



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board      DATE: April 29, 2019

FROM: Erika McConnell, Director      RE: 5744 49<sup>th</sup> State Brewing

**Requested Action:** New license application

**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 Rec.:** Reconsider approval from February meeting; hold a public hearing; deny the application with a 180-day abeyance

**Background:** The board approved this new brewery license with delegation at the February meeting. Subsequently, the Municipality of Anchorage protests the new license pending an approved conditional use permit and certification from the Anchorage Fire Department.

The licensee should be notified that under 3 AAC 304.145(h), this abeyance period may not be extended or renewed.

Attachment: Municipality of Anchorage protest  
New license application



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

March 7, 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 **March 5, 2019** took the following final action:

### WAIVE OF PROTEST

#### Renewal Liquor License – AM 164-2019

- **Restaurant/Eating Place**
  - Bear Mountain Grill, LL#5048
  - Cafe Amsterdam, LL#3961
  - Ichiban Restaurant, LL#2113
  - Naruto Japanese Restaurant, LL# 5218
  - Organic Oasis Health Foods & Juice Bar, LL#3921
  - Silvertip Grill, LL#3558
  - Sushi Ya, LL#5379
  - West Berlin Restaurant, LL#5362
- **Beverage Dispensary**
  - Bear Tooth Theatrepub, LL#4694
  - Chepo's Mexican Restaurant, LL#3765
  - O'Brady's Burger & Brew, LL#4614
  - JJ's Sports Center, LL#569
  - Koots, LL#225
  - La Mex, LL#635
  - Sea Galley, LL#1666
  - Van's Dive Bar, LL#615
- **Beverage Dispensary – Duplicate**
  - Eddie's Sports Bar, LL#4317
  - Koots (Ice Bar), LL#1724
  - Koots (North Bar), LL#2107
- **Club**
  - Anchorage Elks Lodge #2868, LL#5236
  - Fraternal Order of the Eagles #4174, LL#3031
- **Package Store**
  - 2 Go Mart #55, LL#1596
  - Oaken Keg #2628, LL#4167
  - Party Time/Boniface Liquors, LL#834
- **Wholesale Malt Beverage & Wine**
  - Veritas Wines, LL#5085
- **Recreational Site-Seasonal**
  - Anchorage Bucs, LL#1747



**Transfer of Controlling Interest Downtown Liquor License**

- **Restaurant/Eating Place**  
The Kobuk, LL#5620 – AM 163-2019

**New Liquor License**

- **Restaurant/Eating Place**  
Siam Cuisine AK LLC, LL#5751 – AM 162-2019

**PROTEST**

**New Downtown Liquor License**

- **Brewery**  
49<sup>th</sup> State Brewing, LL#5744 – AR 2019-64  
Pending a conditional use permit as required by AMC 21.50.160 approved by the Assembly and certification from the Anchorage Fire Department.
- **Winery**  
49<sup>th</sup> State Brewing, LL#5745 – AR 2019-65  
Pending a conditional use permit as required by AMC 21.50.160 approved by the Assembly and certification from the Anchorage Fire Department.

**Transfer Ownership/Location Liquor License**

- **Package Store**  
Oaken Keg #0720, LL#795 – AR 2019-63  
Pending a special land use permit as required by AMC 21.03.040C.4.a, approved by the Assembly and certification from the Anchorage Fire Department.

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  
Business Specialist

CC: Alaska Pacific Beverage Company, LLC  
Safeway Inc.







Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**What is this form?**

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

**This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to be licensed.

Licensee:	Alaska Pacific Beverage Company, LLC		
License Type:	Brewery License	Statutory Reference:	04.11.130
Doing Business As:	49th State Brewing		
Premises Address:	721 West 1st Ave Suite #49		
City:	Anchorage	State:	AK
		ZIP:	99501
Local Governing Body:	Municipality of Anchorage		
Community Council:	Downtown Community Council		

Mailing Address:	3401 Denali Street Ste 202A		
City:	Anchorage	State:	Alaska
		ZIP:	99503

Designated Licensee:	Gary J Klopfer		
Contact Phone:	907-440-4104	Business Phone:	907-440-4104
Contact Email:	gjklopfer@msn.com		

