

# 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: 10/19/22

License #/Type: 5546

Beverage Dispensary-Tourism Seasonal

Licensee: Ocean Shores Inc.

Address: 451 Sterling Hwy, Homer, AK

DBA: Kannery Grill

AMCO Case #: 22-1813

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 10-7-22, AMCO was informed that Kannery Grill was still operating it's restaurant but the Motel, Ocean Shores, was not operating. Believing the restaurant could not operate if the Motel was closed; contact was made with Christopher Miller, Manager, who was advised of the situation and told not to serve alcoholic beverages. It was learned they were doing business as Green Can. Social Medial also has the establishment listed as the Green Can. On 10-10-22, AMCO was informed they were still serving alcoholic beverages. On 10-12-22, Homer PD Sgt. D. Shealy went into the establishment and confirmed they were still serving alcoholic beverages. Further investigation revealed that Ocean Shores was issued a Beverage Dispensary Tourism Seasonal license and should have stopped serving alcoholic beverages on 10-1-22. On 10-14-22, Licensee Michael Warburton came to AMCO and changed the license to year round.

Your attention is directed to AS 04.11.010: License or permit required, 3AAC 304.185: Licensed premises, AS 04.21.030: Responsibilities of licensees, agents, and employees and AS 04.16.150: Licensee responsible for violations

Certified Mail: 9590 9402 3937 8060 8621 67

**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. 7<sup>th</sup> Ave, Suite 1600**

**Anchorage, Alaska 99501**

[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

**THE LAW OFFICES OF ERNOUF & COFFEY**

*A PROFESSIONAL CORPORATION*

*P.O. Box 212314*

*Anchorage, Alaska 99521*

*(907) 274-3385*

November 1, 2022

Ms. Joan Wilson  
Director  
Alcohol Marijuana Control Office  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, Alaska 99501  
**VIA EMAIL**

**Re: *Ocean Shores, Inc.*  
*d/b/a Kannery Grill*  
*Response to Notice of Violation*  
*#22-1813***

Dear Joan:

Please let this email serve as a formal response to Notice of Violation #22-1813.

From the onset, please know that my clients and the Managers take these matters very seriously and at all times want to cooperate with the ABC Board and to do only what is legal and appropriate under Title 4.

On October 7, 2022, I received an email from you indicating that you had visited Ocean Shores and advised them to stop selling alcohol due to your concern over their continued operations as the holders of a tourism license. Your concern was due to the fact that the bar and restaurant were still open and the hotel not open to the public after being closing for the season in late September. As soon as I got that message, I made direct contact with my client Michael Warburton who is the owner of Ocean Shores. Sometime very shortly after this exchange, I am now advised that Manager, Chris Miller, contacted you directly and advised you that he had corrected your concerns. He says that he asked you if everything was "good" which in his mind meant could operations continue. He indicates that you said "yes" and that you were waiting on responses from the attorneys. Unfortunately, Mr. Miller took your response as it was okay for

them to proceed with the sale of alcohol. Mr. Miller does not recall you asking him to cease alcohol service on that call or when you called him earlier that day. I do think there was an honest miscommunication here. I myself never spoke with Mr. Miller during this time. My contact was with my client. However, since receiving this Notice of Violation, a meeting was held between the owner, the manager, and legal counsel to again discuss the requirements of Title 4 relative to a manager to insure continued Title 4 compliance.

Additionally, since October 7, Manager Chris Miller has changed all of his social media to reflect the proper name of the licensed premises — "Kannery Grill." A d/b/a name change had been contemplated by the parties but was never effectuated. In the future, the name will remain Kannery Grill.

Please let me know if you have further questions or concerns. My client is glad to speak to you, the Director, and/or the Board itself about these matters at any time. I can gladly prepare a brief outlining my client's legal position relative to the operation of a tourism license in the off season. I did not think it appropriate to do so in this response but am glad to do so in short order should you or the Director want me to do so.

Sincerely,



Sherman

**2022 Tourism Statement**  
**Ocean Shores, Inc.**

- 1. Explain how the issuance of a liquor license at your establishment has/will encourage tourism.**

The central focus of the business plan for the Ocean Shores involves catering to out of town tourists, local, and regional guests. The licensee will continue to run advertising on the internet with both non paid links and paid appearances on travel sites (Booking.com, Travelocity, Tripadvisor, etc.). The hotel has and continues to develop relationships with the Alaska railroad, and Ravn Air, Alaska State Ferry and the local art galleries to enhance, cater to, and expand tourism opportunities.

- 2. Explain how the facility was/will be constructed or improved in accordance with this application.**

This facility is located at 451 Sterling Hwy in Homer. The hotel has microwave ovens and mini refrigerators in every guest room. As such it is ideal for travelers who want an overnight stay in a beautiful location conveniently located between regular tourist destinations such as Valdez, Talkeetna, Anchorage and Denali.

