



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the  
Alcoholic Beverage Control Board

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: 4969 Fireweed Meadows

**Requested Action:** License renewal

**Statutory Authority:** AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

**Staff Rec.:** Deny the renewal

**Background:** At the August meeting, the board tabled the renewal of this recreational site license and asked the licensee to provide information on his eligibility for a golf course license.

AS 04.11.115. Golf course license.

(a) A golf course license authorizes the licensee to sell beer and wine on licensed premises located on a golf course.

(b) A license may be issued only if

(1) an application is approved by the local governing body and the board;

(2) the applicant does not hold a beverage dispensary license or a restaurant or eating place license; this paragraph does not apply to an applicant who holds a beverage dispensary license or a restaurant or eating place license if the license was acquired by transfer from a licensee under AS 04.11.280.

(c) The biennial license fee is \$400. The license fee and application fee must accompany the application for the license. An application must include a drawing of the golf course. A sample minimum food menu must accompany the application.

(d) Food similar to that listed in the sample menu must be available during times when beer and wine are sold, served, and consumed on the licensed premises.

(e) A golf course license may not be transferred or relocated.

(f) In this section,

(1) "golf course" means a course, having at least nine holes and covering at least 2,950 yards, that is open to the public; and

(2) "licensed premises" includes buildings located on the golf course or a vending cart designed to carry beverages or food located on the golf course.

The licensee provided the attached letter, which states that his golf course is in excess of 3,125 yards. In actuality, this nine hole course is 1,555 yards in one direction. Apparently each green has a tee box at each end so that the course can be played backwards. If playing in both directions is counted in the yardage, the course length would be 3,110 yards.

The licensee did not address what food he serves in his letter, but in discussions with Investigator Hamilton, he stated that he serves some food and has a microwave. The golf course license requirements state, "A sample minimum food menu must accompany the application" and "Food similar to that listed in the sample menu must be available during times when beer and wine are sold, served, and consumed on the licensed premises."

The licensee also owns a seasonal beverage dispensary license (#4747) at the same location. In trying to understand the meaning of AS 04.11.115(b), which prohibits the issuance of a golf course license to the holder of a beverage dispensary license unless the holder of the BDL acquired it by transfer from another licensee, I found the following explanation provided at a hearing of the House Rules Committee from staff to Representative Rokeberg, who sponsored legislation to create the golf course license in 1998:

SHIRLEY ARMSTRONG, Legislative Assistant to Representative Norman Rokeberg, Alaska State Legislature, came before the committee. She referred to Version R, page 2, line 20, subsection (2), "A license may be issued only if the applicant does not hold a beverage dispensary license or a restaurant or eating place license;" and said the paragraph doesn't apply to an applicant who holds a beverage dispensary license or a restaurant or eating place license if the license was acquired by transfer from the licensee under AS 04.11.280. Ms. Armstrong stated that means if someone has bought a beer and wine license or a beverage dispensary license on the open market, and they currently hold one, if they want to have a golf course license and they bought it that way, they can have both. They don't have to sell their license. She informed the committee that there are two golf courses that have beverage dispensary licenses, which are more valuable than a golf course license, and the likelihood that they would do that is probably not high. Ms. Armstrong said, "On the same token, people who got their beer and wine license directly from the ABC Board, and the ABC Board does issue licenses, if they got one directly from the ABC Board then they have to give it back to them in order to get the golf course license and that's what that says. So the distinction is being made from somebody who bought one and if they want to get the golf course license, they can go ahead and sell their license and keep the golf course license and that's how that works."

License #4747 was transferred to this licensee from another person and location in 2008.

A golf course does not appear to meet the statutory requirements for a recreational site license:

Sec. 04.11.210. Recreational site license.

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.


While each golfer plays a "game," a golf course is clearly different from the examples given in AS 04.11.210(c) of the types of locations and events that qualify for a recreational site license. The service of alcohol is not related to an event start and end time but instead relates to the opening and closing times of the business.

