

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: 10/13/20

Licensee: Taco Dans, LLC

DBA: Gulf of Alaska Food Court

License #/Type: 4915

Restaurant/Eating Place-Public Convenience Seasonal

Address: 1401 4th Ave, Seward, AK

AMCO Case #: 20-1072

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 10-14-19 you were issued a notice of violation because your licensed diagram did not accurately reflect the layout of your facility. On 7-21-20, you were issued a second notice of violation for not responding to the initial notice. On 7-21-20, your legal counsel responded stating AMCO would receive an updated diagram by 7-31-20. As of 10-13-20, this office has not received an updated diagram of your premises. See attached previous notices.

Your attention is referred to 3AAC 304.185: Licensed premises, 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

SIGNATURE:

J.R. Hamilton

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

Notice of Violation

(3AAC 304.525)

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

Date: 7/21/20

Licensee: Taco Dans LLC

DBA: Gulf of Alaska Food Court

License #/Type: 4915

Restaurant/Eating Place-Public Convenience Seasonal

Address: 1401 4th Ave, Seward, AK

AMCO Case #: 19-1461 and 19-1562

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.

Attached are two notice of violations that were sent to you in Oct of 2019. Our records indicate that you have not responded to either of the notices as required by Title IV.

Your attention is directed to 3AAC 304.525: Communications with licensees

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amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE:



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Notice of Violation

(3AAC 304.525)

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Date: 7/10/20

License #/Type: 4915

Restaurant/Eating Place-Public Convenience Seasonal

Licensee: Taco Dan's LLC

Address: 1401 4th Ave, Seward, AK

DBA: Gulf of Alaska Food Court

AMCO Case #: 20-0717

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 7-9-20, AMCO Investigator Hamilton conducted a walk through of your establishment. The establishment was missing the \$1,500 civil penalty sign at the entrance/exit to Klondike Pizza. On 9-27-19 during an inspection, it was noted there were no civil penalty signs at any of the entrances to your establishment. Signs were provided and placement was discussed.

As a reminder, not posting required sign-age could result in a \$100.00 a day fine.

Your attention is referred to AS 04.21.065: Posting of warning signs

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

7018 0360 0000 1428 2468

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:

J.R. Hamilton

SIGNATURE:

Delivered VIA: Mail

Date:

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: 10/14/19

Licensee: Taco Dans LLC

DBA: Gulf of Alaska Food Court

License #/Type: 4915

Restaurant/Eating Place-Public Convenience Seasonal

Address: 1401 4th Ave, Seward, AK

AMCO Case #: 19-1562

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.

Your approved premises diagrams depicts the food court as being open. In reality, there are walls between several areas in the premises that are not shown on your diagram. You will need to provide a revised licensed premises diagram that accurately reflects the built environment.

Your attention is referred to 3AAC 304.185: Licensed premises, AS 04.16.150: Licensee responsible for violations and AS 04.21.030: Responsibility of licensees, agents, and employees

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SIGNATURE:

J.R. Hamilton

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Notice of Violation

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

Date: 10/14/19

Licensee: Taco Dans LLC

DBA: Gulf of Alaska food Court

License #/Type: 4915

Restaurant/Eating Place-Public Convenience Seasonal

Address: 1401 4th Ave, Seward, AK

AMCO Case #: 19-1461

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

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

On 8-27-19 an inspection was conducted at your establishment. As part of the inspection, Manager Petar V. Stoyanov was asked to provide proof of current server education to which he could not. He did state he had a TAP card. Inv. Hamilton instructed Stoyanov to e-mail or text his card when he found it. As of 10-14-19 he has failed to provide proof. Contact was made with Alaska CHARR who provides the TAP course. They relayed they have no records for Stoyanov.

Your attention is referred to 3AAC 304.465: Alcohol server education course, AS 04.21.025: Server education, AS 04.16.150: Licensee responsible for violations and AS 04.21.030: Responsibility of licensees, agents, and employees

*one of the original
NOV's which received
A Response on 7-27-20*

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SIGNATURE:

J.R. Hamilton

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Received by:

SIGNATURE:

Date:



Department of Commerce, Community, and Economic Development
Alcoholic Beverage Control Board
550 W. 7th Ave, Suite 1600, Anchorage, AK 99501
Tel. (907) 269-0350

