



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: July 13, 2016

RE: Sue Karaoke Deli #5454

This was an application for a new restaurant/eating place license in the Municipality of Anchorage. The director temporarily denied the application per AS 04.06.080 because the proposed premises are not a bona fide restaurant or eating place. The premises consist of a series of rooms where the applicant was proposing to serve alcohol while patrons sang karaoke. The menu consisted of a few frozen food items that would be heated in a microwave and served to patrons in the karaoke rooms.

The director sent a letter explaining the temporary denial to the applicant along with the notification of the applicant's right to appeal the denial to the board. No response was received to the director's letter denying the application.

The director is recommending that the board uphold the temporary denial and deny the application based on its non-compliance with the statutory requirements for the restaurant/eating place license set forth in AS 04.11.100. The statutory authorization for the board's denial is found in AS 04.11.320(a)(1), the issuance of the license would not be in the best interests of the public, and in AS 04.11.320(a)(4), issuance of the license would violate the restrictions pertaining to the particular license imposed under this title.



THE STATE
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.035

May 17, 2016

Man Wook Han
DBA Sue Karaoke Deli
101 E. International Road
Anchorage, Alaska 99518

Re: Sue Karaoke Deli, License #5454

Dear Man Wook Han:

I have reviewed your application for a restaurant eating place license. At this time, I am preliminarily denying your license per AS 04.06.080 on the grounds that Sue Karaoke Deli is not a restaurant or eating places as contemplated by AS 04.11.400. That statute provides that the board may issue the license only if it determines that the premises to be licensed are a bona fide restaurant or eating place. 3 AAC 304.305 provides that a "bona fide restaurant or eating place" is an establishment, or portion of an establishment, where, during all times that beer or wine is served or consumed, (1) the patron's principal activity is consumption of food; and (2) a variety of types of food items appropriate for meals is available for sale as shown on a menu provided to patrons and filed with the board.

Our investigative team has visited your establishment and determined that the primary activity is singing karaoke in multiple small rooms. There is no kitchen or dining area, and your business is not based on the consumption of food. Because your establishment is not a bona fide restaurant, your application is denied.

You may appeal my decision to the Alcoholic Beverage Control Board at its meeting in Fairbanks on July 20, 2016. If you wish to appeal, please fill out and return the attached Notice within 15 days of receipt of this letter. Thank you for your prompt attention to this matter if you intend to get on the agenda for the board meeting with your application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cynthia Franklin".

Cynthia Franklin
Director, ABC Board

cc: License File
enclosures: Notice of Right to Hearing; Notice of Defense

Alcoholic Beverage Control Board
 550 West 7th Ave. Suite 1600
 Anchorage, AK 99501

New Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2016-2017</u>	License Type: <u>Restaurant & Eating place</u> <u>License.</u>	Statute Reference Sec. 04.11.100	<div style="font-size: 1.5em; font-weight: bold; color: purple;">13723</div> License Fee: \$ <u>000</u> Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ <u>50</u> Fingerprint: \$ <u>49.75</u> <small>(\$49.75 per person)</small> TOTAL <u>299.75</u>
Office Use: License #: <u>5454</u>	Local Governing Body: (City, Borough or Unorganized) Taku Community , Anchorage <u>M.H.</u>	Community Council Name(s) & Mailing Address: <u>Taku Community Council</u> <u>1057 West Fireweed Lane</u> <u>Anchorage AK 99503</u>	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Man Wook, Man</u> Sue Karaoke Deli <u>M.H.</u>	Doing Business As (Business Name): <u>Sue Karaoke Deli M.H.</u>	Business Telephone Number: <u>907-569-0104</u> Fax Number:	
Mailing Address: <u>101 E. International Airport Road</u> City, State, Zip: <u>Anchorage, AK 99518</u>	Street Address or Location of Premises: <u>101 E. International Airport</u> <u>Anchorage AK 99518</u>	Email Address: <u>Koreajason@gmail.com</u>	
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>3 miles</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input checked="" 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	
Distance to closest church: <u>3 miles</u>	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input checked="" type="checkbox"/> Local ordinance No. _____		
Premises to be licensed is: <input checked="" 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	

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New Liquor License

SECTION C - LICENSEE INFORMATION

1. 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
Man W Han	She Karaoke Bar	Eating place	101 E. International	
Jason Lee	"	"	"	
	M. H			

2. 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.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

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):		Telephone Number:	Fax Number:
Corporate Mailing Address:	City:	State:	Zip Code:
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED:	State of Incorporation:

Is the Entity in "Good Standing" with the Alaska Division of Corporations? 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 Number	Work Telephone Number	Date of Birth

NOTE: If you need additional space, please attach a separate sheet.

