrots with choice of dressing. Balsamic House Dressing

Add Chicken.....\$5.00

Add Blacken Salmon.....\$6.00

Entrees

6oz Angus Beef patty on a toasted parmesan bun served with shredded lettuce sliced tomato, and red onion and a spicy mayo.

Add Cheese cheddar provolone, Swiss, or blue cheese.....2.00

Add Bacon.....3.00

Alaskan beer battered fish and chips served with a tangy tartar sauce

Home style Alaskan smoked reindeer meat loaf wrapped in bacon served with Yukon mash potatoes and gravy and a glazed vegetable melody.

Grilled Salmon filet with a lemon dill sauce rice pilaf and a glazed vegetable melody.

Garlic Brined and Rotisserie half Game Hen served with true chicken gravy served with Yukon mashed potato and a glazed vegetable melody

Braised beef short Ribs with a demi glazed served with a creamy grape polenta and a glazed vegetable melody

Shrimp Carbonara sauce tossed with prosciutto shallots, garlic, roasted red peppers, fresh basil and finished with a pea puree and freshly grated parmesan

Quinoa with eggplant, zucchini, squash, red onion, spinach and garlic finished with a carrot and pea puree served with grilled wheat squares.

Dessert

Berry cobbler topped with a brown sugar oatmeal crumble

Fruits of the forest pie

Brownie sundae and ice Cream whip cream chocolate sauce and topped with a cherry



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: Kenai River Lodge #5338

AS 04.11.400(d)(1)(C) requires 25 rental rooms if the population is 2,501 – 5,000.

The City of Soldotna has a certified net population of 4,299.

This licensee offers 29 guest rooms and a restaurant.

April 24, 2014

State of Alaska
Alcoholic Beverage Control Board
550 W. 7th Avenue, Ste. 540
Anchorage, AK 99501-6698

RE: TOURISM STATEMENT

The following information is provided in support of our Liquor License Application, in accordance with AAC104.325 under AS 04.11.400(d):

The Kenai River Lodge, which is located at 393 Riverside Drive in Soldotna, Alaska, is currently owned and operated by River Edge, Inc., an Alaska Corporation.

The Kenai River Lodge currently offers a total of 29 rooms which are available to travelers and tourists year round. Soldotna has a population of approximately 4,284 as of recent census information and according to population limits outlined in AS 04.11.400(d), an establishment applying for this type liquor license must provide a minimum of 25 rooms for a population base of 2,501 to 5,000 so we currently have sufficient rooms to satisfy that criteria.

Our establishment is located on the Kenai River in Soldotna near the confluence of the Kalifonsky Beach Road and Funny River Road districts and is frequented by a variety of patrons such as fishing and hunting guides and their clientele, as well as local patrons as a meeting place to conduct business and entertain clients and guests. Our prime location sets us apart from other establishments in the area due to the easy access to the River for fishing, sight-seeing and boating and we encourage that industry by offering group rates and assisting visitors with booking their excursions and promoting the local guides. In addition to advertising locally and on our website, we support the Soldotna and Kenai Peninsula Borough Visitor's Centers and receive regular referrals as the only establishment of this type offering direct riverfront access.

In conjunction with this new liquor license, our newly remodeled facility will allow us to expand our services to patrons by offering a variety of beverages along with our food service which will further encourage locals and tourists to choose our establishment for their visit to the area. Attached for your information are a few excerpts from our website that detail some of the benefits we offer at the Kenai River Lodge and we believe that a liquor license will greatly enhance the overall experience that patrons will enjoy during their stay with us.

We appreciate your consideration in this matter.

RIVER EDGE, INC., An Alaska Corporation
d/b/a KENAI RIVER LODGE


By: Rolf Manzek, President



Call us at: (907)262-4292 or
Toll Free at (800)977-4292

[Home](#)
[About Us](#)
[Photo Gallery](#)
[Rooms](#)
[Guest Book](#)
[Contact Us](#)


Million Dollar View from EVERY ROOM...

The famous Kenai River Lodge, located on the beautiful Kenai River in Soldotna, Alaska, offers you a wilderness experience ... yet easily accessible by commercial airlines 75 air-miles south of Anchorage, 20 minute flight or highway 150 miles, 3 hour drive.

We offer the following: Individual deluxe motel lodging rooms, queen and king size beds, cable TV, direct dial telephones, full baths and outdoor BBQ facilities available May thru August. Snack items are available.

Easy walking distance to restaurants and shopping malls. All units have a beautiful river view with easy private access to the river. For your fishing pleasure, or just relaxing in the midnight sun, private river frontage is yours to enjoy in Soldotna.

Scenic motor tours to the fabulously beautiful and picturesque Kachemak Bay area, 75 miles south, located on a sightseers wonderland. En route is the old-time Russian penal colony and fishing village of Ninilchik and the famous razor clam beaches.

To make a Reservation or
if you have any questions.

[Contact Us](#)

Check Availability Now

2014 May 19

1

1

USD

Availability search

See what's all about

54°F 12 mph

[Forecast Radar](#)

[Cameras](#)

[WeatherBug](#)

Soldotna



Like 23 people like this. [Sign Up](#) to see what your friends like.

Call us at: (907)262-4292 or
Toll Free at (800)977-4292

[Home](#)[About Us](#)[Photo Gallery](#)[Rooms](#)[Guest Book](#)[Contact Us](#)

About Kenai River Lodge

Kenai River Lodge is family-owned and operated right here in Soldotna, AK. Since we have taken over the lodge in 2012, we've treated every customer like they were a part of our family. Other lodging may offer similar services, but our services are the best, and come with a personal touch.

We have over 400ft of bank fishing reserved for guests of the lodge only. By the river we have walkways with stairs to wade down into the river, BBQ grills, a fire pit area with firewood provided, a log swing, 2 fish cleaning tables, and a fish hanging station for pictures. We also have a freezer room containing 2 chest freezers that may be used on a first come-first serve basis. There are hooks on the outside of each door for hanging waders as we do not allow these in rooms.

Make Your Reservation Today

Contact Us



Thank You to All of our Guests and Future
Guests we Appreciate Everyones
Business!

Rolf, Jackie, Michelle, Dennis and Peyton

Like 23 people like this. [Sign Up](#) to see what your friends like.

Website Designed by Kenai River Lodge - 2014 at Homestead™ Design a Website and List Your Business

APPETIZERS

BEER BATTERED MONTEREY JACK CHEESE STICKS

 \$\$

Monterey Jack cheese in our premium draft beer batter.

BLACK & TAN BEER BATTERED ONION RINGS

 \$\$

Onions coated with premium beer batter, then drizzled with dark stout beer for distinctive flavor.

BONE-IN WING DINGS

 \$\$

Classic breaded bone-in wings with either mild or hot flavored!

SWEET & SMOKY BBQ WINGS

 \$\$

Unbreaded glazed wings with sweet flavoring.

Chicken Tenders

 \$\$

Homestyle chicken strips with either ranch or honey mustard sauce.

WRAPSTERS (4 DELICIOUS FLAVORS)

 \$\$

BBQ Pork

Delicious pulled pork, sweet barbeque sauce, peppers and onion wrapped in a crispy wrapper.

Pepperoni and Sausage

Pepperoni, sausage, mozzarella cheese and a bold pizza sauce in a crispy wrapper.

Philly Cheese Steak

Beef, mozzarella and Monterey jack cheeses, onion and peppers rolled together in a crispy wrapper to give you the flavor of the traditional philly cheesesteak sandwich but without the mess!

Southwest Chicken

A bold favorite with chicken, Monterey jack cheese, black beans, corn, spinach and peppers wrapped in a crispy wrapper

CHIP AND DIP

 \$\$

Tortilla chips topped with melted cheese, served with salsa and sour cream.

ARTICHOKE DIP

 \$\$

Delicious creamy artichoke dip with jalapeño's to spice it up!



SOUPS

LOADED BAKED POTATO

 \$\$

A melting pot of wholesome American goodness with baked russet potatoes, fresh cream, and all your favorite fixings- cheddar cheese, smoky bacon and chopped chives.

SMOKED SALMON CHOWDER

 \$\$

A freshly caught favorite with hearty chunks of Alder-smoked salmon, red potatoes and spices, enveloped in creamy perfection.

SOUTHWESTERN STYLE CHICKEN TORTILLA

 \$\$

Spicy and complex with seasoned dark meat chicken, corn, tortilla chips and smoky chipotle peppers, simmered in a piquant tomato broth.

DESSERT

CHOCOLATE PEANUT BUTTER LANDSLIDE

 \$\$

Delicious peanut butter mousse is piled high on a lusciously dense chocolate brownie base, with smooth chocolate ganache and peanut-butter accent on top.

TUSCAN TIRAMISU

 \$\$

Light custard made with mascarpone cheese and pure whipped cream. Light-as-air ladyfinger cookies soaked in espresso and coffee liqueur on the bottom, a generous dusting of cocoa on top.

