

Notice of Violation

(3AAC 304.525)

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

Date: 5/22/19

License #/Type: 5368

Restaurant/Eating Place-Public Convenience Seasonal

Licensee: Within The Wild Adventure Co.

Address: 4460 Homer Spit Road, Homer, AK

DBA: La Baleine Cafe

AMCO Case #: 19-0819

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

On 5-16-19, an inspection was conducted at La Baleine Cafe. It was noted the establishment was not displaying any of the 3 required signs. Signs were provided and placement was discussed. Amanda Dixon was identified as the owner/manager. She was asked to provide proof of current server education. She replied she had a TAP card but could not provide it at this time. She was asked to send Inv. Hamilton proof of server education via e-mail or text. On 5-20-19, I contacted Alaska CHARR to see if they had a record of Dixon attending a TAP class to which they replied they did not have any record. On 5-21-19, Dixon e-mailed me a copy of her TAPS card which she had taken that day. In a follow-up conversation with Dixon on 5-22-19; she advised me she thought her Serve Safe course covered the alcohol. She stated that her parents and other family members were the owners and that she is the cook. She did admit that when she is on the premises, she is the person by virtue of her family, the person in charge of the establishment.

Your attention is directed to AS 04.21.065: Posting of warning signs, AS 04.21.025: Alcohol server education, 3AAC 304.465: Alcohol server education, AS 04.16.150: Licensee responsible for violations and AS 04.21.030: Responsibility of licensees, agents and employees

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

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

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

License# 5368

5/30th/19

Dear Alcoholic Beverage Control
Board,

I am writing in response to a notice of violation I received in the mail. We did not have the required posted signs up on his investigation as I had taken them down upon Spring cleaning and failed to post them back up. Investigator Hamilton provided me with new signs and they are now displayed in the proper areas and will remain there.

I was truthful with Investigator Hamilton when I said I felt I had all proper certification. When I looked into the law and details I realized I did not have a TAP card. I immediately tried to find the nearest class and the next was in just a few days in Anchorage. I paid several hundred dollars to fly up to Anchorage for one night and took the class passing with 100%.

My family owns Within the Wild which owns two lodges and the la balaine cafe. I have a manager at the cafe, with a TAPS card of course who is the manager at all times. I start the Season training the cooks at the cafe and then move to the lodges training chefs all summer. I am rarely at the cafe. This is why I was not clear about my certification, and felt that the manager and anyone serving beer or wine at the cafe has TAPS training was OK. I was never serving alcohol, I am a chef.

I now have my TAPS card, we enforce all our beer/wine servers to have TAPS and all required training. I feel we have fixed the problem that he had observed and it will not happen again.

Sincerely,

Amanda Dixon
Amanda Dixon



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2020 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2021 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information

Licensee (Owner):	Within The Wild Adventure Co.	License #:	5368
License Type:	Restaurant/Eating Place - Public Convenience Seasonal		
Doing Business As:	La Baleine Cafe		
Premises Address:	4460 Homer Spit Road		
Local Governing Body:	City Of Homer (Kenai Peninsula Borough)		
Community Council:	NONE		

If your mailing address has changed, write the NEW address below:

Mailing Address:					
City:		State:		ZIP:	

Section 1 – Licensee Contact Information

Contact Licensee: The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	CARL L. DIXON	Contact Phone:	907 227 4610
Contact Email:	carl@withinthewild.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

AMCO



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	65938D
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READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).**DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.**

- **Corporations** of any type including non-profit must list **ONLY** the following:
 - All shareholders who own 10% or more stock in the corporation
 - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
- **Limited Liability Corporations**, of any type must list **ONLY** the following:
 - All Members with an ownership interest of 10% or more
 - All Managers (of the LLC, not the DBA) regardless of percentage owned
- **Partnerships** of any type, including *Limited Partnerships* must list **ONLY** the following:
 - Each Partner with an interest of 10% or more
 - All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.

Name of Official:	CARL L. DIXON				
Title(s):	President	Phone:	907 227.4610	% Owned:	50
Mailing Address:	BOX 91419				
City:	ANCHORAGE	State:	AK	ZIP:	99509

Name of Official:	KIRSTEN M. DIXON				
Title(s):	SECY/TREASURER	Phone:	(907) 351-5496	% Owned:	50
Mailing Address:	BOX 91419				
City:	ANCHORAGE	State:	AK	ZIP:	99509

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

AMCO

OCT 27 2020

AMCO Received 10/27/20 Page 2 of 4



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

Corporations, LLC's and Partnerships of ALL kinds should skip this section.

