



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: August 25, 2021

FROM: Kristina Serezhenkov, OLE

RE: #4720 Lefty's

**Requested
Action:**

Rescind the previous approval with delegation, hold an informal hearing and deny the application with 180-day abeyance period.

**Statutory &
Regulation
Authority:**

AS 04.11.510(b)(1): "if an application is denied, the notice of denial shall be furnished the applicant immediately in writing stating the reason for the denial in clear and concise language; the notice of denial must inform the applicant that the applicant is entitled to an informal conference with either the director or the board, and that, if not satisfied by the informal conference, the applicant is then entitled to a formal hearing conducted by the office of administrative hearings (AS 44.64.010); if the applicant requests a formal hearing, the office of administrative hearings shall adhere to AS 44.62.330 — 44.62.630 (Administrative Procedure Act); all interested persons may be heard at the hearing and unless waived by the applicant and the board, the formal hearing shall be held in the area for which the application is requested"

3 AAC 304.145(h) "The board may uphold a protest of an application or continued operation with a single abeyance period not to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation is approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that it has removed the protest, the application or continued operation is denied. The period of abeyance may not be extended or renewed."

Background: At the August 17, 2021 ABC Board meeting, the board approved the transfer application with delegation. On August 24, 2021, the City of Fairbanks protested the transfer application because the new location of the proposed premises is not compatible with the character of the neighborhood and against public interest as expressed in public testimony.

Staff Recommendation: Rescind the previous approval, hold an informal hearing and deny the application with a 180-day abeyance.

Attachment:

City of Fairbanks Protest
AB-01
AB-02



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6702
Fax (907)459-6710

August 24, 2021

Kristina Serezhenkov, Licensing Examiner
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Ste. 1600
Anchorage, Alaska 99501

Ms. Serezhenkov,

At the regularly scheduled meeting of August 23, 2021, the Fairbanks City Council voted to **PROTEST** the application for transfer of ownership, location and name change for the following liquor license:

Type: Beverage Dispensary, License #4720
To: Lefty's / Michael Rasmussen
1107 College Road, Fairbanks, Alaska
From: Gallantino's Italian Restaurant / Gallantino's, Inc.
1446 S. Cushman Street, Fairbanks, Alaska

Pursuant to AS 04.11.480 and FGC Sections 14-168(b) and 178(a), the Fairbanks City Council approved by unanimous vote a motion to protest the application for transfer after holding a public hearing. The protest is based on the character and public interest of the surrounding neighborhood, as expressed in public testimony by neighboring property owners. The neighbors were concerned that a bar was not compatible with the character of the neighborhood. Concern was also expressed that the proposed open-air deck consumption area would look directly down on the neighboring residence. Both the neighbors and the Chief of Police testified about the potential law enforcement problems if this beverage dispensary license were allowed to relocate in the proposed location. Also of concern was the fact that the proposed location was located within 0.5 miles of an elementary school and was directly across a busy 4-lane road from the popular viewing area of the Creamer's Field Migratory Waterfowl Refuge.

Should you need further information do not hesitate to contact me.

Sincerely,

D. Danyielle Snider, MMC
Fairbanks City Clerk

Cc: File
Michael Rasmussen, Owner

AMCO Received 8/24/2021

From: [Dani Snider](#)
To: [AMCO Local Government Only \(CED sponsored\)](#); [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Cc: mikealaska@ymail.com
Subject: RE: #4720 dba Leftys City of Fairbanks LGB Notice Transfer of Liquor License Application
Date: Tuesday, August 24, 2021 1:27:03 PM
Attachments: [image001.png](#)
[Response to AMCO - Lefty"s.pdf](#)

Kristina,

Please find attached the City of Fairbanks response regarding the transfer application for Lefty's, License #4720.

A certified copy of the attached letter will also be mailed to the applicant.

Thank you,

D. Danyielle Snider, MMC
City Clerk | City of Fairbanks
800 Cushman Street | Fairbanks, AK 99701
907.459.6774 | 907.459.6710
dsnider@fairbanks.us



Municipal Election Day is Tuesday, October 5, 2021

From: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Sent: Thursday, July 29, 2021 1:03 PM
To: Dani Snider <DSnider@fairbanks.us>
Cc: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Subject: #4720 dba Leftys City of Fairbanks LGB Notice Transfer of Liquor License Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I have attached the completed AB-00 and AB-02 for transfer license application #4720 dba Leftys for your consideration. This is a transfer of ownership and location and a change of dba as well.



