Law.oah.ecf@alaska.gov

BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE ALCOHOLIC BEVERAGE CONTROL BOARD

In the matter of:	)	
	)	
LEE FAMILY CORPORATION	)	OAH No. 21-0055-ABC
	)	
	)	Agency Reference No. 3219

CERTIFICATE OF SERVICE

I certify that on August 6, 2021, true and correct copies of the POST PROPOSAL FOR ACTION SUPPLEMENT, AR 2021253 1 MOM AND POPS SUSPENSION RESOLUTION and this *Certificate of Service* were served on the following via email:

Eddy Lee
no address
lee.eddy.30@hotmail.com

Haley L. Merritt
Law Office Assistant

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AMCO'S POST PROPOSAL FOR ACTION SUPPLEMENT

Respondent Edward Lee met with the undersigned counsel in July 2021 and asked whether his family would be permitted to sell and transfer the package store license at issue in this matter.

Subsequent to that conversation, the undersigned counsel reached out to counsel for the Municipality of Anchorage and to representatives of the Midtown Community Council to discuss that possibility. In follow-up to that contact, the Anchorage Assembly passed a resolution approving that ability, but also putting certain conditions on the sale.

AMCO attaches as place saver the resolution the Municipality considered. It approved it with an additional amendment that the license could not transfer to a location with the Midtown Community Council's borders.

The Assembly's consideration of the resolution can be found in the enclosed link from time stamp 2:16:02 to time stamp 2:28:47.

https://www.youtube.com/watch?v=lmXM_E5vTI8

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AMCO supports the Municipality's proposed resolution. The undersigned will provide the signed and executed resolution at soon as it is available.

DATED August 6, 2021.

TREG R. TAYLOR
ATTORNEY GENERAL

By: */s Joan M. Wilson/*
Joan M. Wilson
Senior Assistant Attorney General
Alaska Bar No. 9611069

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Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: July 27, 2021

ANCHORAGE, ALASKA
AR No. 2021-253

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY RECOMMENDING THAT THE STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD SUSPEND FOR A PERIOD OF SIX MONTHS, RATHER THAN REVOKE, PACKAGE STORE LIQUOR LICENSE #3219, FOR LEE FAMILY CORPORATION DBA MOM & POP'S GROCERY AND LIQUOR LOCATED AT 601 W 36TH AVE., STE.3-4, ANCHORAGE, AK 99503, TO ALLOW THE LICENSE TO BE TRANSFERRED.

WHEREAS, on the 10th day of March, 2020, the Anchorage Assembly passed AR No. 2020-56, As Amended, and thereby protested the renewal of liquor license #3219 to the ABC Board; but also requested that the ABC board allow the licensee to transfer the license to another applicant; and

WHEREAS, on March 30, 2021 the ABC Board upheld the protest of the Anchorage Assembly and denied the Lee Family Corporation's (Lee) application to renew its license; and

WHEREAS, Lee began the administrative appeal process allowed by Alaska Statutes Title 4 and the matter was heard by a State of Alaska Administrative Law Judge (ALJ) who makes a determination which is submitted back to the ABC which can then accept or reject the determination and make a final administrative decision regarding the renewal of the license; and

WHEREAS, on June 14, 2021 the ALJ hearing the administrative appeal affirmed the action of the ABC Board in upholding the Assembly protest and denying the renewal of the license; and

WHEREAS, it is expected that the ABC Board at its August 17, 2021 meeting will vote to accept the decision of the ALJ and thereby confirm final revocation of the liquor license; and

WHEREAS, Eddie Lee, of the Lee Family, stated to the Assistant Attorney General representing ABC in the case, that they would like the opportunity to sell the liquor license if the ABC were to suspend the license instead of revoking it; and

WHEREAS, the Midtown Community Council (MTCC) met July 20, 2021 and agreed that it would support a suspension of the license by the ABC, instead of revocation, to allow its transfer, provided that: the suspension lasts no more than 6 months from August 17, 2021; and that the liquor store closes to the public and ceases all operations and sales of alcohol effective midnight August 17, 2021; that the transfer be to an unrelated third party; that the current license holder would not own or have

interest in a liquor license in the Municipality of Anchorage; and that the transfer of the license not be in Midtown due to the existing density of package store licenses in Midtown and adjacent areas; and

WHEREAS, the Assembly believes the ABC Board will only have authority at its August 17, 2021 meeting to suspend, rather than revoke, the license for 6 months to allow for its transfer and cannot – except as part of the transfer process if and when it occurs – provide conditions on the transfer at this time; the Assembly nonetheless is sympathetic to and aware of, the very real concerns of the MTCC about the transfer of the license; and

WHEREAS, the Assembly recognizes that once a liquor license is revoked, it is permanent and cannot come back into being; and

WHEREAS, the Assembly further recognizes the significant economic value of the liquor license in generating tax and property revenue to the Municipality of Anchorage; and now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. That it recommends to the Alcoholic Beverage Control Board that it suspend, rather than revoke, the Lee Family liquor license, for a period of six months from August 17, 2021; that it orders the liquor store to be closed and cease all operations and sales of alcohol effective midnight on August 17, 2021; and that if the license is not transferred during the 6 month period of time, the ABC Executive Director is authorized to, and in fact, shall, revoke the license without any further action or direction by the ABC Board.

Section 2. This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2021.

_____
Chair of the Assembly

ATTEST:

_____
Municipal Clerk