

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:

License #/Type:

Licensee:

Address:

DBA:

AMCO Case #:

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.

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:

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA:

Date:

October 10, 2017

Ms. Erika McConnell, Director
Alcoholic Beverage Control Board
550 W. 7th Avenue
Suite 1600
Anchorage, Alaska 99501
VIA EMAIL AND REGULAR MAIL

**Re: Package Store, License #4732
Notice of Violation, Number AB17-0423**

Dear Erika:

This letter is in response to the Notice of Violation we received on September 22, 2017, alleging a violation of Title 4, Statutes AS04.11.010: Selling w/out a license, AS04.11.150: Package Store License, AS04.11.370: Suspension and revocation of licenses and permits, 3AAC304.415: Storing, warehousing and transporting and AS 04.21.030: Responsibility of licensees, agents, and employees.

We believe that there is a fundamental misunderstanding as to how we participate in fundraising events for charitable organizations. We do not sell or give away alcohol off premise. We do not transport the alcohol to events. The charity/volunteer is required to pick up the wine. All profits derived go only to the charity. We volunteer our time at these events. AMCO has approved every event that we have participated in. Enforcement investigators have checked permits, signage and TAP cards at many events.

In regards to the Notice of Violation we feel it necessary to offer some historical context based on contacts, emails, and discussions with AMCO. Winestyles opened in 2007. At the start of our business, we were contacted by many charities asking about wine tastings. We contacted the ABC Board at that time and met with Chief Investigator Robert Beasley. The sole intention of the meeting was to make certain that we were in compliance with regulations relating to Title 4, specifically wine tastings.

Mr. Beasley explained that charities were required to obtain a Special Events Permit and that 100% of the profits must go to them. He also mentioned that several package stores other than WineStyles had done similar events. He

noted that alcohol could not be sold off premise, however, we were free to promote ourselves. Mr. Beasley advised that an owner/employee of WineStyles could not transport the wine to the event. We have been following these guidelines for each and every event that we participate in. We have, over the past ten years, been proactive with contacting AMCO with any questions or concerns.

In October of 2016, we received a letter in e-mail form, from former Director Cynthia Franklin. She outlined multiple issues that were of concern to her. We immediately responded to the concerns and explained that the information that she received was incorrect. We offered to forward emails that would demonstrate this. Additionally, we asked to speak via phone or attend a meeting to quell any perceived issues of our business but we did not receive a response to these requests. Director Franklin stated that we could expect a visit from AMCO enforcement team in the next 30 days. We were never contacted. At this point we contacted legal counsel, Sherman Ernouf, to assist in contacting AMCO. Due to a recent Director change a meeting could not be facilitated. We requested and received a copy of our license file. This did not show anything relating to the above issues or concerns.

On September 9, 2017, we were contacted by Investigator Hamilton. He advised us that AMCO had received a complaint stating we were pouring wine in the Alaska State Fair parking lot. We assured him that this was not the case, and added that an enforcement officer with AMCO had checked the license, signage, and TAP cards on Friday, August 25, 2017 during the Alaska State Fair Fundraising Event. At that time, we were told we were compliant. We have volunteered for The Alaska State Fair for 5 years now. In 2013 and 2014, the Fair applied and were approved by the ABC Board for a Special Events Permit. In 2015, at the direction of AMCO, we were told that the Alaska State Fair Recreational Site License would be sufficient for the tasting event and no Special Events Permit would be necessary, since the fundraiser benefited the fair. As such, the Alaska State Fair did not continue obtaining Special Event Permits.

WineStyles has been in business almost 10 years and we have never received a violation. We have gone to great lengths to ensure we are following all Title 4 guidelines.

The Notice of Violation is at least partially based on Ms. Franklin's e-mail letter of 10-13-16, accusing us of embracing a business model not legally permitted by the type of license we possess. Ms. Franklin never issued an NOV. Further, we asked repeatedly for a meeting in person or via teleconference so we would have the ability to explain how we had been operating for the previous 8 years. We were never afforded that opportunity. It is our position that we have been operating within Title 4 for the entire duration of our license and we request the notice of alleged violation be dismissed.

WineStyles is committed to working with AMCO and would like clarification of how you would like us to proceed with any future events. We take pride in being able to give back to our community and would like to continue to do so. We will comply with any guidance you provide us.

We would respectfully request a meeting with the Director as soon as is possible to address the above concerns. Thank you for your time and consideration in this regard.

Sincerely,

Doug & Kim Fifer
WineStyles

cc. Sherman Ernouf, Ernouf & Coffey, P.C.

