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4 CLERK'S OFFICE

5 **APPROVED**

6 Date: 12-14-10

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

Prepared by: Municipal Clerk  
For reading: December 14, 2010

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8 **ANCHORAGE, ALASKA**  
9 **AR NO. 2010-361**

10  
11 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS**  
12 **PROTEST REGARDING A TRANSFER OF LOCATION OF A PACKAGE STORE LIQUOR**  
13 **LICENSE # 2614 FOR TESORO NORTHSTAR COMPANY dba 2 GO TESORO, LOCATED**  
14 **AT 500 HOLLYWOOD, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN**  
15 **ACTION.**

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16  
17 WHEREAS, Tesoro Northstar Company has made an application with the Alcoholic  
18 Beverage Control (ABC) Board and has paid the required fee for a Transfer of Location of a  
19 Package Store Liquor License # 2614, to be used for 2 Go Tesoro, located at 500 Hollywood  
20 Drive, Anchorage, Alaska; and

21  
22 WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days  
23 following receipt of the application; and

24  
25 WHEREAS, the Anchorage Municipal Clerk received a copy of this application on  
26 October 19, 2010 and has determined that the last day for the Assembly to file a protest is  
27 December 20, 2010 and

28  
29 WHEREAS, the Assembly Meeting on December 14, 2010 is the last scheduled  
30 regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

31  
32 WHEREAS, the Municipal Clerk reports the following status concerning this location:

- 33
- 34 1. No ABC Board violations and/or incidents that would lead to an ABC Board  
35 violation;
  - 36 2. No taxes owing to the Municipality of Anchorage;
  - 37 3. Anchorage Fire Department approval was received on **November 30, 2010**;
  - 38 4. Conditional Use Permit required by AMC 21.50.160; has not been approved;
  - 39 5. Approvals from the Municipal Health & Human Services and Building Safety  
40 Departments **have been received**; and
- 41  
42  
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45

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:  
5


6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a transfer of  
7 location of a Package Store Liquor License # 2614 and until these  
8 conditions are 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 Package  
17 Store Liquor License # 2614 under local protest, until receipt by the  
18 Director of confirmation from the Municipal Clerk that the conditions in  
19 Section 1 have been met, and this protest is lifted as authorized by this  
20 Assembly 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 14<sup>th</sup> day of  
29 December, 2010.  
30

31  
32  
33   
34 Chair

35 ATTEST:  
36

37   
38  
39 Municipal Clerk  
40



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

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

October 19, 2010

Municipality of Anchorage – Attn: Amanda Moser  
Government Hill Community Council – Attn: Bob French  
VIA EMAIL: [MuniLicenses@muni.org](mailto:MuniLicenses@muni.org); [moserak@muni.org](mailto:moserak@muni.org); [bgkfrench@gmail.com](mailto:bgkfrench@gmail.com)  
Re: 2Go Tesoro #2614

- Transfer of Ownership       Name Change       Restaurant Designation Permit  
 Transfer of Location       New Application      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 have 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.

*/s/ Leighanne D. Atwood*  
Leighanne D. Atwood  
Business Registration Examiner

Alcoholic Beverage Control Board  
5848 E. Tudor Road - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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

# Transfer Liquor License

**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	License Type: <b>Package Store</b>	Statute Reference Sec. 04.11.080(7); and Sec. 04.11.150	License Fee: \$
License #: 2614			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) <b>Municipality of Anchorage</b>	Community Council Name(s) & Mailing Address: <b>Government Hill Community Council P.O. Box 101677 Anchorage, AK 99510</b>		Fingerprint: ( <i>\$54.25 per person</i> )
Name of Applicant (Corp./LLC/LP/LLP/Individual/Partnership): <b>TESORO NORTHSTORE COMPANY</b>	Doing Business As (Business Name): <b>2Go Tesoro</b>	Business Telephone Number: <b>907-261-7266</b>	Total Submitted: \$
Mailing Address: <b>471 W. 36<sup>th</sup> Avenue, Suite 100 P.O. Box 196272</b>	Street Address or Location of Premise: <b>500 Hollywood Drive Anchorage, Alaska 99501</b>	Fax Number: <b>866-421-8297</b>	
City, State, Zip: <b>Anchorage, Alaska 99519</b>		Email Address: <b>James.H.Sturley@tscorp.com</b>	

