



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: October 18th 2016

FROM: Cynthia Franklin
Director, ABC Board

RE: Olsen's Liquor Store #2787

This is an application for a transfer of location for a package store license in the City of Dillingham (Dillingham). The application is appearing on its first ABC agenda today.

The City of Dillingham has issued two protests of the license, one within the sixty day protest period and the second after the protest period. Details are as follows:

Date Notification sent to Dillingham:	June 24, 2016
Date First Protest received:	August 19, 2016
Basis for First Protest:	Inadequate notification by applicant per AS 04.11.310.
Date Second Protest received:	October 18, 2016
Basis for Second Protest:	Inadequate notification, concerns from residents, public health and safety concerns
3 AAC 304.145(d) met?	Yes, matter was on agenda for public hearing at Dillingham Council meeting held August 19, October 6, and October 13, 2016.
Objections to transfer received:	Objections were submitted to AMCO daily right up to the meeting.
Petition supporting transfer received:	October 17, 2016, approximately 200 signatures from both residents and non-residents
Applicable statutes and regulations:	AS 04.11.480; 04.11.470; 04.11.510(b)(2); 04.11.340(1) and (5)



Additional Consideration:

Objections raised question of whether operating requirement were met as sworn to in last renewal of license. AMCO investigation ongoing.



August 19, 2016

Maxine Andrews
State of AK, Dept. of Commerce, Community and Economic Development
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Subject: Kvichak Pacific d/b/a Olsen's Liquor Store – Request for Liquor License
Transfer of Location

Dear Maxine:

This is in response to Kvichak Pacific's request for a Liquor License Transfer of Location, as recorded in your letter to the City of Dillingham, dated June 24, 2016.

At last night's Council meeting, the Council voted unanimously to protest the license transfer due to what they felt was inadequate public noticing. Please note they did receive a copy of the Posting Affidavit showing proof of advertisement, along with a copy of your June 24 letter. One of their main concerns was that the property was not identified by street names in the advertisement, making it difficult, they felt, to identify where the property was located. Due to the time constraints, sixty day protesting period, I am emailing this letter as an attachment.

Please do not hesitate to contact us with any questions.

Sincerely,


Janice Williams
City Clerk

cc: Kim Parker dlqliqstore@yahoo.com
Rose Loera, City Manager



October 18, 2016

Cynthia Franklin
Alcohol & Marijuana Control Office Director
550 West 7th Ave, Suite 1600
Anchorage, AK 99501
Phone (907) 269-0350

Bob Klein
Alcoholic Beverage Control Board Chairman
550 West 7th Ave, Suite 1600
Anchorage, AK 99501
Phone (907) 269-0350

Re: Kvichak Pacific, LLC Package Store Liquor License #2787 DBA: Olsen's Liquor Store – City of Dillingham Protest

Dear Director Franklin and Chairman Klein:

Dillingham has a general policy of providing the public a meaningful opportunity to weigh in on matters of community concern; the public must be made aware of important matters. The Dillingham City Council found that advertising in *the Alaska Journal of Commerce* does not necessarily make the public aware of important matters. The Council further found that a location described by a legal description, particularly when that description lacks a plat number, when not accompanied by a street name does not sufficiently convey to the public important information. The City Council therefore concluded the public was denied a meaningful opportunity to weigh in on the transfer of this license, a matter of community concern.

On August 19, 2016, the Council voted unanimously to protest the license because the public was denied a meaningful opportunity to participate. Kvichak Pacific, LLC d/b/a Olsen's Liquor Store's ("Kvichak") argument that the public was adequately informed of its intent to put a liquor store in the proposed residential neighborhood does

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October 18, 2016

Re: COD Protest

not withstand scrutiny. A letter to the City from a confused neighbor speaks loudly. After stating that she was unaware of *any* transfer prior to the Council's August 18 meeting, Jessica Denslinger expressed her confusion as to the transfer location:

In addition, we are a little confused about this transfer application noting lot 1 as its requested location. According to our lot map lot 1 currently has an apartment building on it? . . . Is this just an error on the application? Or is the apartment and the liquor store going to be on the same lot?¹

Jessica's confusion results from Kvichak's flawed notice. Lawyers and title agents use legal descriptions. Dillingham residents, like most people, use street names or other landmarks. Kvichak used a street name to describe *from where* it was moving and then used a legal description only to describe *to where* it was moving. The *from-where* description, "1.25 mile Willow Lane," is still vague - Olsen's Liquor Store is located at 503 Wood River Road – but even this imprecise description provides superior notice to the public than a bare legal description. And when using legal descriptions, lawyers and title agents tend to include plat numbers. Kvichak's failure to include a plat number invites Jessica's error.

Kvichak appears to have made the same error as Jessica. Kvichak's September 28, 2016 memo to the Council states that the proposed new location is "on lot 1 in *Ahklun Subdivision*".² That's incorrect, and no such subdivision exists. There's an *Ahklun Subdivision Addition No. III* (Plat No. 84-28), but it does not contain the transfer location. Jessica lives on Lot 7, *Ahklun View Estates North* (Plat No. 84-20), but that's still not the correct plat for the location. Rather, the correct plat is *Ahklun View Estates North Addition No. 1 Lot 1 and Tract C* (Plat No. 84-20).

¹ Jessica Denslinger email to Maxine Andrews (Alcohol Beverage Control), Mayor Ruby, *et al* (August 20, 2016 at 4:14 p.m.). Enclosed as Attachment #2.

² Ernoug & Coffey, P.C., Memorandum re Olsen's Liquor Store Transfer of Location (September 28, 2016), p. 1. Enclosed as Attachment #2.

The published advertisement describes the transfer location as "*Akhlvn* [sic] *View Estates North Add. Lot 1*". Not only did Kvichak confuse *Ahklun View Estates North Addition No. 1 Lot 1 and Tract C* for *Ahklun Subdivision*, the plat map Kvichak attached to its memo does not contain the transfer location. Kvichak attached the same plat Jessica was looking at when she couldn't find the transfer location. Kvichak's claim that "the legal description would enable that individual to find the location very simply"³ is belied by its own seeming confusion as to that very description.

The public should not be forced to parse a legal description when a common description will do. And when a legal description is used, convention and clarity require including the plat number. Kvichak did not give the public the notice it deserves.

Kvichak requested an opportunity to defend its application before the Council and asked the Council to withdraw its protest. Following two separate meetings, one on October 6, 2016 and another on October 13, 2016, where the Council heard from Kvichak and received extensive public comment, the Council, by unanimous vote, declined to withdraw its protest of the license transfer.

The Council asks the ABC Board to sustain the protest and deny the transfer because, as stated in its protest, Kvichak's insufficient notice to the local community denied the community an opportunity to participate in the process. When the public was afforded this opportunity, it spoke out strongly against transferring the license to the new location based upon numerous facts particular to the transfer location that are objectionable. The Council agrees with those objections. A summary of residents objections as well as correspondence the City received from residents are enclosed.

Thank you for considering the concerns of the Dillingham City Council and the citizens of Dillingham spoke out against the license transfer, including those who have

³ Memo re Olsen's Liquor Store Transfer of Location, p. 4.

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Re: COD Protest

added their names to a citizen petition opposing the transfer. The City would appreciate the opportunity to participate in the October 26, 2016 ABC Board meeting if you believe that the City's participation would provide the board with a better understanding of Dillingham's general public policy of providing the public meaningful opportunity to weigh in on matters of community concern or the facts that render this particular application objectionable the City Council. Please let me know if I can provide you with any further information regarding the City's protest.

Sincerely,



Janice Williams

City Clerk

cc: Mayor Alice Ruby
Mike Keenan, Kvichak Pacific, LLC
Dan K. Coffey, Esq.

**City of Dillingham Protest Letter for Package Store Liquor License #2787
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Enclosure No. 1:

Summary of Council Proceedings Public Comment

7 pages

Summary of Council Proceedings Public Comment

By letter dated June 24, 2016, the ABC notified the City Dillingham of Kvichak's application for transfer of license to a new location. The City Council considered the transfer at its August 18, 2016 meeting.

August 18, 2016 Council Meeting

Council Member Armstrong said that when he first learned of the transfer he could not tell where the transfer location was based on the legal description. After figuring out the location, he learned from four out of seven neighbors of the transfer location that they were unaware of the pending transfer. The Council then sought clarification from City Manager Loera as to where the proposed transfer actually was actually located. City Manager Loera explained the location using street names. She also stated that she contacted neighboring residents and they said they hadn't seen any notice posed as Kvichak indicates.

Council Member Armstrong expressed his belief that if a business is setting up in the middle of a residential neighborhood, that business needs to give actual notice to its neighbors. He expressed that no matter how he read the legal notice, he would not know that a liquor store was moving into the neighborhood. Mayor Ruby agreed that the neighborhood needs to be part of the process. The Council members agreed that there was no way for the public to understand the transfer location because the legal notices did not contain a description, such as a street address that was reasonably comprehensible. Following this discussion, the Council voted unanimously to protest the transfer on the basis that Kvichak did not provide sufficient notice to the community, which precluded the public from having a reasonably opportunity to participate.

To comply with the 60-day protest deadline, I notified your office and Kvichak of the Council's determination by letter dated August 19, 2016. My letter summarized the reason for the Council's unanimous vote to protest the transfer as the Council finding that Kvichak did not sufficiently inform the local public of the proposed transfer, one facet of that insufficiency being Kvichak's use of real property legal descriptions, which are not immediately recognizable to the public in its notices rather than street names, which are immediately recognizable to the public. The Council's concern was that the

public was denied the ability to participate in the process because it was generally unaware of the intended location of the new liquor store as a result of deficient public notice.

Within days of that meeting, the City received correspondence from numerous residents of the neighborhood. Kvichak was copied with this correspondence. These residents expressed their opposition to the transfer based on concerns related to putting a liquor store in a residential neighborhood as well as what they felt was an inability to participate “as this proposal was only advertised in *the Alaska Journal of Commerce*, [r]ather than a locally known media source,”¹ such as *the Bristol Bay Times*.

On August 31, through its attorney Dan Coffey, Kvichak requested an opportunity to defend its application before the City Council at the Council’s regularly scheduled October 6, 2016 meeting. Mr. Coffey stated his intent was to come to the Council meeting and show that the proposed liquor store site would not cause any danger or risk of harm, that he received three letters filed by residents in the proposed area, and that he planned to make a presentation, and then ask the Council if they would overturn their decision because the reason for their protest would have been resolved. On September 30, Mr. Coffey provided the City with a memorandum that presents Kvichak’s defense of its transfer application. I issued an amended meeting packet to include Mr. Coffey’s memo.

October 6, 2016 Council Meeting

Mr. Coffey and Mr. Keenan, Kvichak’s managing member, appeared at the October 6 Council meeting, as did many members of the public who wished to be heard on the matter.

The first commenter was Frank Woods. Mr. Woods sits on the board of Choggiung, Limited (“Chog”), the Alaska Native village corporation for Dillingham, Ekuk and Portage Creek., which owns the four-plex across from the transfer location. He said that nobody on Chog’s board or staff had heard anything about the transfer prior to the

¹ Edward and Ayla Budrow letter to Maxine Andrews (Alcohol Beverage Control)(August 22, 2016)..

Council's protest on August 18. Mr. Woods stated that he'd never read *the Alaska Journal of Commerce* and that it's appalling to consider that notice to Bristol Bay residents.² *The Bristol Bay Times* is the local newspaper of record, and had the transfer been advertised there people would have known.

Mr. Keenan spoke next. He stated that he used *the Alaska Journal of Commerce* because he'd used it previously for the Dillingham Liquor Store five and half years prior and under the statute as long as you use a paper that's recognized by the board it's ok. He also posted on the property. He explained that, if approved, he anticipates building a 900 square foot building at a cost of about \$200,000 and that about \$100,000 in annual tax revenue would flow to the City and that he would hire about 2.5 employees at well over minimum wage. He anticipates little foot traffic, but primarily vehicle traffic. Alcohol consumption and inebriates would not be allowed on the store or premises and people with drinking problems are unlikely to walk 5 miles out to the store.

Jessica Denslinger lives in one of the three houses in the immediate area. She thanked the council for protesting the transfer. Jim Denslinger also thanked the council and said that he drove the road daily at least five times a week and he never saw any public notice in the area. He stated he does not go to the post office and disagreed with the claim that there was adequate public notice.

Ayla Budrow thanked the Council for protesting the license. She lives at the end of Raspberry Road, walks the road daily with her children and never saw any sign notifying of the transfer. She does not feel that her neighborhood would be as safe with a liquor store. Her spouse, Ed Budrow, also said that he does not think the opening of a liquor store is conducive to the safety of young children that live on the road such as his.

John Montooth is a resident of the area as well as a real estate agent and high school teacher. He posed a rhetorical question: would council members buy a house near a liquor store? He summarized a study he read that found prices for real estate within half a mile of a liquor store decreased 2.5% and drove up crime. He further stated a liquor store in this location would create a caravan in the winter from the neighboring

² The City, for example, use *the Bristol Bay Times* for publishing legal notices.

village of Manokotak, which is not accessible by road, with everyone traveling the winter trail through the neighborhood. He already had difficulty ~~keeping~~ retaining tenants in a property near a different liquor store because of the store. He noted Chog would have to decrease its rents to keep its property rented.

Other residents in the immediate area also expressed concerns for their children's' safety as a result of increased crime as well as increased traffic.

