



**Alcoholic Beverage Control Board  
Meeting Agenda**

***\*Subject to change due to viral emergency***

**March 31 – April 1, 2020**

**Third Judicial District**

**March 31, 2020 at 1:00 pm and April 1, 2020 at 9:00 am**

**Call-in Number: 1-800-315-6338, code 69173#**

**All times are approximate. Lunch from 12:00 noon to 1:00pm**

● **ADMINISTRATION**

**1:00 pm**

**A. Call to Order**

*1:00 pm*

**B. Roll Call**

*Glenn Brady, Industry Member*

*Sara Erickson, Public Member*

*Rex Leath, Public Safety Member*

*Dana Walukiewicz, Industry Member*

*\*Charlie Cross, Rural Public Member not present*

*Glen Klinkhart, Director*

*Carrie Craig, Records and Licensing Supervisor*

*Joan Wilson, Attorney General*

**C. Approval of Agenda**

*Glenn B. suggests modifying the agenda. Dana W. makes the motion and Sara E. seconds. None opposed*

*– motion passes.*

**D. Approval of the January 21 and 22, 2020 Meeting Minutes**

*Sara E. makes the motion. Rex L. seconds. None opposed – motion passes.*

**TAB 1**

● **BOARD GOVERNANCE**

**1:05 pm**

*1:06 pm*

**A. Election of Officers**

*Glenn Brady offers himself for consideration of Chair. Sara E. motions to appoint Glenn B. as Chair. Rex L. seconds the motion. None opposed – motion carries.*

*Glenn B. nominates Rex L. as Vice Chair. Rex L. accepts. Sara E. motions to appoint Rex L. as Vice Chair. Dana W. seconds. None opposed – motion carries.*

● **PUBLIC TESTIMONY**

**1:30 pm**

*1:10 pm*

**Based on current circumstances, the Board may decide to limit public testimony.**

Public testimony is limited to issues not on this agenda and that are not proposed regulations. The call-in number is 1-800-315-6338, code 69173#.

*3/31/2020 Bob Klein, former ABC Chair: He cannot walk away and is available to help in any way he can to the staff and board. It has been an honor to work with everyone, says thank you and is very proud of all of their hard work. Glenn B. says they couldn't do without his leadership and guidance. Bob Klein started as a member of the ABC Board in 1985, appointed by Governor Cooper. **Glenn B. desires a motion to draft a resolution of appreciation for Bob's service. Sara E. makes the motion. Rex L. seconds.** Sara E. mentions that she finds it interesting that the legislature put term limits on board members, but not themselves. She appreciates Bob for all that he has done for the state and he deserves a plaque. Dana W. agrees. **None opposed – motion passes.** Bob will be available for the rest of the meeting.*

*3/31/2020 Sarah Oates, President & CEO of Alaska CHARR: Thanks Bob Klein for his service on the board and his leadership, knowledge and guidance. Welcomes Dana Walukiewicz to the board. Hospitality industry is desperate for any help it can get now. As of a week ago, 7% of restaurants have closed permanently due to the virus. By the end of today, 14% will be permanently closed. Over 20,000 food and beverage employees in Alaska are out of work and that number is expected to rise above 30,000. These numbers are appalling. The 2<sup>nd</sup> largest industry in Alaska needs help. She is personally receiving 1500 to 2000 emails per day and hundreds of phone calls from terrified business owners each day. Sarah implores the board to implement temporary policies which will be considered later on in the meeting and to which she will be testifying. Sarah thanks the staff for their hard work.*

● **DIRECTOR'S REPORT**

**2:00 pm**

**TAB 4**

*1:21 pm: Director Klinkhart speaks about that staff has been working hard on the contingency plans. Most staff are working from home, however there are a few staff members, Jason and Jennifer, who come into the office Monday through Friday. He has been working on something better than the GCI call in for future meetings. It will need to be tested before implantation. There are no questions from the board for the Director.*

● **ENFORCEMENT REPORT**

**2:15 pm**

*1:24 pm: James Hoelscher, Enforcement Supervisor, is not available. Director Klinkhart speaks for James H. that safety is number one and most items will be addressed later in the agenda. If there are specific questions, the Director will convey that to James H.*

**A. Notices of Violation Issued and Licensee Responses**

**TAB 5**

● **LICENSING REPORT**

2:30 pm

TAB 6

1:26 pm: *Carrie Craig, Records and Licensing Supervisor, presents an abbreviated licensing report regarding staff changes, application statistics and reminds licensees that even though the doors are closed to the public, applications and other documents will be accepted via email and mail. There are no questions from the board.*

● **SECURITY INTEREST TRANSFERS & INVOLUNTARY RETRANSFERS**

- A. **4170 The Library:** Redbox, LLC  
603 Lacey Street, Fairbanks  
**License: Beverage Dispensary**  
**From:** Tapas, LLC

TAB 25

**Transfer of ownership with security interest.**

Local governing body action: pending City of Fairbanks and Fairbanks North Star Borough  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- B. **4535 TJ Seggy's:** Heidi Lynn Nylander  
50470 Sterling Highway, Soldotna  
**License: Package Store**  
**From:** TLS, Inc.

TAB 26

**Transfer of ownership with security interest.**

Local governing body action: No objection from Kenai Peninsula Borough  
Approvals: Department of Revenue  
Pending: Department of Labor  
Background investigations: pending

1:28 pm: *Dana W. motions to approve the entire tab with the exception of license #4835 to be adopted in accordance with staff recommendations. Rex L. seconds. None opposed – motion carries.*

● **TOURISM LICENSES – NEW & TRANSFER APPLICATIONS**

- A. **3113 Trail Lake Lodge:** Trail Lake Lodge Corp  
33654 Depot Rd., Moose Pass  
**License: Beverage Dispensary - Tourism**  
**From:** 5-4, LLC dba Trail Lake Lodge

TAB 28

**Transfer of ownership.**

Local governing body action: pending Kenai Peninsula Borough  
Approvals: Department of Revenue, Department of Labor  
Background investigations: pending

1:31 pm: *Dana W. motions to approve. Sara E. seconds. None opposed – motion passes.*

● **PUBLIC CONVIENECE**

- A. **5872 Firebrand BBQ:** Firebrand, LLC  
1101 3<sup>rd</sup> Avenue, Seward

TAB 29

**License: Restaurant/Eating Place-Public Convenience**

**New license application.**

Local governing body action: pending City of Seward (Kenai Peninsula Borough)

Approvals: Department of Environmental Conservation

Background investigations: complete

**B. 5888 Old Field Kitchen: Old Field Kitchen, LLC**

**TAB 30**

34 Fort Seward Dr., Haines

**License: Restaurant/Eating Place-Public Convenience**

**New license application.**

Local governing body action: approved by Haines Borough

Approvals: Department of Environmental Conservation, Fire Marshal

Background investigations: pending

*1:33 pm: Rex L. motions to approve both applications. Sara E. seconds. None opposed – motion carries.*

● **Outdoor Recreation Lodge**

**A. 5873 Pybus Point Lodge: Lone Eagle Resorts, Inc.**

**TAB 31**

Cannery Cove, Pybus Bay, Admiralty Island

**License: Outdoor Recreation Lodge**

**New license application.**

Approvals: Department of Environmental Conservation

Pending: State Fire Marshal

Background investigations: complete

*Dana W. motions to approve the application with delegation. Sara E. seconds. None opposed – motion carries.*

● **DELEGATED CONSENT AGENDA – NEW & TRANSFER APPLICATIONS**

*Dana W. motions to approve all applications in this section with delegation. Rex L. seconds. None opposed – motion passes.*

**A. 145 Boatel Bar: Abie Neubauer, Inc.**

3368 Riverside Dr.

**License: Beverage Dispensary**

**Controlling interest transfer.**

Local governing body action: pending City of Fairbanks and Fairbanks North Star Borough

Approvals: Department of Labor – Workers Compensation, Department of Revenue

Pending: Department of Labor – Employment Security

Background investigations: complete

**B. 170 Vitus Energy, LLC: Vitus Energy, LLC**

Mile 210.4 George Parks Hwy, Cantwell

**License: Package Store**

**From:** Nathan Merryman dba Mountain View Liquor & Grocery

**Transfer of ownership and location.**

Local governing body action: approved by the Denali Borough  
Approvals: Department of Labor, Department of Revenue  
Pending: Multiple creditors  
Background investigations: complete

- C. 396 Fisherman's Bar:** Fisherman's Bar & Joe's Liquor Store, Inc.  
Mile 0 Alaska Peninsula Hwy, Naknek  
**License: Beverage Dispensary**

**Transfer of controlling interest.**

Local governing body action: pending Bristol Bay Borough  
Approvals: Department of Labor, Department of Revenue  
Pending: Department of Labor - ES  
Background investigations: complete

- D. 420 Fox General Store:** The Fox General Store, Incorporated  
2226 Old Steese Highway, Fairbanks  
**License: Package Store**

**Transfer of controlling interest.**

Local governing body action: pending the Fairbanks North Star Borough  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- E. 581 Joe's Liquor Store:** Fisherman's Bar & Joe's Liquor Store, Inc.  
Mile 0 Alaska Peninsula Highway  
**License: Package Store**

**Transfer of controlling interest.**

Local governing body action: pending the Bristol Bay Borough  
Approvals: Department of Revenue  
Pending: Department of Labor  
Background investigations: complete

- F. 1697 Trophy Lounge:** Teekell Brothers Alaska, LLC  
8801 Jewel Lake Road, Anchorage  
**License: Beverage Dispensary**

**Transfer of controlling interest.**

Local governing body action: pending the Municipality of Anchorage  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- G. 2097 Route 33:** TR2, Inc.  
No Premises, Anchorage  
**License: Beverage Dispensary**

**Transfer of controlling interest.**

Local governing body action: pending the Municipality of Anchorage  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- H. 2097 Keystone Development Company, LLC:** Keystone Development Company, LLC  
No Premises, Anchorage  
**License: Beverage Dispensary**

**Transfer of ownership.**

Local governing body action: pending the Municipality of Anchorage  
Approvals: Department of Labor, Department of Revenue  
Pending: Multiple creditors  
Background investigations: complete

- I. 2362 Bear's Den Liquor:** Three Bears Alaska, Inc.  
23471 S. Parks Highway, Trapper Creek  
**License: Package Store**  
**From:** McMelton Wine & Spirits, Inc. dba Big Lake Moonshine Shop

**Transfer of ownership and location.**

Local governing body action: pending the Matanuska-Susitna Borough  
Approvals: Department of Labor, Department of Revenue  
Pending: Fire Marshal, multiple creditors  
Background investigations: complete

- J. 2823 Perch Resort at Denali:** The Perch Resort at Denali, Inc.  
Mile 224 Parks Hwy, Denali  
**License: Beverage Dispensary - Seasonal**  
**From:** Leslie LeQuire

**Transfer of ownership.**

Local governing body action: pending the Denali Borough  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- K. 5573 Cooper Landing Brewing Company, LLC:** Cooper Landing Brewing Company, LLC  
21879 Sterling Highway, Cooper Landing  
**License: Brewery**

**Transfer of location.**

Local governing body action: pending the Kenai Peninsula Borough  
Approvals: State Fire Marshal  
Pending: Department of Environmental Conservation  
Background investigations: complete

- L. 5612 Valdez Food Cache:** Valdez Food Cache, LLC  
301 Egan Drive, Valdez  
**License: Package Store**

From: Valdez Liquor, LLC

**Transfer of ownership and location.**

Local governing body action: pending the City of Valdez  
Approvals: Department of Labor, Department of Revenue  
Pending: Department of Labor  
Background investigations: complete

- M. 5883 Baleen Brewing:** Baleen Brewing Co., LLC  
449 Mill Street, Ketchikan  
**License: Brewery**

**New license application.**

Local governing body action: pending the City of Ketchikan and Ketchikan Gateway Borough  
Approvals:  
Pending: Department of Environmental Conservation, TTB Final Permit  
Background investigations: complete

- N. 5886 K&L Distributors Alaska:** White Mountain Beverage, LLC  
6307 Arctic Spur Rd., Anchorage  
**License: Wholesale - General**

**New license application.**

Local governing body action: pending Municipality of Anchorage  
Background investigations: complete

- O. 5887 K&L Distributors Alaska:** White Mountain Beverage, LLC  
945 Elizabeth St., Fairbanks  
**License: Wholesale - General**

**New license application.**

Local governing body action: pending the City of Fairbanks and Fairbanks North Star Borough  
Approval: Department of Environmental Conservation  
Background investigations: complete

- P. 5889 Aurora Pointe Activity Center:** A Taste of Alaska Lodge, LLC  
570 Funk Rd., Fairbanks  
**License: Restaurant or Eating Place**

**New license application.**

Local governing body action: pending Fairbanks North Star Borough  
Approvals: Department of Environmental Conservation  
Pending: Fire Marshal  
Background investigations: complete

- Q. 5892 Corks and Hops:** Corks and Hops, LLC  
12551 Old Glenn Hwy Unit A, Eagle River  
**License: Restaurant or Eating Place**

**New license application.**

Local governing body action: pending Municipality of Anchorage

Background investigations: pending

- R. 5895 Three Northmen:** Beard Brothers Handiworks, LLC  
102 Main Street, Haines  
**License: Winery**

**New license application.**

Local governing body action: pending Haines Borough

Approvals:

Pending: Department of Environmental Conservation, Fire Marshal, TTB Final Permit

Background investigations: complete

● **CONSENT AGENDA – NEW & TRANSFER APPLICATIONS**

*Sara E. motions to approve all applications in this section. Dana W. seconds. None opposed – motion passes.*

- A. 3895 Floater's:** JEFFNPJ, Inc.  
2990 S. Big Lake Road, Big Lake  
**License: Beverage Dispensary**  
From: Jeffrey Ross 50% and Pamela Ross 50%  
To: Jeffrey Ross 100%

**Transfer of controlling interest.**

Local governing body action: approved by Matanuska-Susitna Borough

Approvals: Department of Labor, Department of Revenue

Background investigations: complete

- B. 4512 Kassik's Brewery:** Kassik's Kenai Brew Stop, LLC.  
47160 Spruce Haven Street, Kenai  
**License: Brewery**  
From: Frank Kassik III 47.50% and Debara Kassik 47.50%  
To: Bryron McGlasson 47.621% and Michelle McGlasson 47.620%

