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: 7/29/24

License #/Type: 6039 Restaurant/Eating Place

Licensee: John Joel Kennedy

Address: 257 Main St, Seldovia, AK 99663

DBA: Jack and Aiva's Restaurant

AMCO Case #: AM 24-1714

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 07/24/2024 AMCO Investigator Joe linger entered your establishment to conduct a routine inspection. Investigator Linger requested to see alcohol server cards of anyone working at that time who would be serving alcohol. Employee's John Kennedy, and Melody Hall were unable to show current alcohol server cards at the time of inspection. John Kennedy later sent an email stating he checked on the status of their alcohol server cards, and found both his and Hall's to be expired during the time of inspection. This is in violation x2 of the below referenced statute.

This is in violation of AS 04.21.025 Alcohol server education course (a)(c)

AS 04.21.025
(a) Except as provided under (e) and (f) of this section, as a condition of issuance or renewal of a license or conditional contractor's permit and selling alcoholic beverages under a license or conditional contractor's permit, the board shall require a licensee or permittee who sells or serves alcoholic beverages and a licensee's or permittee's agents and employees who sell or serve alcoholic beverages or check the identification of a patron to complete an alcohol server education course approved by the board.

(c) A licensee, permittee, agent, or employee shall complete the course required under (a) of this section and pass a written test, online or in person, demonstrating an understanding of the course subjects not more than 30 days after being licensed, permitted, or employed. The course provider shall issue a card to each individual who completes the course and passes the written test. A card issued under this subsection is valid for three years from the date of issue. A licensee, permittee, agent, or employee may renew a card issued under this section; to renew the card, the licensee, permittee, agent, or employee must pass a written test demonstrating an understanding of the course subjects. Notwithstanding the 30-day period for completing the course and passing the written test under this subsection, a person may not sell or serve alcoholic beverages or check the identification of a patron at a permitted event under AS 04.09.600 - 04.09.690 unless the person possesses a valid card issued before the event.

Mailed 07/29/2024, Certified Return Receipt #7021 0950 0001 6766 6239

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. Linger

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

updated 4/23/19

08/09/2024

A&MCO

I'm writing to AMCO in response to the recent violation on license # 6039 two employees on duty with expired taps cards, Melody Hall and Jonathon Kennedy. Copies of current taps cards of all employees will be kept on file in my possession. A reminder calendar will be set up for timely renewals in the future. We are in the process of scheduling both employees for the Alaska CHAR on line webinar next week. We have had some trouble uploading ID pictures as request by Alaska CHAR. I'm confident we will resolve this issue and complete the process timely. Once complete I will call the AMCO and provide updated documents.

Sincerely John

John J Kennedy

257 Main St

Seldovia AK 99663

530-401-5463

AK Liquor # 6039

RECEIVED
AUG 14 2024
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA