

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: 3/4/24

License #/Type: 4315 Restaurant / Eating Place

Licensee: Kelt, LLC

Address: 276 Ohlson Lane, Homer, AK

DBA: Fat Olives

AMCO Case #: 23-2062

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 10-19-23, an inspection was conducted at your establishment. It was learned that you employ 16 and 17 year olds. When asked to show the the Dept. of Labor work permits, they could not be produced during the inspection. A request was made for records. As a result of the request, using time sheets, there were at least 1396 violations of minor on a [REDACTED] s [REDACTED] o 12-19-23. Seventy-two of the violations were employment of a 15 year old. Two 16 year olds and one 17 year old were employed from 2-25-21 to 10-11-21. Those records were maintained on a prior point of sale system and could not be provided. Of the overall total of at least 1396, 186 violations continued after the inspection on 10-19-23.

Your attention is directed to AS 04.16.049(c): Access of persons under the age of 21 to licensed premises, AS 23.10.100: Employer to keep records, AS 23.10.355: Persons Under 21 and AS 04.21.030: Responsibility of licensee, agents, and employees

Certified Mail 7021 0950 0001 6767 0182

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.**

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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:

Notice of Violation

(3AAC 304.525)

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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: Steve Nolan

SIGNATURE: *F.R. Hamilton*

SIGNATURE: *[Signature]*

Delivered VIA: Mail

Date: 6 March 2024



March 6th, 2024

To: Joe Hamilton

From: Steve Nolan, owner
KELT, LLC DBA Fat Olives
276 Ohlson Lane
Homer, Alaska 99603
License # 4315 Type: Restaurant/Eating Place
AMCO Case: 23-2062

RE: Steps taken to correct violations

Hello, Joe

Per our conversations, once we fully understood the regulations for work permits, we immediately submitted work permits for the minors whom we currently employ. All were approved and the individuals returned to work.
We are currently compliant.

The steps we have taken to prevent another violation are as follows:

- 1 Updating all required forms.
- 2 Include a work permit form in new-hire paperwork.
- 3 Schedule first shift to start **ONLY** after work permit has been approved.
- 4 Educate all managers on Title IV regulations.

Again, we were unfamiliar with Title IV requirements that required work permits for employees 16-17 years-old. This error was by no means intentional, and we will enforce the law moving forward.

Thank you for working with us to correct this oversight.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Nolan', is written over a thin horizontal line.

Steve Nolan

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: 1/8/24

License #/Type: 950 Beverage Dispensary

Licensee: Mellisa D. Davis

Address: Lot 26, Felix Toner Plat, Naknek, AK

DBA: Bristol Bay Red Dog Inn

AMCO Case #: 23-2372

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.

According to the Department of Environmental Conservation, Bristol Bay Red Dog Inn is operating without a current Sanitary Survey Inspection. Transient Non-Community (TNC) public water systems must have a Sanitary Survey Inspection conducted every five years as required by 18 AAC 80.430. DEC records indicated Bristol Bay Red Dog Inn's last Sanitary Survey Inspection was conducted on June 12, 2012.

Additionally, TNC public water systems (PWS) must sample for Total Coliform (TC) and Nitrates at the frequency determined in 18 AAC 80.655. Bristol Bay Red Dog Inn PWS must sample for TC once every month and for Nitrates annually. DEC records indicate Bristol Bay Red Dog Inn PWS did not sample for TC since June 1, 2022, and did not sample for Nitrates since 2/26/2019.

On 12-12-23 you were asked to regain compliance with Drinking Water regulations. As of 1-5-24, you have failed to contact DEC or resolve the violations. If you have any further questions contact the following:

DEC Drinking Water Program
Attn: Elizabeth Nakanishi, elizabeth.nakanishi@alaska.gov
555 Cordova St.
Anchorage, AK 99501

Your attention is directed to the above listed regulations and AS 04.21.030: Responsibility of licensees, agents and employees and AS 04.16.150: Licensee responsible for violations

Certified Mail 7021 0950 0001 6767 0151

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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:

March 25th, 2024

To Investigator Hamilton,
Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave., Suite 1600
Anchorage, AK 99501

Dear Investigator Hamilton,

This letter is in response to the notice of violation (AMCO case 23-2372), regarding the Bristol Bay Red Dog Inn, beverage dispensary license #950.

The business has been winterized and as such may have fallen out of compliance. I have made contact with Elizabeth Nakanishi with the DEC Drinking Water Program to resolve all issues and pass all inspections before reopening for business.

As I am currently out of State, and away from my office, I will need to look back at our recent records and clarify when we were actually open. Between Covid and a complete weather disaster in the winter of '22, there were many months when the business was closed and not required to provide water samples. I have discussed this issue with DEC and it is just a matter of clarification. You can email Ms. Nakanishi at Elizabeth.nakanishi@alaska.gov.

