



MEMORANDUM

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

DATE: July 13, 2016

RE: KBI Spirits

This is an application for a new package store license in Kodiak. Three objections were received pursuant to AS 04.11.470. The board is required to consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) upon receipt of objection to ascertain the reaction of the public and local governing body to the application. AS 04.11.510(b)(2) requires that the board give 20 day advance notice of such hearing.

Objections received:

- 1) Kyle Crow, January 19, 2016
- 2) Old Harbor Native Corporation, January 25, 2016
- 3) Port Lions Traditional Tribal Council, February 5, 2016

Notice given for hearing?

Yes, 20 days notice in public notice for meeting

Statutes/Regulations Applicable

AS 04.11.470; AS 04.11.510(b)(2); AS 04.11.320(a)(1)

Questions before the board

- 1) The board should consider, after a review of all relevant information, whether the issuance of the license would be in the best interest of the public pursuant to AS 04.11.320(a)(1)
- 2) The board may use any objection and the reaction of the public and local governing body to the application, as ascertained after holding the hearing under AS 04.11.510(b)(2), to assist in its determination of the answer to question number 1 above.

Board Action

Options:

- 1) Issue license with delegation
- 2) Deny; issue written findings of fact in support of decision per AS 44.62.



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: January 31, 2016

RE: KBI Spirits

This is an application for a new package store license in Kodiak. Objections were received pursuant to AS 04.11.470 after the date that the February meeting was noticed. AS 04.11.470 states that the board shall consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) upon receipt of objection to ascertain the reaction of the public and local governing body to the application. AS 04.11.510(b)(2) requires that the board give 20 day advance notice of such hearing. In order to meet the statutory requirements, the board should table this matter until the April meeting. The director will notice the meeting more than 20 days in advance and will indicate in the public notice that the application will receive its AS 04.11.510(b)(2) hearing at that meeting.

January 25, 2015

Wayne T Sargent
PO Box 8928
Kodiak, AK 99615

Via Email: joe.samaniego@alaska.gov

Re: State of Alaska Alcohol Beverage Control Board for a Liquor License Transfer of Ownership. Change Permit for Wayne Sargent Kalsin Bay Inn to Wayne Sargent KBI Spirits #622

We oppose this application for the following reason:

- In our community and others around Kodiak Island there is a high rate of substance abuse, domestic violence and child maltreatment. We believe that a liquor store near the airport will allow for increased bootlegging in our community and cause additional social concerns.


We are working hard to make improvements in our community and strive for a healthy and positive environment for our children. We respectfully request that the transfer of liquor license to be located at the airport to be denied.

We greatly appreciate your consideration of our comments regarding this very important issue that will have substantial impacts on the people of our community.

Quyanaa – Thank you!

Sincerely yours,

OLD HARBOR NATIVE CORPORATION


Carl H. Marrs
Chief Executive Officer

CC:
Old Harbor Native Corporation Board of Directors
Old Harbor City Council
Alutiiq Tribe of Old Harbor
Kodiak Assembly

January 29, 2015

Cynthia Franklin, Director
Alaska Alcohol Beverage Control Board
550 W. 7th Ave., Suite 1600
Anchorage, AK 99501

Re: Objection to request for transfer for License 622, Wayne L. Sargent

Dear Director Franklin and Board members:

The Kodiak Regional Rural Forum meets 3 times per year and has the participation of representatives from the tribal governments and city governments of Kodiak's rural communities: Old Harbor, Akhiok, Ouzinkie, Port Lions and Larsen Bay. In addition the forum has representatives from the Akhiok, Afognak, Old Harbor and Ouzinkie Native Corporations as well as the Regional ANLCSA corporation, KONIAG, Inc. The forum is a consortium addressing regional rural concerns and has been meeting for 12 years.

It was a surprise to the Forum's participants that the ABCB was considering the transfer of Mr. Sargent's package store license to the Kodiak Airport location. Moreover, the individual rural municipal governments would have expected to be noticed regarding the proposed transfer. The impacts of a liquor store at the Kodiak Airport will be primarily if not exclusively borne by the Kodiak' rural communities and the individuals living there. Yet, these communities were not noticed or consulted about the proposed license transfer. Consequently, the Forum's first request is for the ABCB to postpone your decision on the Wayne Sargent license transfer until your April meeting. This will allow each community time to discuss the issue and comment.

