



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

**Atwood Conference Room, First Floor
550 West 7th Avenue
Anchorage, Alaska**

**May 31, 2023 at 9:00 am
Join Zoom Meeting**

<https://amco-alaska-gov.zoom.us/j/82677929131?pwd=Q0xxUEExkbVp4NzAydmxuSU1ycVhjZz09>

Meeting ID: 826 7792 9131

Passcode: 775219

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All times are approximate. Lunch from 12:00 noon to 1:00 pm

● **ADMINISTRATION**

9:00 am

A. Call to Order

9:09 am

B. Roll Call

Dana Walukiewicz, Board Chair and Industry Member, in person

Diane Thompson, Vice Chair and Industry Member, in person

Doug Moore, Public Rural Member, on Zoom

Dave Koch, Public Safety Member, on Zoom

Jan Hill, Public Member, on Zoom

Joan Wilson, Director, in person

Kevin Higgins, Assistant Attorney General, in person

Jane Sawyer, Program Coordinator, in person

James Hoelscher, Enforcement Supervisor, on Zoom

Carrie Craig, Records and Licensing Supervisor, in person
Steve Johnson, Special Investigator, in person

C. Approval of Agenda

*Re-emailed agenda and tabs to Jan H. and Dave K. **Doug M. motions to amend the agenda to include #6036 Seward KOA and reconsider of motion for Meier Lake. Diane T. seconds. None opposed, motion passes.***

D. AMCO Meeting Code of Conduct

TAB 1

E. Top 10 Zoom FAQ

TAB 2

- **6036 Seward KOA: Exit Glacier RV Park, LLC**
31702 Herman Leirer Road, Seward
Restaurant/Eating Place – Seasonal

Reconsider Board approval of license to determine if applicant qualifies as a bona fide restaurant.

Background: This matter was originally tabled at the September 2022 meeting because the applicant was not present to answer questions from the board members. At the December 2022 meeting, the board tabled the reconsideration of the application until May 30 – 31, 2023 meeting, pending the applicant builds a kitchen for their establishment.

Update: Ms. Craig reached out to the applicant request a status update and to notify the issue was being readdressed at this meeting.

Dana W. summarizes and Director Wilson reminds the board of the last-minute submissions to Carrie, updated menu, and explanations of kitchen equipment. Procedural discussion. Johnson states enforcement would need the board guidance because they would not approve this as a kitchen. Tabled to tomorrow morning at 9 – staff to contact.

9:19 am: Bree Dodson, applicant, is present on Zoom and provides a summary of their business model and kitchen improvements. Frozen pizzas to be cooked on a countertop convention stove. Flat breads are made to order, salsa and the cheese plates are made on site. There is a procedural discussion.

Diane T. motions to table until the applicant provides updated menus to AMCO staff. Jan H. seconds. Doug M. and Dave K. dropped off Zoom, Dave is back. Doug is having technical internet issues, on Jane’s speaker phone for this vote. Doug is on Zoom. None opposed, motion passes.

- **10:02 pm Reconsideration of the Meier Lake decision. Carrie C. restated the motions that were made at yesterday’s meeting. Kevin H. says AS 04.11.480 – yes, hearing. AS 04.11.510 has the procedure for the hearing. Jan H. motions to reconsider the denial of the protest. Dave K. seconds. None opposed, motion passes. Diane T. motions to uphold the protest and deny the application with 180-day abeyance. Doug M. seconds. None opposed, motion passes.**

10:13 am: Break

10:31 am: Reconvened

● **REGULATIONS**

1. **Title 4 (AS 04) Rewrite (Chapter 8, SLA 2022) Regulations – Drafts: Board discussion and public hearing on Articles 1, 3, 6 and 7 of the proposed new Chapter (305) Alcoholic Beverage Control Board, in Title 3 of the Alaska Administrative Code (3 AAC).**
(Board to determine how long board discussion and public hearing will be)

1. **3 AAC, Chapter 305, Article 1, Sections 120, 150, 165.**

TAB 3

- **3 AAC 305.120 Waiver of annual operating requirement and Minimum operating requirements.**
- **3 AAC 305.150 Permits and common carrier approval fees.**
- **3 AAC 305.165 Miscellaneous fees.**

Dana W. summarizes the regulations above and state they were put out for public comment. There was one written public comment from Recovery Alaska, no objections to Article 1. Director Wilson suggests to add an off-site warehouse fee to 305.165.

Holly Slinkard, licensee, is present on Zoom, wishes to discuss changes to regulations regarding premises/permits.

Diane T. motions to add to paragraph 6 a \$250 application fee for off-site storage warehouse application required under (statute/reg site) 3 AAC 305.165. Jan H. seconds. None opposed, motion passes. Diane T. motions to adopt the current working draft. Dave K. seconds. None opposed, motion passes.

2. **3 AAC, Chapter 305, Article 3**

TAB 4

Retail Licenses; Endorsements; Permits:
(3 AAC 305.300 – 3 AAC 305.397)

Dana W. summarizes the article. There are a number of public comments from industry members. Generally, in support of articles 3, 6, 7. Also a letter from Recovery Alaska, they had no objections and does not seem to be suggesting any changes.

Holly Slinkard, McKinley Creekside BDL Tourism Seasonal, is present on Zoom and speaks about her challenges in obtaining a caterer's permit for their events in their pavilion that is not a licensed premises. Carrie C. speaks to the history of working with the licensee to find a solution over the years. Lee Ellis speaks about the hotel endorsement, passageways, or large resort endorsement.