Tom Mueller said he was the person who posted the sign on the property and post office and it was adequate. The sign was set back between Raspberry and the end of the lot on May 20. It was visible from Lake Road and adequately posted. Everyone he knows is a responsible drinker and everyone he spoke with wants the store. It's going to offer fine cheeses and fine things. People living in the area want to be able to pick up a good bottle of wine and go home rather than drive all the way into town. It's going to be a nice store and the people who are running it are responsible. There's big equipment across the street and that's dangerous to children. The area's no stranger to commercial activity. He thinks the liquor store would be a good thing, run by honest people, and everybody wants it.

Kim Parker is general manager of the downtown Dillingham Liquor Store. She noted her customers are excited that they don't have to come all the way into town to get a six-pack. They run a tight operation with an extensive do not sell list. They've had no violations and work closely with law enforcement.

The Council concluded this matter by setting it on for a second hearing at a special meeting of the Council to certify the election that was for October 13, 2016. Mr. Keenan participated telephonically, and about 13 people , large number by our standards, signed up to comment on the matter. Public and Council comments addressed several issues – the insufficiency of the notice given by Kvichak and the compatibility of a liquor store within the mix of development in the immediate vicinity, and the effects outside the immediate vicinity.

Council Member Liedberg expressed his belief that Kvichak tried to minimize public input by publishing the required notice in *the Alaska Journal of Commerce*, a publication that's not widely read in Dillingham. Kvichak did not come to the Council to

discuss intent early in the application process. He believes meeting the minimum regulatory requirements is not sufficient when it's easy to ensure that the community is actually aware of your intent. Council Member Liedberg remarked how the October 6 and October 13 Council meetings demonstrate the level of community interest when the community was finally made aware of the transfer. He was pleased that the community now had an opportunity to participate and thought it important that the ABC Board review all the comments that came out of public hearings.

Mayor Ruby agreed that Kvichak may have met the minimum administrative requirements, but in our community the minimum is not adequate. Posting a sign that is barely visible does not give the public a chance to participate. A business owner needs to work with the neighborhood. The owner of the Rack's Restaurant, for example, went around to all the neighbors and got signatures from neighbors to show that the community supported the license; the business cultivated that support by working with the community. She noted if you are going to be a new business in a neighborhood, you're going to do it in a good neighborly way. Mayor Ruby expressed that she hoped the Council would continue with the protest, though noted that Kim Parker's done a good job managing the Dillingham Liquor Store; the protest is not a comment on her management.

Council Member Savo expressed that the opportunity for public comment was missed because of poor outreach by Kvichak. As a good neighbor, Kvichak should have done more to inform. Then neighbors could have brought their concerns to ABC. Residents were not able to be heard by ABC. The City therefore needs to continue with protest so that these voices can be heard.

Concerned persons generally agreed that Dillingham Liquor Store, Mr. Keenan's other operation, was well run, but felt that there was inadequate notice and the transfer location was inappropriate. Those comments are summarized by, and include, the following:

- John Montooth commented that he did not believe Mr. Keenan's representation of the projected tax revenues were accurate, that studies show that the presence of a liquor store decreases residential property values, and that, as a high school teacher, he believed the location would lead to increased availability of alcohol to

minors because the location was distant from an law enforcement, and that it was too far from the police station for appropriate response. He also expressed concern that the location was right on the winter trail to Manokotak, a dry community, and that this strategic location was Kvichak's intent. Mr. Montooth's sentiments were echoed by most commenters.

- Diane Folsom lives in the transfer location neighborhood and expressed concerns that there are school bus stops on both sides of the transfer location. She believes a liquor store will greatly increase traffic on the Manokotak trail. When she sold her store, she agreed to continued use of the trail, but never anticipated the increased use from a liquor store.
- Ron Bowers stated empty bottles and cans always litter the vicinity of liquor stores. That's not the owners' fault, but Dillingham doesn't have the police presence and resources to address it. He stated that there's no Trooper patrol of the Manokotak trail and, with his 41 years' experience in emergency medical services, of which 23 are in Dillingham, there's insufficient emergency service coverage in an area with a liquor store, which increases the demand for such services. He expressed that Dillingham already has problems with public alcohol consumption and this will make it worse.
- Rex Spafford lives within 400 yards of the transfer location. He opposes a liquor store in area that is primarily residential. Mr. Spafford's comments focused on the diversion of alcohol to local option areas. Manokotak trail is winter "interstate" to local option areas. Diversion and importation will be much more difficult to intercept given remote location. The state's alcohol interdiction resources are already thin. Allowing transfer to such a strategic location is irresponsible. Further, the area has no sidewalks to give intoxicated pedestrians wide berth.
- Sean Carlos: Increased people driving drunk; less chance to get caught given lack of police patrol.
- Justin Hilario : Mr. Hilario is an Alaska State Trooper and he deals primarily with alcohol related crimes, already problems with intoxicated drivers driving up Aleknagik Road. Location will increase drunk driving. Manokotak is a dry village; no regular law enforcement. New location will increase diversion into dry community. Location in residential area far away from law enforcement and other resources increases intoxicated people passing out on lawns and break-ins.
- Lance Nunn is the CEO of Choggiung, Limited. He said that his corporation has recently been working to increase the availability of housing in the area. The presence of a liquor would decrease the likelihood that Chog would invest in housing in the area because he believed that a liquor store is incompatible with residential housing in Dillingham.

Not everyone wanted the City to continue with the protest.

- Kim Parker, general manager of the Dillingham Liquor Store and Olsen's Liquor Store, requested the Council withdraw the protest and commented on

Dillingham Liquor Store's do-not-sell list and that the new location would not have bulk sales.

- Mr. Keenan also wanted the Council to withdraw the protest. He pointed out that he's been operating multiple licenses for close to six years without a single violation and that this new location will also be operated responsibly. He also noted that there is already a licensed premise on Aleknagik Road, indicating his belief that on-premises consumption is likely to be more problematic than a package store.

After approximately an hour and twenty minutes of public comments, Council Member Liedberg introduced a motion to withdraw the City's protest of the license transfer as this is what had been requested by Kvichak. The Council voted unanimously against the motion to withdraw the protest.

Following the vote, Mayor Ruby asked that the City Administration present to the ABC Board all the comments from both the public, Kvichak, and the Council, that developed only after the community became fully aware of the transfer location. In response to the overwhelming opposition to the transfer and belief that Kvichak failed to live up to community standards and expectations for local involvement, the Council renews its protest of the transfer of Kvichak Package Store Liquor License #2787.

Enclosure No. 2:

City of Dillingham Protest Letter

1 page



August 19, 2016

Maxine Andrews
State of AK, Dept. of Commerce, Community and Economic Development
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Subject: Kvichak Pacific d/b/a Olsen's Liquor Store – Request for Liquor License
Transfer of Location

Dear Maxine:

This is in response to Kvichak Pacific's request for a Liquor License Transfer of Location, as recorded in your letter to the City of Dillingham, dated June 24, 2016.

At last night's Council meeting, the Council voted unanimously to protest the license transfer due to what they felt was inadequate public noticing. Please note they did receive a copy of the Posting Affidavit showing proof of advertisement, along with a copy of your June 24 letter. One of their main concerns was that the property was not identified by street names in the advertisement, making it difficult, they felt, to identify where the property was located. Due to the time constraints, sixty day protesting period, I am emailing this letter as an attachment.

Please do not hesitate to contact us with any questions.

Sincerely,


Janice Williams
City Clerk

cc: Kim Parker dlqliqstore@yahoo.com
Rose Loera, City Manager

Enclosure No. 3:

**Jessica Denslinger email to Maxine Andrews (Alcohol
Beverage Control), Mayor Ruby, *et al***

1 page

Janice Williams

From: Jessica Denslinger
Sent: Saturday, August 20, 2016 4:19 PM
To: Andrews, Maxine R (CED); Alice Ruby; manager@dillinghamak.us
Cc: Janice Williams; bryce.edgmon@akleg.gov
Subject: Transfer of License #2787
Attachments: Agenda_Packet_-_August_4_2016_Regular_Council_Meeting_Part4.pdf

Hello Maxine, Alice and Rose,

I am contacting you both in regards to the attachment. I just received a call from a concerned neighbor about this transfer of license to our housing area. My neighbor was contacted by a city council member that was concerned about our neighborhood not knowing about this proposal. This is true. We did not know. We would like to know now, in cooperation with our city council, what we as a neighborhood can do to stop this proposal.

Regardless of how we are zoned (unzoned), this is a residential area. We are a safe and crime free area, and have been for many years past. This application notes that this transfer is only 1.25 miles from its current location. This is not correct. We are more than 5 miles from downtown Dillingham. Again, we are a safe and crime free residential area. This proposes putting a liquor outlet in the middle of our neighborhood, and down the street from many other homes with children. This will greatly impact the quality of living in this area.

This was not brought to the explicit attention of the residences of Ahklun View Estates. I know the law does not require it, however, this does not mean it is acceptable to bring alcohol directly into our neighborhood of families, especially, with the current drug and alcohol epidemic in Dillingham.

We understand that law only requires limited posting requirements. However, the families in our area, were not made aware of the possible alcohol being sold in our neighborhood. What can we do to stop this?

In addition, we are a little confused about this transfer application noting lot 1 as its requested location. According to our lot map, lot 1 currently has an apartment building on it? We are on lot 7, lot 5 and lot 6 have homes on them. Lot 1 and 6 are connected. Lot 8, 9, 10, etc...have homes on them. Is this just an error on the application? Or, is the apartment and the liquor store going to be on the same lot? It was our understanding that Choggiung Ltd. owned lot 1, I may or may not be correct on that.

What can we do to stop this and preserve our safe neighborhood? Thank you.

--

Jessica Denslinger

**PO Box 1086
Dillingham, Alaska 99576
907-842-2742, 907-842-4453, 907-843-2590**

Enclosure No. 4:

**Ernouf & Coffey, P.C., Memorandum re Olsen's Liquor
Store Transfer of Location**

13 pages

MEMORANDUM
Ernouf & Coffey, P.C.

Dan K. Coffey
Of Counsel Ernouf & Coffey
PO Box 212314
Anchorage, Ak 99521

Phone: (907)274-3385
Cell: (907) 306-6001
E mail: dancoffey@gci.net

TO: Dillingham City Council
CC: Janice Williams, City Clerk
Brooks Chandler, Attorney for the City of Dillingham
FROM: Ernouf & Coffey, P.C.
ATTN: Dan Coffey, Of Counsel
RE: Olsen's Liquor Store
Transfer of Location
DATE: 9-28-2016

PURPOSE OF THE MEMO:

The purpose of this Memo is to address the Dillingham City Council's action at its August 18th meeting where it protested the transfer of location of an existing package store liquor license to a new location on lot 1 in Ahklun Subdivision on Lake Aleknagik road.

The Law Firm of Ernouf and Coffey represents the Applicant, Mike Keenan, who owns Olsen's package store. Mr. Keenan has operated the store for several years without any liquor license violations. He is asking the City Council to withdraw its protest and allow the relocation of the license.

Mr. Keenan and I will attend the City Council meeting on October 6th prepared to answer any questions the Council might have. This memo is intended to acquaint the Council member's with the State of Alaska's Statute and Regulation on protests by local governments. The Memo is also intended to present a factual analysis leading to the conclusion that the protest should be lifted by the Council.

CITY'S PROTEST:

On August 19th, the clerk filed the City's protest with the ABC Board stating the reason for the protest was "inadequate public notice". In addition, the protest letter stated that the Council's "... main concern was that the property was not identified by street names in the advertisement..." (See attached Letter to the ABC Board).

There is no City of Dillingham ordinance or regulation requiring any specific type of notice (street address or street name). In addition, the city did not advise the Applicant of this "concern" until just prior to the City Council meeting of August 18th, allowing him no time to provide additional notice.

A) Note that the City had the application since late June, 2016, having received a letter from the ABC Board advising of the application which is dated June 24, 2016. On July 28, by e mail, the staff of the ABC Board provided copies of the affidavit of public notice, the posting of the application and the advertisement publication to the City Manager (See attached email from the ABC Board staff).

NOTICE REQUIREMENTS/TRANSFER OF LOCATION:

The Dillingham City Code does not have any requirements for noticing liquor license location transfers. All of the notice requirements are found in State Statute and State Regulation. (See AS.04.11.310 and 3 AAC 304.125)

STATE STATUTORY NOTICE REQUIREMENTS (AS.04.11.310): The Applicant met all of the notice requirements imposed by the State Statute which states as follows:

- 2) "The Applicant must post a copy of the application for 10 days at the location of the proposed licensed premises and at any additional locations designated by the board."
- 3) "The Board may require the applicant
 - a. (1) to provide a copy of the application to newspapers, radio and television stations for public service announcements; or
 - b. (2) to provide paid notice of the application once each week for three successive weeks in a newspaper or by radio."

STATUTE REGULATORY NOTICE REQUIREMENTS (3 AAC 304.125): This Regulation increases the notice requirements set out in the Statute. The Applicant also met all of the Regulatory notice requirements.

The State Regulation, citing the Statute, is found in section (a) as follows: "The notice required by AS 04.11.310 **"must be given"** as follows:

- 1) By posting for a period of at least 10 days a true copy of the application at:
 - (A) The location of the proposed premises; and

(B) One other conspicuous location in the area of the proposed premises.

2) By an announcement, published once a week for three consecutive weeks in a newspaper of general circulation in the area or broadcast twice a week for three consecutive weeks by a radio station serving the area, stating,

(A) The name of the applicant and the transferee if applicable;

(B) The name and location of the proposed premises;

(C) The type of license applied for;

(D) That any comment or objection may be submitted to the board;

(E) Whether the application is for a new license or transfer of an existing license.

Subsection (b) of the same Regulation requires that "Proof of posting and of publication must be made by affidavit which must be attached to the application."

