



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board      DATE: February 19, 2019

FROM: Erika McConnell, Director      RE: 156 In and Out Liquor #1

**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... 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... 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 04.11.510(b)(2): “The board may review an application for the issuance, renewal, transfer of location, or transfer to another person of a license without affording the applicant notice or hearing, except... (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;”

**Staff Recommendation:** Hold a public hearing; deny the renewal with a 45 day abeyance

**Background:** The Municipality of Anchorage has protested the renewal of this license “pending a public hearing and subsequent final action upon the license by the Assembly.” While a public hearing was held on January 29, 2019, a second public hearing will be scheduled in February.

A temporary 2019-2020 license was issued on December 14, 2018.

Attachment: MOA protest  
Renewal application



# Municipality of Anchorage

100, Box 190350 • Anchorage, Alaska 99519-0350 • Telephone: (907) 343-4316 • Fax: (907) 240-7533 <http://www.muni.org/assembly/license>

January 30, 2019

Office of the Municipal Clerk  
Licensing

Ms. Mikal Milton  
Alaska Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Ste. 1600  
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Milton:

The Anchorage Municipal Assembly at its regular meeting on **January 29, 2019** took the following final action:

## **WAIVE OF PROTEST**

### **Renewal Liquor License - AM 80-2019**

- **Restaurant/Eating Place**
  - Bella Vista Pizzeria & Restaurant LL#107
  - Comfort Suites of Anchorage LL#4863
  - Jimmy Eastern Restaurant LL#5257
  - Jimmy Sushi Restaurant LL#5370
  - Muldoon Pizza LL#761
  - Peking Wok LL#2813
  - Round Table Pizza LL#5548
  - VIP – Yong Bin Restaurant LL#2908
- **Beverage Dispensary**
  - Table 6 LL#4847
- **Beverage Dispensary – Tourism**
  - Crowne Plaza Midtown Anchorage – Juno LL#4844
  - Hyatt House Anchorage LL#5507
- **Beverage Dispensary – Tourism Duplicate License**
  - Crowne Plaza Midtown Anchorage – Concierge LL#4869
- **Club**
  - AMVETS Post #49 LL#3588
  - Petroleum Club LL#3586
- **Package Store**
  - Alaska Liquor LL#4919
  - Captain Sparrow LL#688
  - Wine House at Huffman LL#5002
  - Wine House at Jewel Lake LL#4883
- **Wholesale-General**
  - Polaris Distributors LL#4867

### **Renewal Liquor License – AM 84-2019**

- **Beverage Dispensary**
  - The Bungalow Lounge LL#3781
- **Restaurant/Eating Place**
  - Kumagoro LL#2276
  - Yamaya Restaurant LL#3728

### **Transfer Liquor License – AM 86-2019**

- Rice Garden LL#4761

AMCO

JAN 30 2019

**PROTEST**

**Renewal Liquor License – AR 2019-23 As Amended**

- **Package Store**

- In & Out Liquor #1 LL#156

- Pending a public hearing and subsequent final action upon the license by the Assembly. Per 3 AAC 304.145(d) and AMC 2.30.120F., the applicant was given the opportunity to defend their application by public hearing at the January 29, 2019 Assembly Meeting. The Assembly has set a second public hearing regarding the review of the renewal application of the license which will be scheduled at a regular Assembly Meeting in February.

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,

*Debra Roehl*

Debra Roehl \ *MA*  
Business Specialist

CC: Dong K. Kang

AMCO

JAN 30 2019



Alaska Alcoholic Beverage Control Board

Package Store License

**Form AB-17b: 2019/2020 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, 2018. 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. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.**

**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:	Dong K. Kang	License #:	156
License Type:	Package Store	Statute:	AS 04.11.150
Doing Business As:	In and Out Liquor #1		
Premises Address:	3601 Arctic Blvd		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Midtown		

Mailing Address:	2236 Ridgemont Dr.		
City:	Anchorage	State:	Alaska
ZIP:	99507		

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.

Contact Licensee:	Dong (Ken) Kang	Contact Phone:	9072423299
Contact Email:	KenKang1969@hotmail.com		

**Optional:** If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



# Form AB-17b: 2019/2020 Package Store Renewal License Application

## Section 2 – Entity or Community Ownership Information

This top 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). This number is neither your EIN/tax ID number, nor your business license number. **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>**

General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

<b>Alaska CBPL Entity #:</b>	
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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**.

**Important Note:** The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

<b>Name of Official:</b>					
<b>Title(s):</b>		<b>Phone:</b>		<b>% Owned:</b>	
<b>Mailing Address:</b>					
<b>City:</b>		<b>State:</b>		<b>ZIP:</b>	

<b>Name of Official:</b>					
<b>Title(s):</b>		<b>Phone:</b>		<b>% Owned:</b>	
<b>Mailing Address:</b>					
<b>City:</b>		<b>State:</b>		<b>ZIP:</b>	

<b>Name of Official:</b>					
<b>Title(s):</b>		<b>Phone:</b>		<b>% Owned:</b>	
<b>Mailing Address:</b>					
<b>City:</b>		<b>State:</b>		<b>ZIP:</b>	





# Form AB-17b: 2019/2020 Package Store Renewal License Application

## Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate (spouse)

Name:	Dong (Ken) Kang		Contact Phone:	907 2423299	
Mailing Address:	2236 Ridgmont Dr.				
City:	Anchorage	State:	Alaska	ZIP:	99507
Email:	kenkang1969@hotmail.com				

This individual is an:  applicant  affiliate (spouse)

Name:	Sun J. Yoon		Contact Phone:	(907) 602 8322	
Mailing Address:	2236 Ridgmont Dr.				
City:	Anchorage	State:	Alaska	ZIP:	99507
Email:					

## Section 4 – 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 set forth in AS 04.21.025 and 3 AAC 304.465.

## Section 5 – License Operation

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

2017    2018

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. *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.*

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, 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, unless a complete copy of the form (including fees) has already been submitted for that year.*



Section 6 - Written Orders

Written orders in calendar years 2019 and 2020: Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2019 and/or 2020?

Section 7 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018: Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

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 2017 or 2018?

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

Section 8 - 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, and 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.

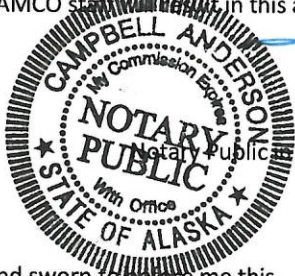
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic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

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.

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 or AMCO staff 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.

Dong K. Kang  
Signature of licensee

Dong K. Kang  
Printed name of licensee



[Signature]  
Signature of Notary Public

and for the State of ALASKA

My commission expires: 2/28/2022

Subscribed and sworn to before me this 7 day of DECEMBER, 2018.

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

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):	\$ 1,800.00				