

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: 8-30-17

License #/Type: BDT - Seasonal #4263

Licensee: Shelter Cove Enterprises, LLC

Address: 703 Hamilton Dr, POB 798, Craig, AK

DBA: Shelter Cove Lodge

AMCO Case #: AB17-0381

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.

On 8-10-17, at about 1555 hours, Inv. Johnson and I were conducting an inspection at your establishment. We were talking with a person whom I asked if they were the manager to which he replied yes. While explaining our intent, a male walked out of the bar area carrying a beer which he took to his room. I asked the manager what the licensed premises area was to which he did describe, but it didn't include the lobby or hallway. I then asked him for server education to which he departed the area. I then went into the bar and spoke to Jacob J. Ausman, and asked if he was the bartender. He replied yes and he was asked to provide proof of server education which he could not. About this time Owner Linda L. Lewis arrived and provided a current copy of her valid server education. The male I originally spoke with was with the owner and he then said he was the dock manager. Later on, the owner admitted her son was being trained regarding all duties at the lodge. It was suggested to her that he receive server education.

These are violations of AS04.21.025: Server education; AS04.16.120: Removal or introduction of alcoholic beverages, AS04.16.150: License responsible for violations, AS04.21.030: Responsibility of licensees, agents and employee

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 5972

Hamilton, Joe (CED)

From: CED AMCO Enforcement (CED sponsored)
Sent: Monday, September 11, 2017 2:37 PM
To: Hoelscher, James C (CED); Hamilton, Joe (CED); McConnell, Erika B (CED)
Subject: FW: Liquor Violation
Attachments: Violation Liquor.pdf

FYI – Joe, have any thoughts about her response?

From: Linda Lewis-Creighton [mailto:sheltercovelodge@hotmail.com]
Sent: Monday, September 11, 2017 10:33 AM
To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: Fw: Liquor Violation

From: Linda Lewis-Creighton <sheltercovelodge@hotmail.com>
Sent: Monday, September 11, 2017 11:29 AM
To: amco.enforcement@alaska.gov
Cc: Shelter Cove Lodge
Subject: Re: Liquor Violation

SHELTER COVE LODGE
Box 798
CRAIG, ALASKA 99921
Alcohol License #/Type BDT - Seasonal #4263
AMCO Case #. AB17-0381

The inspector is confused about the ownership of the lodge. I, Linda Lewis, am the sole owner of the lodge and the named holder on the liquor license. I showed the inspector my current server education card. David Creighton, my son, is the manager of the lodge but usually does not work the restaurant. The restaurant is my field of expertise and usually does not require his participation. He manages the rest of the operation. He did, however, get his valid server card that very evening via the internet.

The inspectors questions were initially authoritative if not hostile and confused our servers. Jacob J. Ausman is not "the bartender." All of our servers are trained to both serve meals and mix the occasional drinks. We are a small, seasonal establishment and only serve alcohol in conjunction with our meals. FYI, all servers, even the ones not on duty that night, went on line and took and passed their valid server education course that night with the exception of one who took the test the next day. We historically have accomplished this once per summer with the aide of Debbie Kaes, but she, unfortunately, passed away recently. We have been unable to find a replacement instructor. I was allowed to instruct last summer, but the rules changed, I guess, and was told by CHAR that I could not instruct this summer. The confusion about how to get this done resulted in a lapse of performance that was virtually instantly corrected via the internet. We will now use that method in the future, however I found the personal instruction to be a better method because it allowed for questions and feedback.

Regarding the male exiting with a beer, we were not aware that he could not do that. To get from one area of licensed premises to another requires an exit into the hallway from the dining room and then an entrance into the lounge area. The only other way to make that transfer is to exit on to the deck and enter the lounge area from the deck. It is all a bit confusing and I will be seeking clarification on this prior to our next summer season.

The inspector promised to send us additional signing so we could post them in the areas he suggested. Could we get a follow up on that offer? We value the opportunity to run a restaurant business that includes the serving of alcohol. It is not the main profit center but an opportunity to better serve our fishing guests. It is our intent to follow our state's liquor laws to the fullest extent.

Please contact me via this email address if you have further questions.

Sincerely,

Linda L. Lewis
Proprietor

From: David Creighton <dave@sheltercovelodge.com>
Sent: Monday, September 11, 2017 10:31 AM
To: Richard Creighton
Subject: Liquor Violation

See attached.