The Applicant met all of the notice requirements of State Statute and State Regulation by providing notice as follows:

- 1) The Applicant posted the application on the property where the proposed new location is to be constructed (See attached affidavit of Tom Mueller).
- 2) The Applicant posted the required notice in the local post office.
- 3) The Applicant provided ".... the notice of the application.... (transfer of location_ "once each week for three successive weeks in a newspaper...." of general circulation (See attached news paper advertisement).
- 4) The Affidavit of Posting signed by the Applicant's building contractor,
 - A) Tom Mueller. who installed a post on the property to which he affixed the application. Anyone who lives or works in the vicinity had the opportunity to see what the posting stated as did anyone who picks up their mail at the post office.
 - B) Mueller advised the Applicant that he drove by the property daily, as he lives on Lake Aleknagik road. He further advised the Applicant that

the notice was posted on the property continuously for the required number of days.

- 5) As to the description of location of the proposed new store, the advertising stated as follows: "Ahklun View Estates North Addition, Lot 1, Dillingham, Alaska". This is the legal description of the property as there is no street address for this property.
- 6) The City's protest is based on the fact the street name on which the business is proposed to be located was not included in the advertising.
 - A) The street which connects with Lake Aleknagik Road is named Raspberry Circle. It provides access to 5 lots, including the proposed new location. (See Plat Map attached). However, access to the site will be from Lake Aleknagik Road, not Raspberry Circle.
 - B) The City's protest claims that the legal description was not sufficient to identify where the business would actually be located.
 - C) If an individual were concerned about the proposed transfer, the legal description would enable that individual to find the location very simply.
 - D) Three individuals who live in that subdivision wrote the three (3) protest letters all dated August 22, 2016, 4 days after the City Council meeting of August 18.
 - 1) The Denslingers identified themselves as residents of Ahklun View Subdivision, Lot 7 (no street address given).
 - 2) Gary Hale identified himself as a resident of Ahklun subdivision although he does not state his Lot #. He did however, state the lot # of the proposed license relocation (did provide a street address).
 - 3) The Budrows also identified themselves as residents of Ahklun View Estates, although they did not provide their Lot # (no street address given).
 - 4) Both the Denslingers' and Hale's letters reference receiving "notification of the application". They do not state the source of that notification nor the date of their receipt of the notification. Apparently, from the minutes of the Code Review Committee "Manager"

Loera "...contacted some of the residents in the area...."

5) The three (3) August 22nd letters were not the basis for the City Council protest of the new proposed location.

E) The staff of the ABC Board found that all statutory requirements were met prior to sending the transfer of location application to the Dillingham City Council for its review. Had these requirements NOT BEEN MET, the staff of the ABC Board would not have sent the application to the City of Dillingham.

LOCAL GOVERNING BODY PROTEST: STATE STATUTE AND REGULATION.

There are two (2) provisions in State law regarding "local governing body protests: one Statutory and one Regulatory.

Under State Statute (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 the notice of the filing of the application."

The State Statute continues in Subsection (a):

"If an application ... is protested, the board shall deny the application ... unless the board finds that the protest is arbitrary, capricious, and unreasonable."

There is also an ABC Board Regulation governing "protests" by local governing bodies which is found at 3 AAC 304.145 (a): that

"... [t]o protest an application ..., the local governing body must set out its reasons in a written protest filed with the board and copied to the applicant. The reasons stated by the local governing board must be logical grounds for opposing the application ... and have a reasonable basis in fact."

The Regulation provides two basis for a protest by a local governing body.

- 1) A protest "...may be based upon facts that render the particular application objectionable to the local body or may be based upon a general public policy.

- 2) "If based on a general public policy it must have a reasonable basis in fact, may not be contrary to law and may not be patently inapplicable to the particular application being protested."

In this case the City's protest is based on concerns that the public notice given by the Applicant, which complied with all State Statutes and Regulations, was deficient. The "facts" of the protest, is the Applicant's failure to use the street name of the proposed location.

The City's protest letter to the ABC Board states that the City Council protested the application "due to what they felt public was inadequate public noticing." The City's letter goes on to state that "One of their main concerns was that the property was not identified by a street name in the advertisement making it difficult, they felt, to identify where the property was located." (See City's Protest Letter to ABC Board).

CITY PROTEST VIOLATES STATE STATUTE AND REGULATION:

The City has protested a license location transfer which was in compliance with state statute and regulation when it has no ordinance or regulation of its own.

As noted above, the City of Dillingham does not have any ordinances or regulations specifying how notice of a requested transfer of location of a package store license is to be made.

As also noted above, the ABC Board does have comprehensive Statutory and Regulatory requirements specifying, in detail, how public notice is to be given. The Applicant complied with all of those requirements.

Since there are no code or regulatory provisions adopted by the City and since the State Statutory and Regulatory notice requirements were all met by the Applicant, the City's protest of this application for the stated reason ("concern for notice"), was "contrary to law".

If the City had concerns about the notice as it was given, this concern was not provided to the Applicant until the right before the City Council meeting on August 18th.

The Applicant attended the Code Review Committee meeting that day where the notice issue was brought up. He made a presentation concerning the location. He advised the Committee that access to the property would be from Aleknagik Road, not from Raspberry Road. He also told the Committee that he "would leave a barrier of trees between the apartment building and the proposed site."

During its discussion of the issue, the Committee commented that “describing the property other than using street names made it difficult to identify the proposed location”. Nevertheless, the Committee noted that “any concerns could be addressed when the land use permit was processed” and unanimously approved a motion “to recommend the Council take no action”.

Believing that the City Council would adopt the recommendation of the Committee, the Applicant did not attend the Council meeting that night. Instead of taking the action recommended by the Committee, the Council protested the location transfer, effectively cutting off the land use permit process.

ABC BOARD DENIAL OF A LOCAL GOVERNING BODY PROTEST:

As discussed above, a protest by a local governing body **will not be upheld** by the ABC Board if “the board finds that the protest is arbitrary, capricious and unreasonable” (AS 04.11.480 (a) or if the protest is “contrary to law” (3 AAC 304.145 (e).

If the City Council persists in its protest after its October 6th meeting, this protest will be considered by the ABC Board at its October meeting in Nome, Alaska. At that time the Applicant will present the following facts to the ABC Board to demonstrate that the Council’s action was “arbitrary, capricious and unreasonable” and that the protest is “contrary to law”.

- 1) Applicant met all of the notice requirements in state law and regulation.
- 2) The City of Dillingham has no specific requirements for notice.
- 3) No notice was given to the Applicant in advance of the August 16 Council meeting that his notice was “deficient” so he had no time to provide additional notice(s).
- 4) The Applicant was led to believe by the action of the Code Review Committee, that the concerns could be addressed when the land use permit was processed. The Committee recommended that “the Council take no action.”

These facts demonstrate that the City’s protest is both “arbitrary, capricious and unreasonable” and “contrary to law”.

REQUESTED ACTION BY THE CITY COUNCIL

The Applicant will appear at the City Council meeting on October 6, 2016.

At the October 6th meeting, the Applicant will address the Council's notice concern and any other concerns the Council members may have.

However, for all of the reasons stated above, the Applicant will request the Council to remove its protest to the ABC Board. A local governing body protest can, under ABC Board procedure, be withdrawn at any time prior to the Board's decision on the protest. Given the facts and the law as set out above, removing the protest is the appropriate action for the Council to take.

CONCLUSION:

The Applicant does not want a dispute with the City of Dillingham at the ABC Board meeting in October in Nome. He is a life long Alaska who owns two (2) businesses in Dillingham which he has operated without incident for several years. He very much wants to resolve this matter with the City.

By now, all affected parties are most likely aware of the proposed location. Certainly, three residents of Ahklun Subdivision are aware. The opportunity to address the objections of the residents can and should be addressed during the land use process. That is the appropriate venue for this to occur. However, unless the protest is lifted, this process cannot occur. The Applicant urges you to lift the protest, allow for the ABC Board to approve the transfer subject to the City's land use processes.

DATED at Anchorage, Alaska this _____ day of September, 2016

Ernouf & Coffey, P.C.

By: _____
Dan K. Coffey
Of Counsel
Ak Bar No. 75-0511



August 19, 2016

Maxine Andrews
State of AK, Dept. of Commerce, Community and Economic Development
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Subject: Kvichak Pacific d/b/a Olsen's Liquor Store – Request for Liquor License
Transfer of Location

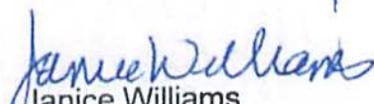
Dear Maxine:

This is in response to Kvichak Pacific's request for a Liquor License Transfer of Location, as recorded in your letter to the City of Dillingham, dated June 24, 2016.

At last night's Council meeting, the Council voted unanimously to protest the license transfer due to what they felt was inadequate public noticing. Please note they did receive a copy of the Posting Affidavit showing proof of advertisement, along with a copy of your June 24 letter. One of their main concerns was that the property was not identified by street names in the advertisement, making it difficult, they felt, to identify where the property was located. Due to the time constraints, sixty day protesting period, I am emailing this letter as an attachment.

Please do not hesitate to contact us with any questions.

Sincerely,


Janice Williams
City Clerk

cc: Kim Parker dlqliqstore@yahoo.com
Rose Loera, City Manager

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Alaska Statutes: 04.11.260, 04.11.310

POSTING AFFIDAVIT

3 AAC 304.125 The public notice must be given within the 60 days immediately preceding the filing of the application.

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new _____ liquor license
for _____
located at _____
(address and/or location)

OR

b. Posting of application for transfer of a Package store liquor license
currently issued to Kurichak Pacific LLC whose business name (d/b/a)
is Olsen's Liquor store located at 1.25 mile Willow Lane
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:

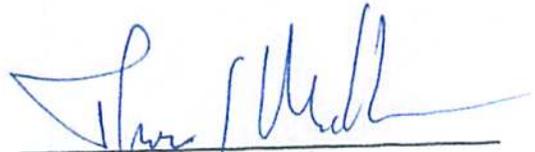
_____ to _____

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

a. Location of premises to be licensed Abklun View est. North Add lot 1 Dillingham
b. Other conspicuous location in the area USPS Dillingham AK

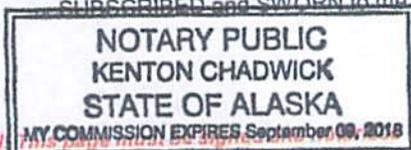
3. I believe that with the approval of this application, population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

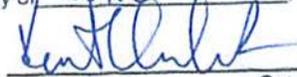
- a. a radius of five (5) miles of the proposed location.
- b. an incorporated city, organized borough or unified municipality.
- c. does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
- d. established village.
- e. lodge license.
- f. common carrier.



(signature)

SUBSCRIBED and SWORN to me this 6th day of June, 2016.





Notary Public in and for Alaska
My commission expires: 09-09-2018

FYI: This page must be signed after you have posted your 3-page Liquor License application.

ALASKA Journal of Commerce

6/3/2016

Alaska's Paper of Record • Established 1977

Affidavit of Publication

Account No. 1000718850

ATTACH PROOF OF PUB HERE

LAW OFFICES OF ERNOUF & COFFEY, P.C
 PO BOX 212314
 ANCHORAGE AK 99521 USA

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DISTRICT BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC THIS DAY PERSONALLY APPEARED Andrew Jensen WHO, BEING FIRST DULY SWORN, ACCORDING TO THE LAW, SAYS THAT HE/SHE IS AN AUTHORIZED REPRESENTATIVE OF THE ALASKA JOURNAL OF COMMERCE PUBLISHED AT 301 ARCTIC SLOPE, SUITE 350, IN SAID THIRD DISTRICT AND STATE OF ALASKA AND THAT ADVERTISEMENT, OF WHICH THE ANNEXED IS A TRUE COPY, WHICH HAS PUBLISHED IN SAID PUBLICATION ON THE DATES LISTED BELOW:

Section / Ad #	Run Date	Page Placement
LEGAL NOTICES		
7000056961-01	5/22/2016	
	5/29/2016	
	6/5/2016	
		3

Public Notices

Kvichak Pacific, LLC d/b/a Olsen's Liquor Store located at 1.25 mile Willow Lane Dillingham Ak 99576 is applying for transfer of a Package Store AS 04.11.150 liquor license to Kvichak Pacific, LLC located at Ahklvn View Estates North Add Lot 1 Dillingham AK 99576

Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 550 West 7th Ave, Suite 1600 Anchorage AK 99501
 Pub: 5/22, 29 & 6/5, 2016
 Ad#7000056961