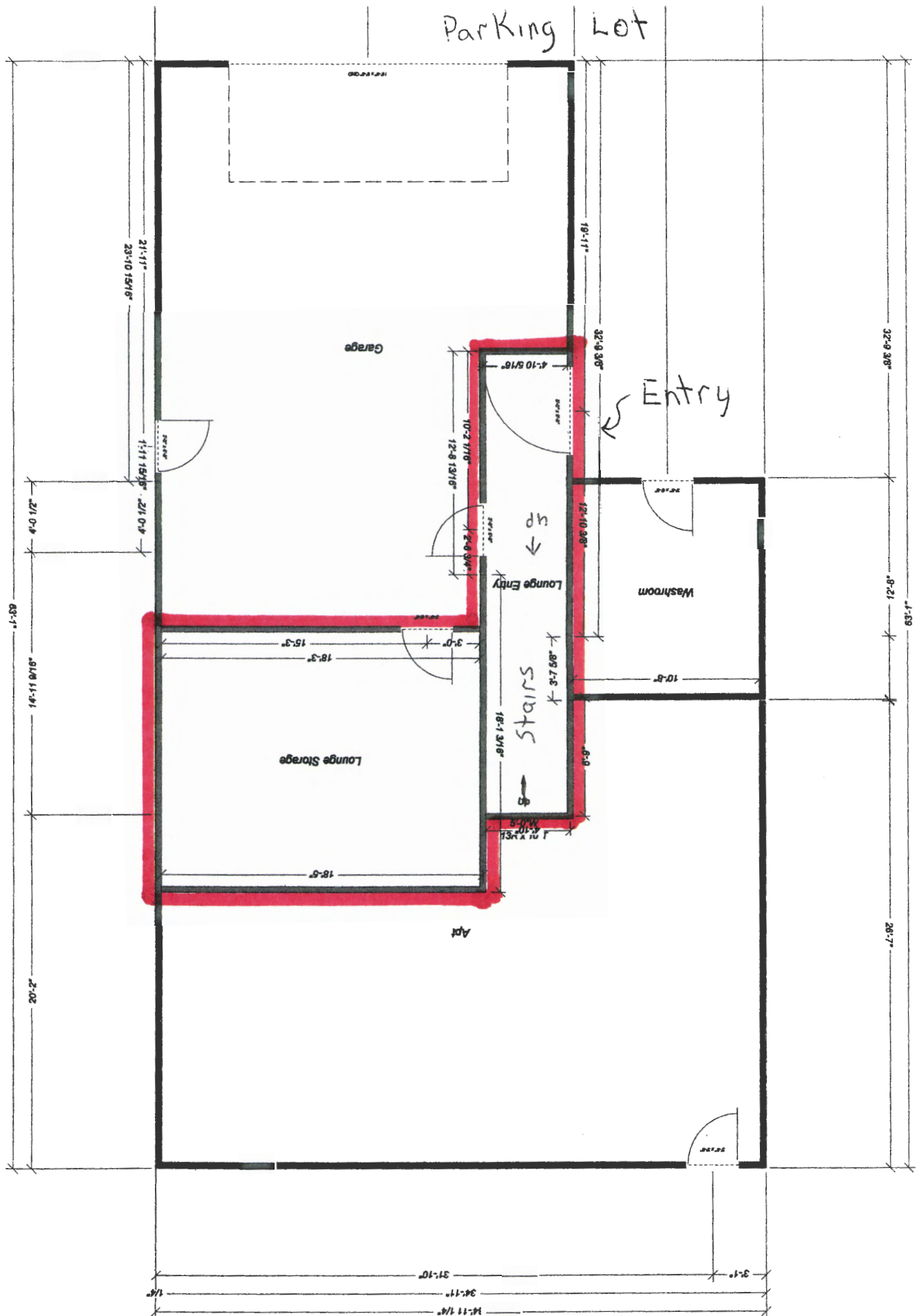
SINFUL SEVEN CAKE

 \$\$

There are seven reasons this cake is so tempting. First, intensely chocolate cake, then rich chocolate cheesecake and white chocolate mousse. Next, chocolate icing finished with chocolate morsels, chocolate curls and chocolate rosettes.



2nd Level



1st Level - Ground



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: Mountain Sky Hotel Restaurant #5310

AS 04.11.400(d)(1)(C) requires 25 rental rooms if the population is 2,501 – 5,000.

The City of Valdez has a certified net population of 4,035.

The applicant offers 100 guest rooms and full dining facilities.

Tourism Statement

Mountain Sky Hotel & Suites is a hotel that is open year around. We have 100 rooms to rent including spa suites, extended stay suites, family suites and rooms with 1 or 2 beds.

We encourage tourism with our advertising, multiple web reservation booking sites, mailing to include information/pamphlets promoting Valdez, membership with the Valdez Visitors Bureau and state of Alaska travel organizations. We also work with tour companies bringing groups to Alaska, Companies needing facilities for training, conventions, Prince William Sound Community College with their yearly Last Frontier Theater Conference which brings actors/writers from all over the USA. We have bike riders participating in events such as Fireweed, The big wild ride (AK Randonneurs), motorcycle groups all of which brings riders from around the world.

During the summer months we have tourists arriving daily to enjoy our fishing, hiking trails, wildlife, spectacular scenery, waterfalls, ocean, glaciers, rafting trips &, hunting. During the winter months we promote skiing, heli-skiing, ice climbing, Tailgate Alaska, snowmobiling, City of Valdez frosty fever & other city events. We also promote school sport tournaments bringing teams in from all over Alaska.

Mountain Sky Hotel restaurant will be open for our guests for breakfast, lunch and dinner. In the last 2 years our facility was under construction to provide space for our restaurant. The construction of this restaurant and the issuance of a Tourism Licenses will encourage year around tourism, and tourist business will constitute a substantial portion of the business. This will also create year around jobs for residents of Valdez.

BREAKFAST

SERVED 6AM TO 9AM

BUFFET \$12.99

INCLUDES COFFEE, TEA, & JUICE

MILK \$1.00/GLASS

SUSHI & ROLLS

CALIFORNIA ROLL \$7

CATERPILLAR ROLL \$9

RAINBOW ROLL \$15

SPIDER ROLL \$15

SUNCOAST ROLL \$13

hand
written
note
\$12.99

LUNCH & DINNER

BURGERS

HAMBURGER \$5.99

CHEESEBURGER \$6.99

BACON CHEESEBURGER \$7.99

SANDWICHES

ROAST BEEF \$7.99

TURKEY & SWISS \$6.99

SIDES

FRIES \$2.50

ONION RINGS \$3.99

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Mountain Sky Hotel Restaurant

PREMISES LOCATION: 101 Meade Ave. Valdez, Ak.

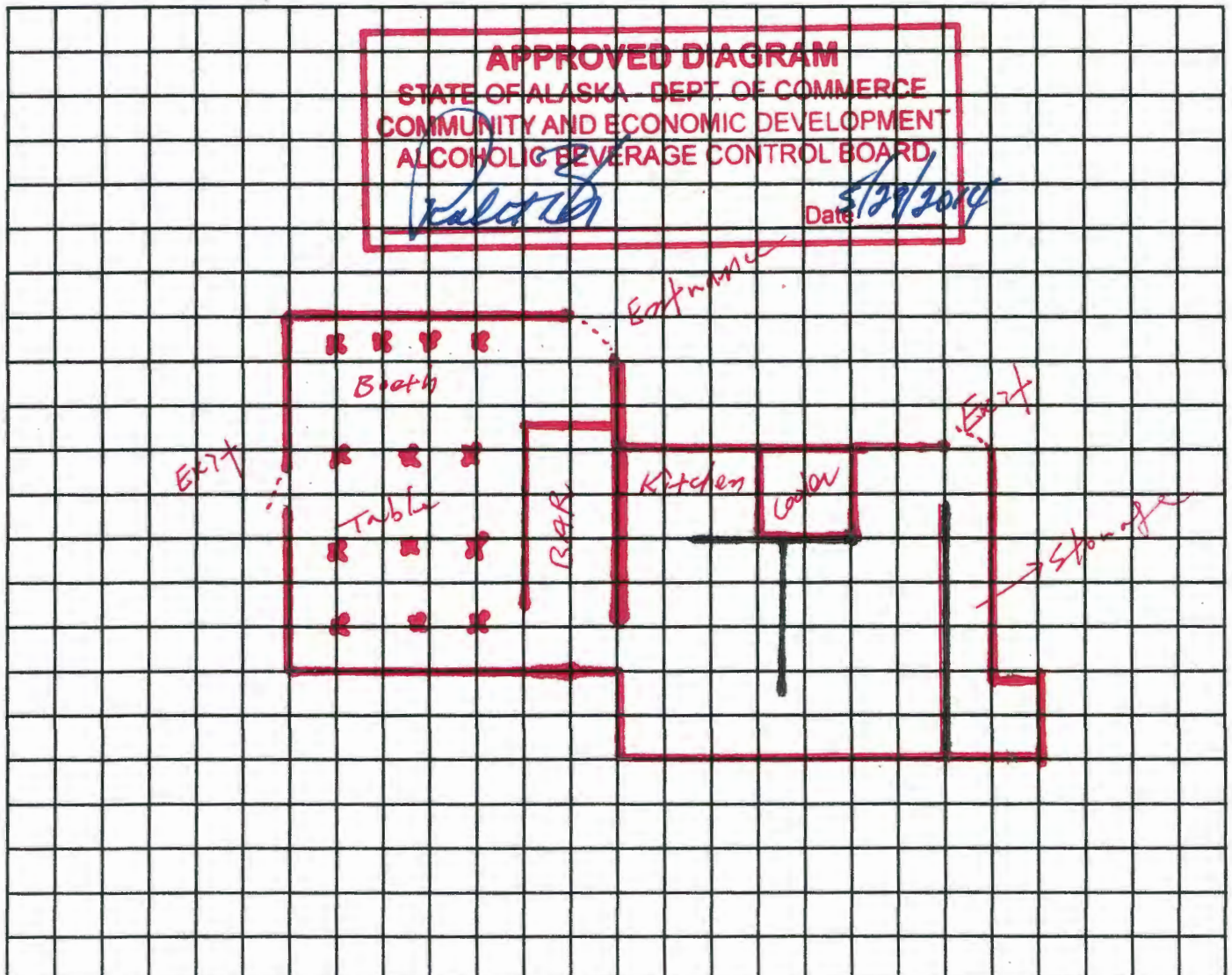
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet: 1600 sq(+/-)

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.