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
Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing 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, AS 04.11.280, AS 04.11.290, 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 - Transferor Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	GALLANTINO'S INC.	License #:	4720
License Type:	BEVERAGE DISPENSARY	Statutory Reference:	04.11.090
Doing Business As:	GALLANTINO'S ITALIAN RESTAURANT		
Premises Address:	1446 SOUTH CUSHMAN, FAIRBANKS		
City:	FAIRBANKS	State:	ALASKA
		ZIP:	99709
Local Governing Body:	CITY OF FAIRBANKS		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY			
Complete Date:	7-29-2021	Transaction #:	1000 82921 100054553
Board Meeting Date:	8-17-21	License Years:	2020-2021
Issue Date:		BRE:	KRS



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Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the **new** applicant and/or location seeking to be licensed.

Licensee:	MICHAEL RASMUSSEN				
Doing Business As:	LEFTY'S				
Premises Address:	1107 COLLEGE ROAD				
City:	FAIRBANKS	State:	ALASKA	ZIP:	99709
Community Council:					

Mailing Address:	P.O. BOX 80910				
City:	FAIRBANKS	State:	ALASKA	ZIP:	99709

Designated Licensee:	MICHAEL RASMUSSEN				
Contact Phone:	907 750-1177	Business Phone:			
Contact Email:	MIKEALASKA@YMAIL.COM				

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

Section 3 – 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.

1 MILE

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.

3 MILES



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

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<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 4 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
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:	MICHAEL RASMUSSEN			
Address:	3490 CHETANA DRIVE			
City:	FAIRBANKS	State:	ALASKA	ZIP: 99707

This individual is an: applicant affiliate

Name:				
Address:				
City:		State:		ZIP:

Section 5 - 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 6.
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:			
Title(s):	Phone:	% Owned:	
Address:			
City:	State:	ZIP:	



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Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Entity Official:	MICHAEL BASMUSSEN				
Title(s):	OWNER	Phone:	907.750.1199	Owned:	100%
Address:					
City:		State:		ZIP:	

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

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

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 #:		AK Formed Date:		Home State:	
Registered Agent:		Agent's Phone:			
Agent's Mailing Address:					
City:		State:		ZIP:	

Residency of Agent:

Yes No

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

AMCO Received 2/2/21



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Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 6 - Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee 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):

MICHAEL RASMUSSEN 100% OWNER OF
 JUSTA STORE (PACKAGE STORE) 4405
 COLLEGE WINE & LIQUOR (PACKAGE STORE) 3692

Section 7 - 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]



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

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Section 8 - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

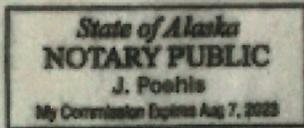
I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Signature of transferor

Handwritten signature of Wilfreda Gatto

Printed name of transferor

Subscribed and sworn to before me this 16th day of December, 2019



Handwritten signature of Notary Public

Signature of Notary Public

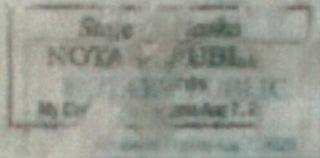
Notary Public in and for the State of Alaska

My commission expires: 8/7/2023

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this ___ day of ___, 20__



Signature of Notary Public

Notary Public in and for the State of _____

My commission expires: _____

AMCO Received 2/2/21



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Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 9 – Transferee 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.

mb

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

mb

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.

mb

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.

mb

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

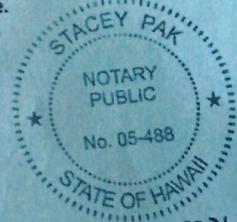
mb

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.

mb

 Signature of transferee

MICHAEL RASMUSSEN
 Printed name

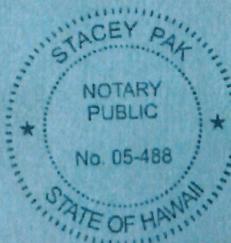


Subscribed and sworn to before me this 7th day of July, 2021.

Doc. Date 07/07/2021 # Pages: 1
 Stacey Pak First Circuit
 Doc. Description Form AB-01: Transfer License Application

Stacey Pak

 Notary Signature Date 07/07/2021



Stacey Pak

 Signature of Notary Public

City and County of Honolulu
 Notary Public in and for the State of Hawaii

My commission expires: July 19, 2023

NOTARY CERTIFICATION



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

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Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
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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:	MICHAEL RASMUSSEN	License Number:	4720
License Type:	BEVERAGE DISPENSARY		
Doing Business As:	LEFTY'S		
Premises Address:	1107 COLLEGE ROAD		
City:	FAIRBANKS	State:	AK
		ZIP:	99709