**Transfer of controlling interest.**

Local governing body action: approved by Kenai Peninsula Borough

Approvals: Department of Labor, Department of Revenue, Creditors

Background investigations: complete

- C. 4701 Emerald Princess:** Princess Cruise Lines, Ltd.  
Alaska Waters  
**License: Common Carrier – Vessel**  
From: Princess Cruise Lines, Ltd. doing business as Island Princess

**Transfer of location and dba name change.**

Background investigations: complete

- D. 5095 PINZ:** PINZ, LLC



608 W Willoughby Ave., Juneau  
**License: Recreational Site**  
From: Taku Lanes, LLC dba Taku Lanes

**Transfer of ownership.**

Local governing body action: approved by the City & Borough of Juneau  
Approvals: Department of Labor, Department of Revenue  
Background investigations: complete

- E. **5445 Fili's Pizza:** Marina, Inc.  
110 Osage Street, Bethel  
**License: Restaurant or Eating Place**  
From: Mefail Saliu

**Transfer of ownership.**

Local governing body action: approved by City of Bethel  
Approvals: Department of Labor, Department of Revenue, Creditors  
Background investigations: complete

- F. **5862 Pacific Princess:** Princess Cruise Lines, Ltd.  
Alaska Waters  
**License: Common Carrier - Vessel**

**New license application.**

Background investigations: complete

- G. **5865 MS Koningsdam:** Holland America Line N.V. LLC  
Alaska Waters  
**License: Common Carrier - Vessel**

**New license application.**

Background investigations: complete

● **TOURISM LICENSES – RENEWALS**

- A. **Renewal Applications for Licensees with 2018 and 2019 Notices of Violation**

*Dana W. motions to approve renewals of both licenses. Sara E. seconds. None opposed – motion passes.*

- 1. **5338 Bridge Lounge:** River Edge, Inc.  
393 Riverside Drive, Soldotna  
Local governing body: City of Soldotna, Kenai Peninsula Borough  
**License: License Type – Tourism**

**TAB 32**

**03/21/2018 – Lack of server education.**

- 2. 5470 Cantwell Lodge and Longhorn Saloon:** Longhorn Liquor, Inc.  
Mile 136 Denali Highway, Cantwell  
Local governing body: Denali Borough  
**License: License Type – Tourism**

**TAB 33**

**01/25/2018 – Unreported change of ownership.**

**B. Other Tourism Renewals**

*Glenn B. recuses himself and the gavel is passed to Rex L. **Dana W. motions to approve the renewals. Sara E. seconds.***

*Sara E. wonders if the tourism licenses are based on the number of rooms based on population. Glenn B. and Rex L. confirms that is correct. Dana W. asks for further clarification. Glenn B. explains in greater detail the 2 ways to obtain a tourism license.*

*Sara E. states that these licenses are confusing to her and questions why they even exist. Glenn B. asks Bob Klein, former ABC Board Chair, to chime in after mentioning that the population limitations are small in comparison to the number of tourists the state sees therefore the tourism licenses were created.*

*Sara E. states that she understands that but it is still confusing – why not grandfather them all in and get rid of this license type all together? Sara E. also adds that it is very strange that our state decides who and where can have these licenses. She believes the board is putting ourselves in a box and states that is a topic for another discussion in the future.*

*Rex L. says those are great questions and summarizes AS 04.11.400(3)(d)(A) for Sara E. and the public. He asks if Bob Klein wishes to speak to this subject.*

*Bob K. points out that population limits are a one-time thing and when the hotel was built they had to be in compliance. AMCO does not ask them to add more rooms if the population grows. The board and the legislature should take a close look at is time to re-examine the population limits.*

*Sara E. says she had done some research and mentions an online story from KTUU in 2017 about the Cooper Landing Sunrise Inn. She mentions that in the article the licensee was worried that she would be required to add more rooms and asks Bob if he remembers that. At the time, Erika McConnell (former AMCO director) was wondering if licensees would fall out of compliance as the population grew.*

*Bob K. says that was an unfortunate scare that the staff raised at the time amongst the industry and we did reaffirm that the population limit at the time of the original application would be acceptable. It was an unfortunate incident.*

*Sara E. suggests that the legislature gets rid of the confusing license types and asks Bob, in his opinion, is there any reason to hang onto them? Glenn B. answers that there are not enough licenses available under the population density formula that is also stipulated in Title 4. To make the tourism licenses into regular licenses would be tinkering with the formula. The tourism licenses are an acknowledgement of that transient license and how AMCO serves the traveling public and still maintain normal license density.*

*Sara E. says that the board is not following the letter of the law because if the state were to lose population, they still get to keep their license – it seems the board has all these confusing rules and boxing themselves in. They already know that Alaska is hugely dependent on tourism and says that the board is stifling growth – not growing the industry and the state is in desperate need of growth.*

*Sara E. continues by saying the tourism license thing is not consistent. Why not get rid of it and grandfather the tourism licenses or make it different based on the tourist that come in.*

*Laura Pruitt, beverage dispensary licensee, has input for Sara E. The problem she has is the price differences between the various license types. If the board grandfathers the tourism licenses, they will be depreciating the value of her license.*

*Sara E. states that we are not in a public comment period but says she understands her viewpoint and brings up the beverage dispensary vs. brewery issues.*

*Ms. Pruitt agrees and Rex L. calls for point of order and says that is it a topic to discuss in the future during a designated time with public comments allowed. Calls for a vote on the motion.*

***None opposed – motion passes. Rex L. passes the gavel back to Glenn B.***

- 1. 10 Al's Alaskan Inn: Allen Henry Choy LLC** **TAB 34**  
7830 Old Seward Hwy, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
  
- 2. 67 Piper's Restaurant & Lounge: International Inn, Inc.** **TAB 35**  
3450 Aviation Avenue, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
  
- 3. 1016 Sealaska Inn & Lounge: Ukamco, Inc.** **TAB 36**  
1001 Premier Avenue, Hyder  
**License: License Type – Tourism**
  
- 4. 1036 Slippery Salmon Bar & Grill: Northern Lodging, LLC** **TAB 37**

115 East 3<sup>rd</sup> Avenue, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**

5. **1096 Sunrise Inn:** Sunrise Holdings, LLC **TAB 38**  
21849 Sterling Highway, Cooper Landing  
Local governing body: Kenai Peninsula Borough  
**License: License Type – Tourism**
  
6. **1400 Anchor Inn:** Chou Joe & YenWen Anne Shen **TAB 39**  
Lot 2, Block 2, Whittier  
Local governing body: City of Whittier  
**License: License Type – Tourism**
  
7. **1758 Last Hook Off:** King Cove Corporation **TAB 40**  
NHN Windy Walkway, King Cove  
Local governing body: City of King Cove, Aleutians East Borough  
**License: License Type – Tourism**
  
8. **1859 Uptown Motel/Louie's:** Schilling Alaska, Inc. **TAB 41**  
18021 Kenai Spur Hwy, Kenai  
Local governing body: City of Kenai, Kenai Peninsula Borough  
**License: License Type – Tourism**
  
9. **2184 Point Lodge Alaska:** Point Lodge Alaska LLC **TAB 42**  
Mile 17.2 Lake Louise Road, Glennallen  
Local governing body: Matanuska-Susitna Borough  
**License: License Type – Tourism**
  
10. **2237 Uptown Motel/Back Door Lounge:** Schilling Alaska, Inc. **TAB 43**  
18021 Kenai Spur Hwy, Kenai  
Local governing body: City of Kenai, Kenai Peninsula Borough  
**License: License Type – Tourism**
  
11. **2424 Sophie Station Hotel:** Fountainhead Development, Inc. **TAB 44**  
1717 University Avenue S, Fairbanks  
Local governing body: City of Fairbanks, Fairbanks North Star Borough  
**License: License Type – Tourism**
  
12. **2633 Lynx Creek Pizza/Denali Princess Lodge:** Alaska Hotel Properties, LLC **TAB 45**  
Mile 238.5 George Parks Highway, Denali  
Local governing body: Denali Borough  
**License: License Type – Tourism**

- 13. 3002 Eagle Crest Dining Room & Lounge:** Alaska Hotel Properties, LLC **TAB 46**  
17245 Frontier Circle Complex 1, Kenai  
Local governing body: Kenai Peninsula Borough  
**License: License Type – Tourism**
- 14. 3074 Wedgewood Resort:** Fountainhead Development, Inc. **TAB 47**  
212 Wedgewood Drive, Fairbanks  
Local governing body: City of Fairbanks, Fairbanks North Star Borough  
**License: License Type – Tourism**
- 15. 3113 Trail Lake Lodge:** 5-4, LLC **TAB 48**  
33654 Depot Road, Moose Pass  
Local governing body: Kenai Peninsula Borough  
**License: License Type – Tourism**
- 16. 3290 Grand Aleutian Hotel:** Unisea, Inc. **TAB 49**  
498 Salmon Way, Unalaska  
Local governing body: City of Unalaska  
**License: License Type – Tourism**
- 17. 3301 Grand Aleutian Hotel-Chart Room:** **TAB 50**  
498 Salmon Way, Unalaska  
Local governing body: City Unalaska  
**License: License Type – Tourism**
- 18. 3316 Fairbanks Princess Riverside Lodge:** Alaska Hotel Properties, LLC **TAB 51**  
4477 Pikes Landing Road, Fairbanks  
Local governing body: Fairbanks North Star Borough  
**License: License Type – Tourism**
- 19. 3320 Fairbanks Princess Riverside Lodge:** Alaska Hotel Properties, LLC **TAB 52**  
4477 Pikes Landing Road, Fairbanks  
Local governing body: Fairbanks North Star Borough  
**License: License Type – Tourism**
- 20. 3370 McKinley Denali Salmon Bake:** Denali Visions 3000 Corporation **TAB 53**  
Mile 238.5 Parks Highway, Denali  
Local governing body: Denali Borough  
**License: License Type – Tourism**
- 21. 3445 Hotel Alyeska:** Alyeska Resort Operations Limited Partnership **TAB 54**  
1000 Arlberg Avenue, Girdwood

- Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 22. 3446 Seven Glaciers Lounge:** Alyeska Resort Operations Limited Partnership **TAB 55**  
1000 Arlberg Avenue, Girdwood  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 23. 3461 Puddle Jumpers Saloon:** The Landing Lights, LLC **TAB 56**  
Valdez Airport Terminal, Valdez  
Local governing body: City of Valdez  
**License: License Type – Tourism**
- 24. 3616 Wedgewood Resort-Bear Lodge:** Fountainhead Development, Inc. **TAB 57**  
212 Wedgewood Drive, Fairbanks  
Local governing body: City of Fairbanks, Fairbanks North Star Borough  
**License: License Type – Tourism**
- 25. 3794 Excursion Restaurant:** Excursion Restaurant, LLC **TAB 58**  
5021 Rink Creek Road, Gustavus  
Local governing body: City of Gustavus  
**License: License Type – Tourism**
- 26. 3823 Resurrection Roadhouse: CATC Alaska Tourism Corporation** **TAB 59**  
31772 Herman Leirer Road, Seward  
Local governing body: Kenai Peninsula Borough  
**License: License Type – Tourism**
- 27. 3999 Alaskan Steakhouse & Motel:** Juice, Inc. **TAB 60**  
Mile 265 Richardson Highway, Delta Junction  
Local governing body: City of Delta Junction  
**License: License Type – Tourism**
- 28. 4035 Midnight Sun Bar & Grill:** Pike’s on the River, Inc. **TAB 61**  
1850 Hoselton Road, Fairbanks  
Local governing body: Fairbanks North Star Borough  
**License: License Type – Tourism**
- 29. 4236 Hilton Garden Inn:** BRE Select Hotels Properties, LLC **TAB 62**  
4555 Union Square Drive, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**

- 30. 4354 Homewood Suites:** BRE Select Hotels Properties, LLC **TAB 63**  
101 West 48<sup>th</sup> Avenue, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 31. 4379 The Station Bar & Grill:** Elizabeth F. Smith **TAB 64**  
444 4<sup>th</sup> Street, Skagway  
Local governing body: Municipality of Skagway Borough  
**License: License Type – Tourism**
- 32. 4387 Gold Country Services:** Richard G Symons and Shelia L Symons **TAB 65**  
Mile 128 Steese Highway, Central  
**License: License Type – Tourism**
- 33. 4419 The Pool Room:** Twins Inc. **TAB 66**  
2900 East Parks Highway, Wasilla  
Local governing body: City of Wasilla, Matanuska-Susitna Borough  
**License: License Type – Tourism**
- 34. 4556 Gilpatrick’s Hotel Chitina:** Gilpatrick’s Hotel Chitina, Inc. **TAB 67**  
Corner of Fairbanks & Main Street, Chitina  
**License: License Type – Tourism**
- 35. 4611 Buskin River Lounge:** The Kishan Group, Inc. **TAB 68**  
1395 Airport Way, Kodiak  
Local governing body: Kodiak Island Borough  
**License: License Type – Tourism**
- 36. 4618 Stikine Inn:** North Star Ventures LLC **TAB 69**  
107 Stikine Avenue, Wrangell  
Local governing body: City and Borough of Wrangell  
**License: License Type – Tourism**
- 37. 4774 Embassy Suites Anchorage:** Apple Nine Hospitality Management, Inc. **TAB 70**  
600 East Benson Boulevard, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 38. 5106 Annie Mae Lodge:** The Annie Mae Corporation **TAB 71**  
2 Grandpa’s Farm Road, Gustavus  
Local governing body: City of Gustavus  
**License: License Type – Tourism**

