



**Alcoholic Beverage Control Board
Meeting Agenda
First Judicial District**

**Aurora Inn Conference Room
302 Front St B
Nome, AK 99762
April 15, 2025
Join Zoom Meeting**

<https://amco-alaska-gov.zoom.us/j/89425726026?pwd=kx5WNDd9uacDgcbKxktlyg0LUplUkc.1>

Meeting ID: 854 1405 0923

Passcode: 612293

Dial by your location

+12532050468, 89425726026# US

+12532158782, 89425726026# US

All times are approximate.

● **ADMINISTRATION**

A. Call to Order 9:01am

9:00am

B. Roll Call

- **Dana Walukiewicz, Chair – Industry** *present in person*
- **Diane Thompson, Vice Chair – Industry** *present in person*
- **Janice Hill – Public member** *present on zoom*
- **Doug Moore – Public member** *present in person*
- **Public Safety Seat - vacant**

Staff Present

- **Kevin Richard, Director** *present in person*
- **Kevin Higgins, Agency Attorney** *present in person*
- **Joe Bankowski, Chief Investigator** *present in person*
- **Sonya Irwin, Licensing Supervisor** *present in person*
- **Kristina Serezhenkov, Local Government Specialist** *present on zoom*

Dana Walukiewicz speaks about the new special and regular board meeting structure.

C. Approval of Agenda

Dana Walukiewicz mentions the last-minute addition of tab 18.1.

Motion: *To approve the agenda by Doug Moore. Diane Thompson seconds. No opposition. Agenda approved.*

D. AMCO Meeting Code of Conduct

TAB 1

E. Top 10 Zoom FAQ

TAB 2

F. Approval of February 4, 2025, Meeting Minutes

TAB 3

Motion: *to approve the meeting minutes by Diane Thompson. Doug Moore seconds. No opposition. Approved meeting minutes.*

● BOARD GOVERNANCE

● PUBLIC TESTIMONY

Paul Thomas speaks to the process of granting rulings while an open, uncompleted regulation project is in the process, and the ramifications that it will have on regulations projects completed in this way, and that the licensees and the public will be affected. He states his concerns in how communities, licensees, the public and the potential of setting precedents in conflict of future regulations is a bad move for the board, and the industry.

Sarah Oates Harlow with Alaska CHARR thanks the board and staff for moving testimony to the beginning of the agenda. Shares her opinion about the tentative approval of the special meetings as of recent history. She hopes that it won't burden the staff. She states that she is happy to see that regulations projects are back on the agenda. She expresses her concerns about printing and distributing the new signs. Speaks to CHARR having an interest in working with AMCO specifically with regard to regulations. Requests that the meeting minutes include the details with regards to public testimony.

Dana Walukiewicz speaks to the 3-month delay to print the new signage.

Josh Anderson, new owner of the Triangle Club in Juneau, speaks to rules and regulations that haven't been fully vetted yet and how this affects small communities. He would like to see regulations be fully vetted before the board proceeds with actions. He states that the rules need to be figured out before we go ahead and implement new regulations. He expresses concern about the devaluation of his investments because the pieces of pie are getting smaller.

Diane Thompson asks if Josh Anderson is referring to additional REPL's?

Josh Anderson says, yes.

David McCasland owner of Deckhand Daves in Juneau speaks to trying to sell his license and the struggles of that because of additional REPL's and how they have 4 licenses for sale currently. There shouldn't be additional REPL's granted if there are licenses for sale.

Mitch Falk owner of Bullwinkle's Pizza 1690 speaks to having to finance everything to create his business. He believes that approving additional REPL's devalues the currently available licenses that can be sold. He agrees with David McCasland about available licenses that are for sale.

Public Testimony closed 9:31am.

● ALCOHOL MAILBOX

No emails relevant to this email box were received from January 25, 2025, through April 4, 2025.

● DIRECTOR

• Director's report

TAB 4

Kevin Richard speaks to the Director's Report. Mentions SB15 and HB37, HB135 and the subcommittee hearings. One of his primary focuses is the hardships of the licensing department. License review and issuance, email ballots to vote electronically via email, or using board management software as options to avoid formal meetings to increase the speed of licensing.

Doug Moore asks if the board would still have their quarterly meeting.

Kevin Richard responds by saying, yes. This would only be for items that are considered for delegated consent.

Dana Walukiewicz asks if AK-ACCIS would be able to offer that functionality and suggests that AK-ACCIS be used if that were a possibility. He also agrees that what the Director is proposing could help speed things up.

Sara Chambers speaks to the consideration of email voting with the board. There wouldn't be an opportunity for the board to discussion or public input and instead, that would be part of a public meeting.

Diane Thompson appreciates the idea, because she has an application in the queue that has been there for a while.

● LICENSING STATISTICS

TAB 5

Sonya Irwin speaks to the licensing report, highlighting the reduction in the number of endorsements. She also states the allocation of duties to staff. She talks about the intake process of paper applications regarding the new AK-ACCIS system.

There is a short discussion on paper applications.

Doug Moore thanks the office.

Jan Hill is appreciative of the discussion.

The board accepts the licensing statistics.

● ENFORCEMENT REPORT

A. Supervisor's Report

TAB 6

Joe Bankowski speaks to the supervisor's report. He speaks to enforcement being out across the state doing inspections. He thanks Beth Rosenbaum for the pivot table.

Diane Thompson speaks to the new digital IDs and asks if AMCO enforcement is a part of the new IDs?

Joe Bankowski says that no, they do not have a part of the new IDs.

Dana Walukiewicz has enforcement had any follow up with respect to the digital ID?

Joe Bankowski says that he hasn't heard anything since the board meeting where the DMV came to present to the board.

Joe Bankowski says that he will follow up on that and bring it back to the board at the next meeting.

The board accepts the supervisor's report.

B. Notices of Violation Issued and Licensee Responses

TAB 7

Dana Walukiewicz mentions the license of Mykel's Restaurant, WX LLC in Wasilla regarding the employment of minors on premises. He asks about the status.

Joe Bankowski states that he is unable to give an update on that as of right now.

Kevin Higgins speaks to a citation that was filed and a \$500 fine paid.