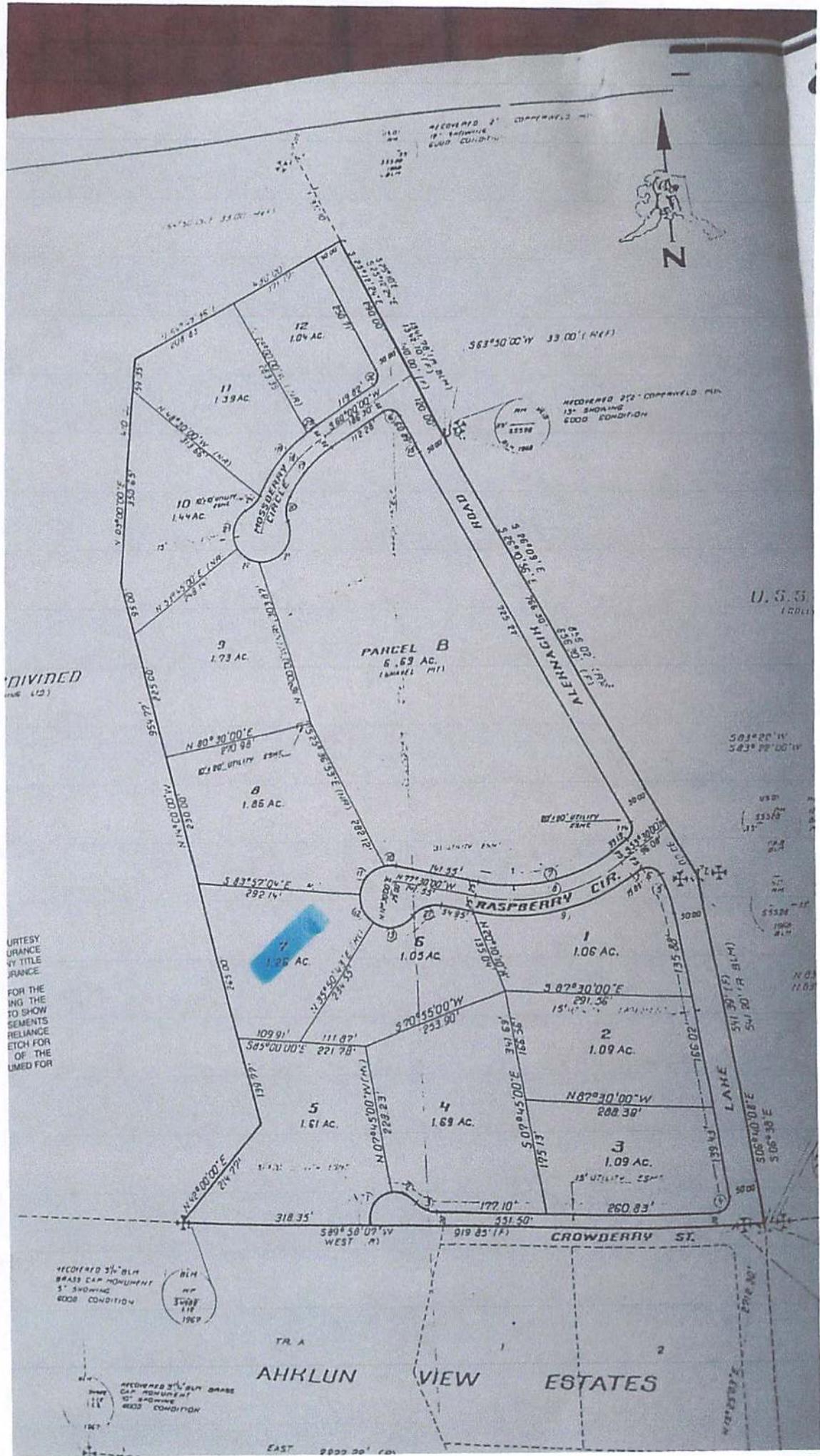
Andrew Jensen
 AUTHORIZED REPRESENTATIVE
 SUBSCRIBED AND SWORN BEFORE ME

THIS 16th DAY OF June, 2016

NOTARY PUBLIC STATE OF ALASKA

MY COMMISSION EXPIRES 12/17/17





DIVIDED
LINE (12)

COURTESY
GRANCE
BY TITLE
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OF THE
UMED FOR

U.S.S.
(1201)

AHKLUN VIEW ESTATES

EAST 2000 00' (1)

Janice Williams

Subject: FW: liquor license transfer - Kvichak Pacific dba Olsen Liquor Store

From: Andrews, Maxine R (CED) [<mailto:maxine.andrews@alaska.gov>]

Sent: Thursday, July 28, 2016 10:48 AM

To: manager@dillinghamak.us; cityclerk@dillinghamak.us

Subject: RE: liquor license transfer - Kvichak Pacific dba Olsen Liquor Store

Good morning Janice,

Find attached the affidavits of public notice: the posting of the application in two locations for at least 10 days and advertisement in a publication circulated in the area one day a week for three consecutive weeks.

If you have any questions or concerns, please feel free to reply to this email amco.localgovernmentonly@alaska.gov.

AMCO Staff

Dept. of Commerce and Economic Development | AMCO the Alcohol and Marijuana Control Office
550 W. 7th Ave. Ste. 1600 Anchorage, AK 99501 | 907.269.0350

Enclosure No. 5:

Plat No. 82-14, Ahklun View Estates North

1 page

CURVE DATA CHART

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING	NO.
1	50.00	88°16'53"	71.80	43.68	65.79	N4°06'34"E	1
2	50.00	53°17'30"	46.51	25.09	44.85	S71°06'15"E	2
3	50.00	45°34'23"	39.77	21.00	38.73	S67°04'41"E	3
4	20.00	96°38'15"	33.73	22.46	29.87	S41°39'00"W	4
5	250.00	14°28'01"	63.12	31.73	62.96	N13°54'08"W	5
6	20.00	105°21'51"	36.78	26.24	31.81	N73°49'04"W	6
7	275.00	49°00'00"	235.18	125.32	228.08	N78°00'00"E	7
8	300.00	49°00'00"	256.56	136.72	248.82	S78°00'00"W	8
9	325.00	49°00'00"	277.94	148.11	269.55	S78°00'00"W	9
10	50.00	20°08'19"	17.57	8.88	17.48	S87°34'10"E	10
11	50.00	76°18'44"	66.60	39.88	61.78	N44°12'19"E	11
12	50.00	60°12'14"	58.54	28.99	50.15	N24°03'10"W	12
13	50.00	83°20'43"	72.73	44.51	66.49	N64°10'22"E	13
14	20.00	79°40'56"	27.81	16.69	25.83	N13°39'32"E	14
15	1000.00	00°58'31"	17.02	8.51	17.02	S25°41'40"E	15
16	20.00	94°47'36"	33.09	21.75	29.44	N72°36'12"W	16
17	225.00	28°48'19"	113.12	57.78	111.93	N45°35'31"E	17
18	10	47°00'00"	205.08	108.70	199.37	N36°30'00"E	18
19	275.00	29°33'20"	141.86	72.54	140.29	N41°06'12"E	19
20	50.00	51°19'04"	44.78	24.02	43.30	S05°32'10"W	20
21	50.00	118°40'55"	103.57	84.35	86.02	N39°13'05"W	21
22	50.00	56°19'38"	49.15	26.77	47.20	N53°16'39"W	22
23	50.00	86°37'23"	75.59	47.14	68.60	N18°11'52"E	23
24	50.00	35°11'02"	30.70	15.85	30.82	N43°55'02"E	24
25	275.00	04°07'08"	19.77	9.89	19.77	N57°56'26"E	25
26	20.00	85°12'24"	29.74	18.39	27.08	S17°23'48"W	26
27	50.00	60°00'00"	52.36	28.87	50.00	S72°30'00"W	27

CERTIFICATE OF OWNERSHIP & DEDICATION

I, (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, and that I (we) hereby adopt this plan of subdivision and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

William D. Simpson
CHOGGIUNG LTD.
BOX 136
DILLINGHAM, ALASKA 99576

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA
THIRD JUDICIAL DISTRICT
On this 27th day of May, 1982, before me, the undersigned, a notary public for the state of Alaska, personally appeared

to me known to be the person(s) described in and who executed the foregoing certificate of ownership and dedication and acknowledged to me that he (they) executed the same as his (their) free voluntary act.
Witness my hand and official seal the day, month and year hereinabove written.

310122 *Stanley E. Seors*
My Commission Expires Notary Public for Alaska

PLAT APPROVAL

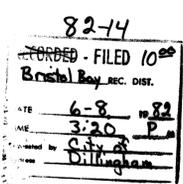
This plat having been approved by the city of Dillingham Planning Commission as recorded in the official minutes of the meeting of Sept 1, 1981, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

City of Dillingham
by: *Kevin C. Braswell*

SURVEYOR'S CERTIFICATE

I, Stanley E. Seors, hereby certify that I am a registered land surveyor and that I have completed the survey shown hereon. I declare that the dimensions, the corners, and the monuments shown hereon have been established or located the best of my professional knowledge and belief.

Jan 10, 1982
Date *Stanley E. Seors*
Stanley E. Seors R.L.S.
2087 - S

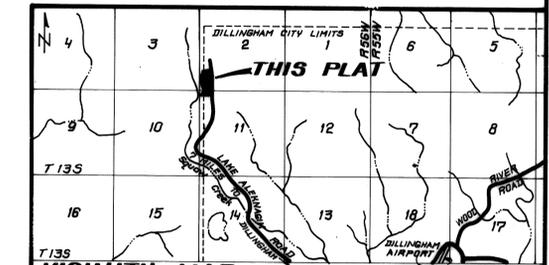


CERTIFICATE OF ACCEPTANCE

The City of Dillingham hereby accepts for public uses and for public purposes the real property dedicated on this plat including, but not limited to, the real property, rights-of-way and easements for public utilities, streets, alleys, thoroughfares, trails, parks and other public areas shown hereon.

Dated at Dillingham, Alaska this 28th day of May, 1982.

Attest: *Suzanne M. Braswell*
City Clerk



PLAT OF
LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND
PARCEL B
AHKLUN VIEW ESTATES NORTH
SITUATED APPROXIMATELY SEVEN MILES NORTHWEST OF DILLINGHAM, ALASKA.
CONTAINING 26.55 ACRES MORE OR LESS
STAN SEARS AND ASSOCIATES
REGISTERED LAND SURVEYORS
POST OFFICE BOX 283
EAGLE RIVER, ALASKA 99577

GRID	SCALE	DATE	FB
DILLINGHAM	1" = 100'	08/15/81	77 13-24
DRAWN	CHECKED	FILE	NO.
I.E.G.	S.E.S.		81-43

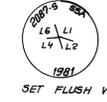


U.S.S. No. 5528
(DOLLY HERMANN)

LEGEND:

- ⊕ RECOVERED 3/4" BLM BRASS CAP MONUMENT
 - ⊙ CURVE NUMBER
 - (R) RECORD
 - (F) FOUND
 - (NR) NON-RADIAL
 - (RL) RADIAL
- 5/8" x 30" REBAR WITH 1/2" ALUMINUM SURVKAP
SET THIS SURVEY AT ALL CORNERS, UNLESS OTHERWISE NOTED.

TYPICAL 1/2" ALUMINUM SURVKAP



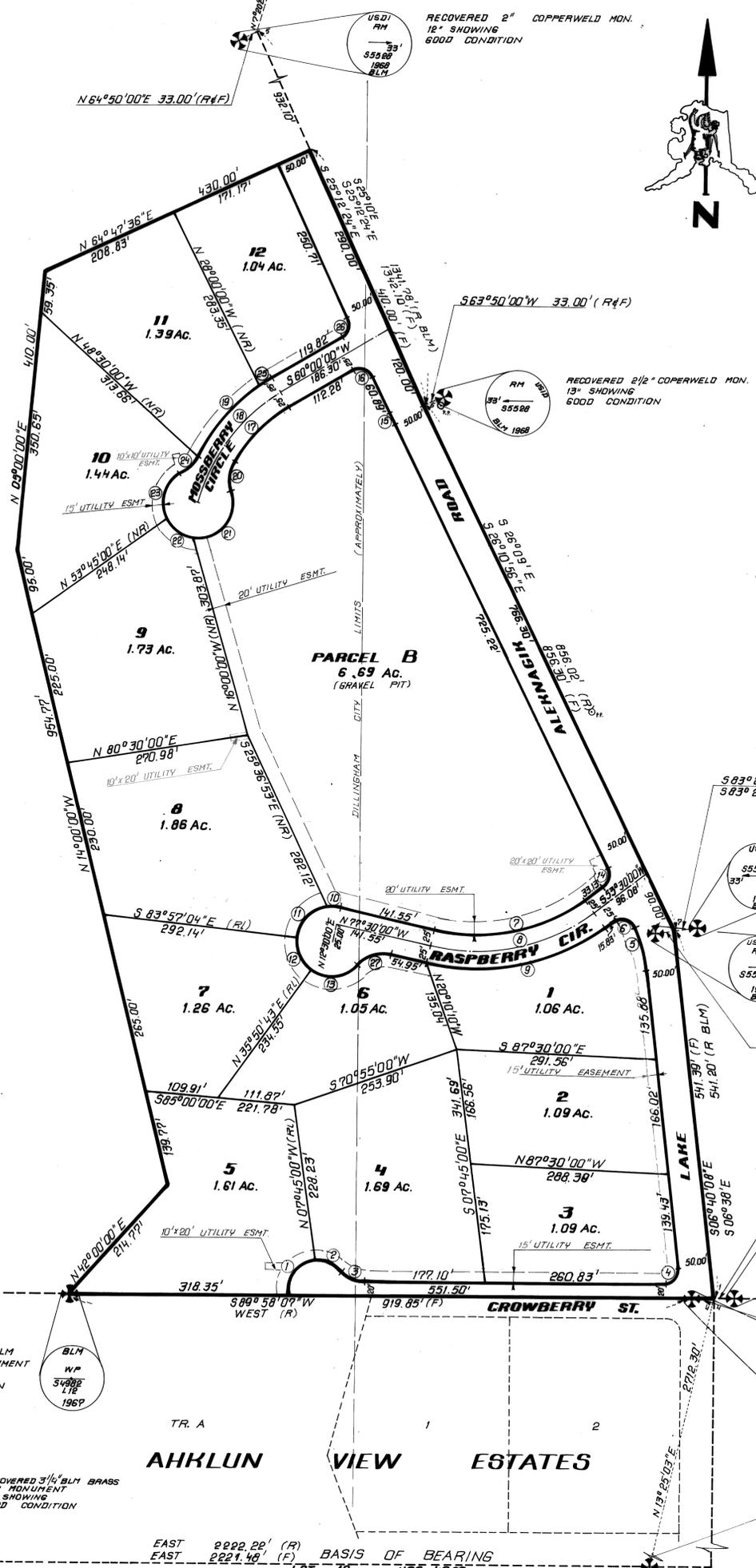
NOTES:

1. RECORD INFORMATION TAKEN FROM BLM PLAT OF U.S. SURVEY NO. 4982 DATED DECEMBER 3, 1970, & U.S. SURVEY NO. 5528 DATED SEPTEMBER 10, 1970.
2. THE BASIS OF BEARING IS THE LINE BETWEEN CORNER 1 AND CORNER 2 OF LOT 12 U.S. SURVEY NO. 4982 AS SHOWN ON THE BLM PLAT DATED DECEMBER 3, 1970.
3. THERE SHALL BE A 20-FOOT BUILDING SETBACK REQUIREMENT FROM ALL DEDICATED RIGHTS-OF-WAY.
4. WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.

