

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: 9/10/19

License #/Type: 2592 Package Store

Licensee: Giana, Inc.

Address: 43299 K-Beach Rd, Soldotna, AK

DBA: Red Diamond Liquor Barn

AMCO Case #: 19-1458

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 9-4-19 an inspection was conducted at your establishment. Noticed as a result of that inspection you are now doing business as Vaughn's Mini Mart Liquor Store. AMCO records list you doing business as Red Diamond Liquor Barn. A notice of violation, case number 16-0440, was issued for the same violation in June of 2016. See attached.

Your attention is directed to 3AAC 305.185: Licensed premises, AS 04.15.150: Licensee responsible for violations, 04.21.030: Responsibilities 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

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

From: [Vaughn's Mini Mart](#)
To: [Davies, Jason M. \(CED\)](#)
Cc: [giana pitsilionis](#); [Vaughn's Mini Mart](#)
Subject: Fwd: red barn, lic 2592, NOV.pdf
Date: Monday, December 2, 2019 11:52:52 AM
Attachments: [red barn, lic 2592, NOV.pdf](#)

Hello Jason,

I apologize about this violation not already taken care of. I was assured by another person that it was fixed, taken care of and a resolution was came to back in September when the violation occurred. As explained on the phone we have a gas station/convenience store with two separate entrances to keep the Red Diamond Liquor Barn separated from the Vaughn's Mini Mart. We have many signage outside on the building including some that identify us as a Shell Gas station, we sell food, we sell liquor, and we are a convenience store. Each entrance has it's own signage for the business that is on that side - ie: Vaughn's Mini Mart shows their hour and identification on it's entrance and same with Red Diamond Liquor Barn especially since Red Diamond Liquor Barn opens later than Vaughn's Mini Mart. To help clarify the confusion with the other outside signage we purchased a new big vinyl signage that shows which part of the building and separate entrance is the Red Diamond Liquor Barn. I have attached a picture I just took moments ago showing the door with signage on it and the big new vinyl signage on the outside of the building close to the door. I hope this completes everything needed for clearing up our violation. Again I apologize about the very delayed response as it was a miscommunication that this was already resolved. Please let me know if there are more things we still need to do to resolve the violation.

Thank you for your time,

Marie Thirlwell
Bookkeeper

----- Forwarded message -----

From: **Hamilton, Joe (CED)** <joe.hamilton@alaska.gov>
Date: Mon, Dec 2, 2019 at 11:39 AM
Subject: red barn, lic 2592, NOV.pdf
To: Vaughn's Mini Mart <vaughnsminimart@gmail.com>

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Vaughn's Mini Mart
43299 Kalifornsky Beach Rd Ste 1
Soldotna, AK 99669

Mailing:
PO Box 151
Kenai, AK 99611

907-262-6893 Store

RED DIAMOND LIQUOR BARN

GENUINE
EST. 1908

BUYING TOBACCO FOR MARINES COSTS YOU.