- 3. Who operates the facility for which a liquor license is being applied?**

Ocean Shores, Inc. operates the liquor license. Mr. Michael Warburton is the President of the entity.

- 4. Do you offer room rentals to the traveling public? Yes.**

- 5. If so, how many of these rooms are available? Do any of the rental rooms have kitchen facilities (defined as: a separate sink for food preparation along with refrigeration and cooking appliance devices, including a microwave)? If yes, how many of the rental rooms have kitchen facilities that meet this definition? Do you stock alcoholic beverages in guest rooms?**

There are 38 rooms for rent at the hotel. The hotel rooms are equipped with microwaves and mini refrigerators. Four of the rooms are equipped with full kitchen facilities. No we do not stock alcoholic beverages in the room rentals.

AMCO

DEC 07 2022

✓ clear

**6. Does your establishment include a dining facility?**

Yes. The Ocean Shores has a fine dining restaurant. The name of the restaurant is The Kannery Grill. The facility serves lunch and dinner daily.

**7. Are additional amenities available to your guests through your establishment (eg: guided tours or trips, rental equipment for guests, other activities that attract tourists)?**

Yes, the Ocean Shores provides tourist type amenities to its guests such as sea kayaking, fishing charters, bear viewing, and restaurant selection. The resort is ideal for travelers who want an overnight stay in a beautiful beachfront setting. Ocean Shores will continue to operate the facility as a tourist facility. In short, all of those things, which are routinely done by hotels in Alaska to encourage tourism, will continue to be done by the operators of the Ocean Shores.

**Addendum Ocean Shores Tourism Statement**

Having a liquor license at the Ocean Shores resort should increase the hotel occupancy as much as 10% (statistics show a total of 18% for restaurant and bar).

We bought the adjacent RV park in 2018 and it will also see a growth because of the restaurant and bar.

Now that we are a full service resort we will become a destination and attract even more visitors to the Homer area.

The Kannery Bar, using this license, is operated by Michael J Warburton who is President, Secretary and Treasury of Ocean Shores Inc. He is also holder of 100% of the corporation.

Michael Warburton

AMCO

DEC 07 2022

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

7/18/2023

ABC BOARD

LIQUOR LICENSE

2023 - 2024

TEMPORARY

5546

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispens

LICENSE FEE: \$2,500.00

1106

CITY / BOROUGH: Homer  
Kenai Peninsula Borough

D/B/A: The Kannery  
451 Sterling Hwy

Mail Address:  
Ocean Shores Inc.  
3500 Crittenden Dr.  
Homer, AK 99603

This license cannot be transferred without permission  
of the Alcoholic Beverage Control Board

[ ] Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 10/20/22)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

7/18/2023

ABC BOARD

LIQUOR LICENSE

2023 - 2024

TEMPORARY

5546

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispens

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Homer  
Kenai Peninsula Borough

This license cannot be transferred without permission  
of the Alcoholic Beverage Control Board

[ ] Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: The Kannery  
451 Sterling Hwy  
Mailing Address:  
Ocean Shores Inc.  
3500 Crittenden Dr.  
Homer, AK 99603

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

04-900 (REV 5/9/22)



Alaska Alcoholic Beverage Control Board

# AB-17: 2023/2024 License Renewal Application

Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue,  
 Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 1/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

### Section 1 - Establishment Contact Information

Licensee (Owner):	Ocean Shores Inc.	License #:	5546
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Kannery Grill		
Local Governing Body:	Homer, Kenai Peninsula Borough		
Community Council:			

If your mailing address has changed, write the NEW address below:

Mailing Address:	3500 Crittenden Dr.		
City:	Homer	State:	AK
		ZIP:	99603

### Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Michael Warburton	Contact Phone:	907-299-1400
Contact Email:	mj.warburton@gmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license let their information below:

Name of Contact:	Ernouf & Coffey	Contact Phone:	907-274-3385
Contact Email:	ashawcross@eclawfirm.org		

### Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written order in calendar years 2022 and/or 2023?

YES  NO

12/7/23



# Form AB-17: 2023/2024 License Renewal Application

## Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have NOT notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.



## Section 5 – License Operation

Check ONEBOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

2021 2022

1. The license was operated for more than 240 hours throughout each year. (Year-round)

2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)

If your operation dates have changed, list them below:

\_\_\_\_\_ to \_\_\_\_\_

3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year. A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.

4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.

If you have not met the minimum number of hours of operation in 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "Other" and COVID is listed as the reason.

## Section 6 - Violations and Convictions

YES NO

Have ANY Notices of Violation been issued for this license?

Has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2021 or 2022?

