



MEMORANDUM

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

DATE: September 13, 2017

FROM: Erika McConnell
Director, ABC Board

RE: Rosie's Bar & Grill LLC
#979 Beverage Dispensary

This license transfer was approved with delegation by the board on the delegated consent agenda of the July 11, 2017, meeting, pending the City of Pelican's non-protest, approval from the Department of Labor, and completion of background investigations.

Since that meeting, the City of Pelican has requested conditions be placed on the license and three comment letters (one objection and two in support) have been received.

Department of Labor Workers' Compensation approval is still pending.

Please note that the transfer included a DBA change (from Rose's Bar & Grill LLC to Rosie's Bar & Grill) that was not noted on the July 11 agenda.

Recommendation:

Evaluate the objection and other comments against 3 AAC 304.150 and if appropriate, schedule a public hearing. If no public hearing is warranted, place four requested conditions by City of Pelican on the license; note approval of DBA change; continue delegation pending DOL approval.

Attachments: City Of Pelican Request for Conditions
Objection and Comment Letters
Transfer Application



City of Pelican

BOX 737 - PELICAN, ALASKA 99832 - PHONE: 735-2202/2203 - FAX: 735-2258 - EMAIL: cityhall@pelicancity.org - WEBSITE: www.pelican.net

August 11, 2017

EQUAL OPPORTUNITY EMPLOYER

Alcohol and Marijuana Control Office

550 W 7th Ave, Suite 1600

Anchorage, AK 99501

Dear Sirs,

The Pelican City Council members voted to approve the transfer of Liquor License #979, from Rose Miller, LLC to Charine Johnson, dba Rosie's Bar and Grill, on August 11, 2017. The City Council approved the transfer with the following conditions:

- 1) A separate room, monitored by the parents, be set up to reduce the children traffic through the bar.
- 2) The bar operators must immediately set written standards and signage in place regarding overserving of customers.
- 3) All City of Pelican utilities and taxes must be paid on time.
- 4) The requested operating hours must be restricted as follows:

The bar can be open from 10:00 a.m. to 3:00 a.m. each day, with an early opening allowed once per week for breakfast or other special events. Changes may only be made by written request in advance to the City Council.

Non-compliance will be documented by submission of date specific complaints to City Hall, where they will be filed for future reference regarding license renewals. This file will provide the City with the documentation and recourse materials needed to effectively object to the AAMCO. These conditions are to address public comments received at City Council meetings of: February 10, 2016; July 17, 2017; August 9, 2017; and August 11, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walt Weller". The signature is stylized and cursive.

Walt Weller, Mayor

Cc Charine Johnson, Rosie's Bar & Grill, (Seer Port Tavern)

Ryan Wilson, LGS, State of Alaska

Mayor Weller & Pelican City Council Members

Box 737

Pelican, Alaska 99832

July 7, 2017

RE: License Type: Beverage Dispensary, Transfer of Ownership
Application-License #979, Licensee: Charine R. Johnson

-in the transfer of ownership open protest period-

COPY

to State:
Juneau
Anchorage

We would like to request this letter and attachments be placed on file with the City of Pelican Office, in regards to: The Transfer of Ownership – open comment period of Rosie's Bar & Grill to Charine R. Johnson.

We do not support the transfer of ownership of Rosie's Bar & Grill to Charine R. Johnson. The population of Pelican and the transient population have dwindled tremendously over the past ten years, the sale of "World Famous Rosie's Bar & Grill" marks a chapter in the history books; it will not ever be the same again.

Where are the 3 public places Charine R. Johnson is posting the liquor license renewal notices to the public?

Concerns with Rosie's Bar & Grill transfer of ownership to Charine R. Johnson:

Youth access in general and during operating hours; hours open-not clearly posted; should windows be free of coverings for open view inside? over serving of drinks; over served customers getting injured upon leaving premise; naked customers; bartenders drinking on the job; are all City Ordinances and Alaska State Laws being followed; do all bartenders have TAM cards? See attachment-data referring to anyone who will be serving alcohol in our State; cameras are up at all angles looking out from the bar-just so the entire Community is aware; for the size of our community – we do not feel it is justifiable to have a bar open from 8 am to 5 am.