LICENSED PREMISES INSPECTION REPORT

Case No. 19-1384

Premises, DBA GULF OF ALASKA FOOD COURT		Date: 9/27/19	Time: 1920
Address (Street No. RR No. etc., City, Zip code) 1401 4TH AVE, SEWARD, AK		Type of License Restaurant/Eating Place-Public Convenience Seasonal	
License or Permit Number 4915	Type of Inspection: <input type="checkbox"/> Initial <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Requested <input type="checkbox"/> Follow-Up		
Important Notice Any item determined to be unsatisfactory must be corrected or the Alcoholic Beverage Control Board may take action to suspend or revoke the license in accordance with AS 04.11.370(3)			

GENERAL ITEMS

	See		Comments
	Yes	No	
1. Is the DBA the same as what is indicated in the ABC master file? 3 AAC 304.185	✓		
2. License posted correctly? 3 AAC 304.185, pg. 101 / AS 04.11.630	✓		
3. Does the premises have a restaurant designation permit? 3 AAC 304.745	✓		
4. Does the licensee employ persons under 21 years of age? AS 23.10.355		✓	
5. Warning signs posted? AS 04.21.065		✓	See Comments
6. Do employees/supervisors have proof of current alcohol server training? AS 04.21.025(c), 3AAC304.465		✓	See Comments
7. Do you expect to be closed more than 30 days in the near future? 3AAC304.170 AAC 304.195		✓	
8. Do premises appear safe / neat? AS 04.21.030(2)	✓		
9. Is any off-premises storage area approved by the board? AS 04.21.060(1)		✓	
10. Have there been any physical changes to the licensed premises? 3 AAC 304.185(c)		✓	
11. Is a duplicate license required/appropriately displayed? AS 04.11.090(e)			N/A
12. If new license inspection, will they meet the 240 hour operation requirements by the end of the calendar year? AS 04.11.330 (3) AAC 304.170 (j) (1-7)			N/A
13. Is the license premise in a Rural area? (50 miles from a statewide road system)		✓	

MISCELLANEOUS

14. Does the facility have the number of rooms required by Statute? AS 04.11.400			
15. Is there an operating restaurant or are there kitchens in the majority of the rooms? AS 04.11.400			

COMMENTS:

5 NO CIVIL PENALTY SIGNS AT ANY ENTRANCES, SIGNS PROVIDED

6 MANAGER COULD NOT SHOW PROOF OF SERVER EDUCATION, EVENTUALLY LEARNED HE DIDN'T HAVE ANY AND AN NOV WAS ISSUED

ESTABLISHMENT DOES NOT MATCH WHAT THE DRAWING SUBMITTED SAYS. NOV ISSUED FOR LICENSED PREMISES. NEW DIAGRAM REQUESTED

Owner/Manager/Agent Name: MANAGER PETAR VASILY STOYANOV	Contact #	Investigator Name: Joe Hamilton
Driver's License Number / Date of Birth: PASSPORT BULGARIA 9-25-94		Investigators Signature: <i>J.R. Hamilton</i>
Alcohol Server Education Card Number / Expiration Date: NONE		Rank or Title: Special Investigator I

November 5, 2020

VIA EMAIL

Joe Hamilton, Investigator
Alaska Alcohol and Marijuana Control Office
550. W. 7th Ave Ste 1600
Anchorage, AK 99501

Re: Revised Premises Diagram for Gulf of Alaska Food Court, License #4915
AMCO Case #20-1072- Response to NOV

Investigator Hamilton,

This letter is in response to the NOV you sent us on October 13, 2020. As you know, the NOV was originally issued in October of 2019. I responded to it and other NOV's (for license 822) on behalf of my clients on July 27, 2020. You wrote me on August 26, 2020 and informed me that a new premises diagram was not attached to our response to this particular NOV.

The delay in responding between August 26, 2020 and October 13, 2020 is on me. I did reach out to my clients about the diagram but from August 14, 2020-October 3, 2020 I was in Colorado Springs for a family medical emergency and did not adequately follow up.

You reminded me on October 13, 2020 that we needed to provide an amended premises diagram. Between that date and last week, you and I were in good communication about the matter discussing how to resolve it. On October 24, 2020 I drove to Seward and Mr. Jackson gave me a tour of the premises (it is closed for the winter) and discussed its operations with me.

I am now providing our amended premises diagram as you and I discussed on the phone

on October 30, 2020. If you compare this diagram to the diagram submitted by my clients in August of 2017 with the AB-14 filed and approved by the director, you can see the changes we have made to more accurately reflect the premises as they operate.