LEGAL DESCRIPTION

THE EXTERIOR BOUNDARY OF AHKLUN VIEW ESTATES NORTH SUBDIVISION WAS SURVEYED ACCORDING TO DIRECTIONS FROM CHOGGIUNG LTD. THIS PARCEL IS LOCATED WITHIN TRACT A, T13S, R56W, S1M, ALASKA, AND IS AN INTERIM CONVEYANCE NUMBER 1 TO CHOGGIUNG LTD. UNDER THE TERMS OF THE ALASKA (NATIVE CLAIMS) SETTLEMENT ACT. THE BOARD OF DIRECTORS FOR CHOGGIUNG LTD. WENT TO THE POINT OF BEGINNING FOR THIS SURVEY, THENCE N 13°25'03" E 2716.30' TO CORNER 4 LOT 12 U.S.S. 4982, WHICH IS THE TRUE POINT OF BEGINNING FOR THIS SURVEY, THENCE S 89°58'07" W 952.88' TO A 3/4" BLM BRASS CAP MONUMENT; THENCE N 49°00'00" W 954.87' TO A 1/2" ALUMINUM SURVKAP; THENCE N 14°00'00" W 954.87' TO A 1/2" ALUMINUM SURVKAP; THENCE N 05°00'00" E 410.00' TO A 1/2" ALUMINUM SURVKAP; THENCE N 84°42'36" E 130.00' TO THE CENTERLINE OF LAKE ALEKNAGIK ROAD; THENCE S 25°12'24" E 410.00' ALONG THE CENTERLINE OF LAKE ALEKNAGIK ROAD; THENCE S 26°10'56" E 856.30' ALONG THE CENTERLINE OF SAID ROAD; THENCE S 08°40'00" E 341.30' MORE OR LESS ALONG THE CENTERLINE OF SAID ROAD TO THE TRUE POINT OF BEGINNING CONTAINING 26.55 ACRES MORE OR LESS, ALL AS SPECIFIED ON THIS PLAT.
INFORMATIONAL CALLS ARE BASED UPON BLM PLAT OF U.S. SURVEY 4982, DATED DECEMBER 3, 1970.

UNSUBDIVIDED
(CHOGGIUNG LTD.)



RECOVERED 3/4" BLM BRASS CAP MONUMENT
5" SHOWING
GOOD CONDITION

RECOVERED 3/4" BLM BRASS CAP MONUMENT
4" SHOWING
GOOD CONDITION

U.S.S. No. 4982
(BASIL BACKFORD)

RECOVERED 3/4" BLM BRASS CAP MONUMENT
4" SHOWING
GOOD CONDITION

RECOVERED 2" COPPERWELD MON.
12" SHOWING
BADLY BENT
POSITIONED AT BASE

RECOVERED 2" COPPERWELD MON.
13" SHOWING
GOOD CONDITION

RECOVERED 2" COPPERWELD MON.
12" SHOWING
BADLY BENT
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CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

May 28, 1982

TO WHOM IT MAY CONCERN:

There are no taxes owing on Ahklun View Estates North.

Sincerely,

Vivian M. Braswell

Vivian M. Braswell
City Clerk

82-14

RECORDED - FILED 1000	
Bristol Bay REC. DIST.	
DATE	6-8 1982
TIME	3:20 P M
Requested by	City of
Address	Dillingham



Enclosure No. 6:

**Plat No. 84-20, Ahklun View Estates North Addition No
1 Lot 1 and Tract C**

1 page

CURVE DATA CHART (F & R)

NO.	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
1	20.00	94°47'36"	33.09	21.75	29.44	N72°36'12"W
2	225.00	28°48'19"	113.12	57.78	111.93	N45°35'51"E
3	50.00	51°19'04"	44.78	24.02	43.30	S05°32'10"W
4	50.00	118°40'55"	103.57	84.35	86.02	N39°13'05"W
5	50.00	20°08'19"	17.57	8.88	17.48	S87°34'10"E
6	275.00	49°00'00"	235.18	125.32	228.08	N78°00'00"E
7	20.00	79°40'56"	27.81	16.69	25.63	N13°39'32"E
8	1000.00	00°58'31"	17.02	8.51	17.02	S25°41'40"E

LEGEND :

- RECOVERED 5/8" REBAR W/ 1/2" ALUMINUM SURVKAP
- (F) FOUND
- (R) RECORD
- SET 5/8" x 30" REBAR W/ 1/2" ALUMINUM SURVKAP

NOTES :

1. RECORD INFORMATION TAKEN FROM PLAT OF AHLKUN VIEW ESTATES NORTH.
2. THERE SHALL BE A 20 FOOT BUILDING SETBACK REQUIREMENT FROM ALL DEDICATED RIGHTS OF WAY.
3. WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.

CERTIFICATE OF ACCEPTANCE BY AK. DEPT. OF ENVIRONMENTAL CONSERVATION

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 2.065 AND IS APPROVED SUBJECT TO ANY NOTED RESTRICTIONS.

Bill J. Linnarsson District Office Coordinator August 24, 1983
 SIGNATURE TITLE DATE



CERTIFICATE OF OWNERSHIP & DEDICATION

I, (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, UTILITY EASEMENTS, AND OTHER OPEN SPACES TO PUBLIC USE.
 William Tennyson
 WILLIAM TENNYSON
 CHOGGIUNG LTD.
 P.O. BOX 196
 DILLINGHAM, ALASKA 99576

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT
 ON THIS 27th DAY OF May 1983, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED William Tennyson, President of Choggiung Ltd., TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION, AND ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME AS HIS (THEIR) FREE VOLUNTARY ACT.
 WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH, AND YEAR, HEREINAFORE WRITTEN.
 3/13/86
 My Commission Expires Notary Public for Alaska

PLAT APPROVAL

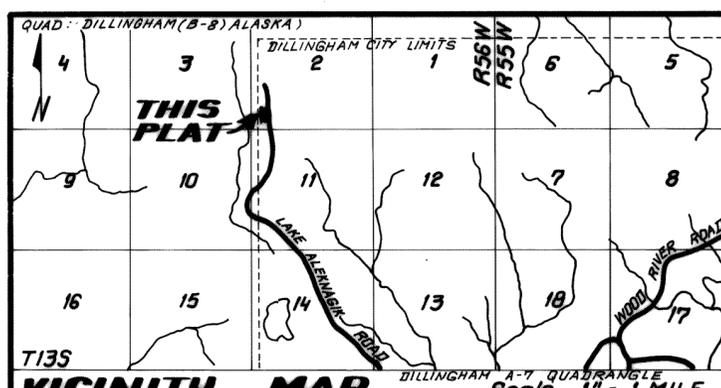
THIS PLAT HAVING BEEN APPROVED BY THE CITY OF DILLINGHAM PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF June 7, 1983, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THERE TO.
 CITY OF DILLINGHAM
 BY: Leon C. Braswell

CERTIFICATE OF ACCEPTANCE

THE CITY OF DILLINGHAM HEREBY ACCEPTS FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEDICATED ON THIS PLAT INCLUDING, BUT NOT LIMITED TO THE REAL PROPERTY, RIGHTS-OF-WAY, AND EASEMENT FOR PUBLIC UTILITIES, STREETS, ALLEYS, THROUGHFARES, TRAILS, PARKS AND OTHER PUBLIC AREAS SHOWN HEREON.
 DATED AT DILLINGHAM, ALASKA THIS 4 DAY OF May 1983.
 ATTEST: Verian M. Braswell
 CITY CLERK

SURVEYOR'S CERTIFICATE

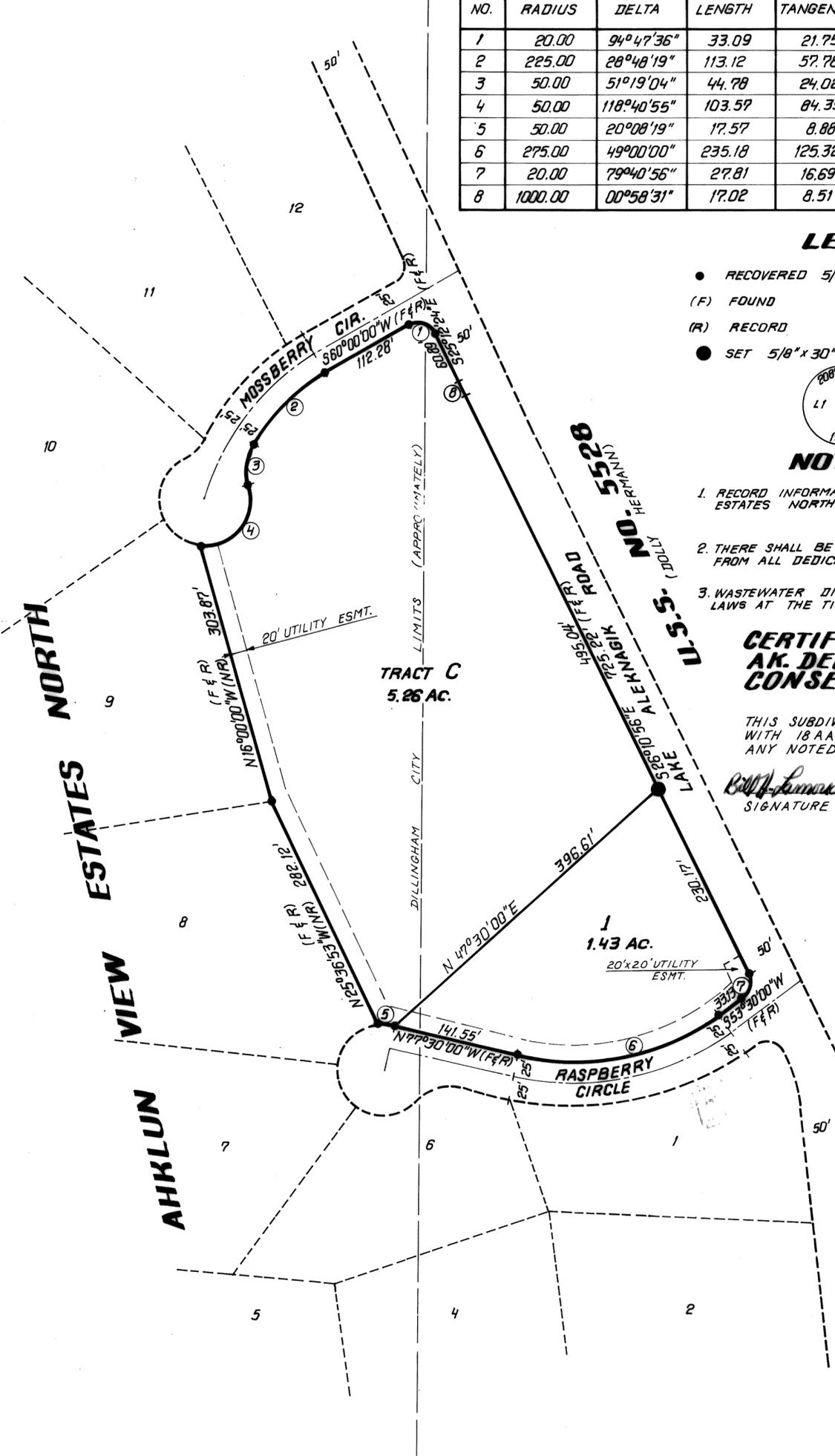
I, STANLEY E. SEARS, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HAVE COMPLETED THE SURVEY SHOWN HEREON. I DECLARE THAT THE DIMENSIONS, THE CORNERS, AND THE MONUMENTS SHOWN HEREON HAVE BEEN ESTABLISHED OR LOCATED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.
 Aug 25, 1983 Stanley E. Sears R.L.S. 2087-S
 DATE SIGNATURE



VIGNITY MAP
 PLAT OF
AHLKUN VIEW ESTATES NORTH ADDITION NO. 1 LOT 1 AND TRACT C
 A SUBDIVISION OF PARCEL B AHLKUN VIEW ESTATES NORTH SITUATED APPROXIMATELY SEVEN MILES NORTHWEST OF DILLINGHAM CONTAINING 6.69 ACRES MORE OR LESS.

STAN SEARS AND ASSOCIATES REGISTERED LAND SURVEYORS
 POST OFFICE BOX 283
 EAGLE RIVER, ALASKA 99577

GRID: DILLINGHAM	SCALE: 1" = 100'	DATE: 04/02/83	FB: 77/80	PB: 19-24/22
DRAWN: I.E.G.	CHECKED: S.E.S.	FILE: 1 DISK 6	W.D.	83-15



84-20
 Bristol Bay DIST.
 DATE: SEPTEMBER 19, 1984
 TIME: 9:35 A.M.
 Requested by: City of Dillingham
 Box 191, Dillingham, ALASKA 99576



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

May 14, 1984

TO WHOM IT MAY CONCERN:

There are no taxes owing on the Anklun View Estates North Addition No. 1.