Dana Walukiewicz mentions that generally the fines are larger than that. He asks the board if they would want to issue an accusation. This was not a single occurrence, and they haven't followed up with enforcement. The board asks Mr. Bankowski and Mr. Richard to follow up on the matter. The board is concerned about Speedway having a re-occurring offense with a previous stipulated agreement and asks enforcement to follow up on the matter. They may be in violation of their stipulated agreement.

Kevin Higgins speaks to a stipulated agreement from 2023 and states that it was a flat fee. This would be a new violation.

Doug Moore states that as operators in the State of Alaska they need to clean up their act. Filing an accusation on this one might encourage them to get in compliance.

Michael Schwarz legal counsel for AK. Inc. states that he can reach out to his client and address this at the next meeting.

The board is happy to hear this.

Dana Walukiewicz would like to see an accusation with an increased fee on this violation.

The board accepts the NOV report.

● PETITION UNDER AS 04.11.405.

A. City of Homer petition for additional Restaurant or Eating Place Licenses

TAB 8

Board to hold a public hearing as required by AS 04.11.405(b)

Dana Walukiewicz opens the public hearing at 10:17am for the 10 additional REPL's. He asks the petitioner to speak to the reason for the petition.

Julie Engebretsen from the City of Homer speaks to the petition process and the reason for the petition. She mentions that there are 15 seasonal REPL's on the Homer Spit and a lack of other areas with the availability of those licenses. She states that there were 244, 000 people visiting Homer last year. To support the community and the growth of the economy they are requesting 10 additional REPL's.

Jan Hill asks how many existing businesses would be able to utilize the licenses immediately.

Julie Engebretsen speaks to Homer being a hub community and modeling themselves after Soldotna in a lot of ways.

Jan Hill is concerned about the number of licenses being asked for vs available businesses ready to utilize these licenses.

Julie Engebretsen states that she doesn't necessarily know every individual that requests this license type.

Kristina Serezhenkov speaks to the traditional 15 REPL's and goes on to say there is one Seasonal REPL Tourism that was approved but not effectuated.

There is a brief discussion about the difference between a Seasonal REPL Tourism license and a traditional REPL license that is utilized for only 6 months out of the year (seasonal).

Dana Walukiewicz opens the discussion up to the public.

Sarah Oates Harlow with Alaska CHARR speaks to the mention of Soldotna and Wasilla's petition as hub communities. Homer is not a hub community. Many other small communities petition for a similar number of additional licenses. This has created a controversy as a result of these petitions. Homer is allowed 4 and has 15, approving 10 more REPL's would be 800% more than allowed by population. Profit margins of restaurants pre-pandemic were 3-5%. Right now, post pandemic is closer to 1-2%. She believes that there are not likely 10 businesses in the community of Homer ready to be issued a restaurant eating place license within the next two years. She asks the board to reconsider and to consider issuing a smaller number now, and encouraging them to come back at a later date.

Doug Moore points out that Sarah Oates Harlow is correct in saying that hypothetically, the board could grant 5 and then Homer could come back in a year to say that they filled those 5 and that they'd like to petition for additional licenses.

Paul Thomas package store owner in Juneau speaks to Title 4 and the creation of new license types. One of them being the seasonal REPL tourism license which he feels would fit this situation better. He says that there are huge inconsistencies around the State. The smallest communities are getting hit with these huge overpopulation potentials, basically unlimited. There is a huge imbalance being created between the small and larger communities. He goes on to say that over 50% of them should be seasonal licenses, so that those year-round licenses would be available to someone else in the community.

Diane Thompson asks if there is a population cap on seasonal REPL tourism licenses.

Sonya Irwin responds by saying, yes, there is a formula to determine how many may be issued based off the population and tourism numbers.

Doug Moore asks Julie Engebretsen about the intention of asking for more REPL's? Why did the city of Homer ask for additional licenses.

Julie Engebretsen states her understanding of this petition was that they can petition for additional licenses and didn't know that seeking out businesses that are interested in these license types was a part of the process and would've liked more guidance if that was the case. She states that the board could probably issue less than 10 and meet the needs of the community. She continues to say that the previous comments were helpful, that here

we have 15 traditional licenses, but half of them are used seasonally, and there is a cap on seasonal licenses. Somehow, we need to handle our seasonal businesses a little bit differently, or something. We're in a spot right now where we have year-round businesses that have opened on our downtown strip that would like to be able to sell beer and wine and are unable to do that. She states that she is not comfortable putting out a number in the absence of approval from the city council.

Dana Walukiewicz closes public testimony at 10:44am and opens board discussion.

Diane Thompson states that we need to think long and hard about how to proceed and would like some kind of guidance.

Dana Walukiewicz speaks to the way he sees the statute and how it was written. His interpretation is that if you guys want and you can prove that you can support more licenses, you could get more. He is a little hesitant to counter the intent of the legislation to allow additional REPLs and there is no opposition to additional licenses in Homer. The public process was followed. The only opposition we're hearing is from outside the community of Homer. It would be different if it is not in the best interest of the public, as it was in Haines, but that's not the case here.

Doug isn't comfortable editing a request when he hasn't heard from the Homer community.

The board recognizes Sarah Oates Harlow.

Sarah Oates speaks from CHARR to say that many restaurateurs have voiced opposition to her who wish to remain anonymous.

Julie Engebretsen speaks to the Homer Spit specifically being seasonal due to the Homer Spit's unique parameters.

Dana Walukiewicz each individual community has its own circumstances and is open to hearing each instance. He states his concerns about not hearing about the opposition directly from the restaurateurs.

Jan Hill is very concerned about this and agrees with a lot of Diane's comments. She would like to see a better way of processing these petitions. She brings up the seasonal license issues. She goes on to mention that the Haines petition included individuals that didn't want to be known in their opposition and thanks Sarah Oates Harlow for giving them a voice. The State of Alaska set up a formula for how many licenses are available in the communities and is afraid of amending the rules.

Dana Walukiewicz speaks to seasonal vs traditional REPL's and not comfortable having a licensee being forced to change their license type. His understanding of the regulations project was to give guidance to the local governing bodies on how to navigate the application process for these petitions. He is hesitant to override a local jurisdiction.