In 2016-2017 my clients combined three small adjacent restaurants into one large restaurant operated with a “food court” concept. Before my clients completed their plans and the purchase, in late 2016, they reached out to AMCO to ask if they could use one REPL to serve beer and wine for the new large restaurant. Correspondence from January 2017 between Sarah Oates and my client indicates that the AMCO investigators met with Sarah, at that time the Licensing Supervisor, to discuss the concept. The plans were approved conditioned on my clients submitting an AB-14 and DOB name change, which they did. The restaurant has been operating with one REPL using the food court concept ever since the AB-14 was approved by Director McConnell in August of 2017.

When a customer enters the restaurant, they can choose from several outside doors. The consumption area of the restaurant is laid out in roughly an “L” shape with the kitchens nestled inside the “L”. There are four counters: one serves pizza, one serves fish, one serves burritos and tacos and one is for beer, wine and ice cream. The service model is to come to a counter to order, sit down at a table and come pick up your food at the counter when your name is called. (On slow days your server might deliver your food to the table).

At each of the food counters, you can order beer or wine and pay for it, but you cannot obtain the beer or wine at any of the food service counters. Instead there is a distinct area where the taps are located behind a counter. When you order beer or wine, you are directed by the staff to take your receipt to the taps area where you obtain your drink. By this method, the restaurant maintains tight control over the service of alcohol.

The difference between the diagram as submitted and what you observed upon inspection was caused by issues that arose in construction. When my clients planned the food court, they intended to “blow out” the walls between the three restaurants, making an open concept space just like you see on HGTV. They drew the diagram with this blueprint in mind, so the three areas where the dining space converges in the diagram appears fairly open and free-flowing.

Unfortunately, the structural issues prevented my clients from peeling back the walls as far as they wanted to. There is a large open interior doorway between pizza and fish, and two smaller interior doorways between fish and tacos (with a hallway holding additional table space between these two doors). These three interior doorways have framing that intrudes into the room more than what is represented on the previously approved diagram, although they do not have doors.

My clients have been operating the food court seasonally and safely since 2017. The concept allows families and tour groups to eat together in one place even if some want pizza or tacos instead of fish, which is the Seward staple. The beer and wine, a minimal percentage of the sales of the restaurant, is safely served and handled from one central distribution point, which we have marked clearly on the revised diagram.

Thank you for working with me on understanding the nature of your issues with the diagram and for your patience while I got eyes on the issues so that I can assist and explain my client’s operation. As we discussed, it is my hope that this revised diagram closes this NOV.