Under 21 No Tobacco We Guard

SPECIAL

Red Diamond LIQUOR BARN

Pull

WELCOME

VELO

EVAN WILLIAMS EGG NOG

WE HAVE ICE

ICE

KING ME



ATM



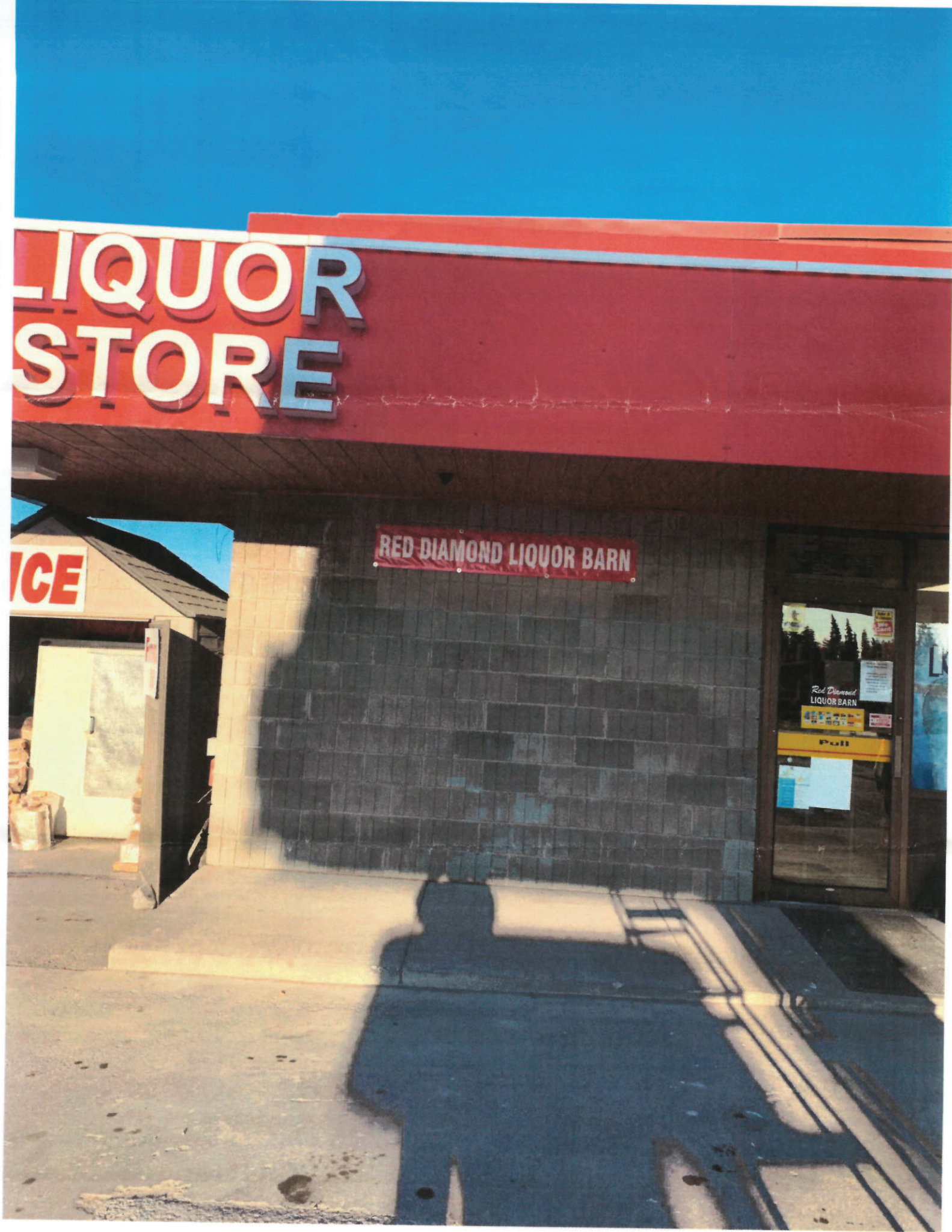
LIQUOR STORE

RED DIAMOND LIQUOR BARN

ICE

Red Diamond
LIQUOR BARN

Pull





Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 2020/2021 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 is due to renew by December 31, 2019. 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 and submitted to AMCO's main office before any license renewal application will be reviewed. 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:	Giana, Inc.	License #:	2592
License Type:	Package Store		
Doing Business As:	Red Diamond Liquor Barn		
Premises Address:	43299 K-Beach Road Ste 1		
Local Governing Body:	Kenai Peninsula Borough		
Community Council:	None		

Mailing Address:	PO Box 151				
City:	Kenai	State:	AK	ZIP:	99611

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:	Joanna Pitsilionis	Contact Phone:	953 2222
Contact Email:	akres26@hotmail.com		

Optional: If you wish for AMCO staff to communicate with an 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:	Marie Thirlwell	Contact Phone:	262 6893
Contact Email:	vaughnsminimart@gmail.com		



Form AB-17b: 2020/2021 Package Store Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below 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>

Alaska CBPL Entity #:	113300
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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 **shareholder 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. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Giana Inc. Joanna Pitsilionis				
Title(s):	Secretary / President	Phone:	953.2222	% Owned:	100
Mailing Address:	Box 151				
City:	Kenai	State:	AK	ZIP:	99601

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-17b: 2020/2021 Package Store Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. 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.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

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

This individual is an: applicant affiliate

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:

2018 2019

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.



Form AB-17b: 2020/2021 Package Store Renewal License Application

Section 6 – Written Orders

Written orders in calendar years 2020 and 2021:

Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2020 and/or 2021?

Yes No

Section 7 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

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 2018 or 2019?

Yes No

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 of licensee
JOANNA PITSILIONIS
Printed name of licensee

Signature of Notary Public
Notary Public in and for the State of Alaska

My commission expires: 09/22/2022
18th day of December, 2019

Notary Public
AMANDA S. COELHO, MBA
State of Alaska
Commission No.: 180922001
My Commission Expires: 09/22/2022

Seasonal License? 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):	1800.00				

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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:

AMCO

DEC 23 2019



Vaughn's Mini Mart <vaughnsminimart@gmail.com>

red barn, lic 2592, NOV.pdf

Vaughn's Mini Mart <vaughnsminimart@gmail.com>

Mon, Dec 2, 2019 at 11:52 AM

To: jason.davies@alaska.gov

Cc: giana pitsilionis <akres26@hotmail.com>, Vaughn's Mini Mart <vaughnsminimart@gmail.com>

Hello Jason,

I apologize about this violation not already taken care of. I was assured by another person that it was fixed, taken care of and a resolution was came to back in September when the violation occurred. As explained on the phone we have a gas station/convenience store with two separate entrances to keep the Red Diamond Liquor Barn separated from the Vaughn's Mini Mart. We have many signage outside on the building including some that identify us as a Shell Gas station, we sell food, we sell liquor, and we are a convenience store. Each entrance has it's own signage for the business that is on that side - ie: Vaughn's Mini Mart shows their hour and identification on it's entrance and same with Red Diamond Liquor Barn especially since Red Diamond Liquor Barn opens later than Vaughn's Mini Mart. To help clarify the confusion with the other outside signage we purchased a new big vinyl signage that shows which part of the building and separate entrance is the Red Diamond Liquor Barn. I have attached a picture I just took moments ago showing the door with signage on it and the big new vinyl signage on the outside of the building close to the door. I hope this completes everything needed for clearing up our violation. Again I apologize about the very delayed response as it was a miscommunication that this was already resolved. Please let me know if there are more things we still need to do to resolve the violation.

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Bookkeeper

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To: Vaughn's Mini Mart <vaughnsminimart@gmail.com>

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Vaughn's Mini Mart
43299 Kalifornsky Beach Rd Ste 1
Soldotna, AK 99669Mailing:
PO Box 151
Kenai, AK 99611


907-262-6893 Store

2 attachments**Red Diamond Liquor Picture .jpg**
3243K

AMCO

DEC 23 2019



 **red barn, lic 2592, NOV.pdf**
331K

AMCO
DEC 23 2019