Sincerely,

Vivian M. Braswell
Vivian M. Braswell
City Clerk

84-20

RECORDED - FILED 10
BRISTOL BAY, ALASKA, DIST.
DATE SEPTEMBER 19 1984
TIME 9:35 A.M.
Requested by City of Dillingham
Address Box 191
Dillingham, ALASKA 99576



Enclosure No. 7:

**Edward and Ayla Budrow Letter to Maxine Andrews
(Alcohol Beverage Control)**

2 pages

Edward and Ayla Budrow
Ahklun View Estates
P.O. Box 1086
Dillingham, AK 99576

August 22, 2016

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Attn: Maxine Andrews

Hello Ms. Andrews,

We are contacting you in regards to the Application submitted by Kvichak Pacific, LLC for the transfer of their package store liquor license, from the current location 1.25 Mile Willow Lane/ 513 Wood River Road Dillingham, Alaska to Ahklun View Estates North, Lot 1 Dillingham, Alaska.

As residents of Ahklun View Estates and the parents of young children, we would like to protest the approval of this application for the following reasons:

1. This package store will increase both foot and vehicle traffic on our quiet street. Hindering our young children from being able to play outside without fear of their safety.
2. Increased foot and vehicle traffic also increases the concern of theft, vandalism, loitering, and various other crime, illegal, and menacing acts.
3. This package store will increase public intoxication, and people operating motor vehicles under the influence; be it by snowmobile, 4 wheeler, or any other motor vehicle. This not only puts people driving on the road in danger, it also puts us and our neighbors at risk of a drunken snowmobile operator hitting one of our children or pets playing in our own yard.
4. History has proven that where there is alcohol there is increased crime. This will add additional burden to our local police department.
5. It seems to be that this is targeted at people living in surrounding villages, making it easier for them to access alcohol rather than them having to travel all the way in to down town to make a purchase, this is extremely counterproductive in community's efforts to prevent alcohol abuse. As well it puts a lot of people at risk for accidental death traveling under the influence.
6. The roads accessing the package store will become littered with broken bottles, cans, and other litter that is harmful to children, and pets living in this neighborhood.

7. In reviewing the license transfer application packet from the City of Dillingham, it seems that currently this package store license has low activity, as it is not commonly known that the Willow Tree Bar building holds this license. Opening an additional location with this license will only promote more alcohol consumption in our community.
8. Inadequate public notice, as this proposal was only advertised in the Alaska Journal of Commerce. Rather than a locally known media source.

For these, and multiple other reasons we strongly protest this proposal, and request that the local governing body deny this application and that all other governing bodies do what they can to prevent it.

Thank you for your consideration,

A handwritten signature in black ink that reads "Ayla Budrow". The signature is written in a cursive, flowing style.

Ed and Ayla Budrow

Residents of Ahklun View Estates

cc: City of Dillingham
Kvichak Pacific, LLC

Enclosure No. 8:

**Gary J. Hale Letter to Maxine Andrews (Alcohol
Beverage Control)**

1 page

Gary J. Hale
PO Box 801
5041 Raspberry Circle
Dillingham, AK 99576

August 22, 2016

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Attn: Maxine Andrews

Dear Ms. Andrews,

I have just received notice for Application of Transfer of Location for Kvichak Pacific, LLC – Package Store Liquor License #2787 DBA: Olsen's Liquor Store. The proposed transfer location is Ahklun View Estates North, Lot 1, Dillingham, AK 99576.

As a resident of Ahklun View Estates in Dillingham, I protest the approval of the application on the following grounds:

1. Inadequate notice has been by Kvichak Pacific, LLC of the proposed package store relocation.
2. The proposed location is a residential neighborhood that will have property values severely impacted to the economic detriment of the current landowners.
3. The proposed package store will bring crime to the neighborhood.
4. Grounds and access roads leading to and from the package store will bring broken bottles, cans, and other forms of litter to the neighborhood.
5. The package store will attract public drunkenness, higher incidents of drivers operating motor vehicles while intoxicated, vehicle accidents, physical assaults, and other blights to the community that alcohol is a proven direct causation of.

For these and other reasons, I hereby request a formal hearing to address this protest and request assistance from the local governing body – City of Dillingham, to facilitate at it earliest convenience.

Sincerely,



Gary J. Hale

Resident Ahklun View Estates

Cc: City of Dillingham
Kvichak Pacific, LLC

Enclosure No. 9:

**Alannah Hurley et al Letter to Alcohol & Marijuana
Control Office**

9 pages

October 13, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

CC:
Kvichak Pacific, LLC
P.O. Box 91006
Anchorage, AK 99509

City of Dillingham
PO BOX 889
Dillingham, AK 99576

RE: Opposition to Transfer of Liquor License#2787, DBA, Olsen's Liquor Store from the Willow Tree to Aleknagik Lake & Raspberry Road in Dillingham, AK

To Whom It May Concern:

I am writing to express my opposition to the transfer of the Olson Liquor license (License#2787, DBA, Olsen's Liquor Store) from the Willow Tree to the primarily residential location on Aleknagik Lake Rd and Raspberry Rd. My reasons for opposition include:

1. Concerns of increased crime.
2. Concerns of increased injuries including those resulting from being intoxicated while driving vehicles & snow machines.
3. Concerns of negative impact on time demands, and expense for law enforcement due to this proposed additional liquor store location and distance from police station.
4. Concerns of negative impact on dry villages of Manokotak, Togiak, and Twin Hills due to close access to the main snow machine trail. Bootlegging will be difficult to monitor by law enforcement.

5. Concerns of increased demand and expense for city and volunteer services such as ambulance crew, search and rescue crews.
6. Concerns of lowered property values in the primarily residential neighborhood surrounding the proposed liquor store.
7. Concern of precedent for a liquor store to be established in any residential area with the above listed possible significant negative impact.

Please do not approve the transfer of the license!

Thank you,

The following 170 concerned citizens in the Bristol Bay area (over 90% of signers Dillingham residents) :

#	Name	Additional Comments:
1	Alannah Hurley	
2	Andrea Hurley	
3	Desmond Hurley	
4	Diane Folsom	I live in this mostly residential area. I oppose the transfer of the liquor license. Crime will increase. Please listen to the residence of the area and not the lawyers.
5	Crystal Nixon-Luckhurst	
6	Tish Olson	
7	Gayla Hoseth	Strongly oppose a liquor store on lake road for all the reasons stated in this petition.
8	Vivian Seal	
9	Vivian	
10	Alisha folsom	
11	Terry Mann	
12	Angela Christensen	
13	Heather Savo	One liquor store in town is enough for our community we don't need one that far out of town. Please don't allow this.
14	Sally Gumlickpuk	
15	Casey Gokey	
16	Hope Jackson	

17	Verna Berry-Brandon	
18	Patricia Luckhurst	
19	Shelley Cotton	One liquor store is enough.
20	Lorna L Olson	What next .. We have enough problems with 1 in town already ..I am signing this petition ... yes it will increase more crime and also accidents .. I am so against ..
21	Mary Barnes	
22	Rachel Sorensen	
23	Massa Pat	Massa Pat
24	Macrina Pat	
25	Margaret Schroeder	One is more than enough!!
26	Amelia Giordano	
27	Dorothy Kawaglia	An epidemic is happening right now with heroin in DLG. Address that problem instead of creating another.
28	Evelyn Olson	
29	Jacque Mills	i agree 1 liquor store in Dillingham is enough
30	Frank Woods	
31	Raven birkholz	
32	Angeli Venua	
33	Sirena Tennyson	Not very happy with a potential liquor store in my neighborhood, we have enough safety and crime issues.
34	Marlena Purchiaroni	
35	Barbara Riley Asher	Please protect our residential areas by NOT allowing liquor stores in these areas
36	Dinah Bennett	
37	Jason Smith	
38	Annie Sergie	We don't need another liquor store..it is bad enough with what is there..because of alcohol there is alot of brokenness with family n loved ones..we need to fix our loved ones not add more..im so against this..not good for our ppl..
39	Casey Sifsof	
40	Akse Buholm	
41	Rachel Bobbitt	
42	Shane Judge	
43	Shireen Nunn	
44	Michael Ramirez	This would be bad for the lake road neighborhood. It would increase the death toll on this Road.
45	Brian Pauling	

46	Lacey Calvert	
47	Ayla Budrow	
48	Alanah Murphy	I am raising my baby in this area, and it will not be safe for him or any other children with a liquor store that close to our home. Please do not allow this!
49	Roberta Blunka	
50	Melissa Dunham	
51	Juliana Montooth	
52	McKaila	Alcohol is already a problem in Dillingham, and adding another store is just too much. 1 is good enough.
53	Heather Renk	
54	Tamera Evans	
55	Marjorie Dunaway	
56	Tiffany Bennett	We already have enough alcohol and drugs in this community. There is no reason for another store for such a small community other than personal gain, why not open something that will positively impact the community? This is an issue in other towns around Alaska and if we go through with this it will only be a matter of time until we are dealing with all the BS. Repercussions. Not for this store in a residential area. And no Dave Benginger, you may not use this comment for kdIlg trolling, thanks.
57	Margaret Johnson- Williams	Why? To accommodate people who live out Lake Road or closer to the winter snow machine trails to the villages so they can make a pit stop before they go home?
58	Jessica Denslinger	I agree that we should not have liquor stores in housing areas for all of the reasons listed. For those that would like to take further steps to prevent this, please contact the ABC Board. All objections, petitions, documentation concerned with this action should be sent to the following email addresses NLT FRIDAY 10/14/16 in order to ensure the attention and distribution of same makes it to the appropriate parties. sarah.oates@alaska.gov cynthia.franklin@alaska.gov alcohol.licensing@alaska.gov
59	Terry Fuller	
60	Devynn wassily	It is not right for you guys to be trying to build a liquor store on lake road. The liquor store in town is bad enough.. Don't bring a liquor store around residents homes.
61	Abigail Flynn	I see enough evidence of the harm done by alcohol consumption with the access to it that DLG already has. We don't need another source.
62	Kristine Tinker	I strongly do not think we need another liquor store, really people!!! We love our people just not the bad choices that they make. Do not add to the addiction problem.
63	Christy Tuomi	
64	Marilyn Casteel	
65	Rhonda Jenkins	No on another liquor store.
66	Sarah Grace Durrance	

67	Karen Gauthier	
68	Norma	I agree NO more liquor stores, this is a small community, not good for the residents close or near by
69	Stephanie Aikins	As a recent member of Dillingham Fire Dept. and Rescue Squad, I believe this is not in the best interest of our citizens, both local and from the surrounding villages. Having a vast majority of the ambulance and even some fire calls involving intoxicated people, I have seen some of the worst instances of what alcohol a can do and how it can affect friends and family. I do not believe adding another liquor store in a residential area is a smart decision.
70	Lecia Scotford	I oppose. This is a residential area
71	Kristin Donaldson	
72	Helen Gregorio	We do not need another alcohol outlet. Alcohol kills.
73	Robert Aikins	
74	Sarah Schroeder	
75	Kaylani Farler	One liquor store is all our little town needs! We already have a huge drugs problem why add another liquor store to make the alcohol problem worst?
76	Katherine Carscallen	
77	Natalia Nancy Dull	No liquor license please, we have enough problems don't need anymore.
78	Wendi Kannenberg	As an individual who lives at Raspberry Circle (proposed location), I am fundamentally against the nearby location of a liquor store. I elected to live away from downtown Dillingham to distance myself from the commercial traffic and clientel who frequent a liquor store. To proprot that criminal activity would not increase and safety of person/property decrease with a neighborhood liquor store...is a fantasy.
79	Lance Nunn	I oppose. This is a residential area
80	Lou Ann Nunn	I oppose this liquor store being located in a residential area
81	M Nelson	
82	Jenifer Wilson	Not a good idea.
83	Bonnie Kropoff	
84	Julie Pauling	
85	Luke Cullins	
86	Rex Spofford	
87	Jenea	
88	Dennis Nelson	Born and Raised in Dillingham, AK. Dillingham does not need a liquor store in a residential neighborhood.
89	Dean Heyano	I thought the license in question had to be adjacent to a bar.