New Liquor License

SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

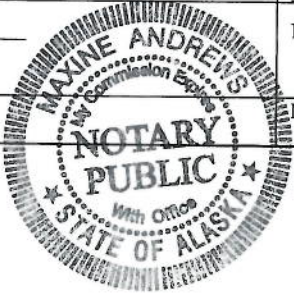
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: <u>Man Han</u> Address: <u>101 E. International Road</u> Home Phone: Work Phone: <u>907-569-0104</u>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u>05/29/1960</u>	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 Licensee(s) Signature Signature Name & Title (Please Print) <u>Man Han</u> Subscribed and sworn to before me this <u>11</u> day of <u>January</u> , <u>2016</u> Notary Public in and for the State of <u>AK</u> My commission expires: <u>12/31/16</u>	Signature of Licensee(s) Signature Signature Name & Title (Please Print) Subscribed and sworn to before me this day of Notary Public in and for the State of _____ My commission expires:
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**STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 5454 Type: Restaurant Eating Place

This application is for designation of premises where: (Please check the appropriate items below)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Man Wook Han

Name of Business: Sue Karaoke Deli

Business Address: 101 E. International Road Anchorage

1. Hours of operation 6pm to 2:00am Telephone Number: 907-569-0104

2. Have police been called to your premises for any reason? Yes No
(If you answered yes, please explain below).

3. * Duties of employment: N/A

4. Are video games available to the public on your premises? Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
 Yes No

6. How is food served? Table Service Buffett Service Counter Service Other _____

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes No

***** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION *****

***Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.**

****Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.**

Man Wook Han
Licensee Signature

Local Governing Body Approval

Subscribed and sworn to before me this 11 day of January 2016

Date

Maxine Andrews
Notary Public in and for Alaska

My Commission expires: 4/30/17

Director, ABC Board

Date



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Sue Karaoke

PREMISES LOCATION: 101 E. international Airport Rd

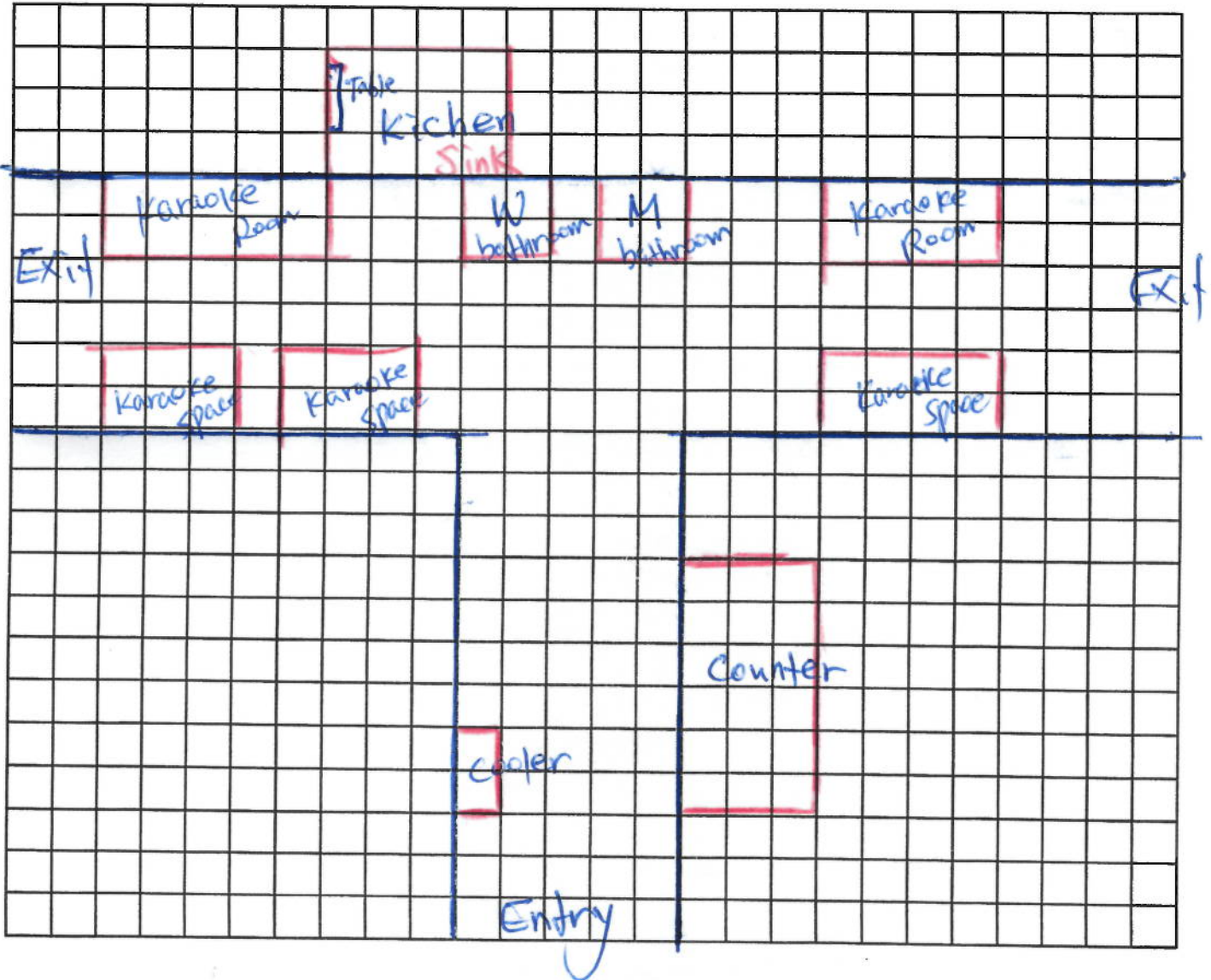
Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: _____ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



