

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

ANCHORAGE, ALASKA

Date: 3-2-10 AR NO. 2010-83

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE RENEWAL OF RESTAURANT EATING PLACE LIQUOR LICENSE #3434 FOR WAE SONG DBA:ALASKA SALMON CHOWDER HOUSE, LOCATED AT 443 W 4th AVENUE AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Wae Song has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a renewal of Restaurant Eating Place Liquor License #3434, to be used for Alaska Salmon Chowder House, located 443 W 4th 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 15, 2010 and has determined that the last day for the Assembly to file a protest is March 16, 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 are attached;
2. There are taxes owing to the Municipality of Anchorage in the amount of \$999.35.

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:

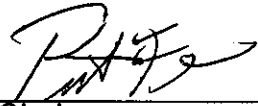
Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a Renewal of Restaurant Eating Place Liquor License #3434 until this condition is met:

- Taxes owing to the Municipality of Anchorage in the amount of \$999.35 are paid in full.

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 Restaurant Eating Place Liquor License #3434 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.

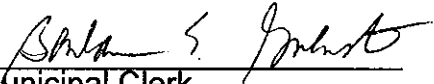
Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk confirmation that all conditions in Section 1 have been met, to provide written notification to the Alcoholic Beverage Control Board that this protest by the Anchorage Assembly is lifted, without further action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

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



Chair

ATTEST:



Municipal Clerk



ABC Board
5848 E Tudor Rd
Anchorage AK 99507

Liquor License Renewal

www.dps.state.ak.us/abc

2010/2011

#5818

SECTION A - LICENSE INFORMATION *** Review and complete all blank spaces. ***

FEES

All fees must be submitted with application

Lic. # **3434**

DBA (Establishment Name):

AS 04.11.100

Alaska Salmon Chowder House

Type: **Restaurant/Eating Place**

Owner: (Individual/Corp/LLC)

Premise Location (Street Address):

Wae Song

443 W 4th Ave

Mailing Address:

☞ If your mailing address has changed, please cross out current mailing address and add new address here:

**443 W 4th Ave
Anchorage AK 99501**

(New): _____

License Fee: **\$600.00**

Application Fee: **\$ 200.00**

Late Penalty Fee: **\$ 500.00**
(Due after 12/31/09)

Fingerprint Fee: \$ _____
(**\$54.25 due with each new licensee, officer, director, shareholder, affiliate must submit**)

TOTAL Submitted: \$ _____

\$ 900

Email Address:

@

Community Council Name & Address
(Anchorage & MatSu only)

Phone: **907 278-6901**

If license is seasonal, indicate operational dates:

Fax: **907 278-6902**

Mo/Day (Begin)

Mo/Day (End)

Name: _____

Local Governing Body

Address: _____

City: **Anchorage, Mun. of**

Borough: **Other (Anch, Sit, Jno, Com. Car, WA)**

SECTION B - WAIVER and RESTAURANT/EATING PLACE STATEMENT

You must answer all questions in this section - Yes; No or N/A

WAIVER OF OPERATION (13 AAC 104.170)

Was your license operated for at least 30 days during each of the 2008 and the 2009 periods? If "NO", then you must file a Waiver of Operation or your renewal application will be denied.

YES NO

RESTAURANT/EATING PLACE STATEMENT: AS 04.11.100 or 04.11.400(g)

All restaurant/eating place licensees must answer to be in compliance with Title 4:

N/A YES NO

Did the sale of food at the licensed premises constitute at least 50 percent of the gross receipts of the business during the 2008/2009 calendar years as required under AS 04.11.100(e)?

SECTION C - OTHER INFORMATION

- Has the licensed premises been changed from the last diagram submitted?
- Has there been any change in ownership interest since the last application submitted?
- If license is a PACKAGE STORE, are you in compliance with the written order database requirements?

N/A YES NO

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

YES NO

Name - State

Name - State

Has any person named in this application been convicted of a felony, AS 04 violation, or convicted as licensee/manager of any other licensed premise in another state under the liquor laws of that state? If YES, attach written explanation.