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: Mt. McKinley Princess Wilderness Lodge –
The Snack Cache #5258

AS 04.11.400(d)(1)(G) requires 50 rental rooms if the population is greater than 50,000.

The Matanuska-Susitna Borough has a certified net population of 77,343.

The applicant offers 462 guest rooms and full dining facilities.

Mt. McKinley Princess Wilderness Lodge The Snack Cache

Tourism Statement

Mt. McKinley Princess Wilderness Lodge is located at Mile 133 George Parks Highway, in Denali State Park, Alaska. Denali State Park encompasses over 325,000 acres and borders Denali National Park. The Park is host to an array of wildlife; moose, caribou, Dall sheep, grizzly and black bear, Gray wolf, and Red fox to name a few. There are a number of local tours available for the more adventurous - including river rafting, horseback riding, and flightseeing via either airplane or helicopter. The hotel has 462 guest rooms with private bathrooms. There is an exercise room and hot tubs on site and internet is available. This facility is designed for cruise tour passengers as well as independent road tourists. Several options for restaurants and lounges are also located on the property.



**YOU ARE NOW DINING 40
MILES FROM THE
TALLEST MOUNTAIN IN
NORTH AMERICA.**



MT. MCKINLEY PRINCESS WILDERNESS LODGE
MILE 133 GEORGE PARKS HWY
TRAPPER CREEK, AK 99683
(907) 733-8832

SANDWICHES, ETC.

Substitute Sweet Potato Fries for 1.99

THE BIG ALASKAN BURGER

Our half pound flame-broiled beef patty topped with cheddar cheese and our house-made sauce, on a parmesan black pepper bun with lettuce, tomato and onion. 12.50 Add smoked bacon 1.00
* Can be substituted with a black bean veggie burger at no charge.

THE TUNDRA TURKEY

Served warm on a parmesan black pepper bun with swiss cheese, bacon and avocado spread. Finished with lettuce and tomato. Served with our house-made potato chips. 11.99

GRILLED ALASKAN SALMON WRAP

A spinach tortilla stuffed with fresh grilled Alaskan salmon, cucumbers, julienne tomatoes and bell peppers. Accented with roasted red pepper mayonnaise, capers and red onion. Served with our house-made potato chips. 13.99

VEGGIE PRESS

A Mediterranean-style sandwich with grilled eggplant, tomatoes, roasted red pepper, mozzarella and basil served hot off our Panini press on focaccia. Served with our house-made potato chips. 11.99

BEER BATTERED FISH N' CHIPS

A Princess Signature recipe. Alaskan cod hand dipped in Alaskan Amber batter, then fried to golden brown. Served with french fries and tartar sauce. 14.99

CAIZONE

A hand-stretched pizza dough, with three cheeses, pepperoni and house-made marinara. Served with a side of caesar salad. 8.99 Add any pizza topping for 1.00

SOLO PIZZAS

7" PERSONAL PIES

DOUBLE PEPPERONI

Pepperoni on top of pepperoni over provolone and mozzarella. Served with a side caesar salad. 8.99

VEGGIE COMBO

Peppers, onions, mushrooms, tomatoes and olives. Served with a side caesar salad. 8.99

3 CHEESE

Zesty sauce covered with lots of cheese. Served with a side caesar salad. 7.99

ADD A TOPPING

Choose from pepperoni, sausage, grilled chicken, peppers, mushrooms, onions, tomatoes and olives. 1.00

Beginning in 1982, when we opened Mt. McKinley began saving the mountaineers a few months travel time. In 1984, pilot Don Sheldon flew the first commercial flight from Talkeetna to Kahiltna Glacier, which has become the normal route for climbers.

STARTERS

BACON BUFFALO WINGS Spicy breaded chicken wings wrapped in bacon! Served with celery and carrots sticks and our house-made spicy, blue cheese dressing. 8.99

ALASKAN SALMON CAKES Pan-seared, house-made Alaskan Salmon cakes. Served with a citrus dijon mustard sauce. 8.99

STUFFED POTATO SKINS Crispy potato skins filled with chicken, blue cheese and bacon. 7.99

CRISPY RAVIOLI BITES Filled with a blend of ricotta and parmesan cheese. Deep Fried and served with our house-made marinara. 6.99

CRAB ARTICHOKE dip A creamy blend of rock crab and artichoke hearts served warm with grilled French bread rounds. 8.99

The mountain is regularly climbed today, with just over 50% of the expeditions successful. Up to date Mt. McKinley climbing statistics are available for your review at the host stand and front desk.

A thermometer left exposed at an elevation of 15,000 feet (4,600 m) on Mt. McKinley over 19 years recorded a temperature of -100 °F (-73.3 °C) at some point during its exposure.

SOUPS & SALADS

CLASSIC CAESAR SALAD

The classic salad served with grilled baguette slices and a parmesan crisp.

9.99/entrée 5.99/side Add grilled chicken for 3.99 Add grilled salmon for 4.99

SEAFOOD SALAD Crab and shrimp mixed with our house-made 1000 Island dressing. Served with fresh greens with tomatoes, cucumbers, black olives and hard boiled egg. 12.99

SIDE SALAD Our starter salad. Fresh lettuce topped with tomato, cucumber and onions with a citrus dressing. 4.99

SOUP DU JOUR

Prepared daily with the freshest ingredients. 4.99/Cup 6.99/Bowl

WILD ALASKAN SALMON CHOWDER

Roasted red pepper and cream with potatoes, garlic, onion, celery and wild Alaskan salmon, smoked in the traditional Northwest style over native hardwood. 4.99/Cup 5.99/Bowl

Mt. McKinley is commonly referred to by native Alaskans as Denali, which is the name currently recognized by the State of Alaska. The U.S. Board on Geographic Names maintains the name Mt. McKinley, ostensibly to avoid confusion between the mountain and the park. Use of the name "McKinley" remains common, particularly in the Lower 48.

= Indicates healthier menu item

ENTREES

Entrées served from 4:30 PM to 9:30 PM

SLOW ROASTED PRIME RIB

Choice Angus, House seasoned. Served with garlic chive mashed potatoes and fresh vegetables. Au Jus and Horseradish Sauce, 12 ounce cut 23.99

BLUEBERRY BIRCH GLAZED ALASKAN SALMON

Grilled fresh Alaskan salmon brushed with the Chef's blueberry and birch syrup glaze. Served with rice pilaf and fresh vegetables. 23.99

BRAISED BBQ RIBS

Home-style ribs broiled and slathered with a smoky BBQ sauce. Served with garlic chive mashed potatoes and fresh vegetables. 20.99

BAKED REINDEER BUCATI

Alaskan reindeer sausage, ricotta and mozzarella cheese and Italian herbs. Fusilli Bucati Pasta. Served with fresh vegetables. 14.99

ROSEMARY GRILLED CHICKEN

Two boneless skinless chicken breast marinated, grilled and seasoned with fresh herbs. Accompanied by rice pilaf and fresh vegetables. 15.99

DESSERTS

MCKINLEY CRISP

Our signature cobbler. Delicious apples and cranberries baked in honey and spices, with a brown sugar oatmeal topping. 5.99 Add Vanilla or Huckleberry ice cream for 3.99

TUXEDO LAYER CAKE

A delicate layer cake with chocolate and vanilla mousse, topped with a semi-sweet ganache. 6.99 Add Vanilla or Huckleberry ice cream for 3.99

ALASKAN WILDBERRY PIE

Mixed berries baked in a flaky, lemon infused crust. 5.99 Add Vanilla or Huckleberry ice cream for 3.99

TILLAMOOK ICE CREAM

A scoop of Pacific Northwest Mtn. Huckleberry or Vanilla Bean ice cream. Ask about our Sugar-free gelato. 3.99

Mt. McKinley climbers are charged a special use fee of \$350.00 per climber. In addition to the special use fee, a 60 day pre-registration application allows mountaineering ranges to have direct contact with climbers before they make their ascent.

Undercooked meats, poultry, shellfish and eggs may increase your risk of food borne illness.

APPROVED DIAGRAM
STATE OF ALASKA - DEPT. OF COMMERCE
COMMUNITY AND ECONOMIC DEVELOPMENT
ALCOHOLIC BEVERAGE CONTROL BOARD
Robert D.
Date *12/5/12*

2' BIRCH

Date _____

CURRENT
RDP
Building

2' BIRCH

~~SPLIT RAIL
CEDAR FENCE
6' O.C. POSTS~~

(1) COLORADO SPRUCE

(3) COLORADO SPRING

(1) COLORADO SPRUCE 10'

(2) COLORADO SPRUCE 8

LANDSCAPE
MOUND

- (1) COLORADO SPRUCE 6'

(3) COLORADO SPRUCE 8'

(1) COLORADO SPRUCE 6"

(4) BEAR-PROOF LITTER BARRELS

**FLAGSTONE
FIRE PITS**

ADIRONDACK CHAIRS

6' WOOD BENCH

PICNIC TABLES

RIVER ROCK MULCH

(3) COLORADO SPRUCE 8'

Scale $\frac{1}{8}'' = 1'$

(3)

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS:

Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA:

Mt. McKinley Princess Wilderness Lodge - 20,320 Alaskan Bar & Grill

PREMISES LOCATION:

133 Parks Highway, Denali State Park

Indicate scale by x after appropriate statement or show length and width of premises.

