



**Alcoholic Beverage Control Board
Meeting Agenda
September 15, 2015
Kotzebue, Alaska**

● **DIRECTOR BRIEFING**

A. Director's Report 9:15 AM [TAB 1](#)

● **ADMINISTRATION**

9:25 AM

A. Approve Minutes of the July 1, 2015 Board Meeting [TAB 2](#)

● **PUBLIC TESTIMONY**

A. Period of time for public testimony on issues not on this agenda. Please phone 1-800-315-6338 code 69173#. 9:30 AM

● **BOARD CONSIDERATION**

A. Recommend Investigator James Hoelscher to Carry Firearm 10:00 AM [TAB 3](#)

B. Recommend Investigator Jeffrey Rukes to Carry Firearm 10:05 AM [TAB 4](#)

C. **4890 Captain's Choice Motel:** Captain's Choice, Inc.
108 2nd Avenue North; Haines
License: Beverage Dispensary – Tourism 10:10 AM [TAB 5](#)

Transfer of Ownership Not Completed by Deadline

D. **4737 City of Nulato Package Store:** City of Nulato
163 Nik'agahun Street; Nulato
License: Package Store 10:20 AM [TAB 6](#)

Operating Hours

- | | | | |
|----|---|-----------------|---------------------|
| E. | 5402 Dimitri's Restaurant: Maro Kargas 281 Fourth Avenue; Bethel License: Restaurant / Eating Place | 10:30 AM | <u>TAB 7</u> |
|----|---|-----------------|---------------------|

New license application. All statutory requirements have been met.

Approvals: State Fire Marshal

Pending: Department of Environmental Conservation

Background investigations: Complete

City of Bethel protests due to local ordinances and public health and public safety concerns.

- | | | | |
|-----------|--|-----------------|---------------------|
| F. | 1563 Northshore Ale House: MSR, Inc. 1850 Bogard Road; Mat-Su Borough License: Beverage Dispensary – Tourism | 11:00 AM | <u>TAB 8</u> |
|-----------|--|-----------------|---------------------|

Reconsideration of License Renewal

- | | | | |
|----|---|-----------------|---------------------|
| G. | 2851 Pagoda Chinese Restaurant: First Security Investment, Inc. 431 Santa Claus Lane; North Pole License: Beverage Dispensary From: Tiffany Park West, Inc. DBA Shenanigan's 2406 South Cushman Street; Fairbanks | 11:15 AM | <u>TAB 9</u> |
|----|---|-----------------|---------------------|

**City of Fairbanks Request for Extension of Time to Respond to
Transfer Request per AS 04.11.400(k) and 3 AAC 304.197**

● ACCUSATIONS

- | | | | |
|-----------|---|-----------------|----------------------|
| A. | 4444 Landsharks: Anderson Bay, Inc. 121 Egan Drive; Valdez License: Beverage Dispensary | 11:20 AM | <u>TAB 10</u> |
|-----------|---|-----------------|----------------------|

No Response to NOV; Stock Transfer Required

- | | | | |
|-----------|--|-----------------|----------------------|
| B. | 4006 McKinley Creekside Cabins: Slinkard & Smith Co., LLC Mile 224 Parks Highway; Denali Borough License: Restaurant / Eating Place – Public Convenience | 11:30 AM | <u>TAB 11</u> |
|-----------|--|-----------------|----------------------|

Ejected Investigator from Licensed Premises Mid-Inspection

- | | | | |
|-----------|---|-----------------|----------------------|
| C. | 874 Pipeline Club: Valdez Motel Corporation 112 Egan Drive; Valdez License: Beverage Dispensary – Tourism | 11:40 AM | <u>TAB 12</u> |
|-----------|---|-----------------|----------------------|

No Response to NOV; Stock Transfer Required

- | | | | |
|-----------|---|-----------------|----------------------|
| D. | 968 Riverview Quick Stop: Riverview Retail, LLC 1316 Badger Road; Fairbanks North Star Borough License: Package Store | 11:50 AM | <u>TAB 13</u> |
|-----------|---|-----------------|----------------------|

No Response to NOV; Stock Transfer Required

- | | | | |
|----|--|-----------------|----------------------|
| E. | 5247 Tequila Kitchen Express: Tequila Kitchen Express, LLC 2514 E Tudor Road; Anchorage License: Restaurant / Eating Place | 12:00 PM | <u>TAB 14</u> |
|----|--|-----------------|----------------------|

No Response to NOV

● EXTENSION REQUESTS

- | | | | |
|-----------|---|-----------------|----------------------|
| A. | 4292 Clearwater Lodge: Clearwater Ventures, Inc. 8 Mile (7028) Remington Road; Outside/Unorganized License: Beverage Dispensary | 12:10 PM | <u>TAB 15</u> |
|-----------|---|-----------------|----------------------|

Extension Request for License Transfer

● PROTESTS

- 5367 AK Alchemist:** AK Alchemist, LLC **12:15 PM** **TAB 16**
 103 E 4th Avenue; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.

Background investigations: Complete

Municipality of Anchorage protests due to denied Administrative Site Plan Review, protest from the Fire Department, and pending Building Safety approval.

- 5384 Club H.A.L.O.:** Fantasies on 5th, LLC **12:25 PM** **TAB 17**
1911 E 5th Avenue; Anchorage
License: Beverage Dispensary – Duplicate

New license application. All statutory requirements have been met.

Background investigations: Complete

Municipality of Anchorage protests pending a Conditional Use Permit by Planning Department.

5408 Hearth Artisan Pizza: Pie by Fire, LLC
1200 W Northern Lights Blvd, Ste F; Anchorage
License: Restaurant / Eating Place

12:35 PM TAB 18

New license application. All statutory requirements have been met.
Background investigations: Complete
Municipality of Anchorage protests pending Administrative Site Plan Review by the Planning Department.

● **OBJECTIONS**

TAB 19

2951 AMVETS Post #4: AMVETS Post #4
42126 Kalifornsky Beach Road; Kenai Peninsula Borough
License: Club
From: 43335 Kalifornsky Beach Road, Ste 30

Transfer of location. All statutory requirements have been met.
Local governing body action: Pending Kenai Peninsula Borough
Approvals: State Fire Marshal
Background investigations: Complete
Department of Environmental Conservation objects pending receipt of building plans

1920 Gambardella's Pasta Bella: Gambardella's II, Inc.
706 2nd Avenue; Fairbanks
License: Beverage Dispensary
From: The Lighthouse, Inc. DBA Reflections; 2406 S Cushman Street

Transfer of location, ownership, and DBA change. All statutory requirements have been met.
Local governing body action: Pending City of Fairbanks
Approvals: Department of Revenue
Background investigations: Complete
Department of Labor objects

5050 Pho Lena East: Pho Lena East, LLC
360 Boniface Parkway A22-A23 (#B11); Anchorage
License: Restaurant / Eating Place
From: Biphonh Morisath-Luce

Transfer of ownership. All statutory requirements have been met.
Local governing body action: Pending Municipality of Anchorage
Approvals: Department of Revenue
Background investigations: Complete
Department of Labor objects

● **BEVERAGE DISPENSARY – TOURISM LICENSES**

TAB 20

- 5397 Sushi on the Fly:** JSJ Group, LLC
5000 W International Airport Road, C2781; Anchorage
License: Beverage Dispensary – Tourism

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Complete

● **CONSENT AGENDA**

TAB 21

- 5411 Akutan Roadhouse:** Akutan Roadhouse, Inc.
West Marine Drive; Akutan
License: Beverage Dispensary

New license application. All statutory requirements have been met.
Local governing body action: City of Akutan does not protest
Approvals: State Fire Marshal, Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

- 5415 Canton Asian Bistro:** Canton Asian Bistro, LLC
8585 Old Dairy Road, Ste 105; Juneau
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Local governing body action: City & Borough of Juneau does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

- 5416 Corvus Airlines N892EA:** Corvus Airlines, Inc.
Alaskan Skies
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

3811 Dutch Harbor Restaurant: Loi My Ma

11 North 2nd Street; Unalaska

License: Restaurant / Eating Place

From: Tuyet Soung Thi Nguyen DBA Dutch Harbor Fast Food 2

Transfer of ownership and DBA change. All statutory requirements have been met.

Local governing body action: City of Unalaska does not protest

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

964 Fogcutter Bar & Restaurant: Fogcutter Bar & Restaurant, Inc.

122 Main Street; Haines

License: Beverage Dispensary

From: Brian J Lemcke (80%) and Kelly Jessup (20%) to Kelly Jessup (100%)

Transfer of controlling interest. All statutory requirements have been met.

Local governing body action: City & Borough of Haines does not protest

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

5419 Gakona Brewing Company: Gakona Brewing Company, LLC

Mile 0.5 Tok Cutoff, Copper Bluffs Subdivision, Lot 11 (Gakona); Outside/Unorganized

License: Brewery

New license application. All statutory requirements have been met.

Approvals: State Fire Marshal, Department of Environmental Conservation

Background investigations: Complete

Temporary has been issued.

5414 Juneau Elks Club No. 420: BPO Elks Lodge #420

9321 Glacier Highway; Juneau

License: Club

New license application. All statutory requirements have been met.

Local governing body action: City & Borough of Juneau does not protest

Approvals: Department of Environmental Conservation

Background investigations: Complete

Temporary has been issued.

4971 Larkspur Cafe: GraCED, Inc.
2A Lincoln Street, Ste 1A; Sitka
License: Restaurant / Eating Place
From: Larkspur Cafe, LLC

Transfer of ownership. All statutory requirements have been met.
Local governing body action: City & Borough of Sitka does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

5404 M/V Le Boreal: Compagnie du Ponant, SAS
Alaskan Waters
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

5403 M/V Le Soleal: Compagnie du Ponant, SAS
Alaskan Waters
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

5413 Rose 99 Sushi Bar: Rose 99, LLC
3826 Spenard Road; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Complete
Temporary has been issued.

4192 Seong's Sushi Bar: Jeong Hee Kim
740 W 9th Street; Juneau
License: Restaurant / Eating Place
From: Seong S. Kim DBA Seong's Sushi Bar & Chinese Takeout

Transfer of ownership and DBA change. All statutory requirements have been met.
Local governing body action: City & Borough of Juneau does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

- 489 Skinny Dick's Halfway Inn:** Moodar Corp.
8910 Parks Highway (Mile 327.9 Parks Highway); Fairbanks North Star Borough
License: Beverage Dispensary
From: A. Brook Taylor (50%) and Lois Krize (50%) to A. Brook Taylor (100%)

Transfer of controlling interest. All statutory requirements have been met.
Local governing body action: Fairbanks North Star Borough does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

- 5417 The Restaurant at Porterhouse Grill:** The Restaurant at Porterhouse Grill, LLC
35590 Sterling Highway (Sterling); Kenai Peninsula Borough
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Kenai Peninsula Borough does not protest
Approvals: State Fire Marshal, Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

- 1176 Tundra Lodge & R/V Park:** Barbara A Abbott
Milepost 1315 Alaska Highway (Tok); Outside/Unorganized
License: Beverage Dispensary
From: Donald E & Barbara A Abbott

Transfer of ownership. All statutory requirements have been met.
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

END OF CONSENT AGENDA

● **DELEGATED CONSENT AGENDA**

TAB 22

- 62 Anchor Liquor Store:** Tiny Wings, Inc.
207 Breakwater Avenue; Cordova
License: Package Store
From: 201 Breakwater Avenue #2-3

Transfer of location. All statutory requirements have been met.
Local governing body action: City of Cordova does not protest
Pending: State Fire Marshal
Background investigations: Complete

5421 Arctic Harvest: Arctic Harvest, LLC
4753 Eielson Farm Road (North Pole); Fairbanks North Star Borough
License: Distillery

New license application. All statutory requirements have been met.
Local governing body action: Pending Fairbanks North Star Borough
Approvals: State Fire Marshal, Department of Environmental Conservation
Background investigations: Pending

5412 Heirloom Wines: Heirloom Wines, LLC
14493 W Kiowa Street (Big Lake); Mat-Su Borough
License: Wholesale – Malt Beverage & Wine

New license application. All statutory requirements have been met.
Local governing body action: Matanuska-Susitna Borough does not protest
Pending: State Fire Marshal
Background investigations: Complete

270 Lavelle's Taphouse: Arlette Eagle-Lavelle
414 2nd Avenue; Fairbanks
License: Beverage Dispensary
From: Franklin B. Eagle; No DBA; No Premises

Transfer of ownership, location, and name change. All statutory requirements have been met.
Local governing body action: Pending City of Fairbanks
Approvals: Department of Labor, Department of Revenue
Pending: Department of Environmental Conservation
Background investigations: Pending

493 Ninilchik Trading: Echo Lake Superior Meat & Processing, LLC
15945 Sterling Highway (Ninilchik); Kenai Peninsula Borough
License: Package Store
From: Grizzly Ridge, LLC DBA Grizzly Ridge; 18280 Sterling Highway

Transfer of ownership, location, and name change. All statutory requirements have been met.
Local governing body action: Kenai Peninsula Borough
Approvals: Department of Revenue
Pending: State Fire Marshal, Department of Labor
Background investigations: Pending

414 No DBA: David Worel
No Premises; Fairbanks North Star Borough
License: Beverage Dispensary
From: Lisa Davis DBA 49'er Club; 4625 Old Airport Way

Transfer of location, ownership, and DBA change. All statutory requirements have been met.
Local governing body action: Pending Fairbanks North Star Borough
Approvals: Department of Revenue
Pending: Department of Labor
Background investigations: Complete

5420 Sheep Mountain Lodge: Sheep Mountain Lodge, LLC
17701 West Glenn Highway (Sutton); Mat-Su Borough
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Matanuska-Susitna Borough does not protest
Approvals: State Fire Marshal, Department of Environmental Conservation
Background investigations: Pending
Temporary has been issued.

5398 The Grape Tap: The Grape Tap, LLC
322 N Boundary Street; Wasilla
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Local governing body action: City of Wasilla does not protest
Pending: Department of Environmental Conservation
Background investigations: Pending

5406 The Potato: Potato Enterprises, Inc.
90 Kennicott Avenue (McCarthy); Outside/Unorganized
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Approvals: State Fire Marshal
Pending: Department of Environmental Conservation
Background investigations: Complete

END OF DELEGATED CONSENT AGENDA

- **NOTICES OF VIOLATION**

- A. Notices of Violation Issued and Licensee Responses

TAB 23

- **NEXT ABC BOARD MEETING**



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437

**Alcoholic Beverage Control Board
Schedule of Appearance
September 15, 2015
Kotzebue, Alaska**

| <u>Time</u> | <u>Name/DBA</u> | <u>Name of Person to Appear</u> | <u>Tab #</u> |
|-------------|--|---|--------------|
| 9:15 AM | Director Briefing | Director Cindy Franklin | 1 |
| 9:30 AM | Public Testimony | | |
| 10:10 AM | Captain's Choice Motel: Transfer Not Completed | Fred W. Triem, Attorney for Larry Beck 772-3911 | 5 |
| 10:30 AM | Dimitri's Restaurant : New Restaurant / Eating Place Protest | Patty Burley, Bethel City Attorney Zach Fansler, City Council Member Maro Kargas, Applicant 543-3434 | 7 |
| 11:00 AM | Northshore Ale House: Reconsideration of Renewal | Dan Coffey, Attorney for John Emmi 274-3385 | 8 |
| 11:15 AM | Pagoda Chinese Restaurant: Extension Request by City | Danyielle Snider, City Clerk 459-6774 | 9 |
| 11:20 AM | Landsharks: Accusation | Mark Lee, President, Anderson Bay, Inc. 835-4332 | 10 |
| 11:30 AM | McKinley Creekside Cabins: Accusation | Holly Slinkard, Licensee 683-2270 | 11 |
| 11:40 AM | Pipeline Club: Accusation | Mark Lee, President, Valdez Motel Corp. 835-4332 | 12 |
| 11:50 AM | Riverview Quick Stop: Accusation | Gene Lunney, Licensee 488-0740 or 590-1212 | 13 |

| <u>Time</u> | <u>Name/DBA</u> | <u>Name of Person to Appear</u> | <u>Tab #</u> |
|--------------------|--|--|---------------------|
| 12:00 PM | Tequila Kitchen Express: Accusation | Josh Picasso, Licensee 248-3978 | 14 |
| 12:10 PM | Clearwater Lodge: Extension Request | Kevin Ewing, Executor 347-4901 | 15 |
| 12:15 PM | AK Alchemist: Municipal Protest | Adam Blomfield, Applicant 562-2766 | 16 |
| 12:25 PM | Club H.A.L.O.: Municipal Protest | Travis Gravelle, Applicant 563-0042 | 17 |
| 12:35 PM | Hearth Artisan Pizza: Municipal Protest | Jonathan Campabello, Applicant 351-3083 | 18 |

Tab

1



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
Main: 907.269.0350
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Fax: 907.334.2285

MEMORANDUM

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

DATE: September 8, 2015

FROM: Cynthia Franklin, Director

RE: Director's Report

Licensing Section

The licensing section has gone above and beyond manning alcohol issues since the last board meeting in July. Recruitment for the two additional business registration examiner positions is complete and on September 16, 2015, the staff will welcome Christina Thibodeaux and Shilo Senquiz to the team. Jane Sawyer and Maxine Andrews have both contributed greatly over the busy summer months and we are grateful to each of them for their enthusiasm and outstanding work.

Enforcement Section

The enforcement team has continued work on inspections and special projects. Two officers, Hamilton and Bankowski, accompanied APD on visits to the downtown bars in advance of President Obama's visits. The ABC and APD officers spoke with 60-80 licensees, agents and employees over the course of two evenings, reminding everyone of statutes and regulations concerning over service and other common issues. Recruitment for new Anchorage investigators is complete. One new investigator, Jeff Rukes, has already joined the team. Investigator Rukes is a lateral transfer from the Department of Revenue. Investigator James Hoelscher will begin work October 12, 2015. Investigator Hoelscher is currently a VPSO in Hooper Bay and will be moving to Anchorage in the next month.

Administration Section

Administrative Officer John Calder assisted Sarah Oates in the recruitment of the new business registration examiners and recruited a new administrative assistant. Joe Samaniego joined the staff on August 3, 2015. Joe was an Office Assistant at DNR before coming to the office and his background includes campaign work for state legislators. Joe has learned the travel system very quickly and is proving to be an excellent addition to the team. Tan Mikell resumed working in the investigator's section last month and is currently maintaining the written order database and assisting investigators with their travel under the supervision of the Enforcement Supervisor, Bob Beasley.



Additional Activities

On August 19 and 20, 2015, I attended the Alaska Municipal League summer meeting in Ketchikan, Alaska. Thanks to a small grant from the Alaska Mental Health Trust, I was able to take Records and Licensing Supervisor Sarah Oates to Ketchikan. Together, we provided a 1.5 hour presentation on liquor licensing interactions with local governments as well as an update on marijuana regulations and Senate Bill 99. Our presentation was well-received by the local government representatives at the meeting.

On September 22, 2015, I will attend CHARR's annual conference in Fairbanks. I have been invited to present information regarding the Title 4 revisions and Senate Bill 99 as the keynote speaker for the conference. On September 27, 2015, I will travel to Seattle to the Western regional meeting of the National Conference of State Liquor Administrators (NCSLA).

Marijuana regulations are proceeding on schedule. There have been 5 days of Marijuana Control Board meetings in addition to their regular meetings on July 2 and September 14. There will be two additional days of MCB meetings in September and two days of meetings in mid-October to hear verbal public testimony on the entire regulations package. The next regular meeting of the MCB will be November 20, 2015.

Tab

2



**Alcoholic Beverage Control Board
Meeting Minutes
July 1, 2015
Fairbanks, Alaska**

***Meeting minutes are sixteen minutes fast**

Board Members Present:

Bob Klein, Chair
Ellen Ganley, Vice Chair
Marvin Yoder, Member
Bobby Evans, Member
Tom Manning, Member (telephonic)

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor

ABC Board Counsel Present:

Harriet Milks, Assistant Attorney General

Call to Order

[11:26:59 AM](#)

● **DIRECTOR BRIEFING**

A. Director's Report

[11:17:39 AM](#) **TAB 1**

● **ADMINISTRATION**

[11:28:51 AM](#)

Ellen Ganley **motions to approve both sets of minutes**
Bobby Evans **seconds the motion**
Motion carries unanimously

A. Approve Minutes of the April 29-30, 2015 Board Meeting

TAB 2

B. Approve Minutes of the May 22, 2015 Informal Conferences

TAB 3

● **PUBLIC TESTIMONY**

A. Period of time for public testimony on alcohol issues not on this agenda. Please phone 1-800-315-6338 code 69173#. [11:30:44 AM](#)

B. Written Public Testimony [TAB 4](#)

● **BOARD CONSIDERATION**

A. **5385 Bethel Spirits:** Bethel Spirits, LLC [12:04:53 PM](#) [TAB 5](#)
905 Chief Eddie Hoffman Highway, Ste B; Bethel
License: Package Store

New license application. All statutory requirements have been met.

Pending: State Fire Marshal.

Background investigations: Complete

City of Bethel protests due to public health and public safety concerns. Public objections received.

Director Cynthia Franklin informs the Board that Written Public Testimony tab includes letters of support for license.

Patty Burley, Bethel City Attorney, testifies for Mayor and Vice Mayor and submits letter to the Board dated June 25, 2015. [12:10:17 PM](#)

Ana Hoffman, President & CEO of Bethel Native Corporation, testifies and submits map of school and proposed package store. [12:32:13 PM](#)

Phil Blumstin, legal counsel for Bethel Spirits, testifies. [12:48:44 PM](#)

Board considers City protest and discusses best method to hear public testimony. [1:01:12 PM](#)

Marvin Yoder **motions to rule that the City of Bethel's protest is arbitrary, capricious, and unreasonable** [1:19:20 PM](#)

Ellen Ganley **seconds the motion**

Motion carries 3-2 (Bob Klein and Ellen Ganley vote No)

Richard Robb, Mayor of Bethel, testifies [1:25:06 PM](#)

Ellen Ganley **motions to grant the license** [1:27:04 PM](#)

Tom Manning **seconds the motion**

Board agrees to table discussion and vote until a public hearing is held in Bethel.