Harassment/defamation of character-aimed towards our family by Charine R. Johnson, there is always two sides to a story! This story is about the person applying for transfer of ownership of a public bar in our community:

Tuesday, June 27, 2017:

Our son Kenneth was out walking - headed uptown (towards the harbor end of town) – he noticed this sign posted on the grey tent for their vehicles/storage in front of Rosie’s Bar & Grill, see attached photo Kenneth took (6/27/2017 at 10:57 p.m.); Kenneth continued his walk ...when all of a sudden Charine R. Johnson comes running out of Rosie’s Bar & Grill asking him why he had taken the picture as well as why were you “peeping” in the bar, why were you hiding behind the bush, you are trespassing, she told Kenneth she called the Troopers, yelling at him to stay off Rosie’s Bar & Grill property and many other false accusations were stated at that time.

What an UN-excusable and horrible threat to anyone in our community to be posting this.

Kenneth came home to fill us in on this occurrence; Ken went uptown to see if he could get Charine’s attention from the boardwalk and ask her ... “What’s going on...” and two teenage girls come walking out of the bar (11:30 pm time frame), he said ... “Hello Ladies...”, as he looked in the bar he saw a teenager on the top of the bar; he could not get Charine’s attention, the bar was full of youth, apparently, they were closed. Ken came home, about half an hour later, he went up to take a clearer picture of the sign, (which was up for a good part of the evening), this was around 12 midnight and the sign had been taken down.



Thursday, June 29, 2017:

Alaska State Trooper Umbs arrives in Pelican.

This is where our family left off with Trooper Umbs before he left Pelican:

*No Trespassing Order was requested by Charine R. Johnson towards our family:

**We are not to step on Rosie's property*

SHOULD PROBABLY GET the property lines clearly marked so EVERYONE in our Community knows the property lines'

**No verbal communications*

**Anything occurs we are to call the Alaska State Troopers*

The evidence that was produced had no grounds for any charges to be filed for these accusations against our son, Kenneth; he has No record with the law in the State of Alaska; and he is Cleared of any "peeping" accusations.

The Mayor and City Council have been voted into public office to serve on behalf of Pelican and / or the City Council has appointed you to serve a term out on behalf of the Community, felt it only fair you are aware of what is occurring in our Community.

Kenneth M. Wolff

Kenneth Wolff

7/7/2017

Date

Royce Mattson

Royce Mattson

7-7-2017

Date

CC:

State of Alaska, Dept. of Commerce, Community & Economic Development, Alcohol & Marijuana Control Office; Charine R. Johnson, Anthony Hieber, Pelican Community Boxholders



IF YOU ARE SQUATTING
IN, OR WATCHING FROM OUR
BUSH... YOU ARE TRESPASSING
AND A CREEPER WHO WILL BE

EXPOSED
CREEPER **PEEPERS**
GET SHOT!
WINDY WATCHERS

RECEIVED

JUL 12 2017

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

From: Steve Daniels
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Cc: [Charine Johnson](#); [anthony hieber](#); AnthonyHieber@yahoo.com
Subject: Liquor License Transfer from Rose Miller to Charine Johnson
Date: Friday, August 11, 2017 1:43:28 PM

Alcohol Beverage Control Board,

My wife and I own and operate the Highliner Lodge in Pelican. We currently have a lodge liquor license. We held a package liquor license in Pelican for about ten years. We have run the Pelican gauntlet to obtain these licenses to further our business interests and think we have an important perspective regarding the above transfer.

Please consider my recommendation that the liquor license transfer from Rose Miller to Charine Johnson be approved.

I have known and observed Charine Johnson for the past several years in Pelican. It is my opinion that she is honest, law abiding, sober and responsible. It is also my opinion that she is a good citizen and a good parent. I have never seen any evidence that the above observations are untrue.