Representative Rokeberg's testimony in 1998 before the House Rules Committee on HB 458 to create a golf course license included the following:

REPRESENTATIVE ROKEBERG said, "I am prepared to explain the legislation to the committee so they understand the bill ... Thank you Mr. Chairman, I have gone through -- and the supporting information for the committee substitute for the bill is outlined of the rationale behind this legislation. Number one, this particular legislation would affect only a championship style course which is defined in the bill as being at a minimum of nine holes and 2,950 yards. It does not mean a small chip and putt type course or anything else. I call it a championship style course because it has to have at least that minimum yardage, which would actually preclude a number of small courses in the state of Alaska right now. The idea here is to encourage the development of golf course licenses as a tourist amenity and as a benefit to the recreation activities of a community and help enhance these tourist activities. It also streamlines the ability of the ABC Board to issue these licenses by repealing the existing municipal golf course license in regulation. And then it eliminates the use of a recreational events type license which is the one -- the type of license used by the Birch Ridge Golf Course in Soldotna currently. Some of the complaints about the bill is that this is just another way to get a liquor license in the hands of people that sell alcoholic beverages. Mr. Chairman, point in fact, the reason I got involved in this bill was because the Palmer Municipal Golf Course asked me to work on this. I'm familiar with the folks up there. They have the only municipal golf course license issued in the state. ... And there is only really seven golf courses affected by this legislation currently. That does not mean to say that there couldn't be the development of additional golf courses in the future that could apply for this license..." (emphasis added)

Attachment: Applicant letter  
Renewal application

TO <sup>FROM</sup> Dept of Comm, Community & <sup>ALC</sup> Alcohol Control Office  
550 W 7th Ave Suite 1600  
Anchorage, AK 99501

**KYLLONEN**   
Enterprises  
P.O. Box 49  
Anchor Point, AK 99556  
907-235-7451

SUBJECT Fireweed Meadows Golf Course #4969 DATE 9/19/18  
MESSAGE  
Mrs Erica McConnell

SEP 21 2018  
ALCOHOL & BEVERAGE CONTROL OFFICE  
STATE OF ALASKA

First please excuse this handwritten response to your letter dated Sept 4, 2018 I have no secretary available. This comes as a surprise since we complied with all questions re our Golf Course on the application submitted & subsequently issued for a Beer & Wine permit #4969. This was almost ten years ago and since that time the only change is the 2% discount available for golfers. This is in excess of 3175 yds. Verification of this please contact Joe Hamilton (special investigator) who actually toured the course today. We depend on this license to attract customers

SPEED MEMO <sup>SIGNED</sup> Sincerely  
Buzz Kyllonen

Buzz Kyllonen  
Kyllonen Enterprises, Inc.  
P.O. Box 49  
Anchor Point, AK 99556  
buzzkyllonen@gmail.com  
907-399-3001



Alaska Alcoholic Beverage Control Board

**Recreational Site License  
 Form AB-17c: 2018/2019 Renewal License Application**

**What is this form?**

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

**This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Kyllonen Enterprises, Inc.	License #:	4969
License Type:	Recreational Site - Seasonal	Statute:	AS 04.11.210
Doing Business As:	Fireweed Meadows		
Premises Address:	72749 Milo Fritz Avenue		
Local Governing Body:	Kenai Peninsula Borough		
Community Council:	None		

Mailing Address:			
City:	Anchorage PT	State:	Alaska
		ZIP:	99556

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	Buzz Kyllonen		
Contact Phone:	907 399 3001	Business Phone:	Same
Contact Email:	Buzzk@xyz.NET		

Seasonal License?  Yes  No

If "Yes", write your six-month operating period:

May thru Sept





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

Section 2 – 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:

*Susan Hylton*

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4.