- B. 3376 Fairbanks Golf Course:** Fairbanks Golf Course, Inc.
1735 Farmer's Loop Road; Fairbanks North Star Borough
License: Beverage Dispensary
- [1:55:23 PM](#) [TAB 6](#)

Request for Expansion of Premises

Frank Eagle, licensee, testifies

Bob Klein informs licensee that there is no current statutory authority in Title 04 to grant the request.

- C. 5329 K & M Distributors:** Kwamayne Darion Hopkins
3048 Mountain View Drive, Suite 110; Anchorage
License: Package Store
- [2:12:23 PM](#) [TAB 7](#)

Pending License Never Issued or Operated

"MJ", friend, on the phone.

Kwamayne Hopkins, applicant, testifies.

Ellen Ganley **motions to rescind delegation to the Director**

Marvin Yoder **seconds the motion**

Motion carries unanimously

Marvin Yoder **motions to deny the license application**

Ellen Ganley **seconds the motion**

Motion carries unanimously

- D. 5401 The Restaurant at Porterhouse Grill:**
The Restaurant at Porterhouse Grill, LLC
35590 Sterling Highway; Kenai Peninsula Borough
License: Restaurant / Eating Place
- [2:41:04 PM](#) [TAB 8](#)

**Denial of License Application by Director per AS 04.06.080
and AS 04.11.320(a)(8)**

Steven Drolet, applicant, testifies.

Marvin Yoder **motions to uphold the Director's decision to deny
the application**

Ellen Ganley **seconds the motion**

Motion carries 3-2 (Bobby Evans and Bob Klein vote No)

- E. **4531, 4551, and 4552: Tri-Grill and L.E.D Ultra Lounge & Grill:** [3:02:13 PM](#) **TAB 9**
Robert Alexander
901 W 6th Avenue; Anchorage
License: Beverage Dispensary & Beverage Dispensary – Duplicates

Marijuana Event on Liquor Licensed Premises

No action taken: Director has authority to act.

● **REGULATIONS**

- A. **Recreational Site Licenses** [4:30:43 PM](#) **TAB 10**

Ellen Ganley **motions to close the regulation file for recreational site licenses**
Marvin Yoder **seconds the motion**
Motion carries unanimously

● **INFORMAL CONFERENCES**

- A. **1139 Spenard Paradise Inn & Lounge: Hyun Ju & Kyong Teak Song** [2:29:20 PM](#) **TAB 11**
3001 Spenard Road; Anchorage
License: Beverage Dispensary – Tourism

Board upheld Municipality of Anchorage renewal protest (due to unpaid taxes) with a 30-day abeyance at April 29, 2015 board meeting.

Rex Butler, legal counsel for Kwang Teak Song, testifies.
Dennis Elstad, manager, testifies.

Ellen Ganley **motions to renew the license.**
Bobby Evans **seconds the motion**
Motion carries unanimously

● **NOTICES OF VIOLATION**

- A. **Notices of Violation Issued and Licensee Responses** **TAB 12**

B. **4444 Landsharks: Anderson Bay, Inc.** [3:07:32 PM](#) **TAB 13**
121 Egan Drive; Valdez
License: Beverage Dispensary

No Response to NOV; Stock Transfer Required

Board agrees to table until September 15, 2015 meeting.

- C. 4006 McKinley Creekside Cabins:** Slinkard & Smith Co., LLC [3:18:48 PM](#) [TAB 14](#)
Mile 224 Parks Highway; Denali Borough
License: Restaurant / Eating Place – Public Convenience
- Ejected Investigator from Licensed Premises Mid-Inspection**
- Board agrees to table until September 15, 2015 meeting.**
- D. 743 Moose Lodge #224:** Ketchikan Loyal Order of the Moose [3:23:50 PM](#) [TAB 15](#)
Water Street 742-744; Ketchikan
License: Club
- No Response to NOV**
- NOV rescinded; Advisory Notice sent to licensee; no Board action**
- E. 874 Pipeline Club:** Valdez Motel Corporation [3:16:51 PM](#) [TAB 16](#)
112 Egan Drive; Valdez
License: Beverage Dispensary – Tourism
- No Response to NOV; Stock Transfer Required**
- Board agrees to table until September 15, 2015 meeting.**
- F. 3304 Red Robin:** Gourmet Ventures, Inc. [3:24:34 PM](#) [TAB 17](#)
1190 N Muldoon Road; Anchorage
License: Beverage Dispensary
- No Response to NOV**
- NOV response received; no Board action**
- G. 968 Riverview Quick Stop:** Riverview Retail, LLC [3:25:14 PM](#) [TAB 18](#)
1316 Badger Road; Fairbanks North Star Borough
License: Package Store
- No Response to NOV; Stock Transfer Required**
- Board agrees to table until September 15, 2015 meeting.**

- H. **5247 Tequila Kitchen Express:** Tequila Kitchen Express, LLC
2514 E Tudor Road; Anchorage
License: Restaurant / Eating Place

[3:33:31 PM](#) **TAB 19**

No Response to NOV

Board agrees to table until September 15, 2015 meeting.

● **RENEWAL PROTESTS**

Matanuska-Susitna Borough

[12:02:15 PM](#) **TAB 20**

Susan Lee, MSB Planner, informs the Board that protests rescinded
Ellen Ganley **motions to approve both renewals**
Bobby Evans **seconds the motion**
Motion carries unanimously

- A. **301 Del Rois Bar & Liquor:** Del Rois Bar, Inc.

Mile 39.5 Old Palmer Highway

License: Beverage Dispensary

3 AAC 304.145(d) meeting requirement has been met.

Protest: Delinquent Real Property Taxes owed; other debts owed

- B. **302 Del Rois Bar & Liquor:** Del Rois Bar, Inc.

Mile 39.5 Old Palmer Highway

License: Package Store

3 AAC 304.145(d) meeting requirement has been met.

Protest: Delinquent Real Property Taxes owed; other debts owed

● **REINSTATEMENTS & RENEWALS**

- A. **1563 Northshore Ale House:** MSR, Inc.

1850 Bogard Road; Mat-Su Borough

License: Beverage Dispensary – Tourism

[3:35:33 PM](#) **TAB 21**

Dan Coffey, legal counsel for MSR, Inc., testifies.

Marvin Yoder **motions to reinstate license due to good cause shown**

Ellen Ganley **seconds the motion**

Motion carries unanimously

Ellen Ganley **motions to reinstate the license with conditions: immediately refrain from marijuana activity within the building, and file paperwork to accurately reflect the ownership and bring the corporation into good standing.**

Marvin Yoder **seconds the motion.**

Motion carries unanimously

- B. 1962 The Silver Fox Inn:** Cassandra J. Alley
Mile Post 50 Parks Highway; Mat-Su Borough
License: Beverage Dispensary – Tourism

[**4:15:40 PM**](#) **TAB 22**

Marvin Yoder **motions to reinstate the license due to good cause shown in letter**

Ellen Ganley **seconds the motion**

Motion carries unanimously

● **EXTENSION REQUESTS**

- A. 4890 Captain's Choice Motel:** Captain's Choice, Inc.
108 2nd Avenue North; Haines
License: Beverage Dispensary – Tourism

[**4:17:20 PM**](#) **TAB 23**

Extension Request for License Transfer

Laurence Beck, Personal Representative of the Estate, testifies.

Ellen Ganley **motions to approve an extension until the September 15, 2015 meeting**

Bobby Evans **seconds the motion**

Motion carries unanimously

- B. 897 The Place Bar & Motel:** John R. Young
53791 Sparrow Lane; Kenai Peninsula Borough
License: Beverage Dispensary – Tourism

[**4:21:40 PM**](#) **TAB 24**

Second Extension Request for License Transfer

Cole Young, Personal Representative of the Estate, testifies.

Ellen Ganley **motions to approve an extension until the meeting in February, 2016**

Marvin Yoder **seconds the motion**

Motion carries unanimously

- C. **1176 Tundra Lodge & R/V Park:** Donald E & Barbara A Abbott [4:25:48 PM](#) TAB 25
Milepost 1315 Alaska Highway; Outside/Unorganized
License: Beverage Dispensary

Second Extension Request for License Transfer

Zane Wilson, legal counsel for Barbara Abbott, testifies.

Ellen Ganley **motions to approve an extension until the meeting in February, 2016**

Marvin Yoder **seconds the motion**

Motion carries unanimously

- D. **1804 Yukon Inn:** Marlene R Marshall [4:28:20 PM](#) TAB 26
Riverside Drive; Galena
License: Beverage Dispensary

Extension Request for License Transfer

Danielle Gardner, legal counsel for the executor, testifies.

Ellen Ganley **motions to approve an extension until the first meeting after April 1, 2016**

Marvin Yoder **seconds the motion**

Motion carries unanimously

● **PROTESTS** [TAB 27](#)

- 5367 **AK Alchemist:** AK Alchemist, LLC [4:08:30 PM](#)
103 E 4th Avenue; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.

Background investigations: Complete

Municipality of Anchorage protests due to denied Administrative Site Plan Review, protest from the Fire Department, and pending Building Safety approval.

Dan Coffey, legal counsel for MSR, Inc., testifies.

Marvin Yoder **motions to table discussion until September 15, 2015 meeting**

Ellen Ganley **seconds the motion**

Motion carries unanimously

5390 Baked Alaska Alehouse: Baked Alaska Alehouse, Inc. [4:12:16 PM](#)
3048 Mountain View Drive, Ste 102 & 104; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.

Background investigations: Complete

Municipality of Anchorage protests pending Administrative Site Plan Review by Planning Department.

Records & Licensing Supervisor, Sarah Oates, informs the Board that protest has been lifted.

Marvin Yoder **motions to approve the license**

Ellen Ganley **seconds the motion**

Motion carries unanimously

5384 Club H.A.L.O.: Fantasies on 5th, LLC [4:13:25 PM](#)
1911 E 5th Avenue; Anchorage
License: Beverage Dispensary – Duplicate

New license application. All statutory requirements have been met.

Background investigations: Complete

Municipality of Anchorage protests pending a Conditional Use Permit by Planning Department.

Travis Gravelle, applicant (along with manager Joe Ramirez), testifies.

Ellen Ganley **motions to table discussion until September 15, 2015 meeting**

Marvin Yoder **seconds the motion**

Motion carries unanimously

● **OBJECTIONS**

TAB 28

5393 Bearpaw River Brewing Company: Bearpaw River Brewing Company, LLC [4:33:40 PM](#)
4605 E Palmer-Wasilla Highway, Unit C; Mat-Su Borough
License: Brewery

New license application. All statutory requirements have been met.

Local governing body action: Matanuska-Susitna Borough does not protest

Pending: Department of Environmental Conservation

Background investigations: Pending

State Fire Marshal objects pending final inspection and Certificate of Occupancy

Ellen Ganley **motions to approve license with delegation**

Bobby Evans **seconds the motion**

Motion carries unanimously

826 Tequila 61: JJT, LLC
445 West 4th Avenue; Anchorage

[4:35:20 PM](#)

License: Beverage Dispensary

From: Tequila Kitchen, LLC DBA Tequila Kitchen

Transfer of ownership and DBA change. All statutory requirements have been met.

Local governing body action: Pending Municipality of Anchorage

Approvals: Department of Revenue

Background investigations: Complete

Department of Labor objects.

Ellen Ganley **motions to approve license with delegation**

Bobby Evans **seconds the motion**

Motion carries unanimously

● **BEVERAGE DISPENSARY – TOURISM LICENSES**

[11:49:44 AM](#) TAB 29

Marvin Yoder **motions to approve all licenses (with delegation, if necessary)**

Ellen Ganley **seconds the motion**

Motion carries unanimously

175 Bay View Inn Restaurant and Lounge: CNH Holding, LLC

1711 Glacier Avenue; Juneau

License: Beverage Dispensary – Tourism

From: Q Enterprise, Inc. DBA Breakwater Inn Restaurant & Lounge

Transfer of ownership and DBA change. All statutory requirements have been met.

Local governing body action: Pending City & Borough of Juneau

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

4795 Beluga Lake Lodge: Johnson Inn Homer, LLC

204 Ocean Drive Loop; Homer

License: Beverage Dispensary – Tourism

From: Beluga Lake Lodge, Inc.

Transfer of ownership. All statutory requirements have been met.

Local governing body action: Pending City of Homer

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

1402 Best Western Bidarka Inn / Otter Room: Johnson Inn Homer, LLC
575 Sterling Highway; Homer
License: Beverage Dispensary – Tourism
From: Beluga Lake Lodge, Inc. DBA Best Western Bidarka Inn

Transfer of ownership and DBA change. All statutory requirements have been met.
Local governing body action: Pending City of Homer
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

5381 Clarion Suites Downtown: Pemberly Hotel Group, LP
1110 W 8th Avenue; Anchorage
License: Beverage Dispensary – Tourism

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Pending

5391 Edgewater Inn: Alvin A White
4871 N Tongass Highway; Ketchikan
License: Beverage Dispensary – Tourism

New license application. All statutory requirements have been met.
Local governing body action: City of Ketchikan does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

● **CONSENT AGENDA**

11:41:45 AM TAB 30

Ellen Ganley **motions to approve all licenses**
Marvin Yoder **seconds the motion**
Motion carries unanimously

416 2 Go Tesoro: AK, Inc.
3600 E Palmer-Wasilla Highway; Mat-Su Borough
License: Package Store
From: Tesoro Northstore Company

Transfer of ownership. All statutory requirements have been met.
Local governing body action: Matanuska-Susitna Borough does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

5383 Acapulco Mexican Restaurant: Juan A Rodriguez
43543 Sterling Highway; Soldotna
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Local governing body action: City of Soldotna does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

5389 Brickhouse Asian Grill: John K Yee
3311 Spenard Road; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Complete
Temporary has been issued.

5394 Celebrity Infinity: Celebrity Cruises, Inc.
Alaskan Waters
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

5380 Crazy Cow Caribbean Grill: Elvis M Rodriguez-Cordero
171 Muldoon Road, Ste 107; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Complete
Temporary has been issued.

5396 Double Eagle Restaurant: Fairbanks Golf Course, Inc.
1735 Farmer's Loop Road; Fairbanks North Star Borough
License: Golf Course

New license application. All statutory requirements have been met.
Local governing body action: Fairbanks North Star Borough does not protest
Approvals: State Fire Marshal, Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

5395 Jewel of the Seas: Royal Caribbean Cruises, Ltd.
Alaskan Waters
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

3399 Joan Mei Family Restaurant: Joan Mei Family Restaurant, LLC
1103 S Nordic Drive; Petersburg
License: Restaurant / Eating Place
From: Joan Mei Partnership

Transfer of ownership. All statutory requirements have been met.
Local governing body action: City & Borough of Petersburg does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

2124 Los Amigos: 636, LLC
636 28th Avenue (Upstairs); Fairbanks
License: Beverage Dispensary
From: Two Amigos, LLC

Transfer of ownership. All statutory requirements have been met.
Local governing body action: City of Fairbanks does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

5405 M/V L'Austral: Compagnie du Ponant, SAS
Alaskan Waters
License: Common Carrier

New license application. All statutory requirements have been met.
Background investigations: Complete
Temporary has been issued.

5382 Odd Man Rush Brewing: Odd Man Rush Brewing, LLC
10930 Mausel Street; Anchorage
License: Brewery

New license application. All statutory requirements have been met.
Local governing body action: Municipality of Anchorage does not protest
Background investigations: Complete
Temporary has been issued.

3315 Old Town Liquor: Old Town Liquor, LLC
607 Mission Street, Ste 101; Ketchikan
License: Package Store
From: 602 Dock Street

Transfer of location. All statutory requirements have been met.
Local governing body action: City of Ketchikan does not protest
Background investigations: Complete
Temporary has been issued.

1019 Seldovia Liquor Store: Seldovia Sales, LLC
275 Main Street; Seldovia
License: Package Store
From: Seldovia Native Association, Inc.; 281 Main Street

Transfer of ownership and location. All statutory requirements have been met.
Local governing body action: City of Seldovia does not protest
Approvals: State Fire Marshal, Department of Labor, Department of Revenue
Background investigations: Complete

5400 The Cookery: The Cookery, LLC
209 & 211 5th Avenue; Seward
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Local governing body action: City of Seward does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

5399 The Sea Bean: The Sea Bean, LLC
225 Fourth Avenue; Seward
License: Restaurant / Eating Place – Public Convenience

New license application. All statutory requirements have been met.
Local governing body action: City of Seward does not protest
Approvals: Department of Environmental Conservation
Background investigations: Complete
Temporary has been issued.

4535 TJ Seggy's: TLS, Inc.
20470 Sterling Highway; Kenai Peninsula Borough
License: Package Store
From: Terri Segesser (55%) and John Segesser (45%)
To: Terri Segesser (50%) and John Segesser (50%)

Transfer of controlling interest. All statutory requirements have been met.
Local governing body action: Kenai Peninsula Borough does not protest
Approvals: Department of Labor, Department of Revenue
Background investigations: Complete

END OF CONSENT AGENDA

● **DELEGATED CONSENT AGENDA**

[11:44:49 AM](#) [TAB 31](#)

Bobby Evans **motions to approve all licenses with delegation**
Marvin Yoder **seconds the motion**
Motion carries unanimously

5409 Alaska Coffee Roasting Co.: Alaska Sea Charter, Inc.
4001 Geist Road, Ste 2; Anchorage
License: Restaurant / Eating Place

New license application. All statutory requirements have been met.
Local governing body action: Pending Fairbanks North Star Borough
Approvals: Department of Environmental Conservation
Pending: State Fire Marshal
Background investigations: Pending

5387 Denali Brewing Company: Twister Creek, LLC
37083 South Talkeetna Spur Road; Mat-Su Borough
License: Distillery

New license application. All statutory requirements have been met.
Local governing body action: Matanuska-Susitna Borough does not protest
Pending: State Fire Marshal, Department of Environmental Conservation
Background investigations: Complete

3596 Eddie's Sports Bar: Rockdance, Inc.
3600 Old Seward Highway; Anchorage

License: Beverage Dispensary

From: Edward Mike James (50%) and Patricia Ann James (50%)

To: Timothy Dudley (48%) and Darolyn Raskin (48%)

Transfer of controlling interest. All statutory requirements have been met.

Local governing body action: Pending Municipality of Anchorage

Approvals: Department of Labor, Department of Revenue

Background investigations: Pending

4317 Eddie's Sports Bar: Rockdance, Inc.
6300 Old Seward Highway; Anchorage

License: Beverage Dispensary – Duplicate

From: Edward Mike James (50%) and Patricia Ann James (50%)

To: Timothy Dudley (48%) and Darolyn Raskin (48%)

Transfer of controlling interest. All statutory requirements have been met.

Local governing body action: Pending Municipality of Anchorage

Approvals: Department of Labor, Department of Revenue

Background investigations: Pending

3882 Haines Brewing Company: Haines Brewing Company, Inc.
327 Main Street; Haines

License: Brewery

From: 108 Whitefang Way

Transfer of location. All statutory requirements have been met.

Local governing body action: City & Borough of Haines does not protest

Approvals: Department of Environmental Conservation

Pending: State Fire Marshal

Background investigations: Complete

5392 Inga's Galley: AK Inga's Galley, LLC
104 N Nordic Drive; Petersburg

License: Restaurant / Eating Place

New license application. All statutory requirements have been met.

Local governing body action: Pending City & Borough of Petersburg

Pending: Department of Environmental Conservation

Background investigations: Complete

5182 Port Chilkoot Distillery: Port Chilkoot Distillery, LLC

34 Blacksmith Street; Haines

License: Distillery

From: Sean Copeland (50%) and Heather Shade (50%)

To: Sean Copeland (25%) and Heather Shade (75%)

Transfer of controlling interest. All statutory requirements have been met.

Local governing body action: Pending City & Borough of Haines

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

5283 Shobu: Young Chul Kim

351 Muldoon Road, Ste C; Anchorage

License: Restaurant / Eating Place

From: 2210 E Northern Lights Blvd, Ste 110; DBA Tempura Inn

Transfer of location and DBA change. All statutory requirements have been met.

Local governing body action: Pending Municipality of Anchorage

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

3198 The Marlin: Full Moon, Inc.

3412 College Road; Fairbanks North Star Borough

License: Beverage Dispensary

From: Sharon Mensik (50%) and Rick Mensik (50%) to Rick Mensik (100%)

Transfer of controlling interest. All statutory requirements have been met.

Local governing body action: Fairbanks North Star Borough does not protest

Pending: Department of Labor, Department of Revenue

Background investigations: Complete

1038 The Wheelhouse: Johnson Inn Valdez, LLC

100 Harbor Drive; Valdez

License: Beverage Dispensary

From: Kodiak Inn, Inc.

Transfer of ownership. All statutory requirements have been met.

Local governing body action: Pending City of Valdez

Approvals: Department of Labor, Department of Revenue

Background investigations: Complete

END OF DELEGATED CONSENT AGENDA

● **FIRST & SECOND WAIVERS**

[11:48:37 AM](#) [TAB 32](#)

Ellen Ganley **motions to approve all licenses**
Marvin Yoder **seconds the motion**
Motion carries unanimously

4292 Clearwater Lodge: Clearwater Ventures, Inc.
7028 Remington Road; Outside/Unorganized
License: Beverage Dispensary
First Waiver

● **NEXT ABC BOARD MEETING**

[4:36:19 PM](#)


Next meeting will be held in Kotzebue on Tuesday, September 15, 2015.

Bethel hearing will be held in Bethel on Thursday, October 22, 2015.

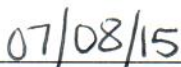
Adjourn

[4:51:17 PM](#)

Minutes reviewed and approved by:



Cynthia A. Franklin, Director



Date



Sarah D. Oates, Records & Licensing Supervisor



Date

Tab

3



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: ABC Chair, Klein and Members of the Board **DATE:** September 8, 2015
FROM: Cynthia A. Franklin, Director **SUBJ:** Authorization to arm
James Hoelscher

Chair Klein and Members of the Alcoholic Beverage Control Board:

I am requesting your approval to arm our new ABC Investigator, James Hoelscher pursuant to the provisions provided for in 3 AAC 304.505(b).