--
Dave Creighton
Shelter Cove Lodge
907-401-0686

Re: Liquor Violation

Linda Lewis-Creighton

Mon 9/11/2017 11:29 AM

To: amco.enforcement@alaska.gov <amco.enforcement@alaska.gov>;

Cc: Shelter Cove Lodge <dave@sheltercovelodge.com>;

1 attachments (362 KB)

Violation Liquor.pdf;

SHELTER COVE LODGE

Box 798

CRAIG, ALASKA 99921

Alcohol License #/Type BDT - Seasonal #4263

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To: Richard Creighton
Subject: Liquor Violation

See attached.

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Dave Creighton
Shelter Cove Lodge
907-401-0686



November 27, 2018

Dear ABC Board:

Shelter Cove Lodge had a record year in 2018. We hosted 561 fishermen, housed them, fed them, processed their fish, and took them fishing. In addition, we had numerous day charters many of whom stayed to enjoy our fine restaurant.

Our seasonal restaurant is open to the public on a reservation basis. We feed many locals and commercial fishermen as well as tourists who arrive either by floatplane, ferry or their own boats. There is little opportunity in Craig these days for fine dining. Our establishment provides that opportunity.

We are annually improving our lodge. Last year we redid the kitchen, replacing the old range with a new one and making certain all installations complied with code. The year before we replaced the 20+ year old dining room furniture, placing custom built wood tables and high end dining chairs in our dining room. This winter we are replacing the tubs w/showers with beautiful step in showers with safety features such as handrails, a bench and mosaic non-skid tile floors.

My son, David Creighton, and I run the lodge with the assistance of Stacie, our year round office manager. I started working in a restaurant/bar at 14 years of age and continue to do it and love it still. My son manages the docks/boats and I manage the restaurant/bar.

We do offer room rentals on a space available basis throughout the summer and year round. All of our rooms offer microwaves, refrigerators, in-room coffee makers. In the summer we have a total of 19 rooms, however most of these are required to house our fishing guests. In the winter we have 10 rooms at the main lodge and all have the amenities described above. No alcoholic beverages are stocked in rooms but are available in the summer only in our licensed premises.

We are not in an airport terminal, but waterside in Craig, Alaska, on the west coast of Prince of Wales Island. Other than fishing, we provide no other amenities to our guests. We do, however, have an auto rental business nearby that provides transportation as needed to our visitors year round.

Please let me know if I can provide any additional information.

Sincerely yours,



Linda Lewis

Manager

Shelter Cove Enterprises LLC

AMCO

DEC 07 2018

The liquor license/beverage service is a wonderful addition to our gourmet dining. Our fishing guest numbers have grown from maybe 200 with the former owner to last year 561 guests and a waiting list of new guests awaiting openings for the coming years as we are 100% booked.





Alaska Alcoholic Beverage Control Board
Beverage Dispensary – Tourism License
Form AB-17d: 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 beverage dispensary – tourism 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:	Shelter Cove Enterprises LLC	License #:	4263
License Type:	Beverage Dispensary - Tourism Seasonal	Statute:	AS 04.11.400(d)
Doing Business As:	Shelter Cove Lodge		
Premises Address:	703 Hamilton Dr		
Local Governing Body:	City of Craig		
Community Council:	None		

Mailing Address:	Box 5758				
City:	KETCHIKAN	State:	AK	ZIP:	99901

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:	LINDA LEWIS	Contact Phone:	541-953-8310
Contact Email:	sheltercovelodge@hotmail.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:	DAVID CREIGHTON	Contact Phone:	907 401 0686
Contact Email:	dave@sheltercovelodge.com		



Alaska Alcoholic Beverage Control Board
Form AB-17d: 2019/2020 Tourism 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 #:	65332D
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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.

LL

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:	LINDA LEWIS			
Title(s):	MEMBER	Phone:	541-953-8310	% Owned: 100%
Mailing Address:	Box 5758			
City:	KETCHIKAN	State:	AK	ZIP: 99901

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-17d: 2019/2020 Tourism 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

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.



Alaska Alcoholic Beverage Control Board
Form AB-17d: 2019/2020 Tourism 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?

LL

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.

LL

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.

LL

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.

LL

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

LL

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.

Linda Lewis
Signature of licensee

Stephanie Lynn Hanussak
Signature of Notary Public

LINDA LEWIS

Notary Public in and for the State of Oregon

My commission expires: Nov. 20, 2021



Subscribed and sworn to before me this 27 day of November, 2018.

Seasonal License?

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

License Fee:	\$ 1250.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1550.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



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(3AAC 304.525)

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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 5972