## SECTION B - TRANSFER INFORMATION.

<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of <i>CURRENT</i> Licensee: <b>Tesoro Northstore Company 471 W. 36<sup>th</sup> Avenue, Suite 100, P.O. Box 196272 Anchorage, Alaska 99519</b>
<input type="checkbox"/> 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.	
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Business Name (dba) <i>BEFORE</i> transfer: <b>2Go Tesoro</b>
	Street Address or Location <i>BEFORE</i> transfer: <b>No Premises</b>

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

Closest school grounds: <b>625 feet</b>	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 checked="" type="checkbox"/> Not applicable
Closest church: <b>406 feet</b>	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	

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
<b>See attached list of Tesoro Northstore Company Package Liquor Store Licenses.</b>				

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): <b>Tesoro Northshore Company</b>		Telephone Number: <b>907-261-7266</b>	Fax Number: <b>866-421-8297</b>
Corporate Mailing Address: <b>471 W. 36<sup>th</sup> Ave., Suite 100 P.O. Box 196272</b>	City: <b>Anchorage</b>	State: <b>Alaska</b>	Zip Code: <b>99519</b>
Name, Mailing Address and Telephone Number of Registered Agent: <b>Corporation Service Company, 9360 Glacier Highway, Suite 202, Juneau, Alaska 99801, 866-690-2882</b>		Date of Incorporation OR Certification with DCED: <b>6/29/81</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 <u>must</u> 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>See Exhibit A attached.</b>					

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

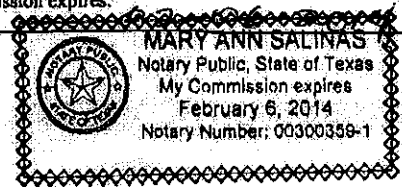
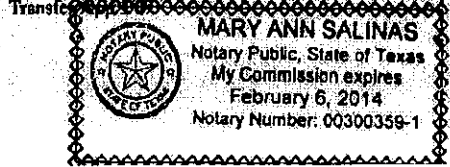
**Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)**

Name: Address:  Home Phone: Work Phone:	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>Claude P. Moreau</i>	Signature of Transferor(s) Signature <i>Claude P. Moreau</i>
Name & Title (Please Print) <b>Claude P. Moreau, President</b>	Name & Title (Please Print) <b>Claude P. Moreau, President</b>
Subscribed and sworn to before me this <b>19<sup>th</sup></b> day of <b>August</b> , <b>2010</b>	Subscribed and sworn to before me this <b>19<sup>th</sup></b> day of <b>August</b> , <b>2010</b>
Notary Public in and for the State of <del>Alaska</del> <b>Texas</b>	Notary Public in and for the State of <del>Alaska</del> <b>TEXAS</b>
<i>MARY ANN SALINAS</i>	<i>MARY ANN SALINAS</i>
My commission expires: <b>02-06-2014</b>	My commission expires:



**Content ID:** 009692**Type:** AR\_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF LOCATION OF A PACKAGE STORE

**Title:** LIQUOR LICENSE # 2614 FOR TESORO NORTHSTAR COMPANY dba 2 GO TESORO, LOCATED AT 500 HOLLYWOOD, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**Author:** moserak**Initiating Dept:** Muni\_Clk**Date Prepared:** 12/3/10 10:12 AM**Assembly Meeting Date:** 12/14/10

<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	12/3/10 10:39 AM	Exit	Amanda Moser	Public	009692
AllOtherARWorkflow	12/3/10 10:39 AM	Checkin	Amanda Moser	Public	009692