Doug Moore agrees and states that this should be a ye or nay vote because there is no opposition that they can determine.

Kevin Higgins clarifies that the board has the discretion to approve 1 or more additional REPLs. It doesn't have to be 10 licenses or nothing.

Julie Engebretsen feels confident that Homer would support 5 licenses with the knowledge that there are several businesses interested.

Motion: To approve the petition to allow an additional 5 REPL's by Doug Moore. Second by Jan Hill. All vote yes. Motion passes. Friendly addition to this being effective immediately.

Recess: 11:14

Reconvene: 11:26am

Dana Walukiewicz verifies that Jan Hill is still online.

Jan Hill responds, saying she is present.

**B. City and Borough of Juneau petition for additional Restaurant or Eating Place
Licenses Board to hold a public hearing as required by AS 04.11.405(b)**

TAB 9

Dana Walukiewicz introduces Greg Smith the Mayor of Juneau.

Greg Smith Mayor of Juneau speaks to requesting 8 additional REPL's. Talks about the extent of the petition process. There are at least 7 local businesses that would be interested in the REPL's. He speaks to discussing ways of addressing economic harm to current licensees that have invested in licenses already. The board is balancing existing licensees as well a prospective licensees. He reads AS 04.11.405 and states that Juneau meets the criteria listed in that section.

Dana Walukiewicz opens it up to board member questions. He thanks Mr. Smith for his thorough presentation of the petition. **He opens public testimony on the subject.**

David McCasland from Deckhand Dave's introduces himself and speaks to offering up any term financing to acquiring his license. States that there are 3 other licenses for sale that he is aware of.

Dana Walukiewicz asks what his asking price for his license is.

David McCasland states that he is asking the same as what he paid for it, \$50,000-60,000.

Peggy Cowan from Juneau thanks the board for their service and states that she supports the additional REPL's. More licenses will create more businesses, and more competition is good for the consumer, adding more licenses will help businesses be profitable and provide more choice to Juneau residents. She states her concern with Juneau's declining population, and particularly the decrease in younger generations.

Mitch Falk owner of Bullwinkle's Pizza speaks to 4 licenses being available and not one person has reached out in interest of those licenses. All of the current license holders have purchased their licenses. He thanks the board and asks they look at this matter very closely.

Josh Anderson from Triangle Club speaks in agreement with Mr. McCasland and Mr. Falk to say that this would devalue the current licensees licenses. He mentions business costs going up and creating more difficulties.

Skye Stekoll, part owner of Forbidden Peak Brewery speaks in support of the additional REPL's.

Mitch Faulk speaks to the requirement of more than 50% of your revenue having to come from the sale of food. He doesn't believe that a vast majority of the applicants understand that requirement.

Paul Thomas package store license owner states that approving additional licenses would be very hard to undue. This would be totally reversing what Title 4 was designed under, population counts based on licenses available. You

would be throwing out half of Title 4. He believes that regulations projects should be completed before pursuing additional licenses.

Diane Thompson believes that Mr. Thomas has a good point about approving additional licenses vs population count.

Doug Moore speaks to the statutory requirements under AS 04.11.405 regarding additional REPLs and how it is part of what the legislature has created.

Diane Thompson believes more guidance is needed.

Doug Moore states that there is government guidance. There is an avenue for local governing bodies to follow these procedures.

Dana Walukiewicz states that he doesn't believe there should be re-debating of the statute. The legislature put that in there and they gave the local jurisdictions an option if they feel that they service visitors from outside their community, they can petition to ask for additional licenses. They weigh the public interest as well as the board has to. He goes on to say that they keep hearing from one section of the public. He says that he feels for them but as a board they have to balance all public interest.

Frank Eagle from Lavelle's Bistro asks if Public Convenience Licenses still available?

Dana Walukiewicz states that he doesn't believe that that is germane to the conversation.

Max Stanley a local business owner in Juneau speaks to his support of additional REPL's. The Assembly of Juneau has thoroughly petitioned for more licenses. This is supported by statute and the local government has done their due diligence.

Paul Thomas speaks to statutes and legislative intent. He believes the board is heading down a path that is contrary to the legislative intent.

Sarah Oates Harlow from Alaska CHARR speaks to the petition process from 10 years to every year so that they can come back to petition the board for more licenses. There is no current mechanism to remove those licenses once those have been approved. Local governments can come forward to request additional licenses from a 10 year wait list to a wait period of one year. It's ridiculous to ask licensees to reduce their assets.

Doug Moore asks Mr. Gregg Smith what the reason the counsels went from asking for 20 additional licenses to 8?

Greg Smith responds by saying it was a more appropriate number based on the desire for those licenses and statute.

Dana Walukiewicz speaks to the application process and how the applicant has to qualify for the license and 8 additional licenses doesn't seem to be an excessive number. There have been a few comments about cutting up the pie into smaller slices of pie, but believes that looking at it as the pie itself getting bigger would be the way he would see it. If there aren't any restaurants to visit, then you can't go out at all.

Evan Wood holds many licenses and speaks the Mr. Smith's testimony. States that non-alcohol licensee's do not receive notifications from AMCO and that is why they are not here at this meeting. He speaks to his support of the additional licenses.

Dana Walukiewicz asks about his REPL vs his Seasonal REPL Tourism and how he acquired his license.

Evan Wood states that it became available.

Dana Walukiewicz states that how a licensee acquires their licenses is their prerogative and really isn't up to the board.

Diane Thompson says that reducing their number from 20 to 8 makes it more of a reasonable number and seems like the City of Juneau has done their due diligence to support the 8 additional licenses.

Doug Moore says that he doesn't believe how we can tie in the assumption that there are licenses for sale. He understands but doesn't know of any other legislation that takes into account any other instances where there could potentially be licenses for sale and takes that into account. Increasing by 8 licenses makes sense for Juneau's population.

Dana Walukiewicz speaks to this petition process, taking into consideration the visitors and that's a big factor for Juneau.

Josh Anderson from Triangle Club speaks to Mr. Thomas's point regarding the regulation process and issuing licenses that you can't undo.