READ BEFORE PROCEEDING: Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a's, payment of \$48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require.

If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.

This individual is an: ☐ Applicant ☐ Affiliate

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

This individual is an: ☐ Applicant ☐ Affiliate

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

Section 4 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

- | | 2019 | 2020 |
|---|-------------------------------------|-------------------------------------|
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2019 or 2020?

Yes ☒ No ☒

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.

AMCO RECV
10/29/2020



Alaska Alcoholic Beverage Control Board


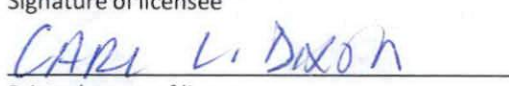
Form AB-17: 2021/2022 License Renewal Application

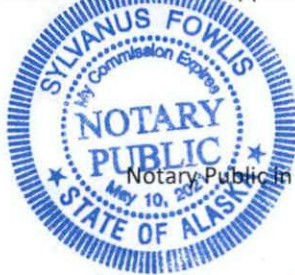
Section 6 – Certifications


As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.
- I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

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


Signature of licensee

Printed name of licensee




Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: May 10th 2022

Subscribed and sworn to before me this 22nd day of October, 2020.

Restaurant/Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit

Recreational Site applications must include a completed Recreational Site Statement

Tourism applications must include a completed Tourism Statement

Wholesale applications must include a completed AB-25: Supplier Certification

All renewal and supplemental forms are available online

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

License Fee:	\$ <u>300</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>600.00</u>



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:		License Number:	
License Type:			
Examiner:		Transaction #:	

Document	Received	Completed	Notes
AB-17: Renewal Application			
App and License Fees			

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

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

LGB 1 Response: CITY OF HOMER (KPB)

LGB 2 Response:

☐ Waive☐ Protest☐ Lapsed☐ Waive☐ Protest☐ Lapsed

Department of Commerce, Community, and Economic Development

CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

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ENTITY DETAILS

Name(s)

Type	Name
Legal Name	WITHIN THE WILD ADVENTURE COMPANY

Entity Type: Business Corporation

Entity #: 65938D

Status: Good Standing

AK Formed Date: 2/22/1999

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: BOX 91419, ANCHORAGE, AK 99509

Entity Physical Address: 2618 GALEWOOD ST., ANCHORAGE, AK 99508

Registered Agent

Agent Name: Carl Dixon

Registered Mailing Address: BOX 91419, ANCHORAGE, AK 99509

Registered Physical Address: 2626 GALEWOOD ST, ANCHORAGE, AK 99508

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
	Carl L. Dixon	Director, Shareholder, President	50.00
	Kirsten M. Dixon	Director, Shareholder, Secretary, Treasurer	50.00

AMCO Received 10/27/20

Filed Documents

Date Filed	Type	Filing	Certificate
2/22/1999	Creation Filing		
2/26/1999	Biennial Report		
12/18/2000	Biennial Report	Click to View	
4/14/2003	Biennial Report	Click to View	
12/27/2004	Biennial Report	Click to View	
11/04/2006	Biennial Report	Click to View	
12/08/2008	Biennial Report	Click to View	
12/29/2011	Biennial Report	Click to View	
12/29/2011	Agent Change	Click to View	
7/05/2012	Agent Change	Click to View	
11/21/2012	Biennial Report	Click to View	
10/28/2014	Biennial Report	Click to View	
10/31/2016	Biennial Report	Click to View	
10/26/2018	Biennial Report	Click to View	
4/22/2019	Certificate of Compliance		Click to View
10/09/2020	Biennial Report	Click to View	

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Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

LaBaleine Cafe

Box 91419, Anchorage, AK 99509

owned by

WITHIN THE WILD ADVENTURE COMPANY

is licensed by the department to conduct business for the period

October 29, 2020 to December 31, 2022
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Anderson
Commissioner

AMCO RECV
10/29/2020



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

October 30, 2020

Within the Wild Adventure Co.
DBA: La Baleine Café
Via Email: carl@withinthewild.com

Re: Restaurant/Eating Place-Public Convenience Seasonal #5368 DBA: La Baleine Cafe

Dear Applicant:

I have received your application for renewal of your liquor license. Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to your local governing body, your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body will have 60 days to protest the renewal of your license or waive protest.

Your application will be scheduled for the January 2021 board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

Please feel free to contact us through the alcohol.licensing@alaska.gov email address if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Olivia Frank", written over a white rectangular background.

Olivia Frank
Occupational Licensing Examiner