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2 CLERK'S OFFICE
3 **APPROVED**

4 Date: 3-29-11

Submitted by: ASSEMBLY CHAIR TRAINI,
VICE CHAIR FLYNN, AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN
Prepared by: Municipal Clerk
For reading: March 29, 2011

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8 **ANCHORAGE, ALASKA**
9 **AR NO. 2011-76**

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11 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS**
12 **PROTEST REGARDING A RENEWAL OF A PACKAGE STORE LIQUOR LICENSE #3556**
13 **FOR T & M ENTERPRISES, INC. dba SPIRITS OF ALASKA #1, LOCATED AT 1149**
14 **GAMBELL AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

15
16 WHEREAS, T & M Enterprises, Inc. has made an application with the Alcoholic
17 Beverage Control (ABC) Board and has paid the required fee for a Renewal of a Package
18 Store Liquor License #3556, to be used for Spirits of Alaska #1, located at 1149 Gambell,
19 Anchorage, Alaska; and

20
21 WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days
22 following receipt of the application; and

23
24 WHEREAS, the Anchorage Municipal Clerk received a copy of this application on
25 February 9, 2011 and has determined that the last day for the Assembly to file a protest is
26 April 8, 2011; and

27
28 WHEREAS, the Assembly Meeting on March 29, 2011 is the last scheduled regular
29 meeting of the Anchorage Assembly prior to the expiration of the protest period; and

30
31 WHEREAS, the Municipal Clerk reports the following status concerning this location:

- 32
33 1. Any ABC Board violations and/or incidents are on file that would lead to an
34 ABC Board violation are attached;
35
36 2. There are taxes owing to the Municipality of Anchorage in the amount of
37 **\$6,100.00**

38
39 WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation
40 that outstanding items required for this location have been completed;

41
42 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:**

43
44 Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a Renewal of
45 Package Store Liquor License #3556 until this condition is met:
46

- Taxes owing to the Municipality of Anchorage in the amount of \$6,100.00 are paid in full.

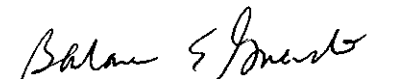
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Package Store Liquor License #3556 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 29th day of March, 2011.


Chair

ATTEST:


Municipal Clerk

RENEWAL Liquor License Application

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

7362

SECTION A. LICENSE INFORMATION. Must be completed.		FEES	
License Number: 3556	Liquor License Type: Package Store	License Fee:	\$ 1500.00
	Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Filing Fee:	\$ 200.00
License Year: 2011	Has the license been exercised or active at least 30 eight-hour days during each of the two preceding calendar years? [AS 04.11.330(3)]	Penalty Fee: (If applicable)	\$ 500.00
Statute Reference Sec. 04.11.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, your application will be denied unless a <i>Waiver of Operation</i> (form available) is approved by the Alcoholic Beverage Control Board.	Total Submitted:	\$ 1700.00

Name of Licensee: T&M Enterprises, Inc.	Street Address or Location of Business: 1149 Gambell	Community Council Name(s) & Mailing Address: Fairview Community Council
Doing Business As (Business Name): Spirits of Alaska #1	City: Anchorage	
Mailing Address: 1149 Gambell	Business Telephone Number: 907-274-2818	
City, State, Zip: Anch., AK 99501	Fax Number: 907-274-5707	
<input checked="" type="checkbox"/> Check if this is a NEW mailing address	Email Address: SpiritsofAlaska@hotmail.com	

SECTION B. RENEWAL INFORMATION		
Has the licensed premises been changed from the last diagram submitted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, submit a new diagram	Has there been any change in ownership interest since the last application submitted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PACKAGE STORE: Does this renewal include renewal of the notice required under AS04.11.150(a) to sell alcoholic beverages in response to written orders? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C. Individual, corporate officer, director, limited liability organization member, manager or partner background.				
Does any individual, corporate officer, director, or 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	Business Street Address	State
			ISSUED	
			JAN 27 2011	
			ABC BOARD	

Has any individual, corporate officer, director, or 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 since the last application submitted?
 Yes if yes, attach written explanation. No

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

Renewal Liquor License

PAGE 2 OF 2
(907) 269-0350
Fax: (907) 272-9412

www.dps.state.ak.us/abc

ENTITY OWNERSHIP (Corporation/LLC/LP)