Kevin Higgins clarifies that these licenses aren't available unless they apply for them through AMCO. Mentions AS 04.11.660 that it is a privilege and not a property right. When the legislature passed SB9 it included what was not included before, the section on the that the purpose and the policy behind Title 4. One of the things that says in AS 04.06.005, as long as the board is following Title 4 and regulations adopted by Title 4, it is acting in the appropriate balancing of the public interest, the interest of licensees, of current license holders, and the interest of the industry in general. He goes on to state that everyone can read AS 04.11.405 and have different interpretations of it. He doesn't believe that there is anything there that suggests that the board is somehow acting beyond the scope of its authority when it's deciding these petitions in the absence of regulations, regulations may help, but it could be an uphill argument to say that they are necessary.

Sara Chambers thanks Kevin Higgins for his insight. She goes on to explain that there was no motion regarding a regulations project during the November meeting. The board discussed some concepts but didn't actually open a Regs project. There was no motion.

Mitch Faulk from Bullwinkle's Pizza states that he didn't have a choice, and had to buy a license.

Sarah Oates Harlow states she had a different recollection of the regulations project. However, the reason she wanted to speak is because the statement that the legislature says that here's this new process, now if the local government asked for it, then issue it to them. And what it actually says is that the board may issue, not shall issue.

Dana Walukiewicz appreciates the may vs shall distinction that Mrs. Oates Harlow points out.

Sarah Oates Harlow clarifies that she wasn't specifically speaking to the petition from Juneau. She can also appreciate the board's comment about this being a slippery slope when considering licenses having values in regard to businesses trying to recoup costs.

Dana Walukiewicz mentions that it is a slippery slope when considering private business dealings and values of licenses. It is a business decision, and it is a decision that a business has to make solely on their own.

Jan Hill appreciates comments and questions. She is concerned about the additional licenses in general. She has been keeping an eye on the public process and believes that they have been thorough in their consideration. She appreciates the reduction of petitioned number of additional licenses from 20 to 8. She doesn't believe that the legislature would've been able to foresee this kind of concern when crafting the rewrite.

Dana Walukiewicz closes the public hearing.

Motion: To approve 8 additional REPLs for the city of Juneau by Doug Moore. Second by Diane Thompson. All vote yes. Motion passes.

Recess: for lunch at 12:44pm

Reconvene: at 1:45pm

Dana Walukiewicz verifies that Jan Hill is available on zoom.

Jan Hill acknowledges that she is present.

● SPECIAL CONSIDERATIONS

● 3rd AB-29 WAIVER OF OPERATIONS WITH RENEWAL

A.	License # 5994	Aviator	<u>TAB 10</u>
	Licensee:	Alaska Hotel Group 239 W 4 th Avenue Lp	
	License type:	Beverage Dispensary Tourism	
	Premises address:	239 West 4 th Avenue, Anchorage	
	Local governing body:	Municipality of Anchorage	
	Consideration:	24-25 Renewal Application and 3 rd AB-29 Waiver of Operations for Calendar Year 2024	

Sherman Ernouf speaks as counsel for the licensee. He mentions that the construction is deemed complete and the business will be opening very shortly and able to fulfill the requirement for operating for 2025.

Motion: To approve 3rd waiver and approve 24-25 renewal with delegation by Diane Thompson. Second by Jan Hill. All vote yes. Motion passes.

B.	License # 4531	Tri-Grill	<u>TAB 11</u>
	Licensee:	Robert Alexander	
	License type:	Beverage Dispensary	
	Premises address:	901 W 6th Avenue	
	Local governing body:	Municipality of Anchorage	
	Consideration:	24-25 Renewal Application and 3 rd AB-29 Waiver of Operations for Calendar Year 2024	

Robert Alexander speaks as the licensee to his license status. He speaks to the fees for the waivers being unfair considering his circumstances. He asks the board to refund his fees for the waivers.

Dana Walukiewicz asks what the plan for the license is.

Robert Alexander explains that he spent money on defending his position and was then unable to open. He states that he has a transfer submitted.

Sonya Irwin states that there was a transfer application that was submitted that isn't viable. The office can work with the applicant and the licensee.

Dana Walukiewicz asks Mr. Alexander if he thinks that 75 days would be an appropriate amount of time to submit a transfer?

Robert Alexander explains that he doesn't understand why there would be a further delay in this process.

Dana Walukiewicz states that it's not uncommon to address the waivers, renewals, and transfers all at once.

Kevin Higgins mentions AS 04.11.395(k). If the board has a specific condition in mind, it does have the authority to do that. It would also be perfectly fine to table this matter.

Motion: To table license 4531 by Doug Moore. Second by Diane Thompson. All vote yes. Third waiver of operations and 2024-2025 renewal tabled until June meeting.

C.	License # 742	Voyager Inn	<u>TAB 12</u>
	Licensee:	Hickel Investment Company	
	License type:	Beverage Dispensary Tourism	
	Premises address:	944 W 5th Ave, Anchorage	
	Local governing body:	Municipality of Anchorage	
	Consideration:	25-26 Renewal Application and 3 rd AB-29 Waiver of Operations for Calendar Year 2024	

Joe Towslee with Hickel Investments speaks to a staffing issue as to why they haven't been able to operate the license.

Dana Walukiewicz asks if there is an end date or a plan as to when the license could be operated again. Is there a hard deadline as to when the license can be operated again?

Doug Moore asks if the BDTL is limited by population?

Dana Walukiewicz responds that it is not.

Motion: To approve 3rd waiver of operations for license 742 by Doug Moore. Second by Jan Hill. All vote yes. Motion passes.

Motion: To approve 25-26 renewal with delegation for license 742 by Doug Moore. Second by Jan Hill. All vote yes. Motion passes.

D.	License # 4919	Aqua Vitae	<u>TAB 13</u>
	Licensee:	Alaska Liquor Inc	
	License type:	Package Store	
	Premises address:	343 W. Benson Blvd #10, Anchorage	
	Local governing body:	Municipality of Anchorage	
	Consideration:	25-26 Renewal Application and 3 rd AB-29 Waiver of Operations for Calendar Year 2024	

Jana Weltzin speaks to the history of the license as legal counsel. She speaks to the requirement of land use to approve the transfer.

