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: 6/14/24

License #/Type: 3174 Beverage Dispensary

Licensee: Don Jose's, LLC

Address: 4262 Homer Spit Road, Homer, AK

DBA: Harbor Grill

AMCO Case #: 24-1275

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 6-11-24 an inspection was conducted at your establishment. Server Kieva Smith was asked to provide proof of server training. Ms. Smith could not locate her card but stated she was current. She was told to stop selling alcoholic beverages until she could provide proof to an Alcoholic Beverage Control Board representative she had current server education. A check with Alaska CHARR the following day revealed she did have current server education.

Your attention is directed to AS 04.21.025: Server education and AS 04.16.150: Licensee responsible for violation

Certified Mail 7021 0950 0001 6766 6673

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: F.R. Hamilton

SIGNATURE:

Delivered VIA: Mail

Date:

updated 4/23/19

Davies, Jason M (CED)

From: Harbor Grill Homer <harborgrillgm@gmail.com>
Sent: Monday, June 24, 2024 4:02 PM
To: Hamilton, Joe (CED); CED AMCO Enforcement (CED sponsored)
Subject: Re: TAP Certification Information/Kieva Smith

In order to prevent this happening again, I have created a spreadsheet with employees name on it and the put a checkmark next to the employee once they turn in their taps card and next to that I mark the expiration date, This will ensure there are no staff missing their taps cards and that they are all current. I'm hoping this satisfies the requirements, but please let me know if there is anything else I needed to do! Have a great day!

Cheers,
Dan Rzeszut
General Manager
Harbor Grill Seafood & Steak
Homer, Alaska

On Fri, Jun 21, 2024 at 3:35 PM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

I think what they are looking for is something you have done as manger to make sure something like this doesn't happen in the future.

Joe
Sent from my iPhone

On Jun 21, 2024, at 15:32, Harbor Grill Homer <harborgrillgm@gmail.com> wrote:

Good afternoon,

This is regarding case 24-1275. I was just following up on a violation we received from the inspection on 6-11-24. Joe had spoken with Kieva about now having her taps card on her person. She was told to send her valid license info, which I was under the impression she had done, but I can not confirm. I do, however, have a copy of the email from Rebecca on that day which I have included in this email. I was wondering what the next steps for the process would be, or if this satisfies the information that was required showing that she did have a valid TAPS during the inspection and up until August 5th of this year. I can also

forward the email showing she purchased a reprint of the current card if that helps. Thank you for your time,and I apologize for any inconvenience this has caused.

Cheers,
Dan Rzeszut
General Manager
Harbor Grill Seafood & Steak
Homer, Alaska

---------- Forwarded message ---------
From: **Kieva Smith** <kevashine907@gmail.com>
Date: Wed, Jun 12, 2024 at 12:33 PM
Subject: Fwd: TAP Certification Information/Kieva Smith
To: harborgrillgm@gmail.com <harborgrillgm@gmail.com>

---------- Forwarded message ---------
From: **Chef** <rgiedosh-ruge@alaskacharr.com>
Date: Tue, Jun 11, 2024 at 4:36 PM
Subject: TAP Certification Information/Kieva Smith
To: Kevashine907@gmail.com <Kevashine907@gmail.com>

Hello Kieva.

This is the information connected with your TAP certification. Please note you are due to expire on August 8, 2024. You can renew your certification up to 6 months after this date. Beyond that you will be required to take the class again. You can renew your card at any time by going to www.alaskacharr.com, logging in and selecting the TAP Renewal class option. Be prepared to upload a current copy of your government issued ID for approval. Once that has occurred you may take the exam to secure another 3 years of certification.

Thank you and have a tremendous day!

Issue Date: 8/5/2021
Expiration Date: 8/5/2024
Birthdate: 8/18/1993
Certificate Number: 165502

Rebecca
Giedosh-Ruge
ProStart Manager & ServSafe Instructor

Alaska CHARR Future Hospitality Leaders Program

907-947-7762

rgiedosh-ruge@alaskacharr.com

1503 W.31st Ave Ste 102

Anchorage, Alaska 99503