Director Franklin attended and presented at the Forum's January 27-29 sessions. Ms. Franklin clarified the Board's legal guidelines regarding comment on license transfers and informed the Forum regarding statutory notice requirements. Although disappointed with the notice guidelines, the Forum understands that NOW is the time to make comment. After considerable discussion the Forum, as represented by the following signors, **STRONGLY OPPOSES THE TRANSFER OF A LIQUOR STORE LICENSE TO THE KODIAK AIRPORT AREA.**

Each Kodiak rural community faces present and multi-generational issues with alcohol abuse. While a Kodiak Airport liquor store will not solve these problems, it will encourage additional alcohol consumption and transportation and exacerbate existing concerns. In addition, the Kodiak Area Native Association and its various healthy lifestyle programs as well as each community tribal council have all worked to educate

about and reduce alcohol abuse. Why, after all of this effort, would the ABCB place a license at a location that is strategically selected to increase alcohol sales and abuse by Kodiak's rural residents? Such a decision simply serves to undermine existing and long-term prevention efforts in Kodiak's Alaska Native community. This is contrary to the wishes and desires of virtually all of the leaders in the Kodiak Native community and should not be done.

Thank you for your consideration of the Kodiak Rural Forum's deeply felt and significant opposition to the transfer of Mr. Sargent's Liquor license to the Kodiak Airport Location. Please contact us if you have any additional questions.

Very truly yours,

Katherine Panamarioff-Ouzinkie

Name & Organization

Man Apt

MARVIN AGINOT AKHIOK TRIBAL

Jeanette Rastopsoff

Jeanette Rastopsoff AKHIOK

Randy Amode

Randy Amode N.V.A

Melissa Berns

Old Harbor, AK

Amstel Borkoblen

Ouzinkie Native Corp.

Clifford Panamarioff

Ouzinkie Native Corp.

Ray R. L. Achide

Cassie Elia-Welkoff

Ouzinkie Native Corporation

Chief Christy Pearson

KIHA/KANA

James Monberg Ouzinkie

Gene Amodeo O.M.C.

3024 A. Ingo
Old Harbor

Phil Cole
Old Harbor

Rev. Joseph Tucker OLH

Carl Mudd Ouzinkie

Don Mudd Ouzinkie

Paul Smith

Vice Mayor City of Old Harbor

Stell Krummer
Old Harbor

Ray Krummer
Old Harbor

about and reduce alcohol abuse. Why, after all of this effort, would the ABCB place a license at a location that is strategically selected to increase alcohol sales and abuse by Kodiak's rural residents? Such a decision simply serves to undermine existing and long-term prevention efforts in Kodiak's Alaska Native community. This is contrary to the wishes and desires of virtually all of the leaders in the Kodiak Native community and should not be done.

Thank you for your consideration of the Kodiak Rural Forum's deeply felt and significant opposition to the transfer of Mr. Sargent's Liquor license to the Kodiak Airport Location. Please contact us if you have any additional questions.

Very truly yours,

Sheryl M. Harnes
Name & Organization

City of Larsen Bay Council-member

Debbie Agas, Larsen Bay

Jennifer Inman

Ouzinkie School Board /

Peter Jantaff

Port Lions School Board

Susan Malut

Larsen Bay School

Shan Hosen

Larsen Bay School

Nancy Nelson

Community member, forum participant

Denise May

Forum participant

Tina Ceder

Forum Participant - Old Harbor

about and reduce alcohol abuse. Why, after all of this effort, would the ABCB place a license at a location that is strategically selected to increase alcohol sales and abuse by Kodiak's rural residents? Such a decision simply serves to undermine existing and long-term prevention efforts in Kodiak's Alaska Native community. This is contrary to the wishes and desires of virtually all of the leaders in the Kodiak Native community and should not be done.

Thank you for your consideration of the Kodiak Rural Forum's deeply felt and significant opposition to the transfer of Mr. Sargent's Liquor license to the Kodiak Airport Location. Please contact us if you have any additional questions.