*If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)*

*If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.*

## Section 7 – Certifications

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

AMCO

DEC 07 2022





Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Michael Warburton  
Signature of licensee

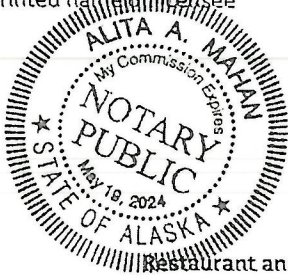
Michael Warburton

Printed name of licensee

Alita A. Mahan  
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5-19-2024



Subscribed and sworn to before me this 6 day of December, 2022

- Restaurant and Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site applications must include a completed AB-36: Recreational Site Statement
- Tourism applications must include a completed AB-37: Tourism Statement
- Wholesale applications must include a completed AB-25: Supplier Certification
- Common Carrier applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:  
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

License Fee:	\$2,500.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 2,800.00

#100505138

AMCO  
DEC 07 2022



Department of Commerce, Community, and Economic Development  
**CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details

## ENTITY DETAILS

### Name(s)

Type	Name
Legal Name	THE OCEAN SHORES, INC.

**Entity Type:** Business Corporation

**Entity #:** 76190D

**Status:** Good Standing

**AK Formed Date:** 4/15/2002

**Duration/Expiration:** Perpetual

**Home State:** ALASKA

**Next Biennial Report Due:** 1/2/2024

**Entity Mailing Address:** 3500 CRITTENDEN DR, HOMER, AK 99603

**Entity Physical Address:** 3500 CRITTENDEN DR, HOMER, AK 99603

### Registered Agent

**Agent Name:** ROBERT REIMAN

**Registered Mailing Address:** 3500 CRITTENDEN DR, HOMER, AK 99603

**Registered Physical Address:** 3500 CRITTENDEN DR, HOMER, AK 99603

### Officials

Show Former

AK Entity #	Name	Titles	Owned
	Mike Warburton	President, Secretary, Shareholder, Treasurer, Director, Vice President	100.00

### Filed Documents

<b>Date Filed</b>	<b>Type</b>	<b>Filing</b>	<b>Certificate</b>
4/15/2002	Creation Filing	<a href="#">Click to View</a>	
7/12/2004	Biennial Report	<a href="#">Click to View</a>	
2/06/2007	Biennial Report	<a href="#">Click to View</a>	
11/11/2010	Biennial Report	<a href="#">Click to View</a>	
11/11/2010	Biennial Report	<a href="#">Click to View</a>	
10/22/2012	Biennial Report	<a href="#">Click to View</a>	
10/22/2012	Agent Change	<a href="#">Click to View</a>	
8/17/2014	Admin Dissolution		<a href="#">Click to View</a>
12/08/2014	Biennial Report	<a href="#">Click to View</a>	
12/08/2014	Reinstatement	<a href="#">Click to View</a>	<a href="#">Click to View</a>
7/25/2016	Agent Change	<a href="#">Click to View</a>	
8/15/2016	Biennial Report	<a href="#">Click to View</a>	
3/23/2018	Biennial Report	<a href="#">Click to View</a>	
4/14/2020	Biennial Report	<a href="#">Click to View</a>	
1/30/2022	Biennial Report	<a href="#">Click to View</a>	

---

COPYRIGHT © STATE OF ALASKA · [DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT](#) ·  
[CONTACT US](#)

**Alaska Department of Commerce, Community, and Economic Development**

Division of Corporations, Business, and Professional Licensing

PO Box 110806, Juneau, AK 99811-0806

This is to certify that

**The Kannery**

451 Sterling Hwy, Homer, AK 99603

owned by

Michael Warburton

is licensed by the department to conduct business for the period

April 27, 2023 to December 31, 2024  
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.  
It is not transferable or assignable.

Julie Sande  
Commissioner

# Department of Commerce, Community, and Economic Development DCCED RECEIPTING

State of Alaska / Commerce / Intranet / Receipting / Receipt / #100505138

## RECEIPT #100505138

**Net Total:** \$2,800.00

**Comment:**

### Actions

- [Edit Receipt](#)
- [Internal Receipt](#)
- [Customer Receipt](#)
- [Email Receipt](#)

### Transaction #1

**Type:** Credit Card  
**Received:** 12/8/2022  
**Amount:** \$2,800.00  
**Payer:** Michael Warburton  
**Name:**  
**CC Last 4:** 7756  
**Auth:** 09697D  
**Code:**  
**Created:** 12/8/2022  
**Owner:** soa\sfcarrll  
**Close Out:** 18669  
**#:**  
**AG #:** 12344

### Account Item(s)

Type	Amount	Applicant	Ref #
ALC - Renewal Application Fee	\$300.00	Kannery Grill	5546
ALC - Alcohol License Fees	\$2,500.00	Kannery Grill	5546