1 SQ. = 4 FT.

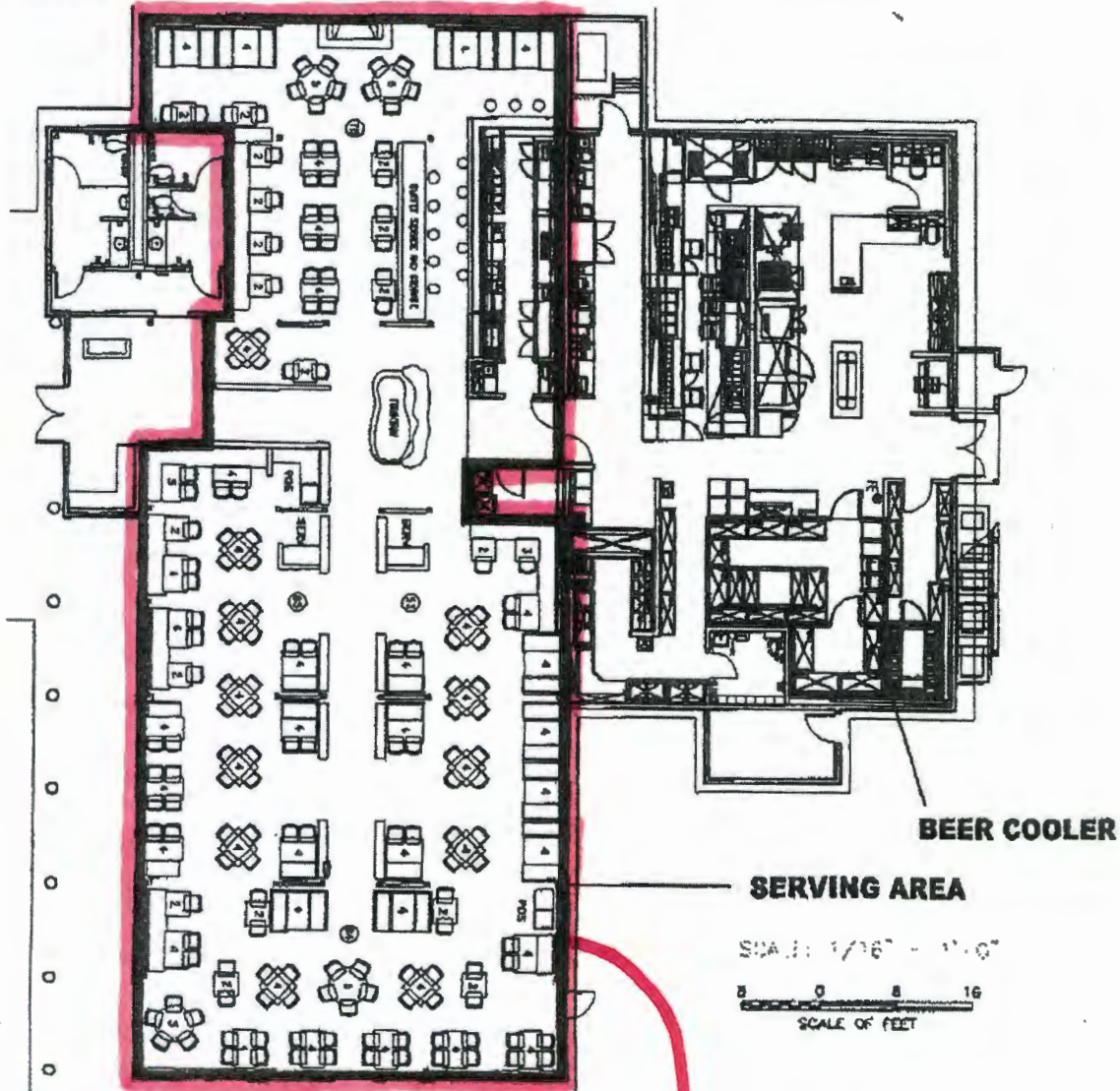
SCALE A:

1 SQ. = 1 FT.

X SCALE B: $\frac{1}{16}'' = 1'-0''$

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

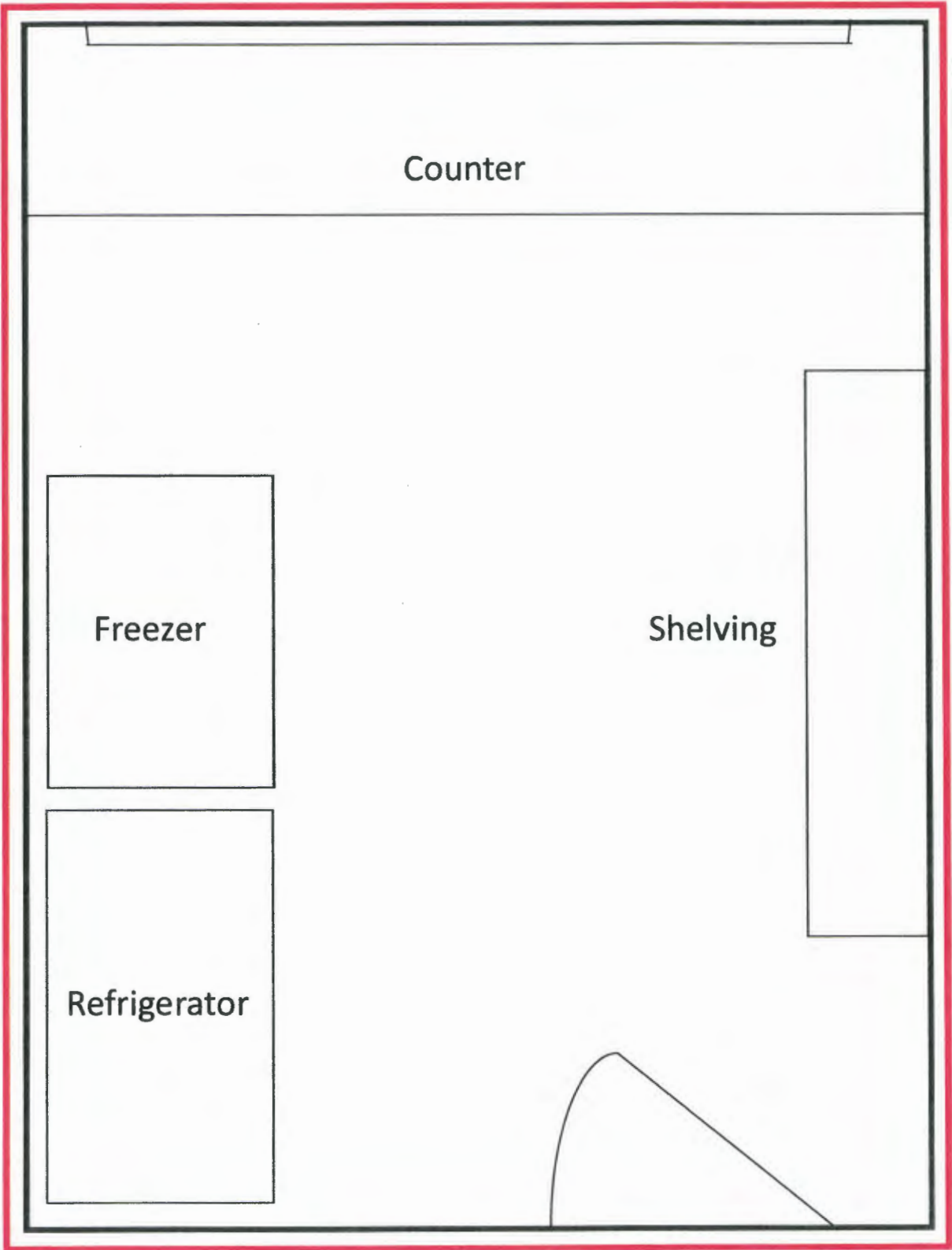


PATIO w/ SNACK CACHE

The Snack Cache @ Mt. McKinley Princess Lodge

12 ft.

16 ft.



1" = 2'





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: Nenana View Bar and Grille #4308

AS 04.11.400(d)(1)(B) requires 20 rental rooms if the population is 1,501 – 2,500.

The Denali Borough has a certified net population of 1,871.

The applicant offers 478 guest rooms and full dining facilities.

Westmark Hotels, Inc

Nenana View Bar and Grille

Tourism Statement

Located only one mile from the entrance to Denali National Park, McKinley Chalet Resort is a premium riverside accommodation in the area. A deck overlooks the Nenana River Canyon. The campus of McKinley Chalet Resort consists of 478 guest rooms. Resort stays are a primary component of Holland America Line's unique Land/Sea Journeys, which combine a Gulf of Alaska cruise with a land tour segment of 3 to 10 days during the months of May through September. Guest rooms include television and telephone. Amenities also include: gift shop, laundry and the Tour Desk. During the 2013/2014 winter there were a number of room remodels, building relocations and upgrades.

There are a variety of dining options available at McKinley Chalet Resorts, including: Nenana View Bar and Grille, Cabin Nite Dinner Theatre, Courtyard Café and Grizzly Grind Espresso.