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

OFFICE USE ONLY			
Complete Date:	1/9/19	License Years:	19/20
Board Meeting Date:	2/19/19	Transaction #:	989315, 989322
Issue Date:		BRE:	CDC





Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 2 – Premises Information**

Premises to be licensed is:

- an existing facility       a new building       a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

**Section 3 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. 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:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

## Form AB-00: New License Application

Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

### Section 4 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- 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:	Gary J Klopfer				
Title(s):	Member and Manager	Phone:	907-440-4104	% Owned:	80
Address:	3401 Denali Street Ste 202A				
City:	Anchorage	State:	AK	ZIP:	99503

Entity Official:	David Mccarthy				
Title(s):	Member and Manager	Phone:	907-599-0052	% Owned:	10
Address:	645 W 3rd Ave.				
City:	Anchorage	State:	AK	ZIP:	99501

Entity Official:	Jason Motyka				
Title(s):	Member and Manager	Phone:	907-229-5151	% Owned:	10
Address:	645 W 3rd Ave.				
City:	Anchorage	State:	AK	ZIP:	99501

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





Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10084392	AK Formed Date:	07/03/2018	Home State:	Alaska
Registered Agent:	Jason S. Motyka		Agent's Phone:	907-229-5151	
Agent's Mailing Address:	645 W. 3RD AVENUE				
City:	Anchorage	State:	AK	ZIP:	99501

Residency of Agent: Yes  No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

**Section 5 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes  No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

#4946-49th State Brewing Company- Brewpub,#671-49th State Brewing Company-BDL,#3370-Mckinley Denali Salmon Bake-Seasonal Tourist,#5297-The Overlook- Seasonal Tourist,#4938-Prospectors Pizza-RDP,#4058-49th State Brewing Company-BDL

**Section 6 – 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:

Jason Motyka - member





Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 7 – Certifications

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

Initials

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

AK

I certify that all proposed licensees have been listed with the Division of Corporations.

AK

I certify 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.

AK

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

AK

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

AK

As an applicant for a liquor license, 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.

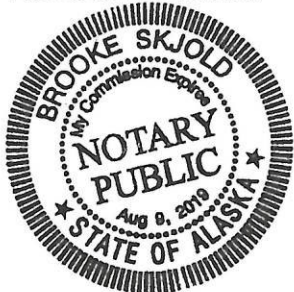
[Signature]  
Signature of licensee

[Signature]  
Signature of Notary Public

GARY J. KLOFFER  
Printed name of licensee

Notary Public in and for the State of AK

My commission expires: 8-9-19



Subscribed and sworn to before me this 12<sup>th</sup> day of November, 2018.



## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

### What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form is not required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's main office before any license application will be considered complete.**