90	John Montooth	
91	John Gleason	We DO NOT need a liquor store out on Lake road. It will encourage more drunk driving and there will be more accidents happening as a result.
92	Nick Schollmeier	
93	Helen Smeaton	We do not need a liquor store in a residential area. We all see what the current locations look like and that is bad enough. Being in a more secluded area will make it even easier for the people who are bootlegging for others, at least downtown it is easily seen and there is a chance to stop it. I do not support this and do not think it is an appropriate location.
94	Alfred Gosuk	
95	Larissa Orloff	I have family in Dillingham and aleknagig, with alcohol comes crime and injury and death. Nothing good comes from it
96	Gage	
97	Barbara Swanson	
98	Jadelyn Gleason	We don't need this poison killing our people!! I bet the guy trying to open it isn't even from Bristol Bay area
99	Sara Kolbe	
100	Michael Bennett	
101	Katherine Bennett	
102	Michael Bennett	Your beer and spirits are not welcomed!
103	Danae Suttles	
104	Phil Hulett	
105	Nathan Suttles	
106	Clara Torrison	
107	Debbie Reiswig	
108	Gary Hale	The liquor Store owner who lives in Anchorage wants to make more money off of Dillingham's misery!
109	Chris Carty	
110	Donivan Andregg	I oppose the liquor store as a local Raspberry resident. I see no good that will be added to the neighborhood or Dillingham. Thanks
111	Brianna Clark	
112	Heather Nudlash	
113	Eric Loren Shade	8. Related to #2 and #4 are the deaths that will be attributed to the opening of this location for the sale of liquor.
114	Kari Andrew	
115	Steven Aikins	How about no
116	Almarae Naomoff	
117	Sarah Andrew	

118	Deborah Mclean	Would like to examine the issue more completely
119	Michael Nunn	
120	Suzanne Nunn	
121	Alex Hahn	Due to the minimal resources available in Dillingham in regards to law enforcement and emergency response services, it would be irresponsible to relocate the liquor store to a Lake Aleknagik road location.
122	Jim Folsom Sr	I am located very close to the proposed site of the new liquor store and am concerned about any increase in the crime rate in my area that this may bring as we already have a high rate of breakins and theft in the area thus bringing this into the area in my opinion would cause more trouble and also trespassing problems . This we don't deserve.
123	Linda Mayer	No is the answer there are family's, & children living in a great neighbor hood we do not need to promote more liquor stores in the neighborhood...Thank you
124	Warren Downs	Besides all the other concerns, it appears the proposed store was not given an honest attempt at public notice. Notice should have been posted in commonly read papers such as the Bristol Bay Times, on Dillingham Trading Post, etc.
125	Sherry Becker	
126	Mary Hansen	
127	Savannah	
128	Savannah	
129	Thomas Tinker Jr	
130	Jennifer Sage	No lake road liqueur store. This is an area with lots of families and kids. We have enough problems with drugs on our street.
131	Kortney Nunn-John	
132	Brandy Giordano	
133	Verity Downs	
134	Robert Scott	
135	James Loiland	I am a former resident with deep ties to Dillingham. We lived out Lake Rd. The area is family and the last thing it needs is a package store. Keep alcohol in downtown where it can be monitored and CONTROLLED.
136	Dianna Schollmeier	
137	Victor Solis	
138	Simon Flynn	
139	Mitchell F Horan	
140	Kenda Horan	
141	Karen Shelden	I already pick up enough beer cans and liquor bottles tossed from vehicles in the Nerka 7, Waskey area....we don't need the additional encouragement of another purchase option. NO.
142	Daniel Tieva	

143	Catherine Hyndman	
144	Rene OConnor	
145	Liz	
146	Brown Family	
147	Judy Mahoney	
148	Shanna Bailey	
149	Priscilla dray	
150	Sean Carlos	
151	Richard Asher	Enough places to get booze in Dillingham. Keep it out of our neighborhood.
152	Pete Kapotak	Enough is booze is right.
153	David Powers	I believe this will have a very negative impact on this residential area- there are other places to purchase liquor in Dillingham already
154	Blinn Dull Jr	I live on the Aleknagik Lake Road and believe this will not be a positive business for the residential area. The current liquor store proposing the move already has a location to sell their liquor.
155	Nathalie Dull	
156	Anita Fuller	
157	Lynn Van Vactor	A residential area is an inappropriate place for a liquor store. I would humbly request that the board not approve such a transfer. They could well find another location within a business district. Families & children should not have their neighborhoods made less safe by allowing increased traffic, increased alcohol use & consumption within their neighborhood. Ad, bad idea.
158	Debbie Milligan	
159	Acacia N Walton	
160	James Denslinger	
161	Brent Wetter	
162	Ed Budrow	
163	Kelly	
164	Jacob Schulzkump	
165	Nicolas Gutierrez	
166	Janice Larsen	I support the petition to stop the liquor store.
167	Gabe Dunham	
168	Steve Ito	
169	Sandra Long	

170	Tiera Schroeder	
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Enclosure No. 10:

John Montooth Letter to City Planner

1 page

John Montooth
Real Estate Agent and Resident of the area.
P.O. Box 631
Dillingham, AK 99576

To City Planner and the Planning commission.

RE: Ordinance 17.19.150 Denial of building permit.

I live in the vicinity of the proposed new liquor store move from the Willow tree to a new site along Aleknagik and Raspberry Road. According to city ordinance 17.19.150 the city can't issue a building permit if the said business will decrease property values. It is a proven fact that proximity to a liquor store will decrease property values. You also don't need proof. If you would not buy a home or rent an apartment close to a liquor store then the pool of buyers has decreased bringing down the value of the properties.

I ask that you deny the building permit on the grounds that it will decrease property values in the area.

However, we all know the trouble and added cost a new liquor store will bring to the local city services. Police will be stretched even more than they are now because they will have to monitor another liquor sale location. In my opinion, this added stress and cost on the city services will not be covered by the estimated increase in city taxes that the store will bring into the city coffers. The estimate of \$100,000 was given by the owner. That is not a true \$100,000 because much of these sales would have happened at the downtown location and still taxed.

Crime will also increase and during the winter bootlegging will also increase for these reasons I also request that the city planner deny the building permit. It is not in the best interest for the city to have a liquor store on Aleknagik Lake Road.

Sincerely,



John Montooth

Enclosure No. 11:

**James Denslinger et al Letter to City and Alcohol &
Marijuana Control Office**

4 pages

October 11, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

City of Dillingham
141 Main Street
PO Box 889
Dillingham, Alaska 99576

Re: Transfer of License Application #2787

We write to you again with concerns regarding the transfer of license #2787.

#1 Public Notice Requirements

On August 19th, 2016 a letter was sent to the State of Alaska's Department of Commerce, Community and Economic Development. This letter was from the City of Dillingham protesting the license transfer application submitted by Kvichak Pacific. The City stated their reason for protest as being "inadequate public noticing". The vote was unanimous.

In Mr. Coffey's memorandum to the Council he notes that the City of Dillingham has no ordinance or regulation requiring any specific type of notice. Although the City of Dillingham does not have any ordinances or regulation on public notice, the State of Alaska Does, AS 04.11.310, as Mr. Coffey mention in his memorandum. What he forgot to mention was that the ABC Board may have additional requirements. Such as the follow on the license transfer application:

*"A public notice posting affidavit is required for all liquor license applications. An applicant must give notice of a liquor license application to the public by posting a true copy of the **Form AB-00** (new licenses) or **Form AB-01** (license transfers) for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per AS 04.11.310 and 3 AAC 304.125. The public notice must be given within the 60 days immediately preceding filing of the application."*

The City was correct in their decision. Their notice was not conspicuous and it was inadequate. In addition, it is the burden of the applicant to prove they did it in compliance with law and regulation.

1. The location in and of itself was not clear on the application. In fact, at the October 4th meeting, Mr. Coffey brought a new map to try to clear it up. If Mr. Coffey was unclear then how can adequate public notice be given? This is not proper public notice.

2. The application requires notice ON the proposed site. In a conspicuous area. If the posting was in a conspicuous area, someone should have seen it. In addition, where is the evidence that this happened? We see no affidavit in the application that it was posted as required, on the location.
3. The public notice requires two publications in the area, not one. One notice is to be on the proposed premises and the other in a, “conspicuous location in the area”. See below, conspicuous. In addition, the applicant claims that there are three conspicuous public notices.
 - a. The applicant states the notice was posted in the United States Postal Service Office, the local Post Office is not *in the area* of the proposed transfer. It is several miles away. Not in the area, not conspicuous.
 - b. It is against Federal Law, to post any items that are not federal business in the Post Office. Even if a Post Master agrees to let a person post by pressure for example, it is against the laws of the Postal Service and therefore, not proper notice to the public. If a community member does not have federal business, why would one stop to look? In addition to the non-compliant posting, it can be removed the day it is stamped and posted. How can anyone ensure it was up for 10 days, if proof is not provided?
 - c. The Alaska Journal of Commerce is not a community news means. It is not sold at AC, N&N, Bigfoot, or any other location in Dillingham that is considered public. The Alaska Journal of Commerce is not “conspicuous” in a bush community and is not sold in Dillingham.

Conspicuous: Adjective - 1. Easily seen or noticed; readily visible or observable: a conspicuous error.
 2. Attracting special attention, as by outstanding qualities or eccentricities

True Copy: A faithful duplicate of an original document that is virtually identical and sufficient for its purposes to act as one. How do we know a “true copy” was posted on the site? If a true copy was there, how big would it need to be to properly post?

We believe it is the applicant that has the burden of proof and that proper public notice was not given and support the City’s decision to protest the application.

In addition, Mr. Coffey states in his memo that the City’s protest is based on a fact that the street name on which the business is proposed to be located was not included in the advertising. This may have been a consideration of the City but the City’s letter clearly states they are objecting based on “inadequate public noticing”.

The letter to the City from the Alcoholic Beverage Control Board states: “If a protest is filed, the board will not approve the application unless it finds that the protest is arbitrary, capricious and unreasonable.” This language states that all three meanings, arbitrary, capricious, and unreasonable must be met. We do not believe that any of these have been met, the City’s decision shows that they do not believe the statutory requirements were met, and we support the City Councils decision to protest the application based on inadequate public noticing.

Arbitrary: Adjective -1. Subject to individual will or judgment without restriction; contingent solely upon one's discretion: an arbitrary decision. 2. Decided by a judge or arbiter rather than by a law or statute. 3. having unlimited power; uncontrolled or unrestricted by law; despotic; tyrannical: an arbitrary government. 4. Capricious; unreasonable; unsupported: an arbitrary demand for payment. **And...**

Capricious: Adjective - 1. Subject to, led by, or indicative of a sudden, odd notion or unpredictable change; erratic: He's such a capricious boss I never know how he'll react. 2. Obsolete. Fanciful or witty. **And...**

Unreasonable: Adjective 1. Not reasonable or rational; acting at variance with or contrary to reason; not guided by reason or sound judgment; irrational: an unreasonable person. 2. Not in accordance with practical realities, as attitude or behavior; inappropriate: His Bohemianism was an unreasonable way of life for one so rich. 3. Excessive, immoderate, or exorbitant; unconscionable: an unreasonable price; unreasonable demands. 4. Not having the faculty of reason.

#2 Public Safety

It is legal to say that this is a license transfer, but what it really is, is an additional location to increase the profits for an owner that does not even live in the city or proposed area and is not affected by the social impact this has on the housing area, that this license is being transferred to, or to the community by adding another location.

What is well known to the community is the building referred to as The Willow Tree. The Willow Tree is known as a bar. Although some may know, it is not as well known that the building actually holds two licenses. And, this building has two different physical addresses and two different names on those licenses? Attached record of licenses.

History has proven that where there are additional liquor stores, there is also:

- Public drunkenness – Look outside the downtown liquor store. Not only is there drunkenness but those selling other unmentionables on the other side of the street.
- Increase in intoxicated drivers. Yes, the local police will have to frequent the area much more than they have had to in the past. What a convenient way to avoid the police, have the liquor store out of town. What about bootlegging?
- What about the response time for police?
- Vehicle accidents – we see them on a regular basis.
- Physical assaults – we see them on a regular basis.
- Crime increase – this is another location request. More liquor stores, more crime.
- Vandalism
- Damage to our roads
- Loitering – Folks may not loiter at the new location/store, but what about the outlying area? The area is surrounded by family homes.
- Trespass – Will now become a problem.
- Dead end roads – People will be driving down them or walking down them. All roads in this subdivision end at private homes.
- Littering
- Targeting village business – I know this may or may not be a consideration but this is the area that people from close villages (dry, wet, damp?) will have easy access to.
- OUR CHILDREN

#3 The Economic Consideration

Any financial gain that this new location has for the city and owner will be offset by the costs to the city. There will be an increase in the need for more law enforcement, the need for more maintenance and repairs in the area.

The property values in the area will decrease. Who wants to rent or buy in an area that has a liquor store in the middle of the community? The prices and the tax assessments and appraisals will decrease.

It is important to all single family housing areas to maintain quality, character, safety, and to protect our existing values. We may not be a zoned area but we are clearly a residential/housing area. The name "estate" has several meanings but two that apply here are from dictionary.com: 1. a piece of landed property, especially one of large extent with an elaborate house on it: to have an estate in the country. 3. British. a housing development.

There is precedence on situations like this, see attached. This is an established housing area regardless of zoning and we want to maintain this by keeping a liquor store out. In addition, please see City of Dillingham 17.19.150. and City Map. Every X is a home or apartment.

#4 Social Responsibilities

IT IS NOT IN THE BEST INTEREST OF THE PUBLIC. Dillingham is already suffering a great deal from alcohol and other drug related issues. Why would we as a community want to increase the availability of alcohol?

#5 Other Considerations

The Willow Tree and Olsen's Liquor Store are in the same physical location with two licenses that have two different owners and two physical addresses? So, what this transfer of license really means is a new/additional location.

There are several businesses in the area, none of them are liquor stores. One, at the beginning of the lake road, a restaurant, has a license. The rest of the lake road is mainly residential.

Manokotak is a dry community and seems to be the target or at least one of the targets of this new location. Has there been any thought as to how these communities feel about this new store and the impacts?

Again, we object to this license transfer and urge the powers at be to keep liquor stores out of any housing area, Ahklun View Estates, Nerka, HUD, etc. We also urge the City Council to stand by its original decision to object to the transfer.

Respectfully,

James and Jessica Denslinger
Gary Hale

Enclosure No. 12:

Edward and Ayla Budrow Letter to City Council

4 pages

Edward & Ayla Budrow

P.O. Box 1086

5061 Raspberry Cl.

Dillingham, AK 99576

October 9, 2016

Attn:

Dillingham City Council

Dear Members of the Board,

We are contacting you once again, in regards to the application submitted by Kvichak Pacific, LLC for the transfer of their package store liquor license, from the current location 1.25 Mile Willow Lane/ 513 Wood River Road, Dillingham, Alaska to Ahklun View Estates North, Lot 1 Dillingham, Alaska. Also referred to as Raspberry Circle.