Motion: To approve the 3rd waiver of operations and 25-26 renewal with delegation by Diane Thompson. Second by Doug Moore. All vote yes. Motion passes.

● **PETITION FOR ISSUANCE OF NEW LICENSE UNDER AS 04.11.460 WITH ENDORSEMENTS**

A.	License # 60033:	Tangle Lakes Lodge	<u>TAB 14</u>
	Licensee:	Tawnia Butorac	
	License type:	Beverage Dispensary	
	Premises address:	Mile 22 Denali Highway	
	Local governing body:	None	
	Consideration:	New License Application with New Restaurant Endorsement and New Hotel/Motel Endorsement in an area outside but within 50 miles of a municipality	
	Pending approvals:	Fire Marshal, Background Checks	

Dana Walukiewicz speaks to the memo and the application under the AS 04.11.460.

Kristina Serezhenkov speaks about the application and the thoroughly reviewed location, the location from the nearest municipality, and under what statute this application was allowed and determined, it was allowed.

Tawnia Butorac states that they've got all the paperwork into the fire marshal and they should have an answer by next Monday.

Motion: To approve the new license application for a beverage dispensary license with restaurant endorsement and new hotel motel endorsement with delegation by Doug Moore. Second by Diane Thompson. All vote yes. Motion passes.

● **2025/2026 RENEWAL APPLICATIONS WITH NOV**

A.	904 Airport Pizza, BDL, Unorganized Borough / Nome	<u>TAB 15</u>
B.	1909 D & D Restaurant, REPL, Bristol Bay Borough	<u>TAB 16</u>
C.	5087 Bahay Kubo Restaurant, REPL, Anchorage / MOA	<u>TAB 17</u>
D.	5788 Kenai Golf Course, GCL, Kenai / KPB	<u>TAB 18</u>
E.	5224 Playa Azul, Kenai / KPB	<u>TAB 18.1</u>

Dana Walukiewicz speaks to all the NOV's being addressed in previous meetings and the possibility of approving as a block.

Motion: To approve license 904, 1909, 5087, 5788, and 5224 with delegation by Doug Moore. Second by Jan Hill. All vote yes. Motion passes.

DELEGATED CONSENT ITEMS

(Can be approved as a block by section)

● **NEW LICENSE APPLICATIONS**

A.	License # 16238:	Pho & Indian	<u>TAB 19</u>
	Licensee:	Pho & Indian, LLC	
	License type:	Restaurant or Eating Place	
	Premises address:	9191 Old Seward Highway, Suite 1	
	Local governing body:	Municipality of Anchorage	

Consideration:	New License Application	
Pending approvals:	Local Government	
B. License # 16324:	Uncle Joe's Pizzeria	<u>TAB 20</u>
Licensee:	Uncle Joe's, Inc.	
License type:	Restaurant or Eating Place	
Premises address:	6839 Jewel Lake Road	
Local governing body:	Municipality of Anchorage	
Consideration:	New License Application	
Pending approvals:	Local government	
C. License # 60134:	Alaska Burger & Brew Old Seward	<u>TAB 21</u>
Licensee:	Alaskan Partnership, LLC	
License type:	Restaurant or Eating Place	
Premises address:	8010 Old Seward Highway	
Local governing body:	Municipality of Anchorage	
Consideration:	New License Application	
Pending approvals:	Local Government, Background Check	

● TRANSFER APPLICATIONS

A. License # 727:	Lavelle's Bistro	<u>TAB 22</u>
Licensee	Café de Paris Catering Company	
(from):	Frank Eagle 50% and Kathleen Lavelle 50%	
(to):	Robin Zimmerman 50% and Whitney Koonz 50%	
License type:	Beverage Dispensary	
Type of transfer:	Controlling Interest	
Premises address:	575 1 st Avenue	
Local governing body:	City of Fairbanks; Fairbanks North Star Borough	
Consideration:	Controlling Interest Transfer	
Pending approvals:	Local Government, DOL, DOR	
B. License # 2386	Circle K	<u>TAB 23</u>
Licensee:	Holiday Alaska, LLC	
License type:	Package Store	
Type of transfer:	Location	
Premises address (from):	No Premises, Municipality of Anchorage	
Premises address (to):	1501 Abbott Road, Anchorage	
Local governing body:	Municipality of Anchorage	
Consideration:	Transfer of Location	
Pending approvals:	Local Government	
C. License # 3282	Circle K	<u>TAB 24</u>
Licensee:	Holiday Alaska, LLC	
License type:	Package Store	
Type of transfer:	Location	
Premises address (from):	No Premises, Fairbanks	
Premises address (to):	575 Harald Bentley Ave.	
Local governing body:	City of Fairbanks/Fairbanks North Star Borough	
Consideration:	Transfer of Location	
Pending approvals:	Local Government, DEC	

D.	License # 4747 Licensee: License type: Type of transfer: Premises address (from): Premises address (to): Local governing body: Consideration: Pending approvals:	Seward Doggie Bar Howling Wolf Brewpub, LLC Beverage Dispensary Location No Premises, Kenai Peninsula Borough 11385 Seward Highway, Seward Kenai Peninsula Borough Transfer of Location Local Government, DEC, Fire, Background	<u>TAB 25</u>
E.	License # 4915: Licensee (from): (to): License type: Type of transfer: Premises address: Local governing body: Consideration: Pending approvals:	Gulf of Alaska Food Court Taco Dans, LLC Charles E. Jackson 100% ZPA, LLC 100% Restaurant or Eating Place Controlling Interest 1401 4 th Avenue, Seward City of Seward, Kenai Peninsula Borough Controlling Interest Transfer Local Government, DOL, DOR, Background	<u>TAB 26</u>
F.	License # 5040: Licensee (from): (to): License type: Type of transfer: Premises address: Local governing body: Consideration: Pending approvals:	Chattermark Chattermark, LLC Charles E. Jackson 100% ZPA, LLC 100% Restaurant or Eating Place Controlling Interest 220 4 th Avenue, Seward City of Seward, Kenai Peninsula Borough Controlling Interest Transfer Local Government, DOL, DOR, Background	<u>TAB 27</u>
G.	License # 5635: Licensee (from): Licensee (to): License type: Type of transfer: Premises address: Local governing body: Consideration: Pending approvals:	Alaskan Burger & Brew Downtown Pho Lena East LLC dba Pho Lena Downtown Jalos Inc. Restaurant or Eating Place Ownership 137 W 5 th Ave, Anchorage Municipality of Anchorage Transfer of Ownership Local Government, DOL, DOR, Food Service Permit	<u>TAB 28</u>
H.	License # 5954: Licensee (from): Licensee (to): License type: Type of transfer:	El Pastor El Pastor, LLC J&A Group, Inc. Restaurant or Eating Place Ownership	<u>TAB 29</u>