- 39. 5129 Prey Bar & Eatery:** CATC Alaska Tourism Corporation **TAB 72**  
Milepost 229 George Parks Highway, Denali  
Local governing body: Denali Borough  
**License: License Type – Tourism**
- 40. 5130 Denali Backcountry Lodge:** CATC Alaska Tourism Corporation **TAB 73**  
Milepost 92 Denali Park Road, Kantishna  
Local governing body: Denali Borough  
**License: License Type – Tourism**
- 41. 5131 Silver Gulch Brewing & Bottling:** Silver Gulch Brewing & Bottling, Inc. **TAB 74**  
5000 West International Airport Road, S Terminal Concourse C, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 42. 5180 Locals:** Triplets, Inc. **TAB 75**  
3100 East Parks Highway, Wasilla  
Local governing body: City of Wasilla, Matanuska-Susitna Borough  
**License: License Type – Tourism**
- 43. 5282 Anchorage City Limits Lofts:** H.P. Holdings, Inc. **TAB 76**  
239 West 4<sup>th</sup> Avenue, Anchorage  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**
- 44. 5289 Seldovia Boardwalk Hotel:** Herring Bay, LLC **TAB 77**  
239 Main Street, Seldovia  
Local governing body: City of Seldovia, Kenai Peninsula Borough  
**License: License Type – Tourism**
- 45. 5334 Nome Nugget Inn:** JPS Enterprises, Inc. **TAB 78**  
315 Front Street, Nome  
Local governing body: City of Nome  
**License: License Type – Tourism**
- 46. 5430 McGivney’s Sports Bar and Grill:** Mac Ventures, LLC **TAB 79**  
51 Egan Drive, Juneau  
Local governing body: City and Borough of Juneau  
**License: License Type – Tourism**
- 47. 5455 Sushi on the Fly:** JSJ Group, LLC **TAB 80**  
5000 West Int’l Airport Road C2789, Anchorage  
Local governing body: Municipality of Anchorage



**License: License Type – Tourism**

- 48. 5466 Bore Tide Deli:** Alyeska Resort Operations Limited Partnership **TAB 81**  
1000 Arlberg Avenue, Girdwood  
Local governing body: Municipality of Anchorage  
**License: License Type – Tourism**

- 49. 5619 Denali Bluffs Hotel-Perky Moose:** Grande Denali LLC **TAB 82**  
Mile 238.2 Parks Highway, Denali  
Local governing body: Denali Borough  
**License: License Type – Tourism**

- 50. 5631 Tailwind Concessions: Tailwind JNU, LLC** **TAB 83**  
1873 Shell Simmons Drive Suite 220, Juneau  
Local governing body: City and Borough of Juneau  
**License: License Type – Tourism**

- 51. 5649 Tailwind Concessions: Tailwind JNU, LLC** **TAB 84**  
1873 Shell Simmons Drive Suite 220, Juneau  
Local governing body: City and Borough of Juneau  
**License: License Type – Tourism**

● **RECREATIONAL SITE LICENSES - RENEWALS**

**A. Renewal Applications for Licensees with 2018 and 2019 Notices of Violation**

*2:15 pm: Dana W. motions for approval of renewal application. Rex L. seconds. None opposed – motion passes.*

- 1. 1314 Anchorage Glacier Pilots:** Anchorage Glacier Pilots, Inc. **TAB 85**  
Mulcahy Stadium, Anchorage  
Local governing body: Municipality of Anchorage  
**License: Recreational Site**

**02/26/2018 – Unreported change of ownership.**

**B. Other Recreational Site Renewals**

*Rex L. motions for approvals of renewal applications in this section. Sara E. seconds. None opposes – motion passes.*

- 1. 4567 Liarsville:** Alaska Travel Adventures Inc. **TAB 86**  
1 Mile Liarsville Road, Skagway  
Local governing body: Municipality of Skagway Borough  
**License: Recreational Site**

- 2. 4674 Dimond Bowl:** Dimond Center, LLC **TAB 87**  
800 East Dimond Boulevard #3-023, Anchorage

Local governing body: Municipality of Anchorage

**License: Recreational Site**

**3. 5328 Alaska Airlines Center:** NANA Management Services, LLC

**TAB 88**

3550 Providence Drive, Anchorage

Local governing body: Municipality of Anchorage

**License: Recreational Site**

● **DELEGATED CONSENT AGENDA – RENEWAL APPLICATIONS**

**TAB 116**

*Glenn B. recuses himself from this section and passes the gavel to Rex L.*

*Bob Klein does state that historically they would reference the tab number instead of reading each license number separately.*

***Sara E. motions to approve the renewals in this tab. Dana W. seconds. None opposed – motion carries. The gavel is passed back to Glenn B.***

● **ALCOHOL MAILBOX**

**TAB 123**

All correspondence received in the inbox from January 4, 2020 – March 13, 2020.

*3:51 pm: 59 pages of emails were received in this mailbox and the vast majority of them are in regards to Creekbend LLC. Glenn B. wishes to save and lump the Creekbend emails with the AB-14 application that is listed under Board Consideration, Tab 4 for discussion on April 1, 2020.*

*Sara E. mentions that at the last meeting, they were not going to address the community issues. Glenn B. agrees but now they need to discuss the functions of a restaurant/eating place license serve. Sara E. asks when was the AB-14 turned in.*

*Director Klinkhart answers that it was submitted on July 29, 2019. Sara E. thought they had told him (the licensee) that he was good to go at the last meeting in Juneau. Glenn B. states that was for the renewal application.*

*Jana Weltzin, counsel for Creekbend LLC, says it was her understanding that it should have been considered at that meeting but Bob Klein directed it back to staff – been outstanding for 9 months.*

*Glenn Brady says he keyed up Creekbend for discussion on April 1 because there would be a lot of interested stakeholders in this conversation.*

*Sara E. objects to listening to hearing all the Creekbend things and that they have dealt with it already as a board unless she is missing something – this has nothing to do with the board, it's a community issue.*

*Glenn B. states that he respectfully disagrees with that statement. The point is that the license type is a restaurant/eating place license and if one was to read the statute the service of alcohol and other functions are secondary to dining and the question becomes whether or not the business model being proposed fits with the statutory intent of this license type which is something that needs to be discussed by the board.*

*Joan Wilson states that this is an issue that came up after the meeting in Juneau and that is why is here before the board again.*

*Sara E. says the complaints in the mailbox are the same old complaints from before and says it is going to take a long time to discuss. Glenn B. says the discussion he is planning on is not explicit to this particular license but more generalized about the license type and the board's expectations.*

*Sara E. asks if he is going to open it to public discussion. Glenn B. answers yes, if they get to that point tomorrow. They are mindful of those complaints from the public and he wants to be sure that they are doing the right thing in respect to the license type – he is not interested in hearing all the complaints.*

*Glenn B. brings attention to an email from Anheuser-Busch that has multiple questions regarding shipping, packaging and labeling laws in Alaska. Asks the Director if staff has had any correspondence with this individual. Director Klinkhart states that they have not to date. Glenn B. wants to make sure that as a regulatory agency we are responsive to these types of inquiries. Glenn says the answer to the first bullet point, is no with the exception of in terms of wholesaler and how things are moved in a supply change, there is no language that has any governance of shipping configurations, container sizes, pallet sizes or any such other guidance. Bob Klein suggests that we send the email to their sales representative and should not take the board's time. Glenn B. concurs. Staff will address these questions when resources are available.*

*Glenn B. brings attention to another email from a brewery licensee regarding retail privileges and will address later down the road with SB52.*

*Glenn B. brings attention to an email regarding a shipment to Bethel and asks the director to verify that Enforcement has or will handle that. Director Klinkhart states that he will do so. Rex asks if this is the email from Jimmy Guinn and Glenn concurs. Rex states that he is appreciative of people sending in their emails and that is what the board is here for – to help the public gain a better understanding of alcohol regulations.*

*Glenn B. mentions another email regarding the legality of temporary ids when purchasing alcohol. A legal id is required – not expired. Rex L. says that the DMV issues a temporary id and temporary driver's license. We should accept a state of Alaska issued temporary id or drivers license. An out of state temporary id should be reviewed on a case by case basis. Some establishments do not allow temporary ids if there is a statement that it is not valid for purchase of products. Look at the language on the temporary ids and driver licenses. This is a topic for further discussion at a later date. Glenn B. asks the Director to schedule this topic and possibly a representative from DMV to address the board at the June meeting. Director Klinkhart would also like to see input from the industry, maybe AMCO can't fix it but is definitely worthy of discussion for the industry and the public to gain clarity. Glenn B. agrees and suggests it be put on June's agenda.*

*Sara E. asks the director about other emails in the mailbox and assumes that staff answers these emails. Director Klinkhart answers that yes, the staff answers a lot of emails that come through this email box – they get handled on the front end.*

*Glenn B. mentions an email about someone asking how to report illegal actions by a licensee. Did this email get addressed by Enforcement? The director is not sure but will check with the Enforcement Supervisor. Glenn B. suggests a section on the website for people to submit complaints.*

Joan Wilson informs that board that there is a team at the Department of Law called the Covid-19 Enforcement Team. If the board thinks there is an issue they want her to research before the next day, to email her at [joan.wilson@alaska.gov](mailto:joan.wilson@alaska.gov) or call her direct line.

Glenn B. gives a quick rundown of what he hopes to accomplish on the second day of the meeting.

Sassan Mossanen, licensee of Twister Creek Inc., asks if the regulation projects, in particular the combined tasting rooms, will be discussed the next day. Glenn B. states that this would most likely be scheduled for a later meeting.

● **CONSIDERATION OF EMERGENCY TEMPORARY DISTILLERY LICENSURE FOR PRODUCTION OF ETHANOL**

*3/31/2020 3:14 pm: Glenn B. provides background. He proposes for discussion that the board provides clear guidance to applicants that would allow them to proceed without uncertainty at least from the state regulatory side. Alaskan Brewing have made an application for 2 distillery licenses and they have the equipment set up and ready to go. Geoff Larsen, owner of Alaskan Brewing, is present on the phone and Glenn B. asks Mr. Larsen to present what it is he is asking for. Mr. Larsen states that the applications were submitted in time and believes them to be complete. Staff did not have the time to review those applications. The requirement for the TTB filing is that they have to have equipment serial numbers before they can begin the federal licensing procedure. It would take approximately 2 weeks to be up and running to start producing alcohol. The equipment has the capability to produce 180% proof, food grade ethanol. They want to get authorization from the state to produce the ethanol for use for products not for consumption.*

*Glenn B. thinks the board can allow the requested activity to move forward. Opens for discussion.*

*Sarah Oates, president and CEO of Alaska CHARR, is present on the phone and comments that while working at AMCO she had received many calls from people with questions about the board's regulatory purview regarding various liquids with alcohol content above one half of one percent. The ABC board is not responsible for regulating mouthwash. AS 04.06.090(a) says, "The board shall control the manufacture, barter, possession, and sale of alcoholic beverages in the state." AS 04.21.080(b)(1) defines an alcoholic beverage as "a spirituous, vinous, malt, or other fermented or distilled liquid, whatever the origin, that is intended for human consumption as a beverage and that contains one-half of one percent or more of alcohol by volume, whether produced commercially or privately". Ms. Oates believes that no one should be required to obtain a distillery or other type of license to produce the ethanol that has been recently discussed as it is not to be consumed as an alcohol beverage as defined in the above referenced statutes.*

*Glenn B. says the question here is that we have a licensee who is licensed under other sections of statute who really wants to make sure they are doing the right thing and wants clarity and guidance from the board, and he wants to be sure to provide that to the licensee before the meeting's end. The board wants to be sure that they are specifically enabling this activity.*

*Joan Wilson agrees with Ms. Oates statements. Ms. Wilson's focus now is that we have a licensee who has an obligation to comply with all applicable law. Could we think of a situation where the licensee could be violating the other licenses by producing 180% proof ethanol that is not intended for consumption? She understands it is food grade, but it is not for consumption. Ms. Wilson would need to research the definition of consumption.*

*Glenn B. wants to be sure that the board is not opening the door for someone in Western Alaska to say they are not making hooch, they are making sanitizer.*

*Rex L. states that under AS 04.11.010 is the very foundation of the board's authority is from alcohol beverages and as pointed out earlier by Ms. Oates the definition of alcoholic beverages is intended for sale. There are many products available not for consumption that are used as intoxicants that are not controlled under Title 4. He doesn't see where the board has the authority to regulate food grade alcohol that is not intended for human consumption and we have a way to address it if the abuse gets out of hand.*

*Sara E. comments/asks regarding the smaller villages that wish to produce sanitizer, how can we ensure that those places do not make alcohol – would it be a notice of violation?*

*Board members chime in. Joan says the board should provide guidance green light should come from the governor's office. Joan Wilson will craft a motion for the next day. How would we know if a producer of hand sanitizer suddenly started selling alcohol? Would it be simple to find out or not?*

*Dana W. states that violations given to alcohol producers or licensees who have (phone breaks up) official license. Having an interim product in inventory that could potentially be a consumable beverage product could be a potential violation to the licensee even though it may put the burden of proof on the licensee. Even if you don't have the sale, you have the inventory. If breweries brewed before getting their license, that is a violation. The board should clarify that the specific intent for the distillery is for medical purposes only and that should not be considered a violation under Title 4.*

*Sara E. believes if they do that, they will be opening a whole can of worms. People do stupid stuff all the time and you can't possibly regulate that. She agrees with Ms. Oates that the board doesn't have any business regulating this. It seems pretty clear. (phone breaks up)*

*Glenn B. says that Dana brings up a good point and here we have a current brewery licensee that is expanding their business line to include a distillery and by circumstance, we are in a unique situation with the Covid-19 outbreak where the product of that equipment can be repurposed for public health utilization. We are regulating licensees and ethanol at some point in the future coming off this equipment will presumably be turned into beverage grade and the licensee is requesting clarity. They are trying to do the right thing by the regulatory agency. Glenn B. would like the board to give the licensee the green light/guidance/go ahead to do this while not blowing the doors open to what could be misapplications of this and he agrees with the position that it is not within their purview to regulate hand sanitizer.*

*Joan Wilson says the main statute at play is AS 04.21.030 "The licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted...to ensuring the compliance of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction." She suggests, for the purposes of AS 04.21.020, that the board not consider it a violation of statute for a licensee to engage in or conduct and make sure they are not licensing them for consumption of beverage grade alcohol outside of their license. Whatever direction the board wishes to take, Ms. Wilson will still need to run it through the enforcement committee. A motion providing guidance to this licensee would be something befitting Alaskan Brewery and any other distiller who gets this request could then take forward while the FDA and other entities are going through their processes. Ms. Wilson*

wants to get the express green light through the Department of Law and the Governor's office because it fits under the requirements of things we need to do to respond to the public health crisis. Joan offers to draft language for the motion overnight to be ready for tomorrow's meeting. Glenn B. agrees.