Yes      No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

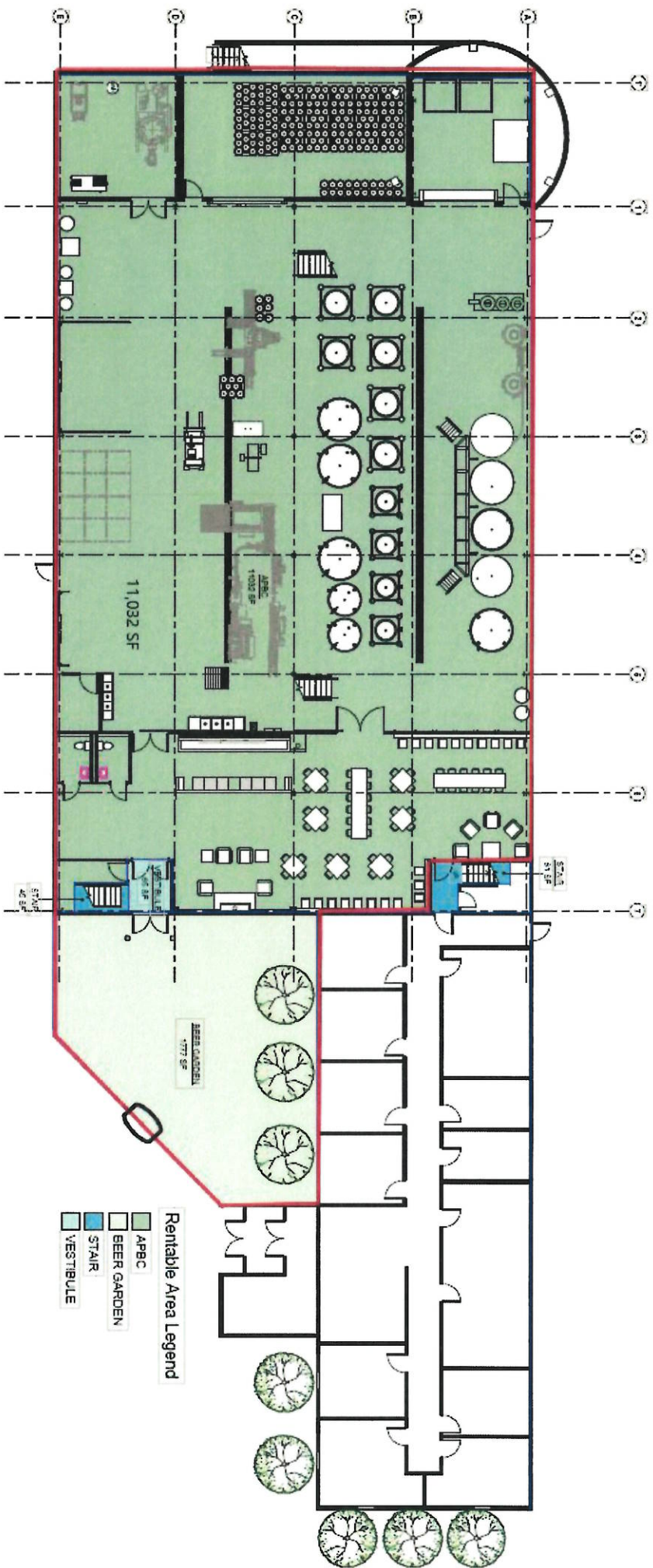


### Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaska Pacific Beverage Company LLC	License Number:	
License Type:	Brewery License		
Doing Business As:	49th State Brewing		
Premises Address:	721 West 1st Ave Suite#49		
City:	Anchorage	State:	AK      ZIP: 99501