For those that enjoy the out of doors, the Tour Desk has a variety of outdoor adventures available, including Tundra Wilderness Tour, Natural History Tour, river rafting, horseback riding, and flights via airplane or helicopter for a unique perspective of the immense wilderness preserve. There is also complementary shuttle service between the Resort and the Denali National Park Visitor's Center.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below, show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Nenana View Bar and Grille

PREMISES LOCATION: Mile 238.9 Parks Hwy, DNP, AK

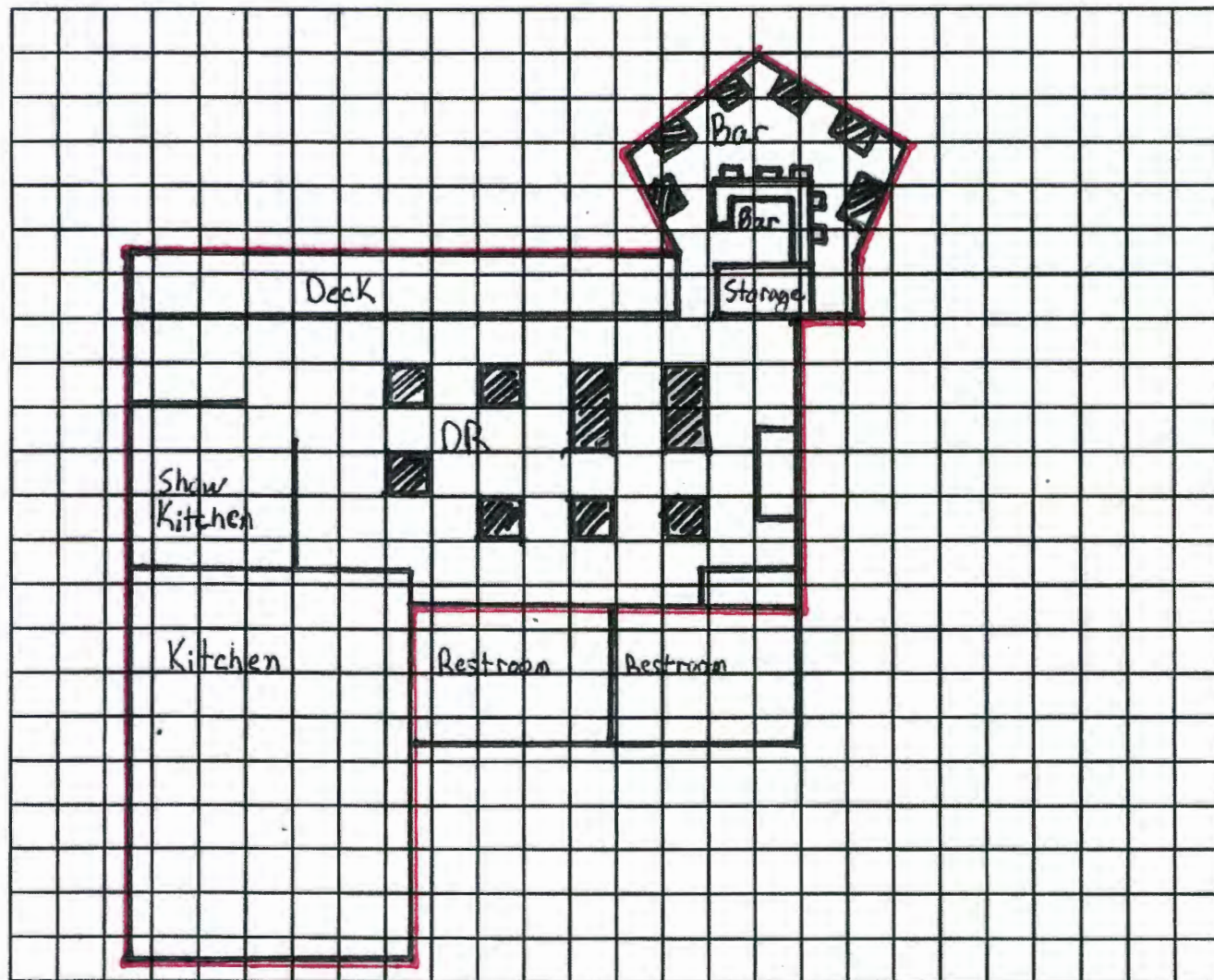
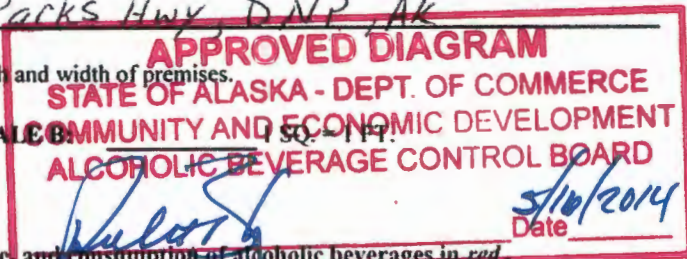
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT.

SCALE B: 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



NENANA VIEW GRILL AND BAR

APPETIZERS

Meat and Cheese Charcuterie plate Stone fired Toasted Bread, Birch Mustard Cornish's, Homemade Pickled vegetables

Pacific NW Steamer Clams, tossed with a Basil Buerre Blanc topped with a Tomato Relish and Grilled dipping Baguette

Shrimp wrapped in Prosciutto and Basil covered in Buerre Blanc and topped with Sweet Balsamic Pearls

Shrimp Cocktail - Shrimp tossed with a Cilantro, Shallots and a Citrus Jus in a Cucumber Cup and served with a Fresh Cocktail Sauce.

SALADS

Mixed Green, Pickled Pears and Breaded and Fried Goat Cheese Wheel Candied Pecans

Wedge Salad with Danish Blue and Crumbled Bacon

House salad

ENTREES

Alaskan Seafood Ciopino - Halibut, Crab, Shrimp, and Clams. White Wine seasoned Tomato Broth served with Grilled Baguette

Homemade Stone fired Reindeer Sausage served with a Fresh Spaghetti and Tomato Sauce

Grilled Weathervane Scallops with Stone fired Corn, Crispy Bacon and Braised Potato and Leeks served with Thyme Cream Foam

Aged Angus Beef Tenderloin seasoned topped with a Blue Cheese Walnut Butter and Demi Glaze served with Asparagus and Au Gratin Squares.

Jig Caught Alaskan Cod with Chorizo, Toasted Seasoned Breadcrumbs and Oregano served with a Beurre Blanc Rice Pilaf

Pan Seared Chicken and Duck breast rounds, served with Au Gratin Squares, Asparagus and Au Jus.

Alaskan King Salmon weekly chef's special

Crab Risotto tossed with Dungeness Crab, King Crab, Green Beans served with a ½ pound of King Crab

Top Sirloin (Princess Standard) Brandy Green Peppercorn demi Glaze Mashed Potatoes and Asparagus

Grilled Duroc Pork Chop served with a Sweet Potato Puree stone fired Brussels Sprouts tossed with Pickled Red Onions, Panko, Walnuts and a Fresh Jus.

DESSERTS

Pecan Bourbon Bread Pudding topped with Ice cream and Crème Anglaise

Chuli Stout Chocolate Mousse topped with Whipped cream

Crème Brulee with Caramelized Sugar and Rum Banana Foster

Mint Chocolate Cake topped with Green Tea Ice Cream Caviar

BAR MENU

Scookum Burger

½ pound of lean ground beef and reindeer meat seasoned and cooked to your liking and served with butter lettuce tomatoes and shaved red onion your choice of on a grilled brioche bun

Add cheese: Cheddar, Swiss, Blue Cheese
Add A

Alaskan Halibut Tacos

Two Blacked halibut tacos served in corn tortillas and served with cabbage slaw and topped with a spicy mayo and cilantro

STONE OVEN FIRED PIZZA

Breakfast Pizza

Homemade Tomato Sauce, Bacon, Cheddar, Mozzarella, Two eggs, topped with a drizzle of Hollandaise and Fresh Herbs and Paprika

Meat Lovers

Homemade Tomato Sauce, Pepperoni, Alaskan Reindeer Sausage, Crispy bacon and Spicy Capicola Ham topped with Mozzarella Cheese and Herbs

White Chicken Pizza

Creamy White Sauce, Rotisserie Chicken Strips topped with Spinach Roasted Garlic fresh Roma Tomatoes and Mozzarella cheese

Prosciutto Pizza

Shaved Italian Prosciutto over a light Cream Sauce, Olive Oil, Caramelized Onions, Figs and a drizzle of a Balsamic Reduction

Cheese Pizza

House made Tomato Sauce Mozzarella and Cheddar Cheese topped with Fresh Herbs

Wheat Veggie Pizza

A healthy choice with a Wheat Pizza Dough topped with Tomato Sauce, Onions, Peppers, Roasted Garlic, Fresh Tomatoes, Mushrooms and Fresh Herbs

Taco Pizza

Over a light Enchilada Sauce seasoned Taco Meat Cheddar Cheese, Shredded lettuce, and Tomatoes, Lime Sour Cream and Fresh Chopped Cilantro

Lox Pizza

Cream Sauce, Shaved Red Onion, light sprinkle of Mozzarella, Capers, Alaskan King Salmon Lox and Topped with chopped Dill



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: Romeo's Tap Room #5341

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

The applicant operates a dining facility within the Juneau International Airport.



Jacobsen Daniels Associates, LLC

121 Pearl Street
Ypsilanti, MI 48197
(734) 961-3200

June 30, 2014

Alcoholic Beverage Control Board
Attn: Sarah Oates (sarah.oates@alaska.gov)
2400 Viking Drive
Anchorage, AK 99501

Re: JDA – JNU International Airport – Tourism Statement

Sarah,

Pursuant to ABC Board guidelines for AS.04.11.400.(d)(2), we are serving as the concessionaire at the Juneau International Airport which allows for liquor license to be granted for the airport bar and departure lounge.

We thank you in advance for your consideration and should you require any further information or documentation, please feel free to contact me at the following number (314)435-4192, or email at david.brown@jacobsendaniels.com.

