

Submitted by: ASSEMBLY CHAIR TRAINI,  
VICE CHAIR FLYNN, AND ASSEMBLY  
PUBLIC SAFETY  
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk  
For reading: June 22, 2010

*See AR 2010-195(S)*

**ANCHORAGE, ALASKA  
AR NO. 2010-195**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS  
PROTEST REGARDING A TRANSFER OF OWNERSHIP OF A BEVERAGE  
DISPENSARY/TOURISM LIQUOR LICENSE # 10 FOR ALLEN HENRY CHOY, LLC dba  
AL'S ALASKAN INN, LOCATED AT 7830 OLD SEWARD HIGHWAY AND AUTHORIZING  
THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

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WHEREAS, Allen Henry Choy, LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a transfer Beverage Dispensary/Tourism Liquor License # 10, to be used for Al's Alaskan Inn, located at 7830 Old Seward Highway, 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 May 12, 2010 and has determined that the last day for the Assembly to file a protest is July 12, 2010; and

WHEREAS, the Assembly Meeting on June 22, 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. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. Taxes owing to the Municipality of Anchorage in the amount of 20,594.74;
3. Anchorage Fire Department approval was received on May 27, 2010;
4. Administrative site plan review, required by AMC 21.50.500, **has been completed**;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have been received**; and

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WHEREAS, protest by the Assembly is in order pending 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 Transfer of Ownership for Beverage Dispensary/Tourism Liquor License #10 until these conditions are met:

- Taxes 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 Beverage Dispensary/Tourism Liquor License #10 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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Municipal Clerk



State of Alaska  
Department of Public Safety  
**Alcoholic Beverage Control Board**

Sean Parnell, Governor  
Joseph A Masters, Commissioner

May 12, 2010

Municipality of Anchorage  
Barbara Gruenstein  
P.O. Box 196650  
Anchorage, Alaska 99519

Re: **Al's Alaskan Inn – License #10**

- Transfer of Ownership**       **Name Change**       **Restaurant Designation Permit**  
 **Transfer of Location**      **Old License # (if changed): \_\_\_\_\_**

We have received the enclosed liquor license application within the **Municipality of Anchorage**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

rj

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

# Transfer Liquor License

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

\* POSTED ORIGINAL LOCATION 3/16/2010 TO 4/21/2010

\* POSTED COPY AT LARGE DTSS & PUBLISHING POST OFFICE 3/16/2010 TO 4/21/2010

This application is for:

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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: <u>2010</u>	License Type: <u>BEVERAGE DEPENDENT TOURISM LIQUOR LICENSE</u>	Statute Reference Sec. 04.11 <u>400(d)</u>	License Fee: \$
License #: <u>0010</u>			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) <u>MUNICIPALITY OF ANCHORAGE</u>	Community Council Name(s) & Mailing Address: <u>TARA CAMPBELL 2170 WOODGREEN CIRCLE ANCHORAGE, ALASKA 99518</u>		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>ALLEN HENRY CHOY LLC 7830 OLD SEWARD HIGHWAY ANCHORAGE, ALASKA 99518</u>	Doing Business As (Business Name): <u>ALS ALASKAN INN</u>	Business Telephone Number: <u>(907) 344-6223</u>	Total Submitted: \$
Mailing Address: <u>7830 OLD SEWARD HIGHWAY</u>	Street Address or Location of Premise: <u>7830 OLD SEWARD HWY ANCHORAGE, ALASKA 99518</u>	Email Address: <u>ALSALASKANINN@YAHOO.COM</u>	
City, State, Zip: <u>ANCHORAGE, ALASKA 99518</u>			

**SECTION B - TRANSFER INFORMATION.**

Regular Transfer (STOCK TRANSFER)

Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.

Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.

Name and Mailing Address of CURRENT Licensee:  
ALLEN HENRY CHOY, LLC

Business Name (dba) BEFORE transfer:  
ALS ALASKAN INN

Street Address or Location BEFORE transfer:  
7830 OLD SEWARD HIGHWAY

**SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.**

Closest school grounds: <u>N/A</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <u>N/A</u> <input type="checkbox"/> Local ordinance No. <u>N/A</u>	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church: <u>N/A</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <u>N/A</u> <input type="checkbox"/> Local ordinance No. <u>N/A</u>	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Premises to be licensed is: <input type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input type="checkbox"/> New building <u>N/A</u>		<input type="checkbox"/> Not applicable <u>N/A</u>

Plans submitted to Fire Marshall (required for new & proposed buildings)

Diagram of premises attached N/A

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

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.

Office use only

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): <b>ALLEN HENRY CHOY, LLC.</b>	Telephone Number: <b>(907) 344-6223</b>	Fax Number: <b>N/A</b>
Corporate Mailing Address: <b>7830 OLD SEWARD HIGHWAY ANCHORAGE</b>	City: <b>ANCHORAGE</b>	State: <b>ALASKA</b>
Name, Mailing Address and Telephone Number of Registered Agent: <b>ALLEN HENRY CHOY 7830 OLD SEWARD HIGHWAY, ANCHORAGE, AK 99518</b>	Date of Incorporation OR Certification with DCED: <b>6/3/1999</b>	State of Incorporation: <b>ALASKA</b>
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 <b>must</b> 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
<b>CATHERINE MAIZE</b>	<b>MEMBER-MANAGER</b>	<b>100%</b>	<b>718 EAST 74th AVENUE ANCHORAGE, ALASKA 99518</b>	<b>(907) 344-6223</b>	<b>3/11/55</b>
<b>COPELEN</b>			<b>(907) 349-9533 (HOME)</b>		

**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: Home Phone: Work Phone: <b>(HUSBAND DECEASED)</b>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> 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.

<b>Signature of Current Licensee(s)</b> Signature <i>[Signature]</i>	<b>Signature of Transferee(s)</b> Signature <i>[Signature]</i>
Signature <b>ALLEN HENRY CHOY (MEMBER-MANAGER)</b>	Signature <b>CATHERINE MAIZE COPELEN (100% Spouse Hold Member-Manager)</b>
Name & Title (Please Print)	Name & Title (Please Print)
Subscribed and sworn to before me this <b>16<sup>th</sup> day of March, 2010</b>	Subscribed and sworn to before me this <b>16<sup>th</sup> day of March, 2010</b>
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: <b>3-15-12</b>	My commission expires: <b>3-15-12</b>

**Content ID:** 009161

**Type:** AR\_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF OWNERSHIP OF A BEVERAGE

**Title:** DISPENSARY/TOURISM LIQUOR LICENSE # 10 FOR ALLEN HENRY CHOY, LLC dba AL'S ALASKAN INN, LOCATED AT 7830 OLD SEWARD HIGHWAY AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

**Author:** moserak

**Initiating Dept:** Muni\_Clk

**Date Prepared:** 6/16/10 2:59 PM

**Assembly Meeting Date:** 6/22/10

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	6/16/10 3:06 PM	Exit	Amanda Moser	Public	009161
AllOtherARWorkflow	6/16/10 3:06 PM	Checkin	Amanda Moser	Public	009161

*Allen Henry Choy*