

Submitted by: CHAIR OF THE ASSEMBLY AT  
THE REQUEST OF THE MAYOR

Prepared by: Dept. of Law

For reading: June 22, 2010

CLERK'S OFFICE

APPROVED

6-22-10

ANCHORAGE, ALASKA

AR NO. 2010-195(S)

Date:

**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.**

**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**, this transfer arises from the transfer of ownership in Allen Henry Choy, LLC, to another family member and the LLC will remain the owner of the License; 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; and
2. Taxes owing to the Municipality of Anchorage including real property and personal property taxes, with interest, as more fully set forth in the proof of claims filed by the Municipality in the bankruptcy filed by Allen Henry Choy, LLC [IN THE AMOUNT OF 20,594.74] ; and
3. Anchorage Fire Department approval was received on May 27, 2010; and
4. Administrative site plan review, required by AMC 21.50.500, **has been completed**; and
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have been received**; and

1 **WHEREAS**, conditional protest by the Assembly is in order pending Municipal  
2 Clerk confirmation that outstanding items required for this location have been  
3 completed; now, therefore,  
4

5 **THE ANCHORAGE ASSEMBLY RESOLVES:**  
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7 **Section 1.** The Anchorage Assembly hereby enters its **CONDITIONAL**  
8 **PROTEST** for a Transfer of Ownership for Beverage Dispensary/Tourism Liquor  
9 License #10 until these conditions are met:

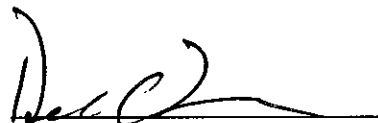
- 10
- 11 a. Real property and personal property taxes with interest, but  
12 excluding penalties, in the amounts and as provided for under the  
13 Debtor's First Amended Confirmed Ch. 11 Plan (Classes 2 and 3)  
14 are paid in full [TAXES PAID IN FULL].  
15

16 **Section 2.** A copy of this Assembly Resolution may be presented to the  
17 Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the  
18 local governing body, has stated its conditional protest in order to allow the  
19 Director of the Alcoholic Beverage Control Board to hold processing of Beverage  
20 Dispensary/Tourism Liquor License #10 under local protest pursuant to  
21 AS 04.11.480(c) until receipt by the Director of confirmation from the Municipal  
22 Clerk that the conditions in Section 1 have been met, and this conditional protest is  
23 lifted as authorized by this Assembly Resolution.  
24

25 **Section 3.** The Anchorage Assembly hereby authorizes the Municipal Clerk,  
26 upon Municipal Clerk confirmation that all conditions in Section 1 have been met,  
27 to provide written notification to the Alcoholic Beverage Control Board that this  
28 conditional protest by the Anchorage Assembly is lifted, without further action by  
29 the Assembly.  
30

31 **Section 4.** This resolution shall be effective immediately upon passage.  
32

33 PASSED AND APPROVED by the Anchorage Assembly this 20th day of  
34 June, 2010.  
35

36  
37   
38 Chair

39 ATTEST:

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42 \_\_\_\_\_  
43 Municipal Clerk