Page 2 of Recover Alaska, alcohol server education, AMCO contact the non-profit entities about the new server permit requirements for all servers and on permit applications. Lee Ellis says more information in Article 7 – everyone who engages in commercial transactions for alcohol should be educated.

Doug M. motions to adopt current working draft. Jan H. seconds. None opposed, motion passes.

11:56: Director Wilson speaks about shipping endorsement, added using only common carriers for delivery. Discussion regarding implanting a delay of delivery. Director Wilson created a new paragraph. Dave K. dropped off. Diane T. motions to adopt as amended. Jan H. seconds. None opposed, motion passes 4-0.

3. 3 AAC, Chapter 305, Article 6

TAB 5

Provisions Applicable to More than One License Type:
(3 AAC 305.600 – 3 AAC 305.690)

Dana W. summarizes the article. Recover Alaska letter which is supportive. There are no public comments on Zoom or in person. There are two written comments from industry holders. Lee Ellis mentions the request for overlapping premises for package store with a manufacturing retail and suggests adding a paragraph 4, and amend section c. overlapping premises with following retail licenses, bcls ect. for consumption off the premises. Or expand subsection e.

*Dana W. states section d would be best to expand the language to include the license types. **Dave K. motions to amend article 6, to modify paragraph 3, subsection d to include language to allow package stores to overlap with retail premises. Diane T. seconds. None opposed, motion passes. Diane T. motions to adopt the draft as amended. Doug M. seconds. None opposed, motion passes.***

4. 3 AAC, Chapter 305, Article 7

TAB 6

Alcohol Server Education Course:
(3 AAC 305.700)

*Dana W. summarizes the article. Recover Alaska requesting staff communicates with entities as earlier discussed. Discussion with Lee Ellis and Sarah Oates regarding common carrier approvals have server education, deliveries. Amendments made. **Diane T. motions to pull in stat lanuage permites to be incorporated 305.700. Dave K. seconds. None opposed, motion passes. Doug M. motions to approve article 7 for drafting purposes as amended. Jan H. seconds. None opposed, motion passes.***

12:18 pm: Lunch

1:18 pm: Reconvened

Dana Walukiewicz, Board Chair and Industry Member, in person

Diane Thompson, Vice Chair and Industry Member, in person

Doug Moore, Public Rural Member, on Zoom

Jan Hill, Public Member, on Zoom

Dave Koch, Public Safety Member, is absent

2. Articles for initial board discussion

Dana W. summarizes the articles in this section.

1. 3 AAC, Chapter 305, Articles 4, 8 and 9.

Board discussion on Articles 4, 8 and 9 of the proposed new Chapter (305), Alcoholic Beverage Control Board, in Title 3 of the Alaska Administrative Code (3 AAC).

- **Article 4 Wholesale Licenses**

TAB 7

Director Wilson summarizes Article 4.

- **Article 8. Enforcement; Civil Penalties**

TAB 8

Dana W. and Director Wilson summarize Article 8. Investigator Johnson is present in person and provides additional information. Striking a sentence regarding advisory reports required to be issued in 850. Change "ticket" to "citation" throughout. No inspection reports in 870c. Reference it in 830, 820. Striking "either orally or" from 870d.

Investigator Johnson asks to include "permitee" to those who can be issued NOVs/citations. Director Wilson would like to set that aside and return to it later.

AS 04.11.370a4 is the correct citation for subsection e in 875.

Lee Ellis mentioned some amendments, echoing Johnson's comment.

2:35 pm: Break

2:53 pm: Reconvened, Dave is still absent.

- **Article 9. General Provisions**

TAB 9

Dana W. and Director Wilson summarize Article 9. Discussion of the definition of affiliate. AS 04.11.450(h)(2) prohibited financial interest. There is no further discussion. 30 days out would be June 30th or July after the holiday. June 29th or July 6th special Zoom meeting. Jan H. will check both dates on her work schedule and let staff know tomorrow. Diane T. says the 6th would work better. Dana W. has a conflict on the 29th. Doug M. is flexible.

Doug M. motions to put Articles 4, 8, 9 out for public comment and to accept verbal comments at the special meeting. Jan H. seconds. None opposed, motion passes 4-0.

3. Board Requests (if any)

*Bailey Stuart, with the Anchorage Peddle Bike, is on Zoom. Dana W. summarizes the background. Should the board consider a regulatory project? Director Wilson speaks about the office's challenges. Vehicles are removed from the common carrier statute in the rewrite. What about limos, party buses and peddle bikes? They are not licensed but operate like bottle clubs which is a violation. Further discussion. **Regulation project research to see if this activity falls under the bottle club statute to come back to the August meeting.***

Next regular board meeting is August 22, 2023, in Nome. Consider potential board meeting in late June 2023.

● BOARD COMMENTS

Doug M.: Has no comments. Staff did a great job pulling the meeting together.

Jan H.: Her brain is tired. Appreciates everyone's input and patient. Great meeting. Thank you to staff.

Diane T.: Great meeting. Fantastic job.

Dana W.: Echos Doug, thanks board members, staff.

● ADJOURN

3:45 pm: Diane T. motions to adjourn. Jan H. seconds. None opposed, none opposed 4-0.