Department of Public Safety Commissioner, Gary Folger, has given his written concurrence granting peace officer powers for Investigator Hoelscher in accordance with the provisions set forth in AS 04.06.110 and AS 17.38.085.

James Hoelscher has over twenty-one years of law enforcement experience in Alaska, serving as the Chief of Police for the City of Hooper Bay, and as a First Sergeant with the VPSO Program. Investigator Hoelscher holds an Advance Police Officer certification from the Alaska Police Standards Council.

Thank you in advance for your consideration.

Attachments



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
& MARIJUANA CONTROL BOARD

550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

August 27, 2015

Commissioner Gary Folger,
State of Alaska, Department of Public Safety
4805 Dr. Martin Luther King, Jr. Avenue
Anchorage, Alaska 99507

RE: Concurrence for Peace Officer powers


Dear Commissioner Folger:

The purpose of this letter is to request your concurrence to authorize the Alcoholic Beverage Control Board and the Marijuana Control Board to arm Investigator James Hoelscher and to grant him peace officer powers pursuant to the provisions set forth in AS 04.06.110 and AS 17.38.085.

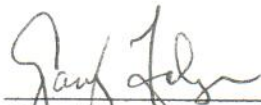
Investigator Hoelscher holds an Advanced Police Officer certification from the Alaska Police Standards Council. Investigator Hoelscher has served in the past as the Chief of Police for the City of Hooper Bay, and most recently as a First Sergeant with the VPSO Program.

Thank you in advance for your consideration.

Sincerely,


Cynthia A. Franklin,
Director

Concur:


Gary Folger, Commissioner
Department of Public Safety

STATE OF ALASKA

Alaska Police Standards Council



This
Advanced Certificate
Is Awarded To

JAMES C. HOELSCHER

who has qualified pursuant to 13 AAC 85.040 as a

Certified Police Officer

given under our hands this 7th day of OCTOBER, 2009.

Chairman

Executive Director

#1363

Tab

4



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: ABC Chair, Klein and Members of the Board **DATE:** September 8, 2015
FROM: Cynthia A. Franklin, Director **SUBJ:** Authorization to arm
Jeffrey Rukes

Chair Klein and Members of the Alcoholic Beverage Control Board:

I am requesting your approval to arm our new ABC Investigator, Jeffrey Rukes pursuant to the provisions provided for in 3 AAC 304.505(b).

Department of Public Safety Commissioner, Gary Folger, has given his written concurrence granting peace officer powers for Investigator Rukes in accordance with the provisions set forth in AS 04.06.110 and AS 17.38.085.

Jeffrey Rukes has over fifteen-years of law enforcement experience, serving over five-years as a police officer in Wyoming, and eleven-years as an Investigator III with the Alaska Department of Revenue. Investigator Rukes holds an Advanced Police Officer certification from the State of Wyoming and is a graduate of the Alaska Department of Public Safety Recertification Academy in Sitka.

Thank you in advance for your consideration.

Attachments



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
& MARIJUANA CONTROL BOARD

550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

August 24, 2015

Commissioner Gary Folger,
State of Alaska, Department of Public Safety
4805 Dr. Martin Luther King, Jr. Avenue
Anchorage, Alaska 99507

RE: Concurrence for Peace Officer powers

Dear Commissioner Folger:

The purpose of this letter is to request your concurrence to authorize the Alcoholic Beverage Control Board and the Marijuana Control Board to arm Investigator Jeffrey Rukes and to grant him peace officer powers pursuant to the provisions set forth in AS 04.06.110 and AS 17.38.085.

Investigator Rukes held a Special Officer Commission from the Department of Public Safety for his previous position as an Investigator III with the Alaska Department of Revenue. Investigator Rukes also holds an Advanced Police Officer certificate from the State of Wyoming, and is a graduate of the DPS Recertification Academy in Sitka.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Franklin".

Cynthia A. Franklin, Director

Concur:

A handwritten signature in blue ink, appearing to read "Gary Folger".

Gary Folger, Commissioner
Department of Public Safety

STATE OF WYOMING

The Peace Officer's Standards and Training Commission certifies

Jim Geringer
Governor


Hoke MacMillan
Attorney General

Jeffrey B. Rukes

an Advanced Peace Officer

for having fulfilled the requirements of character, education, training and experience as set forth
in the Minimum Standards and Training Act for Peace Officers in the State of Wyoming,
issued this 3rd day of April, 2002.




Donald B. Pierson
Executive Director

State of Alaska
Department of Public Safety
Training Academy

This is to certify that

Jeffrey B. Rukes

has satisfactorily completed the prescribed curriculum for

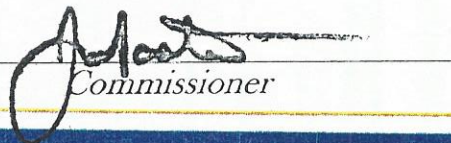
Alaska Police Standards Council

Recertification Academy

for a period of 88 hours conducted in Sitka, Alaska

SERVICE THROUGH KNOWLEDGE




Commissioner

January 21, 2011

Tab

5



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: Captain's Choice Motel License
#4890

The executor of this license was granted an extension to transfer this tourism license under AS 04.11.030(c) due to death of a licensee. A transfer has not been received by the extended time, and the executor and his legal counsel have been unresponsive to correspondence from the licensing unit.

Date of death: September 3, 2012

Date requested: December 19, 2012; request renewed May 16, 2015

Request made by
executor or administrator? Yes

License being operated? Yes, by executor/administrator

First request? No- first request granted July 1 to be completed by
September 15 board meeting

Recommendation: Expire and forfeit license. New tourism license can be applied
for when estate is settled and buyer is found.

Action on request: Forfeit license per AS 4.11.030(b).

From: [Sawyer, Jane Preston \(CED\)](#)
To: [Fred W Triem](#); [Oates, Sarah D \(CED\)](#)
Cc: [Larry Beck \[LFB\]](#)
Subject: RE: Captain's Choice Motel (Haines, Alaska) -- Sending information in support of application for license renewal
Date: Friday, August 21, 2015 11:29:29 AM

Hello Mr. Triem,

In our July 1st meeting the board approved the extension of time to submit a transfer until our September board meeting. We have the Letters of Testamentary and Acceptance where Laurence F Beck is appointed personal representative. The problem here is that the license cannot be transferred to a corporation that is owned by an estate, nor can a new license be issued to a corporation that is owned by an estate.

A tourism liquor license is issued based on having the correct amount of rooms and offering food (restaurant), or if no food available then more than half of the rooms must have kitchenettes. If this license goes away, and it will if a transfer of stock is not received by 9/15/15, and this hotel/motel has the above amenities, then a new tourism license can be applied for, but then you will have the same problem where Captain's Choice Motel, Inc. is owned by an estate.

My understanding is that Larry has been having problems with the decedent's children about the estate, and who wants to own what. Unfortunately, this has to be sorted out now and submit the transfer if they want to keep the license.

Respectfully,

Jane Sawyer

Business Registration Examiner | State of Alaska, CCED
Alcoholic Beverage & Marijuana Control Boards
550 W 7th Ave. Ste. 1600 | Anchorage, AK 99501
Direct: 907-269-0359 | Main: 907-269-0350 | Fax: 907-334-2285

From: Fred W Triem [mailto:triemlaw@alaska.net]
Sent: Friday, August 07, 2015 4:27 PM
To: Oates, Sarah D (CED)
Cc: Sawyer, Jane Preston (CED); Larry Beck [LFB] ; Karen Ellingstad
Subject: Captain's Choice Motel (Haines, Alaska) -- Sending information in support of application for license renewal

In re: Captain's Choice Motel (Haines, Alaska) and *Estate of Lloyd Edward Lapeyri*, Case 1PE-12-9 PR:

Dear Ms. Oates:

Please allow me to introduce myself as an attorney in Petersburg who has filed a probate case for Mr. Ed Lapeyri (the former owner of Captain's Choice Motel in Haines). I presently am representing Mr. Larry Beck, who was named in Mr. Lapeyri's will to be the Personal

Representative for the estate and who is conducting its financial and business affairs for Captain's Choice Motel.

Shortly after Mr. Lapeyri's death almost three years ago, I opened a probate case in the superior court in Petersburg (there is no superior court filing in Haines), and the court issued *Letters Testamentary* to Mr. Beck on 14 September 2012. Please see the copy of this document, attached to this E-mail.

On 28 July 2015, I have filed with the Corporations Section a *Notice of Change of Officials* for Captain's Choice, Inc., to inform that office that Mr. Lapeyri is no longer an officer of this corporation. Please see the copy of this document, attached to this E-mail.

Because:

- Mr. Beck is the Personal Representative of Mr. Lapeyri's estate;
- The Estate is the present owner of all of the stock of Captain's Choice, Inc. (the corporation that owns the motel); and
- The Corporations Section has been provided with legally sufficient notice of this change,

Mr. Beck is now the person who has the legal authority to make the application for renewal of the liquor license that the Board has issued to Captain's Choice.

I am inviting this information to your attention in hopes that your office will kindly renew the liquor license by which the motel has been operating a bar within the motel building.

If you have questions about the legal status of the estate or about Mr. Beck's authority as its personal representative, would you please let me know. I will endeavor to submit any additional information that might assist your office in processing the application for license renewal.

Best wishes from Southeast.

Sincerely,

Fred W. Triem

907-772-3911

Attachments (2)

1. LFB-Ltrs-Testamentary.pdf
 2. DCED-Rpt-28Jul15.pdf
-

Tab

6



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: City of Nulato Package Store
#4737

This is a municipal package store that has been operating less than the statutorily required minimum hours based on a vote by the board in December 2012. (See attached letter from previous director) The agency's attorney and director have determined that this action giving a municipal licensee an exemption to the statute cannot be authorized by the board and needs to be addressed.

AS 04.11.330(a)(3) states that a renewal shall be denied if the applicant has not operated the licensed premises at least 30 eight(8) hour days during each of the two preceding calendar years. AS 4.11.505(b) states that a municipality that owns a liquor license "shall operate the premises subject to the conditions and fees applicable to the type of license."

Recommendation: Reverse the board decision that 4 hour days can function as 8 hour days for municipalities to meet operating requirements. Urge municipal license holders to strictly comply with statutory requirements from this point forward to assure renewal of licenses. Authorize director to convey board's decision to any other municipality operating unlawfully shortened hours on their licenses.

Action on request: Create record of board's discussion and decision.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

December 10, 2012

The Honorable Sharon Agnes
Mayor
City of Nulato
P.O. Box 65009
Nulato, Alaska 99765

RE: Shortened Hours for Nulato Liquor Package Store, Lic. #4737

Dear Mayor Agnes,

The ABC Board met on December 5, 2012 and considered your request to allow reduced hours of operation than what are required by statute. The board voted to approve your shortened hours of four hours per day Monday- Saturday as equivalent to the eight-hour per day requirement. If you have any questions please do not hesitate to contact me.

Sincerely,

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

Shirley A. Cote
Director

cc: Robert Beasley, Enforcement Unit Supervisor, ABC Board
Christine Lambert, Records & Licensing Supervisor, ABC Board



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

MEMORANDUM

TO: Chair Klein and Members of the
ABC Board

DATE: Friday, November 02, 2012

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

RE: Hours of Operation – Nulato Liquor Package
Store, License #4737

The City of Nulato is requesting that their hours of operation be considered the equivalent of the 30 eight hour days as required by statute. The city currently has their liquor store open four hours per day, six days a week. Mayor Sharon Agnes believes these hours, and no more, meet the needs of her small community.

At the board meeting of February 21, 2012 you entertained the same type of request from the community of False Pass. The motion made and carried was that the shorter hours of operation are the equivalent of the statutorily required 30 eight hour days.



CITY OF NULATO
P.O. BOX 65009
NULATO, ALASKA 99765
(907)898-2205
FAX (907)898-2203



October 10, 2012

ABC Board

5848 Tudor Road

Anchorage, AK 99507

To Whom It May Concern:

The City of Nulato runs a Liquor Package Store, we do not have it open 8 hours a day. Our hours of operation are Monday – Saturday 4:00 p.m. – 8:00 p.m. The reason we only have it open 4 hours a day is because we are such a small community and do not need to have it open 8 hours a day.

If you should have any questions you may call our City Treasurer, Gloria Patsy at the above listed number. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon Agnes". The signature is fluid and stylized, with the first and last names clearly distinguishable.

Sharon Agnes, Mayor

2013/2014 Liquor License Renewal – Package Store

| License Number | License Type | Establishment Name |
|----------------|---------------------|------------------------------|
| 4737 | Package Store | City of Nulato Package Store |
| | Seasonal Date From: | Seasonal Date To: |

| Mailing Address | Premises Address |
|------------------|---------------------|
| Nulato City of | 163 Nik'aghun St |
| PO Box 65009 | Nulato |
| Nulato, AK 99765 | Unorganized Borough |

| Community Council (Anchorage & Mat-Su only) | |
|---|-------------------|
| Phone: 907-898-2205 | Fax: 907-898-2203 |
| Email: nulatotreasurer@gmail.com | |
| Employer Identification # (EIN) | 92-0071932 |

Please mark the correct box to answer:

- Was your business open at least 30 days for 8 hours each day in 2011? ☐ Yes ☒ No
- Was your business open at least 30 days for 8 hours each day in 2012? ☐ Yes ☒ No
- Has the licensed premise changed from the last diagram submitted? ☐ Yes ☒ No
- Has any person named in this application been convicted of a felony or Title 4 violation? ☐ Yes ☒ No
- Do you intend to ship alcoholic beverages in response to a written order? ☐ Yes ☒ No
- See page 3.

List all corporation members, managers and shareholders below:

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

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

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

| | |
|--|------------|
| License Fee | \$ 1500.00 |
| Filing Fee | \$ 200.00 |
| TOTAL | \$ 1700.00 |
| Late Fee – If Received or Postmarked after 12/31/12 | \$ |
| Fingerprint Fee – \$51.50 per person (only for new owners/members) | \$ |
| GRAND TOTAL | \$ 1700.00 |

By affixing my signature below:

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

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

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

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

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

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

Sharon Agnes
Licensee Signature

Sharon Agnes, Mayor
Printed Name & Title

Elizabeth Stickman
Notary Signature
Notary Public in and for the State of Alaska

Subscribed and sworn to before me this
15th day of October, 2012

My commission expires: Indefinite



Tab

7



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015

RE: Dimitri's Restaurant #5402

This is an application for a new restaurant/eating place license in Bethel. The City of Bethel (COB) filed a protest based on violation of local ordinances, public health and public safety concerns.

Date Notification Rec'd by COB: June 17, 2015

Date of Protest: July 22, 2015

Requirements met
per 3 AAC 304.145(d): Yes, notification sent to applicant by the City of Bethel August 11, 2015.

Recommendation: Uphold protest unless board finds protest to be arbitrary capricious and unreasonable.

Action of board: Deny license application per AS 4.11.480(a) if protest upheld by board.

Introduced by: Vice-Mayor Albertson
Date: July 14, 2015
Public Hearing: July 28, 2015
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Resolution # 15-12

A RESOLUTION BY THE CITY OF BETHEL PROTESTING THE ISSUANCE OF A STATE OF ALASKA ALCOHOLIC RESTAURANT EATING PLACE LICENCE FOR DIMITIRI'S RESTAURANT; LOCATED AT 281 4TH AVE.; OWNED BY MARO KARGAS; LICENSE ID# - 5402


- WHEREAS,** the results of the Special Election held January 19, 2010 indicate that 291 voters favor and 493 oppose the issuance of Restaurant Eating Place liquor licenses in the community;
- WHEREAS,** Chapter 5.08.011 of the Bethel Municipal Code states, "No person may sell or offer to sell any alcoholic beverage in or within two hundred (200) ft of a church building or within two hundred (200) ft of any school grounds", Dimitri's parking lot entrance is located 144 feet of the outer boundaries of Ayaprun Elitnaurvik Elementary School property;
- WHEREAS,** because Dimitri's restaurant is located within 144 feet of a school, granting it an alcohol license would violate the provisions of BMC 5.08.11 (B);
- WHEREAS,** AS 04.11.100(f)(1)(B) prohibits Dimitris from even renewing their application, if initially approved, because of their proximity to the school;
- WHEREAS,** at the March 24, 2015 Bethel City Council meeting, 43 people provided public testimony on potential sales of alcoholic beverages in the community, and 37 people spoke in opposition;
- WHEREAS,** at the April 6, 2015 town hall meeting, 50 people provided public testimony on potential sales of alcoholic beverages in the community and 40 of those people spoke in opposition;
- WHEREAS,** in 2010 the City held an advisory vote asking the citizens of Bethel whether they supported a liquor license application for a restaurant or eating establishment;
- WHEREAS,** public policy dictates the Bethel City council represent the will, desires and opinions of the voters and citizens of Bethel;

Introduced by: Vice-Mayor Albertson
Date: July 14, 2015
Public Hearing: July 28, 2015
Action: Passed
Vote: 7-0

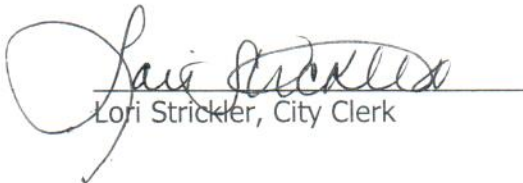
- WHEREAS,** the citizens of Bethel as demonstrated in the 2010 advisory vote, overwhelmingly oppose granting the liquor license application;
- WHEREAS,** in 2014 the Bethel Fire Department Emergency Medical Services Unit reported a majority of the calls for service were for individuals under the influence of alcohol;
- WHEREAS,** Police Department figures for 2014 show the number of calls for "Intoxicated Pedestrians" to be 3,198 out of a total of 9,844 calls for the year, representing 32.49% of the total calls received by the department;
- WHEREAS,** the Police Dispatch Center reported a majority of their calls for service were alcohol related;

NOW, THEREFORE, BE IT RESOLVED the Bethel City Council opposes the issuance of an eating place license for Dimitri's because of its proximity to a school and because of the public policy against alcohol sales in Bethel.

ENACTED THIS 14 DAY OF JULY, 2015 BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.


Richard Robb, Mayor

ATTEST:


Lori Strickler, City Clerk



CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559

907-543-1385

Fax 907-543-2936

July 20, 2015

Margo Kargas
Dimitiri's Restaurant
PO BOX 1528, Bethel, AK 99559

Re: Restaurant Eating Place # 5402

To Whom It May Concern:

As per the Council's Resolution 15-12, passed July 14, 2015, and in accordance with 3 AAC 304.145, you will be provided a reasonable opportunity to defend your application for a restaurant eating place license before the Bethel City Council.

Dimitiri's Restaurant, is being provided up to ten minutes to present their defense of their restaurant eating place license application during the August 11, 2015, regular City Council meeting. The meeting will be held at 300 State Highway, Bethel, AK in the Council Chambers and will begin at 6:30p.m. The agenda for this meeting will be posted to the City of Bethel's website, www.cityofbethel.org on Thursday, August 6, 2015.

Respectfully,



Lori Strickler,
City Clerk

cc: Alcohol Beverage Control Board

Sawyer, Jane Preston (CED)

From: Lori Strickler <lstrickler@cityofbethel.net>
Sent: Tuesday, August 11, 2015 7:40 PM
To: Sawyer, Jane Preston (CED)
Cc: Patty Burley
Subject: Second Notice to Dimitir's- Opportunity to Defend
Attachments: DOC244.pdf

Hello Jane,

I am unable to confirm Dimitri's receipt of their notice of their opportunity to defend. You were cc'd on the letter sent July 20, 2015.

The Council has postponed this item to their regular meeting, August 25. Attached is the second notice to Dimitri's.

Thank you,

--

Lori Strickler
City Clerk
City of Bethel
lstrickler@cityofbethel.net
907-543-1384
fax: 907-543-3817



CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559

907-543-1385

Fax 907-543-2936

August 11, 2015

Margo Kargas
Dimitiri's Restaurant
PO BOX 1528, Bethel, AK 99559

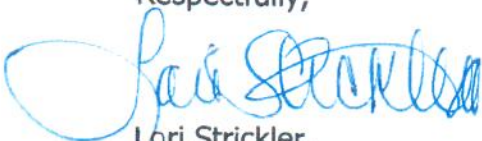
Re: Restaurant Eating Place # 5402

To Whom It May Concern:

As per the Council's Resolution 15-12, passed July 14, 2015, and in accordance with 3 AAC 304.145, you will be provided a reasonable opportunity to defend your application for a restaurant eating place license before the Bethel City Council.

Dimitiri's Restaurant, is being provided up to ten minutes to present their defense of their restaurant eating place license application during the August 25, 2015, regular City Council meeting. The meeting will be held at 300 State Highway, Bethel, AK in the Council Chambers and will begin at 6:30p.m. The agenda for this meeting will be posted to the City of Bethel's website, www.cityofbethel.org on Thursday, August 20, 2015.

Respectfully,



Lori Strickler,
City Clerk

cc: Alcohol Beverage Control Board

Sawyer, Jane Preston (CED)

From: Patty Burley <pburley@cityofbethel.net>
Sent: Wednesday, August 12, 2015 10:43 AM
To: Myron Angstman
Cc: Sawyer, Jane Preston (CED)
Subject: Notice
Attachments: Dimitri Notice.pdf

Mr. Angstman:

Per 3 AAC 304.145, your client is being provided an opportunity to present their position before the Council at the next regularly scheduled meeting.

Notice was sent out for August 11, 2015 but proof of service was not received. As their attorney, notice is being provided to you of the agenda item and scheduled opportunity before the council.

If you need any additional information, please do not hesitate to contact me.

--

Patty Burley
Bethel City Attorney
(907) 543-1385



CITY OF BETHEL

CITY ATTORNEY'S OFFICE

P.O. Box 1388

Bethel, Alaska 99559

Phone: 907-543-1385

FAX: 907-543-2936

September 1, 2015

Alcohol Beverage Control Board
550 West 7th Avenue, Suite 1600
Anchorage AK 99501

Re: Dimitri's License Application

Dear Members of the Board:

The City of Bethel requests the Alcohol Beverage Control Board ("Board") uphold the City Council's protest and deny the application for a restaurant and eating place license by Dimitri's Restaurant.