YES NO



All licenses are owned by either an Individual or a business entity. Please list the ownership in the area below:

Individual Owner / Affiliate Info	Name: WAE Song	Date of Birth: 5/3/52	Name:	Date of Birth:
	<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Affiliate (spouse - non-owner)	Title: owner	<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Affiliate (spouse - non-owner)	Title:
	Phone: (907) 272-6901		Phone:	
OR	Is the Corporation/LLC in compliance with Alaska Statutes - Title 10?			<input type="checkbox"/> YES <input type="checkbox"/> NO

List all LLC Members/Managers or Corporate Shareholders (holding 10% or more) and all Officers & Directors

Corporate or LLC Information	Name & Mailing Address	Title	%	Phone	Date of Birth	

Declaration (Please read and understand prior to signing.)

- 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 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.
- **(Organized entity)** I hereby certify that there have been no changes in officers, directors, stockholders or members/managers 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.



ABC Board
5848 E Tudor Rd
Anchorage AK 99507

Liquor License Renewal

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(907)269-0350
Fax (907)272-9412

ALCOHOL SERVER TRAINING CERTIFICATION
As required under AS 04.21.025


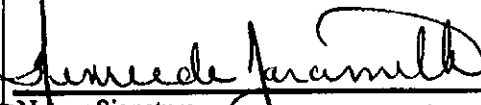
This certification must be submitted with your renewal, or your renewal will not be accepted. If new or transfer application, submit within 30 days after a temporary approval or liquor license has been issued. If you do not comply with this requirement, you will be in violation of Title 4, and your license may be suspended.

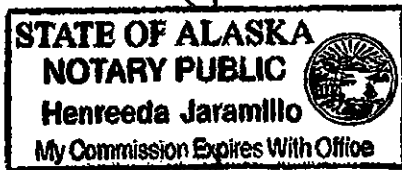
1. As a sole licensee or partner, or as officer, director, shareholder, member, or managing member of the entity to which this license is issued ("licensee"), I certify that I have received alcohol server training and my certification is currently valid.
2. As licensee, I certify that all other persons named as my partners, or officers, directors, shareholders, members or managing members of the entity to which this license is issued, have received alcohol server training and their certification is currently valid.
3. As licensee, I certify that all of my agents, employees who serve/sell alcoholic beverages, their supervisors, and anyone employed to check a patron's identification, have received alcohol server training and their certification is currently valid. (This applies within 30 days of employment)

EXCEPTION:

As a Corporate/LLC licensee (entity), I certify that all agents and employees who serve, sell, or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

License #: **3434**
Name: **Alaska Salmon Chowder House**
Owner: **Wae Song**

 _____ Licensee Signature	_____ Name & Title (Please print)
 _____ Notary Signature Notary Public in and for the State of <u>Alaska</u>	Subscribed and sworn to before me this <u>15</u> day of <u>December</u> 20 <u>09</u> . My commission expires: <u>w/d</u>





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

Date: 4-22-09
Number: 09-0669
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
Wae Song	3434	Restaurant / Eating
D.B.A. Alaska Salmon Chowder House	How Delivered <input checked="" type="checkbox"/> Certified Mail # 7006 3450 0003 <input type="checkbox"/> In Person 7319 2550	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 443 W. 4 th Ave	City, State Anchorage, AK	Zip 99501

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 received an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 4-21-09, at about 1508 hours, Alaska Salmon Chowder House dishwasher/waiter Adolf Rodriguez furnished an alcoholic beverage to a person under the age of 21. When asked to provide proof of attending an alcohol server education course, he did not have server education. The incident occurred during a compliance check. Rodriguez was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 5-14-09, 0830 hours was assigned. A charge of failing to obtain server education is being referred.

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

13 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: <i>F.R. Hamilton</i>	Title Investigator IV

Content ID: 008780**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE RENEWAL OF RESTAURANT EATING PLACE LIQUOR LICENSE #3434 FOR WAE SONG DBA:ALASKA SALMON CHOWDER

Title: HOUSE, LOCATED AT 443 W 4TH AVENUE AND 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 7:24 AM**Assembly Meeting Date:** 3/2/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/22/10 7:26 AM	Exit	Michelle M. DeLong	Public	008780
AllOtherARWorkflow	2/22/10 7:26 AM	Checkin	Michelle M. DeLong	Public	008780