Sincerely,

David M. Brown
General Manager, Concessions
Jacobsen Daniels Associates, LLC

cc:

Darryl Daniels (darryl@jacobsendaniels.com)

Brad Jacobsen (brad@jacobsendaniels.com)

Ernest Huffman (ernest.huffman@jacobsendaniels.com)

Our suite # for
mail is: 220

The Annex

"A place to add something, especially a supplement"



BREAKFAST ITEMS

HOMEMADE GRANOLA

LOW FAT MUESLI

FRESH BAKED GRANOLA BARS

FRESH BAKED MUFFINS

*Banana Nut • Lemon Poppy seed • Blueberry
Morning Glory*

ASSORTED BAGELS

*Cinnamon Raisin • Great Grain • Plain • Garlic
Everything • Honey Wheat • Poppy seed • Onion
Sun Dried Tomato • Blueberry*

ASSORTED CREAM CHEESE

*Dill Smoked Salmon • Garlic Herb • Hawaiian
Raspberry • Strawberry • Sun Dried Tomato
Whipped • Blueberry*

BACON, EGG & CHEESE BREAKFAST BRAID

FRESH FRUITS

Banana • Apples • Oranges • Mixed Fruit Cups

ASSORTED YOGURT & PARFAITS

BEVERAGES

JUICES: *Orange • Apple • Cranberry*

HOT COFFEE & TEAS

*Lattes • Espresso • Iced Coffee
Black Tea • Herbal • Green • Chai*

MILK • BOTTLED WATERS • ENERGY DRINKS

LEMONADE • ALOCHOL • BEER • MIXED DRINKS

SANDWICHES

CHICKEN SALAD • DELI COMBO

TUNA SALAD • MICHELANGELO

ROAST BEEF • ROASTED TURKEY

CHICKEN SALAD WRAP • CLUB HOUSE WRAP
CLASSIC STROMBOLI

SALADS

CHEF • GREEN • TURKEY COBB •
CHINESE BBQ PORK • FRESH FRUIT •
SPINACH • SOUTHWEST • POTATO •
MACARONI

SOUPS

SPICY CHILI • CHICKEN NOODLE •
NEW ENGLAND CLAM CHOWDER

CRACKERS • FLATBREADS • BAGEL CHIPS

SWEETS & SNACKS

CHIPS & DIPS

BROWNIES • HIKERS BARS • ASSORTED COOKIES

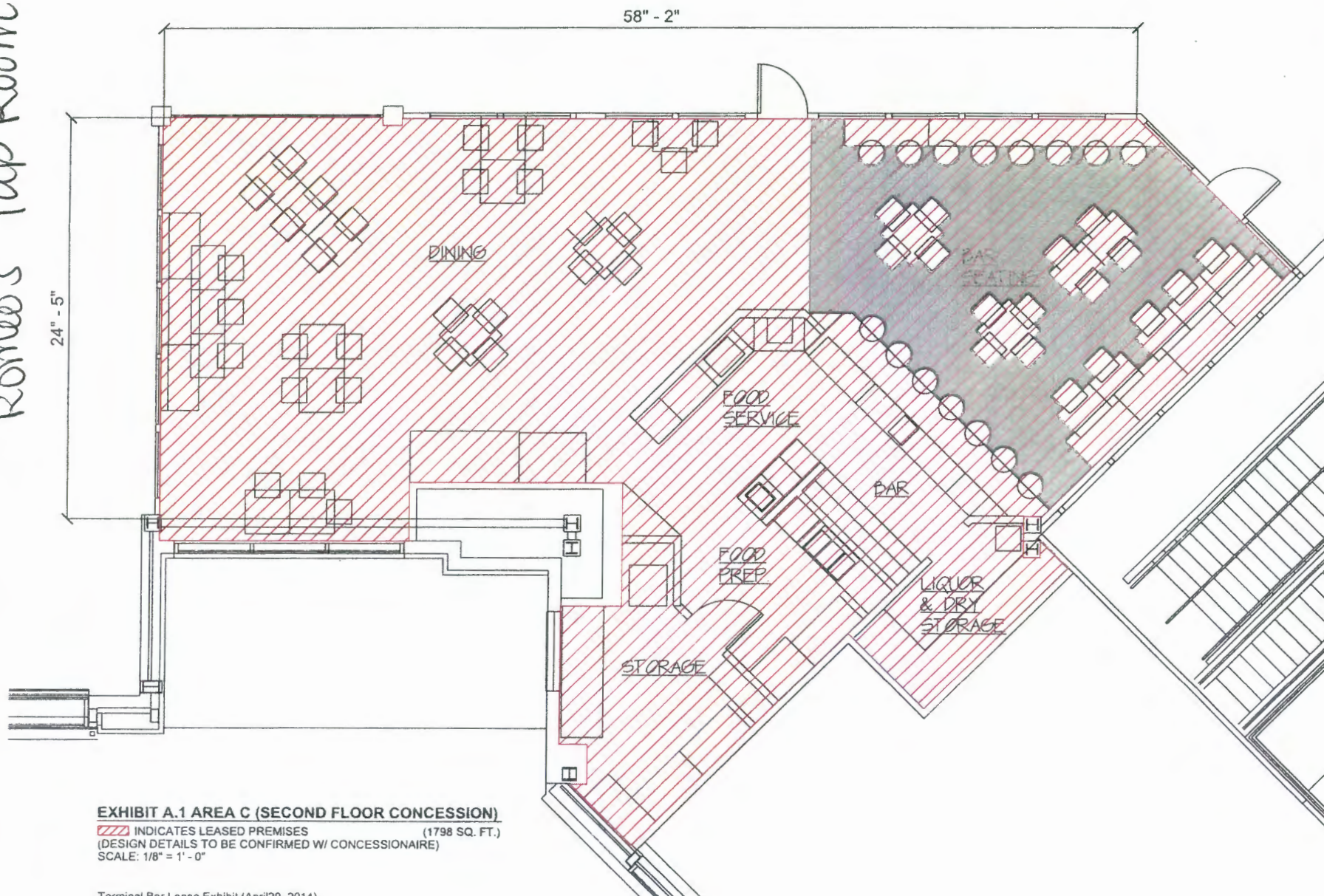
TRAIL MIX • CARAMEL/CHOCOLATE POPCORN

PROTEIN PACK

SPICY & SWEET ROASTED ALMONDS

CANDY BARS

Romeo's Tap Room #5341



Terminal Bar Lease Exhibit (April29, 2014)



**JUNEAU AIRPORT
PROJECT OFFICE**
 1873 Shell Simmons Drive
 Juneau, Alaska 99801
 phone: 907-789-7521
 fax: 907-789-1227
 www.juneau.org/airport

JUNEAU BAR / FOOD CONCESSION

CONTRACT NO.:

AP 3-02-133-000-XXXX

DATE: 4-18-14

REVISIONS:

SHEET TITLE:

NEW BAR /
FOOD LAYOUT
FILE

1 of 1



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: The Annex #5340

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

The applicant operates a dining facility within the Juneau International Airport.



Jacobsen Daniels Associates, LLC

121 Pearl Street
Ypsilanti, MI 48197
(734) 961-3200

June 30, 2014

Alcoholic Beverage Control Board
Attn: Sarah Oates (sarah.oates@alaska.gov)
2400 Viking Drive
Anchorage, AK 99501

Re: JDA – JNU International Airport – Tourism Statement

Sarah,

Pursuant to ABC Board guidelines for AS.04.11.400.(d)(2), we are serving as the concessionaire at the Juneau International Airport which allows for liquor license to be granted for the airport bar and departure lounge.

We thank you in advance for your consideration and should you require any further information or documentation, please feel free to contact me at the following number (314)435-4192, or email at david.brown@jacobsendaniels.com.

Sincerely,

A handwritten signature in blue ink that reads 'DM Brown'.

David M. Brown
General Manager, Concessions
Jacobsen Daniels Associates, LLC

cc:

Darryl Daniels (darryl@jacobsendaniels.com)

Brad Jacobsen (brad@jacobsendaniels.com)

Ernest Huffman (ernest.huffman@jacobsendaniels.com)

Our suite # for
mail is: 220

The Annex

"A place to add something, especially a supplement"



BREAKFAST ITEMS

HOMEMADE GRANOLA

LOW FAT MUESLI

FRESH BAKED GRANOLA BARS

FRESH BAKED MUFFINS

*Banana Nut • Lemon Poppy seed • Blueberry
Morning Glory*

ASSORTED BAGELS

*Cinnamon Raisin • Great Grain • Plain • Garlic
Everything • Honey Wheat • Poppy seed • Onion
Sun Dried Tomato • Blueberry*

ASSORTED CREAM CHEESE

*Dill Smoked Salmon • Garlic Herb • Hawaiian
Raspberry • Strawberry • Sun Dried Tomato
Whipped • Blueberry*