Background

On October 6, 2009, the residents of Bethel voted out of local option.¹ As a result of that vote, the City Council amended its Code to account for potential sales within the City limits.² Included in that change was a prohibition on alcohol sales of any kind within two hundred (200) feet of a church building or school grounds³ and instruction regarding how distance is to be measured when determining if a location is sufficiently far away from a church building or school ground.⁴

Protest

The City Council has broad grant of authority to issue protests based on AS 04.11.480. Here, the City Council weighed the individual situation of Dimitri's Restaurant and found that it is in the City's best interests to protest the issuance of the restaurant/eating place license.

First, the City Council weighed the fact that Dimitri's Restaurant is located merely 144 feet from the outer boundaries of the Ayaprun Elitnaruvik Elementary School property. While AS 04.11.410 seems to only place restrictions on beverage dispensary or package store licenses,⁵ AS 04.11.100(f)(1)(B) would prohibit Dimitri's restaurant from renewing any license it received

¹ City of Bethel Resolution 09-40 dated October 13, 2009 (all City of Bethel ordinances and resolutions can be found on the City's website at www.cityofbethel.org).

² City of Bethel Ordinance 09-44 introduced December 8, 2009 and passed January 12, 2010.

³ BMC 05.08.11(b)

⁴ BMC 05.08.11(g)

⁵ AS 04.11.410(a): 'A beverage dispensary or package store license may not be issued if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground.'

due to its proximity to the school. Additionally, the City's regulation, currently found in Bethel Municipal Code 05.08.011(B) prohibits all type of alcohol establishments, including restaurants, from being situated within 200 feet of a school or church. The granting of a restaurant license to Dimitri's by the Board would place Dimitri's in violation of City Code.

The Council also noted that the Kuskokwim Learning Academy (KLA) is attached to the elementary school. Originally, KLA served youth from Bethel and the surrounding villages who had difficulty in a traditional school setting. Today they serve a mixture of students: both high risk and advanced education.

The majority of the high risk students at KLA have struggled with substance abuse personally and in their family homes. The problem of substance abuse is so significant that one of the goals of the KLA program/policy is that drugs and alcohol are not tolerated. The school policy requires students to get regular drug and alcohol testing. A positive test has significant consequences, including expulsion. Alcohol abuse has remained a steady figure before and after Bethel went wet with significant spikes in the month of October when PFD's are distributed.

Doug Boyer, the site administrator at KLA, advised the school struggles with alcohol in other significant ways. The school was forced to cut down all of the shrubbery surrounding the building because intoxicated people were hiding in the bushes and drinking, often scaring the children. The school is forced to regularly clean the playground (shared with the elementary school) of empty bottles of alcohol. Finally, and most frightening, several of the students have been physically and/to sexually assaulted while out walking. The perpetrators were intoxicated.

Also near Dimitri's restaurant is the Bautista Home, a residential group home for men with developmental disabilities or severe mental illness. The residents of the home are free to come and go as they please with little to no restrictions or escorts. Despite drugs and alcohol not being tolerated on the property there have been incidences of residents drinking and returning intoxicated.

The Council next considered information from the Bethel fire department who reported that a majority of the calls for service were for individuals under the influence of alcohol. This information was easy to verify when Council receives a copy of the fire department's monthly department report showing report after report after report of calls for service involving alcohol abuse.

The Council then considered information provided from the Bethel Police Department which indicated that in 2014 alone, 32.49% of all calls received by the Department were specifically Intoxicated Pedestrian calls. That is just one type of call which police respond to every day. A look at the calls for service on 4th Avenue (the street where Dimitri's is located) shows that the number one reason police go to that street is in response to intoxicated persons.⁶

⁶ See Police Statistics from January 1, 2010 to August 15, 2015.

The Council also considered testimony from the public. Despite form letters of support for a package store, the council was repeatedly receiving clear opposition at their meetings. For example, on March 24, 45 people attended the City Council meeting to speak up about the possibility of alcohol sales in Bethel. During that meeting 39 of those present (87%) were in opposition to alcohol sales in Bethel. Then on April 6, during a town hall meeting to again discuss the possibility of alcohol sales in Bethel, 50 people spoke about the issue. Of those 50 individuals 40 of them (80%) were opposed to alcohol sales.

While the Council also considered written testimony, the Council put a lot more weight on the letters and resolutions written by individuals and businesses that were clearly not mass produced but that instead expressed the individual sentiments of the persons or companies writing the letters.

Finally, the Council weighed the public welfare of its community noting the Alaska Legislature's clear findings that "evidence showing the harmful effects of consumption [of alcohol] is undisputed."⁷ There is an unmistakable correlation between alcohol consumption and poor health, death, family violence, child abuse and crime.⁸ Even though decreased restrictions on the availability of alcoholic beverages may increase the proportion of moderate consumers to alcohol abusers, broadened access to alcoholic beverages will increase the absolute number of alcohol abusers.⁹

Summary

The City Council for the City of Bethel was elected by the people of Bethel to act as their representatives. Each member of the council lives in and is a part of this community. As a councilmember they are tasked with representing the voices of the citizens and protecting the best interests of all who live and visit this City.

The threats posed by issuing a license to Dimitri's restaurant are substantial to not only the community, but to the establishments nearby. Given Dimitri's proximity to the two schools and the residential facility, the best interests of the community would not be served by a grant of the restaurant/eating place license.

For those reasons the City Council of the City of Bethel is protesting the issuance of the requested license and is requesting the ABC Board uphold its protest.

Sincerely,



Patty Burley
City Attorney

cc: Bethel City Council, Dimitri's Restaurant (via their legal counsel Myron Angtsman)

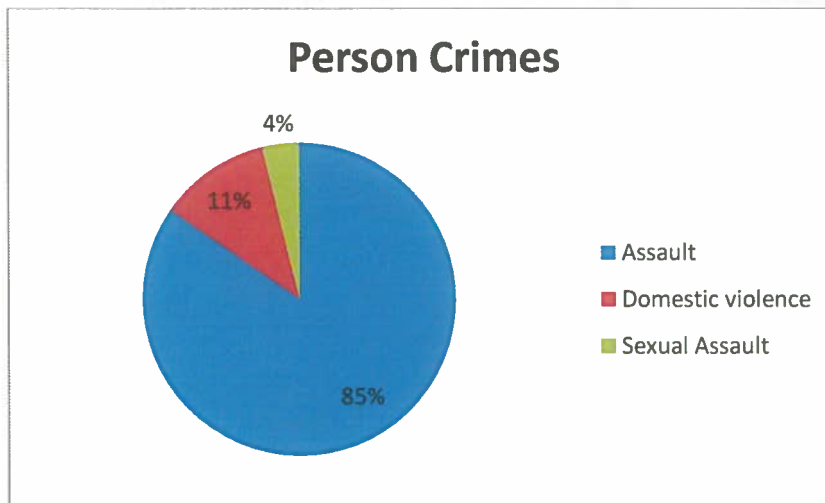
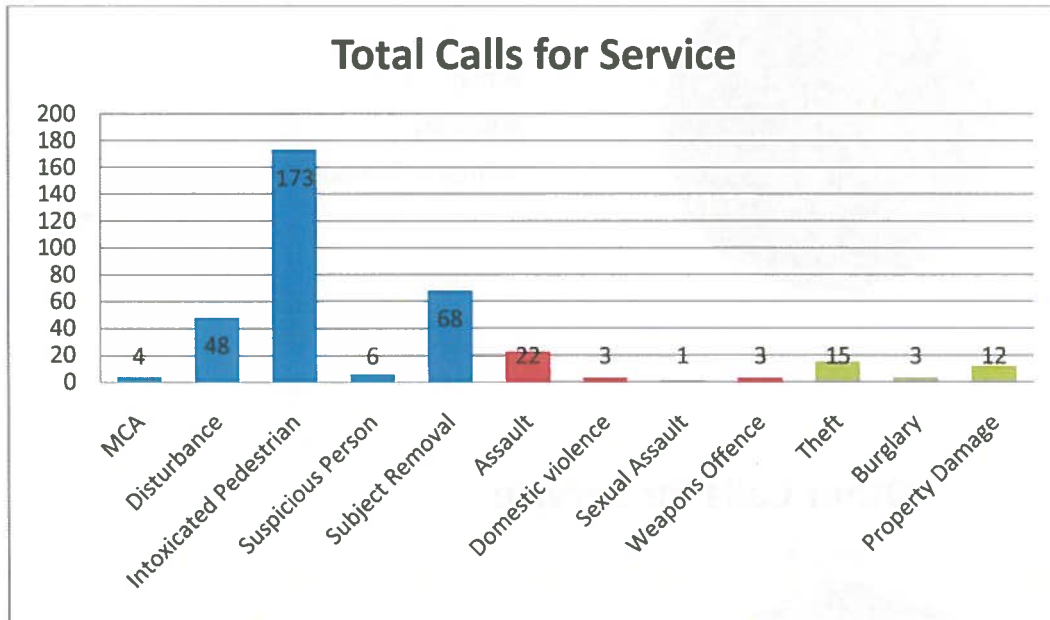
⁷ *Harrison v State*, 687 P.2d 332, 339 (Alaska Ct. App. 1984)

⁸ *Harrison* at 338.

⁹ *Harrison* at 339.

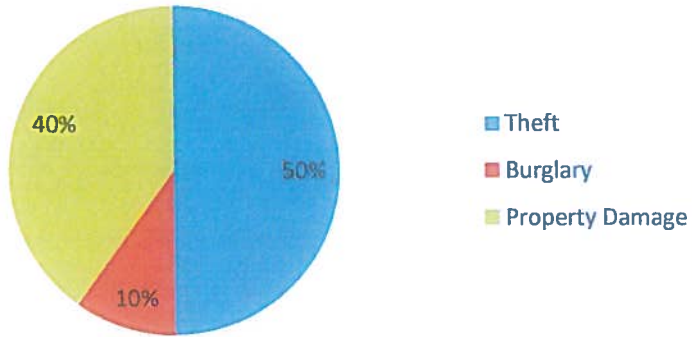
4th Ave January 1st 2010 --- August 15th 2015

***These statistics represent number of calls for service only; many CFS's turn out to be unfounded, or do not need to generate a report.



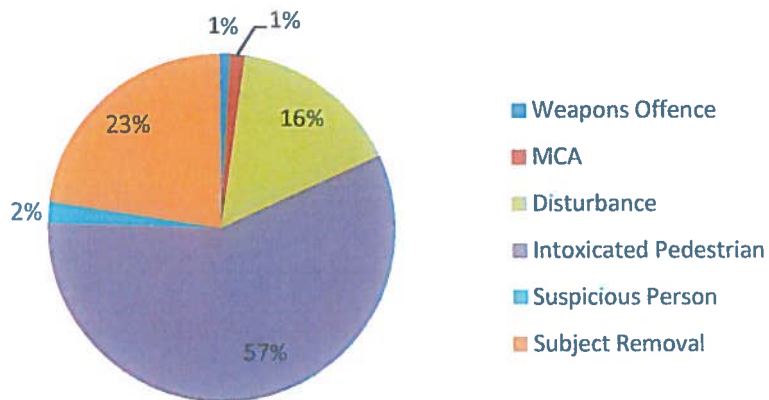
| | |
|-------------------|----|
| Assault | 22 |
| Domestic violence | 3 |
| Sexual Assault | 1 |

Property Crimes



| | |
|-----------------|----|
| Theft | 15 |
| Burglary | 3 |
| Property Damage | 12 |

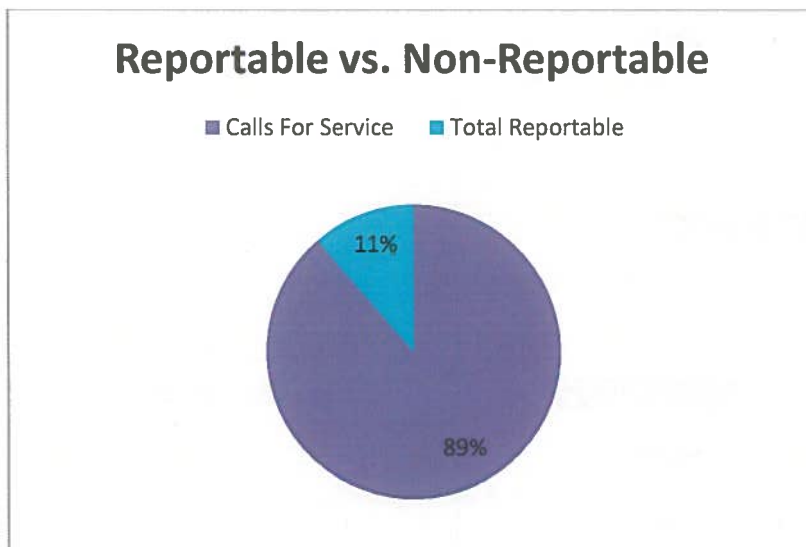
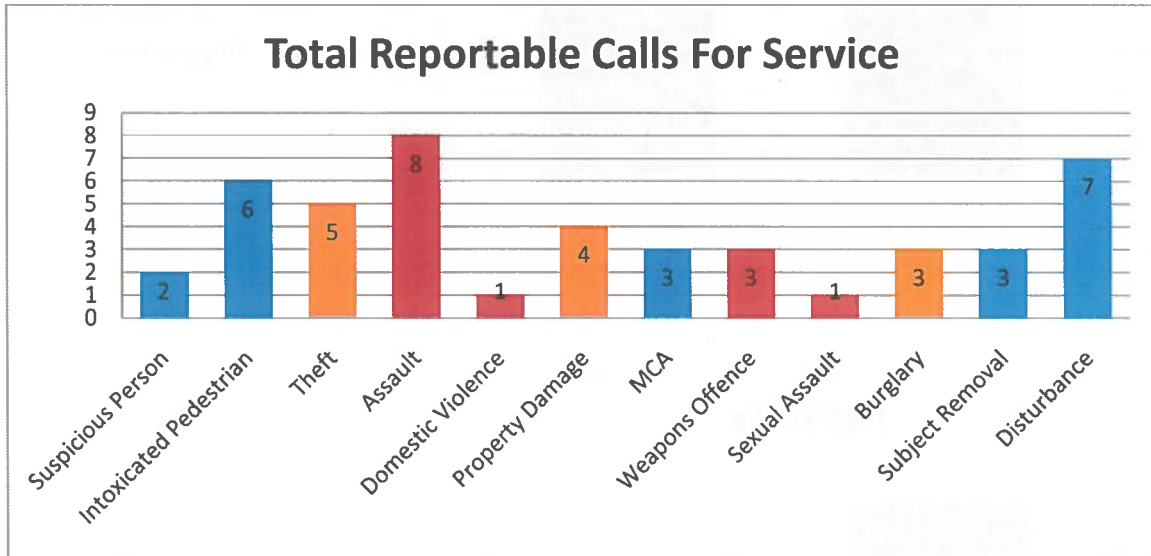
Other Calls for Service



| | |
|------------------------|-----|
| Weapons Offence | 3 |
| MCA | 4 |
| Disturbance | 48 |
| Intoxicated Pedestrian | 173 |
| Suspicious Person | 6 |
| Subject Removal | 68 |

Reportable vs. Non-Reportable Calls For Service

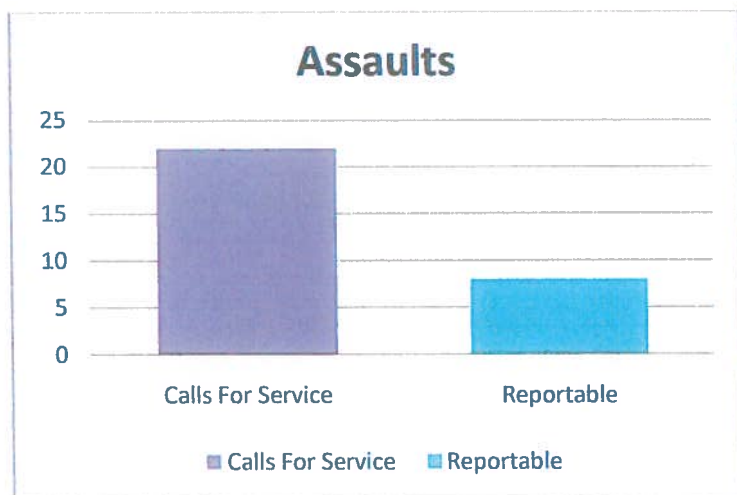
***These statistics reflect reportable calls for service.



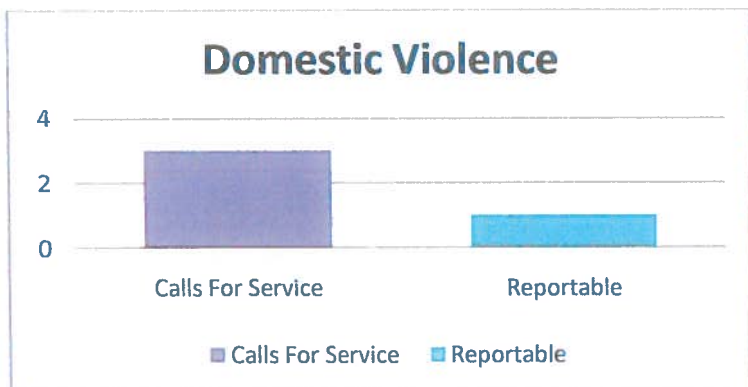
| | |
|-------------------|-----|
| Calls For Service | 358 |
| Total Reportable | 46 |



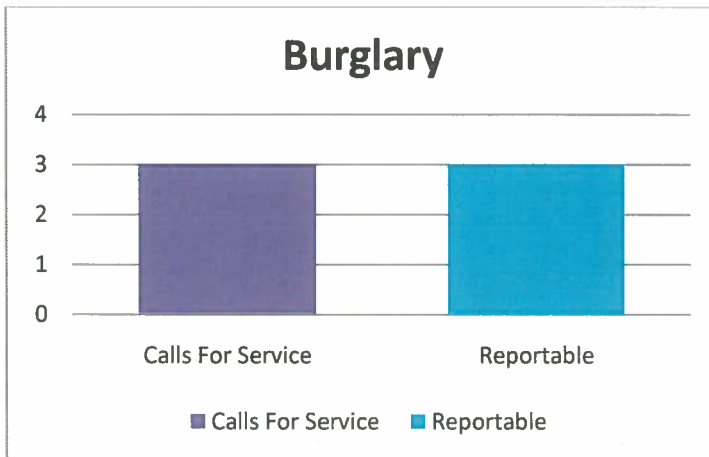
| | |
|-------------------|---|
| Calls For Service | 1 |
| Reportable | 1 |



| | |
|-------------------|----|
| Calls For Service | 22 |
| Reportable | 8 |



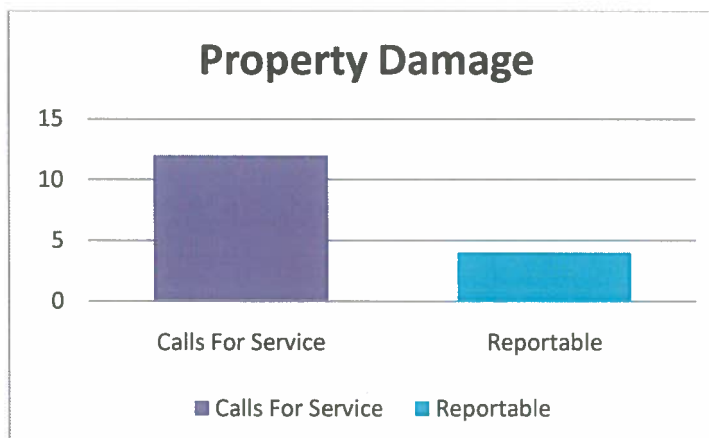
| | |
|-------------------|---|
| Calls For Service | 3 |
| Reportable | 1 |



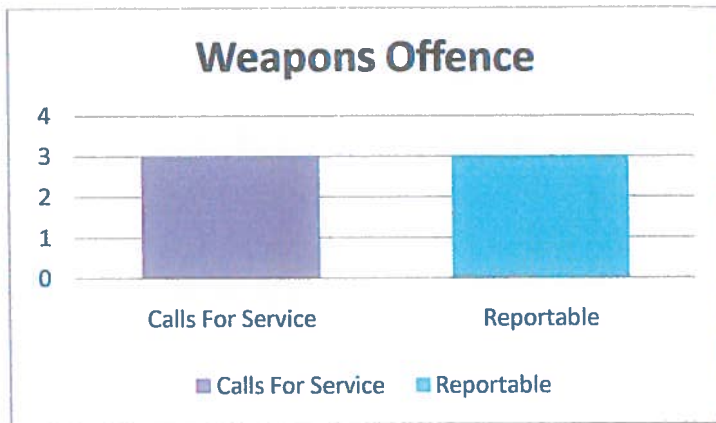
| | |
|-------------------|---|
| Calls For Service | 3 |
| Reportable | 3 |



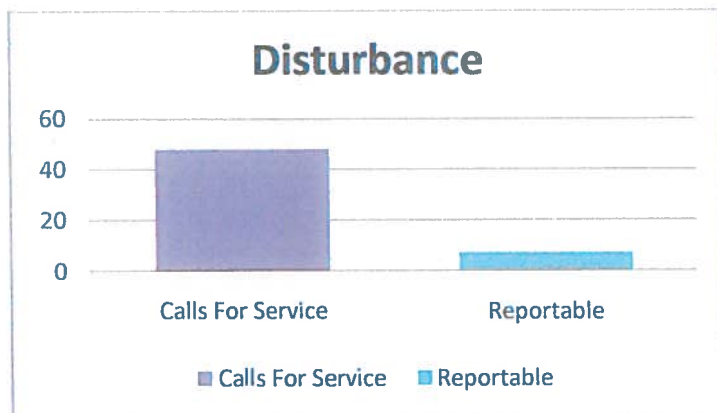
| | |
|-------------------|----|
| Calls For Service | 15 |
| Reportable | 5 |