MENU

Appetizer

- 1 **Chicken Wing**
- 2 **Dried Squid**
- 3 **Pot Sticker**
- 4 **Mixed &**

Main Menu

- 1 **Smoked Ducks**
- 2 **Vegetable Fried Rice**
- 3 **Spice Noodle soup**
- 4 **BBQ Chicken**
- 5 **Spring Rolls**

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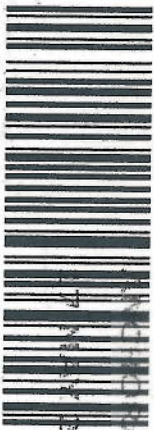
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State of Alaska
Department of Commerce, Community,
and Economic Development
Alcoholic Beverage Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Our investigative team has visited your establishment
activity is singing karaoke in multiple small rooms. The
business is not based on the consumption of food. Be-
fide restaurant, your application is denied.

995199150567

CERTIFIED MAIL™

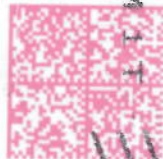


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Emailed 12/8/16 DAS

AK 995

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02 1P
0003208882 MAY 17 2016
MAILED FROM ZIP CODE 99501
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RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 99501356700

*1072-03523-17-37

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, PAID AT POSTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Man Wook Han
 101 E International Road
 Anchorage, Alaska 99518

2. Article Number
(Transfer from service label)

7013 2250 0000 9616 9308

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) Date of Delivery

D. Is delivery address different from item 1?
If YES, enter delivery address below: Yes No

3. Service Type Express Mail
 Certified Mail Return Receipt for Merchandise
 Registered C.O.D.
 Insured Mail

4. Restricted Delivery? (Extra Fee) Yes

Submitted by: Assembly Chair Traini,
Vice-Chair Gray-Jackson and
Assembly Public Safety Committee
Chair Honeman

Prepared by: Municipal Clerk
For reading: March 22, 2016

CLERK'S OFFICE
APPROVED
Date: 3-22-2016

ANCHORAGE, ALASKA
AR No. 2016-76

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5454 FOR MAN WOOK HAN dba SUE KARAOKE DELI WITH RESTAURANT DESIGNATION PERMIT LOCATED AT 101 E. INTERNATIONAL AIRPORT RD., ANCHORAGE, AK 99518 AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Man Wook Han has made an application with the Alaska Alcohol and Marijuana Control Office (AMCO), formerly the Alcoholic Beverage Control (ABC) Board, and has paid the required fee for the New Restaurant/Eating Place Liquor License #5454, with Restaurant Designation Permit to be used for Sue Karaoke Deli located at 101 E. International Airport Rd., Anchorage, Alaska 99518; and

WHEREAS, the Assembly must enter any protest to the AMCO within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on February 8, 2016 and has determined that the last day for the Assembly to file a protest is April 8, 2016; and

WHEREAS, the Assembly Meeting on March 22, 2016 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. Any AMCO violations and/or incidents on file that would lead to an AMCO violation are attached;
2. There are no taxes owing to the Municipality of Anchorage.
3. Administrative site plan review, required by AMC 21.03.180, **has not been approved;**
4. Approvals from the Anchorage Fire Department, Health & Human Services and Building Safety **have not been received;** and

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

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

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Section 1. The Anchorage Assembly hereby enters its **PROTEST** for the Transfer of Ownership of a Restaurant/Eating Place Liquor License #4685 until these conditions are met:

- Special Land Use Permit required by AMC 21.03.040 has been approved by the Planning Division and confirmed by the Municipal Clerk.
- Approvals from the Anchorage Fire Department, Health & Human Services and Building Safety have been received.

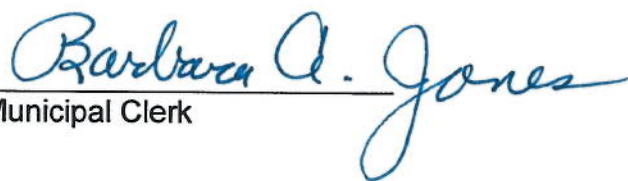
Section 2. A copy of this Assembly Resolution may be presented to the Alaska Alcohol and Marijuana Control Office as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alaska Alcohol and Marijuana Control Office to hold processing of the Transfer of Ownership of a Restaurant/Eating Place Liquor License #4685 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 Alaska Alcohol and Marijuana Control Office that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 22nd day of March, 2016.


Chair of the Assembly

ATTEST:


Municipal Clerk