Please let me know if this resolves the issue.
On behalf of Mellisa Davis (the Licensee and my lovely wife),

Dylan Mancuso

The Bristol Bay Red Dog Inn
P.O. Box 324
Naknek, AK 9963

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: 1/8/24

License #/Type: 950

Beverage Dispensary

Licensee: Mellisa D. Davis

Address: Lot 26, Felix Toner Plat, Naknek, AK

DBA: Bristol Bay Red Dog Inn

AMCO Case #: 23-2372

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Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE: *F.R. Hamilton*

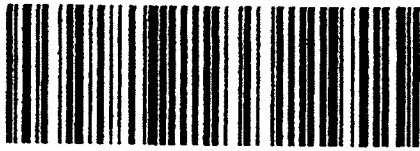
Delivered VIA: Mail

Received by:

SIGNATURE: *Mellisa Davis*

Date: *03/19/2024*

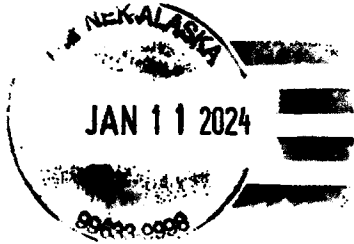
State of
Department
and Ecology
Alcohol
550 W. 7th
Anchorage



7021 0950 0001 6767 0151

ALASKAN REGISTER 025

9 JAN 2024 7:11



Melissa D. Davis
DBA: Bristol Bay Red Dog Inn

IA
569037000
99633-03242

SENDER COMPLETE THIS SIDE

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece.

Melissa D. Davis
DBA: Bristol Bay Red Dog Inn
PO Box 324
Naknek, AK 99633



9590 9402 3937 8060 8563 26

2. Article Number (Transfer from service label)
7021 0950 0001 6767 0151

RECIPIENT COMPLETE THIS SIDE

A. Signature Agent
 Melissa Davis Addressee

B. Received by (Printed Name) C. Date of Delivery
 Melissa Davis 03/19/2024

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Registered Mail Restricted Delivery (500)	

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: 3/4/24

License #/Type: 2467 Club

Licensee: 140 The American Legion Peters Creek

Address: 21426 Old Glenn Hwy, Chugiak, AK 99567

DBA: American Legion Post #33

AMCO Case #: AM 24-0378

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 03/01/2024 at approximately 1300 hours, Investigators Hamilton and Linger, entered the American Legion Post# 33, located at 21426 Old Glenn Hwy, Chugiak, AK. Investigators sat down at the bar and Investigator Linger ordered a Budweiser Draft beer. The bar tender, later identified by her AK drivers license as Emily Campbell, served Investigator Linger the beer (a non-club member). Campbell asked if I wanted to pay now or start a tab. I said I would start a tab with the expectation that I would pay when I was finished drinking. [REDACTED] Investigators identified themselves to Campbell, and explained the reason for the contact. Investigators also contacted the manager, Carole Johnson and explained the violation. Both had current TAP cards.

This is in violation of:

AS 04.09.220 Club License (a) A club license authorizes a club or organization to sell alcoholic beverages for consumption only on the licensed premises. (d) Alcoholic beverages sold under a club license may be purchased only by (1) members of the club and their families; (2) widows or widowers of deceased members of the club who have been accorded club privileges; and (3) military personnel on active duty who are extended the privilege by patriotic organizations.

*Sent Certified Return Receipt: 7021 0950 0001 6766 5553, 03/04/2024

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.

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Linger

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

From: Carole Johnson <manager@alpost33.org>

Sent: Wednesday, March 6, 2024 10:44 AM

To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>

Subject: License #2467 AMCO Case # AM 24-0378

■

The case referenced above has been reviewed by management and the following steps have taken place:

- The bartender that did not ask for a membership card has been terminated as a result of not following procedure
- All other bartenders have been counseled by the bar manager regarding who is eligible to purchase an alcoholic beverage according to statute AS 04.09.220

If you should need any further information, please contact me at the number below. Thank you.

Carole Johnson, Operations Manager

American Legion Post 33



PO Box 670118

Chugiak, AK 99567

(907) 688-2354

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: 3/6/24

License #/Type: 1841 Club License

Licensee: Capt. James G. Lee Post 1685, V.F.W. of the U.S.

Address: 1200 W. 33rd Ave, Anchorage, AK

DBA: V.F.W. Post #1685

AMCO Case #: 24-0394

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 3-5-24, an inspection was conducted at your establishment. On-duty bartender/manager Mary Felicetty was asked to provide proof of current server education. Ms. Felicetty provided TAP Card #179438 which has expired on 4-23-23. Ms. Felicetty was told to stop serving alcohol until she could provide a representative of the Alcohol Beverage Control Board. According to the 2024 Bond Schedule, this offense is a violation punishable by a \$250.00 fine.