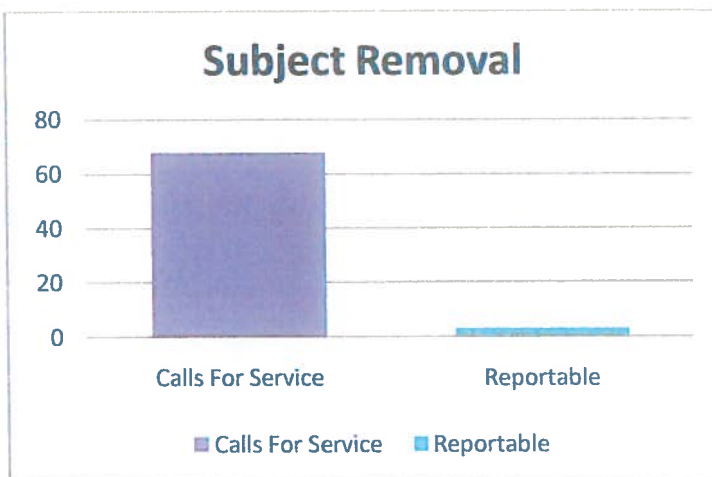
| | |
|-------------------|----|
| Calls For Service | 12 |
| Reportable | 4 |



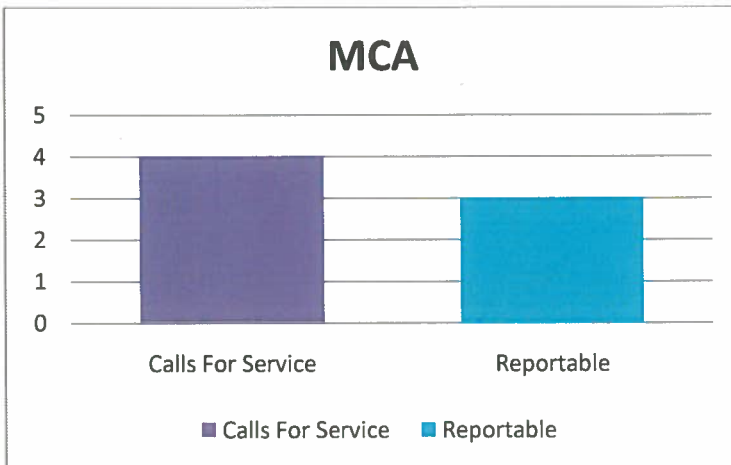
| | |
|-------------------|---|
| Calls For Service | 3 |
| Reportable | 3 |



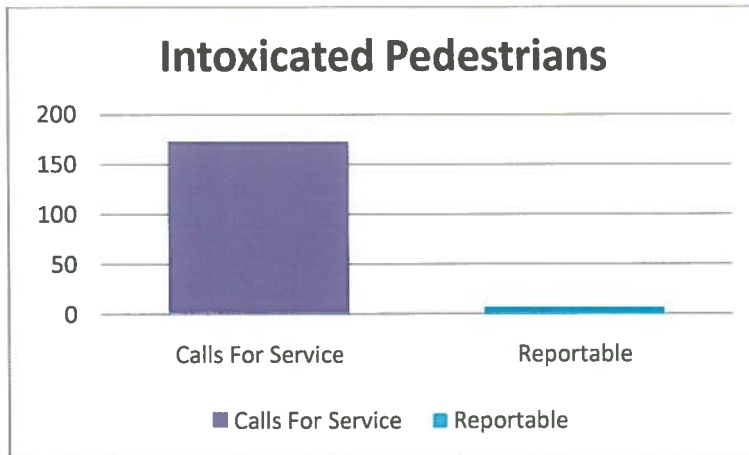
| | |
|-------------------|----|
| Calls For Service | 48 |
| Reportable | 7 |



| | |
|-------------------|----|
| Calls For Service | 68 |
| Reportable | 3 |



| | |
|-------------------|---|
| Calls For Service | 4 |
| Reportable | 3 |



| | |
|-------------------|-----|
| Calls For Service | 173 |
| Reportable | 6 |



| | |
|-------------------|---|
| Calls For Service | 6 |
| Reportable | 2 |

Pictorial View of Dimitri's Restaurant and Surrounding Street



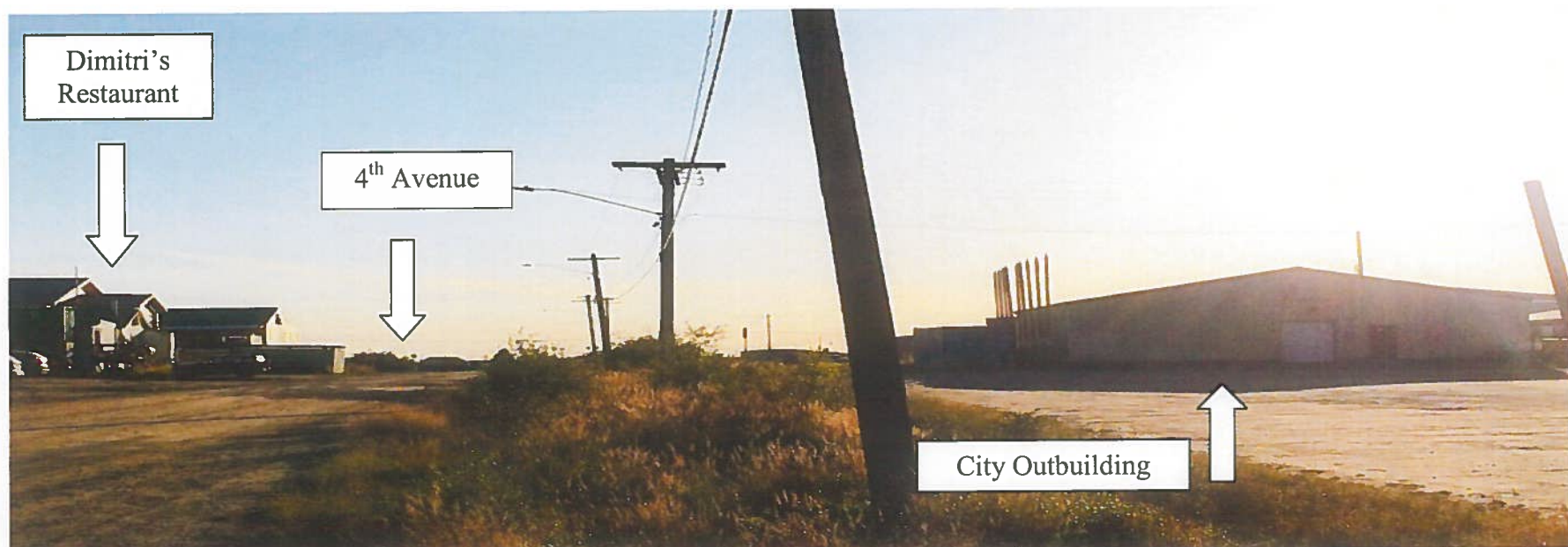
Dimitri's Restaurant



Bautista
House

Dimitri's
Restaurant

Bldg w/blue roof = Bautista House



Dimitri's on left

Street then ..

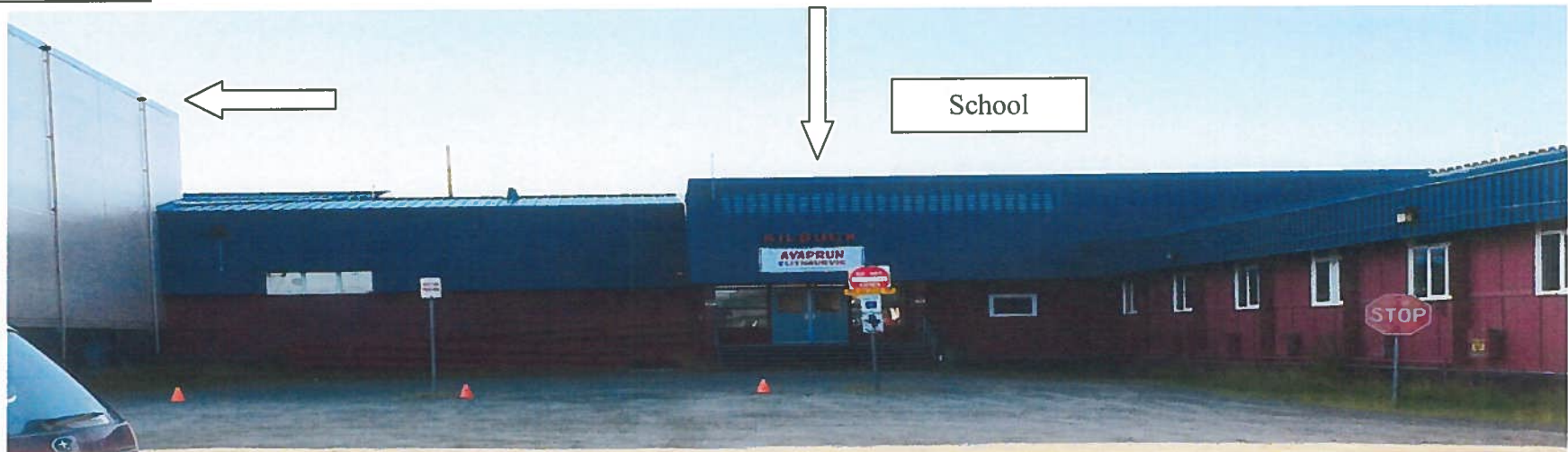
Outbuilding on Right (Panoramic #1 of 3)



Panoramic #2 of 3

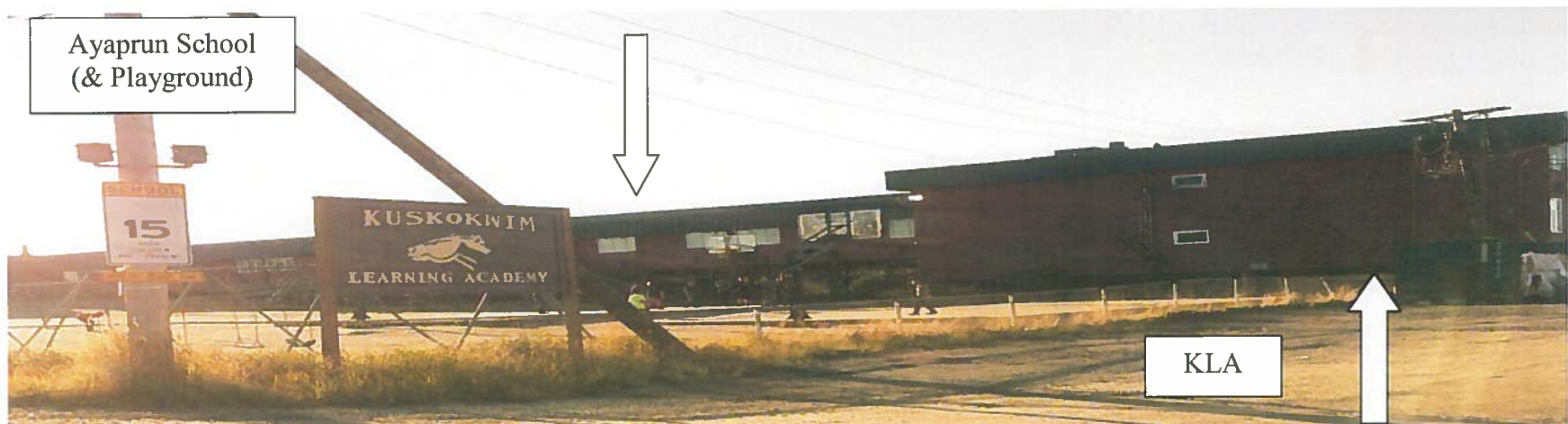
"Alaska National Guard Armory" is actually the gym for the Ayaprun School (attached to the school)

Gym Building
(School)



Panoramic #3 of 3 – Ayaprun School (attached to gym on left – connected on the interior)
Building is L-Shaped with classrooms throughout and the Kuskokwim Learning Academy attached

Ayaprun School
(& Playground)



Kuskokwim Learning Academy – structurally attached to the Ayaprun School



Dimitri's Restaurant Parking

Property Line for LKSD

Scale
1 inch = 100FT.



Tab

8



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: Northshore Ale House #1563

The board renewed this BDL (tourism) with conditions. The first condition was the correction of the fact that the license was owned by a corporation which had been involuntarily dissolved by the corporations division, which has been accomplished. The second condition was that the licensee would no longer permit the Northern Heights Hookah Lounge to lease space on the bottom floor of its building due to its operation as an illegal marijuana club, allowing consumption of marijuana by members of the public who pay a fee in the building containing the liquor licensed premises.

The second condition was based on the board's determination that the continuation of the sale and service of alcoholic beverages was contrary to the best interests of the public if the licensee continued to permit an illegal marijuana club to operate in the same building as the liquor licensed premises per AS 04.11.370(a)(2).

Following the board meeting July 1, Northern Heights closed its doors for approximately one month. Northern Heights then reopened and continued to operate until shortly after a letter was sent to the licensee and his attorney informing him that we were aware Northern Heights had reopened. Facebook statuses for Northern Heights with photographs are included. The signage on the building and Facebook does not indicate the closure is final. A Go Fund Me Account raising money for the club indicates the club is raising money to remain open.

| | |
|------------------------|---|
| Inquiry for the Board: | Did the licensee operate the license in violation of a condition or restriction imposed by the board? |
| Recommendation: | Deny renewal of the license because the license has been operated in violation of a condition or restriction imposed by the board per AS 4.11.330(a)(6) |



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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Fax: 907.334.2285

MEMORANDUM

TO: Cynthia A. Franklin, Director **DATE:** August 6, 2015
FROM: Robert Beasley, Enforcement Supervisor **SUBJ:** Northern Heights

On Wednesday, August 5, 2015 at approximately 5:28 p.m., I arrived at the Northern Heights Hookah Lounge located on the ground floor underneath the Northshore Alehouse. I observed that the outer entrance / exit doors were open and each of the doors had signs posted indicating that cannabis was to be consumed inside the Northern Heights area only.

Upon entering, I observed approximately eight to ten people inside and smelled the odor of marijuana smoke. To my right, I observed two men, both appearing to be well over 21 years of age, sitting at table smoking marijuana by means of a thin, metal pipe.

I was greeted by a female employee who asked if I had ever been there before, which I replied no. She directed me to a counter near the open entrance / exit doors where she proceeded to provide me with information pertaining to the establishment.

She said the business was a Hookah Lounge, and that they were cannabis friendly, stating, "As you can see," as she motioned towards the two men smoking marijuana. The female employee told me they allow their members to smoke cannabis inside, but did not sell or provide it to them.

I asked her if it was a club, and she replied it was for members only and showed me a membership application that was contained on a clip board on the counter. I stated that I was only looking to purchase vape oil, which she stated they no longer carried. I was provided with a business card to a local vape shop and departed.



MEMORANDUM

TO: Cynthia A. Franklin, Director

DATE: September 8, 2015

FROM: Joe Hamilton, Investigator III

SUBJ: Northern Heights

Since the end of May 2015, I have been monitoring Northern Heights Facebook page. It appears that Northern Heights opened their doors at the end of May 2015, as a hookah lounge friendly to cannabis users. According to the page, paying members of the public could bring cannabis and can smoke it there.

From on-line posts to Facebook, it appears that for almost the entire month of July, the establishment was closed. Posting activity starts again on August 4 indicating they opened their doors for business. On Sept 4th, I went to the establishment and found a note on the door to Northern Heights which said they were closed again. North Shore Ale House also had a posting on their entrance indicating they were closed for renovations, but the boat launch fee could be paid for at Northern Heights.

Following are some of the post from their Facebook account.

One of the first reviews after opening is from Bill Fikes Jr, dated May 30. Toward the end of the review, he talks about within minutes of sitting down; he was offered at least five different buds to sample. Fikes brought with him a small bit of weed and honey oil but left the establishment with a large quantity of at least 7 various locally grown strains. He ends his review that next year we should be able to purchase cannabis products over the bar and it will be wonderful to walk out with an ounce of assorted flavors, but until then members will have to make do with an abundance of local strains being passed around freely. Attachment 1 & 2

On June 5th a picture is posted of a man wearing a gas mask converted so that a bong can be attached. The caption is "Check out The Face Mask!! Only \$15 an hour to rent!!! Come on down with a group of friends and enjoy!!!!" Attachment 3

June 6th, “Hey guys come on down tonight and mention this post and you can get this awesome HempVap for 25% off!!! This comes with the Pen, Charger, and 2 pre filled CBD enriched flavored cartridges.” Attachment 4

June 7th. Post asking people to come to Northern Heights to “socialize with other cannabis users and meet new people.” Attachment 5

June 10. Post asking people to share the dinner hour with us and enjoy amazing food from North Shore Ale House Menu. “we have opened the entire second floor for private, intimate, comfortable dinner service”. Attachment 6

June 21. Posting that “Northern Heights is under the same attack? The post is then explained by “cannabis Emissary Lee Haywood”. Basically it talks about not having cannabis clubs. Attachment 7-9

From June 21st to June 29th, there are several post advertising Northern Heights is still open and for people to come on down.

June 29th, Director Franklin’s letter is posted with the caption “Alaska Cannabis Collective – Alaska’s Private Cannabis Clubs, Under Assault”. Attachment 10

July 1st. From the posting, it appears they closed their doors July 1 & 2. But they will be reopening Friday July 3rd at 6pm. Attachment 11

July 2nd. Northern Heights shared Alaska Cannabis Collective’s photo which depicts Director Franklin at a podium. The caption reads, “But I, Well No I, Ok fine, I’m sorry Northern Heights you can continue you legal lounge”. Attachment 12

July 3rd. Post to customers advising they will be closing. Landlord is wanting a “resending” letter from Director Franklin before allowing them to operate. Attachment 13

It appears from July 3rd to August 4th the establishment remained closed. No post were observed that they were operating.

Aug 5th. Post depicts they will be opening at 5pm or 3:30pm.

There are several posts throughout the month of August indicating what times and days the establishment was open.

Aug 13th. Post advertising hours and membership and that Northern Heights is cannabis friendly. Attachment 15 & 15A

Aug 15th. Picture of Einstein with the caption, “I smoke my cannabis at Northern Heights”. Attachment 15

Aug 17th. Advertising link to Go Fund Me, <http://www.gofundme.com/2e2vtp7k> Once you follow the link, it introduces you to Dee Edward who states she is the owner of Northern Heights. Attachment 17-17D

August 26th. Post that Northern Heights is closed. More information will follow.



Northern Heights

May 30 · 🌐

👍 Like Page

Check out the review from Alaska Hemp's Bill Fikes JR!!!

The only way I could have had more fun would have been with less clothes.

What an outstanding event this was...in 1978 I sat in a bar in Amsterdam and bought a chunk of hashish from some Dutch guy and woke up sleeping on a beach the next morning. 30 years later the great state of Alaska has caught up to them, mostly. The Northern Heights crew have put together a first rate smoking lounge and I was honored with an invitation to their VIP pregame show on Friday night. I arrived early and was given a tour of the club by Keenan Williams. There is a large bar that wraps around to the right, with hookahs, pipes and stoner stuff displayed on the back bar, open tables, booths and intimate little cubbyholes where a few friends can plot and scheme over dabs. There is in an upstairs area where you can get away from the bustling crowd and there is a sunken gaming pit where you can couch lock into your favorite games. There is a restroom...I'll leave that for you to discover on your own...it is arguably the most unique one in the valley.

After quaffing a couple beers on the deck at the Northshore I went down and joined the festivities below. Security stood watch at the door, provided by Valkyrie Security, the ONLY stoner friendly security firm operating in Alaska, and the front desk checked off my name on the guest list and stamped my hand with a star. (A STAR? Really? I would have had a pot leaf, or the nifty NH compass!) I took a seat at the bar and my friends rented a Hookah and enjoyed some flavored Shisha. Shisha is a tobacco based product and the method of combustion is placing the Shisha in a bowl and covering it with foil and placing a hot charcoal briquet over the foil. I don't see this lasting long. I did not try the Hookahs so any opinion expressed is just from observation. I don't care for the idea of sucking

carbon monoxide directly off a burning charcoal briquet. Just as there are 50 ways to leave your lover there must be 50 ways this product could be consumed better.

Within minutes of sitting down I was offered not one, not two, but at least 5 different buds to sample. After the first few tokes of course the only judgements possible are of taste, appearance and smell, the stones all mix together into a foggy dream state. I showed up with a small bit of weed and some honey oil, I left with a large quantity of at least 7 various locally grown strains. If this had been a bar it would have been something like this..."Hey, here's a Whiskey and Coke, try this single malt scotch, have a couple shots of everclear, here, check out this six pack of ale..." over the course of two or three minutes.

I think there will be some growing pains, in that they are going to need to grow into a much larger facility. Once the word gets out this will become the place to meet with friends, find new friends, hold client meetings and get the low down on what's around while getting a taste test.

Valkyrie security informed me that this was their 7th event. 7 events without a single incident. It was not the presence of security that prevented incidents, it is the nature of stoners not to cause incidents.

There are some things that could use improvement, but there so slight as to be nit picky so I won't even go into them, the things that are good are very good, and the only real improvements I'd suggest at this point involve more chocolate and less clothing.

Next year we should be able to purchase cannabis products over the bar, and it will be wonderful to walk out with a ounce of assorted flavors, but until then members will just have to make due with an abundance of local strains being passed around freely.

Tonight promises to epic. Be there.

Doors open at 5pm! \$20 door charge or free with a signed membership agreement!



Northern Heights at Northern Heights

June 5 · 🌐

Check out The Face Mask!! Only \$15 an hour to rent!!! Come down with a group of friends and enjoy!!!!



👍 Like 💬 Comment ➦ Share

9 people like this.

