



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: October 18th 2016

RE: Dave & Buster's # 806

This is an application for a transfer of ownership, location and DBA change. The matter is on the agenda for board consideration due to the applicant wishing to present the board with a plan for the issue of minors on premises.

Dave & Busters is a chain business with a business model involving a midway, a large room with many video games. Because Restaurant Designation Permit regulations expressly note that the presence of video games suggests that minors are not on the premises for purposes of dining only, the management team met with Dave & Busters and their attorneys to discuss the business model as it relates to Alaska liquor licensing laws.

Relevant statutes and regulations: AS 4.16.049; 3 AAC 304.715-755; 3 AAC 304.305(f)



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

October 5, 2016

Ms. Sarah Oates
Alaska Alcohol and Marijuana Control Office
550 W 7th Ave. Ste. 1600
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Oates:

The Anchorage Municipal Assembly at its regular meeting on **October 4, 2016** took the following final action:

NON -OBJECTION

Transfer Liquor License

- **Restaurant/Eating Place**
-Japanese Restaurant Naruto LL#5218 – AM 661-2016

PROTEST

Transfer Liquor License

- **Beverage Dispensary**
-Dave & Buster's LL#806 – AR 2016-261
Pending approval by the Assembly of a special land use permit and certifications from the Anchorage Fire Department, the Department of Health & Human Services, and the Building Official - Building Safety.

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

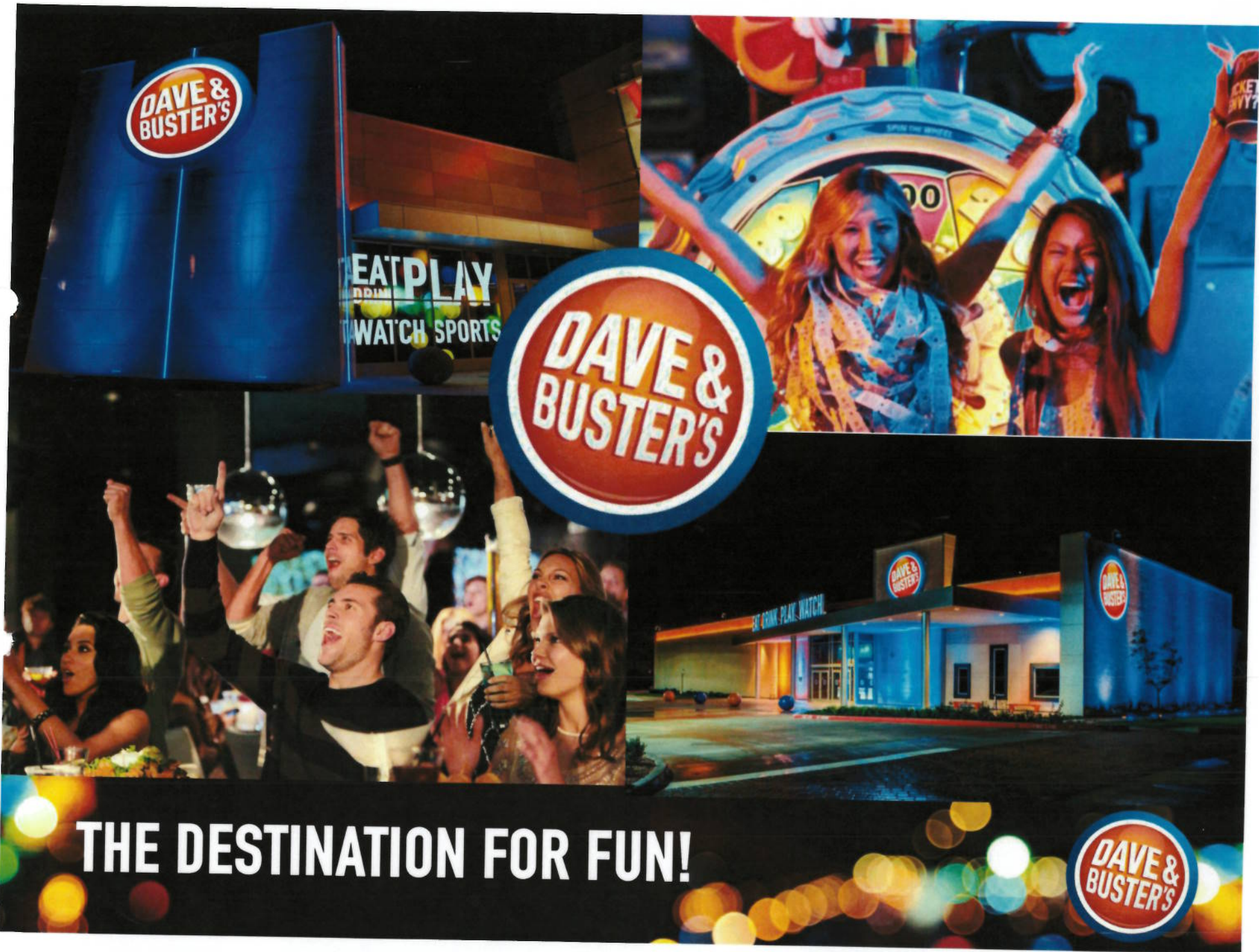
Cordially,

Mandy Honest
Business License Official

Concur,

Amanda K. Moser
Deputy Municipal Clerk

CC: Japanese Restaurant Naruto
Dave & Buster's



DAVE & BUSTER'S

**EAT PLAY
DRINK
WATCH SPORTS**

DAVE & BUSTER'S

DAVE & BUSTER'S

DAVE & BUSTER'S

THE DESTINATION FOR FUN!

DAVE & BUSTER'S

OUR COMPANY



THIS GUY NAMED **DAVE** LOVED ALL THINGS FUN & GAMES. THIS GUY NAMED **BUSTER** LOVED ALL THINGS FOOD & DRINK.
...AND THAT'S HOW IT ALL BEGAN.

DAVE & BUSTER'S

Celebrating 30 years of Eat, Drink, Play & Watch Sports. Our Guests come to us to escape their daily grind. Only at Dave & Buster's can they have it all!

A mix of immersive experiences with fun and engaging people, innovative food and drinks, all in a cool and current environment.

COMPANY HIGHLIGHTS

- Founded in Dallas, TX December 1982
- Public Company – “PLAY”
- Leading owner and operator of high volume venues that combine dining and entertainment
- Over 12,000 employees
- 140 - 160 employees per store