Rex L. asks Alaskan Brewing if they get clarity now or tomorrow will that slow down their process to create the ethanol needed for hand sanitizer. We want to expediate this as soon as possible.

Geoff Larsen says no, it will not. This will be a little bit longer process. Many entities, agencies are weighing in and there are multiple requirements that need to be met.

Joan Wilson asks Mr. Larsen if there is any chance the federal government will order him to reconfigure his plant to produce this because that will create a benefit for him because it is a federal order – from an enforcement perspective.

Mr. Larsen says it is a possibility, no question about it although they are already postured to make that. It will be 2 weeks out to begin to manufacture. The equipment is set to make all manners of alcoholic strength compounds.

Glenn B. is of the opinion that he is not one to wait for the federal government to tell us to help ourselves and that we as Alaskans can do it on our own. He wants to make sure they are not standing in the way of getting prepared administratively or bureaucratically. He is hoping they can provide that clarity and it sounds like they have a mechanism that Ms. Wilson will be working on getting the language correct.

Joan Wilson asks Mr. Larsen if he is in communication with someone at DEC and do you need anything from DEC. Mr. Larsen says they are in contact with the DEC – have a good relationship with them.

Glenn B. states this is tabled for tomorrow's discussion.

4/1/2020 3:13 pm: Joan overviews what she researched. She has provided a draft of the resolution for the board members to review.

Jessica Brown, counsel with Holland and Knight, speaks about actions that other states are taking. Some ABC boards have chosen not to take action on this subject because it is not under their purview.

Glenn B. recaps the previous day's discussion.

Dana W. makes a point of order that since the resolution was not made available to public, yet it would be important to read it into the record.

Glenn B. reads the amended draft resolution into the record:

“WHEREAS,

1. Under AS 26.23.020, the Governor of the State of Alaska issued a Declaration of Public Health Emergency on March 11, 2020 to respond the Coronavirus 19 (CV-19) global pandemic;

2. *Under the Governor’s statutory authority, specifically AS 26.23.020(g)(1), the Governor may suspend the provisions of a regulatory statute prescribing procedures for the conduct of state business, or the orders or regulations of any state agency, if compliance with the provisions of the statute, order, or regulation would prevent or substantially impede or delay action necessary to cope with the disaster emergency;*
3. *The ability to respond to the CV-19 pandemic in Alaska may be impeded or delayed by the lack of availability of hospital grade ethanol to sanitize health care and public safety facilities;*
4. *Licensees holding licenses under AS 04.11.130, AS 04.11.135, and AS 04.11.170 may have the ability to respond to this public health emergency by converting their current manufacturing operations from the production of alcoholic beverages to the production of hospital grade ethanol;*
5. *One such licensee, Alaskan Brewing Co. License 2534, has already been approached to convert its manufacturing operations for the purpose of producing hospital grade ethanol and is willing to do so to mitigate the public health emergency in Alaska;*
6. *Alaskan Brewing Co. and other similarly situated licensees desire to respond to the public health need but not jeopardize their current licenses;*
7. *The Alcoholic Beverage Control Board supports the efforts of licensees to respond to this public health emergency and mitigate the spread of CV-19 in Alaska*

*Therefore, the Alcoholic Beverage Control Board moves:*

1. *To request the Governor to suspend any provision of AS 04.11, AS 04.16, AS 04.21 or 3 AAC 304.430 that would jeopardize the good standing of the license of Alaska Brewing or other similarly situated licensees desiring to produce hospital grade ethanol:*
  - a. *so long as the operations and facilities of the licensees are compliant with all other applicable law not otherwise suspended under the authority of the Governor of the State of Alaska or the President of the United States;*
  - b. *All other approvals required or uniquely authorized by the Municipal, State and Federal Government are achieved;*
  - c. *No product produced under this suspension order may be used for the production or sale of an alcoholic beverage as defined by AS 04.21.080(b)(1).*
2. *To permit the suspension solely for the length of the public health emergency;*
3. *To require Alaskan Brewing Co. or similarly situated licensees to timely submit to the Alcohol and Marijuana Control Office its operating plans for conversion of its facilities for the production of hospital grade ethanol and for the return of the facilities to its licensed activities once the public health emergency concludes, as determined by the Governor.”*

*Joan Wilson says that Section 1 should request the Governor to suspend and provision of 3 AAC 304.*

***Dana W. motions to adopt the resolution. Sara E. seconds.***

*John Blasco and Geoff Larsen, licensees for Alaskan Brewing, are present on the phone. They are satisfied that the resolution meets their needs.*

**None opposed, motion carries.**

● **ADJOURN**

*3:50 pm: Rex L. motions for adjournment. Sara E. seconds. None opposed – motion passes.*

● **Call to Order**

*4/1/2020 9:11 am: Director Klinkhart recapped the board's actions from the previous day.*

● **Roll Call**

*Glenn Brady, Industry Member  
Sara Erickson, Public Member  
Rex Leath, Public Safety Member  
Dana Walukiewicz, Industry Member*

*\*Charlie Cross, Rural Public Member not present*

*Glen Klinkhart, Director  
Carrie Craig, Records and Licensing Supervisor  
Joan Wilson, Attorney General*

● **PUBLIC TESTIMONY**

**Based on current circumstances, the Board may decide to limit public testimony.**

Public testimony is limited to issues not on this agenda and that are not proposed regulations. The call-in number is 1-800-315-6338, code 69173#.

*9:15 am Eugene Haverman: He wants to know if the public can speak about agenda items. Glenn B. answers, "a qualified yes" and allows 3 minutes. Mr. Haverman states that conversations between the people and the government is critical. He states the agenda is unclear and there is no "sign-up sheet" available for people to speak. There is a concern of government transparency. Glenn B. echoes his concerns regarding transparency and openness.*

*9:21 am Jason Motyka: He wishes for someone to summarize or highlight the status of the to-go orders authorization. Glenn B. answers that this subject will be forthcoming.*

● **RENEWAL APPLICATIONS FOR LICENSEES WITH 2018 AND 2019 NOTICES OF VIOLATION**

*9:23 am: Glenn B. wishes to approve the renewal applications in section as a block **with the exception of Tab 90 and 103. Dana W. motions to approve.** Glenn B. reads the license numbers and dba's into the record. **Rex L. seconds.** Sara E. see a lot of the "lack of server education" novs and asks the status of the approval of online server training. Director Klinkhart answers that the subject will be discussed later in the meeting. **None opposed – motion passes.***

*Tab 90 #324 The Seward Alehouse: Glenn B. asks James Hoelscher if there is further discussion needed. Mr. Hoelscher states that Investigator Hamilton has been in contact with the Seward Police Department and they are still waiting for prosecution regarding that case – there are no solid updates at this time. This case will go back before the board.*



**Dana W. motions to approve the renewal application. Rex L. seconds.** Sara E. is hesitant to renew the license – the board’s objective is public safety. She read the argument drafted by legal counsel – it is the responsibility of the bar/restaurant owner to know what is happening in their establishment. This isn’t an excuse, this is a horrific thing that happened. This needs to be a reminder to bar owners that you cannot keep serving to someone who is clearly intoxicated. She is very disturbed by this. Sara E. believes there needs to be a bigger discussion. Dana echoes Sara’s concern and also understands the other side of the story. He would like to see further information regarding this prior to making a final decision on this however in light of the ongoing investigation, he isn’t sure how much additional information they will be receiving.

Investigator Joe Hamilton speaks regarding the DA’s office and Seward’s PD however the phone line breaks up often.

Rex L. comments that he agrees we need to take these matters seriously. He wants the record to show that he has public safety in the upmost forefront of his thought processes and points out that the events that unfolded here is a tragedy. Our own notice of violation states (reads it verbatim) “an hour later, Lewis is displaying substantial impairment after consuming several alcoholic beverages given to him by the bartender and patrons.” The key word is after. Mr. Lewis arrives at 2253 which means an hour later, 2353, he displays impairment. The bartender asked him to leave at 0007 hours according to the documents. It also shows he is provided his last drink at 2357 hours. It was 10 minutes from the time he was given the last drink to the time he was asked to leave. He doesn’t see this as criminal negligence and would like to see more information down the road. Sara E. asks Rex if he would be in agreement for the board to table this until the investigation is complete by the police. Rex answers, “Absolutely, no problem.”

James Hoelscher suggests that if a conviction happens, that they bring this back to the board as an accusation.

Glenn B. states they are considering the renewal with this motion and knowing there is an open investigation and if they decide to renew the license, the board still has recourse if there are further developments.

Sara E. suggests they make a motion to rescind the previous motion of approval and then make another motion to table. Glenn B. defers to the will of the board but also mentions that even if they renew the license, they can still reconsider at a later time.

Sherman Ernouf, with the law offices of Ernouf and Coffey is present on the phone, states that Dan Coffey was the lawyer on this case. The investigation is ongoing and there are inconsistent facts that were pointed out. They talked to the Seward DA office months ago and there was a cause of death that was not related to alcohol. Asks why wouldn’t the board approve the renewal now and if the investigation comes back with issues, that this can be pulled back by an accusation. To hold back the renewal while the licensees are closed right now (Covid-19) and if they are able to open back up, you will kill the business for lack of evidence right now. There are no criminal charges and believes there will not be any made. Urges the board to let this go and bring back up at a proper time – when the licensee can be present. Joan Wilson echoes Mr. Ernouf’s position.

Glenn B. asks if this addresses Sara E.’s concerns and she says she will not vote yes to approve the renewal.

Elizabeth DeMoss, licensee is present on the phone and speaking for her husband as well – Solomon DeMoss. They have been working in high volume bars in Alaska for over 20 years each with zero violations and strongly believes with representing the industry in a responsible manner. They are extremely disheartened and upset about this mark on their record. They don’t think it was their responsibility although they are very upset about

*the whole thing. They have gone above and beyond to represent the industry in Seward to a degree that no one has ever done there. They have the strictest serving standards in town. This was an extremely unfortunate series of events. The bartender who was working that night was let go and no longer works for them.*

*Rex L. wishes to approve the license and then the board has the availability to bring it back with any additional information. (phone breaks up).*

*James Hoelscher has the firm belief that the board will make a reasonable determination. He does not have an issue with the license being approved.*

**Sara E. is opposed, motion passes 3-1.**

*Tab 103 #3213 1<sup>st</sup> City Saloon: Investigator Steve Johnson is present on the phone to provide background information. This was due to sewer leakage and he was asked to look into some building code compliance issues the licensee had with the City of Ketchikan. He issued the NOV and the licensees said they were getting permits then months later the city contacted him again and said they had gotten the permits but no work had been done and sewage was still leaking into the tidal basin. Another NOV was issued and since that time he believes it has been taken care of. Currently, the license is being transferred or up for sale.*

**Dana W. motions to approve with delegation upon clarification of the interest in the property and whether a transfer to “no premises” would be appropriate. Sara E. seconds.**

*Dana W. is a little confused on the NOV and requests more clarification about the transfer and the “failure to surrender the license”. Investigator Johnson has not been in contact with the licensees. Investigator Hamilton issued the NOV for failure to surrender. He states that he was advised that they had closed and it is just a matter of the licensee sending the license back to the office.*

*Glenn B. asks Investigator Johnson if the licensee has ceased operations and they have stopped as of a few months previously. James Hoelscher states that he has an email dated 11/19/2019 from the Records and Licensing Supervisor at that time, Mikal Martin, informing Enforcement that the licensee has lost right, title and interest in the property. The premises was sold and the licenses were not surrendered.*

*Glenn B. asks if the licensee is on the line. The wrong licensee answered. Carrie Craig states that the correct owners of license #3213 are Carrie McLaughlin and Ronald McKinley. They are not present on the phone.*

**None opposed – motion passes.**

- A. 263 Coghill’s:** Coghill’s Inc.  
807 North A Street, Nenana  
**License: Package Store**

**TAB 89**

**04/15/2019 – Unreported change of ownership.**

- B. 324 The Seward Alehouse:** Seward Alehouse, Inc.  
215 Fourth Avenue, Seward  
**License: Beverage Dispensary**

**TAB 90**

**04/15/2019 – Access of and prohibited conduct of drunken people on the licensed premises.**

- C. 533 Houston Lodge:** Doris Jane Incorporated **TAB 91**  
 Mile 57 Parks Highway, Houston  
**License: Beverage Dispensary**
- 05/03/2019 – Unapproved licensed premises and DBA name changes.**
- D. 746 Loyal Order of Moose #1206:** Craig Lodge #1206 **TAB 92**  
 601 Water Street, Craig  
**License: Club**
- 07/19/2018 – Lack of server education.**
- E. 748 Loyal Order of Moose #1350:** Sitka Moose Lodge #1350 **TAB 93**  
 337 Lincoln Street, Sitka  
**License: Club**
- 01/04/2018 – Unreported change of officers.**
- F. 1269 Bear’s Den Lounge:** Three Bears Alaska, Inc. **TAB 94**  
 Mile 1312 Alaska Highway, Tok  
**License: Beverage Dispensary**
- 03/22/2019 – Unapproved license premises change.**
- G. 1436 Pizzeria Delphi Restaurant:** Kenneth John Christensen **TAB 95**  
 103 West Arctic Avenue, Palmer  
**License: Restaurant/Eating Place**
- 03/18/2019 – Lack of server education.**
- H. 1450 Milano’s Pizzeria:** Milano’s Pizzeria, Inc. **TAB 96**  
 110 Front Street Old Federal Building #102, Nome  
**License: Restaurant/Eating Place**
- 11/15/2018 – Unreported ownership change.**
- I. 1625 Firetap Alehouse Rest. Tikahtnu Commons:** Firetap Tikahtnu, LLC **TAB 97**  
 1148 North Muldoon Road Pad M, Anchorage  
**License: Beverage Dispensary**
- 06/28/2018 – Pricing and marketing of alcoholic beverages.**

