

Notice of Violation

(3AAC 304.525)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 8-28-17

License #/Type: Brewery / #4259

Licensee: Kodiak Island Brewing Co., LLC

Address: 117 Lower Mill Bay Road, Kodiak, 99615

DBA: Kodiak Island Brewing Co.

AMCO Case #: AB17-0377

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.

It has been brought to the attention of ACMO Investigators that you had an advertisement called Run for Beer. The event was to begin on August 24th at your establishment. When reading about the event, it in part says, "....the full marathon distance and get a free beer!" This is a violation of Title IV.

Your attention is referred to AS 04.16.015: Pricing and marketing

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence 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 AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please send your response to the address below and include your alcohol license number in your response.**

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.

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE: 

SIGNATURE:

Delivered VIA: Mail

Date:

7013 2250 0000 9617 5965



Pam Foreman Friends of Kodiak

2 hrs · 📷

It's a trifecta night! Go for a run, register early for Run the Rock and quench your thirst!

08.24.17

OCT. 14 2017

run the Rock
Marathon / Half Marathon / 10k / 5k

Kodiak Island Brewing Co.
ALASKA

Run for Beer
6pm @ Kodiak Island Brewery

ABOUT THE EVENT
Join in on a short run that starts and ends at Kodiak Island Brewery on Thursday August 24. Then sign up for any Run the Rock events - 5k, 10k, half marathon or even the full marathon distance and get a free beer! Come join us and meet other runners that will be running!

Hamilton, Joe (CED)

From: Ben Millstein <bmill@ak.net>
Sent: Monday, August 28, 2017 10:09 AM
To: Hamilton, Joe (CED)
Subject: Re: Emailing - Kodiak Island, lic 4259, NOV.pdf

This chain is fine with me if it's fine with you. But I still don't quite know my culpability. It wasn't my promotion. I get it if it's not ok, and we can't do that in the future, I just think it's a little bit of a grey area and I hope I'm not getting in trouble over it.

Ben Millstein
Kodiak Island Brewing
www.kodiakbrewery.com
907*486*ALES (2537)
Beer is Art, and the Palate is Yours.

On 8/28/2017 10:02 AM, Hamilton, Joe (CED) wrote:

Some people text replies others do it in a letter.

Sent from my iPhone

On 28 Aug 2017, at 09:48, Ben Millstein <bmill@ak.net> wrote:

You're the expert. How do you want to do it?

Ben Millstein
Kodiak Island Brewing
www.kodiakbrewery.com
907*486*ALES (2537)
Beer is Art, and the Palate is Yours.

On 8/28/2017 9:31 AM, Hamilton, Joe (CED) wrote:

You are on a flyer advertising your business knowing it said free beer, but choosing to not correct them. Do you want this string of emails to act as your response for the event that was held at your establishment.

<image001.png>

Joe Hamilton
Special Investigator 1
Enforcement Unit
Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
Office (907) 269-0063
Cell (907) 441-2534
joe.hamilton@alaska.gov

From: Ben Millstein [<mailto:bmill@ak.net>]
Sent: Monday, August 28, 2017 9:09 AM

To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Emailing - Kodiak Island, lic 4259, NOV.pdf

I didn't actually go to them, they came to me to ask if they could headquarter here for their run and marathon sign up. I didn't pay them, nor was I involved in the event.

Ben Millstein
Kodiak Island Brewing
www.kodiakbrewery.com
907*486*ALES (2537)
Beer is Art, and the Palate is Yours.

On 8/28/2017 9:02 AM, Hamilton, Joe (CED) wrote:

I think once you went to the radio station and teamed up with them, they became an agent for you or if you paid them, an employee. And you reviewing it and not telling him to reword or remove the word free makes you complicit.

Do you want me to put this as a reply into your NOV?

Joe

AS 04.16.015. Pricing and Marketing of Alcoholic Beverages.

(a) On premises where alcoholic beverages are sold by the drink, a licensee or a licensee's agent or employee may not

(1) offer or deliver, as a marketing device to the general public, free alcoholic beverages to a patron;

(2) deliver an alcoholic beverage to a person already possessing two or more;

(3) sell, offer to sell or deliver alcoholic beverages to a person or group of persons at a price less than the price regularly charged for the beverages during the same calendar week, except at private functions not open to the general public;

(4) sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group of persons during a set period of time for a fixed price;

(5) sell, offer to sell, or deliver alcoholic beverages to a person or group of persons on any one day at prices less than those charged the general public on that day,

except at private functions not open to the general public;

(6) encourage or permit an organized game or contest on the licensed premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes.

(b) A licensee or a licensee's agent or employee may not advertise or promote in any way, either on or off the premises, a practice prohibited under (a) of this section.

(c) This section may not be construed as prohibiting a licensee or a licensee's agent or employee from offering free food or entertainment at any time, from serving wine by the bottle or carafe or beer by the pitcher with or without meals, or from including an alcoholic beverage as part of a meal package.

(d) Notwithstanding (a) and (b) of this section, a licensee or a licensee's agent or employee when acting as a caterer may offer or deliver free alcoholic beverages to a political, charitable, or educational group or organization.

<image001.png>

Joe Hamilton
Special Investigator 1
Enforcement Unit
Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
Office (907) 269-0063
Cell (907) 441-2534
joe.hamilton@alaska.gov

From: Ben Millstein [<mailto:bmills@ak.net>]
Sent: Monday, August 28, 2017 8:58 AM
To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Emailing - Kodiak Island, lic 4259, NOV.pdf

Yes but I didn't produce it. I didn't think about the restriction because I wasn't offering the beer.