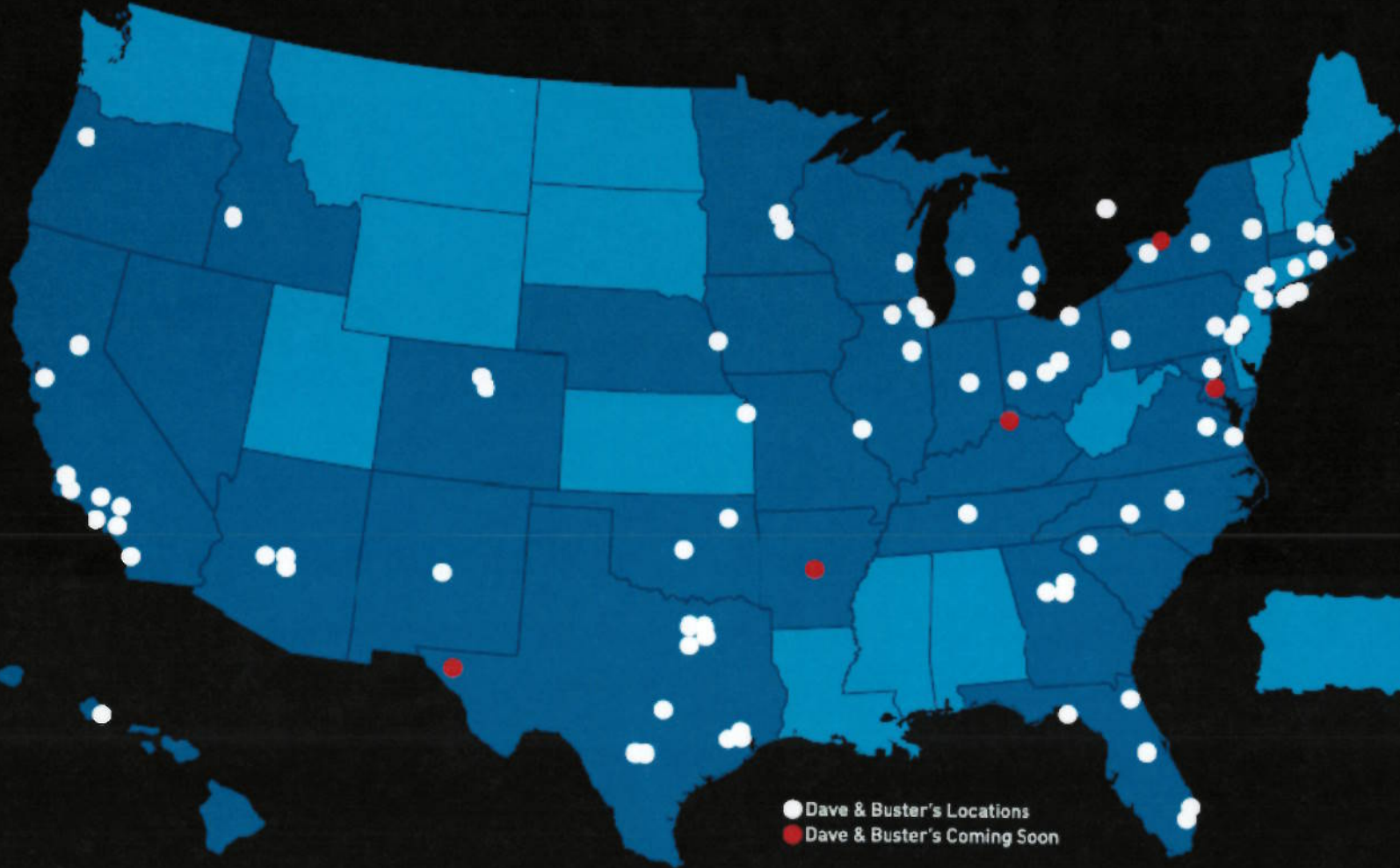


EAT • DRINK • PLAY • WATCH

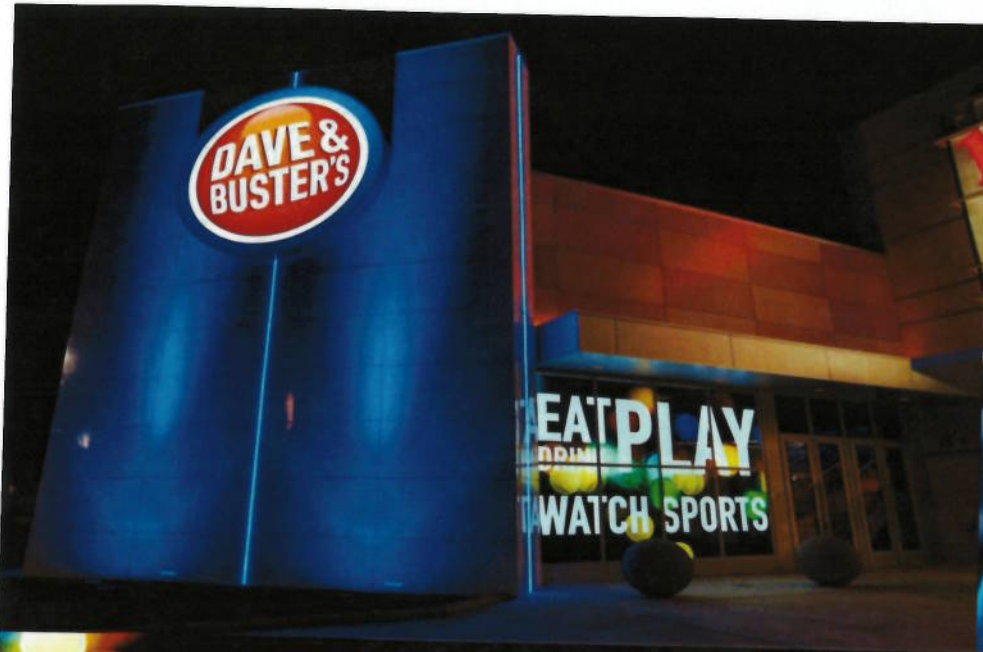




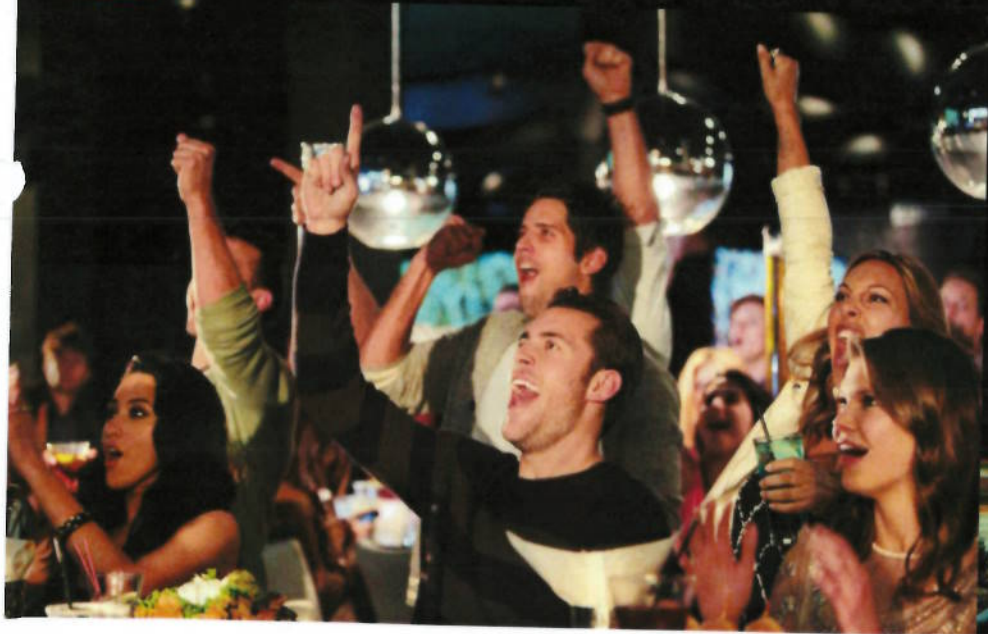
OVER 80 LOCATIONS AND GROWING



- Dave & Buster's Locations
- Dave & Buster's Coming Soon



OUR CONCEPT



CATEGORY DEFINING CONCEPT



DAVE & BUSTER'S COMBINES THE BEST ATTRIBUTES OF ENTERTAINMENT AND CASUAL DINING — ALL IN ONE LOCATION

EAT

- FULL-SERVICE DINING WITH A BROAD, HIGH-QUALITY MENU
- DIFFERENTIATED AND FUN FOOD COMBINATIONS



DRINK

- BROAD SELECTION OF ALCOHOLIC AND NON-ALCOHOLIC BEVERAGES
- FULL BAR SERVICE AVAILABLE THROUGHOUT THE STORE



PLAY

- GAMES ARE THE BRAND'S CORE DIFFERENTIATOR
- LARGEST ASSORTMENT OF ENTERTAINING GAMES WITH THE ABILITY TO WIN PRIZES
- DYNAMIC, HIGH-ENERGY AND SOCIAL EXPERIENCE IMPOSSIBLE TO REPLICATE AT HOME



WATCH

- BRANDED SPORTS BAR EXPERIENCE WITH LARGER THAN LIFE HDTVS
- DIFFERENTIATED AND INTERACTIVE VIEWING EXPERIENCE
- D&B SPORTS IS DRIVING NEW TRAFFIC AND GUEST OCCASIONS

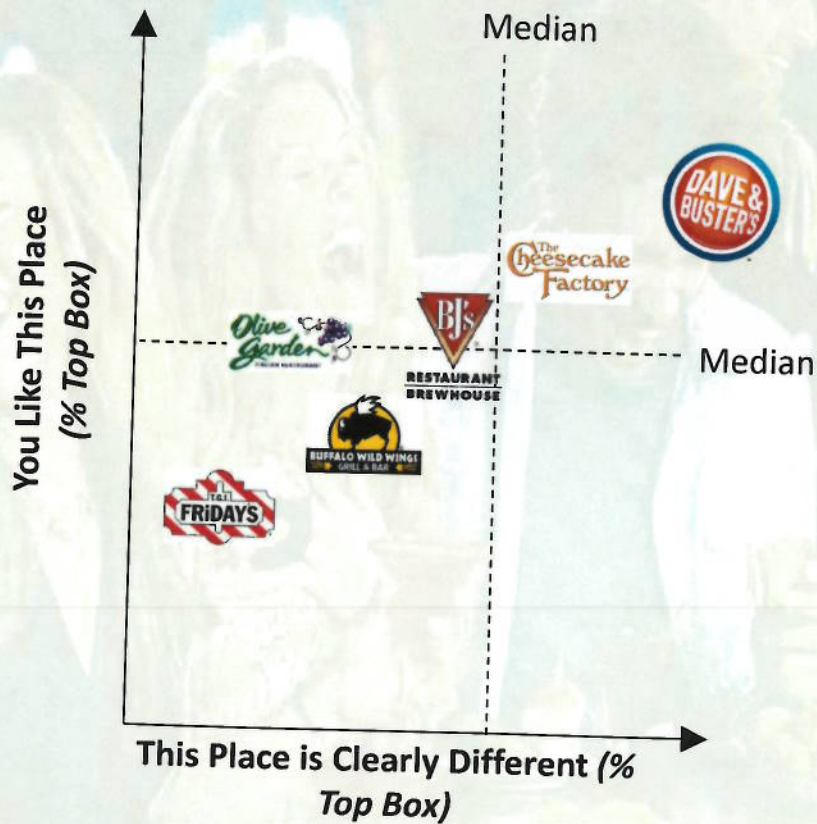


EAT • DRINK • PLAY • WATCH

MARKET PLACE



Appeal and Differentiation



Competitive Set

- Casual Dining
- Movies



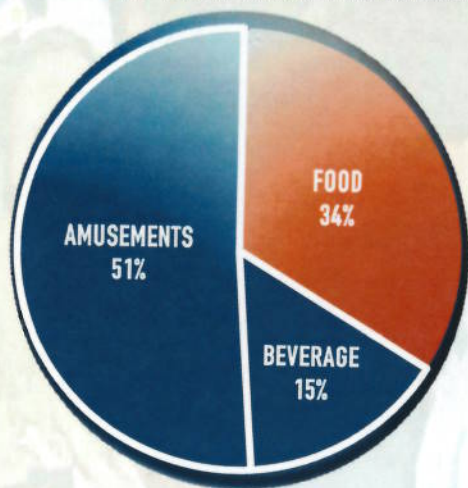
Source: Brand Health Tracker (based on Q3 2011 to Q2 2012)

