



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: 4201 McKinley View Lodge

Requested Action: License renewal; hearing on protest

Statutory Authority: AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

AS 04.11.480(a): "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable."

Staff Rec.: Uphold the protest with a 30-day abeyance

Background: The Matanuska-Susitna Borough submitted a timely protest of the renewal of this restaurant or eating place seasonal license in the borough, for non-payment of a \$100 review fee. A quick review of this license's history shows that the borough protested the 2012 and 2016 renewals of this license for an unpaid \$100 review fee.

The licensee was issued a temporary license on January 8, 2018.

The Matanuska-Susitna Borough does not indicate whether the licensee was provided with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, "A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body."

Attachment: Matanuska-Susitna Borough protest
Renewal application



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 E. Dahlia Avenue, Palmer, AK 99645
Phone (907) 861-7822 | Fax (907) 861-8158
E-mail: permitcenter@matsugov.us

February 27, 2018

Alcohol & Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

SUBJECT: McKinley View Lodge; License #4201
42405 S. Parks Highway
Renewal – Restaurant/Eating Place - Seasonal

A review of the files relating to the subject business and license application, as they relate to Matanuska-Susitna Borough Code, has been completed. Based on that review, the Matanuska-Susitna Borough hereby takes the following action:

- WAIVE THE RIGHT TO PROTEST
- PROTEST the issuance of the license for the following reason(s):
 - Delinquent Real Property Taxes owed:
 - Other debts owed:
 - The required Conditional Use Permit has not been issued:
 - There is a violation of the Conditional Use Permit:
 - There is a resident objection to the facility on file:
 - Other: The \$100 review fee has not been paid.

Upon curing all of the above referenced deficiencies the Matanuska-Susitna Borough will rescind any protest. It is the applicant's responsibility to notify the Development Services Division that any debts or taxes owed have been paid in full.

The applicant(s) has been sent a copy of this letter by certified mail or via email, only if a protest has been issued. Should you have any questions, please feel free to contact my office.

Sincerely,

Mark Whisenhunt, Planner II
Development Services Division
Matanuska-Susitna Borough



Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant or eating place liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 - Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Table with 4 columns: Field Name, Value, License #, Statute. Includes fields for Licensee (Joe Richardson), License Type (Restaurant/Eating Place - Seasonal), Doing Business As (McKinley View Lodge), Premises Address (Mile 134.5 Parks Hwy), Local Governing Body (Matanuska-Susitna Borough), and Community Council (NONE).

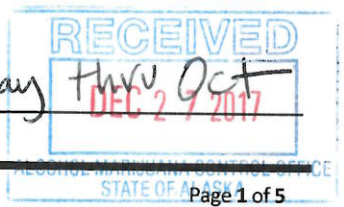
Table with 4 columns: Field Name, Value, State, ZIP. Includes fields for Mailing Address (P.O. Box 13396), City (Trapper Creek), State (AK), and ZIP (99683).

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Table with 4 columns: Field Name, Value, Business Phone, Contact Email. Includes fields for Point of Contact (Joe Richardson), Contact Phone (907-841-0465), Business Phone (907-733-1555), and Contact Email (jvdassteer@yahoo.com).

Seasonal License? Yes [checked] No []

If "Yes", write your six-month operating period: May thru Oct





Alaska Alcoholic Beverage Control Board
Restaurant or Eating Place License
Form AB-17a: 2018/2019 Renewal License Application

Section 2 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

Yes No

If "Yes", disclose the name of the individual and the reason for this authorization:

[Empty box for authorization details]

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:	Joe Richardson				
Mailing Address:	po box 13396				
City:	Trapper Creek	State:	AK	ZIP:	99683
Email:	jvdassteer@yahoo.com				
Contact Phone:	907-841-0465				

This individual is an: applicant affiliate

Name:	[Handwritten signature]				
Mailing Address:	[Handwritten signature]				
City:	[Handwritten signature]	State:	[Handwritten signature]	ZIP:	[Handwritten signature]
Email:	[Handwritten signature]				
Contact Phone:	[Handwritten signature]				





Alaska Alcoholic Beverage Control Board
Restaurant or Eating Place License
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Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

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This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a **corporation**, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a **limited liability organization**, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a **partnership**, including a **limited partnership**, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Entity Official Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Entity Official Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board
Restaurant or Eating Place License
Form AB-17a: 2018/2019 Renewal License Application

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated: 2016 2017

The license was regularly operated continuously throughout each year, for 8 or more hours each day. 2016 2017

The license was regularly operated during a specific season each year, for 8 or more hours each day. 2016 2017

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application. 2016 2017

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.
If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement. 2016 2017

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017: Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017? Yes No

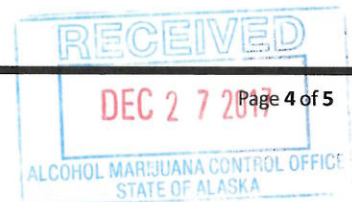
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017? Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Alcohol Server Education

Read the line below, and then sign your initials in the box to the right of the statement: Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.





Alaska Alcoholic Beverage Control Board
Restaurant or Eating Place License
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81,058.02

Section 8 – Gross Receipts

Enter the dollar amounts of the food and gross (food + alcohol) receipts on the licensed premises, and calculate the percentage of gross receipts that are from food sales on the licensed premises for each calendar year. (Food Receipts ÷ Gross Receipts x 100 = %)

2016 Food Receipts:	\$ 72,105.09	2016 Gross Receipts:	\$ 102,605.09	% From Food:	78.99%
2017 Food Receipts:	\$ 95,493.17	2017 Gross Receipts:	\$ 114,591.80	% From Food:	83.3 %

Section 9 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

JK

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

JK

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

JK

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

JK

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Signature of Notary Public

Joe Richardson
 Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 06/13/2019



Subscribed and sworn to before me this 26 day of Dec., 2017.

License Fee:	\$ 300.00	Application Fee:	\$ 200.00	TOTAL:	\$ 500.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$ 500.00