- J. 1697 Trophy Lounge:** Teekell Brothers Alaska, LLC **TAB 98**  
 8801 Jewel Lake Road, Anchorage  
**License: Beverage Dispensary**
- 10/23/2019 – Unreported ownership change.**
- K. 2052 Elf’s Den:** Iwalani, Inc. **TAB 99**  
 2556 Mistletoe Drive, North Pole  
**License: Beverage Dispensary**
- 01/23/2018 – Unreported ownership change.**
- L. 2673 Captain Patties Fish House:** Captain Patties Fish House, Inc. **TAB 100**  
 4241 Homer Spit Road #1, Homer  
**License: Restaurant/Eating Place**
- 05/10/2019 – Unapproved license premises change.**
- M. 2895 Homestead Lounge/Sourdough Bowl:** Eagle River Bowl, LLC **TAB 101**  
 12130 Regency Drive, Eagle River  
**License: Beverage Dispensary**
- 01/23/2018 – Pricing and marketing of alcoholic beverages.**
- N. 3120 The Asylum:** The Asylum, LLC **TAB 102**  
 522 Water Street, Ketchikan  
**License: Beverage Dispensary**
- 06/19/2018 – Access to licensed premises by persons under 21 years of age.**
- O. 3213 1<sup>st</sup> City Saloon:** First City Saloon, Inc. **TAB 103**  
 830 Water Street, Ketchikan  
**License: Beverage Dispensary**
- 03/08/2019 & 05/14/2019 – Responsibility of licensees, agents and employees.**  
**11/18/2019 – Surrender or destruction of license.**

- P. 3412 Sullivan's Steakhouse:** Sullivan's of Alaska LLC **TAB 104**  
320 West 5<sup>th</sup> Avenue Room C01, Anchorage  
**License: Beverage Dispensary**

**02/20/2019 – Responsibility of licensees, agents and employees regarding special event permits.**

- Q. 3508 Hacienda Mexican Restaurant:** Abraham Gallo & Basilio Gallo **TAB 105**  
6307 Debarr Road #G, Anchorage  
**License: Beverage Dispensary**

**03/27/2019 – Lack of server education.**

- R. 3596 Eddie's Sports Bar:** Rockdance, Inc. **TAB 106**  
6300 Old Seward Highway, Anchorage  
**License: Beverage Dispensary**

**11/02/2018 – Lack of server education.**

- S. 3637 Old Talkeetna Roadhouse:** Old Talkeetna Roadhouse, LLC **TAB 107**  
13550 East Main Street, Talkeetna  
**License: Restaurant/Eating Place**

**07/23/2019 – Removal or introduction of alcoholic beverages.**

- T. 3709 Oasis Restaurant & Lounge:** Terlyn, LLC **TAB 108**  
734 University Avenue, Fairbanks  
**License: Beverage Dispensary**

**03/21/2019 – Pricing and marketing of alcoholic beverages.**

- U. 4605 Justa Store:** Michael Rasmussen **TAB 109**  
446 Old Chena Pump Road, Fairbanks  
**License: Package Store**

**03/14/2019 – Lack of server education.**

- V. 4816 Mayan Palace:** Taco Azteca, Incorporated **TAB 110**  
3401 Airport Way, Fairbanks  
**License: Beverage Dispensary**

**05/30/2018 – Pricing and marketing of alcoholic beverages.**

**W. 5178 Bering Sea Restaurant Bar:** Bering Sea Nome, Inc. TAB 111  
305 Front Street, Nome  
License: Restaurant/Eating Place-Public Convenience

**05/17/2018 – Lack of server education.**

**X. 5436 Hoarfrost Distilling:** Hoarfrost Distilling, LLC TAB 112  
3501 Lathrop Street Unit F, Fairbanks  
License: Distillery

**06/01/2018 – Pricing and marketing of alcoholic beverages.**

**Y. 5437 Turkish Delight:** Demir Inc. TAB 113  
2210 East Northern Lights #110, Anchorage  
License: Restaurant/Eating Place

**01/26/2018 – Unreported ownership change.**

**01/24/2019 – Lack of server education.**

**Z. 5613 Alaskan Spirits Distillery:** Alaskan Spirits LLC TAB 114  
7605 King Street #B, Anchorage  
License: Distillery

**01/07/2018 – Unreported DBA name change.**

**01/07/2019 – Pricing and marketing of alcoholic beverages.**

**01/11/2019 – Pricing and marketing of alcoholic beverages.**

**02/05/2019 – Pricing and marketing of alcoholic beverages.**

**02/07/2019 – Responsibility of licensees, agents and employees regarding special event permits.**

**AA. 5651 Black Spruce Brewing Company:** Black Spruce Brewing Company, LLC TAB 115  
3290 Peger Road Suite B, Fairbanks  
License: Brewery

**12/27/2018 – Access to licensed premises by persons under 21 years of age.**

● **BOARD CONSIDERATION**

**A. 3123 Hangar Lounge:** David K Freeman TAB 8  
Mile 1.5 S. Big Lake Road, Big Lake  
License: Beverage Dispensary  
Local governing body: Matanuska-Susitna Borough

**Requesting reconsideration of denial of renewal.**

*10:10 am: David Freeman, licensee is present on the phone. Dana W. motions to reconsider the denial & Sara E. seconds. Director Klinkhart supports the board's motion. Glenn B. says this is essentially about timing and deadlines. Dana W. says that it does appear that all taxes have been paid and the protest was lifted by the Mat-Su Borough and doesn't see any reason to further deny the renewal.*

*David Freeman needs to know what he has to do to get back into good standing with the ABC board so he can sell his property with a liquor license.*

*Carrie Craig says the way to move forward if the board decides to reconsider the denial and approve the renewal, the licensee will be required to submit a 4<sup>th</sup> waiver for 2019. Historically 4<sup>th</sup> waivers are not approved, and those fees are nonrefundable, and the fees would be sizable: \$5,000.00 plus \$1,000 late fee.*

*Glenn B. asks Mr. Freeman to discuss the operation and history of the license. Mr. Freeman says he has been closed for 2 years because of his health and he has paid in \$1,500.00 to have his license renewed plus a \$500.00 late fee and Jennifer (AMCO Administrative Assistant) said that if he had a good reason, they (the board) would waive the \$500.00 and he can't think of a better reason than being hospitalized. Says he hasn't heard from anybody about waiving the \$500.00. He also adds that is very important for him to have a license that he can transfer to the new owner and he is having a problem selling without the license. Mr. Freeman says he would appreciate it if someone reaches out to help him and not sock it to him, money-wise. Since he has been closed, he has had no income and he is trying to get back on his feet again. The only contact he has is with John (Licensing Examiner) and at this point he needs to call John to see what he needs to do to get into good standing with the liquor board.*

*Glenn B. asks Carrie Craig if there had been a 3<sup>rd</sup> waiver issued. She responds that the information is not in front of her at this time but believes a 3<sup>rd</sup> waiver was issued but does not know if the specific language about not approving a 4<sup>th</sup> waiver was included with that action. Moving forward the office would need to receive the 4<sup>th</sup> waiver and fees then it would be brought before the ABC board for review.*

*Glenn B. would like to understand the timing of when the license was operated and when it was not.*

*Rex L. says they have been very steadfast in the last few meetings about not approving 4<sup>th</sup> waivers and also the board has have been holding guidelines with licensees by encouraging them to have their business affairs in order so they don't run into situations like this when their only option is come to the board and ask the board to go outside of their guidelines. The industry is concerned with consistency. If the board approves a 4<sup>th</sup> waiver they will be very inconsistent.*

*Glenn B. says the staff recommendation to uphold the denial is probably why they are lacking a lot of the backstory. Sounds like there is further discussion that needs to happen between staff and Mr. Freeman, the licensee. Repeats the motion to reconsider the denial and suggests tabling.*

*Mr. Freeman says he can't help that his health went downhill and that's why he neglected many things – because his health is more important and has always paid his dues and if he has to pay more, then that is probably ok because that seems that's the only way he can move forward with his license – to sell. Right now he is incapable of opening back up again - been closed for a year and a half because of his health. He has a big mortgage against the place and can't pay it with no income. He doesn't want to be shut down by the liquor board and wants the opportunity to do what is right.*

Glenn B. says he is struggling to understand and that more homework is needed. He says that Mr. Freeman stated he has been shut down for a year and a half however we are discussing a 4<sup>th</sup> waiver. Mr. Freeman then states that he, "really hasn't been keeping track of the time he has been closed. I've been too concerned about myself and that comes first." Says the board denied his renewal application because the taxes were not paid. Said he wanted John, Licensing Examiner, to call the Borough to verify that the taxes were paid and he did not do so and 3 months later his taxes are still not paid.

Adam Bradway, with the Matanuska – Susitna Borough, is on the phone. He clarifies that through a lack of communication the back taxes and fees were not paid on time and that is how the renewal was denied. The Borough have worked with Hangar Lounge and they are current with back taxes and fees – the Borough is fine with having their license renewed.

Glenn B. again suggests tabling. Dana W. asks Mr. Freeman if he has a buyer lined up for the premises. Mr. Freeman states that he has 2 buyers. Dana W. suggests that the board considers a 4<sup>th</sup> waiver if there is a plan to transfer the license – the licensee should provide that information to the board at the time of consideration. Glenn B. says that we are missing key information – staff and the licensee needs to discuss and bring it back to the board with the whole picture. Glenn B. says he will entertain a withdrawal of the previous motion to reconsider the denial and a new motion to table. Mr. Freeman talks some more about his health.

**Dana W. rescinds his previous motion then motions to table to June pending further clarification of waiver information. Rex L. and Sara E. seconds. None opposed, motion passes.**

Glenn B. states that Mr. Freeman needs to talk to staff regarding waivers – need to compare records about when he actually operated.

Sara E. compares the action the board just took to the action that was taken regarding license #324 The Seward Alehouse. She states is the board's number one duty to protect the public. Glenn B. appreciates the rant. He says that he is trying to achieve is that the board has fairly broad, sweeping authority with respect to governance of alcohol and public safety and while he shares Sara's concerns with regards to administrative bureaucracy and how that compares to peoples' lives and livelihoods. Sara E. tries to interrupt. To be clear, the board is not considering a 4<sup>th</sup> waiver here – all the board has done was take a definitive action that left the door open for further consideration. In this case, he feels like the board doesn't have all of the data before them in order to make an informed decision. Sara E. agrees with that but she doesn't believe they didn't wait to hear the full report from the police before approving the renewal for #324. She thinks they should have waited before taking action. Glenn B. says her objection is noted and values her input.

- B. 1381 Creekbend Company:** Creekbend Company LLC  
64777 Second Street, Hope  
**License: Restaurant or Eating Place**  
Local Governing Body: Kenai Peninsula Borough

**TAB 7**

**Review of the AB-14: Licensed Premises Diagram Change.**

10:40 am: Including the alcohol mailbox emails. Jana Weltzin, counsel for the licensee, is present on the phone and she provides background and timeline regarding the requested AB-14 and AB-03.



*James Hoelscher, Enforcement Supervisor, is on the phone and states that he did not approve the applications because it appears to be an area too large to control and he doesn't believe it falls under the definition of restaurant/eating place license. It appears the licensee created this fenced in area to continue to do activities that are not related to a restaurant/eating place license.*

*Investigator Joe Hamilton is present on the phone and discusses his understanding. (phone breaks up) He states that Ms. Weltzin is asking for the area to be extended to allow the concert activity to occur which is not the point of a restaurant/eating place license.*

*Jana Weltzin responds by saying that was not her point – the area is used as an outdoor dining area and live music is allowed under the restaurant designation permit per 3 AAC 304.305. The principle activity is the restaurant and references other licenses with seasonal outdoor areas with music.*

*Glenn B. mentions that she is referencing licenses that have a beverage dispensary license. A beverage dispensary license is the appropriate license type for concert venues – not a restaurant/eating place license. He is concerned.*

*Dana W. has concerns regarding the size of the outdoor area, 71,000 square feet, for dining. The number of concerts that have been promoted for 2020 are concerning. The primary activity for this premises is concert activity not dining.*

*Rex L. echoes Dana's concerns and seating.*

*Sara E. is confused about what they are asking for. Glenn B. clears it up for her. Sara E. has concerns about the size as well. Asks Jana Weltzin if the plan is to make this a concert venue and if so, she is not comfortable with it because of all the opposition in Hope already.*

*Jana Weltzin reads restaurant/eating place license statute, AS 04.11.100(g), regarding meals and talks about past permits and Erica's interpretations. The licensees do more than concerts in the back – they do weddings, private parties and other stuff. The restaurant is small and they want to use the large backyard. Jana points out to Dana that per the licensee for 2020, they have not promoted a single concert.*

*Joan Wilson asks about the food proceeds investigation and Director Klinkhart answers that is a separate investigation that is still in process.*

*James Hoelscher responds to Jana Weltzin with AS 04.11.100(b) which states that the license can be issued only the board determines that the premises be licensed are a bona fide restaurant or eating place. 3 AAC 304.305 defines a bona fide restaurant, which he reads – the principle activity is food. For a separate investigation Enforcement did ask for records and they are moving forward.*

*Sara E. asks if there has been a violation on the premises during a concert? Inspector Hamilton was at an event in 2018 and witnessed a violation – alcohol service before the*

*allowed event times. Sara E. they are considering this based on conjuncture and there are no verified facts. She thinks they could approve it but if the board finds that you are in violation, we will shut it down, issue a violation or whatever Enforcement decides.*

*Rex L. asks if a fence will be put in around the entire area. Jana Weltzin says yes – 300 feet on the west side is built, the deck is already built and the 50 foot to the north of the building is also built. Rex L. asks about the stream that flows through the property and will fencing be allowed by Department of Fish and Game?*

*Steve Thomas, licensee, is present on the phone and speaks about the creek which may be fish bearing. They went through and creating a mitigation plan with the Department of Fish and Game to provide more vegetation by the creek. During the process they discovered that the creek had been mislabeled by Department of Fish and Game. There have never been any fish discovered in the creek on the premises. The issue has been resolved.*

*Glenn B. asks Mr. Thomas if he is promoting events for this summer and Mr. Thomas says there have no events of any kind announced. There has been no promotion so far this year.*