GUEST & SALES

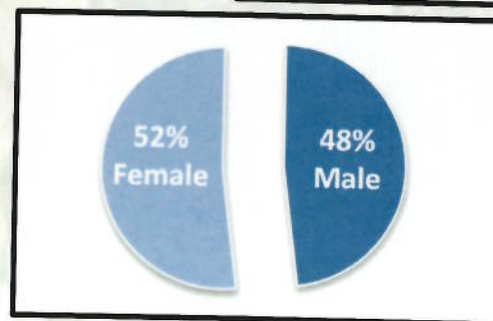
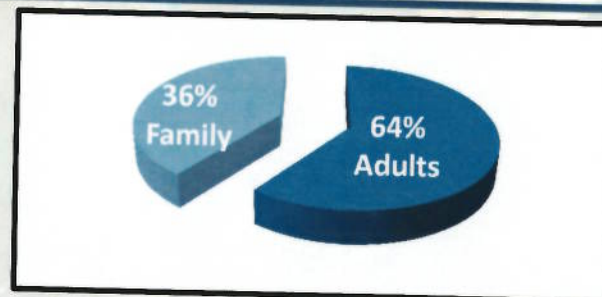


REVENUE

- UNIQUE COMBINATION OF AMUSEMENTS, FOOD AND BEVERAGE REVENUE
- 85% OF REVENUE IS GENERATED FROM AMUSEMENTS AND FOOD



GUESTS



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SPECIAL EVENTS

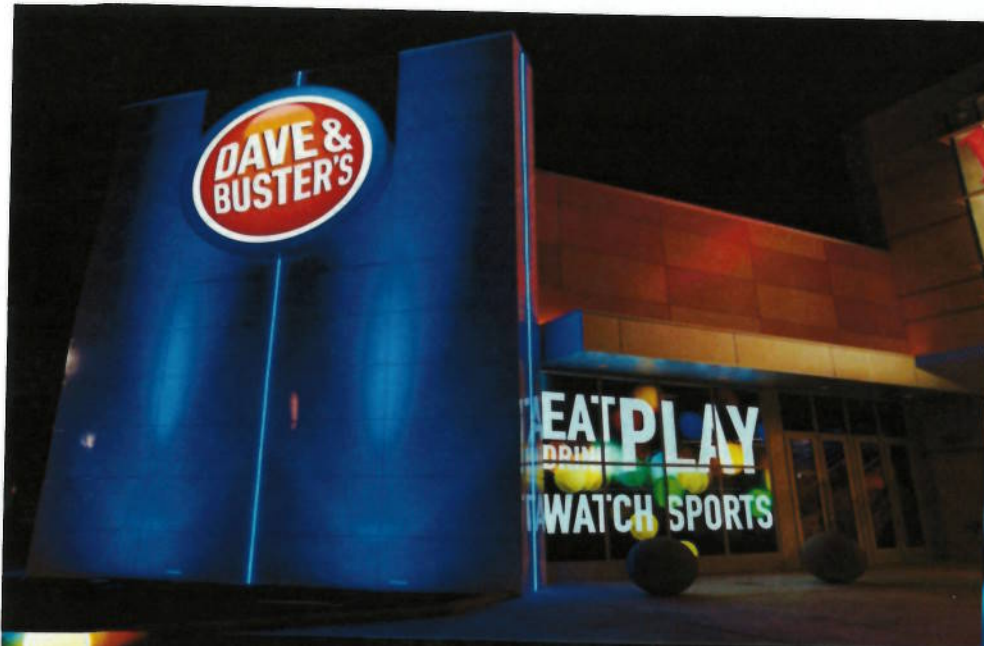
CORPORATE & SOCIAL



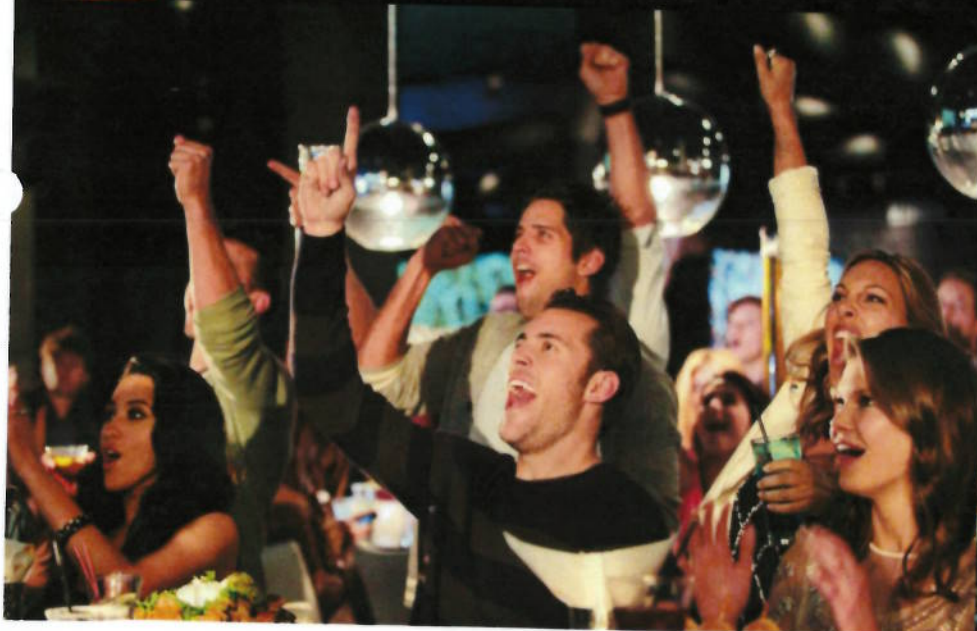
- **Corporate** - Large corporate events, mid-sized meetings, dinner with the executives and Teambuilding.
- **Social Events** - Birthday Parties, Wedding Rehearsal events and Receptions.
- **Student & Youth Groups** - Award ceremonies, club get-togethers, graduation and after-prom parties.
- **Teambuilding** - Turn colleagues into teammates. Fast.
- **Travel And Tourism** - Dave & Buster's is a fun-filled destination in itself.
- **Rent Out the Whole Thing** – Your event owns the place – endless combinations of food and fun.