Very truly yours,

Robert D. Sargent Alutic Tribe
Name & Organization of Old Harbor

Bill H. Sung Tribe

Aishadrabel Afognak
Native Corp.
CITY OF LARSEN

Sam Kuoyun BAY, VICE MAYOR

Ed Pennington Port Lions T.
Tribal Council

Katie Over, Kodiak

Jennifer Kuegan Port Lions
community

Judith Clayton Activist
ASB Port Lions

Kara Amode

Debi Pter

Phyllis Amode Kaguyak Tribe

W. H. J.

Sierra Peramansoff Ouz. Tribal Council
Ouzonkee

Janell Sharpen Tribal Council

NATIVE VILLAGE OF PORT LIONS
PORT LIONS TRADITIONAL TRIBAL COUNCIL

P.O. Box 69
PORT LIONS, AK 99550
PH: (907) 454-2234
FX: (907) 454-2434



February 5, 2016

Mr. Bob Klein, Chairman
Alcohol & Marijuana Control Board
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99501

Ref: State of Alaska Alcohol Beverage Control Board for a Liquor License Transfer of Ownership, Location, and dba Name Change Permit for Wayne L. Sargent dba Kalsin Bay Inn to Wayne T. Sargent dba KBI Spirits #622.

Dear Mr. Klein,

The Native Village of Port Lions hereby opposes the above application for a liquor store being located at the Kodiak Airport. We feel that having a liquor store at the Kodiak Airport may have a detrimental effect on the Health and Welfare of our tribal members.

Sincerely,

NATIVE VILLAGE OF PORT LIONS

Elizabeth Pennington, President

Cc: Mr. Wayne T. Sargent



FEB 10 '16 11:29

January 19, 2016

From: Kyle Crow
410 West Rezanof Dr
Kodiak, AK 99615
Ph: (907) 73809283

To: Wayne T Sargent
PO Sox8928
Kodiak, AK 99615
907-942-2659

Ref: State of Alaska Alcohol Beverage Control Board for a Liquor License Transfer of Ownership, Location, and dba Name Change Permit for Wayne L. Sargent dba Kalsin Bay Inn to Wayne T. Sargent dba KBI Spirits #622.


I oppose this application for the following reasons:

- 1) It was not widely advertised or posted.
 - a. Only 14 notices were sent by the Kodiak Island Borough Clerk to the few businesses and government entities located at the airport. The application included a hand drawn diagram showing the location of shelves within a room, but no map or diagram showing the location of the package store at the airport. The only indication that it is will be located at the airport is an address, and the list of property owners notified, e.g. USCG, DOT, Alaska Airlines, etc..
 - b. It was first posted on the Kodiak Island Boroughs web site on December 22, 2015, buried within a 169 page agenda packet. The Assembly held a "public hearing" on this issue during their January 7, 2016 regular meeting.
 - c. There were two major holidays between these dates.
 - d. I only discovered this was an unusual and controversial application while reviewing the regular Borough Assembly meeting agenda packet a few days prior to the hearing on January 7, 2016. Upon my request the Assembly moved to postpone the hearing to a special meeting on January 14, 2016, to give myself and others additional time to perform research and solicit input.
- 2) The primary customer for this package store will clearly be the Kodiak Island villages served by the small air service located within the same building. To the best of my knowledge the villages are all unofficially "damp" so this location is literally on their front door step. If approved the village residents will need to walk by this store whenever traveling to and from their villages. None of the villages and local Native Corporations and Health organizations were notified, other than the bland and unrevealing standard Assembly meeting notifications and "liquor license transfer" ads in the newspaper.
- 3) I contacted several people during the week before the initial hearing, including: two businesses located at the airport; the Kodiak Island Area Native Association Village Public Safety Officer representative; and a few of the village elders. None of them were aware of the application and

all were very concerned.

- 4) Several people opposed the application.
 - a. The two airport business owners and several village elders I spoke with were opposed but wished to remain anonymous. Four village residents and leaders submitted e-mails to the Borough opposing it.
 - b. Three assembly members voted to oppose it during the January 14 hearing and the Assembly voted to not-oppose it with a 4/3 vote. The emails and vote tally were not included in the returned application.
- 5) The Kodiak State Trooper detachment response to the application states: "the state airport and airlines serving the airlines next door have reported on multiple occasions of drunken persons who have been denied boarding or trespassed from the airport."
- 6) The Kodiak Island Borough will be holding a Regional Leadership Forum on January 27-29, and the leaders and representatives from the villages will be attending, as will the Director of the Alaska Alcohol and Marijuana Control Office, Cynthia Franklin. I'm sure this will be a topic of intense interest.

Sincerely and respectfully



Kyle Crow