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:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an:  applicant  affiliate

Name:					
Mailing Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

**Section 4 – Entity Ownership Information**

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>  
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	81889 D
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- 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 Name:	Kyllonen Enterprises Inc		
Title(s):	Pres	Phone:	907 399 3001 % Owned: 50
Mailing Address:	PO Box 49		
City:	ANCHORAGE	State:	ALASKA ZIP: 99556

Entity Official Name:	Kyllonen Enterprises Inc		
Title(s):	Sec Susan Kyllonen	Phone:	907 299 1200 % Owned: 50
Mailing Address:			
City:		State:	

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

RECEIVED  
 ZIP:  
 DEC 11 2017  
 ALCOHOL MARIJUANA CONTROL OFFICE  
 STATE OF ALASKA

RECEIVED  
 JAN 23 2018  
 ALCOHOL MARIJUANA CONTROL OFFICE  
 STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal 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 5 - License Operation

Check a single box for each calendar year that best describes how this liquor license was operated: 2016 2017

The license was regularly operated continuously throughout each year. [ ] [ ]

The license was regularly operated during a specific season each year. [X] [X]

The license was only operated to meet the minimum requirement of one time during the calendar year. [ ] [ ]

The license was not operated at all during the calendar year. [ ] [ ]

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017: Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017? [ ] [X]

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017? [ ] [X]

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Alcohol Server Education

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

[Handwritten initials]







Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

Section 8 – Certifications

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

Initials

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

AK

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

AK

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

AK

I certify on behalf of myself or of the organized entity 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.

AK

I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

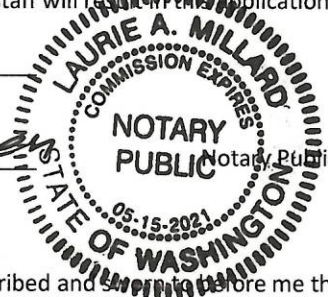
AK

As an applicant for a liquor license renewal, 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. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in my application being returned to me as incomplete.

*[Signature]*  
Signature of licensee

*Laurie A. Millard*  
Signature of Notary Public

Harvey V. Kyllonen  
Printed name of licensee



Notary Public in and for the State of WA

My commission expires: 5/15/21

Subscribed and sworn to before me this 7<sup>th</sup> day of Dec., 2017.

License Fee:	\$ 400.00	Application Fee:	\$ 200.00	TOTAL:	\$ 600.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



## **Craig, Carrie D (CED)**

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**From:** Alcohol Licensing, CED ABC (CED sponsored)  
**Sent:** Tuesday, January 09, 2018 3:33 PM  
**To:** 'SUSAN KYLLONEN'  
**Cc:** Alcohol Licensing, CED ABC (CED sponsored)  
**Subject:** RE: Kyllonen Enterprises, Inc.

Received, thank you!

Sincerely,

### **Carrie Craig**

Occupational Licensing Examiner  
State of Alaska DCCED  
Alcohol & Marijuana Control Office  
550 W 7<sup>th</sup> Ave, Ste. 1600  
Anchorage, AK 99501

**From:** SUSAN KYLLONEN [mailto:drsusank@me.com]  
**Sent:** Tuesday, January 09, 2018 3:20 PM  
**To:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>  
**Subject:** Kyllonen Enterprises, Inc.

**Attn:** Carrie Craig

**Re:** Application Renewal corrections for Liquor License  
4747 and 4969

**Page 1 Section 1**

**Buzz and Harvey Kyllonen are one and the same.**

**Current mailing address is**  
**PO Box 49**  
**Anchor Point, Alaska 99556**

**Page 3 Section 4**

**Alaska CBPL entity is #111415**

**Entity Official Name**

**Harvey Kyllonen (President)**  
**Susan Kyllonen (Secretary)**

**Recreational site statement:**

**Fireweed Meadows operates a Golf Course Pub during the hours of 10 am and 7 pm seven days per week in the months of May through September.**

**Please confirm when you receive this. THANK YOU!**