EAT • DRINK • PLAY • WATCH



STORE DESIGN



SIGNATURE EXTERIOR



EAT



DRINK



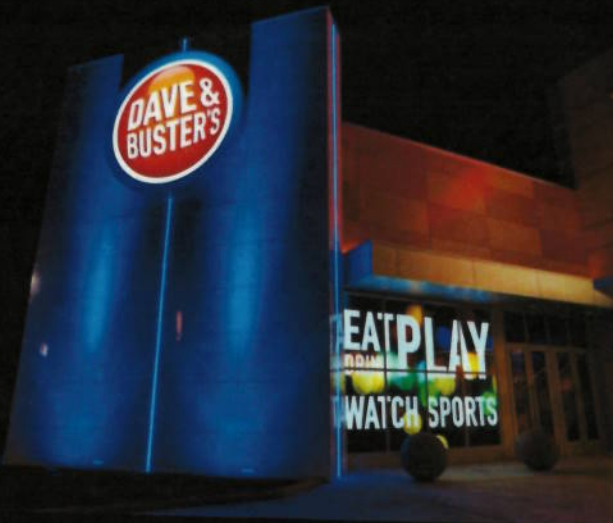
PLAY



WATCH



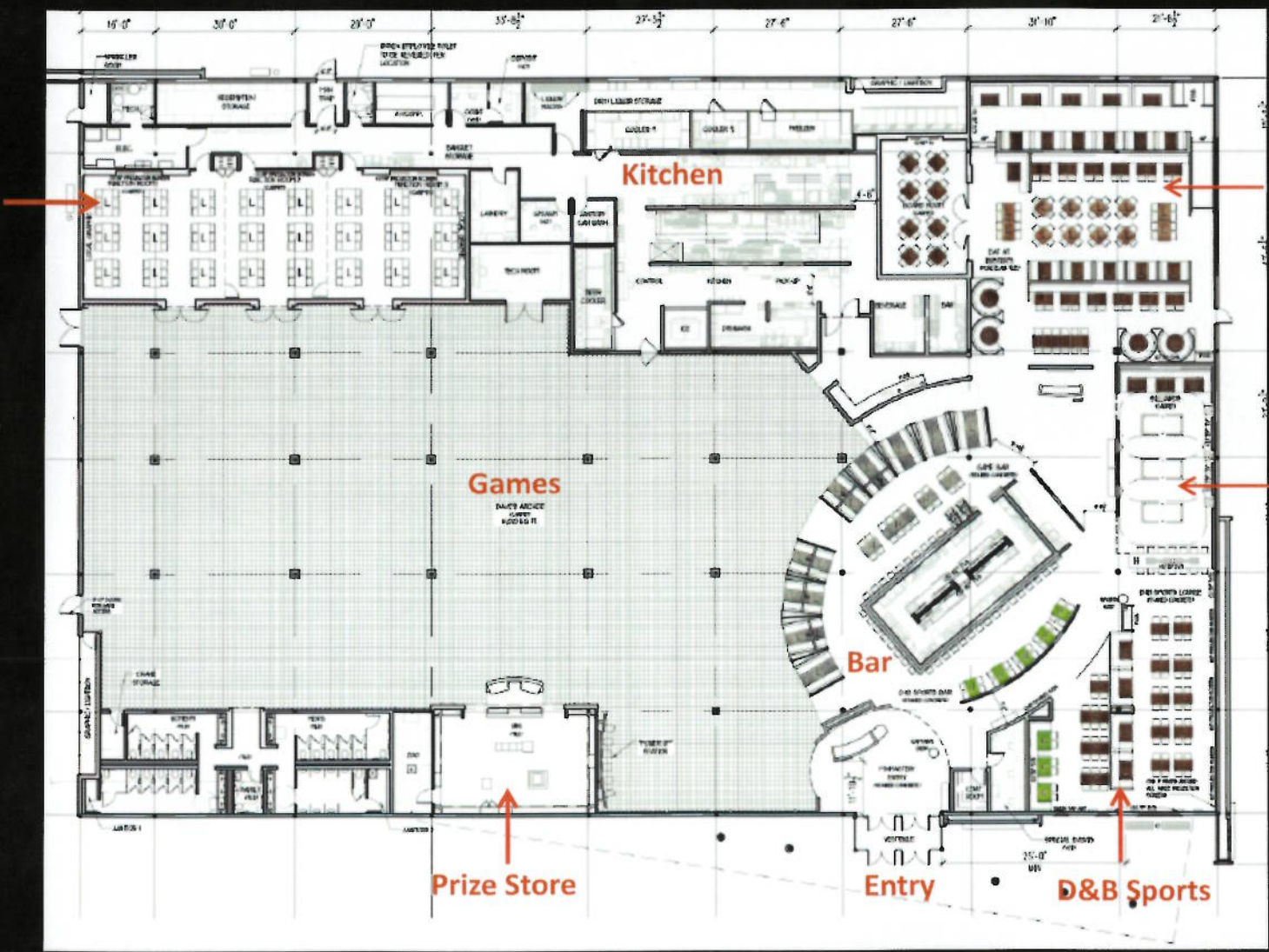
SIGNATURE EXTERIOR





TYPICAL FLOOR PLAN – 40,000 SF

Special Events



Dining

Billiards

Games

Kitchen

Bar

Prize Store

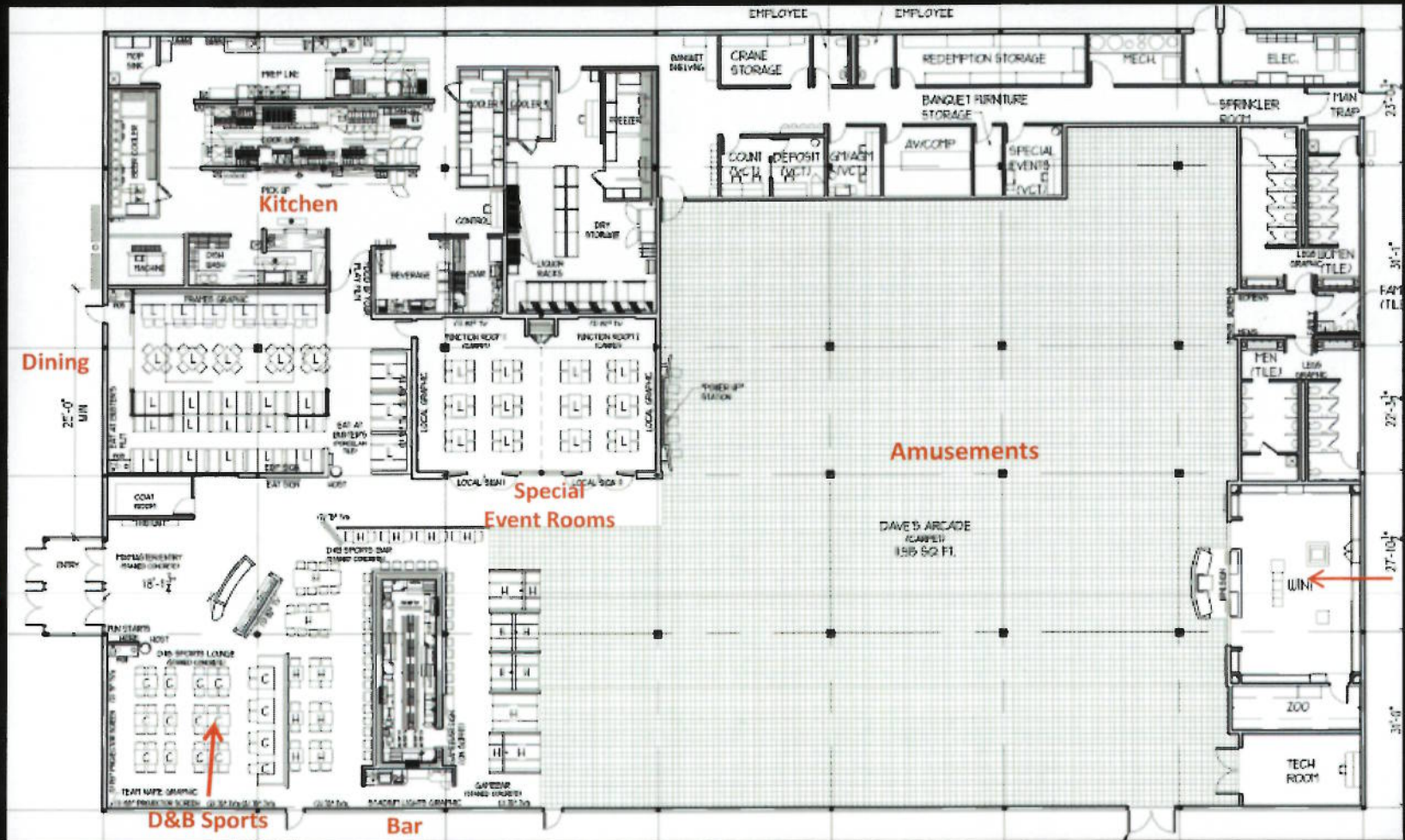
Entry

D&B Sports

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TYPICAL FLOOR PLAN — 30,000 SF



EAT • DRINK • PLAY • WATCH



EAT • DRINK • PLAY • WATCH



EAT • DRINK • PLAY • WATCH



DEDICATED SPORTS & TV VIEWING

**FANTASY FOOTBALL...
ALUMNI GROUPS...
OSCAR PARTY...**

ULTIMATE VIEWING!