Premises address:	12300 Old Glenn Hwy
Local governing body:	Municipality of Anchorage
Consideration:	Transfer of Ownership
Pending approvals:	Local Government

Motion: To approve new and transfer applications with delegation tabs 19-29 by Jan Hill. Second by Diane Thompson. All vote yes. Motion passes.

● **2024/2025 RENEWAL APPLICATIONS (no tab)**

1. 5705 I Luv Sushi, REPL, Municipality of Anchorage
2. 1032 Sheep Creek Lodge, BDL, MSB
3. 1033 Sheep Creek Lodge, PS, MSB
4. 5635 Pho Lena Downtown, REPL, MOA
5. 6024 Bush Pilots' Lounge, REPL, Ketchikan/Ketchikan Gateway Borough
6. 6055 El Zarape, REPL, Petersburg Borough

Motion: To approve 24-25 renewal with delegation by Doug Moore. Second by Diane Thompson. All vote yes. Motion passes.

● **2024/2025 TOURISM AND REC SITE RENEWAL APPLICATIONS (no tab)**

1. 4592 Denali Princess Wilderness Lodge Rapids, BDTL S, Denali Borough
2. 67 Piper's Restaurant & Lounge, BDTL, Anchorage/MOA

Motion: To approve 24-25 tourism/rec site renewals with delegation by Diane Thompson. Second by Doug Moore. All vote yes. Motion passes.

● **2025/2026 RENEWAL APPLICATIONS (no tab)**

1. 5959 Big Delta Brewing Co., BML, Delta Junction
2. 5997 Big Delta Brewing Co., REPL, Delta Junction

Motion: To approve 25-26 renewals with delegation by Doug Moore. Second by Jan Hill. All vote yes. Motion passes.

● **BREWERY REPACKAGING ENDORSEMENTS – Not a new activity for the licensee. Delegation needed for LG response and enforcement review and/or inspection (no tab)**

APP ID	AKACCIS License #	Master License #	Licensee	Application Sub Type	LG Notice (and CC if applicable) sent	Delegations
5197	60025	5959	The Big Delta Brewing Company, LLC	Brewery Repackaging Endorsement (BRE)	4/2/2025	LG and Enforcement Review

Motion: To approve brewery repackaging endorsement for Big Delta Brewing Company license 5959 by Jan Hill. Second by Doug Moore. All vote yes. Motion passes.

END OF DELEGATED CONSENT

● PROTESTS

2614 Speedway Express: Protest of transfer of location pending certification from Land Use Enforcement has been received, and a special land use permit has been approved by the assembly.

TAB 30

Motion: To deny application for license 2614 based on the protest with 180-day abeyance with delegation to the director to approve the license if the protest is withdrawn or lifted Doug Moore. Second by Diane Thompson. All vote yes. Motion passes. Application denied.

1494 Anchorage Social Dance Club Inc.: Protest of transfer of location pending certification from Land Use Enforcement has been received, and a special land use permit has been approved by the assembly.

TAB 31

Kim Matherne speaks as licensee to the matter. She states that they have met all the requirements.

Dana Walukiewicz speaks to the procedure of denying the application.

Motion: To deny application for license 1494 with 180-day abeyance with delegation to the director upon lift of protest by Doug Moore. Second by Jan Hill. All vote yes. Motion passes. Application denied.

3607 King Crab Bar & Grill: Protest of transfer of location pending certification from the Anchorage Health Department and the Building Safety Official have been received.

TAB 32

Motion: To table application of license 3607 by Doug Moore. Second by Diane Thompson. All vote yes. Motion to table passes.

4283 AK ME/IHOH: Protest of new restaurant endorsement until taxes owed to the Municipality are paid in full and certification from the Anchorage Health Department has been received.

TAB 33

Motion: To table license 4283 by Doug Moore. Second by Diane Thompson. All vote yes. Item is tabled.

5911 Mandala Restaurant: Protest of renewal of license pending certifications from the Anchorage Fire Department and the Building Safety Official have been received.

TAB 34

Motion: To deny with 180 day abeyance with delegation to the director upon lift of protest by Doug Moore. Second by Jan Hill. All vote yes. Motion passes.

6176 The Kingsman: Protest of new restaurant or eating place license pending certification form Land Use Enforcement has been received, and a special land use permit has been approved by the assembly.

TAB 35

Motion: To deny with 180 day abeyance with delegation to the director upon lift of protest by Doug Moore. Second by Jan Hill. All vote yes. Motion passes

15963 Buzzed Beetle Brewery: Protest of new brewery manufacturer license until a special land use permit has been approved by the assembly and certifications from Land Use Enforcement and the Anchorage Health Department have been received.

TAB 36

16027 Buzzed Beetle Brewery: Protest of new brewery retail license until a special land use permit has been approved by the assembly and certifications from Land Use Enforcement and the Anchorage Health Department have been received.

TAB 37

Dana Walukiewicz introduces both tab 36 and 37.

Simone Lange from Buzzed Beetle Brewery speaks to the protest. She states that the only remaining item is the Health Department.

Motion: To deny with 180 day abeyance for both licenses 15963 and 16027 with delegation to the director upon lift of protest by Doug Moore. Second by Diane Thomson. All vote yes. Motion passes.

16588 Wei Restaurant: Protest of new restaurant or eating place license until a special land use permit has been approved by the assembly and certifications from Land Use Enforcement and the Anchorage Health Department have been received.