I have also noticed a positive change in the establishment formerly known as Rose's Bar and Grill as it has been operated by Charine for over a year now. The bar is friendlier, has more and better food, and has de-emphasised "Take your Pants Off Let's Have a Party!" For the first time in many years I have allowed my employees to go to the bar. In the past, I was concerned with the over indulgence of alcohol. In years past, the business plan seemed to be: get people drunk...

I have known and observed most the residents of Pelican for over 40 years now. I cannot generally give those residents the same recommendation. There are in particular about a half dozen residents that have none of the good attributes that I have observed in Ms. Johnson. In contrast to Ms. Johnson, there are several residents who think nothing of making false allegations against anyone whom they have a grievance against (real, imagined or entirely fictitious). It has come to my attention that Ms. Johnson has been a target for some of these people this past year.

The ABCB board is well aware of the pettiness and politics in both large and small towns. I am confident that the board will judge this matter based on the facts.

--
Best regards,

Steve

Steve & Jill Daniels
Highliner Lodge & Charters Inc.
www.highlinerlodge.com



Please check out our fishing AND LIKE our Facebook page!

<https://www.facebook.com/HighlinerLodge>

From: Patricia Phillips
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Cc: pacific@hughes.net
Subject: Liquor license transfer Rose Miller to Charine Johnson
Date: Friday, August 11, 2017 12:21:04 PM

Alcohol Beverage Control Board:

To whom it may concern;

I attended the 8-11-2017 Pelican City Council meeting to comment on the Liquor license transfer Rose Miller to Charine Johnson.

The bar establishment has been in existence for 70 plus years;

And the liquor license in place since Alaska State law has required it.

The City Council approved (4 – 0 to approve) a letter that was drafted for their review:

This email specifically addresses #4 - The requested operating hours must be restricted as follows; the bar can be open from 10 AM to 3 AM each day, with an early opening allowed once per week for breakfast or other special events. Changes may only be made by written request in advance to the City Council.

Non-compliance will be documented by submission of date specific complaints to City Hall, where they will be filed for future reference regarding license renewals. This file will provide the City with the documentation and recourse material needed to effectively object to the AAMCO.

How is this condition enforceable?

The City of Pelican does not have a municipal ordinance restricting the establishment to these hours.

In my opinion the requirements are arbitrary and capricious.

Economic activity in Pelican, Alaska is limited to 4 months of the year: June, July, August and September.

The owners need flexibility to operate within hours that accommodate their customers;

The city seems to think it knows best what those hours are.

Charine Johnson knows (or should know as a business owner) the requirements of what can or cannot be done in her Alaska licensed alcohol establishment.

Those requirements are what determine license renewal.

This is a town of 70 people and it often makes it difficult to operate a small business in this kind of environment, the pettiness and jealousies.

The conflict of interests of your business rivals that sit on the city council or in positions of power (i.e., school board/your fellow peers) that influence council outcomes.

I was told this is the last day to comment.

Thank you for the opportunity.

James E. Phillips and Patricia Phillips

PO Box 109

Pelican, AK 99832



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 - Transferor Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	ROSE'S Bar & Grill LLC	License #:	#979
License Type:	Beverage Dispensary	Statutory Reference:	04.11.090
Doing Business As:	ROSE'S Bar & Grill LLC		
Premises Address:	112 Salmon way / Block 11 Lots 2 & 2A		
City:	Pelican	State:	AK
		ZIP:	99832
Local Governing Body:	Pelican City Council		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 - Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Charine Rae Johnson			
Doing Business As:	Rosie's Bar & Grill			
Premises Address:	Block 11 Lots 2: 2A / 112 Salmon way			
City:	Pelican	State:	Alaska	ZIP: 99832
Community Council:	City of Pelican - City Council			
Mailing Address:	PO Box 84 / 133B Salmon way			
City:	Pelican	State:	Alaska	ZIP: 99832
Designated Licensee:	Charne Johnson			
Contact Phone:	(907) 735-2212	Business Phone:	(907) 735-2288	
Contact Email:	CharineJ@searhc.org			