EAT • DRINK • PLAY • WATCH

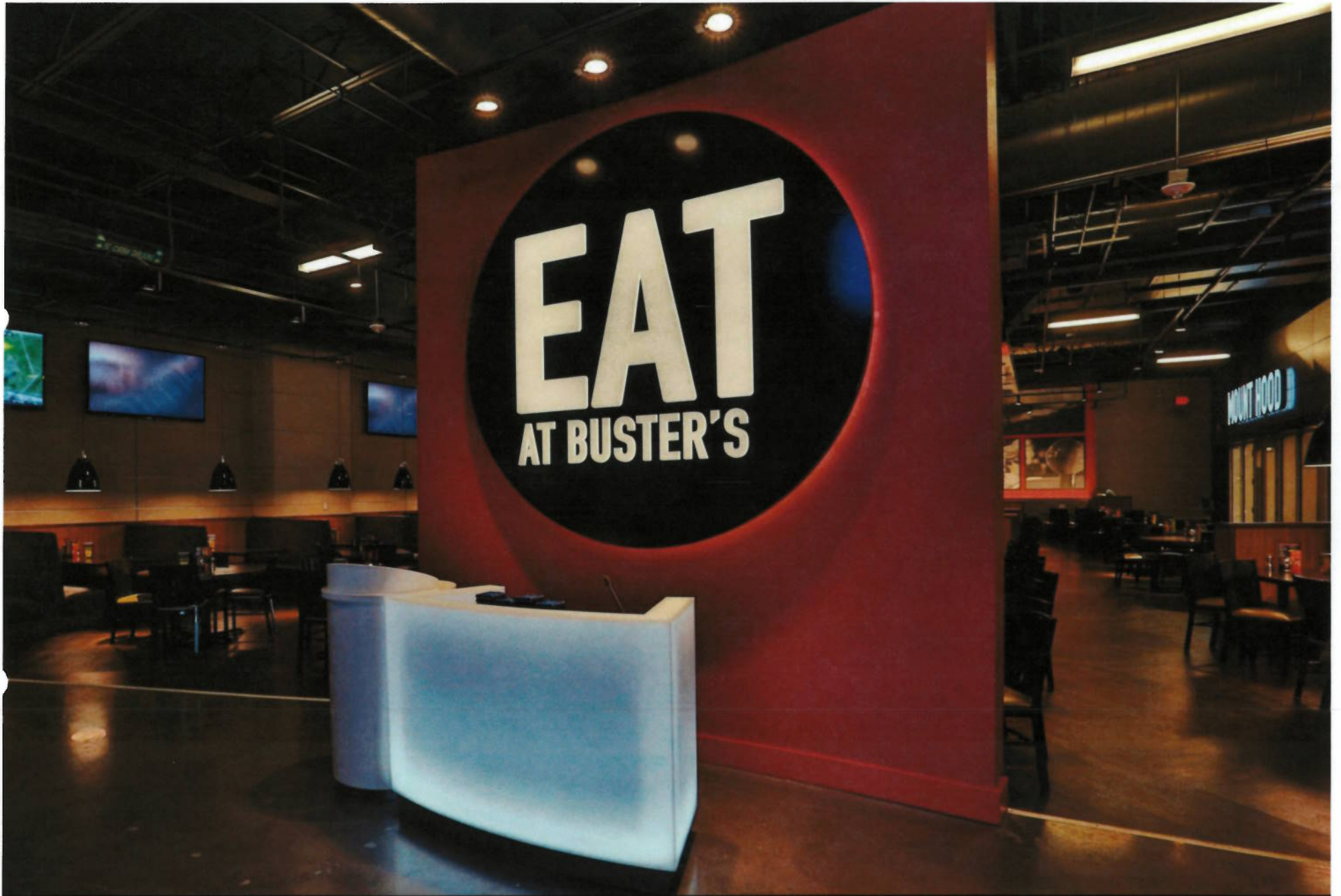


EAT
AT BUSTER'S

EAT • DRINK • PLAY • WATCH



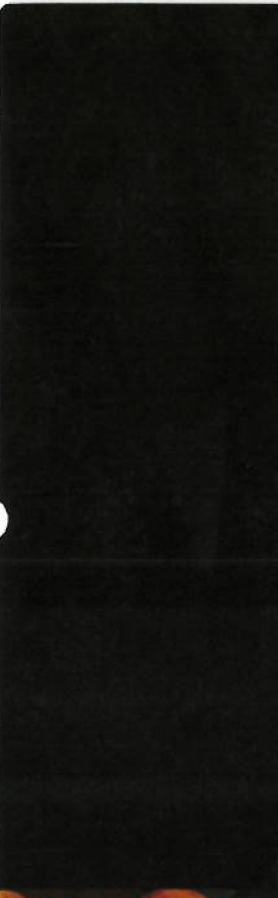
EAT • DRINK • PLAY • WATCH



EAT • DRINK • PLAY • WATCH



EAT • DRINK • PLAY • WATCH



EAT • DRINK • PLAY • WATCH





EAT • DRINK • PLAY • WATCH





EAT • DRINK • PLAY • WATCH

PLAY — GAME TYPES



REDEMPTION GAMES

- TICKETS ARE ACCUMULATED AND REDEEMED FOR MERCHANDISE AT THE WINNER'S CIRCLE
- SIMPLE GAMES WITH SHORT PLAY TIMES
- EXAMPLES:
 - BIG BASS WHEEL
 - SPIN-N-WIN
 - DIZZY CHICKEN
 - TREASURE QUEST

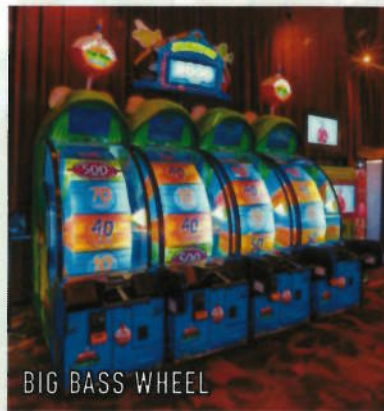
REDEMPTION-PLUS GAMES

- COMBINE ELEMENTS OF ENTERTAINMENT WITH THE ABILITY TO WIN TICKETS
- OFTEN UTILIZE VIDEO SCREENS FOR MORE INVOLVED GAMEPLAY
- EXAMPLES:
 - SPEED OF LIGHT
 - CONNECT 4
 - DEAL OR NO DEAL
 - SKEE-BALL

TRADITIONAL GAMES

- BILLIARDS, SHUFFLEBOARD, BOWLING

REDEMPTION GAMES

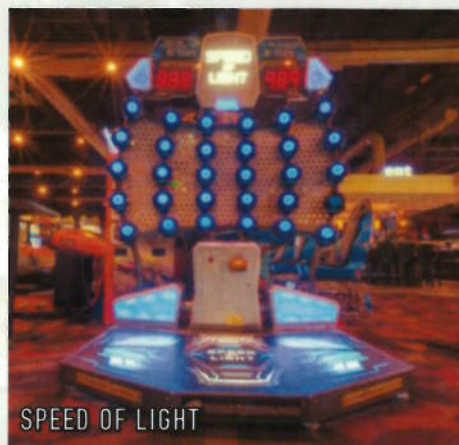


BIG BASS WHEEL



SPIN-N-WIN

REDEMPTION-PLUS GAMES



SPEED OF LIGHT



CONNECT 4

PLAY — GAME TYPES



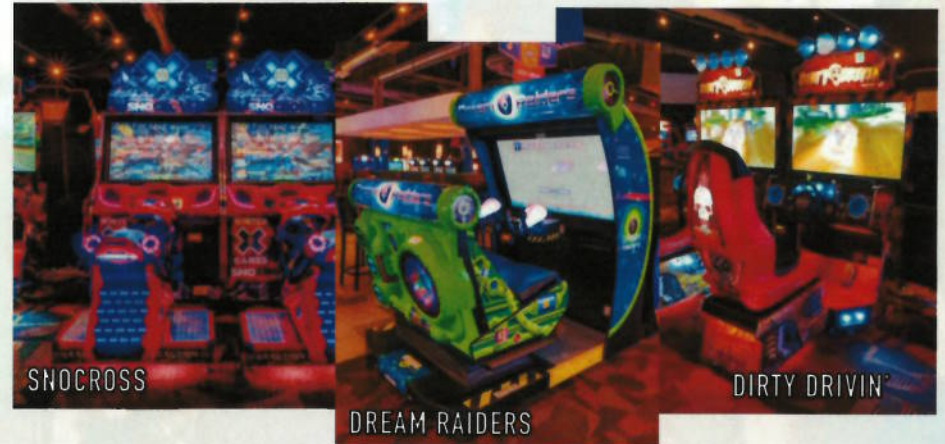
NON-REDEMPTION "SIMULATION" GAMES

- PLAYERS COMPETE FOR ENTERTAINMENT INCLUDING GENRES SUCH AS RACING, SHOOTING, DANCING AND AIR HOCKEY
- MORE COMPLEX WITH LONGER PLAY TIMES
- EXAMPLES:
 - SNOCROSS
 - DREAM RAIDERS
 - DIRTY DRIVIN'
 - PAC-MAN BATTLE ROYALE

MERCHANDISER GAMES

- PLAYERS COMPETE TO WIN MERCHANDISE THAT IS DISPENSED DIRECTLY BY THE GAME ITSELF
- MOST TYPICAL GAME IS WHERE PLAYER ATTEMPTS TO RETRIEVE PRIZES USING A MECHANICAL CLAW
- EXAMPLES:
 - BIG ONE CRANE
 - TRAP DOOR
 - BLING KING CRANE