*Dana W. said he received an email directly from Steve Thomas that was seeking sponsorship for this summer concert schedule. Mr. Thomas states that was before the corona virus issues. Some of those events were live concerts, wine tastings, art sales and a variety type of events. That email was sent out early in the year however with everything that has been going on, there have been no public promotions. That would be a private discussion if a business wanted to partner with them and they would have a right to put up a sign in their yard during an event. They do offer up their property up to others to co-network and co-sponsor events.*

*Glenn B. asks how that relates to restaurant dining operations. Mr. Thomas says to excite people to come to the restaurant, you promote a calendar of different events. Live performances while dining enhances the experience. They would be required by statute on the hours of entertainment and by not working with a BDL on an AB-06 there would be no hard alcohol. He says the business is open 7 days a week and the previous year they have had 9 live performances out of 19 or 20 weekends. He states that the numbers of people being reported at the concerts have been extremely exaggerated. They are a bona fide restaurant and they just have entertainment that enhances the experience.*

*Investigator Hamilton states that there have been no complaints about the restaurant however he promotes up to 600 people into that area. Most of us think going to a restaurant and having live music while eating dinner, we aren't paying extra for a concert ticket that you can get on Alaska Tix. The expansion of the area is to include that stage so they can put a couple tables out and claim that they are serving food. He points out that the board notices in the pictures that he has sent, they will see that is obvious people are not eating food. They may have gone there to eat food, but they are staying there for the concert – not what the restaurant/eating place license was designated for. Although the licensee is saying he hasn't advertised anything this year, last year there was an issue with what he said and what actually happened.*

*Glenn B. states he is looking at document, dated roughly a month from the beginning of this meeting that has a concert schedule and he is familiar with some of the bands. They are significant headline acts, certainly not local, singer/songwriter-type light entertainment for dinner type functions. He has a problem with the misrepresentation of intent. Another issue is in the sponsorship opportunity document which is promoting a violation of federal trade practices relating to the sale of alcohol. Given the public health concerns gripping the state coupled with the larger question of the appropriate use of a restaurant/eating place license and the entertainment part of dining activities, Glenn B. has reservations.*

*Sara E. hears everyone's concerns, but they are basing all their concerns on they don't want all these bad things to happen but none of the bad things have happened. She needs clarification. She does not want to shut down a business venture or something that can be an economic value to our state. She wants to see the entrepreneur thing happen in Alaska. She proposes the board allow it and have our investigators there to check it out. Right now, she sees no reason to say no.*

*Glenn B. clarifies that the question before them hinges on the appropriate use of a restaurant/eating place license. He believes there is enough information based on fact, not feelings, for the board to make a decision.*

*Investigator Hamilton says if they just read the statute and regulations regarding restaurants, it will be made quite clear.*

*James Hoelscher does point out that a staff member was there during a catered event and numerous things were observed and an advisory was given to the beverage dispensary who held the permit. The employee was served alcohol by showing a state id that did not show that person's date of birth. Sara E. interrupts to ask that was observed and a Notice of Violation was not issued at that time? James Hoelscher states that Enforcement did not observe it, one of the people they had go in observed it. Investigator Hamilton worked with a CI and the advisory was issued because it was not a requirement if someone believes someone is over the age of 21 to show id, but during the event they were carding people so this was not something the previous director wanted a NOV issued for.*

*Jana Weltzin clarifies the advisory was issued to the BDL, not to Creekbend.*

*James Hoelscher says that is correct, but he is trying to say there is an established pattern in that area where the owner in the area and(?) the ability to supervise and oversee the sale of alcohol to individuals over the age of 21 in addition to someone being there and paying a separate price for something other than dining kind of shows this is not a restaurant/eating place activity. Even though live entertainment is allowed (phone breaks up) in law states that dining has to be the purpose that someone is there for and the board, in the past, has determined if someone else is paying for another entertainment like a theater for a restaurant/eating place, they could not have that designated as a restaurant/eating place because they were receiving money for something other than dining which would mean they were not meeting the regulations.*

*Investigator Hamilton says that unless they are calling the citizens of Hope liars, they have also established a pattern of playing fast(?) using their restaurant/eating place license in 2018. (phone breaks up) Sara E. states that was a sound issue.*

*Glenn B. says there are 2 parts to that. There is the sound issue and a timing issue.*

*Joan Wilson brings it back to the consideration of the premises change and the restaurant designation permit. The board can grant one motion and deny the other. Joan advises the board may consider the credibility of the licensee and determine if that is sufficient reason to grant or deny the application(s).*

*Rex L. echoes what Joan Wilson and Sara E. said. (phone breaks up) One of his concerns was a comment was made that to their knowledge they (the licensee) hasn't advertised for any type of concerts but yet they (the board) has a sponsor package that says as of 3/1/2020 and it lists numerous music venues that are going to be there. It is concerning that the board is getting conflicting information from the licensee or their representative which does not give him confidence in what they are requesting and why they are requesting it. If the board did want to approve the AB-14, they would hold them accountable like any other licensee for the type of license they hold.*

*Glenn B. explains the boards options. Joan Wilson adds that under 3 AAC 304.305(b) the board does have the authority to determine the portion of the premises that constitutes a restaurant/eating place and will license only that portion for the sale and consumption of alcoholic beverages.*

*Glenn B. will entertain a **motion to approve the application for Restaurant Designation Permit which will be applicable to whatever licensed premises boundaries the board approves. Dana W. motions and Sara E. seconds.***

*Rex L. mentions that under section 6 of the application the board needs clarification of what hours the restaurant will be open. (phone interference) Glenn B. reiterates what Rex L. spoke about. Rex L. also mentions that in the entertainment section, it asks for hours and the licensee wrote "anytime the restaurant is open". Not specific enough.*

***Dana W. amends the motion to approve the AB-03 Restaurant Designation Permit with delegation for clarification.** Jana Weltzin clarifies hours and says they will make the changes. She also states that the licensee is agreeable to limiting the number of concerts and working with the board on conditions to address concerns. Sara E. suggests to the licensee to schedule the live music times earlier in the day to be done by 9:00 pm. She states that the board needs to consider if they are nuisance to the community. Glenn B. clarifies the motion for Sara E. **Sara E. seconds.***

*Inspection Hamilton points out that there are inconsistencies on the application that he addressed in a memo that was sent to the board members. Glenn B. says that may be a discussion for the premises diagram. Inspection Hamilton says that there are items on the memo that is related to the Restaurant Designation Permit application. Glenn B. asks him to tick off those items and Jana Weltzin says she does not have a copy of that memo. Glenn B. says this is diverging into a bit of a mess – he is not comfortable with an*

expansion at this time given the lack of clarity, questions regarding intent but defers to the will of the board.

**None opposed, motion passes.**

Glenn B. explains the boards options for the AB-14.

Dana W. wants to reduce the premises to just the seating area and conditions. The licensee should consider getting a bdl license that all other operators obtain to do this activity. He is not in favor of approving the AB-14.

Sara E. agrees with Dana. There are many concerns with the community with their business model. She is not comfortable approving the AB-14 yet – yet doesn't want to shut down the idea of it but the license could be amendments like she mentioned earlier and with the community. Not thrilled about the current business model and the effect it has been having on the people of Hope.

Jana Weltzin asks if she could propose some concessions. Glenn B. states he does not want the board to get mired down in that discussion and says there is no consensus of actual approval, not comfortable to approve the AB-14. It does not preclude any future discussion with the licensee, staff and board.

Joan Wilson advises that some action needs to be taken to preserve the applicant's right to appeal in the future and suggests tabling the AB-14.

**Dana W. motions to table the discussion on the AB-14 to the June meeting pending a discussion with the director/staff and the licensee/representative to include dining activities and hours in keeping with statutory use and premises size. Glenn B. suggests adding activities that is focused on entertainment in keeping with the statutory and regulation intent for a restaurant/eating place. It would be appropriate to add restrictions. He wants staff to have clear guidance of the boards' intent. Sara E. seconds. None opposed, motion passes.**

12:02 pm: Glenn B. calls for a 30 minute lunch – back at 12:30.

12:33 pm: Reconvenes. Rex L. is having a hard time connecting.

**C. 3460 Long Creek Trading Post: Larry W Waters**

**TAB 9**

8721 Steese Highway, Fairbanks

**License: Package Store**

Local governing body: Fairbanks North Star Borough

**Requesting for refund of AB-29 late fees.**

12:34 pm: Licensee is not present. **Sara E. motions to accept staff recommendations, Dana W. seconds. None opposed, motion passes. Refund denied.**

**D. 3494 Lone Star Steakhouse & Saloon: Lone Star Steakhouse & Saloon of Alaska, Inc.**

**TAB 10**

4801 C Street, Anchorage

**License: Beverage Dispensary**

Local Governing Body: Municipality of Anchorage

**Request to begin the reinstatement process for license expired 10/30/2017.**

*12:40 pm: Sherman Ernouf, counsel for the licensee, and a representative of the applicant is present on the phone. Director Klinkhart provides background as well as Mr. Ernouf. Glenn B. states this may need a conversation between them and Joan. Joan recommends tabling the issue. **Dana W. motions to table. Sara E. seconds. None opposed, motion passes.***

- E. 5648 49<sup>th</sup> State Spirits and Gifts:** Northern Hospitality Group, Inc.  
717 West 3<sup>rd</sup> Avenue, Anchorage  
**License: Package Store**

**TAB 11**

**Request for refund of the AB-29 Waiver of Operation Application fees.**

*12:56 pm: Jason Motyka, licensee, is present on the phone and provides background. The inspection was done 11/20, the license was issued 11/23 but not operated until 1/3. The inspection form shows that they were not going to be able to operate the required 240 hours before the new year.*

*Glenn B. says there are two pieces to this: the required hours of operation and the timing of the application. Unfortunate timing and circumstance.*

*James Hoelscher says that Enforcement did note that they asked the specific question if he was going to operate to meet the requirements. He checked that box on the inspection form. This was no mistake/no misunderstanding on Enforcement's part.*

*Carrie Craig states that when the application is approved – all the delegation is complete and ready to move forward – the licensing staff will print the license, stamp it issued that day and they notify the licensee and Enforcement. The license, application and file all goes to Enforcement at that time. It is then the licensee's responsibility to contact Enforcement to schedule an inspection and the license would be handed to the licensee after the completion of the successful inspection. This is the in-house process and staff are always looking for ways to improve and make it more efficient.*

*Jason Motyka clarifies that the inspection occurred before the license was issued in this case. This is why the regulation was changed to not require a waiver application after a certain time of the year. The fees he paid was at no fault of his own.*

*Glenn B. says this was an administrative snafu – it's not the fault of anyone – staff or licensee. It's a catch-22 that has been since resolved but not at that time.*

***Dana W. motions to waive and refund the late fees and the waiver fees. Rex L. seconds. None opposed, motion passes.***

- F. 5891 Main Event:** Main Event Services, LLC  
1041 E 76<sup>th</sup> Ave., Unit A & D  
**License: Restaurant or Eating Place**

**TAB 12**

**New license application with premises for board review**

Local governing body action: pending Municipality of Anchorage  
Background investigations: pending

*1:06 pm: Bill Fisher, licensee, is present on the phone and explains the layout of the premises. There is no direct entrance from the restaurant to the banquet room. Have to go outside and it is about 10 steps from the back door of the restaurant to the entrance of the banquet room.*

*Glenn B. want to be cautious with this. He mentions there have been previous beverage dispensary licensees with duplicates who have been in the same circumstances. He wants to be careful about creating a non-conjoined licensed premise with one license. He asks the licensee is it possible to make modifications to the building to allow for that passage that would provide a contiguous licensed premises boundary?*

*Mr. Fisher says that the only problem with that there are gas meters outside that would have to be contained if they did make a permanent structure. His thought was that whenever they did have an event they could possibly have a portable 6 foot fence that goes up whenever there is an event in the banquet room.*

*Glenn B. asks if the licensees have recently acquired the space. Mr. Fisher says yes, that they just opened the restaurant in January. Unit A is the restaurant.*

*Dana W. clarifies with the Chairman that he referenced the previous issues with non-contiguous licensed premises. It is his impression that was a BDL issue or is that an issue for REPLs? Glenn B. says that is for any and all license type.*

*Glenn B. asks Mr. Fisher if the bar in the banquet area is permanently plumbed. Mr. Fisher says there is plumbing but the bar is mobile. Glenn B. asks if there is a way for the licensee to reconfigure the interior space to allow a pass-through to make the premises contiguous. Mr. Fisher states that he does not own the property and for him to rent the other unit (that would be contiguous) would require them to modify their rentable space and right now it is vacant, but the landlords are actively trying to fill it. If it were rented to him, he would have to spend three to four thousand dollars a month just so people could walk through from one space to the other. Couldn't do it financially.*

*Glenn B. says there are a few possibilities for consideration: 1) granting of this new license application but with a limited boundary that would just include Unit A. 2) pending resolution, the licensee would be able to cater their own events with a REPL in that space.*

*Mr. Fisher asks if he could take over parking lot space to create more dining space like other licensees do. Glenn B. says that he is not going to say no and he is not going to say yes – that would be up to the board – asks for thoughts or comments.*

*Dana W. says that some type of barrier whether it be temporary while in operation would seem to satisfy the requirements if that is not setting a new precedent that the board is uncomfortable with.*

*Glenn B. says the board can avoid setting an unfortunate precedent by having a clear definition of a contiguous barrier that would connect the spaces and would be under the licensee's control at all times and that may include potentially clarification of the licensee's lease language that gives them right and title to that portion of the premises which right now is outside the wall of the building. He sees the way forward with an approval with delegation pending the addressing of the definition of that boundary and provided Enforcement actually inspects the premises and they are satisfied with the maintenance of the boundary and the control of it.*

*Rex L. makes a point that the managing body of the property will need to talk to the Anchorage Fire Department for egress issues. Glenn B. agrees this would be governed by municipality building codes. Suggests approving the application with restricted boundary – just Unit A or they can approve with delegation pending a resolution of the definition of the boundary and control.*

*Dana W. moves to approve with delegation with clarification about the clear, controlled boundary to make it contiguous. Rex L. seconds.*