Top Comments •

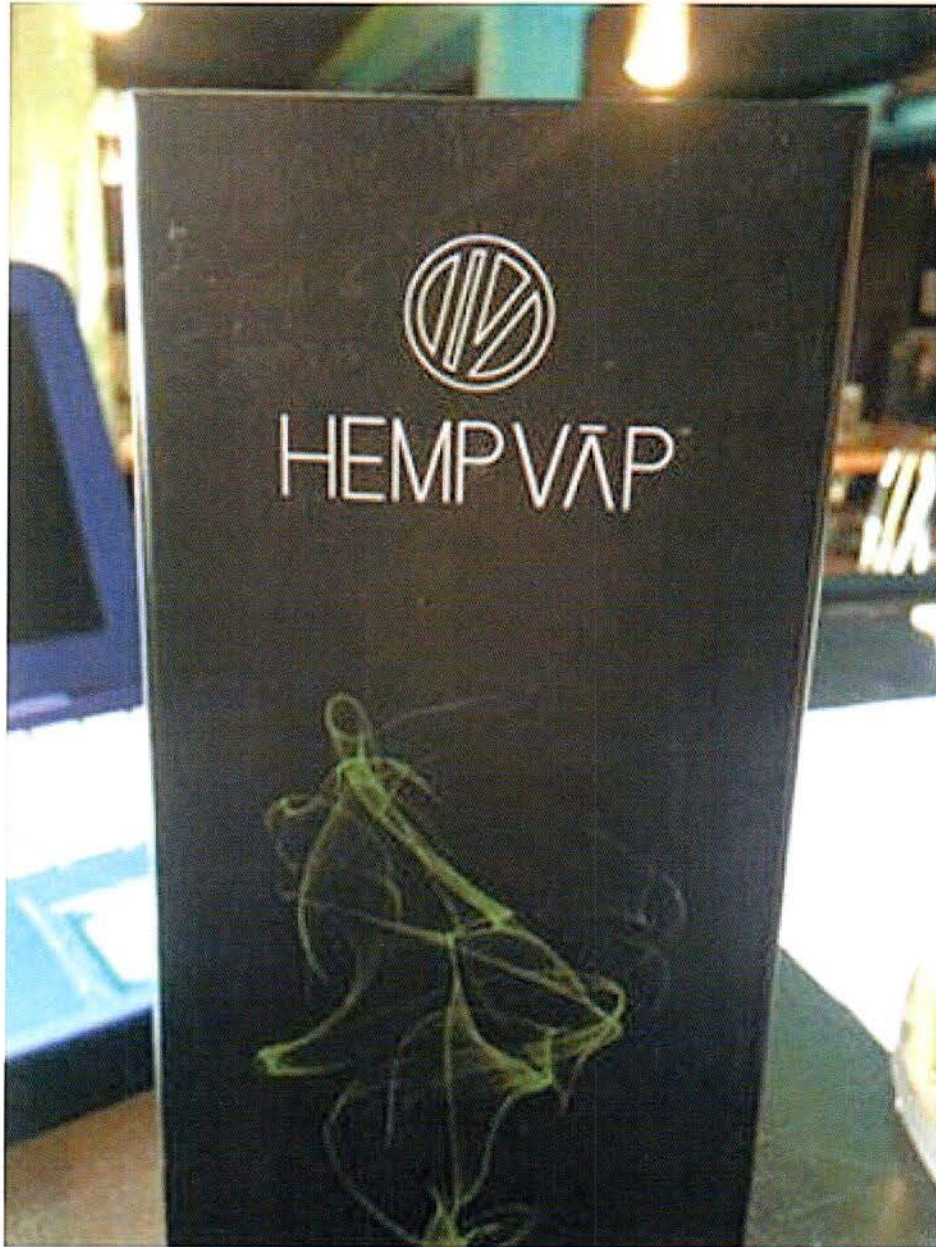
1 share



Northern Heights

June 6 · 🌐

Hey guys come on down tonight and mention this post and you can get this awesome HempVap for 25% off!!! This comes with the Pen, Charger, and 2 pre filled CBD enriched flavored cartridges.



👍 Like

💬 Comment

➦ Share

3 people like this.


5 shares



Northern Heights

June 7 · Edited ·

Come down on Wednesday and Friday and Saturday nights to learn that "stoners" aren't what you might think. Come socialize with other cannabis users and meet new people! We'll see you there!!



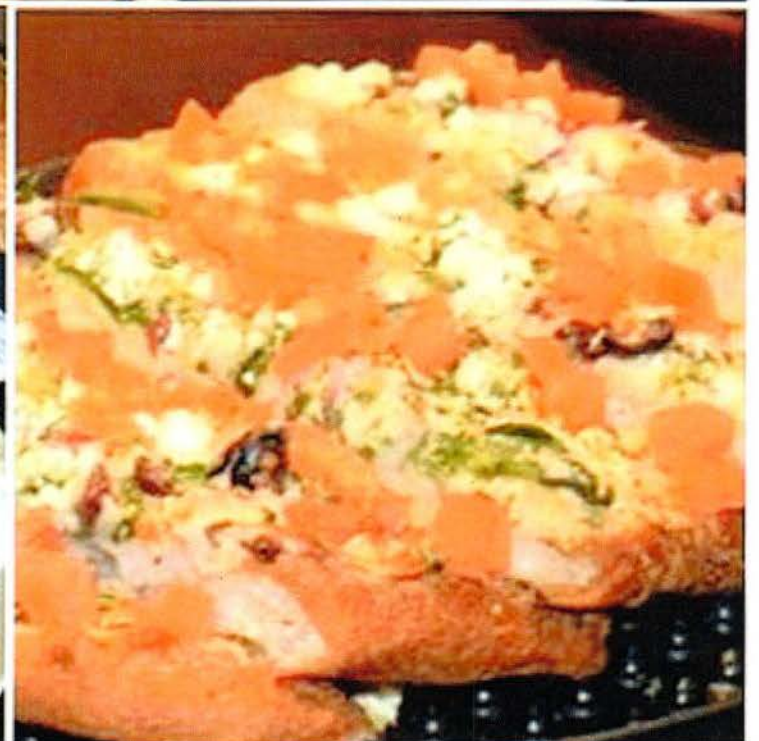
**Be the successful stoner
your parents told you
didn't exist.**



Northern Heights added 3 new photos.

June 10 · 🌐

We open in a few minutes, are you hungry? Come share the dinner hour with us and enjoy some amazing food from Northshore Ale House menu. We have opened the entire second floor for private, intimate, comfortable dinner service.





Northern Heights shared Locutus Lee Haywood's post.

June 21 · 🌐

Northern Heights is under the same attack!

What are your thoughts?



Locutus Lee Haywood added 2 new photos.

So many have called or asked about my last post I figured I should explain what is on my mind...

The powers that be are now targeting Cannabis Social Clubs like Potluck Events Clubhouse. Cannabis social clubs are an aspect of regulations that deserves attention from the Alcohol Beverage Control board (ABC) and the newly formed marijuana control board NOW not in three years if at all. In my opinion some of the downfalls of those states which have legalized cannabis, is that they have not focused on the social issues of the actual cannabis culture which has been closeted up until now. These are the folks that have already been doing this, an industry & culture that is trying to legitimize responsibly as well as remain transparent in an effort to dispel fear and stigma that has long since loomed over the cannabis community. Places like Potluck Events are attempting to provide a educational, safe, responsible, fun environment for people who enjoy cannabis for medical or recreational purposes. It is a SHARING only environment all members must/initial and agree to this caveat of this

private club among other safety rules and regulations before you may gain entry. Membership dues and entry fees are for the EVENTS (Concerts, Charity Galas, Gamenights etc) Cannabis is freely SHARED ONLY. Members of potluck events private clubhouse have grown over 800+ in little over two months with little to no advertising other than social media and word of mouth. Potluck events private club house has a wide array of members ranging from 21 to 74 (currently) Alaskans & numerous tourists from around the world. Members are encouraged to provide feedback on the progression of the clubhouse and events they would like to see as members (as this is truly in its infancy of new development). Currently there is a State ban regarding public consumption in regards to cannabis. So then the questions remains where do we allow our voting citizens and tourists to partake in a substance (cannabis) which has been proven safer to the human body than alcohol, tobacco, caffeine, sugars etc safely and responsibly? Potluck Events Clubhouse has also provided a venue for those pioneering Alaskans that are attempting to stake a responsible claim in the cannabis industry, by allowing branding, networking, business acumen, community organizing, in the form of grassroots Alaska Cannabis Chamber Commerce (ACCC) a collective of people from many different Cannabis related groups in a attempt to retain a unified voice of this new industry. The ACCC & Potluck Events Clubhouse wants to help build this industry with our lawmakers and local community and has retained an open invite to legislators, Assembly persons, Law Enforcement, in a effort to remain transparent and also to provide a re-education to those that still hold negative connotations towards the Cannabis plant that is rooted in STIGMA & FEAR not FACTS. Working together NOW concerning the social aspects can save a tremendous amount of time & effort later as regulations are being developed. Responsible establishments such as Potluck events Clubhouse should serve as microcosm and practicum for those that have no REAL time working knowledge of this culture, industry or Cannabis itself.

(NEW FLASH) Most of the folks in charge of writing these new regulations did not vote for it to pass, nor do they partake of cannabis, nor have they immersed themselves with the culture in order to understand its needs. We can NOT stand by idle and just WAIT to see what they will turn out for regulations in OUR INDUSTRY and OUR CULTURE, we must have a voice at the policy & rulemaking table. Other Alaskan Canna Business (Testing Labs, Collective Grows etc) have shut down or changed their business models in order to comply with ABC Directors targeted request, although NONE of these businesses were charged with conducting illegal activities. It was explained that future licensees will be based on merit scale non compliance with ABC request would potential negate issuance of future licensees. These same businesses in some cases offered thousands of dollars in testing

equipment and services (pro bono) directly to the State (ABC) in order to help the progression of safety and cataloging of different strains & products here in Alaska, as well as a database of those trying to grow responsibly. These offers were viewed and cited as a distraction for ABC and were surprisingly refused by government officials. I and others feel it is imperative for the industry and culture to regulate itself from within responsibly, working closely with our legislators & government officials to build responsible policy for Alaska and her citizens. Alaska is unique in its geographic location, logistical challenges, smaller population with a pioneering spirit that fosters creative innovations built out of necessity, this industry and the ABC needs those creative innovators and ideas in order get this right for Alaska not Colorado or Washington they have their own issues, which we can cherry pick the best ideas, but also create our own for ALASKA. With a timeline of 9 months it is a truly daunting task to form proper regulations & guidelines for an industry that is plagued with controversy and lack of education, with a state team that is already under staffed . I myself applied for appointment to Marijuana control Board to serve as a conduit translator for the cannabis culture & industry to those policymakers whom have little real world experience concerning this subject. The cliché stereotype of the nonproductive "stoner" must be laid to rest as this culture is made up of more than just Cheeto eating basement couch dwellers. There are thousands of Alaskan professionals, military veterans, medical users, people of all diversities and backgrounds, different socioeconomic statuses, different political backgrounds Democrats, Republicans, Libertarians etc that voted YES on Prop 2 back on November 4th. We ask simply that you RESPECT THE VOTE and afford those mentioned people a Safe, Fun and Responsible environment to Socialize and Share, Potluck Event is such a place. Education and emersion is the key to acceptance of any Culture, without it we tend to allow fear and preconceived notions to rule our understanding.

If you believe responsible places like Potluck Events Clubhouse are doing no harm, should exist and should be made a social safety priority for the ABC and MMJ Boards Please like comment and Share!

Contact the ABC Board and make your voice heard!

Or Sit and wait in silence and hope is all works out by May.

Cannabis Emissary
Lee Haywood



Northern Heights

June 29 · 🌐

Alaska Cannabis Collective: Alaska Private Cannabis Clubs Under Assault.
<http://alaskacannabiscollective.com/.../5-alaska-private-cann...>

Wasilla, AK 99654

Re: Illegal Marijuana Club- Northern Heights, LLC

Dear Mr. Edwards,

On February 24, 2015, AS 17.38, also known as Ballot Measure 2, became law in the State of Alaska. That law provides for legalized personal use and possession of marijuana and for four types of regulated, licensed marijuana establishments. The law gives the Alcoholic Beverage Control Board (ABC) rule making authority until the Marijuana Control Board (MCB) is seated and assumes its responsibility. AS 17.38.085 gives the MCB, and its director and staff, enforcement authority not only over licensees but over non-licensees who violate Alaska's marijuana laws.

It has come to our attention that you are operating an illegal marijuana establishment. Although AS 17.38 provides for legal and regulated marijuana establishments, it sets forth a timeline for the ABC and MCB to create the regulations, accept applications, and issue licenses for such establishments. That timeline is running and no licenses have yet been issued. The anticipated issuance date for the first marijuana establishment licenses is May, 2016.

We have reviewed your business, Northern Lights, LLC, by its online presence, including your website and by viewing posts made by the business on social media. Based on all of the information compiled, you are operating a marijuana club where you charge members of the public to enter your business and permit them to consume marijuana that they have either brought into the establishment or which you will provide for free in exchange for the price of membership and/or an event cover charge.

Northern Heights, LLC does not qualify as a marijuana establishment under AS 17.38.900(9). That statute defines "marijuana establishment" as a facility that is licensed by the Marijuana Control Board. AS 17.38.900(9) means a marijuana cultivation facility, a marijuana testing facility, or a marijuana processing facility.

Alaska Cannabis Collective - Alaska's Private Cannabis Clubs, Under Assault

As many of you know Alaskan's recently made cannabis legal for recreational use. We had a great campaign where folks came out and decided that we would...

ALASKACANNABISCOLLECTIVE.COM

👍 Like 💬 Comment ➦ Share



Northern Heights

July 1 · 🌐

We appreciate the support of our members and our guests. We will keep fighting the fight and stand up for our lil slice of this great state and the legal business known as Northern Heights. We fight for us, we fight for you and we fight for the rights of every Alaskan. Thank you.

👍 Like 💬 Comment ➦ Share

27 people like this.

Top Comments ▾

2 shares



Write a comment...



Northern Heights HUGE ANNOUNCEMENT!!!

THANK YOU THANK YOU THANK YOU!

NORTHERN HEIGHTS WILL REOPEN TOMORROW FRIDAY JULY 3 at 6PM!

For the inconvenience and to give back to our supporters and current members, half price door fees and extra snack and drink tickets for current members from 6 to 8PM!

We want to reiterate how much we truly appreciate your support of us and how we are here for YOU! Round one: CHECK!

Like · Reply · July 2 at 3:17pm



Sheri Scott And thank you!!

Like · Reply · 👍 1 · July 2 at 12:42am



Brandon McCoy Keep it up guys! You're doing amazing things and creating the business that many people have been waiting for 😊 take care and best of luck to you guys, I hope nothin but the best for your team, keep on keepin on!!!



Like · Reply · 👍 1 · July 2 at 12:49am



Rose Bird Thank You

Like · Reply · 👍 1 · July 2 at 7:53am

Write a comment...



Northern Heights shared Alaska Cannabis Collective's photo.

July 2 · 🌐

BUT I, WELL NO I, OK FINE



**I'M SORRY NORTHERN HEIGHTS YOU
CAN CONTINUE YOU LEGAL LOUNGE**

Alaska Cannabis Collective

Franklin: 0 / Cannabis Clubs : 1



Like



Comment



Share

21 people like this.

Top Comments ▾



Northern Heights

July 3 · Edited ·

Happy 4th of July to all of our fans. We opened tonight for all our members and guests and due to an issue with a resinding letter not being issued we are having to again close our doors until this letter comes after the holiday. Why is this happening? Is this going to keep happening?

This is happening because CYNTHIA FRANKLIN overstepped her authority and issued cease and desist orders without the authority to do so. This is happening because our landlord received a phone call and was blackmailed into having us close our doors. This is happening because at the meeting in Fairbanks these letters were rescinded verbally. When you issue an official letter, if that letter is no longer valid you must issue another letter rescinding the original letter. CYNTHIA FRANKLIN did not do this. Our Landlord must protect their interest and must have this letter to allow us to operate.

We will work diligently over the next 5 days to obtain this letter before Wednesday. If there is a shred of a chance to get this letter issued by tomorrow, if CYNTHIA FRANKLIN can take 5 min to correct the "suggestion" or "misunderstanding" she has created and deliver it to us or our landlord, it would be a godsend.

We WILL keep you posted and if anyone has any questions or concerns please feel free to message us. If you have complaints you can reach CYNTHIA FRANKLIN at her email: cynthia.franklin@alaska.gov

Thank you and WE APOLOGIZE on behalf of CYNTHIA FRANKLIN to each and everyone of you.

Like Comment Share

14 people like this.

Top Comments ▾

ATTCH 13

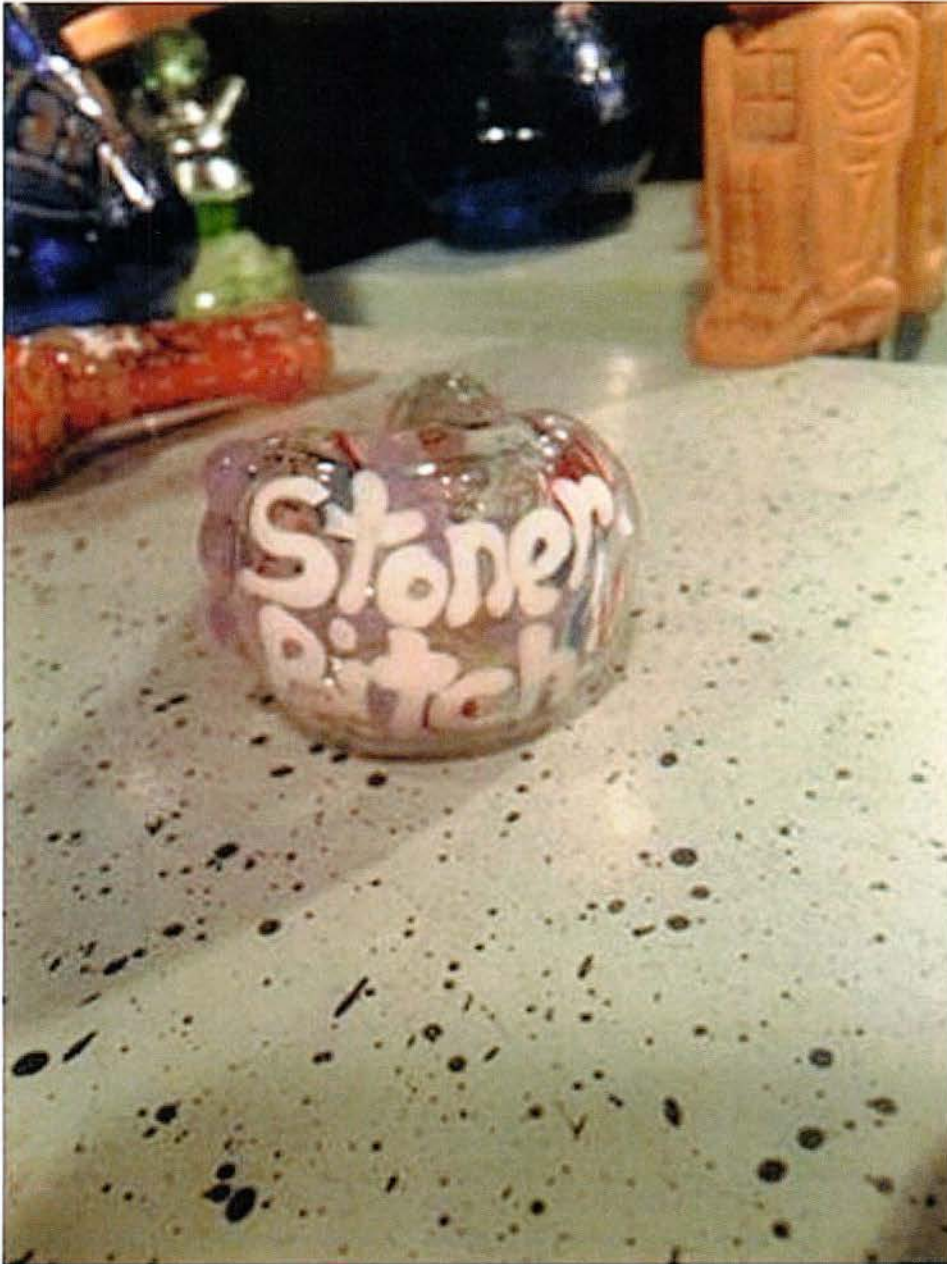


Northern Heights

August 7 · 🌐

Need some new glass?

Come on down to northern heights and buy some of our locally blown ak907 glass.



👍 Like 💬 Comment ➦ Share

10 people like this.

Top Comments ▾



14



Northern Heights

August 13 at 11:16pm · 🌐

What are YOU doing on a Friday or Saturday evening? Same ol Wasilla bars? Northern Heights located at 1850 E Bogard Rd is a premier private Hookah Lounge offering everything for the hookah connoisseur, new and experienced vapors, BYOB cannabis consumers and available for private parties. We offer many membership options ranging from monthly fees of \$25 to \$75. Many perks come with memberships from snack and drink tickets to guest passes and discounts. Wanna just come in and check us out? We also offer day pass for only \$10. We have hookah rentals, wide range of shisha, glass, high end vaporizers and other interesting smoking apparatuses! Our hours for Friday are 6pm till 2am and Saturday 4:20 till 2am! See ya all tomorrow!