NON-REDEMPTION "SIMULATION" GAMES

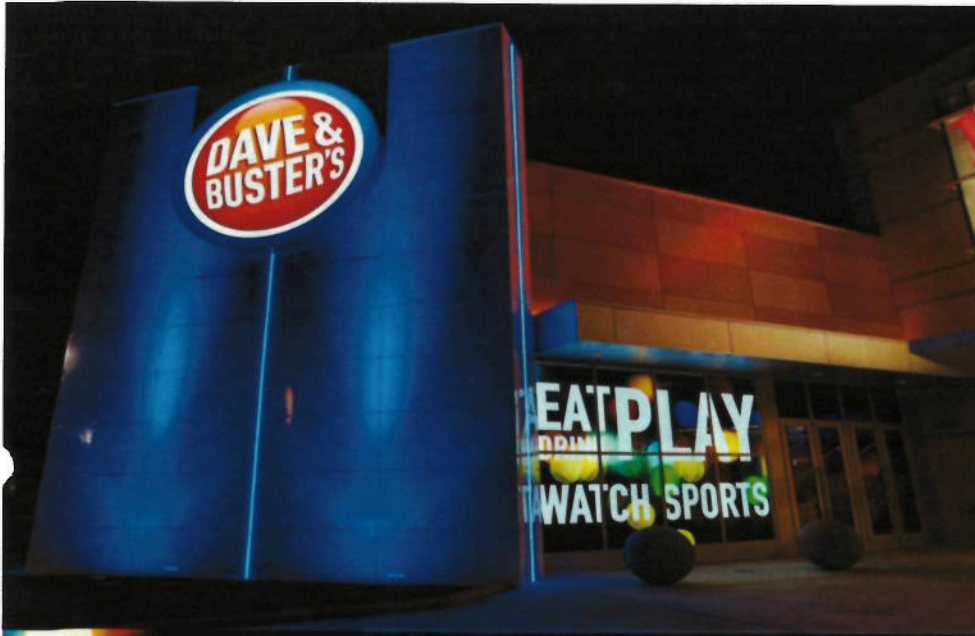


MERCHANDISER GAMES

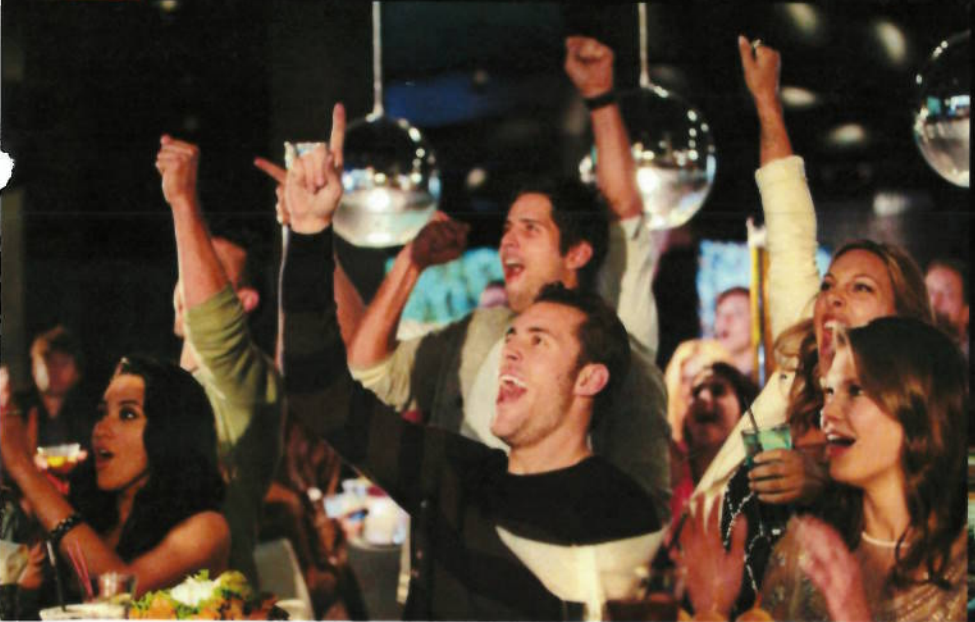




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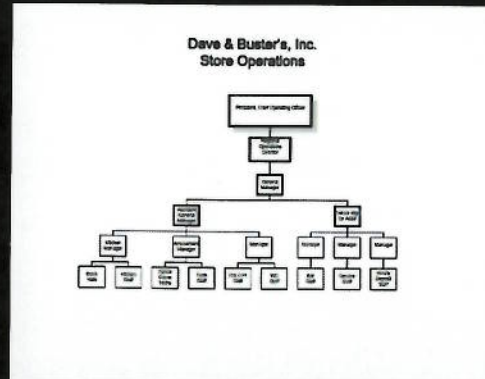
OPERATIONS



COMMUNITY PARTNER

Employment

- 140-160 jobs per location
- 6-8 member management team
- Service team – hourly & salary



Charitable Giving

- National Partnership with Make-A-Wish Foundation
- Each store supports local charities
- Employee Assistance Fund



Benefits

- 401 K with Company match
- Hourly and salary employees accrue vacation time
- All employees play free and enjoy discounted meals



HOW WE OPERATE



Hours of Operation

- 11:00 a.m. – 2:00 a.m. Thurs-Sat
- 11:00 a.m. – midnight* Sun - Wed
- *holiday and special event exceptions

Games

- 170 – 200 games in the Midway
- No gambling, video poker or games of chance
- Food and beverage is served in all guest areas of the building

House Policy - Minors

- ID's are checked upon entry for all guests under the age of 30
- Any guest under the age of 18 must have a guardian present. Guardian must be 25+ years of age
- 1:6 maximum ratio of guardian : minors
- Minors not allowed to "roam free"

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HOW WE OPERATE



House Policies – Alcohol Service

- ServSafe program is a NRA program – nationally recognized
- BARS Program– secret shopper program to enforce proper ID checks
- D&B Responsible Alcohol Program (RAS)
- **Received The VIBE Award for outstanding alcohol awareness programs**

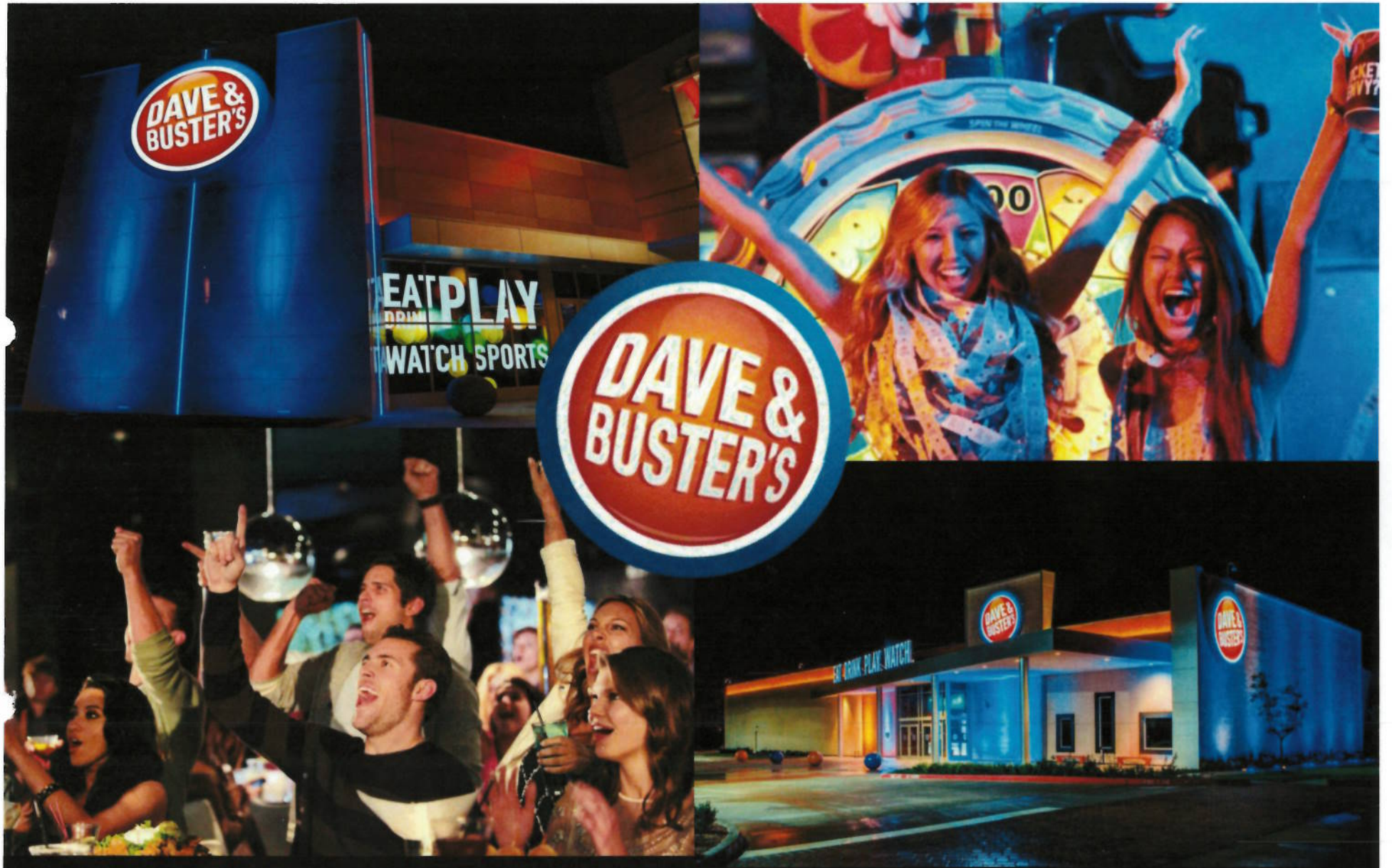
Store Security

- Security personnel during peak hours
- Camera and video surveillance
- Nat'l Director of Security oversees security plan for each location

Store Level Leadership

- Seasoned General Managers – average tenure with D&B is 8 years, 3-4 years as GM
 - 1-2 Asst. GMs
 - 4-6 Managers (Amusements Tech, Service, Business)
- Role of Captains
 - 1-2 on duty during peak shifts
 - Enforce House Policies
 - In particular, Guardian and RAS programs

EAT • DRINK • PLAY • WATCH



THE DESTINATION FOR FUN!

