

Submitted by: ASSEMBLY CHAIR FLYNN,
VICE CHAIR GUTIERREZ, AND
ASSEMBLY PUBLIC SAFETY
COMMITTEE CHAIR CLAMAN

Prepared by: Municipal Clerk
For reading: March 2, 2010

CLERK'S OFFICE

APPROVED

3-2-10

ANCHORAGE, ALASKA

AR NO. 2010-82

Date:

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW THEATER LIQUOR LICENSE #4958 FOR GINGER, LLC. DBA:GINGER, LOCATED AT 621 W 6th AVENUE AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, GINGER, LLC. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Theater Liquor License #4958, to be used for Ginger, located at 621 W 6th Avenue, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on January 6, 2010 and has determined that the last day for the Assembly to file a protest is March 7, 2010; and

WHEREAS, the Assembly Meeting on March 2, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. ABC Board violations and/or incidents are on file that would lead to an ABC Board violation will be attached;
2. No taxes are owing to the Municipality of Anchorage;
3. Building Safety Department approval was received on January 8, 2010;
4. Fire Department approval was received on January 14, 2010;
5. Health and Human Services Department approval has not been received;
6. Conditional Use Permit, required by AMC 21.50.160, **has not been received;**

WHEREAS, protest by the Assembly is in order until Municipal Clerk confirmation that outstanding items required for this location have been completed;

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

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Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a new Theater Liquor License #4958 until these conditions are met:

- Approval from the Health & Human Services Departments are received and confirmed by the Municipal Clerk.
- Successful complete of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.

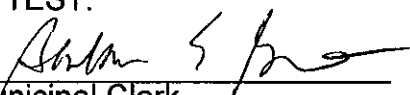
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Theater Liquor License #4958 under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.

Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk confirmation that all conditions in Section 1 have been met, to provide written notification to the Alcoholic Beverage Control Board that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 2nd day of March, 2010.



Chair

ATTEST:


Municipal Clerk

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

New Liquor License

6049

PAGE 1 OF 2
(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
Mo/Day Mo/Day
- Full 2-year period

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEE'S
License Year: 2010-2011	License Type: Theatre	Statute Reference 13 AAC 104.695 Sec. 04.11.	License Fee: \$600.00
Office Use Only License #: 4958			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: Downtown Community Council c/o Paul Nangle 101 Christenson Dr. Anchorage, AK 99501		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Ginger LLC	Doing Business As (Business Name): Ginger	Business Telephone Number: 907-929-3680	Total Submitted: \$700.00
Mailing Address: P.O. Box 200808	Street Address or Location of Premise: Alaska Center for the Performing Arts 621 W. 6th Avenue Anchorage	Business Telephone Number: 907-929-3683	Email Address: cmhandel@gmail.com
City, State, Zip: Anchorage, AK 99520-0808			

SECTION B. PREMISES TO BE LICENSED. Must be completed.

Closest school grounds 0.36 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable
Closest church: 0.55 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Colleen Handel	Ginger LLC	Restaurant / Eating Place	425 W. 5th Ave. Anchorage	AK
Robert E. Gill, Jr.	Ginger LLC	Restaurant / Eating Place	425 W. 5th Ave. Anchorage	AK
Matthew B. Gill				
Tessa J. Copeland				

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

Date Approved

Director's Signature

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership) Ginger LLC		Telephone Number 907-929-3680	Fax Number 907-929-3683
Corporate Mailing Address: P.O. Box 200808	City Anchorage	State AK	Zip Code 99520-0808
Name, Mailing Address and Telephone Number of Registered Agent Colleen M. Handel 3014 Knik Ave., Anchorage, AK 99517 907-248-0684		Date of Incorporation OR Certification with DCED November 3, 2006	State of Incorporation ALASKA
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Colleen M. Handel	Managing Member	55.2%	3014 Knik Ave - 907-248-0684 Anchorage, AK 99517	907-786-7181	05-19-1953
Robert E. Gill, Jr.	Member	Joint	- SAME -	907-786-7184	09-08-1946
Matthew E. Gill	Managing Member	18.3%	1820 Alder Dr. 907-830-7766 Anchorage, AK 99508	907-830-7766	07-19-1973
Tessa J. Copeland	Member	Joint	- SAME -	907-830-6612	10-16-1976

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)

Signature <i>Colleen M. Handel</i>	Signature <i>Robert E. Gill, Jr.</i>
Name & Title (Please Print) Colleen M. Handel, Managing Member	Name & Title (Please Print) Robert E. Gill, Jr., Member
Subscribed and sworn to before me this 30th day of November , 2009	Subscribed and sworn to before me this 30th day of November , 2009
Notary Public in and for the State of Alaska <i>[Signature]</i>	Notary Public in and for the State of Alaska <i>[Signature]</i>
My commission expires: 10-22-2011	My commission expires: 10-22-2011