Your attention is directed AS.21.025: Alcohol server education course and AS 04.21.030: Responsibility of licensees, agents, and employees

Certified Mail 7021 0950 0001 6767 0199

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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: Hamilton, Joe (CED)
Sent: Friday, March 8, 2024 8:33 AM
To: Davies, Jason M (CED)
Subject: Post 1685 American Legion

Categories: CHECK BACK AND COMPLETE

Ms. Felicity sent me her Server Card, well, actually her training certificate. She is good to go.

Joe



Joe Hamilton
Investigator 1
Alcohol & Marijuana
Control Office
550 W. 7th Ave, Suite
1600
Anchorage, AK 99501
Joe.hamilton@alaska.gov

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: 3/21/24

License #/Type: 338 Club

Licensee: Fraternal Order of Eagles Ketchikan Aerie N. 162

Address: 7 Creek Street, Ketchikan, AK

DBA: Eagles Nest

AMCO Case #: 24-0463

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 3-14-24, Investigator Hamilton conducted a club compliance check at your establishment which resulted in him being able to purchase an alcoholic beverage. Bartender Pepper Browne did ask Inv. Hamilton if he was a member two which he replied no. Browne advised Inv. Hamilton that he would have to be signed in. Bar Manger Andrew Springer signed Inv. Hamilton in as a guest. Inv. Hamilton ordered a Heineken beer, paid with a ten dollar bill and received three dollars change. Browne was issued a citation for a club violation. The Licensee is being referred to the Ketchikan District Attorneys Office for responsibility of licensees, agents and employees.

Your attention is directed to AS 04.09.220(d)(1)(2)(3): Club license and AS 04.21.030(1): Responsibility of licensees, agents, and employees

Certified Mail 7021 0950 0001 6767 0205

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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:



Fraternal Order of Eagles
Ketchikan Aerie 162
PO Box 8162
Ketchikan, Alaska 99901

Phone: 907-617-1482

Email: foe162@kpunet.net

April 2, 2024

To whom it may concern.

WE went over AMCO rules again concerning a non-profit organization serving alcohol with our employees and they assured us that will adhere to them.

Sincerely,

Dale McDaniel, Secretary/Trustees

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: 3/21/24

License #/Type: 338 Club

Licensee: Fraternal Order of Eagles Ketchikan Aerie N. 162

Address: 7 Creek Street, Ketchikan, AK

DBA: Eagles Nest

AMCO Case #: 24-0463

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.

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amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE: *F.R. Hamilton*

Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

Marvin D McDaniel

MMcDaniel

03/26/24

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: 3/11/24

License #/Type: 3259 Club

Licensee: AMVETS Post #9

Address: 1591 Creste Foris, Wasilla, AK 99654

DBA: AMVETS Post #9

AMCO Case #: AM 24-0438

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 03/11/2024 at approximately 1140 hours, Investigators Linger and Hamilton, with the Alcohol and Marijuana Control Office entered the AMVETS Post #9, located in Wasilla, AK. Upon entry Investigator Linger ordered a Budweiser beer. Pamela Estrada, later identified by her AK drivers license, served Investigator Linger a single bottle of Budweiser beer and was paid \$3.00 for the purchase. Investigators identified themselves to Pamela and explained the violation that had just occurred. Investigator Linger is not a member of the club. Pamela Estrada, [REDACTED], [REDACTED], was issued citation# P00493376 for violation of:

AS 04.09.220 Club License (a)(d)(1)(2)(3)

(a) A club license authorizes a club or organization to sell alcoholic beverages for consumption only on the licensed premises.

(d) Alcoholic beverages sold under a club license may be purchased only by

(1) members of the club and their families;

(2) widows or widowers of deceased members of the club who have been accorded club privileges; and

(3) military personnel on active duty who are extended the privilege by patriotic organizations.

03/12/2024, Sent Certified Mail #7021 0950 0001 6767 0519

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Linger

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

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: 3/11/24

License #/Type: 3259 Club

Licensee: AMVETS Post #9

Address: 1591 Creste Foris, Wasilla, AK 99654

DBA: AMVETS Post #9

AMCO Case #: AM 24-0438

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 03/11/2024 at approximately 1140 hours, Investigators Linger and Hamilton, with the Alcohol and Marijuana Control Office entered the AMVETS Post #9, located in Wasilla, AK. Upon entry Investigator Linger ordered a Budweiser beer. Pamela Estrada, later identified by her AK drivers license, served Investigator Linger a single bottle of Budweiser beer and was paid \$3.00 for the purchase. Investigators identified themselves to Pamela and explained the violation that had just occurred. Investigator Linger is not a member of the club. Pamela Estrada, [REDACTED] AK drivers license# [REDACTED] was issued citation# P00493376 for violation of:

AS 04.09.220 Club License (a)(d)(1)(2)(3)

(a) A club license authorizes a club or organization to sell alcoholic beverages for consumption only on the licensed premises.