Ben Millstein
Kodiak Island Brewing
www.kodiakbrewery.com
907*486*ALES (2537)

Beer is Art, and the Palate is Yours.

On 8/28/2017 8:51 AM, Hamilton, Joe (CED) wrote:

Did you see the ad?

<image001.png>

Joe Hamilton
Special Investigator 1
Enforcement Unit
Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
Office (907) 269-0063
Cell (907) 441-2534
joe.hamilton@alaska.gov

From: Ben Millstein
[\[mailto:bmills@ak.net\]](mailto:bmills@ak.net)
Sent: Monday, August 28, 2017 8:53 AM
To: Hamilton, Joe (CED)
[<joe.hamilton@alaska.gov>](mailto:joe.hamilton@alaska.gov)
Subject: Re: Emailing - Kodiak Island, lic 4259, NOV.pdf

Hi Joe,

This was not actually a brewery ad. It was a KMXT ad. I didn't give any beer away. They bought beer tokens and gave them out to their participants.

Ben Millstein
Kodiak Island Brewing
www.kodiakbrewery.com
907*486*ALES (2537)
Beer is Art, and the Palate is Yours.

On 8/28/2017 8:44 AM, Hamilton, Joe (CED) wrote:

Please follow the instruction w/in the notice of violation. Hard card will be sent USPS.

<image001.png>

Joe Hamilton
Special Investigator 1
Enforcement Unit

Alcohol & Marijuana Control Office

550 W. 7th Ave, Suite 1600

Anchorage, AK 99501

Office (907) 269-0063

Cell (907) 441-2534

joe.hamilton@alaska.gov



Alaska Alcoholic Beverage Control Board
Form AB-17: 2019/2020 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 liquor license that will expire on December 31, 2018. 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. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

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: | Kodiak Island Brewing Company LLC | License #: | 4259 |
| License Type: | Brewery | Legal Ref.: | AS 04.11.130 |
| Doing Business As: | Kodiak Island Brewing Company | | |
| Premises Address: | 117 Lower Mill Bay Road | | |
| Local Governing Body: | City of Kodiak (Kodiak Island Borough) | | |
| Community Council: | None | | |
| Mailing Address: | 117 LOWER MILL BAY RD | | |
| City: | KODIAK | State: | AK |
| | | ZIP: | 99615 |

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.

| | | | |
|-------------------|---------------|----------------|----------|
| Contact Licensee: | BOB MILSTEIN | Contact Phone: | 486.2537 |
| Contact Email: | BBILLS@AK.NET | | |

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

| | | | |
|------------------|--|----------------|--|
| Name of Contact: | | Contact Phone: | |
| Contact Email: | | | |





Alaska Alcoholic Beverage Control Board
Form AB-17: 2019/2020 Renewal License Application

Section 2 – Entity or Community Ownership Information

This top 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). This number is neither your EIN/tax ID number, nor your business license number. 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>
 General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

| | |
|-----------------------|--------|
| Alaska CBPL Entity #: | 76459D |
|-----------------------|--------|

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. BM

- 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.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

| | | | |
|-------------------|-----------------------|--------|---------------|
| Name of Official: | BEN MILLSTEIN | | |
| Title(s): | MANAGER/MEMBER | Phone: | 486 2537 |
| Mailing Address: | 117 LOWER MILL BAY RD | | % Owned: 20.9 |
| City: | KODIAK | State: | AK |
| | | ZIP: | 99615 |

| | | | |
|-------------------|--|--------|----------|
| Name of Official: | | | |
| Title(s): | | Phone: | % Owned: |
| Mailing Address: | | | |
| City: | | State: | ZIP: |

| | | | |
|-------------------|--|--------|----------|
| Name of Official: | | | |
| Title(s): | | Phone: | % Owned: |
| Mailing Address: | | | |
| City: | | State: | ZIP: |





Form AB-17: 2019/2020 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate (spouse)

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

This individual is an: applicant affiliate (spouse)

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

Section 4 – Alcohol Server Education

This section must be completed **only** by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

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 set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

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

2017 2018

The license was regularly operated continuously throughout each year.

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

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

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, unless a complete copy of the form (including fees) has already been submitted for that year.

DEC 07 2018



Form AB-17: 2019/2020 Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

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 2017 or 2018?

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

Section 7 - 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, and 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.

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 approved and on file with the Alcoholic Beverage Control Board.

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.

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 or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

[Signature]
Signature of licensee

[Signature]
Signature of Notary Public

BEN MILLSTON
Printed name of licensee

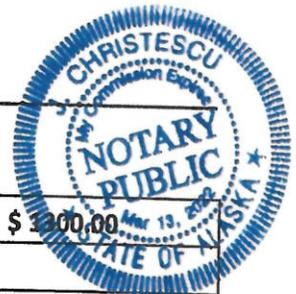
Notary Public in and for the State of Alaska

My commission expires: 03-13-2022

Subscribed and sworn to before me this 03 day of December, 2018.

Seasonal License? Yes No

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



| | | | | | |
|--|------------|------------------|-----------|--------|------------|
| License Fee: | \$ 1000.00 | Application Fee: | \$ 300.00 | TOTAL: | \$ 1300.00 |
| Miscellaneous Fees: | | | | | |
| GRAND TOTAL (if different than TOTAL): | | | | | |

NOV received on 8-28-2017 for a violation of AS 04.16.015.