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 1-12-09
Number: 09-0031
Page 1 of 2 Pages

Notice of Violation

(15AAC 104.525)

Licensee Ginger LLC	License Number 2925	Type of License Restaurant / Eating
D.B.A. Ginger 425 W. 5th Ave	How Delivered <input checked="" type="checkbox"/> Certified Mail # 7006 3450 0003 <input type="checkbox"/> In Person 7321 2203	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box P.O. Box 200808	City, State Anchorage, AK	Zip 99520

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.

VIOLATION:: On 1-8-09, at about 1844 hours, Ginger waitress Lisa Maria Andrus furnished an alcoholic beverage to two persons under the age of 21. Manager Jeremy M. Loyer was asked to provide proof of attending alcohol server training to which he later stated his training had expired about a year ago. He was told to stop serving until he could obtain current certification. Andrus was issued a summons for furnishing alcohol to a person under the age of 21. She was advised an additional charge would be forwarded for serving the other under 21 person. A mandatory court date of 2-2-09, 0830 hours, Anchorage District Court was assigned. The incident occurred during a compliance check. As a reminder, Anchorage Municipal Ordinance requires a person to have alcohol server training prior to starting work.

Your attention is directed to AS 04.16.052(5): Furnishing of alcoholic beverages to persons under the age of 21 by licensees.

A licensee or an agent or employee of the licensee may not with criminal negligence:

(5) while working on a licensed premises, furnish or deliver an alcoholic beverage to a person under the age of 21 years.

Your attention is directed to **AS 04.21.025: Alcohol Servers Education Course**

(a) As a condition of issuance or renewal of a license and selling alcoholic beverages under a license, the board shall require a licensee who sells or serves alcoholic beverages and a licensee's agents and employees who sell or serve alcoholic beverages or check the identification

of a patron to complete an alcohol server education course approved by the board, if the license is for a

- (1) beverage dispensary;
- (2) restaurant or eating place;
- (3) club;
- (4) package store;
- (5) recreational site;
- (6) pub;
- (7) conditional contractor.

(b) The subjects that are included in an approved alcohol server education course shall be determined under regulations adopted by the board. In approving alcohol server education courses, the board shall consider the needs of both urban and rural licensees regarding access to an approved alcohol server education course. A licensee, agent, or employee who sells or serves alcoholic beverages shall keep proof acceptable to the board of successful completion of an approved alcohol server education course on the licensed premises during working hours.

(c) A licensee, agent, or employee shall complete the course required under (a) of this section not more than 30 days after being licensed or employed.

(d) The board shall review an approved alcohol server education course at least once every three years.

(e) A person licensed as a common carrier dispensary shall train agents and employees who sell or serve alcoholic beverages or who check the identification of a patron on provisions of state law regarding sale of alcoholic beverages, including AS 04.16.015 , 04.16.020, 04.16.030, 04.16.051, 04.16.052, 04.16.120, 04.16.125, AS 04.21.030 , and 04.21.050. The training must include the subjects of the effects of alcohol consumption, identifying a drunken person, determining valid identification, intervention to prevent unlawful alcohol consumption, and penalties for unlawful acts by agents and employees of licensees. A common carrier licensee shall, once every three years, provide the board with a description of its training program including the subjects taught, teaching method, and testing required.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this notice of violation within 10 days to explain what action you have taken to prevent a reoccurrence of this violation. **Please include your Alcohol License Number in your response.**

A Response is Required

15 AAC 104.525 (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.

Receipt:	Violation Observed By: Investigator F.R. (Joe) Hamilton
Filed By: F.R. (Joe) Hamilton	Title Corporal, Department of Public Safety

Content ID: 008779**Type:** AR_AllOther - All Other ResolutionsA RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW THEATER LIQUOR LICENSE #4958 FOR GINGER, LLC. DBA:GINGER, LOCATED AT 621 W 6th AVENUE AND**Title:** AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. ASSEMBLY CHAIR FLYNN VICE CHAIR GUTIERREZ, AND ASSEMBLY PUBLIC SAFETY COMMITTEE CHAIR CLAMAN**Author:** delongmm**Initiating Dept:** Muni_Clk**Date Prepared:** 2/22/10 7:21 AM**Assembly Meeting Date:** 3/2/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/22/10 7:23 AM	Exit	Michelle M. DeLong	Public	008779
AllOtherARWorkflow	2/22/10 7:23 AM	Checkin	Michelle M. DeLong	Public	008779