(d) Alcoholic beverages sold under a club license may be purchased only by

(1) members of the club and their families;

(2) widows or widowers of deceased members of the club who have been accorded club privileges; and

(3) military personnel on active duty who are extended the privilege by patriotic organizations.

03/12/2024, Sent Certified Mail #7021 0950 0001 6767 0519

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***Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

**Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov**

Issuing Investigator: J. Linger

Received by: *Scott Mantagne*

SIGNATURE: *J. Linger*

SIGNATURE: *Scott Mantagne*

Delivered VIA: Mail

Date: *3/14/24*

Date: 3/18/2024

License #/Type: 3259/Club

Licensee: AMVETS Post #9

Address: 1591 Creste Foris, Wasilla, AK 99654

AMCO Case #: AM 24-0438

This letter is in response to our Notice of Violation dated 3/11/24.

I am not sure why we are in violation of AS 04.09.220(a), A club license authorizes a club or organization to sell alcoholic beverages for consumption only on the licensed premises, as the violation did happen within our licensed premises.

As far as the violation under AS 04.09.220(d)(1)(2)(3) we do see the reason for the violation and fully accept responsibility for what has occurred. To explain why this violation occurred is that we were following AS 04.09.220(f) that states, Guests who enter the club premises on the invitation of a member and in the company of the member may be served but not sold alcoholic beverages. We used this as a membership drive and told our employees that if non-members entered our facility, the employee on shift had the option to sign the individual in, or ask another member to do so, as a guest of theirs and let them have a beverage. Once the individual was served, we would inquire if they were qualified to be a member of the AMVETS and if so proceed to try and sign them up. If the individual refused to sign up or was not eligible then they were allowed to finish their beverage and not served again.

Our employee, Pam Estrada, did follow our directions when investigators Linger and Hamilton entered our facility and asked if they were members of AMVETS. Once they were identified as non-members, she proceeded to ask for their IDs to verify they were legal and to also sign them in as her guest. We understand once money was exchanged this incurred the violation. Be assured that we know that we cannot sell to non-members.

At this point we have modified our policy to state that the employee cannot sign in anyone while on shift. That another member present can be asked to sign the non-member in as their guest and purchase a drink for the non-member. Then we can still perform our membership drive without violating the law.

Please accept our sincere apology for this violation and be assured that this will not happen again nor any other violations concerning AS 04.09.220.

Thank you for your consideration.

Scott Montagne
AMVETS Post 9
Commander
907-414-0044

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: 3/21/24

License #/Type: 335 Club

Licensee: 833 Fraternal Order of Eagles #1971

Address: 121 Hazelet St., Valdez, AK 99686

DBA: Fraternal Order of Eagles #1971

AMCO Case #: AM 24-0502

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 03/19/2024 at approximately 1720 hours, Investigators Linger and Hamilton, entered the Fraternal Order of Eagles #1971 located in Valdez, AK. Bar Tender, Angela Smith, identified by her AK driver's license asked if we were members. We told her we were not members and she asked if anyone wanted to sign us in. A man who introduced himself as George signed us in. Angela asked what we would like and I ordered a Heineken beer and club soda with lime. Inv. Hamilton was served the club soda and I was served the beer. I paid for the drinks with prerecorded buy funds, a \$10.00 bill S/N: MF 82154202 C. I received \$3.00 change for the purchase. I identified who we were to Angela and explained the violation that just occurred. I asked for the \$10.00 back and identified it as the prerecorded funds used to make the purchase. Angela was issued citation# P00493381 for the violation and it was filed with the Valdez Court on 03/21/2024.

This is in violation of AS 04.09.220 Club License

(d) Alcoholic beverages sold under a club license may be purchased only by

- (1) members of the club and their families;
- (2) widows or widowers of deceased members of the club who have been accorded club privileges; and
- (3) military personnel on active duty who are extended the privilege by patriotic organizations

03/21/2024 sent certified mail #7021 0950 0001 6766 5560

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.**

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Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Linger

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

Fraternal Order of Eagles
Valdez Aerie No. 1971

P.O. Box 324 • Valdez, Alaska 99686



121 Hazelet Avenue
(907) 835-4460

LICENSE # 335 CLUB
AMCO CASE #: AM 24-0502

The Actions taken by the Fraternal Order of Eagles #1971 located in Valdez, Alaska concerning the violation of AS 04.09.220 Club License.

The bar tenders have reviewed the house rules and instructed to adhere to the codes for a Club License.

Sincerely,

FOE #1971 AERIE

OCTAVIO MOLINAR JR
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