**Rentable Area Legend**

- APBC
- BEER GARDEN
- STAIR
- VESTIBULE

RENTABLE PLAN - FIRST FLOOR

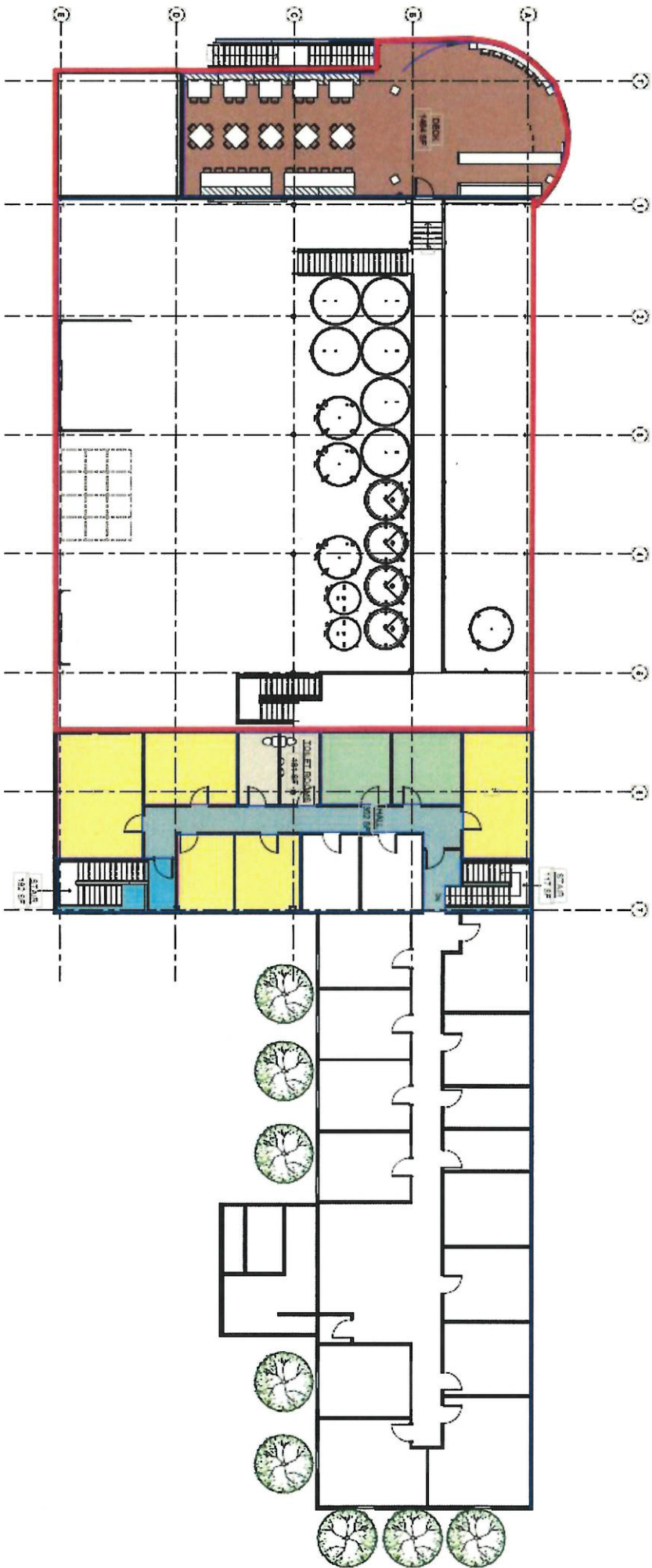
# RIM

49TH BREWING FACILITY  
RENTABLE AREAS

RECEIVED  
JAN 09 2019  
ALCOHOL & GAMING CONTROL OFFICE  
STATE OF ALASKA

2018-11-27





RENTABLE PLAN - SECOND FLOOR

RIM

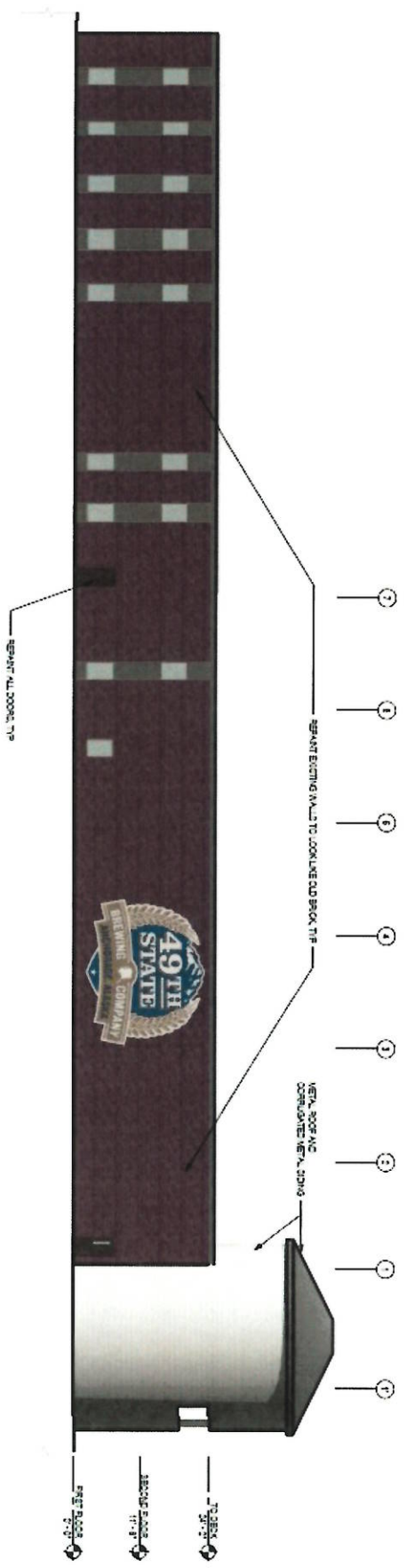
49TH BREWING FACILITY  
RENTABLE PLAN

**PROFESSIONAL**
  
**ALASKA BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS**
  
**NO. 10774**

**JAN 09 2019**

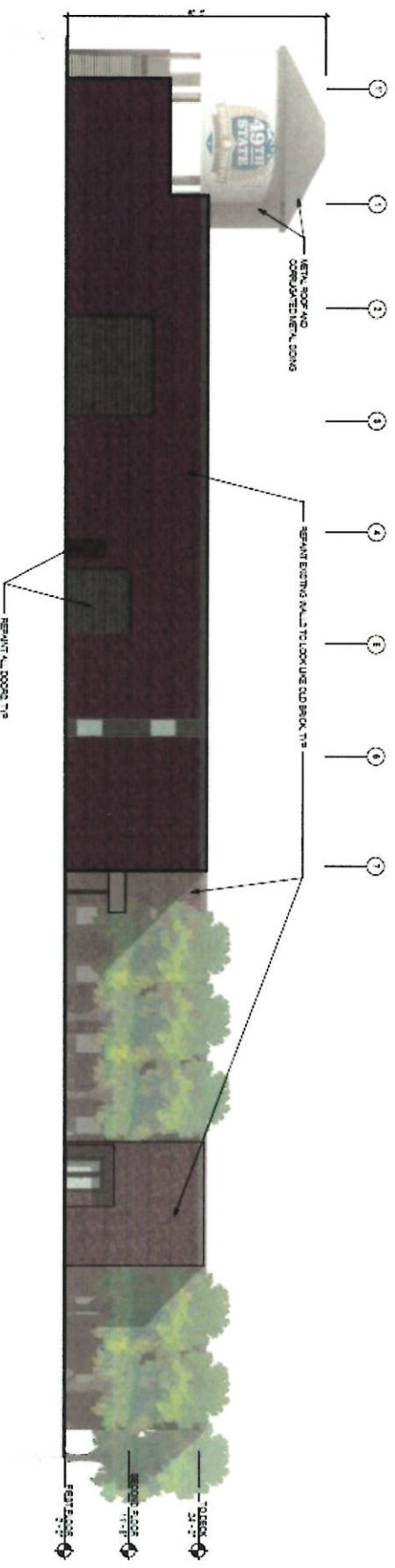
ALCOHOL MARKETING CONTROL OFFICE  
 STATE OF ALASKA

1 NORTH ELEVATION



0 5 10

2 SOUTH ELEVATION



0 5 10

RECEIVED

JAN 09 2019

ALCOHOL MARSHALS' COUNCIL OFFICE  
STATE OF ALASKA

AMCO Security Plan

49<sup>th</sup> State Brewing

721 West 1<sup>st</sup> Ave Suite #49

Anchorage, Alaska

99501

Re: New Brewery License#5744

The exterior of the facility will comprise of a 1777 SF beer garden that is secured by a rock wall with steel and wood gate that allows entrance into the outdoor seating area as well as the main entrance of the tasting room. This area will be gated shut outside of normal operating hours of the tasting room. Employee entrance will be located on the South wall of the facility into the main production facility. This door will have an electronic lock system that will prevent anyone not employed at the facility from entering.

The Main entrance into the tasting room will be unlocked during normal business hours and during operating hours the beer garden entrance and main tasting room entrance will be constantly monitored by greeter/security staff. Managers will also always be on premise to make sure that no unaccompanied minors do not gain access to the premises and no off-premise Alcohol is brought onto the premises.

On certain summer days the upper west facing deck may be open. The main way to access this deck would be through the tasting room to a set of stairs leading to a catwalk that would be above the production facility leading to an outdoor covered deck. The deck has an emergency exit only door stair way that is alarmed leading down a west facing staircase to ground level. The only entrance to this 2<sup>nd</sup> level deck will be through the main tasting room so when the main tasting room is closed there is no access to the 2<sup>nd</sup> level deck.

All employees and staff will be trained and utilize TAP professional trade practices to make sure that all Alaskan Statutes are complied with and that the licensed premise is secure from any illegal access.