From: Andrews, Maxine R (CED) [<mailto:maxine.andrews@alaska.gov>]
Sent: Wednesday, August 12, 2015 7:31 AM
To: WineStylesAlaska <anchorage@winestyles.net>
Subject: RE: Palmer Fair- Recreational Site License #39

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD		LICENSE NUMBER
FORM CONTROL		
0004 ISSUED JAN 2 2015	LIQUOR LICENSE 2015 - 2016	39
THIS LICENSE EXPIRES MIDNIGHT DECEMBER 31 UNLESS DATED BELOW		
TYPE OF LICENSE:	Recreational Site	
LICENSE FEE:	\$800.00	
FILING FEE:	\$200.00	
CITY / BOROUGH:		Palmer Matanuska-Susitna Borough
This license cannot be transferred without permission of the Alcoholic Beverage Control Board Special restriction - see reverse side		
D/B/A: Alaska State Fair 1 Mile South of Palmer Mailing Address: Alaska State Fair Inc 2075 Glenn Hwy Palmer, AK 99645		ISSUED BY ORDER OF THE ALCOHOLIC BEVERAGE CONTROL BOARD COPY DIRECTOR
THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES 04-900 (REV 9/09)		

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.

From: WineStylesAlaska [<mailto:anchorage@winestyles.net>]
Sent: Tuesday, August 11, 2015 7:33 PM
To: Andrews, Maxine R (CED)
Subject: Palmer Fair

Hi Maxine,

Would you be able to send me a copy of the Recreational Site Permit/License we are pouring under for the Alaska State Fair? I told them I had spoken with you and Sarah about the permitting but I just wanted to be able to send them a copy to let them know we are covered.

Thank you and hope you are out enjoying the sunshine!

Kim

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6086 / Virus Database: 4392/10422 - Release Date: 08/12/15



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	WineStyles	License Number:	4732
License Type:	Package Store		
Examiner:	<i>John</i>	Transaction #:	973614✓

Document	Received	Completed	Notes
AB-17: Renewal Application	11/19/18	12/5/18	
App and License Fees	11/19/18	11/19/18	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

☐ Waive ☐ Protest ☐ Lapsed

LGB 2 Response:

☐ Waive ☐ Protest ☐ Lapsed



Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 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 package store 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:	Fifer LLC	License #:	4732
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	WineStyles		
Premises Address:	11109 Old Seward Hwy Ste 2		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Bayshore/Klatt		

Mailing Address:	11109 Old Seward Hwy. #2		
City:	Anchorage	State:	Alaska
		ZIP:	99515

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:	Kimberly Fifer	Contact Phone:	907-884-1757
Contact Email:	anchorage@winestyles.com		

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:	N/A	Contact Phone:	N/A
Contact Email:	N/A		





Alaska Alcoholic Beverage Control Board

Form AB-17b: 2019/2020 Package Store 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 #:	109959
-----------------------	--------

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.

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:	DOUGLAS FIFER			
Title(s):	Owner Member	Phone:	907-727-3684	% Owned: 51
Mailing Address:	16310 Cape Noble Cir			
City:	Anchorage	State:	Alaska	ZIP: 99516

Name of Official:	Kimberly Fifer			
Title(s):	Owner Member	Phone:	907-884-1757	% Owned: 49
Mailing Address:	16310 Cape Noble Cir			
City:	Anchorage	State:	Alaska	ZIP: 99516

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





Alaska Alcoholic Beverage Control Board

Form AB-17b: 2019/2020 Package Store 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:	N/A		Contact Phone:		
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:	N/A		Contact Phone:		
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – 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 set forth in AS 04.21.025 and 3 AAC 304.465.

Initials: **ICF**
DF

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.

DF **DF**
☒ ☒

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.





Alaska Alcoholic Beverage Control Board

Form AB-17b: 2019/2020 Package Store Renewal License Application

Section 6 – Written Orders

Written orders in calendar years 2019 and 2020:

Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2019 and/or 2020?

☐ ☒

Section 7 – 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 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, 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 (ABC) Board.

☒

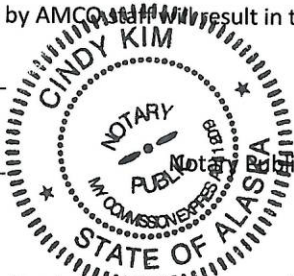
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

☒

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

Kimberly Difer
Printed name of licensee



[Signature]
Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 04/01/2019

Subscribed and sworn to before me this 10th day of NOVEMBER, 2018.

Seasonal License? ☐ Yes ☐ No

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

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



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: 9-20-17

Licensee: Fifer LLC

DBA: WineStyles

License #/Type: Package Store, Lic #4732

Address: 11109 Old Seward Hwy, Ste 2, Anchorage

AMCO Case #: AB17-0423

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.

AMCO received information that during the 2017 State Fair, you had your custom motor home parked on the fairgrounds and were selling alcoholic beverages and promoting your wine club. In talking with Sheri Musgrave, fair representative, the arrangement made for the past few years was they would give you a copy of their license and allow you to sell. At the end of the fair, after your expenses, you gave the profit to the Alaska State Fair. On 10-13-16, then director Cynthia Franklin wrote you a letter telling you that your business model does not work with the type of license you have and to stop this practice. These are violations of Title IV.

Your attention is referred to: AS04.11.010: Selling w/out a license, AS04.11.150: Package store license, AS04.11.370: Suspension and revocation of licenses and permits, 3AAC304.415: Storing, warehousing and transporting and AS04.21.030: Responsibility of licensees, agents, and employees

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

SIGNATURE:

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