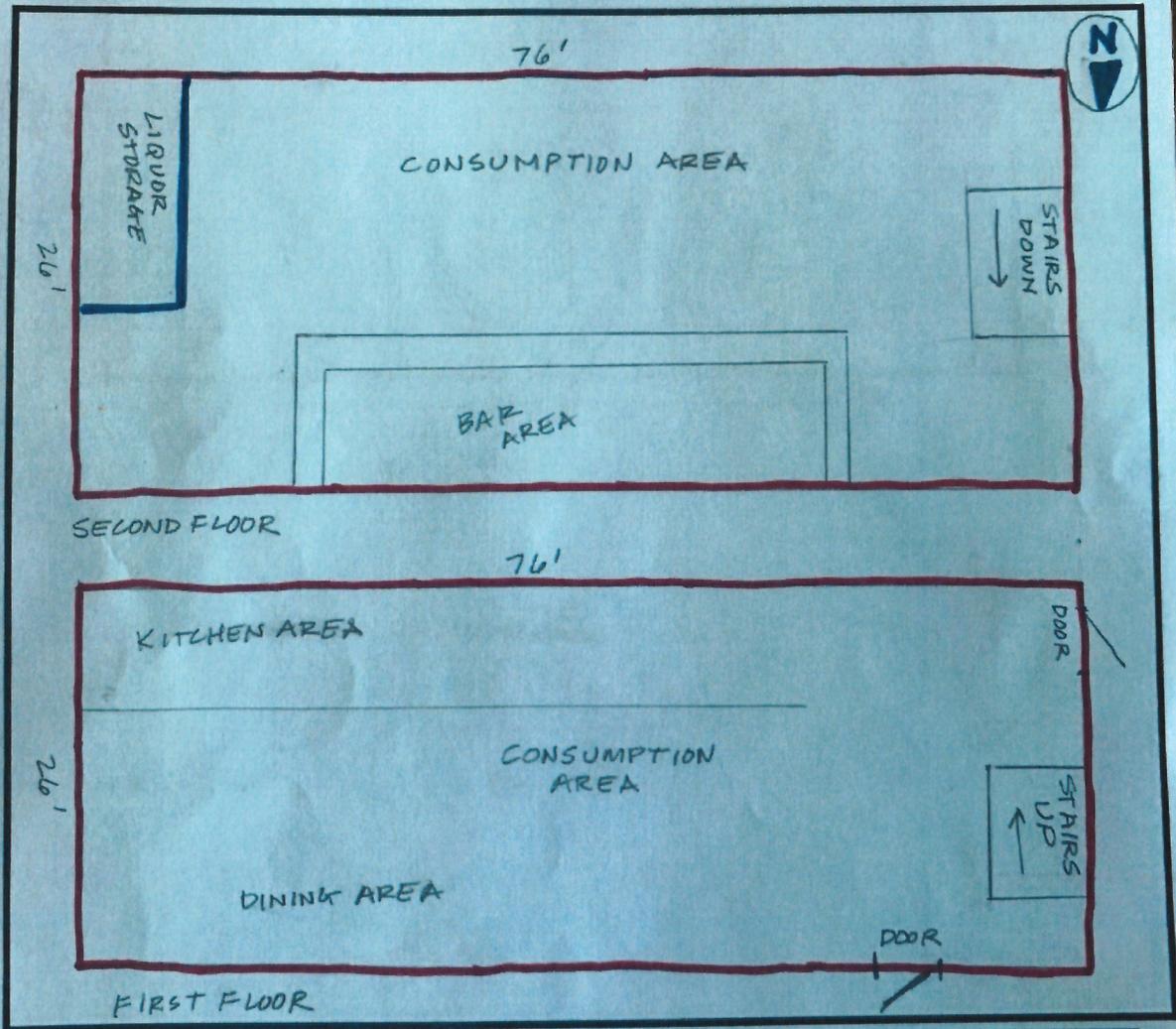


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Alaska Alcoholic Beverage Control Board
Form AB-02: Premises Diagram

Section 2 - Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



26'
SIDE WALL HEIGHT
4'

TOP FLOOR

4' FRONT WALL HEIGHT

CONSUMPTION
AREA

OPEN AIR DECK

70'
REAR WALL HEIGHT 10'



STAIR
DOWN
←

4'
SIDE WALL HEIGHT



AMCO Received 2/2/21

AMCO Received 7/8/2021

LEFTY'S

Outdoor/Indoor Serving Security Plan

1. All minors must be accompanied by an adult (age over 21) while in the restricted area when any alcohol is being served/sold/consumed.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. **FOUR FOOT WALL *** is around the outdoor servicing area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted inside **LEFTY'S** and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that **NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.**
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol **WILL** continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent or legal guardian will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.

*** THE OUTDOOR SERVICE AREA IS ON THE TOP OF THE BUILDING.**