Respectfully,

THE LAW OFFICE OF BRADLY A. CARLSON, L.L.C.
ATTORNEYS FOR STEPHEN BRASHEAR



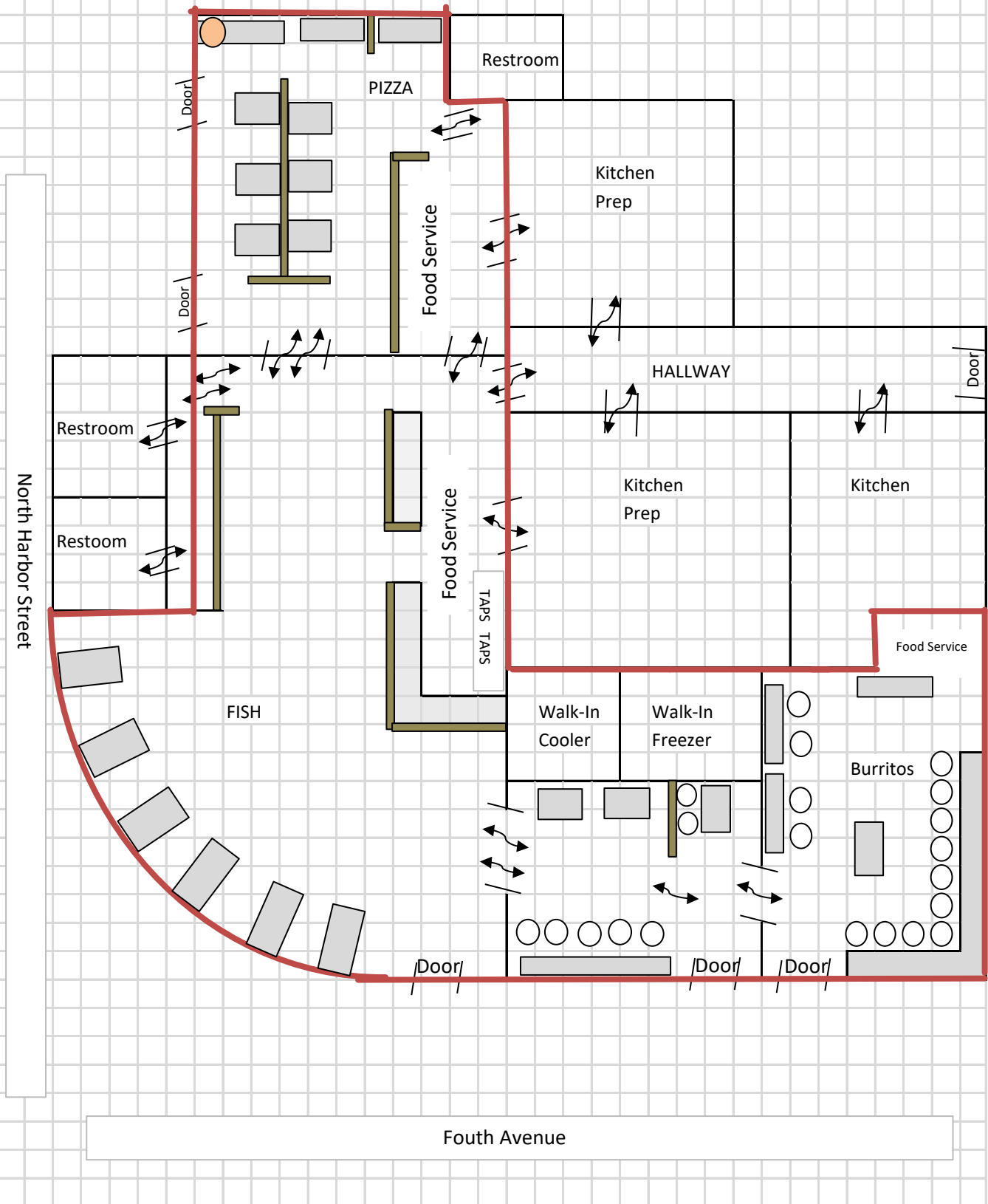
Cynthia A. Franklin

- Tables
- Half Walls
- Garbage

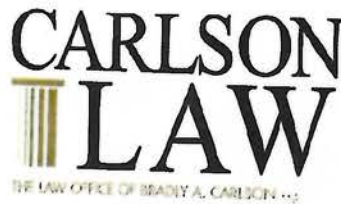
Wide Passageway

Standard Passageway

Main Entry



ATTORNEYS
BRADLY A. CARLSON
CYNTHIA FRANKLIN
D. PATRICK PHILLIP



1503 W. 31ST AVENUE, SUITE 202F
ANCHORAGE, AK 99503
645 G STREET, SUITE 100 #558
ANCHORAGE, AK 99501
T: 907.677.8111 - F: 907.917.2075
www.bcarlsonlaw.com

July 27, 2020

VIA EMAIL

Alaska AMCO
Glen Klinkhart, Director
AMCO Enforcement Team
550 W. 7th Ave, Ste 1600
Anchorage, AK 99501

Re: License 822 (Klondike Pizzeria, LLC) and License 4915 (Taco Dan's, LLC)
NOV's dated July 21 and July 10, 2020

Dear Director Klinkhart and AMCO Enforcement Team,

I represent the above licensees. I am in receipt of Investigator Hamilton's multiple NOV's issued July 10, 2020 to our establishments in Seward, Alaska. On behalf of my clients, I submit the following responses:

1. AMCO Case Number 20-175 and 20-717

These violations were issued for lack of signage. The NOV numbered 20-175 is for lack of signage at Klondike's Pizzeria (133 4th Ave.) Although 20-717 is titled as a NOV for lack of signage at Gulf of Alaska Food Court (1401 4th Ave), the citation itself states "The establishment was missing the \$1500 civil penalty sign at the entrance/exit to Klondike Pizza".

Regardless of whether the NOV's were duplicitous or a mistake was made in drafting the language of 20-717, the signs have been posted and will remain posted. The signage continues to be confusing to new staff who believe that the signage signals to customers that minors are not allowed on the premises. Staff have been educated by the owners that the signs must remain posted and do not mean that minors are prohibited.

As seasonal businesses, re-education is generally required each year. We will continue to teach returning and new staff regarding signage. Managers and Owners will check each premises at the beginning of each season for required signage.