BACON, EGG & CHEESE BREAKFAST BRAID

FRESH FRUITS

Banana • Apples • Oranges • Mixed Fruit Cups

ASSORTED YOGURT & PARFAITS

BEVERAGES

JUICES: *Orange • Apple • Cranberry*

HOT COFFEE & TEAS

*Lattes • Espresso • Iced Coffee
Black Tea • Herbal • Green • Chai*

MILK • BOTTLED WATERS • ENERGY DRINKS

LEMONADE • ALOCHOL • BEER • MIXED DRINKS

SANDWICHES

CHICKEN SALAD • DELI COMBO

TUNA SALAD • MICHELANGELO

ROAST BEEF • ROASTED TURKEY

CHICKEN SALAD WRAP • CLUB HOUSE WRAP
CLASSIC STROMBOLI

SALADS

CHEF • GREEN • TURKEY COBB •
CHINESE BBQ PORK • FRESH FRUIT •
SPINACH • SOUTHWEST • POTATO •
MACARONI

SOUPS

SPICY CHILI • CHICKEN NOODLE •
NEW ENGLAND CLAM CHOWDER

CRACKERS • FLATBREADS • BAGEL CHIPS

SWEETS & SNACKS

CHIPS & DIPS

BROWNIES • HIKERS BARS • ASSORTED COOKIES

TRAIL MIX • CARAMEL/CHOCOLATE POPCORN

PROTEIN PACK

SPICY & SWEET ROASTED ALMONDS

CANDY BARS

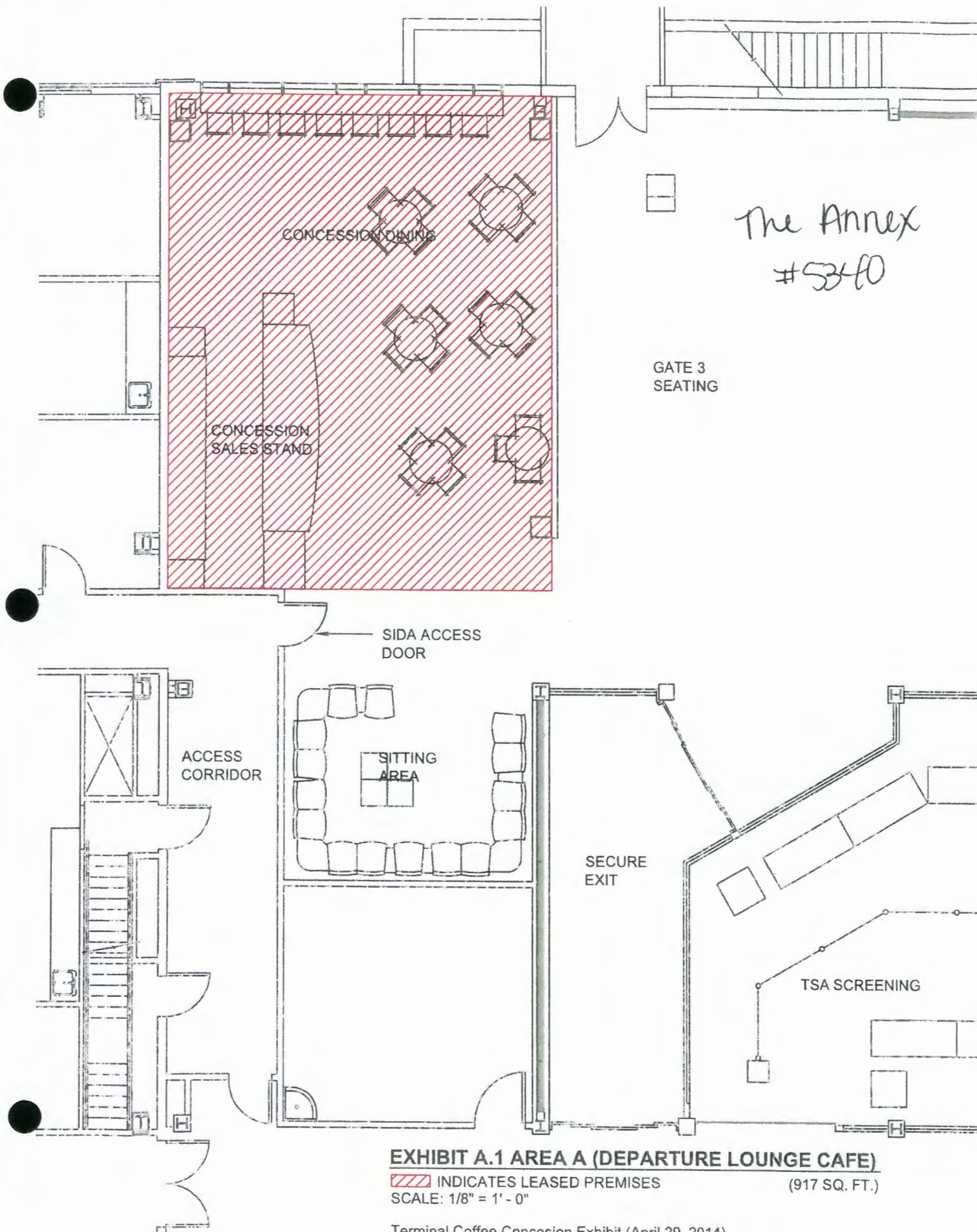


EXHIBIT A.1 AREA A (DEPARTURE LOUNGE CAFE)

INDICATES LEASED PREMISES

(917 SQ. FT.)

SCALE: 1/8" = 1' - 0"

Terminal Coffee Concession Exhibit (April 29, 2014)



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: Tsaina Lodge (Winter) #5255

At the October 2, 2013 ABC Board of Directors Meeting, this license was presented to the Board on the Consent Agenda as a new Beverage Dispensary License and issued on October 8. This was in error; it should have been presented as a new Beverage Dispensary – Tourism License. The Board is being asked to reconsider the application under the correct license type.

AS 04.11.400(d)(1)(A) requires 10 rental rooms if the population is less than 1,501.

This establishment is located outside of a local governing body in an unorganized borough, and there are less than 1,501 permanent residents within a five-mile radius.

The applicant offers 24 guest rooms and full dining facilities.

Questions:

1. Explain how your establishment "encourages tourism"?
 - a. Online promotions, social media and ongoing various media campaigns designed by our marketing department constantly encourage travel to all of our destinations, in this instance for Tsaina Lodge we are actively encouraging our databases to experience Alaska's wildest adventures.
2. Do you offer room rentals? If so how many rooms are available?
 - a. Yes – we have 24 rooms
3. Do you offer food service?
 - a. Yes – Breakfast and Dinner and snack lunches for day trips
4. Are additional amenities available to your guests through your establishment?
 - a. We will also be using 3rd parties to send guests on kayaking, boating and our own guides to do fishing and heli fishing trips Example: Guided tours or trips, rental equipment for guests, other activities that attract tourists.