Seasonal License? Yes No
 If "Yes", write your six-month operating period: _____

Section 3 - Premises Information

Premises to be licensed is:

- an existing facility a new building a proposed building



The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

0.5 mile

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

0.5 mile



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

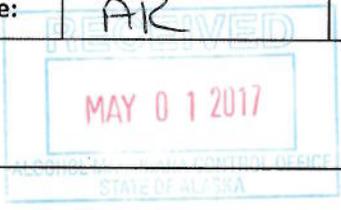
This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:	Charine Rae Johnson			
Address:	PO BOX 84 OR 133B Salmon way			
City:	Pelican	State:	AK	ZIP: 99832

This individual is an: applicant affiliate

Name:				
Address:				
City:		State:		ZIP:



Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6. If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:		AK Formed Date:		Home State:	
Registered Agent:			Agent's Phone:		
Agent's Mailing Address:					
City:		State:		ZIP:	

Residency of Agent:

Yes No



Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

RECEIVED

MAY 01 2017



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

upon closing of the sale on 4/20/17

Mary M. Moore POA for Rose P. Miller

Signature of transferor

Rose P. Miller

Printed name of transferor

Subscribed and sworn to before me this 5th day of April, 2017.



Joseph Lozano

Signature of Notary Public

Notary Public in and for the State of ALASKA.

My commission expires: 13 JAN 2021

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this _____ day of _____, 20_____.



Signature of Notary Public

Notary Public in and for the State of _____.

My commission expires: _____



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

CJS

I certify that all proposed licensees have been listed with the Division of Corporations.

CJS

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

CJS

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

CJS

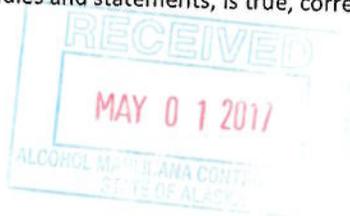
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

CJS

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Charine Johnson
Signature of transferee

Charine Johnson
Printed name



Subscribed and sworn to before me this 8th day of April, 2017.

Joseph Lozano
Signature of Notary Public

Notary Public
JOSEPH LOZANO
State of Alaska
My Commission Expires Jan. 13, 2021

Notary Public in and for the State of ALASKA

My commission expires: JAN 13, 2021



Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The **second page** of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

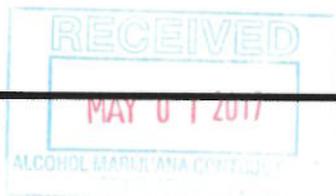
Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Charine Johnson	License Number:	979		
License Type:	Beverage Dispensary				
Doing Business As:	Rosie's Bar & Grill				
Premises Address:	Block 11 Lots 2 & 2A / 112 Salmon way				
City:	Pelican	State:	AK	ZIP:	99832





Alaska Alcoholic Beverage Control Board
Form AB-02: Premises Diagram

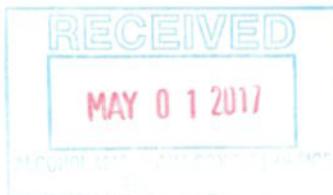
Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

SEE Attached:

NO changes have been made.

Same as when Rose Miller -
Rose's Bar & Grill - sent the
Plan in to become an LLC.



[Handwritten scribbles]

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
LICENSED PREMISES DIAGRAM

D/B/A: ROSIE'S BAR

PREMISES LOCATION: PERICAN AIC

DATE RECEIVED: _____

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

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

SCALE A: ~~1~~ 1 Square = 1sq. ft

SCALE B: X 1 Square = 4 sq. ft.

Length and width of premises in feet: 20.25 sq FT

RECEIVED
MAY 01 2017
ALCOHOLIC BEVERAGE CONTROL BOARD
STATE OF ALASKA

Outline the area to be designated for sale, service, storage and consumption of alcoholic beverages in red. Do not use blue ink or pencil on this diagram.