2. AMCO Case Number 19-1562

This NOV was originally issued on October 14, 2019 and regards a request for an updated premises diagram for License 4915 that more accurately depicts the premises.

The owners thought that they had forwarded this NOV and the other NOV issued the same day (AMCO Case Number 1461) to undersigned counsel for a response. We had very recently been retained by the licensees for several matters (the main matter not being NOV's), and documents were being exchanged in a flurry between the parties. The NOV's did not make it to counsel, while the licensees assumed that counsel had received them and responded to AMCO on their behalf in a timely manner.

Because counsel did not see the NOV regarding the premises diagram until the July 2020 set of NOV's were issued, the diagram was not updated. We will have an updated diagram to AMCO on or before July 31, 2020.

3. AMCO Case Number 19-1562

This NOV was issued for an employee not having a current TAPS card upon inspection. Again, the response was not made because the licensees mistakenly believed counsel had responded on their behalf.

The employee in question has not returned for the 2020 season. All employees have been reminded that they must have and maintain a current TAPS card for the licensed establishment to be compliant.

4. Unnumbered NOV for not responding to October, 2019 NOV's.

An additional NOV is in the packet that references the two 2019 case numbers above. This NOV was issued for failing to respond to the two October 2019 NOV's. Again, the lack of response was due to a miscommunication and mistaken assumption and was not deliberate. Counsel and licensees are in full communication and any future NOV's will be promptly addressed by counsel.

Thank you for the opportunity to respond to these NOV's. Please be assured that these licensed premises will remain in full compliance with all statutes and regulations related to their licenses. Feel free to contact me if you have further questions.

Respectfully,

THE LAW OFFICE OF BRADLY A. CARLSON, L.L.C.
ATTORNEYS FOR LICENSEES



Cynthia A. Franklin

Notice of Violation

(3AAC 304.525)

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Date:

License #/Type:

Licensee:

Address:

DBA:

AMCO Case #:

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

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Alcohol & Marijuana Control Office

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550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator:

Received by:

SIGNATURE:

J.R. Hamilton

SIGNATURE:

Delivered VIA:

Date:

Davies, Jason M (CED)

From: Alcohol Licensing, CED ABC (CED sponsored)
Sent: Monday, November 2, 2020 6:56 AM
To: CED AMCO Enforcement (CED sponsored)
Cc: Alcohol Licensing, CED ABC (CED sponsored)
Subject: FW: Van's Dive Bar, Lic 615, NOV.pdf
Attachments: 615 Incomplete Renewal Letter - Transfer Application Required.pdf

Van's response to their NOV issued 10/30/2020

Olivia Frank

Occupational Licensing Examiner
Alcohol and Marijuana Control Office
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov



Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed, is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521), and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Van's Dive Bar <haleyeahak@gmail.com>
Sent: Friday, October 30, 2020 4:56 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: Re: Van's Dive Bar, Lic 615, NOV.pdf

Joe, I am going to start from the beginning. We purchased and opened our business 5 years ago. Formed our LLC Hellroaring Partners entity # 10032055 on 9-10-2015 and applied for our liquor license transfer of ownership from Kings X to us. When we went to our bank to secure our loan they asked us to form an S corporation. So we did and got our business license in our corporation name. Hale Yeah Inc. entity, I see now that might have been a mistake. I renewed my license 2 years ago and all was well. This time I went to renew, I received the attached information. I needed to get the liquor license and the business license in the same name. I was instructed to do so. When I did I received the NOV from your office. I had several emails with Olivia Frank. I request a call but she is not able to talk working from home. I understand that completely. I considered a transfer of the license to the corporate name, but was again instructed that would be very difficult and time sensitive. So I changed the name on my business license to match the liquor license. I have many emails between Olivia and myself, I would really like to fix this please.

Call anytime or email

Nicki Hale
Van's Dive Bar
907-782-7681

On Fri, Oct 30, 2020 at 2:12 PM Van's Dive Bar <haleyehak@gmail.com> wrote:

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

From: **Hamilton, Joe (CED)** <joe.hamilton@alaska.gov>

Date: Fri, Oct 30, 2020 at 12:18 PM

Subject: Van's Dive Bar, Lic 615, NOV.pdf

To: haleyehak@gmail.com <haleyehak@gmail.com>

CC: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>, CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>, Davies, Jason M (CED) <jason.davies@alaska.gov>

Van's Dive Bar,

Please read and follow the instructions highlighted in red. I am sending a hard copy of this notice through US mail. You can reply to this email to marijuana.enforcement@alaska.gov right away if you like. Your actual ten day response will begin when you sign for your certified letter.