MENU

App

Ponzu Marinated Bay Scallop

Honey glazed pork belly, cilantro mint salad, garlic chips

Yarrow Meadows Duck Rillettes

Berry chutney, brioche chip, micro-greens

Vodka Cured Char

Smoked roe crème fraîche, sea asparagus, preserved lemon oil

Fennel & Apple Soup

Crispy Fanny Bay oyster, bacon, chervil

Mains

Grilled Halibut

Soisson bean & preserve lemon salad, honey roasted beets, crispy leeks

Salt Rubbed Bison Prime Rib

Horseradish croquette, herb & cabernet jus

Yarrow Farm Duck Breast

Wild grain, sweet cicely and cherry juice reduction

Steamed Sablefish

Tom Yum consommé, King crab fritter, chili oil

Seared Angus Beef Tenderloin

Glazed short-rib, German potato fondante, caramelized shallot jus

Fire Roasted Elk Loin

Yukon potatoes, sweet onion sauce, rhubarb port compote

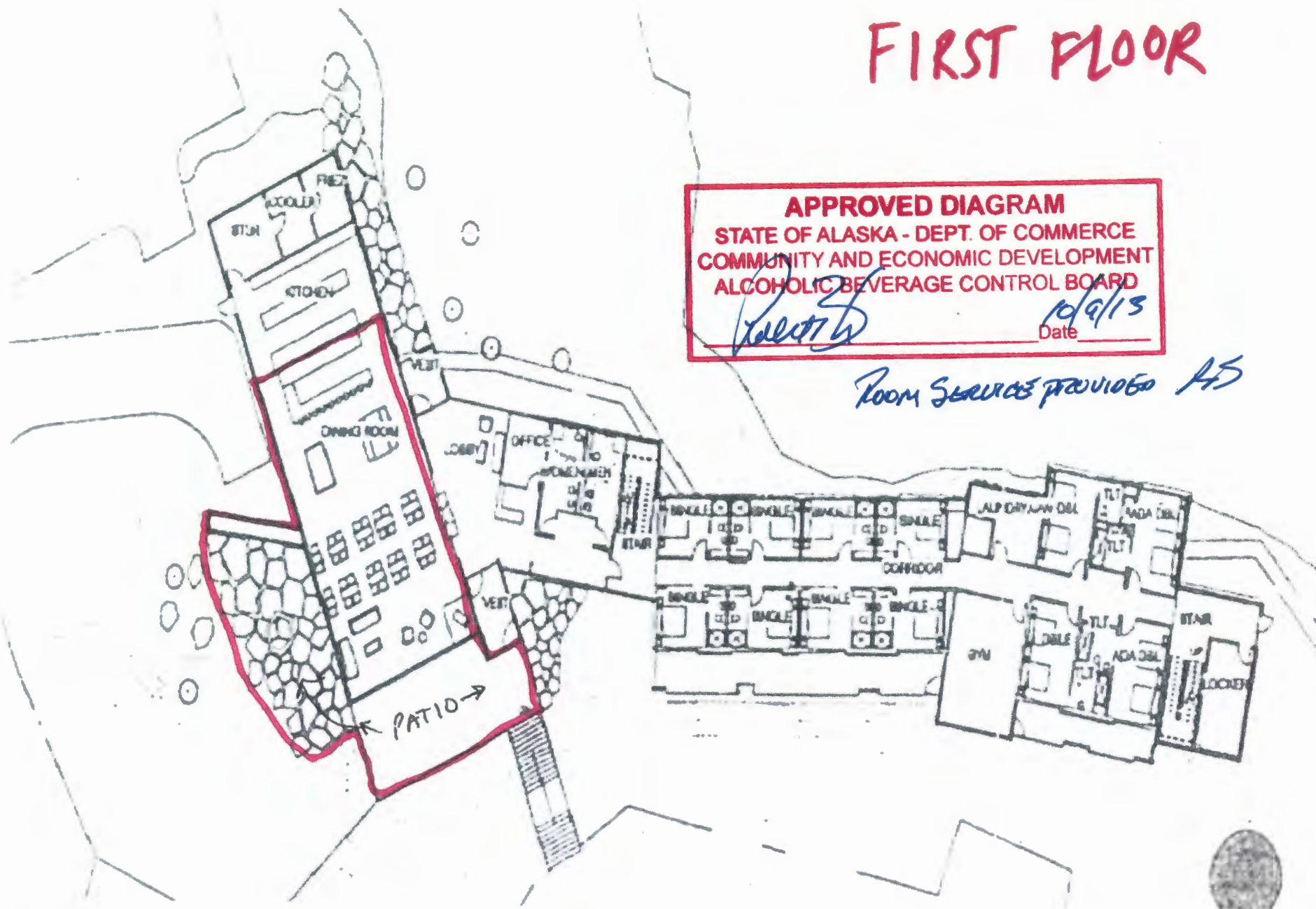
FIRST FLOOR

APPROVED DIAGRAM
STATE OF ALASKA - DEPT. OF COMMERCE
COMMUNITY AND ECONOMIC DEVELOPMENT
ALCOHOLIC BEVERAGE CONTROL BOARD

R. J. [Signature]

Date 10/9/13

Room Services provided AS



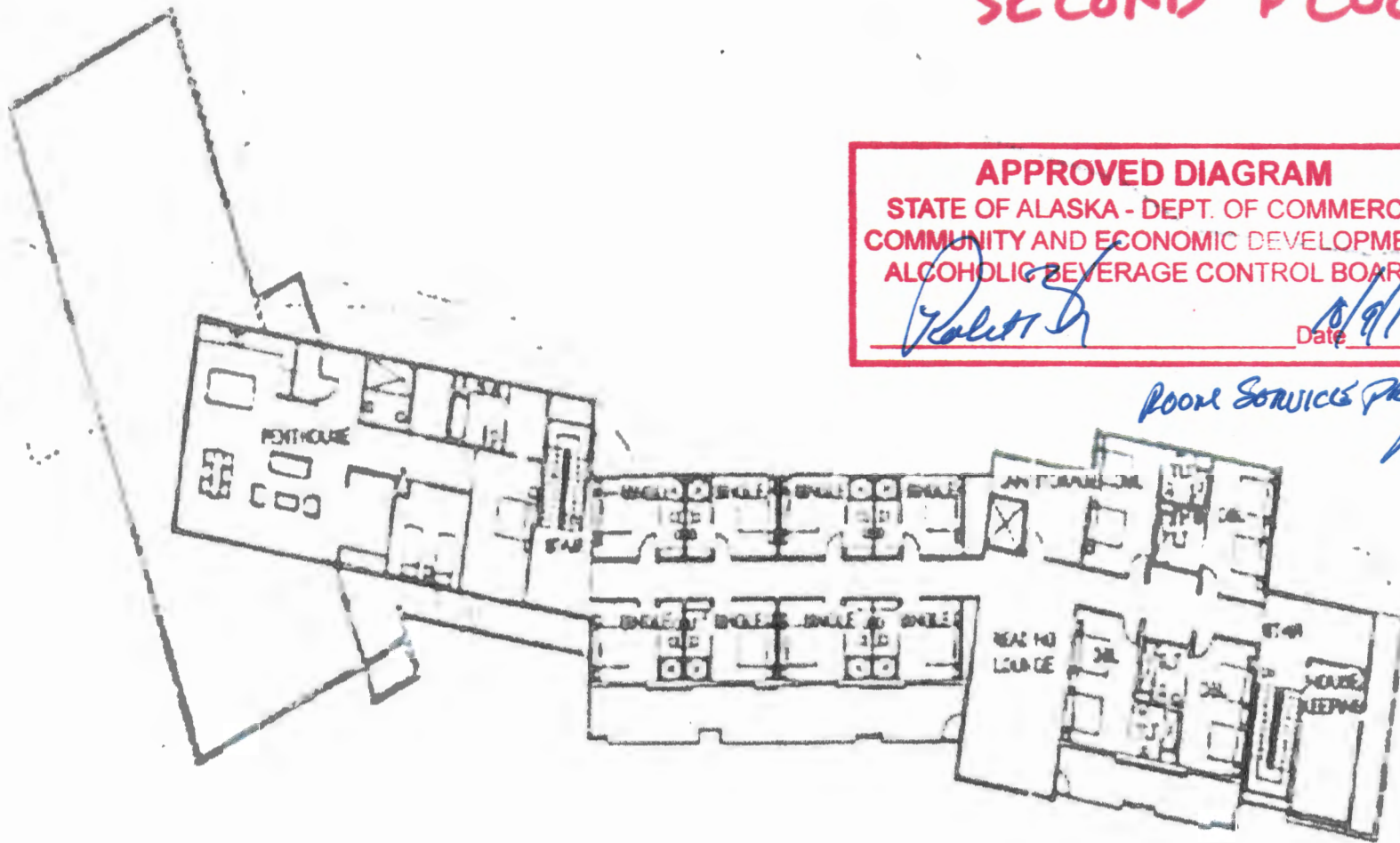
SECOND FLOOR

APPROVED DIAGRAM
STATE OF ALASKA - DEPT. OF COMMERCE
COMMUNITY AND ECONOMIC DEVELOPMENT
ALCOHOLIC BEVERAGE CONTROL BOARD

Palitt

Date *10/9/13*

Room Services Provided
PS





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: Voyager Inn #742

AS 04.11.400(d)(1)(G) requires 50 rental rooms if the population is greater than 50,000.

The Municipality of Anchorage has a certified net population of 278,231.

The applicant offers 40 guest rooms, 39 of which contain approved kitchenettes, as well as a hot limited buffet breakfast to hotel guests.

This liquor license was originally issued in 1976.

Voyager Inn
c/o Hickel Investment Company
939 West Fifth Avenue
Anchorage AK 99501

Tourism Statement for Voyager Inn

Alcohol Beverage Control Board
2499 Viking Drive
Anchorage AK 99501

To Whom It May Concern:

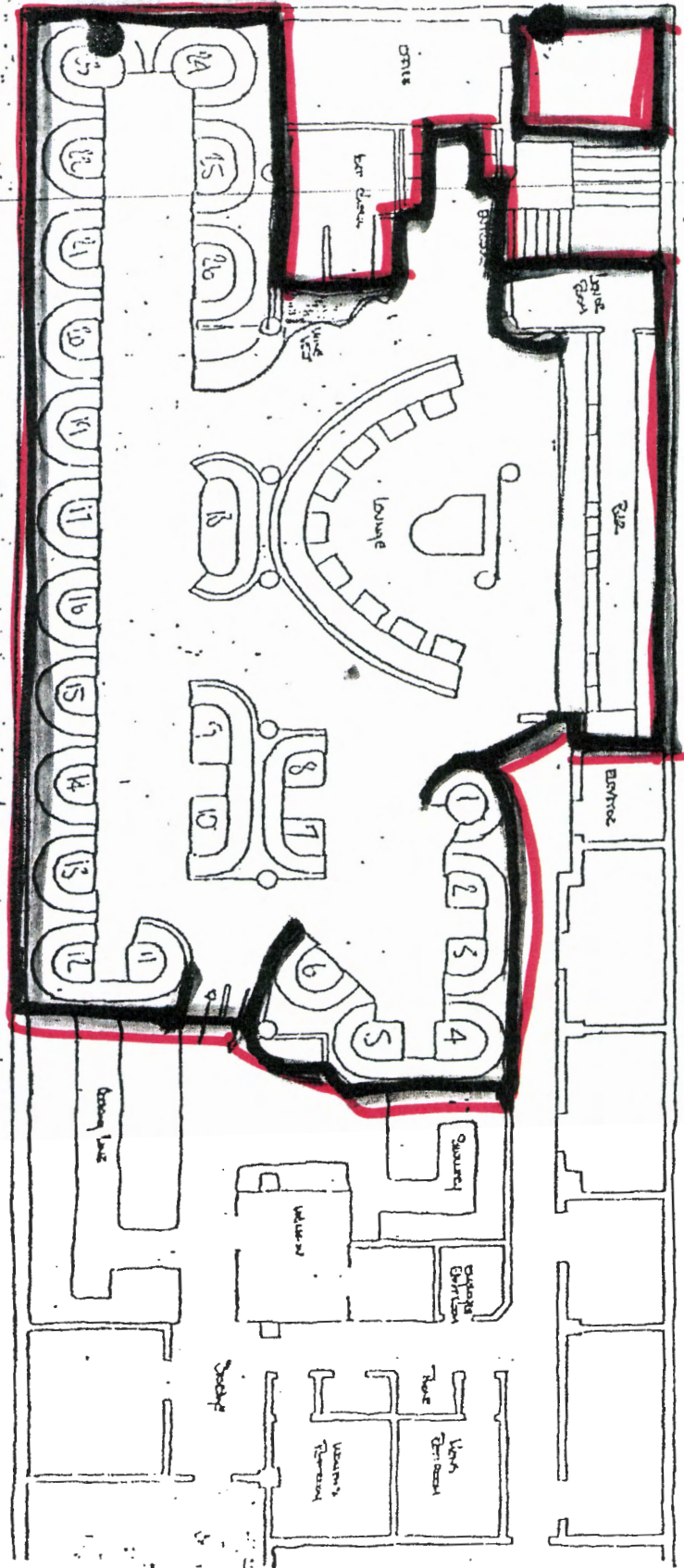
Hickel Investment Company acquired the Voyager Inn in July, 2013. The hotel is a 40-room boutique hotel that appeals to principally European tourists. All but 1 room contain kitchenettes, so a guest can dine in his or her room without leaving the property. The hotel formerly housed the Corsair Restaurant in the basement of the building. That restaurant was destroyed by flood damage, which has been fully remediated.

The Voyager Inn encourages tourism as it is an attractive property that appeals to a specific market niche. Hickel Investment Company is currently investing in excess of \$400,000 to upgrade the room furnishings and amenities to increase that appeal.

As the hotel is currently operated, guests may obtain a hot limited buffet breakfast in the hotel lobby, or go across the street to full restaurants in the Hotel Captain Cook. A lobby bar facility would provide a convenience to guests and improve the property's overall ambience.

The Voyager offers tourism information to guests in the lobby, including an extensive guide to dining and beverage outlets in the downtown area, which is maintained by the front desk.

5 th : Advice



located basement of Niagara Hotel 5th + 8th Street