



MEMORANDUM

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

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 5475 Young's Downtown
Restaurant & Inn

**Requested
Action:** License renewal

**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."

AS 04.11.480(a): "The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application..."

AS 04.11.510(b)(2): "the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);"

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

Background: The City of Homer and the Kenai Peninsula Borough each submitted a timely protest of this renewal of a restaurant or eating place – public convenience license, for taxes owed to the Kenai Peninsula Borough.

5475 Young's Downtown Restaurant & Inn

ABC Board June 12, 2018

Page 2

The board is required to hold a hearing to consider the protest, and the hearing shall be conducted under AS 04.11.510(b)(2).

The City of Homer provided the licensee 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: City of Homer protest
Kenai Peninsula Borough protest
Application



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

May 1, 2018

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

Dear Ms. Oates,

On April 23, 2018 at the Regular City Council meeting, the Homer City Council voiced protest to the approval of the following liquor license renewal:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
5475	Young's Downtown Restaurant & Inn	Restaurant/Eating Place	Ock Kyung Lee	565 E Pioneer Ave

The City Council protests the license until such time that sales tax and property tax accounts are made current with the Kenai Peninsula Borough.

These actions will be reflected in the minutes of that meeting.

Sincerely,

CITY OF HOMER

Melissa Jacobsen, MMC, City Clerk

Enc: Memorandum 18-045 with backup

Cc: Applicants



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-045

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CITY CLERK
DATE: APRIL 16, 2018
SUBJECT: LIQUOR LICENSE RENEWAL FOR YOUNG'S DOWNTOWN RESTAURANT & INN

We have been notified by the Alcohol Marijuana Control Office of liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
5475	Young's Downtown Restaurant & Inn	Restaurant/Eating Place	Ock Kyung Lee	565 E Pioneer Ave

In accordance with Homer City Code 8.04.010 Review of licenses and 8.04.020 Factors for consideration, the City Council shall review the granting or renewal of any and all alcoholic beverage dispensary licenses and retail liquor licenses issued to applicants for the establishment of such businesses within the corporate limits of the City. The Council may consider, among other factors, the following:

- a. Current status of taxes owed to municipal governments;
- b. Health and safety reports;
- c. Police Department reports; and
- d. Any other factors that the Council deems relevant to its review.

On March 16, I received correspondence from the Kenai Peninsula Borough Finance Department advising me of the delinquent status of the business and licensee and a copy of the letter to the licensee informing them of need to bring their accounts current. After following up on the status on April 12th I was advised that business and licensee are still found to be delinquent in sales tax and property tax in the total amount of \$23,503.42.

Included is a copy of the Memorandum from the KPB Finance Office to the Borough Clerk and copy of the notice sent to the licensee by mail and email advising them of the scheduling of this matter before the City Council.

RECOMMENDATION: Voice protest to the renewal of liquor license until such time that sales tax and property tax accounts are made current with the Kenai Peninsula Borough.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

April 16, 2018

Ock Kyung Lee
Kyung Yong Lee
Dba Young's Downtown Restaurant & Inn
565 E. Pioneer Ave
Homer, AK 99603

Re: 2018/2019 Liquor License Renewal #5475 –Young's Downtown Restaurant & Inn

The City of Homer is in receipt of your 2018/2019 Liquor License Renewal Application. We have been advised by the Kenai Peninsula Borough Finance Department on April 12, 2018 that your sales tax and property tax accounts are delinquent in the combined total amount of \$23,503.42.

Because your accounts are delinquent the City is recommending a protest of your liquor license renewal. This will be addressed at the City Council's Regular Meeting on April 23, 2018. The meeting begins at 6:00 p.m. and will be held at the Homer City Hall Cowles Council Chambers at 491 E. Pioneer Avenue.

You may attend the City Council meeting to make comments regarding your application or submit comments in writing. Written comments must be delivered to the City Clerk's office before 5:00 p.m., Monday, April 23, 2018. You may deliver them to City Hall, attention City Clerk, fax them to 907-235-3143, or email clerk@ci.homer.ak.us

Sincerely,

Melissa Jacobsen, MMC, City Clerk

Kenai Peninsula Borough
Finance Department – Delinquent Accounts

MEMORANDUM

TO: Johni Blankenship, Borough Clerk

THRU: Brandi Harbaugh, Finance Director

FROM: Joanne Rodgers, Delinquent Accounts Specialist

DATE: April 19, 2018

RE: Liquor License Renewal

The Finance Department has reviewed all relevant tax accounts related to the following business and found the licensee to be delinquent as follows:

License Location—Homer

License #5475 – Restaurant/Eating Place

Ock Kyung Lee dba Young's Downtown Restaurant & Inn

565 E Pioneer Ave, Homer, AK 99603 (Same for Location)

Sales Tax 102566 Young's Downtown Restaurant & Inn	\$19,219.57
Sales Tax 201937 Glacierview	\$3,988.32
Real Property Tax #17412024	\$295.53

Total Due	\$23,503.42
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Please be advised that the Finance Department recommends that the assembly cause a protest to be filed with the Renewal of the liquor license listed due to unpaid taxes.

Please forward a copy of the assembly approval/objection letter for our records. Thank you for your consideration in this matter.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

March 6, 2018

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License Number:	5475
Licensee:	Ock Kyung Lee		
Doing Business As:	Young's Downtown Restaurant & Inn		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Handwritten signature of Erika McConnell in cursive.

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johani Blankenship, MMC
Borough Clerk

May 3, 2018

Ms. Sarah Daulton Oates
Records & Licensing Supervisor
Alcoholic & Marijuana Control Office
Via email: amco.localgovernmentonly@alaska.gov

RE: Protest of Liquor License Renewal
Business Name : Ock Kyung Lee dba
Young's Downtown Restaurant & Inn
License Type : Restaurant/Eating Place
License Location : 565 E. Pioneer Ave., Homer, AK 99603
License No. : 5475

Dear Sarah,

At its regularly scheduled meeting of May 1, 2018, the Kenai Peninsula Borough Assembly protested the renewal of the above referenced liquor license due to unpaid taxes.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

Johani Blankenship, MMC
Borough Clerk

cc: Applicant via email at: kylx1@netzero.net
City of Homer
KPB Finance Department
File



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

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

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.

Licensee:	Ock Kyung Lee	License #:	5475
License Type:	Restaurant/Eating Place - Public Convenience	Statute:	AS 04.11.400(g)
Doing Business As:	Young's Downtown Restaurant & Inn		
Premises Address:	565 E. Pioneer Ave. Homer ✓		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	565 E PIONEER AVE				
City:	HOMER	State:	AK	ZIP:	99603

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.

Point of Contact:	OCK KYUNG LEE		
Contact Phone:	630) 854-9425	Business Phone:	907) 235-4002
Contact Email:	KYLX1@NETZERO.NET		

Seasonal License? Yes No If "Yes", write your six-month operating period: _____





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

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?

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

[Empty box for disclosure]

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:	OCK KYUNG LEE			
Mailing Address:	565E PIONEER AVE			
City:	HOMER	State:	AK	ZIP: 99603
Email:	KYLX1@NETZERO.NET			
Contact Phone:	907) 235 - 4002			

This individual is an: applicant affiliate

Name:				
Mailing Address:				
City:		State:		ZIP:
Email:				
Contact Phone:				





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Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

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

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 using 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.

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:	





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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

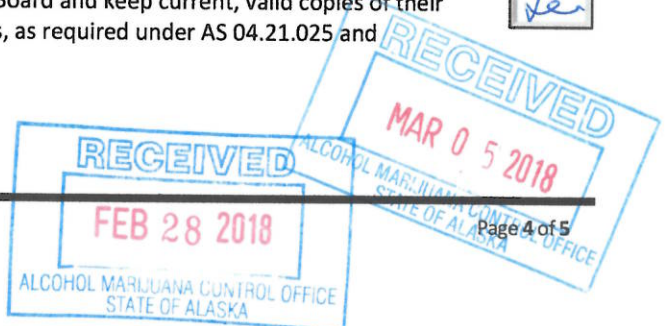
- Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017? Yes No
- Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017? 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.



135417
2x37



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

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

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:	\$ 123,556	2016 Gross Receipts:	\$ 126,558	% From Food:	97 %
2017 Food Receipts:	\$ 131,980	2017 Gross Receipts:	\$ 135,417	% From Food:	97 %

Section 9 - Certifications

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

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

Initials

R

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.

R

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.

L

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.

J

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 shall result in this application being returned to me as incomplete.

Ock Kyung
Signature of licensee

[Signature]
Signature of Notary Public

Ock Kyung LEE
Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 01/22/2022

Subscribed and sworn to before me this 26th day of February, 2018.

License Fee:	\$ 600.00	Application Fee:	\$ 200.00	TOTAL:	\$ 800.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