EAT • DRINK • PLAY • WATCH

MEMO TO ABC BOARD MEMBERS
LAW OFFICES OF ERNOUF & COFFEY, PC

Facsimile: (907) 274-4258

Phone: (907) 274-3385

TO: ABC BOARD MEMBERS & AMCO BOARD STAFF
FROM: W. SHERMAN ERNOUF, DAN K. COFFEY
RE: **DAVE & BUSTER'S OF ALASKA, INC. LICENSE CONDITIONS**
DATE: 10/18/16

I. BACKGROUND

Dave & Buster's applied for the transfer of a Beverage Dispensary liquor license to the Dimond Center Mall. Dave & Buster's was established in 1982 and is headquartered in Dallas, Texas. It operates over 85 large venue, high volume restaurant/entertainment complexes throughout North America and Canada. The proposed facility in Anchorage will offer a full service restaurant with liquor sales and an amusement games/entertainment center. It will be approximately 44,000 square feet and will employ 140 to 160 people. Dave & Buster's will be an exciting and entertaining place for Anchorage families to go to dinner, watch a sporting event, enjoy a craft beer or mixed drink, and play the newest video games. The facility offers a sophisticated food menu and a large game room area with state of the art electronic and interactive games. *See Attachment #1- Premise Diagram*

The path to opening a Dave & Buster's in Anchorage has been a long one. Dave & Buster's worked successfully with the legislature in Juneau last session to clarify the State's laws on games of chance versus skill and paved the way for the opening of the facility. All Dave & Buster's games are games of skill. The Dave & Buster's bill had the full support of both the House and Senate and was a priority for Governor Walker.

The Municipality of Anchorage is currently processing the application for site plan review, which will be completed within the next several weeks. The Anchorage Assembly has protested the transfer of the license pending issuance of the new Special Land Use permit. The facility is slated to open in late 2017. The Municipality of Anchorage and the community have welcomed Dave & Buster's with open arms. To date, there has been only community support with no objections to the project.

II. ABC BOARD ACTION NEEDED

Through the process of obtaining all necessary licenses to operate, it became clear that there were several areas of concern under Title 4 and Dave & Buster's normal operations plan. First, throughout the US and Canada, Dave & Buster's is permitted to allow adults to drink in the gaming areas at the same time minors are present. This is impermissible under Alaska law as minors are not allowed on a licensed premise without a parent or guardian. Second, unaccompanied minors are only allowed to remain on licensed premises of a designated and bona-fide restaurant for "the purposes of dining only."

After discussing the project with Director Franklin and Sarah Oates, a revision in the Dave & Buster's operations plan was required to operate in Alaska. As a result, Dave & Buster's developed a licensing and operating plan that complies with Title 4. Dave & Buster's discussed the operating plan amendment with Director Franklin and determined that:

1. Title 4 of Alaska law expressly permits this Board to put conditions on the issuance and operation of liquor licenses (AS 04.11.395),
2. This Board can delegate to the Director the authority to implement and enforce such conditions of licensure, and
3. Title 4 permits both alternating licensed premises (restaurant eating place license – 3 AAC 304.305(f)) and de-designation of a premise (beverage dispensary license – 3 AAC 304 660). Alternating licensed premises are not provided in Title 4 for a beverage dispensary licensed premise but are not prohibited. Further, de-designation is only permitted in ways that are not possible for Dave and Buster's from an operating perspective.

III. LIQUOR LICENSING CONDITIONS

Because of the limitation in “de-designation” and the existence of a “alternating licensed premises” in regulation, Dave & Buster's is seeking a special condition of licensure for this facility. This special condition would allow Dave & Buster's to choose when and if alcohol is to be served in the arcade area—in effect, allowing an alternating license premise.

The conditions are as follows:

1. *If alcohol is being served in the arcade area, NO MINORS will be allowed in the facility.*
2. *If alcohol is not being served in the arcade area, minors will be allowed.*

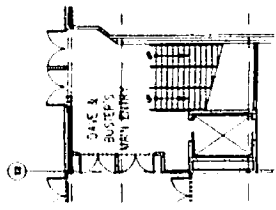
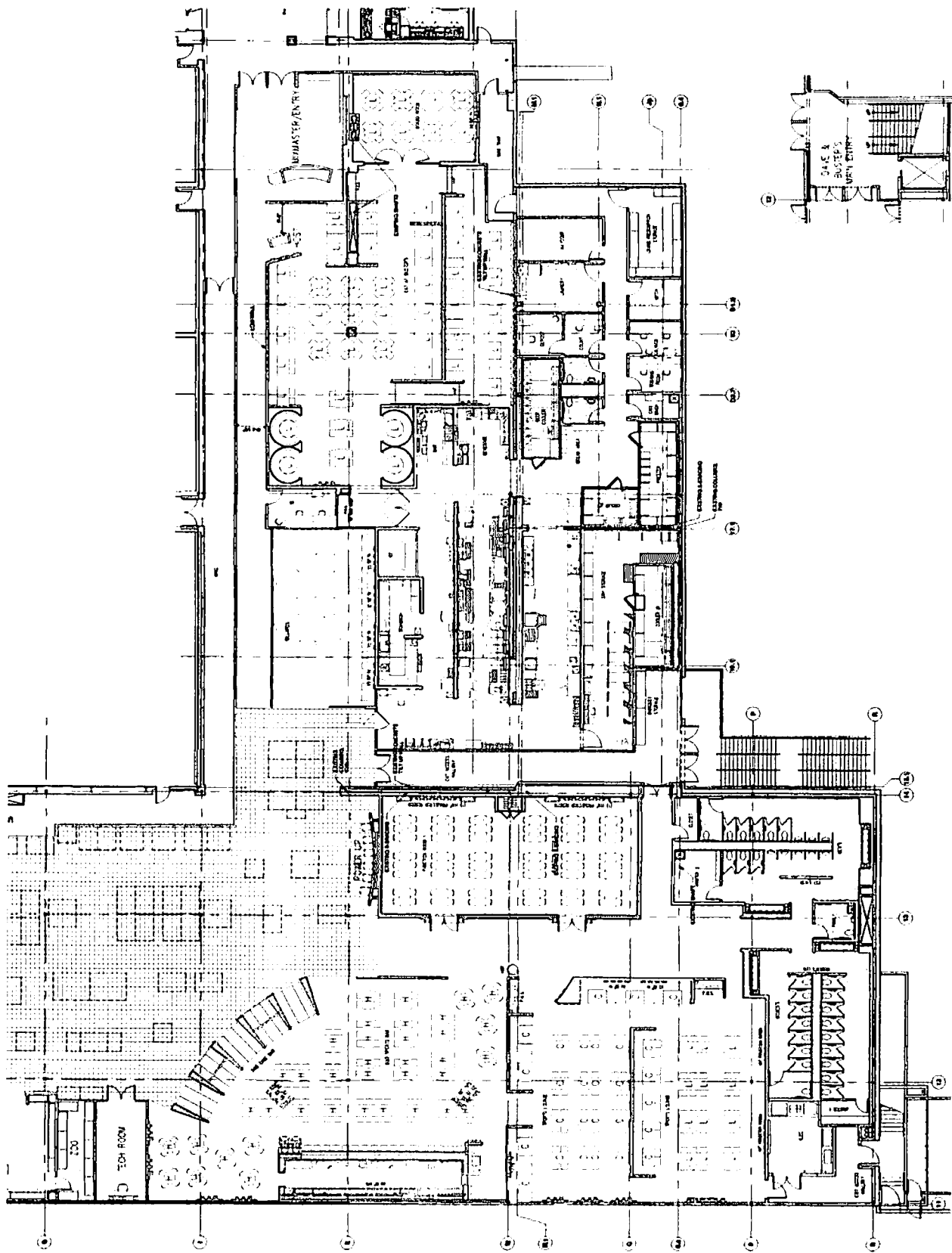
The layout of the facility will allow Dave & Buster's to control access to the game room area and to control and monitor ingress into the arcade area. Dave & Buster's will determine when to designate and de-designate the arcade area and will follow a specific operational protocol when designating the premise for service of alcohol.