TAB 38

Motion: To deny this license application with 180 day abeyance and delegation to the director for approval by Doug Moore. Second by Jan Hill. All vote yes. Motion passes

Recess: 3:24pm

Reconvene: 3:39pm

● REGULATIONS

Dana Walukiewicz checks with Janice Hill to make sure she is present, and she is.

A. Open Regulations Projects Board Consideration

1. General Amendments of Trade Practices

TAB 39

Status: Law edits of board approved draft do not align with board directive and change existing regulations language at 3 AAC 305.515.

Potential Board Actions: TDB at meeting

Dana Walukiewicz introduces. He provides a brief history of Title 4 requiring new trade practices regulations so that licensees could operate within the new laws. He notes that this project is the second round of regulations addressing trade practices. He informs the board that the Department of Law has objected to the last round of amendments to trade practices. Chief Assistant Attorney General Rebecca Polizzotto of the legislation,

regulations, and legislative research section sent a letter objecting to some of the regulations in that, in her review, they are inconsistent with Federal Regulation. He asks if Rebecca Polizzotto is present.

Kevin Higgins states that Rebecca Polizzotto is not present at this meeting.

Dana Walukiewicz asks Kevin Higgins where that leaves the board as the current round of trade practice regulations are objected to but the initial trade practices regulations are law?

Kevin Higgins states that Dana Walukiewicz is correct and the letter is the response that contains the reasons for rejecting this current round of trade practice regulations. Kevin Higgins speaks to Law's processes and his role and the internal checks and balances at play.

Dana Walukiewicz reiterates that though this current round of trade practices are not in effect, the original trade practices regulations are in effect and asks for Kevin Higgins confirmation.

Kevin Higgins confirms and asks Kristina Serezhenkov on Law's edits of the current trade practices as presented in the memo..

Kristina Serezhenkov speaks to the minor differences that are not substantial in the draft presented with Law's edits and to the major differences that are substantial.

Dana Walukiewicz clarifies that Law both modified the proposed draft and went back and changed some of the money amounts that the board had not wished to change in this draft.

Kristina Serezhenkov confirms and speaks to receiving the letter just the day before and notes it is not posted publicly on the website as there was no staff or time to do so prior to the board meeting.

Dana Walukiewicz asks Kevin Higgins to confirm that Law's edits are not 'unilaterally changing the law'.

Kevin Higgins confirms.

Diane Thompson asks if Law's edits and letter is just a 'suggestion'. Dana Walukiewicz states that the letter is 'more than just a suggestion' and that 'you must make these changes for us (Law) in order to go forward'. Kevin Higgins confirms that he also understand the letter this way. Dana Walukiewicz continues that he understands that the proposed regulations changes that the board unanimously approved would go nowhere unless Law's changes were made and asks if there are any alternatives? He adds that process that created the initial trade practices was sound and lots of public comments and input were taken in the development of the draft.

Kevin Higgins advises that the current proposed regulations will not go to the Lt. Governor unless Law's changes are made. He also states that there may be a possibility of working on those areas of agreement and having those advance but leaving aside those areas of disagreement. The project must have an amended request or the project will not move forward.

Dana Walukiewicz notes he struggles with the arguments presented in the letter. He states that he feels that Rebecca Polizzotto has the position that the trade practice regulations must 'be exact' with the Federal trade practice CFR's. He notes there are multiple instances within our regulations that are clearly different than what's in federal regulation and gives the licenses themselves as an example.

Dana Walukiewicz recognizes Lee Ellis to speak.

Sara Chambers asks if a member of the public should weigh in on an open regs project.

Kristina Serezhenkov reminds board of the status of project and that it has not yet been publicly noticed. Board discussion on regulations process and status of project in relation to drafting regulations procedures.

Lee Ellis, Secretary of the Board of Brewers Guild and owner of Midnight Brewing Company speaks and opines that there are many differences in the regulations and federal law and encourages the board to consider getting another legal opinion. Research is needed.

Diane Thompson asks about the specifics of the objections about the \$300 per location and the \$400 exterior signs. Dana Walukiewicz advises Law also objected to limitations on number of locations if a license was part of a license chain and goes on record to say he disagrees with Law's analysis. He continues that 'we are not limited to just what is in Federal regulation'. He further clarifies that Law's interpretation is a very restrictive and narrow one. Board discussion. Doug Moore opines that the board is tasked with a uniquely Alaskan way of regulations creation. Concerns are expressed about how Law came to their position and that the public process is negated with Law becoming an advocate of one licensee.

Dana Walukiewicz speaks to the reason he disagrees with the determination. He states that he is concerned about how Law came to this determination and may have taken up an appeal process through the administrative procedures act.

Sara Chambers offers a possible solution by bifurcating the issue between what you agree with and what you don't agree with. We could advocate and ask for more direction.

Dana Walukiewicz appreciates Ms. Chambers's input and moves back to the original draft the board approved for trade practices. He gives an overview of the drafts, both the board approved draft and the Law edited draft, and asks Kevin Higgins if Law can perhaps come to a board meeting to explain their position.

Kevin Higgins states that he understands that this letter is the response to an invitation to come to this meeting.

Dana Walukiewicz suggests that industry members affected by this get involved politically and that there are numerous instances of regulations more or less restrictive than Federal law. Doug Moore is in agreement. Board discussion touches on marijuana regulations as an example of not following federal law exactly and are in violation of Federal law.

Kevin Higgins speaks to the state laws in regard to trade practices and marijuana and points out that for trade practices State law affirmatively says we have to be consistent with Federal law.

Dana Walukiewicz asks 'what is the definition of consistent' and notes her (Chief Assistant Attorney General Rebecca Polizzotto) understanding is that it is exact while he is arguing that the Legislature's intent was that regulations were not exact, word for word.

Diane Thompson points out that the board takes into account what is in the best interest of the public in Alaska.

Sara Chambers advises it is not unusual for executive branch attorneys to disagree with legislative branch attorneys. Board discussion includes Kevin Higgins, who points out that regulations attorney has statutory authority to hold up the process.

