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: 6/7/24

License #/Type: 85 Beverage Dispensary

Licensee: Blue, Inc.

Address: 326 Shelikof, Kodiak, AK

DBA: B & B Bar

AMCO Case #: 24-1176

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 6-4-24, an inspection was conducted at your establishment. Bartender Annie Deshasier was contacted and provided a valid alcohol server card. While talking with Ms. Deshasier, a man appeared with several copies of employee server cards and began showing them to me. Through questioning it was found that he was the manager, the significant other of the owner, who had hiring/firing and supervision on bartenders. He was asked for his ID to which he provided and was identified at Kelly D. Schlaht. He was then asked if he had a server card to which he replied he didn't serve. It was explained to him that he needed one. He stated it was at his house and I gave him the opportunity for someone to take a picture of it and send or for him go home and retrieve it. Schlaht started to get verbally aggressive saying this was bullshit. He then departed the establishment. While he was gone, I contacted Alaska CHARR and checked on his server education card and learned that it had expired on 8-11-23, TAP Card #180863. Schlaht returned to the establishment and gave me his server card at which time I advised him it was expired and he would be receiving a citation. Again he expressed his opinion of the situation and repeatedly told me to "Get the Fuck Out" multiple times and threatened to call the police. I agreed with him and told him to call but he didn't. Instead he called me an "Asshole", refused to provide me any further identifying information. At one point he snatched his ID and TAP card from me. He also attempted to swipe my documents off the bar or toward him. After several more times being told to "Get the Fuck Out', I departed.

Your attention is directed to: 3AAC 305.830: Communications and Inspection, 3AAC 305.920: Powers of investigative personnel, AS 04.21.025: Server education and AS 04.16.150: Licensee responsible for violations

Certified Mail 7021 0950 0001 6767 0366

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:

Davies, Jason M (CED)

From: Lanny Monteiro <lanny1921@outlook.com>
Sent: Monday, June 24, 2024 6:25 PM
To: CED AMCO Enforcement (CED sponsored)
Subject: NOTICE OF VIOLATION RESPONSE AMCO Case #24-1176
Attachments: 2024 6-23 AMCO NOTICE OF VIOLATION 24-1176.pdf

Categories:

Dear AMCO board:

I am attaching the response letter regarding the violation I received on June 15, 2024.

I will also mail the signed original to you Certified Mail; tomorrow.

I want you to know I take this violation extremely seriously.

Thank you for calling this matter to my attention.

If you need anything further, please don't hesitate to contact me;

e-mail: lanny1921@outlook.com
phone: (907) 654 1990.

Sincerely,

Lanny Monteiro
Blue Inc. -president B&B Bar - Owner/Operator

Blue Inc., dba B&B Bar

326 Shelikof St.

Kodiak, Ak 99615

(907) 654 1990

June 23, 2024

Dear Alcohol & Marijuana Control Office:

I am responding to AMCO Case#: 24-1176. My license is #85.

The actions I have taken to prevent re-occurrence of this violation are as follows:

1. Kelly Schlaht has been demoted from manager to janitor. (He also bartends part time; filling in for sick bartenders). I explained to him in exhaustive detail the Statutes listed in the violation that were called to my attention; Communications and Inspection, Powers of investigative personnel, and, of course Server education, the last of which he was already aware.
2. I showed Kelly how to go online to get his TAPS CARD current and keep it that way. We completed that immediately. He had paid and signed up for it in February; just hadn't had the computer skills to do it alone. I am no longer trusting that everyone has the computer skills. I will personally take my employees through the procedure on my computer to be sure everyone is in compliance.
3. I have stipulated that in order to continue to work at my establishment, Kelly Schlaht must complete some form of "Anger Management" course. His actions not only embarrassed me, but are absolutely unacceptable behavior.

Thank you for calling all of the above to my attention. I take pride in my business and do the utmost to follow all Alaska State Liquor Laws.

Sincerely,

Lanny Monteiro/Blue Inc., dba B&B Bar/President-Owner-Operator