IV. SUMMARY

For Dave & Buster's to enter the Alaska market, the transfer of the beverage dispensary liquor license is imperative. Dave & Buster's would like to thank Director Franklin and the AMCO staff for working cooperatively to explore licensing options as it became clear early on that the business operated by Dave & Buster's is not contemplated by Title 4 nor is it prohibited. The use of the above-mentioned

conditions will allow Dave & Buster's to operate within the parameters of Title 4 relative to minors on premise as a compromise to its nationwide operation plan.

Simply put, if minors are in the arcade room, absolutely no alcohol may be served or consumed in that area. When Dave & Buster's designates the arcade for service of alcohol, minors will no longer be allowed and will be systematically removed from the premise. At that time, and when all minors have been safely and systematically removed, the facility will transition to the service of alcohol.



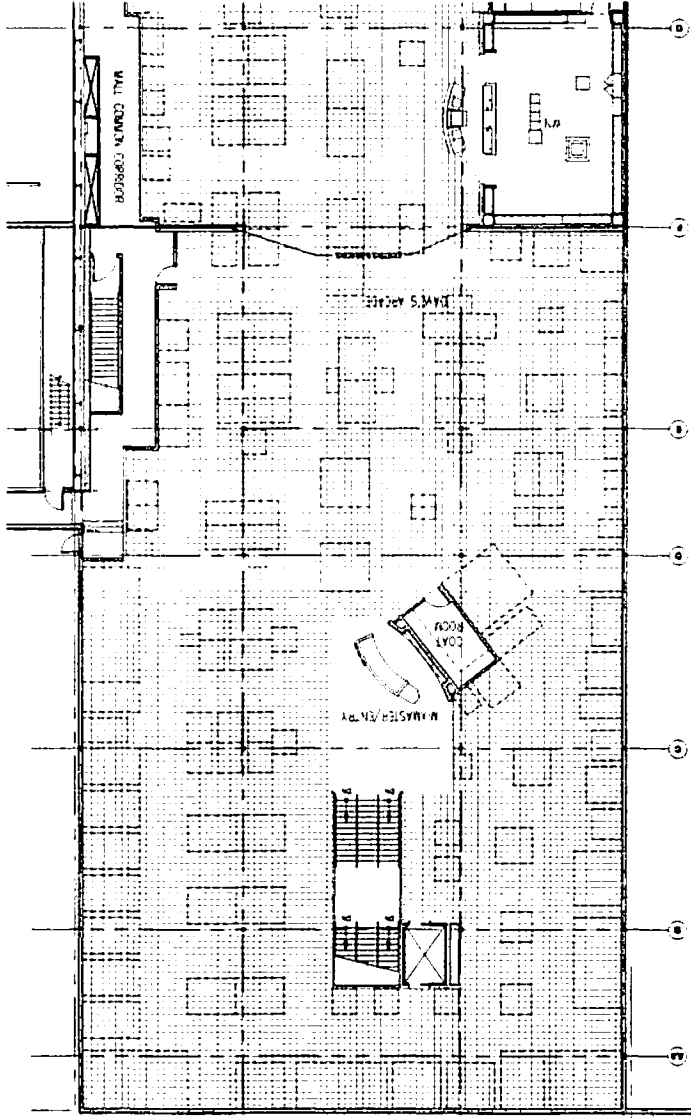
LOWER LEVEL ENTRY

FLOOR PLAN OPTION A 08-19-2016
 1/8" = 1'-0" - PAGE 1 OF 2



DAVE AND BUSTERS
Diamond Center - Anchorage, AK

FLOOR PLAN OPTION A 09-19-2016
1/8" = 1'-0" - PAGE 2 OF 2



SEATING	
40K RECTANGULAR PROTOTYPE	40K RECTANGULAR PROTOTYPE
2 SEATS	2 SEATS
8 SEATS	8 SEATS
43 TABLES 173 SEATS	43 TABLES 173 SEATS
EAT AT BUSTERS	EAT AT BUSTERS
45 TABLES 191 SEATS	45 TABLES 191 SEATS
BAR ZONE	BAR ZONE
--	--
18 TABLES 104 SEATS	18 TABLES 104 SEATS
GAMEBAR	GAMEBAR
16 TABLES 104 SEATS	16 TABLES 104 SEATS
D&B SPORTS BAR	D&B SPORTS BAR
5 TABLES 45 SEATS	5 TABLES 45 SEATS
D&B SPORTS LOUNGE	D&B SPORTS LOUNGE
22 TABLES 97 SEATS	22 TABLES 97 SEATS
BILYARDS	BILYARDS
1 TABLES 13 SEATS	1 TABLES 13 SEATS
24 TABLES 144 SEATS	24 TABLES 144 SEATS
FUNCTION ROOMS	FUNCTION ROOMS
8 TABLES 32 SEATS	8 TABLES 32 SEATS
BOARD ROOM	BOARD ROOM
5 TABLES 22 SEATS	5 TABLES 22 SEATS
TOTAL	TOTAL
154 TABLES 658 SEATS	154 TABLES 658 SEATS
40K RECTANGULAR PROTOTYPE	40K RECTANGULAR PROTOTYPE
8 SEATS	8 SEATS
MMMASTER/ENTRY	MMMASTER/ENTRY
--	--
43 TABLES 173 SEATS	43 TABLES 173 SEATS
EAT AT BUSTERS	EAT AT BUSTERS
45 TABLES 191 SEATS	45 TABLES 191 SEATS
BAR ZONE	BAR ZONE
--	--
18 TABLES 104 SEATS	18 TABLES 104 SEATS
GAMEBAR	GAMEBAR
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D&B SPORTS BAR	D&B SPORTS BAR
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BOARD ROOM	BOARD ROOM
5 TABLES 22 SEATS	5 TABLES 22 SEATS
TOTAL	TOTAL
154 TABLES 658 SEATS	154 TABLES 658 SEATS

AREAS	
40K RECTANGULAR PROTOTYPE	40K RECTANGULAR PROTOTYPE
865 SF	865 SF
MMMASTER/ENTRY	MMMASTER/ENTRY
1,377 SF	1,377 SF
EAT AT BUSTERS	EAT AT BUSTERS
2,929 SF	2,929 SF
BAR ZONE	BAR ZONE
3,394 SF	3,394 SF
GAMEBAR	GAMEBAR
1,429 SF	1,429 SF
D&B SPORTS BAR	D&B SPORTS BAR
1,965 SF	1,965 SF
D&B SPORTS LOUNGE	D&B SPORTS LOUNGE
2,776 SF	2,776 SF
BILYARDS	BILYARDS
874 SF	874 SF
FUNCTION ROOMS	FUNCTION ROOMS
1,444 SF	1,444 SF
BOARD ROOM	BOARD ROOM
506 SF	506 SF
DAVE'S ARCADE	DAVE'S ARCADE
17,233 SF	17,233 SF
MM A ZOO	MM A ZOO
1,072 SF	1,072 SF
TECH ROOM	TECH ROOM
241 SF	241 SF
BACK OF HOUSE	BACK OF HOUSE
6,381 SF	6,381 SF
KITCHEN	KITCHEN
4,702 SF	4,702 SF
OFFICES/MONITOR/STORAGE	OFFICES/MONITOR/STORAGE
16,779 SF	16,779 SF
TOILET ROOMS (PUBLIC ONLY)	TOILET ROOMS (PUBLIC ONLY)
1,993 SF	1,993 SF
SUBTOTAL	SUBTOTAL
49,392 SF	49,392 SF
WISC / CIRCULATION / DISPLAY	WISC / CIRCULATION / DISPLAY
6,478 SF	6,478 SF
UPPER LEVEL	UPPER LEVEL
46,696 SF	46,696 SF
LOWER LEVEL ENTRY	LOWER LEVEL ENTRY
654 SF	654 SF
TOTAL	TOTAL
47,350 SF	47,350 SF
40,000 SF	40,000 SF
RECEPTION STORAGE	RECEPTION STORAGE
32 SF	32 SF
CRANE / TOILET STORAGE	CRANE / TOILET STORAGE
164-170 SF	164-170 SF
BANQUET STORAGE	BANQUET STORAGE
46 SF	46 SF
EQUIPMENT LINE	EQUIPMENT LINE
221	221
LOCATION	LOCATION
SPORTS LOUNGE	SPORTS LOUNGE
161' PROJECTION SCREEN	161' PROJECTION SCREEN
FUNCTION RVS	FUNCTION RVS
2	2
BOARD ROOM	BOARD ROOM
1	1
75' TV SCREENS	75' TV SCREENS
24	24
AV STORAGE	AV STORAGE



200 DODDINGTON BLVD
ANCHORAGE, AK 99501
907.562.1111