Doug Moore does not want to 'cave' on this issue and notes the hard work that went into the creation of the trade regulations. He quotes portions of Rebecca Polizzotto's letter.

Dana Walukiewicz asks if the board wants to start a new regulatory process that deals with manufacturer retail licenses as this is an area of agreement with Law. Board discussion includes Sara Chambers who opines on regulations processes.

Dana Walukiewicz asks if the board needs more time and that perhaps this could be tabled. He goes on the record to voice frustration with the overly restrictive interpretation of the word 'consistent' and the 'corruption of the process'. He further opines that this was supposed to be a cursory review of the proposed regulations but that the Department of Law took it upon themselves to become an advocate of a single licensee, and in effect adjudicated a regulatory position which is against the intent of the legislature. He speaks about a letter that was sent to Department of Law that held up the initial trade regulations process and it was from a licensee.

Doug Moore comments that once the public comment period is done the Department of Law should be looking at the process the board went through. Dana Walukiewicz interjects 'it should be an unbiased review'.

Sarah Oates Harlow requests that she receive a copy of this letter because her phone is getting a lot of activity from the industry over this topic. She would not like to see the trade practices project bifurcated.

Doug Moore states he just saw the letter yesterday and the board has no desire to hold up this regulations project.

Kristina Serezhenkov states that staff has requested the letter is posted to the website for public access through the IT department as staff able to do this for AMCO are out of office and that it will be posted soon.

Next actions are discussed by the Board. Doug Moore motions to table the project to the next board meeting. Janice Hill seconds the motion. Janice Hill comments that the letter is puzzling and agrees that more time is needed by the board to digest the letter.

Kevin Richard brings up if the letter can be publicly posted online or if it is of confidential nature. Board discussion touches on the public process and Law has given permission to post the letter online.

All vote yes to table project. Motion carries.

B. Board Requests (if any)

Dana Walukiewicz speaks on guidance to local governments on the petition for additional restaurant or eating place and asks if the board would like to give specific guidance. Board discussion on process and what is considered an 'open' project. Diane Thompson would like to see more guidance on this process. Kevin Richard comments that the board could benefit from the development in the office of a framework of how the petitions are handled now and on the statutes and then present that to the board. Diane Thompson comments on the Juneau petition and that without the public testimony she would have had no idea that 7 people were ready to put their application in for licenses. Board discussion. Sara Chambers speaks about the board benefitting from input from the public and from licensees and this is called a scoping document to determine if a regulations project is necessary.

Doug Moore comments that all is spelled out in statute and notes statutory wording on providing 'additional justification' to demonstrate granting of additional licenses is in the public interest. His concern is license holders who believe their licenses are worth money and don't want competition. He notes that the legislature wrote the statute and allows for this and so it is allowed. He asks can you regulate a city to a standard that requires them (for example) to hold two public meetings with X amount of announcement for their resolutions? He does not believe we can regulate that. Dana Walukiewicz would like 'the additional information' requirement clarified to be more instructive to jurisdictions.

No other board requests are heard.

C. Paper Applications Discussion

Kevin Richard speaks to the number of paper applications still being submitted and asks if the board has a desire to exclude the paper applications all together.

Dana Walukiewicz mentions the diversity of the state in consideration but is inclined to enforce the digital application.

Doug Moore mentions that he doesn't agree with forcing people to apply digitally. He still feels that there's a place for paper applications.

Janice Hill agrees with Doug Moore because there are individuals that still don't own cell phones or computers. Elderly people may be affected who live low tech lives.

Dana Walukiewicz speaks to the fact that these are people that are in business selling alcohol and they should have technology to apply online. He thinks it's in the best interest of everyone.

Diane Thompson speaks to how the public comment is across the board that applications are taking so long. The office is burdened and licensees complain about the time it takes. She suggests upping the fee for paper applications so it's less of a burden on the office?

Sarah Oates Harlow speaks to this and has hesitations on going to full paper applications.

Kevin Richard clarifies his desire to gauge interest to investigate this further.

The board agrees they are interested and agree to a fact finding mission on the topic.

D. Regulations Tracking Sheet

TAB 40

Dana Walukiewicz introduces the regulations tracking sheet and the board agrees with all of the projects being addressed.

● BOARD COMMENTS

Everyone thanks the board..

● LEGISLATIVE TRACKING

- HB 37
 - ALCOHOL WARNING SIGNS ON LIC. PREMISES
 - "An Act relating to the posting of warning signs for Alcoholic Beverages"
 - HB 37 reduces the number of signs from 3 to . The pregnancy sign is amended to add cancer language. The AS 04.16.049(e) and AS 04.16.051 signs are combined into one.
 - Referred to House Labor and Commerce on 1/22/2025
- HB 68
 - ALCOHOL: SALE, WARNING SIGNS
 - "An Act relating to the sale of alcohol; and relating to the posting of warning signs for alcoholic beverages."
 - HB 68 provides for the employment of persons under 21 on certain licensed premises and includes cancer language on the pregnancy warning sign. It also broadens the club license.
 - Referred to House Health and Social Services on 1/31/2025
- HB 155
 - ALCOHOL SALES: LOCAL OPTION

- “An Act relating to alcohol; relating to local option elections; relating to the statewide database of alcohol purchases; relating to alcohol licenses, endorsements, and permits; relating to municipal regulation and taxation of alcoholic beverages; and providing for an effective date.
- HB 155 amends existing statutes to add certain licenses to the exception to prohibition in local option.
- Referred to House Community and Regional Affairs on 3/26/2025
- SB 15
 - ALCOHOL: SALE, WARNING SIGNS
 - “An Act relating to the sale of alcohol; relating to the posting of warning signs for alcoholic beverages; and providing for an effective date.”
 - SB 15 provides for the employment of persons under 21 on certain licensed premises and includes cancer language on the pregnancy warning sign.
 - As of April 4th, awaiting transmittal to Governor.

Sarah Oates Harlow mentions another bill has been introduced.

● NEXT BOARD MEETING

The next regular meeting is June 24, 2025. Location: Fairbanks, AK. Potential Special Meeting June 17, 2025, online only.

● ADJOURNED 5:08pm