



MEMORANDUM

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

DATE: August 14, 2018

FROM: Erika McConnell, Director

RE: 3219 Mom & Pops Grocery &
Liquor

Requested Action: Approve 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(c): "A local governing body may recommend that a license be issued, renewed, relocated, or transferred with conditions. The board shall consider recommended conditions and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the recommended conditions and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If the local governing body recommends conditions, the board shall impose the recommended conditions unless the board finds that the recommended conditions are arbitrary, capricious, or unreasonable. If a condition recommended by a local governing body is imposed on a licensee, the local governing body shall assume responsibility for monitoring compliance with the condition, except as otherwise provided by the board."

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.: Approve renewal with requested conditions

Background: The Municipality of Anchorage protested this renewal pending a hearing on proposed conditions. After that hearing, the Municipality of Anchorage is requesting conditions be placed on the renewal of this license. The conditions requested are:

1. No single-serving container of beer or malt beverage may be sold or offered for sale that has an alcohol content equal to or greater than 8.0% for less than \$2.49 per container.
1. Glass bottles of products shall not be sold if plastic container options for the same product are available locally.
2. No single-serving of an alcoholic beverage other than beer or wine may be sold or offered for sale in a container having a capacity of approximately 50 ml or 1.6 oz, more or less, commonly known as miniatures, shooters, or airplane serving size bottles, for a price less than \$1.70 per container.
3. Licensee shall not sell more than two “shooters” to any one customer, per day.
4. All shooters and single-serving containers of beer or malt beverage in containers of 16 ounces or less shall be labeled with a sticker or other identifying mark to identify the location of the point of sale.
5. The conditions recommended by the Assembly herein shall only be applicable to license #3219 while it is located at 601 W 36TH Ave., Suites 3 and 4, in Anchorage. If the license is transferred to a different location all conditions shall be lifted from license #3219; however this does not prevent the Anchorage Assembly from recommending the same or other conditions be imposed on the license at the time it reviews an application to transfer the location of license #3219.
6. The licensee shall, in good faith, execute and comply with a Memorandum of Understanding (MOU) between Midtown Community Council (MCC) and LEEFAMILY CORPORATION DBA MOM AND POP’S GROCERY AND LIQUOR, regarding licensee’s operations, practices, and effect on the area. The MOU conditions shall have no binding effect on the Assembly or the Municipality of Anchorage.

Attachment: Municipality of Anchorage resolution with requested conditions
Application

ANCHORAGE, ALASKA
AR No. 2018–134, As Amended

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REQUESTING**
2 **THAT CONDITIONS BE IMPOSED BY THE STATE ALCOHOLIC BEVERAGE**
3 **CONTROL BOARD ON PACKAGE STORE LIQUOR LICENSE #3219 FOR**
4 **LEEFAMILY CORPORATION DBA MOM AND POP’S GROCERY AND LIQUOR**
5 **LOCATED AT 601 W 36TH AVE., STE. 3 AND 4, ANCHORAGE AK, 99503, AND**
6 **TAKING FINAL ACTION ON THE RENEWAL APPLICATION FOR THIS**
7 **LICENSE.**

8
9 (Midtown Community Council)

10
11 **WHEREAS**, LeeFamily Corporation has made an application with the Alaska Alcohol
12 & Marijuana Control Office (AMCO), for consideration by the Alcoholic Beverage
13 Control (ABC) Board, and has paid the required fee for the renewal of package store
14 liquor license #3219 DBA Mom and Pop’s Grocery and Liquor, located at 601 W
15 36th Ave., Ste. 3 & 4, Anchorage, Alaska 99503; and

16
17 **WHEREAS**, the Assembly passed AR 2018-110 on April 24, 2018, following a public
18 hearing, stating its protest to the renewal of liquor license #3219, until the hearing
19 occurred and the “Assembly has taken final action on the license”;

20
21 **WHEREAS**, the attachments to AR 2018-110 included, among other things:
22 • Midtown Community Council’s Resolution 2017-4 and memorandum
23 requesting the Assembly prohibiting “the sale of 50 ml containers of hard
24 liquor or single cans or bottles of beer, including fortified alcohol percentage
25 beers,” and requesting a public hearing;
26 • a written statement of Peggy Robinson describing the issues and concerns
27 with litter and secondary effects of this liquor store;
28 • the “Bar File” of APD activity for 601 W 36th Avenue;