*Mr. Fisher asks if he will be approved for his restaurant. Glenn B. clarifies that it would not. The board wants everything defined and the board wouldn't grant any of it until it was all good. He then mentions his other suggestion to approve only Unit A and later apply for a Licensed Premises Change (AB-14) once he works out the contiguous boundary issues.*

*(phone breaks up) Glenn B. says it is strongly discouraged that licensees obtain permit after permit to create a de facto license for an unlicensed premises because of abuse in the past. Mr. Fisher understands and would like to pursue the licensing of the restaurant and will modify the premises later.*

*Dana W. withdraws the motion. **Dana W. motions to approve with delegation with reduced premises of Unit A. Rex L. seconds.** (phone breaks up) Glenn B. and the licensee discuss what the delegation means. **None opposed, motion carries.***

#### ● REQUESTS FOR LICENSE REINSTATEMENT AND RENEWAL

- A. 4941 Seoul Gate Restaurant:** Seoul Gate, Inc.  
958 Cowles Street, Fairbanks  
**License: Restaurant/Eating Place**

**TAB 13**

**Renewal application; request for reinstatement.**

*1:32 pm: Director Klinkhart provides background. **Rex L. motions to approve with delegation. Sara E. seconds. None opposed, motion carries.***

- B. 5165 AK Fresh Seafood:** AK Fresh Seafood, LLC  
417 D Street, Anchorage  
**License: Restaurant/Eating Place**

**TAB 14**

**Renewal application; request for reinstatement.**

*1:35 pm: Director Klinkhart provides background. **Dana W. motions to approve with delegation. Rex L. seconds. None opposed, motion carries.***

- C. 5183 Black Bear Coffee House:** Black Bear Coffee House, LLC  
Mile 238.5 Parks Highway, Denali  
**License: Restaurant/Eating Place**

**TAB 15**

**Renewal application; request for reinstatement and refund for reinstatement and late fees.**

*1:36 pm: Director Klinkhart provides background. The licensee is not present on the phone. **Sara E. motions to approve with delegation with no refund. Rex L. seconds. None opposed, motion carries.***

- D. 5637 Seoul Casa:** T&C Dynasty, LLC

**TAB 16**



601 East Dimond Blvd Suite 6  
License: Restaurant/Eating Place

**Renewal application; request for reinstatement.**

*1:39 pm: Director Klinkhart provides background. Rex L. motions to approve with delegation. Sara E. seconds. None opposed, motion carries.*

● **WAIVERS OF MINIMUM OPERATING REQUIREMENTS**

**A. Fourth Waiver Applications**

1. **4835 Henri Hawaii:** Henri Hawaii, Inc. **TAB 17**  
201 East Northern Lights Blvd Suite B, Municipality of Anchorage  
License: Beverage Dispensary

**Waiver for 2018, approved AB-30 for 2019 and renewal application.**

*1:41 pm: To be linked with Tab 27 – transfer to Serrano’s.*

*Jana Weltzin, counsel for the licensee is present on the phone and provides background. There will no need for another waiver. 2019 met the minimum operating requirements. She is unsure about the timing of the 3<sup>rd</sup> waiver.*

*Carrie Craig echoes Ms. Weltzin’s remarks. She does recall that many things were going on with this license with the previous director. She does not have a lot of background as to why the board is just now seeing the 2018 waiver.*

*Glenn B. is not confident in approving a 4<sup>th</sup> waiver at this time but acknowledges that there is a transfer application pending which requires action.*

*Joan Wilson asks if this is a limited license type for the area. Glenn B. answers yes. Carrie Craig confirms.*

*Sarah Oates, president and CEO of CHARR and former employee of AMCO, jumps in with some historic precedent. In 2014 there was a package store license (#3315 Petro Alaska) in Ketchikan that was granted a 4<sup>th</sup> waiver by the ABC Board because it accompanied an ownership transfer application to a premises that was ready to operate. The board granted it with the stipulation that the new owner would have to operate the license right away.*

*Jana Weltzin says that her client is ready to so as well. There are extenuating circumstances due to the death of the patriarch.*

*Glenn B. wonders how the license operated in good standing in 2019 and they are now looking at a 2018 waiver.*

*Dana W. says he is okay with granting this waiver because there is a transfer application in place.*

*Carrie Craig states that licensing most likely licensing discovered the need for the 4<sup>th</sup> waiver when they were reviewing the renewal application because they answered, more than likely, that they did*

*not operate in 2018 but did operate in 2019. Therefore, licensing would have asked for a waiver application to cover 2018.*

*Jana Weltzin says that is correct. The 3<sup>rd</sup> waiver was submitted in November 17, 2017, five days before the passing of the family member.*

*Joan Wilson states that every 4<sup>th</sup> waiver issue she has reviewed comes with extenuating circumstances that they're ready to transfer to someone else. The board will be setting a precedent.*

*Rex L. speaks (phone breaks up). No circumstances are identical however at some point he goes back to the rest of industry seems to know they (phone breaks up) The burden is on the licensee. If the board does set a new precedent that they are careful. They will have to be able to justify it and/or defend it (the board's action) later down the road.*

*Glenn B. confirms there is a valid license in place (there is) so if they do not approve this retroactive waiver and they have been operating since and there is a transfer in place it seems strangely perverse to go back and take somebody's license that had been operating subsequent.*

*Sarah Oates discusses her earlier example and includes another example: Sheep Creek Lodge or Sheep Mountain Lodge that was issued a 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> waiver under similar circumstances – accompanied by a transfer application and would be immediately be operated once the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> waivers and the transfer was approved.*

***Dana W. modifies his motion to approve with delegation for 4<sup>th</sup> AB-30, renewal and transfer application. Rex L. seconds.***

*Rex L. is only okaying motion because of the transfer in process.*

*Sara E. echoes Rex's reasoning, however she is opposed.*

*Glenn B. states the only reason he is voting in favor of this is because they had been operating and currently are operating.*

*Sara E. asks if that is legal and Glenn B. states that they have a license – it is the administrative part of the process that makes it unique. Carrie Craig answers that they are legally operating and like Mr. Brady said, it's an administrative issue. The only reason licensing caught it was because they answered truthfully on the renewal application.*

*Glenn B. points out that the licensee did answer truthfully and that the board is essentially discussing taking someone's license away for being truthful under bizarre circumstances to include some administrative challenges, not to point any fingers at staff.*

*Joan Wilson states that she questions the legality but what she is hearing is that is not the fault of the licensee. She doesn't want anyone to think that they can operate a license if they don't get caught.*

*Glenn B. says the board would not condone someone operating illegally. He repeats the motion.*

***Sara E. is opposed. Motion carries: 3-1.***

● **PUBLIC HEARINGS – PROTESTS**

**A. 383 Fairview Inn: Denali Fairview Inn, Inc.**

**TAB 18**

101 Main Street, Talkeetna

**License: Beverage Dispensary**

**Renewal application**

Local governing body action: protest by Matanuska – Susitna Borough

**Matanuska – Susitna Borough protests due to taxes and debts owed and a violation of the Conditional Use Permit.**

*2:12 pm: Director Klinkhart provides background. The licensee is not present on the phone.*

*Adam Bradway from the Matanuska-Susitna Borough is on the phone. They are current on sales tax still owes property tax and still have a violation of their conditional use permit. The licensee is currently working to remedy these items. The Borough is maintaining their protest.*

**Dana W. motions to deny with a 180 day abeyance. Rex L seconds. None opposed, motion carries.**

**B. 3219 Mom & Pops Grocery & Liquor: LeeFamily Corporation**

**TAB 19**

601 West 36<sup>th</sup> Avenue Suites 3 & 4, Anchorage

**License: Package Store**

**Renewal application**

Local governing body action: protest by Municipality of Anchorage

**Municipality of Anchorage protests due to violations to the conditions set forth by the Municipality. Public objection received.**

*2:15 pm: Director Klinkhart provides background. Todd Sherwood Assistant Municipal Attorney with Municipality of Anchorage, Mandy Honest Business Licensing Official with the Municipality of Anchorage, Felix Rivera from the Assembly and Tim Potter with the Midtown Community Council are all present on the phone. The licensee is not present.*

*Todd Sherwood provides an abbreviated background. The licensee has had numerous opportunities to get their operation in order and has failed. Page 2 of the Resolution, line 12 talks about the coming up for renewal back in 2017. The community council got involved and a number of conditions were put on the license at that time and the licensee failed to follow through with those conditions. There is a number of detailed facts that supports the Assembly's actions. The Assembly in two different meetings, one on 2/25/2020, they spent 41 minutes on this and on 3/10/2020 they spent an hour and 38 minutes. The applicant appeared and was allowed to speak. The Assembly is asking the board to uphold the protest – they will not support an abeyance. There is nothing in the Resolution that says the Assembly would withdraw the protest if certain conditions were met however on page 6, line 12 the Assembly did add that if the board did uphold the protest then the Assembly recommends the licensee be allowed to transfer the license to another licensee. If the board was to delay this 180 day with the only purpose of that was to allow the transfer of the license that would be acceptable. The Assembly understands that if the license disappears the economic value is lost to the community and that*

*is not their desire. It is their desire that this licensee is no longer allowed to operate this store with this license.*

*Dana W. asks if the Assembly has revoked the conditional use permit for that location or is that their intention. Todd Sherwood answers that as far as he knows, that process has not happened because most violations were directly related to the liquor license itself as opposed to the conditional use permit issues.*

*Glenn B. asks the Director and/or Enforcement if there has been dialogue between Enforcement and APD. James Hoelscher states that Enforcement had a meeting with the Municipality a few years ago regarding complaints about the licensee. Enforcement asked that the Municipality forward any and all complaints directed to Enforcement so they can investigate those reports and as far as he knows, based on memory, they have not had the complaints that are being shared with the board. They have received information about certain violations of the restrictions that were put on the license. Enforcement wrote a Notice of Violation based off that information. (phone echoes) Glenn B. says that there is a disconnect between local enforcement and ABC enforcement unfortunately that should be smoothed out in the future. James Hoelscher says that Enforcement has reached out and that if there is a violation of alcohol statutes that at least AMCO gets notified so they can conduct a separate investigation, if necessary, to reinforce what the local government has done.*

*Glenn B. says with respect to Enforcement, it is important that we've got a consistence approach across the state. He hopes that with Director Klinkhart with his experience with law enforcement, they can help mend some fences and open the channels in the future for the collective good of the state.*

*Director Klinkhart states they had a meeting with the city and one of the investigators was present and discovered there are some processes that we need to work on with APD as well as with Permitting. This particular subject came up and when he saw the number of calls for service, literally Anchorage's officers going time and time again to this location and the citizens living around it. This is situation that has been going on for a while. Just because AMCO does not have a lot of NOVs for this license, he thinks the board should really weigh what the city, APD and Permitting brought forth. Clearly this is an issue for the neighbors and for the city.*

*Todd Sherwood adds that with the Resolution there is a lengthy CAD sheet attached from APD that highlights numerous calls from in and around this liquor store and then there is copy of the Notice of Violation that was referred to as well.*

*Eugene Haberman, member of the public, speaks about public processes and previous meetings – continues about agendas, public notices and public testimony. He was concerned with the condition placed on the license about how to price their products – higher than their competition. The Municipality of Anchorage is not fair in their processes. Glenn B. reminds him to keep his comments focused on the matter at hand.*

*Glenn B. comments generally speaking and for the record that the constitution allows states to make these determinations and gives power for regulation of alcohol that transcends what would normally be considered free trade and free speech. In that regard, alcohol is unique from other products. He is all about public process and maintaining transparency and openness and the board is doing their best. The conditions described for any licensee, those are agreements*

*made between licensees and the municipalities and the board, as a regulatory agency, will uphold and enforce those agreements for the public good. They are very sensitive to what was mentioned as potentially arbitrary and capricious actions and have in the past rejected municipal rulings in some cases. The ultimate power rests in this board not necessarily in the municipality.*

*Eugene asks Glenn B. how can you allow one business to sell a product at one price and the competition around the corner is allowed to sell it for a lesser price? Glenn B. says there is precedent and he understands the local governing body's desire.*

*Assembly Member Felix Rivera says the record is very clear and abundant on this matter. The Midtown Community Council has attempted to work with the licensee since 2015 and he has been involved since 2017. In 2019 there were 139 calls made to the strip mall where the store is located— almost of half of those calls were made directly about Mom & Pops. Many of the other calls were about drunkenness, drugs, suspicious behavior and trespassing. The licensees have failed to keep to the conditions that were set on their license. They have failed to take responsibility for their actions, and they are seeing the impact of their inaction in the community. Mom and Pops have not acted in good faith. There is preponderance of evidence that shows negative public health and safety impacts that the licensee has had on the surrounding community. It has been made abundantly clear they do not want to give the licensees another chance. The Assembly approved the protest with 2 recommendations. The first is to allow the licensees to transfer the license and the second to not allow the operator to maintain the license in the same location. The Community Council has worked very well with Brown Jug, Wal-Mart and Carrs-Safeway to implement similar voluntary conditions on their licenses. This process has been fair to the Mom and Pops operator. He wishes that the board listens to the audio recording of the Assembly meeting of 3/10/2020. The licensee clearly stated on the record that his employees were not following the conditions placed on their license and they have no intention of following the conditions or taking responsibility for issues with public health and safety from this location. The Assembly has put together a comprehensive record on this matter.*

*Tim Potter, the chair of the subcommittee for alcohol and marijuana for the Midtown Community Council, states that he is also a professional land use planner working all over the state for many years. When the issue was first raised back in 2015/2016 it became clear there was an issue with this operator at this location. It has got nothing but worse since that time, even with the agreements. The Community Council carefully indicated in their finding that they don't have a problem with a well-run, well operated, respectful package store license at that location. The problem is the operator. He has been less than operating in good faith and he has personally lied to him. Many of the photos and composites of what has been picked up on and around that property, within a block or two, has taught him more than he wanted to know about pricing, types of alcohol and how far it travels after being purchased. He has spent many hours physically collecting bottles and cans, categorizing them, showing what the distribution is. He states that Brown Jug, Carrs-Safeway, Oaken Keg and Wal-Mart have all jumped on board, indicated that they know there are problems and they are more than happy to continue to work with the Community Council by attending their meetings, making sure that they are doing okay. Mr. Potter has continual check ups with those operators. He can absolutely say he has never seen anything as atrocious and problematic as the operation of Mom and Pops. It is his goal, as it is not compatible with the surrounding area and has cost its adjacent property owners and*

