

CLERK'S OFFICE

**APPROVED**

Date: 9-28-10

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

Prepared by: Municipal Clerk  
For reading: September 28, 2010

**ANCHORAGE, ALASKA  
AR NO. 2010-268**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF LOCATION CLUB LIQUOR LICENSE #2706 FOR VETERANS OF FOREIGN WARS OF THE US dba VFW POST # 9981, LOCATED AT 12870 OLD SEWARD HIGHWAY # 109, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

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WHEREAS, Veterans of Foreign Wars of the US has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a transfer of location for a Club Liquor License # 2706, to be used for VFW Post # 9981, located at 12870 Old Seward Highway # 109 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 July 30, 2010 and has determined that the last day for the Assembly to file a protest is September 28, 2010 and

WHEREAS, the Assembly Meeting on September 28, 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. No taxes owing to the Municipality of Anchorage;
3. Conditional Use Permit, required by AMC 21.50.500, **has not been completed**;
4. Approvals from the Municipal Health & Human Services, Building Safety and Anchorage Fire Departments **have been received**; and

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

3  
4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:


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6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a transfer of  
7 ownership for a Club Liquor License # 2706 until these conditions are  
8 met:

- 9  
10 • Successful completion of the Conditional Use Permit under AMC  
11 21.50.160 is confirmed by the Municipal Clerk.

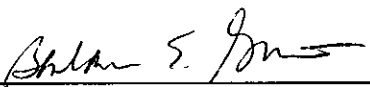
12  
13 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic  
14 Beverage Control Board as proof that the Anchorage Assembly, as the  
15 local governing body, has stated its protest in order to allow the Director  
16 of the Alcoholic Beverage Control Board to hold processing of Club  
17 Liquor License # 2706 under local protest, until receipt by the Director of  
18 confirmation from the Municipal Clerk that the conditions in Section 1  
19 have been met, and this protest is lifted as authorized by this Assembly  
20 Resolution.

21  
22 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon  
23 Municipal Clerk confirmation that all conditions in Section 1 have been  
24 met, to provide written notification to the Alcoholic Beverage Control  
25 Board that this protest by the Anchorage Assembly is lifted, without  
26 further action by the Assembly.

27  
28 PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of  
29 September, 2010.

30  
31  
32  
33  
34   
35 Chair

36 ATTEST:

37  
38   
39  
40 Municipal Clerk



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

Sean Parnell, Governor  
Joseph A Masters, Commissioner

July 27, 2010

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

Re: VFW Post #9981 – License #2706

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

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning \_\_\_\_\_ and ending \_\_\_\_\_  
 Full 2-year period

Mo/Day \_\_\_\_\_ Mo/Day \_\_\_\_\_ # 6506

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2009-2010	License Type: Club	Statute Reference Sec. 04.11.110	License Fee: \$ Filing Fee: \$100.00
License #: 2706	Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Veterans of Foreign Wars of the U.S. (VFW)		Community Council Name(s) & Mailing Address: Stuffman/O'Malley CC	Total Submitted: \$ 100
Mailing Address: 12870 Old Seward Hwy # 109		Doing Business As (Business Name): VFW Post # 9981	Business Telephone Number: 907-382-6506
City, State, Zip: Anchorage AK 99515		Street Address or Location of Premise: 12870 Old Seward Hwy # 109 Anchorage AK 99515	Fax Number: Email Address:

**SECTION B - TRANSFER INFORMATION.**

Regular 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:  
9191 Old Seward Hwy # 9  
Anchorage, AK 99515

Business Name (dba) BEFORE transfer:  
VFW Post # 9981

Street Address or Location BEFORE transfer:  
12870 Old Seward Hwy Suite 109  
Anchorage AK 99515

**SECTION C - PREMISES TO BE LICENSED.** Must be completed for RELOCATION applications. Anchorage AK 99515

Closest school grounds:	Distance measured under: <input 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.
Closest church:	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<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 checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

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.

Date Approved	Director's Signature
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# 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): <i>VFW</i>		Telephone Number: <i>907 352-6506</i>	Fax Number:
Corporate Mailing Address: <i>Same</i>	City: <i>Anchorage</i>	State: <i>AK</i>	Zip Code: <i>99515</i>
Name, Mailing Address and Telephone Number of Registered Agent: <i>12870 Old Seward Hwy #109 Steve Hubbard</i>		Date of Incorporation OR Certification with DCED:	State of Incorporation:
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
<i>Steven Hubbard</i>	<i>Cmdr</i>		<i>14201 Elmors Anch 382-6506</i>	<i>562-3422</i>	<i>7/6/51</i>
<i>Bruce A. Lund</i>	<i>Sr. Vice Cmdr</i>		<i>6400 E 112th Anch 242-9158</i>	<i>551-5773</i>	<i>7/19/62</i>

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.)**

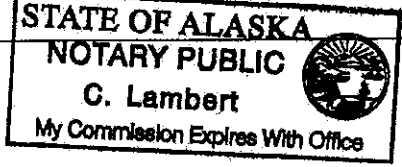
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input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

Signature of Current Licensee(s) Signature <i>[Signature]</i>	Signature of Transferee(s) Signature <i>[Signature]</i>
Signature <i>[Signature]</i>	Signature <i>[Signature]</i>
Name & Title (Please Print) <i>Steve Hubbard Commander</i>	Name & Title (Please Print) <i>Steve Hubbard Commander</i>
Subscribed and sworn to before me this <i>14</i> day of <i>July</i> <i>2010</i> .	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska <i>W/office Christine C Lambert</i>	Notary Public in and for the State of Alaska
My commission expires:	My commission expires:

Transfer App 3/09



**Content ID:** 009406

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

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF LOCATION CLUB LIQUOR LICENSE # 2706 FOR VETERANS OF FOREIGN WARS OF THE US dba VFW POST #

**Title:** 9981, LOCATED AT 12870 OLD SEWARD HIGHWAY # 109, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly Chair Dick Traini, vice-Chair Flynn and Assembly Public Safety Committee Chair Honeman.

**Author:** moserak

**Initiating Dept:** Muni\_Clk

**Date Prepared:** 9/17/10 8:43 AM

**Assembly Meeting Date:** 9/28/10

<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	9/17/10 9:01 AM	Exit	Amanda Moser	Public	009406
AllOtherARWorkflow	9/17/10 9:01 AM	Checkin	Amanda Moser	Public	009406