29
30 **WHEREAS**, at the regular Assembly Meeting of April 24, during the public hearing
31 several members of the community expressed:

- 32
33 • their concern with the amount of litter produced by this establishment and
34 its customers, particularly litter comprised of empty “shooters” or airplane-
35 size liquor bottles and cheap single serving malt beer cans in the area of
36 this package store, some which was collected and exhibited to the
37 Assembly;
38 • concerns with sales of inexpensive alcohol products targeted by
39 consumers who often are chronic inebriates, or straw buyers for them,
40 who heavily consume alcohol in public, with careless disregard for
41 littering;

- 1 • concerns that the stocking and prominent display of single serving
- 2 alcoholic beverages is targeted towards increasing sales to such
- 3 consumers, and exacerbating the littering problem;
- 4 • support for the container size, quantity and pricing restrictions propose in
- 5 proposed AR 2018-110(S), which was not voted on nor passed;
- 6 • lack of attendance at community council meetings by the owner or a
- 7 representative of LeeFamily Corporation or Mom & Pop's, even though
- 8 the principal owner/operator had stated he would attend meetings and
- 9 was on their agenda at one time;

10
11 **WHEREAS**, at the regular Assembly Meeting of April 24, an owner of LeeFamily
12 Corporation DBA Mom & Pop's Grocery and Liquor testified regarding his business
13 operations and changes, and counsel for the business testified as well and
14 presented:

- 15
- 16 • a written statement listing actions the business has taken to address
- 17 concerns and "to state the reasons why Mom and Pops package store
- 18 liquor license should be renewed without a protest by the Assembly and
- 19 why special conditions should not be placed on" the license;
- 20 • a written statement titled "The Need for City Wide Action; No Need for
- 21 Conditions"; and
- 22 • graphic exhibits showing a map and nearby package stores in the
- 23 proximity, the inventory and pricing on store shelves, litter consisting of
- 24 various items from other businesses and not including alcoholic beverage
- 25 containers, and the store front;
- 26 and

27
28 **WHEREAS**, the Assembly has provided the liquor licensee the opportunity to defend
29 the renewal application, has considered the testimony and evidence relevant to this
30 liquor license, and has considered the options of either protesting renewal or
31 requesting the ABC Board impose conditions;

32
33 **NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:**

34
35 **Section 1.** Pursuant to AS 04.11.480(c), and based on the evidence and
36 information provided, the Assembly requests that the ABC Board impose the
37 following conditions on liquor license #3219:

38
39 A. Small single serving containers and products prohibitions:

- 40
- 41 1. No single-serving **container** of beer or malt beverage may be sold
- 42 or offered for sale **that has an alcohol content equal to or**
- 43 **greater than 8.0% for less than \$2.49 per container.** [~~:-~~
- 44 ~~(a) in a container having a capacity of 18 ounces or less (or~~
- 45 ~~approximately 532 milliliters or less), or~~

1 ~~(b) in cans or bottle containers of 42 ounces or less (including 24~~
2 ~~oz) with malt liquor with an ABV (alcohol by volume) content of~~
3 ~~9.9% or more and under \$4.00.]~~

4
5 2. ~~[No cheap wines or fortified wines less than \$6.00 may be sold or~~
6 ~~offered for sale.~~

7
8 ~~3. No six-packs of beer for less than \$6.00 may be sold or offered~~
9 ~~for sale.~~

10
11 4.] Glass bottles of products shall not be sold if plastic container options
12 for the same product are available locally.

13
14 ~~3[5].~~ No single-serving of an alcoholic beverage other than beer or wine
15 may be sold or offered for sale in a container having a capacity of
16 approximately 50 ml or 1.6 oz, more or less, commonly known as
17 miniatures, shooters, or airplane servicing size bottles, for a price less
18 than \$1.70 per container.

19
20 4. Licensee shall not sell more than two “shooters” to any one
21 customer, per day.