**WHAT? NORTHERN
HEIGHTS HOOKAH LOUNGE**

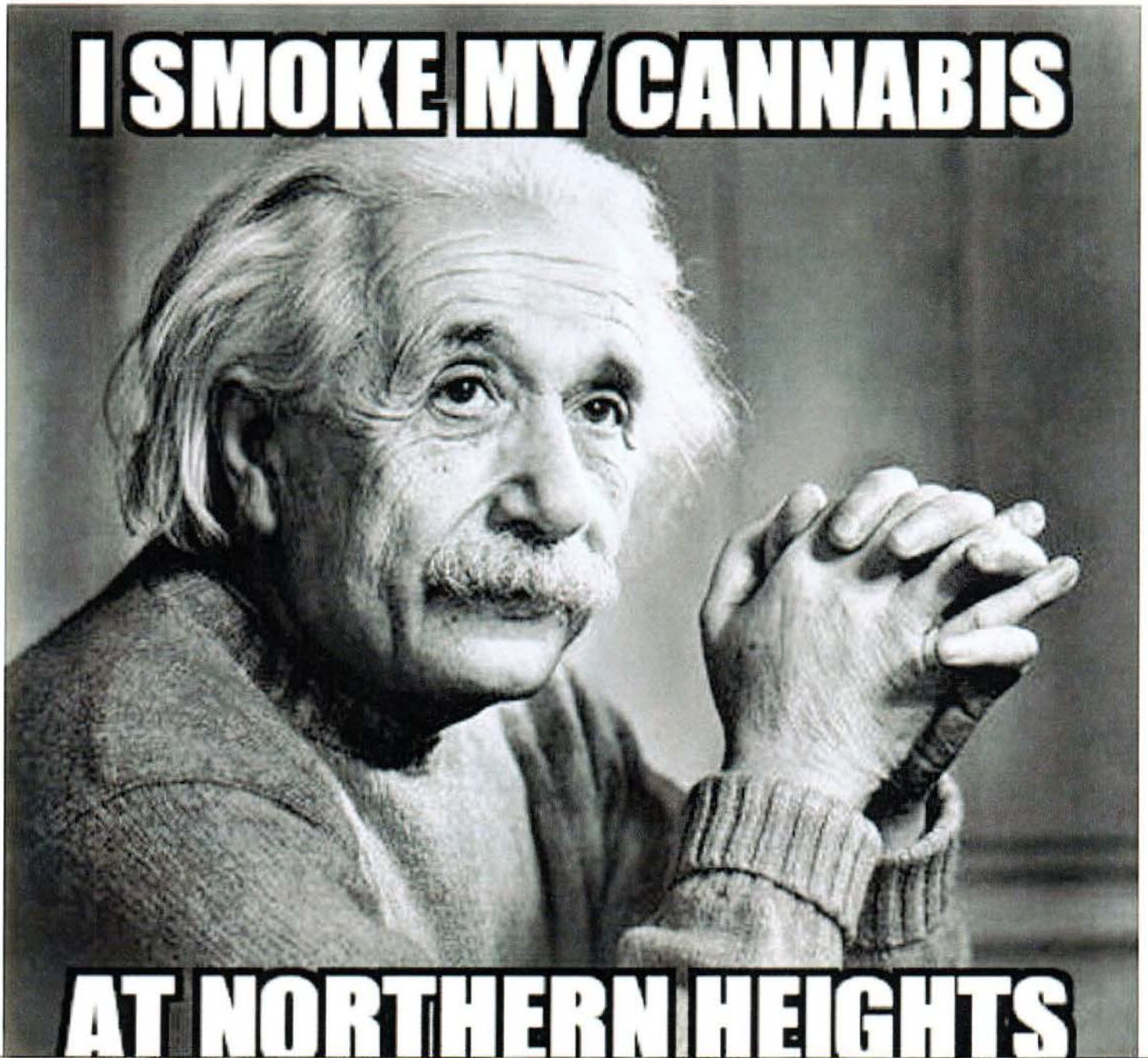
IS CANNABIS FRIENDLY?



Northern Heights

August 15 at 2:11pm · 🌐

Our doors will open at 4pm today, and tonight at midnight we will have pizza delivered for all who are at the lounge, you wont want to miss it. Looking for hookah, free food and likeminded cannabis lovers? If so then northern heights is where you will want to be tonight!



Help us be here to help you.



WASILLA, AK

\$100 of \$20k

Raised by 1 person in 22 days

Donate Now

SHARE ON FACEBOOK

go fund me

68 TOTAL SHARES

f SHARE

68

t TWEET 0



Created August 18, 2015

Alaska Tazgirl N Tucker

UPDATE #2

14 DAYS AGO

♥ Be the first to like this update

We still need your help. We have secured our current location and the owner is working with us and is very supportive of us. Due to the closure and illegal letters from CF we have been put in a position of lost revenue and momentum. We have heard from alot of people that they came down and we were closed and tgey didnt think we were opening back up. Our goal is to be here for you, to provide a place for you to enjoy. We need advertising dollars, promotional dollars and improvement monies to give back the best we can for you. I will personally account to every penny received and share that information openly. If you can spare a buck or 5 or more, we appreciate each and every donation. We thank you for your continued support.

[Subscribe to Updates](#) [Show More](#)



1 DONATIONS

RECENT ▼

\$100



Delphine Smith

21 days ago

Appreciate your efforts, thank you for being there

1-1 of 1 donation



17A

Hi my name is Dee Edward. I am the owner of Northern Heights located in Wasilla Alaska.

Northern Heights is a Hookah Lounge which opened on May 30th 2015. We were open for about a month and were shut down due to the illegal Cease and Desist letters Issued by the state of Alaska on June 18th, 2015.

We created our facebook page and introduced ourselves to our community on April 22, 2015. This was our introduction:

Welcome to Northern Heights, the Mat-Su Valley's premier private smoking club. Offering Hookah tobacco rentals, glassware, smoking tools, devices and artwork! We are also indoor cannabis friendly (BYOB) with access to an all inclusive menu of great Alaskan meals. Members may also rent space for special events. We are currently under construction! Opening Mid May 2015.

Our introduction to our community highlighted our hookahs, our tobacco (or Shisha) our rentals, artwork, access to amazing Alaskan meals and as an also, indoor cannabis friendly environment. It is in no way the forefront our business model or our business practice.

The cease and desist letter states that I am operating an illegal Marijuana establishment. The letter states that I am operating a marijuana club where I charge members of the public to enter my business and permit them to consume marijuana that they have either brought into the establishment or which I am providing for free in exchange for the price of membership and /or

which I am providing for free in exchange for the price of membership and /or an event charge.

Northern Heights is just a hookah Lounge. Our membership is to the hookah lounge. There is not a daily fee to our members. There is \$25 up to \$75 membership a month options with perks of snacks and drinks for free, discounts and guest passes with each visit. No other perks. We do allow for members who wish to consume cannabis to do so in a safe and responsible manner. We did not get into business to break the law, grey or not, never to sell, possess, distribute or to be a free marijuana business. We do not "host" in regards to marijuana. It is very unfortunate that we were that we have been wrongfully categorized as an illegal business and our civil rights violated.

Due to the illegal cease and desist letters, our business was shut down. We reopened our doors on August 12 2015 but are struggling to stay open. I spoke at the State of Alaska Marijuana Control Board meeting on August 10, 2015. We were cleared to open. During our closure, we lost revenue, momentum and a huge holiday weekend.

Why is our lil business so important? Who do we serve and why are we fighting so hard?

We serve low income individuals, we serve veterans, we serve seniors and individuals who have no where to safely and responsibly consume medicinal cannabis, we serve cancer patients, individuals struggling with many medical ailments from IBS to PTSD. Our community needs this. Their quality of life

matters now.

A little financial background for you. We opened this lounge to offer a service. We poured everything into it. There are 5 blood and sweat investors who are working everyday and have since May 1 during renovations (which are featured in our cover photo - our transformation are on the right) without taking a paycheck, we are not getting rich from doing any of it, nor is that any intent. We have struggled because we know we are needed and appreciated. This is important. We need to be here for our community, there is no where for them to go legally. We are all families, mother's, father's, grandparents and neighbors. We only want to keep our doors open for those who need us. Thank you so very much for your support and helping us to continue to be here for you.

68 TOTAL
SHARES



COPY, PASTE & SHARE: <http://www.gofundme.com/2e2vtp7k>



Northern Heights

August 26 at 4:25pm · 🌐

Northern Heights is closed. More information will follow.

👍 Like 💬 Comment ➦ Share

Megan Pierce likes this.

Top Comments ·

1 share



Write a comment...



Rahn Thomas Dumb, brainwashed people did this....with everything good that is coming out about MJ, they still choose to be mislead and continue to be dumb and continue to screw with people and their rights. Just learned my dad has cancer. And guess what? I'm more interested in CBD's now more than ever. And I know it will help. Thats where stand. Ty... (steps down from soap box)

Like · Reply · 👍 3 · August 26 at 6:14pm · Edited



Bill Fikes Jr http://files.tested.com/.../31/79301-disapproving_will.gif

Like · Reply · August 26 at 4:47pm



Megan Pierce Why again

Like · Reply · August 26 at 4:29pm



Paula Sullivan Now what ?!

Like · Reply · August 26 at 5:21pm



Nick Callahan What happend?

Like · Reply · August 26 at 5:10pm



Rose Bird So sad, just at your door and see the sign. Hope to see you soon

Like · Reply · August 26 at 6:08pm




Russell Rob Gleason No news as to why yet?

Like · Reply · August 26 at 9:19pm



CLOSED
Until Further
Notice.

We Apologize for any inconvenience
Caused. - NH Staff

A red wooden door with a glass panel. The glass panel shows the interior of a building under renovation, with wooden beams and a concrete floor. A white sign is taped to the glass. Outside the door, a paved area and green trees are visible.

We are currently closed
and under renovation.

The boat launch can be
paid for downstairs at
Northern Heights.

Thank you!

Tab

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THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

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

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: Pagoda Chinese Restaurant
#2851

This is a transfer pursuant to AS 4.11.400(k) from the City of Fairbanks to the City of North Pole. The City of Fairbanks has requested additional time to respond to the application as permitted by 3 AAC 304.197(b)

Date of Notification to Fbx: July 14, 2015

Extension Request: September 8, 2015

Recommendation: Grant request for extension up to 120 additional days as permitted under 3 AAC 304.197(b)

From: [Danyielle Snider](#)
To: [Andrews, Maxine R \(CED\)](#)
Cc: [Alcohol Licensing, CED ABC \(CED sponsored\); Oates, Sarah D \(CED\)](#)
Subject: RE: Transfer of Beverage Dispensary Liquor License #2851
Date: Friday, September 04, 2015 2:57:59 PM

The City of Fairbanks is requesting an extension in time to respond to the Pagoda liquor license application for transfer per 3 AAC 304.197(b).

D. Danyielle Snider, CMC
City Clerk | City of Fairbanks
800 Cushman Street | Fairbanks, AK 99701
P (907) 459-6774 | F (907) 459-6710
ddsnyder@ci.fairbanks.ak.us

From: Andrews, Maxine R (CED) [mailto:maxine.andrews@alaska.gov]
Sent: Friday, August 21, 2015 10:24 AM
To: Danyielle Snider
Subject: Transfer of Beverage Dispensary Liquor License #2851

Danyielle,
Attached is your notification of the pending transfer of Beverage Dispensary Liquor License #2851. Note this transfer is unusual, it involves a license transferring from the City of Fairbanks to the City of North Pole which is allowed under AS 04.11.400(k).

The City of Fairbanks must respond to the notification per 3 AAC 304.197. Please respond approved or protest this transfer.

3 AAC 304.197. Process for transfer of a beverage dispensary license under AS 04.11.400(k).

(a) Within 10 days after receiving an application to transfer a beverage dispensary license under AS 04.11.400(k), the board will notify the affected municipalities in writing. In the notice, the board will include the date the complete application was received by the board, the license number, the present or previous business name of the license to be transferred, the names of the transferee and the transferor if applicable, and the proposed location of the license.

(b) Each municipality affected by the transfer request under AS 04.11.400(k) may respond to the notice under (a) of this section within 60 days after receipt. A municipality may request an extension of time to respond. The board may grant a request for extension up to 120 additional days.

(c) In addition to other requirements in AS 04 and this chapter for the transfer of a beverage dispensary license, both municipalities must agree to a transfer under AS 04.11.400(k) for the transfer to be approved. If either municipality does not respond to the notice within the time allowed under (b) of this section, the transfer request will be denied. (Eff. 12/13/2009, Register 192.

Editor's note: As of Register 203 (October 2012), and acting under AS 44.62.125(b)(6), the regulations attorney relocated former 13 AAC 104.197 to 3 AAC 304.197, to reflect ch. 55, SLA 2012. Chapter 55, SLA 2012 relocated the Alcoholic Beverage Control Board from the

Department of Public Safety to the Department of Commerce, Community, and Economic Development. The history note for 3 AAC 304.197 carries forward the history from former 13 AAC 104.197.

In 2012 the revisor of statutes, acting under AS 01.05.031, rearranged subsections within AS 04.11.400. As of Register 203 (October 2012), the regulations attorney made conforming technical revisions under AS 44.62.125(b)(6) to 3 AAC 304.197, so that cross-references to former AS 04.11.400(m) now refer to the redesignated subsection, AS 04.11.400(k).

Note this transfer is unusual, it involves a license transferring from the City of Fairbanks to the City of North Pole which is allowed under AS 04.11.400(k).

Please cc our licensing email with any correspondence, it is: alcohol.licensing@alaska.gov

Maxine Andrews

Business Registration Examiner | Dept. of Commerce and Economic Development | Alcoholic Beverage & Marijuana Control Boards

550 W. 7th Ave. Ste. 1600 Anchorage, AK 99501 | 907.269.0358 | fax 907.334.2285



Please consider the environment before printing this e-mail.

Less paper is better for us and our environment.

Tab

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THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: Stock Transfer Landsharks
Licenses #4444

This is an Accusation regarding a Notice of Violation per AS 04.11.040(c) and 3 AAC 304.175(b) for failing to complete a stock transfer upon change in controlling interest. The licensee has not been responsive to agency efforts to assist in the completion of the transfer. The licensee has not responded to a Notice of Violation, resulting in a further violation of 3 AAC 304.525(a)(1)(B).

| | |
|---|---|
| Date of event requiring stock transfer: | December 18, 2011- Death of 50% shareholder; corporation report not updated; corporation involuntarily dissolved June 10, 2013 |
| Date event first reported to board: | February 28, 2013 (renewal paperwork) |
| Date letter from Licensing sent: | June 10, 2014 for action by July 10, 2014 |
| Date of additional contacts from licensing: | Phone call between 01/01/15 and 2/24/15; email 2/24/15; phone call 3/2/15, letter 3/3/15, phone call 4/2/15, emails 4/2/15 and 4/21/15, certified letter 05/15/15 |
| Notice of Violation sent: | June 1, 2015 |
| Date of responses by licensee: | Email received 2/24/15 (attached); email 4/4/15 (attached); certified letter signed for 5/21/15 |
| Additional Violation: | June 26, 2015, NOV for serving alcohol off licensed premises. Email responses from licensee includes reference to stock transfer due to director's inquiry |
| Date Accusation sent: | July 1, 2015 |



Inquiry for the Board:

Should the board suspend the license in order to get the licensee to complete the stock transfer?

Recommendation:

Suspend license until complete stock transfer application is received.

STATE OF ALASKA

ALCOHOLIC BEVERAGE CONTROL BOARD

| | | |
|--------------------|---|-----------|
| In the matter of |) | |
| Anderson Bay, Inc. |) | |
| dba Landsharks |) | |
| P.O. Box 472 |) | |
| Valdez, AK 99686 |) | |
| |) | |
| Respondent |) | |
| |) | |
| _____ |) | No. 15-01 |

ACCUSATION

Petitioner, Cynthia A. Franklin, Director of the Alcoholic Beverage Control Board, acting in her official capacity and upon information and belief, alleges as follows:

INFORMATION

1. Respondent, Anderson Bay Inc., is the holder of a licensed beverage dispensary license doing business as Landsharks, located at 121 Egan Drive, Valdez, Alaska, license number 4444.
2. P. Dennis Maloney (deceased December 18, 2011) is President and 50% owner of stock in Anderson Bay, Inc. Mark Lee is Vice-President and 50% owner of stock in Anderson Bay, Inc.
3. The license was first issued to Anderson Bay, Inc. in November of 2004.

COUNT 1

4. Petitioner incorporates paragraphs 1-3 of this accusation as if fully set forth in Count 1.

5. On February 28, 2013 the corporation reported the death of the president, P. Dennis Maloney, on renewal paperwork. On June 10, 2014, staff of the ABC Board sent a certified letter to the corporation requesting stock transfer paperwork be filed to bring the license into compliance with AS 04.11.030, AS 04.11.040(c) and AS 04.11.050 requiring an application for ownership transfer due to the death of the majority stockholder. The agency requested the licensee file a transfer application by July 10, 2014. No paperwork was filed. Additional contacts were made by agency staff including a phone call between 01/01/15 and 2/24/15; an email 2/24/15; a phone call 3/2/15, a letter 3/3/15, a phone call 4/2/15, emails 4/2/15 and 4/21/15, and another certified letter 05/15/15. None of these contacts resulted in a transfer application being filed by the licensee. On June 1, 2015, a Notice of Violation was sent regarding the failure to apply for an ownership transfer. No response has been received as of June 30, 2015. Additionally, the corporation was involuntarily dissolved on June 10, 2013.

a) AS 04.11.030(b) states: If an application for the transfer of ownership of a license from a deceased licensee is not made within 90 days of the death of the licensee or within an additional 90 days if an application for transfer of ownership made by the executor is denied, or no petition is made to the board for an extension of time under (c) of this section within the time, the license is forfeited.

b) AS 04.11.040(c) states: A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board.

c) AS 04.11.050(a) and (b) state: (a) A corporation issued a license under this title shall report to the board when 10 percent or more of its corporate stock is transferred and

shall also report any change in its corporate officers or in the membership of its board of directors.

(b) The report to the board shall be made in writing in duplicate and shall be sent within 10 days after the transfer of the stock or the change in officers or directors.

COUNT 2

6. Petitioner incorporates paragraphs 1- 5 of this accusation as if fully set forth in Count 2.

7. The licensee has violated 3 AAC 304.525(a)(1)(B) by failing to respond to the Notice of Violation issued June 1, 2015 as set forth in Count 1 above. That regulation states: 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 10 days after receipt of the notice, and the director shall grant an appearance within 10 days after receipt of the request. A licensee shall respond, either orally or in writing, to the notice of violation.

COUNT 3

8. Petitioner incorporates paragraphs 1- 7 of this accusation as if fully set forth in Count 3.

9. On June 26, 2015, ABC Investigator Joe Hamilton received an email with a photograph of a table of persons drinking alcohol in the parking lot outside Landsharks. Investigator Joe Hamilton issued an NOV for violating AS 04.16.120: Removal or introduction of alcoholic beverages and AS 04.21.030: Responsibility of licensees, agents, and employees.

a) AS 04.16.120(a) states: A person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises.

b) AS 04.21.030 states: The licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes, but is not limited (1) to ensuring the compliance by agents or employees with this title and regulations adopted under this title, including acting with reasonable diligence to determine that agents or employees are advised of the provisions of this title and the regulations adopted under this title, either by securing the agent's or employee's written acknowledgement of posted instructions or otherwise; and (2) to ensuring the compliance of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction.

THE ACTS ALLEGED in Counts 1 through 3 above are grounds for suspension or revocation of a license under AS 04.11.370 (a) (2), (3), (6), (10), which provide:

(a) A license or permit shall be suspended or revoked if the board finds:

(2) continuation of the manufacture, sale, or service of alcoholic beverages by the licensee or permittee would be contrary to the best interests of the public;

(3) failure on the part of the licensee to correct a defect that constitutes a violation of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or other laws after receipt of notice issued by the board or its agent;

(6) failure of the licensee to comply with the public health, fire, or safety laws and regulations in the state;

(10) violation by a licensee of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010.

Wherefore, petitioner prays:

1. That the Alcoholic Beverage Control Board find that the respondent, Anderson Bay Inc., dba Landsharks, through its agents and employees committed the acts alleged above.

2. That the Alcoholic Beverage Control Board suspend or revoke the beverage dispensary license issued to Anderson Bay Inc., dba Landsharks, license number 4444, under AS 04.11.370 (2), (3), (6), and (10), and;

3. For such other relief as the Alcoholic Beverage Control Board considers appropriate.

Dated at Anchorage, Alaska, this 1st day of July, 2015.

Cynthia A. Franklin, Director
Alcoholic Beverage Control Board



Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

Date: 6-26-15
Number AB15-0446
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

| | | |
|---|--|---|
| Licensee Anderson Bay Inc. | License Number 4444 | Type of License Beverage Dispensary |
| D.B.A. Landsharks 121 Egan Drive | How Delivered [X] Mail Receipt on file. [] In Person | Law Enforcement Agency Valdez Police Department |
| Street or P.O. Box PO Box 472 | City, State Valdez, AK | Zip 99686 |

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 6-25-15, the Alcoholic Beverage Control Board Investigations Unit received an e-mail which depicted several persons seated in bar furniture in the parking lot of your establishment. It also depicted at least four of these persons drinking alcoholic beverages. A check of your license file reveals you do not have a premises extension. This is a violation of Title 4.

Your attention is directed to **AS04.16.120: Removal or introduction of alcoholic beverages and AS04.21.030: Responsibility of licensees, agents, and employees**

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

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

Cynthia Franklin, Director
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
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: Debra Marsden |
| Filed By: <i>JR Hamilton</i> | Title: Investigator III |

From: [Mark Lee](#)
To: [Franklin, Cynthia A \(CED\)](#)
Subject: Landsharks
Date: Friday, June 26, 2015 3:59:01 PM

Cynthia,

I was re-reading my email to you regarding outside service at Landsharks, and feel I did not properly explain Dina's actions. She had been saying, that with good weather, people would enjoy sitting outside. I had told her that several years ago I had plans to build a wooden deck to facilitate just that and that I was going to change our service area in our renewal application. I think she probably thought I had changed our drawing but just never built the deck. Again my fault for the misunderstanding.

Cynthia, we also have another outstanding issue with Landsharks pertaining to stock ownership. My original partner was Dennis Maloney, a long time Anchorage resident and successful attorney, that died a month after my other partner and father died. Dennis, not long after we bought the liquor license for Landsharks, found out he had a rare blood cancer and would not live much longer (with his \$ he had full transfusions in Seattle and pretty much fooled them in how long he lived). Anyway, Dennis formed the corp., had all the corp. info and stock books and was president. He was supposed to forward all that to me, but with his illness, his priorities were elsewhere. Later we made a deal on his shares and signed an escrow agreement for me to purchase the stock. I had thought I supplied the ABC with that transaction and a copy of the agreement on our next renewal. If not, I will fax you a copy of the escrow.