*tenants hundreds of thousands of dollars in losses, that the board does not this operator to have a renewed license. The Assembly took the correct action.*

*Dana W. asks the board for his clarification/education why is there an abeyance period of 180 days? Would a license like this be sold similar to a beverage dispensary license or is it a license that would go back to the pool? Are package store licenses at their population limit?*

*Carrie Craig states that package store licenses are close to their population limit in the Municipality of Anchorage.*

*Dana W. questions if there is still an ability for any member of the public to go out and get this license type then there is no inherent value necessarily for this license.*

*Glenn B. says that generally speaking that is correct statement, however with the nature of the business operations and inventory which is separate from the license itself. The value of the license driven by the scarcity is certainly not as applicable in this circumstance, but this is not material to the board's discussion and decision.*

*Dana W. asks is it entirely up to the board to deny with a 180 day abeyance or revoke the license.*

*Glenn B. says the board could uphold the protest without an abeyance and effectively that would be allowing this license to lapse. This is one course of action and it is up to the board to decide how to proceed.*

*Rex L. refers back to their actions regarding Bethel the previous year when there was a community concern about a package store and the impacts it had on the community. He points out that not all the CAD reports are directly related to Mom & Pops – it is individuals around the area. Alcohol is a factor in some of the events but not all of them. APD does a great job with the level of detail in their CAD notes. This may not be a Mom and Pops issue per se but a bad location for a liquor store. The broader issue when it comes to public safety, is that this is a bad location for a package store to be selling alcohol based on what it is attracting.*

*Glenn B. states that he is struggling with this. Whether or not the licensee and the Municipality can come to an agreement and work out a transfer or anything that results in a satisfactory path forward, it's not up to the board to decide if that is possible. He would like to leave the window open for resolution which has been to transfer and even if they close down, who knows what will happen in 2 years, he wants to leave as many options open there is for the licensee as possible while being mindful of the issues before the board. Glenn B. believes to uphold the protest and deny with 180 day abeyance is appropriate. As it stands the licensee will not get the renewal without resolution.*

***Dana W. motions to deny with 180 day abeyance. Rex L. seconds. None opposed, motion carries.***

- C. 3953 Los Arcos Restaurant:** Jalo's, Inc.  
2000 E Dowling #1, Anchorage  
**License: Beverage Dispensary**  
**From: Maria Gallo Covarrubias**

**TAB 20**

**Transfer application with security interest**

Local governing body action: protest by Municipality of Anchorage

**Municipality of Anchorage protests pending certification from Anchorage Health Department.**

*2:52 pm: Director Klinkhart provides background. Licensee is not present.*

***Dana W. motions to deny with 180 day abeyance. Sara E. seconds. None opposed, motion carries.***

**D. 5557 49<sup>th</sup> State Brewery – Roof Top Deck Bar: Northern Hospitality Group, Inc.**

**TAB 21**

717 West 3<sup>rd</sup> Avenue, Anchorage

**License: Beverage Dispensary - Duplicate**

**Renewal application**

Local governing body action: protest by Municipality of Anchorage

**Municipality of Anchorage protests pending certification from the State Fire Marshal.**

*2:53 pm: Jason Motyka, licensee, is present on the phone and provides background. They have requested a structural design for roof that has been currently been ordered and also requested sprinkler drawings which is also being done currently. Jason Motyka asks about timeline of approval – trying to get resolved by summer, if allowed.*

*Mandy Honest, Business Licensing Official with the Municipality of Anchorage, answers that action already taken doesn't have to go back in front of the Assembly. The authority is delegated to the Clerk's office to do administrative lifting of protests once the outstanding items have been addressed.*

*Glenn B. asks Carrie Craig if the board denies this as opposed to approve with delegation and that delegation be withheld until – does this need to come back before the board pending satisfaction of the State Fire Marshal and the Municipality of Anchorage? Carrie Craig answers that this license should not have to come back to the board. Once the Muni lifts the protest, licensing moves forward by updating the database and issuing the license.*

*Bob Klein, former chair of the ABC Board, states that the problem is the municipality has protested and since the board cannot find that to be arbitrary, capricious or unreasonable the board has to uphold the protest and the way out is the abeyance portion. The board can overturn that at a later date, but that rarely happens.*

***Dana W. motions to deny with 180 day abeyance. Rex L. seconds. None opposed, motion carries.***

**E. 5852 Moonstone Farm: David and Michelle Church**

**TAB 22**

2141 S. Church Street, Palmer

**License: Beverage Dispensary**

**Reconsider previous approval of a new license application.**

Local governing body action: protest by Matanuska – Susitna Borough

**Matanuska – Susitna Borough protests due to the required conditional use permit has not been issued.**

*3:01 pm: The licensee nor a representative of the Matanuska-Susitna Borough is present on the phone. Sara E. motions to deny with 180 day abeyance. Rex L. seconds. None opposed, motion carries.*

- F. 5877 Lat 65 Brewing Company:** Latitude 65 Brewing Company, LLC  
150 Eagle Avenue, Fairbanks  
**License: Brewery**

**TAB 23**

**New license application.**

Local governing body action: protest by City of Fairbanks

**City of Fairbanks protests due to pending completion of the building and issuance of a Certificate of Occupancy by City Building Officials.**

*3:03 pm: Glenn B. lumps both applications, Tabs 23 and 24, together for consideration. The licensee is not present on the phone. Rex L. motions to deny with 180 day abeyance. Dana W. seconds. None opposed, motion carries.*

- G. 5878 Lat 65 Ciderhouse:** Latitude 65 Brewing Company, LLC  
150 Eagle Avenue, Fairbanks  
**License: Winery**

**TAB 24**

**New license application.**

Local governing body action: protest by City of Fairbanks

**City of Fairbanks protests due to pending completion of the building and issuance of a Certificate of Occupancy by City Building Officials.**

● **CONSIDERATION OF A MOTION TO AUTHORIZE ALL SERVER CARDS TO REMAIN VALID UNTIL FURTHER NOTICE.**

**TAB 2**

*3:05 pm: Director Klinkhart provides background. He would like the board to consider that current server cards be allowed to remain current until the crisis is over.*

*Sarah Oates, President and CEO of Alaska CHARR, is present on the phone. CHARR has canceled all classes for public health concerns and they are now offering one class in Anchorage due to necessity of package stores still hiring. A lot are renewing, but there are not too many new ones. They are adding extra training regarding CDC guidelines for social distancing and their office has limited open hours. She asks that the board approve Director Klinkhart's proposal with an amendment to make it retroactive to the first date of the mandated closure.*

*Glenn B. says that what is being proposed is effectively a waiver of enforcement on server training requirements. Dana W. says the proposal is that the board actually considers all the server cards that are in effect as of March 15<sup>th</sup> to continue to be in effect regardless of expiration date. Glenn B. and Joan Wilson concur.*

*Glenn B. says he will entertain a **motion to accept staff's recommendation with the amendment that the period be set to the first date of the mandatory closure.** Dana W. makes the motion and Rex L. seconds. None opposed, motion carries.*



● **DISCUSSION REGARDING ISSUANCE OF NEW ON PREMISES RETAIL LICENSES PENDING PUBLIC HEALTH CONSIDERATIONS**

*Glenn B. states this is for new and transfers and wishes to get the will of board that AMCO staff does not issue the license until after the crisis is over.*

*Dana W. says he understands the intent however the restriction may hamper the re-opening of licensees in the process.*

*Glenn B. says when Enforcement is ready to inspect there should be a thorough discussion of guidelines.*

*Dana W. asks if the Director through Enforcement believes he has the authority to issue NOV's as necessary? Director Klinkhart answers, yes. Perhaps include the advisory with the license to new licensees? Let this slide and continue to next topic.*

● **DISCUSSION OF ENFORCEMENT PRIORITIES & DIRECTION TO STAFF IN RELATION TO COVID-19 PUBLIC HEALTH ORDERS**

*Glenn B. introduces Director Klinkhart's memo regarding violations of the public health orders. He says he wants to make it clear that the punishment would be harsh/severe, not a slap on the wrist.*

*The Director provides background. He says that the number one priority for Enforcement is public safety. The office began receiving complaints that a licensee was planning an event that would not be abiding by the public health orders which would put citizens at risk. Enforcement was able to stop that event from happening. The office has received other notices of people (licensees and non-licensees) planning/holding bottle club events and Enforcement continues to follow up on those as leads come in. The Director does not wish to put Enforcement staff at risk – investigations will be on a case by case basis. Minor violations will still be worked but probably not within 24 to 72 hours.*

*Director Klinkhart provides an example of a licensee who asked how much trouble he would get in for keeping his bar open, to which the Director replied, the most trouble. The licensee was surprised and had only expected a warning. It is the Director's intention to document, to issue a NOV and submit an accusation to the ABC board with a fine 2 or 3 times higher than the normal fine.*

*James Hoelscher echoes the Director's statements.*

*Glenn B. suggests scheduling emergency meetings or give the Director authority which continues under the next topic.*

● **CONSIDERATION OF EMERGENCY DELEGATION OF AUTHORITY**

**TAB 3**

*3:51 pm: Director Klinkhart is confident that he can act on any issue and the paperwork can catch up. Joan Wilson assures that licensees will still have their appeal rights.*

*Director Klinkhart says he wants the board to think worse-case scenario – not being able to have a meeting for instance.*

*Joan Wilson says the board can delegate power to the director except for proposing and approving regulations. Glenn B. asks if the board feels they need to do this or not.*

Rex L. says that a short notice for an emergency meeting could work. Joan Wilson adds that 72 hours should be enough public notice.

James Hoelscher speaks about complaints regarding package stores sending alcohol to some local option communities. Ft Yukon and communities within the Yukon Delta area has asked this question. Joan reads a letter from Tanana chief conference.

Glenn B. asks for an emergency telephonic meeting to discuss this (delivery to local option rural areas) and any additional Covid-19 issues in about a week – 4/8/2020 at 1 pm.

● **CONSIDERATION OF A MOTION TO AUTHORIZE TO-GO ORDERS  
(AWAITING CLARIFICATION FROM THE AG'S OFFICE).**

**TAB 4**

4:11 pm: Glenn B. and Director Klinkhart provide an introduction. Glenn B. says that package stores do not need special latitude for deliveries.

Sarah Oates, President and CEO of Alaska CHARR, is present on the phone and provides background. To help the industry, that the board will allow for temporary take out for all license types until maybe the June meeting. Only the type of product that the license type allows. Sealed packaging. Employee/agent must have completed server education and will be required to checks ids both on premises and off premises for a limited time.

Jessica Brown, counsel with Holland and Knight, is present on the phone. Over 21 year olds are forced out of their home to purchase their alcohol at a store. The board should allow package stores to begin curb side pickup or delivery to the consumer's home via employee or a 3<sup>rd</sup> party service. This promotes social distancing. She states that her clients are asking for a temporary refocusing of Enforcement's priorities. If the board does not take action to publicly and explicitly redirect Enforcement priorities elsewhere on these issues, her clients will have to start analyzing if it makes sense to continue to operate in this state. If these businesses were to abandon there operations in the state, hundreds to thousands of jobs will be lost. 44 other states have allowed for curbside pickup and delivery during this crisis.

Glenn B. says that Alaska is unique with unique challenges. He asks Joan Wilson if the board can turn a blind eye to enforcement – he does not want to set a precedent. Joan Wilson reads a statute AS 04.23.20(g)(9) about the Governor's disaster authority. It does not talk about economic impacts. She suggests a discussion on this topic on Wednesday. Glenn B. agrees to table it to the next special meeting.

Sara E. objects to tabling the issue.

Dana W. echoes Glenn's concerns.

Rex L. says that the board has to be careful about not enforcing the law – alcohol sales is not really an emergency, but he is not completely against it.

Sara E. motions to stay in session to get an answer. No second.

Rex L. suggests to take guidance from the Governor's office and his mandates to see if the board is allowed to give that latitude. Joan Wilson says she is emailing her superiors exactly what Rex L. said. Rex L. also says the board should consider that the Governor's office is being asked by many other

people for latitude. They need to look at the big picture and get Governor's approval/guidance first. Glenn B. agrees.

Sara E. asks Sarah Oates her opinion. Sarah Oates states that Jessica Brown's proposal is exactly what California and other states have done.

**Sara E. motions to temporarily authorize curb side from package stores off premise retailers only during the period of the crisis pending legal review. Rex L. seconds. None opposes, motion carries.**

**Sara E. motions on premise retailer to sell factory sealed beer or wine (if originally on premise) curb side. Rex L. seconds. Only during the period of the crisis pending legal review. The employee who is providing the alcohol is alcohol server certified.**

## ● REGULATIONS

5:16 pm: regulations tabled to next meeting.

### A. Proposed Regulations Projects

#### 1. Repackaging by Package Stores

**TAB 5**

**Status:** Board opened this project at the January 2020 meeting. Initial draft for board consideration.

**Potential Board Actions:** Put out for public comment; amend draft and put out for public comment; send back to staff for more work; close project without action.

### B. Ongoing Regulations Projects

#### 1. Combined Tasting Rooms

**TAB 6**

**Status:** Public comment period closed March 13, 2020

**Potential Board Actions:** Vote to adopt; amend and put out for public comment; close project without action.

#### 2. Permits

**TAB 7**

**Status:** Board opened this project at the October 2018 meeting. Revised draft for board consideration.

**Potential Board Actions:** Put out for public comment; amend draft and put out for public comment; send back to staff for more work; close project without action.

### C. Regulations Matters - Other

#### 1. When Petition is Required

**TAB 8**

**Status:** Filed and signed by Lt. Governor. Effective April 11, 2020

**Information:** Department of Law has disapproved some of the amendments and, accordingly, made technical changes to the draft. No action from the board is needed, this is just an FYI.

● **NEXT ABC BOARD MEETING**

Agenda deadline for June 9, 2020 meeting: May 22, 2020

● **ADJOURN**

5:20 pm: *Sara E. motions to adjourn. Seconded. None opposed – motion carries.*