Joe

--

Nicki Hale
Van's Dive Bar
907-782-7681

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: 10/30/20

License #/Type: 615

Beverage Dispensary

Licensee: Hellroaring Partners, LLC

Address: 1027 E. 5th Ave, Anchorage, AK

DBA: Van's Dive Bar

AMCO Case #: 20-1077

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

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

You have an unreported change of ownership. Details are as follows:

Change in ownership:

Original licensee: Hellroaring Partners, LLC

Unapproved transfer to Hale Yeah INC

Date of unreported change of officers/ownership: 10/26/2020

Your attention is referred to AS 04.11.040: Board approval of transfers

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:

J.R. Hamilton

SIGNATURE:

Rick Hale

Delivered VIA: Mail

Date:

11-2-2020

November 3, 2020

To whom it may concern

I am going to start at the beginning so you can have a clear picture of my situation and direct me to the best way to resolve this issue.

We purchased and opened our business 5 years ago. Formed our LLC Hellroaring Partners entity # 10032055 DBA Van's Dive Bar, on 9-10-2015 and applied for our liquor license transfer of ownership from the old owner to us. When we went to our bank to secure our loan, they asked us to form an S Corporation and open an account. So, we did and got our business license in our corporation name so we could open an account. Hale Yeah Inc. entity # 10032998 DBA Van's Dive Bar, so we could open our bank account. I renewed my license 2 years ago and all was well. When I applied this year, I received information asking me to have my business license and my liquor license be in the same name. When I did, I received the NOV from the enforcement division. office. I would like to know if I can get some guidance, so I do not get the NOV. I really did as I was instructed.

Call anytime or email



Nicki Hale

907-78-7681

haleyeahak@gmail.com

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: 10/30/20

License #/Type: 4325 Beverage Dispensary

Licensee: Ocean Enterprises of Alaska Inc.

Address: 516 E. Marine Way, Kodiak, AK

DBA: Kodiak Hana Restaurant

AMCO Case #: 20-1078

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

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

You have completed an unapproved transfer of controlling interest and ownership. Details are as follows:

Cho Goon – Not originally listed, now 0% and Director, Vice President

Tomio Demura – originally 100% and President, Treasurer, now 50% and Director, President, Shareholder

Fumiko Demura, originally 0% and Vice President, Secretary, now 50% and Director, Secretary, shareholder, Treasurer

Date of unreported change of officers/ownership: June 16, 2020

Your attention is referred to AS 04.11.050(a): Reports required of corporations and AS 04.11.040(c): Board Approval of Transfers

Renewal application received in our office: 10/22/2020

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.**

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

Davies, Jason M (CED)

From: fumiko demura <fumikod4@gmail.com>
Sent: Thursday, November 5, 2020 5:45 PM
To: CED AMCO Enforcement (CED sponsored)
Subject: Response to NOV - license 4325, Kodiak Hana Restaurant

To whom this may concern,

On June 16, 2020, our company went through a transfer of controlling interest and ownership. On June 26, 2020, this transfer was reported to the Division of Corporations, Business, and Professional Licensing. At the time, we were not aware that we had to report the transfer to the ABC board within 10 days of reporting to the CBPL. We were under the assumption that we could report the transfer during the license renewal process. To ensure this and any other violation does not happen in the future, our company will take extra precautions to consult the Alcohol Statutes and Regulations and also double check with a licensing examiner whenever questions or new issues involving alcohol licensing arise.

Fumiko Demura
Co-owner of Kodiak Hana Restaurant

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: 11/6/20

License #/Type: 59 Club

Licensee: American Legion Spenard Post #28

Address: 7001 Brayton Drive, Anchorage, AK

DBA: American Legion Post #28

AMCO Case #: 20-1079

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

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

You have an unreported change of officials, details are as follows:

Change in officers: Failure to report change of President, Vice President and Secretary officials

AMCO records:

Galen F. Rick – President
Michael Bloom – President
Michael J. Hayward – Vice President
Arnold G. Heck – Secretary, Manager

CBPL records:

Michael Hayward – President
Dale Chubin – Vice President
David Todd – Vice President
Kirk Waldhaus – Secretary, Director

Date of unreported change of officers/ownership: 12/10/2019

Date renewal application arrived in our office: 10/27/2020

Your attention is referred to AS 04.11.050(a): Reports required of corporations

Please direct all questions regarding this notice to alcohol.licensing@alaska.gov