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): **T&M Enterprises, Inc**
Telephone Number: **907-274-2818**
Fax Number: **907-274-5707**

Corporate Mailing Address:
1149 Gambell Anch AK 99501

Name, Mailing Address and Telephone Number of Registered Agent:
Darryl Thompson
841 I Street
Anch AK 99501
Date of Incorporation OR Certification with DCED: **8/4/94**
State of Incorporation: **AK**

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? Yes No If no, attach written explanation. Your entity must 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 #	Work Phone #	Date of Birth
Bridget Thompson	Pres	100%	1321 Hillcrest Dr Anch AK 99503	907-360-2893	1-23-64

NOTE: On a separate sheet provide additional ownership/shareholder/member/director/officer information.

INDIVIDUAL OWNERSHIP (Individual or Partnership)

Individual Licensees/Affiliates (The ABC Board defines "Affiliate" as the spouse or significant other of a licensee. List each Affiliate.)

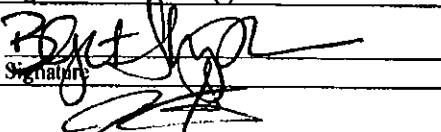
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input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

Restaurant/Eating Place Statement YES NO Gross receipts from the sale of food at the licensed premises constituted at least 50 percent of the gross receipts of the business during the 20 /20 calendar license years as required under AS 04.11.100(e).

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 Licensee(s)


Signature

Bridget Thompson, President
Name & Title (Please Print)

Notary Signature
Notary Public in and for the State of Alaska

Subscribed and sworn to before me this 31 day of December, 2010.

My commission expires: 29 May 2012

Notary Public
JOSHUA R. LOWMAN
State of Alaska
My Commission Expires May 29, 2012

ENTITY INFORMATION

OR

INDIVIDUAL



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

Date: 3-18-09
Number: 09-0406
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Notice of Violation

(13AAC 104.525)

Licensee T & M Enterprises Inc.	License Number 3556	Type of License Package Store
D.B.A. Spirit's of Alaska #1	How Delivered <input checked="" type="checkbox"/> Certified Mail # 7006 3450 0003 <input type="checkbox"/> In Person 7321 1848	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 1149 Gambell Street	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 receive an Accusation and Notice of your right to an Administrative Hearing.

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

VIOLATION: On 3-16-09, at about 1510 hours, Spirit's of Alaska clerk Alvin Carl Ledward sold an alcoholic beverage to a person under the age of 21. The sale occurred during a compliance check. Ledward was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 4-15-09, 0830 hours, Anchorage District Court was assigned. Other violation noticed was two of the required signs were trimmed down to fit on a cork board.

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 04.21.065: Posting of warning signs.**

(a) A holder of one of the following types of licenses or permits shall post on the licensed or designated premises three separate warning signs as described in (b) of this section:

(5) package store license;

(b) The warning signs required by (a) of this section must be at least 11 inches by 14 inches and the lettering must be at least one-half inch high and in contrasting colors. The first sign must read,

"WARNING: Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy can cause birth defects." The second sign must read, "WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051 , could be imprisoned for up to five years and fined up to \$50,000." The third sign must read, "WARNING: A person under 21 years of age who enters these premises in violation of law could, under AS 04.16.049 (e), be civilly liable for damages of \$1,000." The license or permit holder shall display the first and second signs in a manner that would make them conspicuous to a person who will be purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or designated premises and shall conspicuously display the third sign at each door through which customers enter the licensed premises.

(c) The board shall furnish a sign required under this section to a person who requests it with the intention of displaying it.

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:	Title Investigator IV

Content ID: 010016**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A RENEWAL OF A PACKAGE STORE LIQUOR

Title: LICENSE #3556 FOR T & M ENTERPRISES, INC. dba SPIRITS OF ALASKA #1, LOCATED AT 1149 GAMBELL AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly Chair Traini, Vice-Chair Flynn and Assembly Public Safety Chair Honeman.**Author:** moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 3/17/11 4:45 PM**Assembly Meeting Date:** 3/29/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	3/17/11 4:58 PM	Exit	Amanda Moser	Public	010016
AllOtherARWorkflow	3/17/11 4:58 PM	Checkin	Amanda Moser	Public	010016