

January 26, 2012

To: Chairperson, Alcoholic Beverage Control Board

From: Secretary, Alcoholic Beverage Control

Subject: Minutes of Alcoholic Beverage Control Board Meeting on January 25, 2012

Cy R. Thompson
APPROVED
Feb, 8, 2012

Meeting called to order by Chairperson Perez on January 25, 2012 at 16:04. In attendance were Board members John Ilao, Lucia Perez, John Ray Taitano and Craig Thompson. ABC personnel present were John Garrido, Michael Certeza, David Santos and Gerald Salas.

I. Old Business:

The minutes of the January 11, 2012 meeting were unanimously approved.

II. New Business:

A. Alcoholic Beverage License Applications

The application for a general on sale alcoholic beverage license by the following business was denied by unanimous vote of the Board. The Board believes the application is in violation of Section 3118: public eating place. A Public Eating Place must have suitable kitchen facilities and serve more than sandwiches and salads. Diva Café has no kitchen and their menu is sandwiches and salads. In order to obtain a general on-sale license, Diva Café must either fulfill the obligations under Section 3118 or restrict access to the facility to persons 18 years of age or older.

- Guang Li Sheng, Inc. dba: Diva Café. A class 4, General On Sale Alcoholic Beverage License, application on Lot 5116-1-5 Ste 101 San Vitores Plaza, Tumon.

The alcoholic beverage license applications of the following three businesses were unanimously given conditional approval by the Board provided all conditions are met before the actual license is issued:

- Min Trading Corporation, dba Avenue Steak & Lobster, A Class 4 General On Sale Alcoholic Beverage License, application on Lot 5076-3-2-R2New-R2 Bayview Phase IV, Tumon
- Pacific J N J Corporation dba: New Yahweh Market.. A Class 5 Off-Sale Beer Alcoholic Beverage License, application on Lot 10 Blk 8 Tract 268#262 Jose B. Sudo Street, Yona.

- Xia, Yinghua dba: Vivian's Coffee Shop Restaurant and Lounge. A Class 4 General On Sale Alcoholic Beverage License, application on Lot 5075-Rem-1-3 New Ste B-2&3 Tumon View Plaza, Upper Tumon

B. Manager/Assistant Manager Applications

The applications of the following four managers were given unanimous approval by the Board:

- Takao, Lace T. Josie's Tavern
- Chang, Kevin A. Ralphy's
- Figueroa, Tanisha Ann S. Red Baron Lounge
- Fernando, Helena D. The Whispering Palms

C. Other Items For Discussion(s): New Business

A. Temporary License:

The temporary alcoholic beverage license applications of the following two businesses were unanimously given conditional approval by the Board provided all conditions are met before the actual license is issued:

- Temporary License for B&G Pacific, LLC dba: B&G Pacific, A Class 4 General On-Sale Alcoholic Beverage License, Temporary, for the Aurora Hotel Pavilion Ballroom on January 27 and 29, 2012.

The Board did note that the License for B&G Pacific is for B&G Pacific only and may not be used by the Aurora Hotel.

- Guam Masters Baseball Association dba: same, A Temporary Class 7 On Sale Alcoholic Beverage License/Beer at Paseo Stadium, February 4 through July 9, 2012

The Board did note that the Guam Masters Baseball Association needed to appoint more than one responsible person for the license as the season is long and Patrick Leon Guerrero will likely not be there every night.

B-D. Violation and Adjudication Hearing

The Board unanimously elected to fine the following establishments \$1,500 for a first offence under Section 3613(b):

New Hanna Market, Casa Nami, Club Fab, Romeo & Juliet, Linda's Karaoke, Peony Lounge, Kims, Club Las Vegas, Club Riverside, Club Michikusa, Abandon Ship, Chic Boy, Soju, S.J. Market, R Daily Mart, White Market and Ratinian Market.

The Board directs the Compliance Group to develop letters of accusation for each establishment, have the letters reviewed by the Board, and then present the letters to the responsible parties. By law the responsible parties have 15 days to determine whether they want to defend themselves against the accusation or accept the stated fine. The Board will set an Adjudication Hearing, if needed, when we hear responses from the establishments.

The Board discussed Oh Maganda in greater depth due to the severity of the offenses. It was determined by unanimous Board vote that additional punishment was appropriate for Oh Maganda if allowed by review of the Attorney General's office. The Board proposed a \$1,500 first offence fine and suspension of Oh Maganda's alcohol license for an additional weekend, if allowed by the Attorney General's review. The Compliance Group should produce an accusation letter for Oh Maganda with the added punishment.

E. Public Law 31-77

The Board agreed that the approved minutes need to be forwarded to the Attorney General's office and directed the Compliance Group to comply.

F. Enforcement

The Board unanimously agreed and approved that a written document would be developed for use in enforcement actions. The California enforcement documents will be used as a basis for the new Guam enforcement documents and will be developed by Board Chairperson Perez.

The document will be three parts so that one part will be left with the offending establishment, one part with the enforcement agent and one part with the Compliance Group. The report will detail the necessary information so that formal complaint letters can be processed.

G. Meeting Adjourned