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.**

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

Davies, Jason M (CED)

From: Michael Hayward <mhayward@bbak.org>
Sent: Thursday, November 12, 2020 11:39 AM
To: CED AMCO Enforcement (CED sponsored)
Cc: 'American Legion Post 28 (legionpost28@outlook.com)'; David Todd (todddm1965@gmail.com); Dale Chubin; 'Kirk Waldhaus'
Subject: License #59 AMCO Case # 20-1079

Hell! I am writing in response to the violation received today regarding failure to notify AMCO of changes in officers/ownership. I can only apologize and say that I will ensure that when we hold our elections every March, if any of these positions change, we will notify you through the proper paperwork! If you could help me out some and tell me the best process we should go through in order to satisfy your regulatory requirements, I will make sure they happen. I have been working on a turnover process document that formalizes the process and getting the proper method form you would be perfect.

Is there anything I should do in order to further address this violation with you to ensure we stay in compliance? I am going to go read AS 04.11.050(a) right now. Thank you for your time and apologies again!

Michael J. Hayward
Commander, Spenard Post #28
American Legion, Department of Alaska
(907) 529-4357 | mhayward@bbak.org

Post Information:
(907) 344-3841 | legionpost28@outlook.com
7001 Brayton Drive, Anchorage, AK 99507
<https://www.facebook.com/Post28/>

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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: 12/4/20

Licensee: Bridge Seafood Inc.

DBA: The Bridge

License #/Type: 5103

Restaurant/Eating Place

Address: 221 W. Ship Creek Ave, Anchorage, AK

AMCO Case #: 20-1086

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

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

You have an unreported change of officers. Details are as follows:

AMCO records: Alan Levinsohn, President
Raine Levinsohn, Secretary
Patrick Hoogerhyde, Vice President

CBPL Records: Alan Levinsohn, President
Patrick Hoogerhyde, Vice President
Tiffany Hoogerhyde, Secretary/Treasurer

Date of change in CBPL: 4/13/2020

Renewal application received in our office: 11/13/2020

Your attention is referred to AS 04.11.050(a) Reports required of corporations

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.**

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Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE: 

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

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: 12/4/20

Licensee: Bridge Seafood Inc.

DBA: The Bridge

License #/Type: 5103

Restaurant/Eating Place

Address: 221 W. Ship Creek Ave, Anchorage, AK

AMCO Case #: 20-1087

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

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

You have unapproved transfers of controlling interest:

AMCO records: Alan Levinsohn, President – 37.50%

Raine Levinsohn, Secretary – 37.50%

Patrick Hoogerhyde, Vice President – 25%

CBPL Records: Alan Levinsohn, President – 37.50%

Patrick Hoogerhyde, Vice President – 62.5%

Tiffany Hoogerhyde, Secretary/Treasurer – 0%

Date of change in CBPL: 4/13/2020

Renewal application received in our office: 11/13/2020

Your attention is referred to AS 04.11.040(c) Board Approval of Transfers

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.**

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE: 

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

Davies, Jason M (CED)

From: Patrick Hoogerhyde <patrick@bridgeseafood.com>
Sent: Friday, December 11, 2020 11:23 AM
To: CED AMCO Enforcement (CED sponsored); Alcohol Licensing, CED ABC (CED sponsored)
Cc: chefal62@icloud.com; 'Patrick Hoogerhyde'
Subject: License # 5103 Bridge Seafood Incorporated ATTN: J. Hamilton Violation Notice Response

Categories: Assigned to CJT be completed

Investigator Hamilton, please review the below correspondence with Examiner Hall as to the status on the renewal and transfer of license for Bridge Seafood Inc. We're currently compiling the proper documents to complete the transfer and have submitted License Renewal application packet which we understand will be pending based on ABC Board License transfer approval. If more information is need to show due diligence on Bridge Seafood Inc's part to working on compliance with state laws please advise how we should proceed.

Thank you,
Patrick Hoogerhyde, Managing Partner
Bridge Seafood Incorporated
patrick@bridgeseafood.com
Office (907) 644-8300
Cell (907) 440-9400
Fax (907) 644-8314

From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Monday, November 30, 2020 3:53 PM
To: Patrick Hoogerhyde <patrick@bridgeseafood.com>
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: 5103 dba The Bridge (full) Transfer Application instructions (high importance)
Importance: High

Hello again, Patrick.