Thanks,

Mark Lee
Landsharks

From: [Mark Lee](#)
To: [Franklin, Cynthia A \(CED\)](#)
Subject: Re: ABC Board Website Question
Date: Friday, June 26, 2015 1:32:48 PM

Cynthia,

These activities will stop immediately. I take responsibility for the misunderstanding between myself and Dina (manager) I told her a catering license or a redraw and approval of our licensed premises needs to happen before we proceed with any outdoor service. I am meeting with her this afternoon so we can get on the same page. Please be assured we will not allow this to happen again until we are in compliance with the ABC.

Thank you,
Mark Lee
907-835-4332

From: [Franklin, Cynthia A \(CED\)](#)
Sent: Friday, June 26, 2015 11:26 AM
To: pipeinn@gci.net
Cc: [Hamilton, Joe \(CED\)](#) ; [Oates, Sarah D \(CED\)](#) ; [Beasley, Robert L \(CED\)](#)
Subject: FW: ABC Board Website Question

Mark Lee and Dina:

This activity is illegal. Your liquor license at both establishments is in danger. We have been trying to reach you regarding other matters related to your license on the agenda. Please plan to appear before the Alcoholic Beverage Control Board on July 1, 2015 in Fairbanks Alaska. Our investigator is issuing a Notice of Violation for the below activity today. We need to hear from you.

Cynthia Franklin, Director
Alcoholic Beverage & Marijuana Control Boards
907-269-0351

From: Hamilton, Joe (CED)
Sent: Friday, June 26, 2015 9:25 AM
To: Franklin, Cynthia A (CED)
Cc: Oates, Sarah D (CED)
Subject: FW: ABC Board Website Question

This was sent to me yesterday, it's Land Sharks in Valdez. I requested more information from the sender of the picture but have not heard anything yet.

I checked their license file and from what I can see, there is no extension of premises for outside service. Since they are on the agenda, thought you might be interested.

joe

From: Debra Marsden [<mailto:dmarsden835@hotmail.com>]
Sent: Thursday, June 25, 2015 1:09 PM
To: Hamilton, Joe (CED)
Subject: ABC Board Website Question





Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

Date: 6-1-15
Number AB15-0439
Page 1 of 1 Page

Notice of Violation

(3AAC 304.525)

| | | |
|---|--|--|
| Licensee Anderson Bay Inc. | License Number 4444 | Type of License Beverage Dispensary |
| D.B.A. Landsharks 121 Egan Drive | How Delivered [X] Mail Receipt on file. [] In Person | Law Enforcement Agency Valdez Police Department |
| Street or P.O. Box PO Box 472 | City, State Valdez, AK | Zip 99686 |

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: Your application for renewal indicates that you have had a controlling interest in your corporation. As of today's date, you have failed to complete stock transfer paperwork to the Board. Licensing staff notes indicate they have contacted you multiple times since early 2015 to correct this issue. This is a violation of Title 04.

Your attention is directed to **AS04.11.040(c): Board approval of transfers, AS 04.11.370: Suspension and revocation of licenses and permits and 304.AAC175(b): Transfers**

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

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

Cynthia Franklin, Director
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600
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: F.R. Hamilton |
| Filed By: <i>FR Hamilton</i> | Title: Investigator III |

Hand delivered by VPD 06/01/15.
Sent certified mail #7013 1090 0001 2774 4378

From: [Hamilton, Joe \(CED\)](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: Anderson Bay
Date: Wednesday, June 10, 2015 9:40:03 AM

Anderson Bay positively received their NOV's on 6-5-15, Jamie Mayer signed for the letters. Police Delivered before that but failed to get a name as I requested of them.



Joe Hamilton
Investigator
Alcoholic Beverage Control Board
550 W. 7th Ave, Ste 1600, Anchorage, AK 99501
Office (907) 269-0063 Fax (907) 334-2285
Joe.Hamilton@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W 7th Avenue Ste. 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

May 15, 2015

Anderson Bay Inc.
Attn: Mark Lee
PO Box 472
Valdez, AK 99686

Certified: 7011 2970 0003 3312 5806

Re: Liquor license #4444 DBA Landsharks

Dear Mark,

This certified letter is my last notice to you about the need to do a stock transfer. You were originally notified of the required stock transfer in June 2014, I sent you another letter in March 2015, I have also sent emails to you to no avail.

Alaska Statute 04.11.040 (c) states: *A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board.* The written consent of the board is approving the stock transfer that you must submit to be in compliance with Title 4.

Additionally, Division of Corporations, the agency where you file the biennial report, states your entity is "Involuntarily Dissolved" this must also be addressed.

If a transfer of stock has not been received by our July 1 board meeting, your license will be presented to the board for action.

Please call our office if you have additional questions

Sincerely,

Jane Sawyer
Business Registration Examiner
907-269-0359
Jane.sawyer@alaska.gov

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Anderson Bay, Inc.
Attn: Mark Lee
PO Box 472
Valdez, AK 99686

2. Article Number
(Transfer from service label)

7011 2970 0003 3312 5806

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

S. Lee

- ☐
- Agent
-
- ☐
- Address

B. Received by (Printed Name)

S. LEE

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ NoMAY 26 15 PM 9:33
5121

3. Service Type

- ☒
- Certified Mail®
- ☐
- Priority Mail Express™
-
- ☐
- Registered
- ☒
- Return Receipt for Merchandise
-
- ☐
- Insured Mail
- ☐
- Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

State of Alaska
Department of Commerce, Community and Economic Development
Corporations, Business and Professional Licensing

ANDERSON BAY, INC.
P DENNIS MALONEY

Certificate of Involuntary Dissolution/Revocation

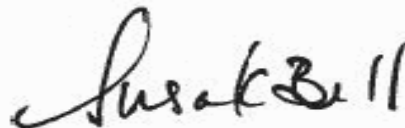
The undersigned, as Commissioner of Commerce, Community and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

ANDERSON BAY, INC.



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective **June 11, 2013.**



Susan K. Bell
Commissioner

From: [Sawyer, Jane Preston \(CED\)](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: FW: Liquor license #4444 Anderson Bay Inc.
Date: Friday, May 29, 2015 10:36:30 AM

Jane

From: Sawyer, Jane Preston (CED)
Sent: Tuesday, April 21, 2015 9:04 AM
To: 'Mark Lee'
Subject: RE: Liquor license #4444 Anderson Bay Inc.

Good morning Mark,

I hope you are feeling better. We do need to speak about the controlling interest transfer (stock transfer) that needs to happen.

Per Alaska Statute 04.11.040 (c) “ ***A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board.***”

This being said, it is imperative that the representative of Dennis Maloney’s estate (who is assigned by the superior court) submits the transfer paperwork as soon as possible.

Mark, if you have not started with the transfer process because the estate of Dennis has not been assigned a personal representative you may need to write to the ABC Board asking for more time to sort out his estate, and submit the transfer.

Please let me know what is going on as soon as possible.

Thank you

Jane

From: Mark Lee [<mailto:pipeinn@gci.net>]
Sent: Saturday, April 04, 2015 3:12 PM
To: Sawyer, Jane Preston (CED)
Subject: Re: Liquor license #444 Anderson Bay Inc.

Jane,

Sorry I did not get back to you yet. I have some bug and my voice is gone. I will get back to you next week (if I can talk).

Thanks,
Mark

From: [Sawyer, Jane Preston \(CED\)](#)
Sent: Thursday, April 02, 2015 11:19 AM

To: pipeinn@gci.net

Subject: Liquor license #444 Anderson Bay Inc.

Mark, I just called you and left a message with the person answering the phone. This is regarding the need of a stock transfer because Dennis Maloney's passing in 2011.

I sent you a letter back in March along with a transfer packet. Please contact me as soon as possible, I need prove that you are working on the transfer or your license may go in front of the board for not complying with ABC Board laws and/or regulations.

Thank you

Jane Sawyer

Business Registration Examiner

Alcoholic Beverage Control Board

2400 Viking Drive

Anchorage, AK 99501

Tel: 907-269-0359 Fax: 907-334-2285



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

March 3, 2015

Anderson Bay Inc.
Attn: Mark Lee
PO Box 472
Valdez, AK 99686

Re: Liquor license #444 DBA Landsharks

Dear Mark,

I wanted to recap our conversation on 2/27/15 about the need to do a Controlling Interest transfer due to the passing of Dennis Maloney in 2011.

Per Alaska Statute 04.11.040 (c) "*A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board*". The written consent of the board is by approving your stock transfer application that must be submitted as soon as possible.

You stated that you would be looking into the status of the estate of Dennis Maloney the following Monday (we spoke on a Friday).

There was a letter sent to you back in June 10, 2014 where states that you need a stock transfer, but a transfer was never submitted

Please note that it is imperative that you or whoever is the Personal Representative or Executor/Executrix of Dennis Maloney's estate gets this transfer completed. If there is no Personal Representative or Executor/Executrix that has been assigned by the court then I highly recommend you contact an attorney.

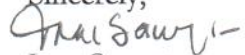
Additionally, the Division of Corporations which is a different state agency needs to be in "Good Standing", their telephone number is 907-269-8156.

Please also note that failure to comply with ABC Board regulations could result, but is not limited, to the suspension of your liquor license.

I am sending you a transfer packet along with this letter. The renewed liquor license will be held in our office until I receive acceptable proof that you are working on this matter.

Please give me a call or email me with questions you may have.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jane Sawyer", written over the printed name.

Jane Sawyer

Business Registration Examiner

907-269-0359

Jane.sawyer@alaska.gov

From: [Sawyer, Jane Preston \(CED\)](#)
To: [Oates, Sarah D \(CED\)](#)
Subject: FW: Lic. #4444
Date: Friday, May 29, 2015 10:36:53 AM

Jane

From: Mark Lee [mailto:pipeinn@gci.net]
Sent: Tuesday, February 24, 2015 2:39 PM
To: Sawyer, Jane Preston (CED)
Subject: Lic. #4444

Jane,

Thank you for your help. Like everyone else, we have had a lot of problems.

Thanks again,

Mark Lee



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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

June 10, 2014

Re: Transfer of Stock required for Liquor License #4444 Landsharks

Dear Mark Lee:

It came to my attention that a transfer of stock was required following the death of P D Maloney in 2011. The ABC Board records show the stock distribution at the time of his death was P D Malone 50% and Mark Lee 50%. Neither of you had controlling interest. Please complete the enclosed transfer application for Beverage Dispensary #4444. Include any documents that show you have authority to complete this transfer. The requirement for transfer should have been noticed in February 2013 when your license was renewed. I am sorry I overlooked this requirement.

Another problem which I have discovered is that the renewal document was not notarized. Please provide a notary for the attached page 2 of the form.

Anderson Bay Inc. has been involuntary dissolved by the State of Alaska Division of Corporations. Please bring your entity #85630D into "Good Standing". Your biennial report was due 1/2/2012.

Please submit the completed transfer forms by July 10th or contact our office with an explanation for the delay.

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

A handwritten signature in cursive script that reads "Maxine Andrews".

Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

Enclosures: Transfer application; Div. of Corporation Contact Sheet; Entity 85630D data sheet;
page 2 2013-2014 renewal application

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Anderson Bay Inc.
Attn: Mark Lee
PO Box 472
Valdez, AK 99686

2. Article Number

(Transfer from service label)

7006 3450 0003 7321 3460

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

S. Lee

☐ Agent☐ Addressee**B. Received by (Printed Name)**

S. LEE

C. Date of Delivery

6-18-14

D. Is delivery address different from item 1?☐ Yes

If YES, enter delivery address below:

☐ No

JUN 20 14 44 PM 18-47

3. Service Type

Certified Mail

☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes

4444

| | |
|--|-------------|
| License Fee | \$ 2500.00 |
| Filing Fee | \$ 200.00 |
| TOTAL | \$ |
| Late Fee – If Received or Postmarked after 12/31/12 | \$ 500.00 |
| Fingerprint Fee – \$51.50 per person (only for new owners/members) | \$ |
| GRAND TOTAL | \$ 3,200.00 |

By affixing my signature below:

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

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

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

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

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

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

Please
Sign &
notarize
this form



MARK ALEX LEE
Printed Name & Title

Subscribed and sworn to before me this

_____ day of _____

ABC LICENSE MANAGEMENT

Add/Update Owner or Enterprise

ID: 170

Name: Anderson Bay Inc

Address: PO Box 472

City: Valdez

State: AK

ZIP: 99686

Email: jambo@gci.net

Save

Cancel

Licenses

4444

Landsharks

121 Egan Drive

Interested Parties

Add Interested Party

| ID | Name | % | Aff | Pres | VP | Sec | Treas | Off | Mbr | Mgr | Edit | Delete |
|----------------------|--|--------|-----|------|----|-----|-------|-----|-----|-----|----------------------|------------------------|
| 3004 | P Dennis Maloney (deceased 12/18/2011) | 50.00 | | ✓ | | | | | | | Edit | Delete |
| 3005 | Mark Lee | 50.00 | | | ✓ | | | | | | Edit | Delete |
| 3006 | Susan Lee | 0.00 | | | | | | | | | Edit | Delete |
| Total Percentage | | 100.00 | | | | | | | | | | |

ABC Board file shows the owner of record for #4444 Landsharks as 50% P Dennis Maloney and 50% Mark Lee
Stock transfer required.

State of Alaska Division of Corporations



Headquarters

Box 110806

AK 99811-0806

Mon-Fri - 8am to 5pm)

Physical Address:

750 North 9th Avenue, 9th Floor
Anchorage, AK 99801

Main Phone Receptionist: (907) 465-2550

Fax: (907) 465-2974

E-mail: corporations@alaska.gov

If the entity name of your inquiry begins with A-E,

Contact: Danielle Ames

Email: jon.zeman@alaska.gov

Main Phone: Receptionist (907) 465-2426

If the entity name of your inquiry begins with F-N, Contact: Alicia Kelly

Email: alicia.kelly@alaska.gov

Phone: (907) 465-5454

If the entity name of your inquiry begins with O-Z,

Contact: Kelli Bergthold

Email: kelli.bergthold@alaska.gov

Phone: (907) 465-6346

Anchorage Field Office

550 West 7th Avenue, Suite 1500

Anchorage, AK 99501-3567

Main Phone Receptionist: (907) 269-8160

Fax: (907) 269-8156

Division of Corporations, Business and Professional Licensing

Name(s)

| Type | Name |
|------------|--------------------|
| Legal Name | ANDERSON BAY, INC. |

Entity Details

Entity Type: Business Corporation

Entity #: 85630D

Status: Involuntarily Dissolved

AK Formed Date: 3/15/2004

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2012

Entity Mailing Address:

Entity Physical Address:

Registered Agent

Agent Name: P DENNIS MALONEY

Registered Mailing Address:

**Registered Physical
Address:**

Officials

| AK Entity# | Name | Titles | Percent Owned |
|------------|-------------|--|---------------|
| | Mark Lee | Director, Secretary, Treasurer, Vice President | 50 |
| | P D Maloney | Director, President | 50 |

Filed Documents

| Date Filed | Type | Filing | Certificate |
|------------|-----------------|--------|-------------|
| 3/15/2004 | Creation Filing | | |
| 4/7/2004 | Biennial Report | | |
| 3/14/2007 | Biennial Report | | |

Tab

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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
MARIJUANA CONTROL BOARD

550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: September 8, 2015
RE: McKinley Creekside Cabins
License #4006; Seasonal REP

This is an Accusation regarding a Notice of Violation per AS 04.11.630 and 3 AAC 304.515 for violating the requirement that the licensed premises be available for inspection.

Date of attempted inspection: May 20, 2015

Date NOV issued: May 26, 2015

Date of response to NOV: June 8, 2015

Date Accusation sent: July 1, 2015

Date of additional contact: August 27, 2015 (letter from licensee in board packet)

Inquiry for the Board: Should license be suspended for failure to submit to premises inspection?

Recommendation: Suspend license during operating season (4-1-15 to 10-1-15) for amount of time board deems appropriate.

STATE OF ALASKA

ALCOHOLIC BEVERAGE CONTROL BOARD

| | | |
|--------------------------------|---|-----------|
| In the matter of |) | |
| Slinkard & Smith Co, LLC |) | |
| dba McKinley Creekside Cabins |) | |
| P.O. Box 89 |) | |
| Denali National Park, AK 99755 |) | |
| |) | |
| Respondent |) | |
| |) | |
| _____ |) | No. 15-05 |

ACCUSATION

Petitioner, Cynthia A. Franklin, Director of the Alcoholic Beverage Control Board, acting in her official capacity and upon information and belief, alleges as follows:

INFORMATION

1. Respondent, Slinkard & Smith Co, LLC dba McKinley Creekside Cabins, is the holder of a licensed restaurant/eating place public convenience tourism license, located at Mile 224 Parks Highway, Denali National Park, Alaska, license number 4006.
2. According to ABC records Holly Slinkard is a 50% member and Tracey Smith is a 50% member of Slinkard & Smith Co, LLC.
3. The license was first issued to the current owner of Slinkard & Smith Co, LLC on July 13, 2000.

COUNT 1

4. Petitioner incorporates paragraphs 1-3 of this accusation as if fully set forth in Count 1.

5. On May 26, 2015 ABC enforcement staff issued a Notice of Violation to Slinkard & Smith Co, LLC because part-owner Holly Slinkard ejected an ABC enforcement officer in the middle of an inspection of the licensed premises in violation of AS 04.11.630 and 3 AAC 304.515.

AS 04.11.630 states (a) A licensee shall, upon request, make the licensed premises and places authorized for storage under AS 04.21.060 available for inspection by officers charged with the enforcement of this title, including members of the board and the director or an employee of the director, during all regular business hours. (b) A license issued under this title shall be posted within the licensed premises so as to be easily available for inspection upon request by a peace officer or other person during regular business hours.

3 AAC 304.515 states (a) Licensees are considered to consent to the entry upon the licensed premises and inspection of the licensed premises at all reasonable times and in a reasonable manner by investigative personnel of the board or by other peace officers acting in their official capacity for the purpose of enforcing statutes and regulations related to alcoholic beverages. (b) Licensees shall do all things reasonably necessary and appropriate to cooperate with investigative personnel and employees of the board and peace officers acting in their official capacity to enforce the statutes, regulations and ordinances related to alcoholic beverages, including permitting entry upon and inspection of the licensed premises and providing access, upon request at reasonable times, to business records at the written direction of the director.

THE ACTS ALLEGED in Counts 1 above are grounds for suspension or revocation of a license under AS 04.11.370 (a) (2) and (10), which provide:

(a) A license or permit shall be suspended or revoked if the board finds:

(2) continuation of the manufacture, sale, or service of alcoholic beverages by the licensee or permittee would be contrary to the best interests of the public;

(10) violation by a licensee of this title, a condition or restriction imposed by the board, a regulation adopted under this title, or an ordinance adopted under AS 04.21.010.

Wherefore, petitioner prays:

1. That the Alcoholic Beverage Control Board find that the respondent, Slinkard & Smith Co, LLC, dba McKinley Creekside Cabins, committed the acts alleged above.

2. That the Alcoholic Beverage Control Board suspend the beverage dispensary license issued to Slinkard & Smith Co, LLC, dba McKinley Creekside Cabins, license number 4006, under AS 04.11.370 (2) and (10), and;

3. For such other relief as the Alcoholic Beverage Control Board considers appropriate.

Dated at Anchorage, Alaska, this 1st day of July, 2015.

Cynthia A. Franklin, Director
Alcoholic Beverage Control Board



Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Date: 05/26/2015
Number AB 15-0442
Page 1 of 1

Notice of Violation

(3AAC 304.525)

| | | |
|--|--|--|
| Licensee Holly Slinkard | License Number 4006 | Type of License Restaurant/Eating Place |
| D.B.A. McKinley Creekside Cabins | How Delivered [X] Certified Mail # On-File [] In Person | Law Enforcement Agency Alaska State Troopers |
| Street or P.O. Box Mile 224 Parks Highway | City, State Denali National Park, AK | Zip 99755 |

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.

Your attention is directed to

VIOLATION: On May 20th 2015 at approximately 1:45pm Holly Slinkard, Licensee, stopped an inspection in progress because she said she was too busy and was not open, the Investigator could do the inspection the next day. This is a violation of 04.11.630: Accessibility of license and licensed premises to inspection and 3AAC 304.515 Inspection

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

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

Cynthia Franklin, 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: Inv. Richard Finney |
|----------|--|

.....

McKinley Creekside Cabins & Café
The Great Alaska Fish & Chip Co
PO Box 89 / Mile 224 Parks hwy
Denali National Park, Alaska 99755
1-888-5DENALI (533-6254)
www.mckinleycabins.com

Slinkard and Smith Co. LLC

June 8, 2015

To: ABC
From: Holly Slinkard
RE: Violation / License # 4006

Dear Whom it may concern,

This is in response to the violation issued by Richard Finney on May 20, 2015. Mr. Finney came by and spoke to my front desk about my liquor licenses. He then came to me asking for my restaurant designation permit, as it wasn't on the copy that front desk had of my license. I explained that I wasn't yet open to the public, but frantically trying to get my restaurant trained and up and running in the next few days. As is common with any seasonal business owner on May 20th. When I spoke to Mr. Finney, I was literally in the kitchen trying to train my chefs, and do a trail run of the dinner items (Mr. Finney came in at about 4pm ish). That all my paperwork was in order and although I didn't know where my copy of the resignation permit, I would get one immediately and he could come back tomorrow. He didn't like that idea, and threatened taking away my license. I of course did not like that answer, and we parted ways. I immediately called the ABC board, spoke to Jane Sawyer and had her fax me copies of my license/permit. About an hour later or so, Mr. Finney came back and said he was issuing me a violation for failure to inspect. I disagreed and said I wasn't not allowing an inspection, just that I had to get my copy (which by then I already had it in the office), and to come back. He was emphatic about issuing me the violation and left. I feel this is an unnecessary violation and should be removed. If you have any questions please feel free to give me a call at 907-683-2270

Kind Regards,



Holly Slinkard
hollyslinkard@yahoo.com

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