22
23 B. Other conditions recommended:

24
25 1. All shooters and single-serving containers of beer or malt
26 beverage in containers of 16 ounces or less [products sold as
27 individual containers] shall be labeled with a sticker or other
28 identifying mark to identify the location of the point of sale.

29
30 2. The conditions recommended by the Assembly herein shall only be
31 applicable to license #3219 while it is located at 601 W 36TH Ave.,
32 Suites 3 and 4, in Anchorage. If the license is transferred to a different
33 location all conditions shall be lifted from license #3219; *however* this
34 does not prevent the Anchorage Assembly from recommending the
35 same or other conditions be imposed on the license at the time it
36 reviews an application to transfer the location of license #3219.

37
38 3. The licensee shall, in good faith, execute and comply with a
39 Memorandum of Understanding (MOU) between Midtown
40 Community Council (MCC) and LEEFAMILY CORPORATION DBA
41 MOM AND POP’S GROCERY AND LIQUOR, regarding licensee’s
42 operations, practices, and effect on the area. The MOU conditions
43 shall have no binding effect on the Assembly or the Municipality
44 of Anchorage.

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Section 2. This resolution is the Assembly’s final action on the renewal application for liquor license #3219, and the Municipal Clerk shall present this resolution to the Alcohol & Marijuana Control Office. This resolution shall be effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2018.

Chair

ATTEST:

Municipal Clerk



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

Package Store License Form AB-17b: 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 package store 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:	LeeFamily Corporation	License #:	3219
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	Mom & Pops Grocery & Liquor		
Premises Address:	601 W 36th Avenue, Ste 3 & 4		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Midtown		

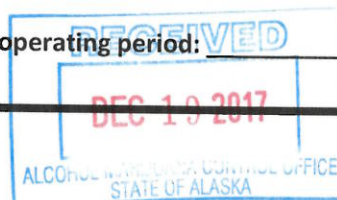
Mailing Address:	601 W. 36 th AVE Ste 3 & 4		
City:	Anchorage	State:	AK
		ZIP:	99503

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:	Tseng C Lee		
Contact Phone:	(907) 563-4446	Business Phone:	(907) 563-4446
Contact Email:	KjCjungam@gmail.com		

Seasonal License? Yes No

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





Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 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

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 text 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

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone

This individual is an: applicant affiliate

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone





Alaska Alcoholic Beverage Control Board

Package Store License

Form AB-17b: 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 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 #:	10018812
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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.

CC-L

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), 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:	Cheng Lee				
Title(s):	Secretary	Phone:	(907)563-4446	% Owned:	50%
Mailing Address:	601 W. 36th AVE Ste #3				
City:	Anchorage	State:	AK	ZIP:	99503

Entity Official Name:	Tseng Lee				
Title(s):	president	Phone:	(907)563-4446	% Owned:	50%
Mailing Address:	601 W 36th AVE Ste #3				
City:	Anchorage	State:	AK	ZIP:	99503

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





Alaska Alcoholic Beverage Control Board

Package Store License

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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.
The license was regularly operated during a specific season each year, for 8 or more hours each day.
The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
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.

Section 6 - Violations and Convictions

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

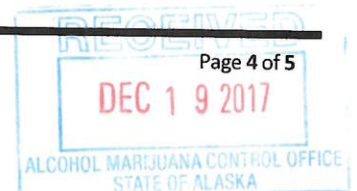
- Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?

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.





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

Package Store License

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

Section 8 – Written Orders

Written orders in calendar years 2016 and 2017:

Yes No

Did you sell alcoholic beverages in response to written orders in calendar years 2016 or 2017?

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.

C.C. L

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.

C.C. L

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.

C.C. 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.

C.C. L

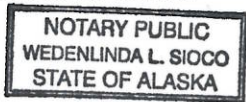
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the 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.

Tseng Chiang Lee
 Signature of licensee

Wedenlinda L. Sico
 Signature of Notary Public

ISENG CHIANG LEE
 Printed name of licensee

Notary Public in and for the State of ALASKA



My commission expires: 06/10/2019

Subscribed and sworn to before me this 19th day of DECEMBER, 20 17.

License Fee:	\$ 1500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 1700.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$ 1700