I am now officially confirming the report of change generally discussed earlier with myself and then fully reported with the renewal 11/13 is considered a transfer of controlling interest. Therefore, the requirements exceed the basic report of previously unreported change instructions I provided for you earlier this afternoon that will be associated with the renewal. This will require a full transfer application with mandatory board consideration, local government approval, etc. In other words: we will still need those 3 things mentioned in the first email. But there are other things now required in addition to that. Bottom line: renewal approval is contingent upon transfer application approval.

Instructions can be found here -

<https://www.commerce.alaska.gov/web/Portals/9/pub/abc/AlcoholLicenseApplicationForms/NewOrTransferLicenseInstructions.pdf> - you're going to want to follow that checklist as it will list off the additional documentation you must submit in addition to the application form packet- entity documents, fee(s), etc. Payment rules are the same as mentioned before: credit card form, check or there's the brand new web transaction system we're debuting 12/1.

<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx> - the website mentioned in the last email, is your one stop shop for transfers – transfer app fee schedule, forms, instructions on the exact wording required for public notices, etc. The deadline you should be shooting for is **12/18/20**. That's the cut off for the renewal and transfer being considered at the next alcohol board meeting 1/5/21. But that date means I/AMCO deems the entire transfer application 100% complete, not just turned in. Otherwise, the next ABC board meeting is not until the end of **March 2021**. As it says on the site, please bear in mind -

- **Applying for a new or transfer liquor license is a long process, involving approval from the ABC Board, Local Government and other state agencies.**
- **Applicants should plan for a 3 to 6 month application process.**
- **AMCO Examiners have no authority to approve or expedite an application.**
- **Please note that submitting your application by the published board deadline does not guarantee your submission will be presented at the next regularly scheduled board meeting. The volume of applications submitted, as well as the completeness of your application, will affect the length of time it takes for your application to be deemed complete and ready to be scheduled for board consideration.**

Always send submissions in one email and put license number in the subject line to guarantee faster processing/response time.

Thanks,

Nathan Hall

Occupational Licensing Examiner
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
907-269-5065

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov



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From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>

Sent: Wednesday, November 4, 2020 2:51 PM

To: Patrick Hoogerhyde <patrick@bridgeseafood.com>; Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>

Cc: chefal62@icloud.com

Subject: 5103 Bridge Seafood Incorporated License Renewal Application-follow up

Good afternoon, Patrick.

Great question. You identified the error and now you want to correct it, which is exactly what needs to happen. What I recommend you do is that, along with your renewal, include a date stamped printout from CBPL that verifies the report of officer/ownership change. That way our records can match CBPL, which is what we have to go by. It should be pretty straight forward after that as we document the amount of time it took for us to get the information, then the reviewer confirms with you (or whoever is listed as contact on the form) if there is anything still required such as background checks, AB-08a form, \$48.25 background check fee, etc. A Transfer Application Packet would only become necessary if there was also a majority 51% or higher change in ownership percentage. That doesn't sound like this is what happened, but am mentioning as a just in case. 😊

Please always use license number in the subject line.

Let us know if we can be of further assistance,

Nathan Hall

Occupational Licensing Examiner
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
907-269-5065

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov



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From: Patrick Hoogerhyde [<mailto:patrick@bridgeseafood.com>]

Sent: Tuesday, November 3, 2020 11:00 AM

To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>

Cc: chefal62@icloud.com; 'Patrick Hoogerhyde' <patrick@bridgeseafood.com>

Subject: Bridge Seafood Incorporated License Renewal Application

To whom it may concern-

This email is an inquiry as to the process needed to follow to renew the Liquor License for Bridge Seafood Incorporated #5103, Alaska CBPL#134581. My confusion is based on the fact that do to COVID-19 one of our partners sold there shares to another partner. The partner that sold was removed from the Board of Directors and a non-owner was added to the Board of Directors. The Notice of Change of Officials was filed with the State of Alaska on 4/13/2020. Upon filling out Form

AB-17:2020/2021 License Renewal Application was I made aware that that change was to be recorded with AMCO within 10 days of transfer. That deadline has passed and my request is to have guidance as to the process needed to follow to accomplish this renewal.

Thank you for your guidance in advance,

Patrick Hoogerhyde, Managing Partner
Bridge Seafood Incorporated
patrick@bridgeseafood.com
Office (907) 644-8300
Cell (907) 440-9400
Fax (907) 644-8314