As residents of Raspberry Circle (Ahklun View Estates) and the parents of young children, we would like to state our reasoning behind our protest of the approval of this application, as well as address a few issues raised at the Dillingham City Council meeting on October 6th, 2016.

Beginning with our original concerns, we believe that,

1. This package store will increase both foot and vehicle traffic on our quiet street. Hindering our young children from being able to play outside without fear of their safety.

2. Increased foot and vehicle traffic also increases the concern of theft, vandalism, loitering, and various other crime, illegal, and menacing acts. History has proven that where there is alcohol, there is increased crime. This will add additional burden to our local police department.
3. This package store will increase public intoxication, and people operating motor vehicles under the influence; be it by snowmobile, 4 wheeler, or any other motor vehicle. This not only puts people driving on the road in danger, it also puts us and our neighbors at risk of a drunken vehicle operator hitting one of our children or pets playing in our own yard.
4. It seems to be that this new store is targeted at people living in surrounding villages, making it easier for them to access alcohol rather than them having to travel all the way into downtown to make a purchase, this is extremely counterproductive in our community's efforts to prevent alcohol abuse. As well, it puts a lot of people at risk for accidental death traveling under the influence.
5. The roads and surrounding roads accessing the package store will become littered with broken bottles, cans, and other litter that is harmful to children, and pets living in this neighborhood.
6. In reviewing the license transfer application packet from the City of Dillingham, it seems that currently this package store license has low activity, as it is not commonly known that the Willow Tree Bar building holds this license. Opening an additional location with this license will only promote more alcohol consumption in our community.
7. Inadequate public notice, as this proposal was only advertised in the Alaska Journal of Commerce. Rather than a locally known media source.

In addition, we would like to expand on a few of our original concerns.

Referencing back to concern number 4 of this letter, we would like to make it known that the village this liquor store is seemingly targeting is the village of Manakotak, Alaska. According to the states website Manakotak is a dry village. Meaning that the sale, importation and possession of alcohol is banned from this village. We believe that this liquor store would not only add burden to the City of Dillingham's police department but also Manakotak's police department. They will have an even more difficult time enforcing the ban of alcohol in their village.

Once again, we would like to highlight that this will potentially turn our private driveways in to major snow machine trails, because we would be a straight shot from Manakotak to the top of Raspberry Circle. We would also like to make it known that this liquor store will be directly above a large rock pit. This could be a dangerous attraction. We believe that all of the profit that this liquor store will bring to our city could potentially be offset with the cost of increased law enforcement.

It was stated at the City Council meeting on October 6th, by a few of Mr. Keenan's business partners that loitering, littering and public intoxication will not be an issue. They stated that they would take responsibility for their patrons. How can they make these statements? How can they guarantee that these issues will not arise? Mr. Keenan does not live in Dillingham nor does his lawyer. It was also stated that this will be a country market themed store, selling meats, cheeses and breads. Those items are not of our concern. Our concern is the social economic impact that a new package liquor store location will bring.

We would also like to expand on concern number 7 of this letter. Since originally writing this letter, we have become more familiar with the laws of advertising involved with this sort of business venture. Mr. Keenan by law was required to post notice in 3 conspicuous locations. A media source, a conspicuous location on the property, as well as a conspicuous location in the area. Mr. Keenan has not provided proof that any of these criteria were met. He has provided proof of the notice being published in The Alaska Journal of Commerce, which is not a paper that is circulated in Dillingham. Not a single person to this date, living on or near Raspberry Circle can attest to seeing the notice that was supposedly posted on the property, nor was any proof provided that it was. Lastly Mr. Keenan states that notice was posted on the bulletin board at the Dillingham

Post office. According to the United States Postal Service website, under rules and regulations governing conduct on postal service property ***“Depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature (except official Postal Service and other governmental notices and announcements) on the grounds, walks, driveways, parking and maneuvering areas, exteriors of buildings, and other structures, or on the floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings in interior public areas on Postal Service premises is prohibited.”*** Again there was no proof being provided that this was posted nor is there proof that it was hung for the required 10 days.

I Ayla, have lived here in Dillingham for nearly my entire life, and I plan to raise my children here. Specifically in or around Ahklun View Estates. For these, and multiple other reasons we believe that this proposal is socially irresponsible, and we strongly protest it. We as well, request that the local governing body deny this application and that all other governing bodies do what they can to prevent it.

Thank you for your consideration,

Ed and Ayla Budrow and Family

Residents of Ahklun View Estates

Enclosure No. 13:

Kristin Donaldson Email to City Clerk

1 page

Janice Williams

Subject: FW: City Council Letter Opposing Liquor Store

From: Kristin Donaldson [mailto:kristinmdonaldson@gmail.com]
Sent: Monday, October 10, 2016 11:10 PM
To: cityclerk@dillinghamak.us
Subject: City Council Letter Opposing Liquor Store

October 10, 2016

To City Clerk:

Hello, please give this message to the City Council so it can be included in the board member's packets for the meeting on the 13th.

I am writing in regards to the proposed liquor store on Raspberry Circle. I have a friend, Ayla Budrow, that lives on this road with her family and young children. I can sympathize with her as she does not want this liquor store to be in her neighborhood. Not only will this store bring unwanted traffic in a residential area with young kids, it will bring a controlled substance that in no way benefits the neighborhood, let alone the town, and more often than not causes undue harm. Please give this proposal serious scrutiny and listen to the concerned citizens that it will affect the most. In my opinion, there is no need to have this commercial liquor store in a residential area. I appreciate you taking input from concerned residents like myself!

From,
Kristin Donaldson

Enclosure No. 14:

Donivan Andregg Email to City Clerk

1 page

Janice Williams

Subject: FW: Liquor store

On Tue, Oct 11, 2016 at 8:18 AM, Donovan G. Andregg <dandregg@bbahe.org> wrote:

Good Morning Alice, Rose, and Paul,

Please share my input regarding the proposed liquor store. Mark me as very opposed.

I oppose this business in the residential location in which I am living. The type of business, the car and foot traffic, I believe would all have a negative impact on the residents along Raspberry Circle.

Sincerely,

Donivan Andregg

Tenant in #3 Raspberry Flats, Raspberry Circle

Staff Development Training Manager
Bristol Bay Area Health Corporation
6000 Kanakanak Road; P.O. Box 130
Dillingham, Alaska 99576
Phone: [907-842-9324](tel:907-842-9324)
Fax: [907-842-9251](tel:907-842-9251)

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*Alice Ruby, Mayor
City of Dillingham*

Enclosure No. 15:

Warren Downs Email to City Clerk

1 page

Janice Williams

Subject: FW: New liquor store

-----Original Message-----

From: Warren Downs [mailto:vwdowns@gmail.com]

Sent: Monday, October 10, 2016 6:10 PM

To: Cityclerk@dillinghamak.us

Subject: New liquor store

To whom it may concern:

I'm writing to express my concern with the proposed new liquor store to be opened near the apartments on Raspberry. In my view, this is expressly targeting snowmobilers on their way to Manokotak, or people coming directly from the airport and on the highway out of town. It would seem irresponsible of the city to encourage drinking for those just setting off on a trip (Manokotak) or on the highway to Aleknagik. We don't want more fatal accidents in either of those directions.

Neither do we need a new drinking venue near a residential area with children. Not to mention the danger to the many people who walk the roadside path in that area, including myself and my family.

Besides all the safety concerns, there is the fact that the proposed store was not given an honest attempt at public notice. The notice should have been published in commonly read papers like the Bay Times, on Dillingham Trading Post, etc.

For all these reasons, I request that the City of Dillingham refuse to grant the license for the proposed store.

Sincerely,

Warren E. Downs, System Administrator
Choggiung Limited

Enclosure No. 16:

Melissa Dunham Email to City Clerk

1 page

Janice Williams

Subject:

FW: Opposition of the package store

From: Melissa Newman [mailto:melissasenewman@gmail.com]

Sent: Monday, October 10, 2016 11:33 PM

To: cityclerk@dillinghamak.us

Subject: Opposition of the package store

Ladies and gentlemen of the Dillingham City Council,

I am writing this letter in opposition to the proposed package store that would be located near Raspberry Road. I am against the proposed package store because I believe it will increase traffic and drunk driving in the surrounding residential area.

If the proposed package store is built and operates in a residential area the residents will face increased area traffic from its patrons. This could present a significant safety concern to parents of small children in the neighborhood. And that's assuming all of the drivers are sober.

Dillingham has an alcohol abuse problem, and I am concerned about the particular type of traffic a package store would bring to the area. During the last council meeting, the owner of the proposed store stated that intoxicated people are unlikely to walk out to his package store, and I think he's right. They won't walk, they'll drive; in and around a residential area. Recently, I was asked the question "I wonder how many cars we will see in the ditch this weekend?" As a person that commutes on the 'Lake Road, I can't help but wonder and worry about how many of those accidents were alcohol related. I don't want to see more cars in the ditch.

In addition to these concerns I offer a solution to make an ordinance that establishes the minimum distance between businesses that sell controlled substances and residential properties.

Thank you for your time and service to our community.

Regards,
Melissa Dunham

Enclosure No. 17:

Juliana Montooth Letter to City Clerk

2 pages

Juliana Montooth
PO Box 1454
3931 Aleknagik Lake Rd
Dillingham, Alaska 99576

October 10, 2016

To Whom It May Concern:

I am writing to express my strong opposition to the proposed liquor store in Ahklun View Estates North, Lot 1 on Raspberry Circle and Aleknagik Lake Rd. My concerns are as follows:

1. Property values will decrease in the neighborhood of the proposed liquor store. The proposed site is in a primarily residential neighborhood with many properties being affected. It is well documented that property near a liquor store decreases in value.
2. Crime will increase. The National Council on Alcoholism and Drug Dependence states "Alcohol and drugs are implicated in an estimated 80% of offenses leading to incarceration in the U.S." "Alcohol...plays a particularly strong role in the relationship to crime and other social problems. Alcohol is a factor in 40% of all violent crimes today". I have heard several law enforcement officers in Dillingham estimate that 90% of their jobs would not exist without Alcohol and drugs.
3. Alcohol associated crime will be harder to stop. The proposed new liquor store location is a long distance from the police station. The location is close to the main snow machine trail to villages which is not patrolled by law enforcement. Law enforcement personnel will be stretched thin and costs will increase with trying to police 2 liquor store locations. The location close to a major snowmachine trail and close to the end of Dillingham City Limits will encourage irresponsible drinking.
4. Children and families in the primarily residential neighborhood of the proposed new liquor store will have increased safety risks. Safety risks will occur from loitering , or intoxicated individuals operating snow machines and cars, increased commercial traffic on the roads and through the trees and on tundra, increased litter, increased crime associated with Alcohol.
5. The dry villages of Manokotak, Togiak, and Twin Hills will have increased bootlegging. The location of the proposed liquor store will gain many customers from the nearby snow machine thoroughfare with little police oversight. A \$20.00 bottle of liquor sells for \$200.00-\$300.00 in a dry village.
6. If the proposed liquor store is approved, a precedent will be set that could enable future liquor stores in other residential neighborhoods in Dillingham.
7. Mr Keenan, and Kvichak Pacific, LLC did not provide the required pubic notice. The application seems to have been attempted very secretively. I never saw a single sign posted nor did any person I know. They published their proposed liquor store in only one magazine that is not sold anywhere in Dillingham and no one that I have spoken to reads. The Post office was the final location they said they posted at—7 miles from the proposed Liquor building site. The Post office officially does not post local postings so

most community members never check Post office postings. I have found no one yet who saw the posting in the post office either.

8. Costs and demands on time will increase for community members such as volunteer emergency medical services, police, volunteer firefighters, search and rescue, and hospital staff. Increased accidents from intoxicated individuals operating motor vehicles such as cars and snow machines will likely occur and intoxicated individuals could require help in multiple isolated areas along Lake Rd or on routes to surrounding villages.

I am a mother of 3 young children and 1 teenager who lives with my family approximately 1/4 mile away from the proposed liquor store location. I also have worked as a physician in the community of Dillingham for 13 years and have observed the devastation Alcohol has brought to many people in Dillingham and the surrounding villages. I am opposed to the proposed new Liquor store location because of both the negative impact on my family and adverse effects in Dillingham and surrounding villages. Thank you for the time you are dedicating to this very important matter.

Sincerely,

Juliana Montooth

Gary J. Hale
PO Box 801
5041 Raspberry Circle
Dillingham, AK 99576

August 22, 2016

Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

Attn: Maxine Andrews

Dear Ms. Andrews,

I have just received notice for Application of Transfer of Location for Kvichak Pacific, LLC – Package Store Liquor License #2787 DBA: Olsen's Liquor Store. The proposed transfer location is Ahklun View Estates North, Lot 1, Dillingham, AK 99576.

As a resident of Ahklun View Estates in Dillingham, I protest the approval of the application on the following grounds:

1. Inadequate notice has been by Kvichak Pacific, LLC of the proposed package store relocation.
2. The proposed location is a residential neighborhood that will have property values severely impacted to the economic detriment of the current landowners.
3. The proposed package store will bring crime to the neighborhood.
4. Grounds and access roads leading to and from the package store will bring broken bottles, cans, and other forms of litter to the neighborhood.
5. The package store will attract public drunkenness, higher incidents of drivers operating motor vehicles while intoxicated, vehicle accidents, physical assaults, and other blights to the community that alcohol is a proven direct causation of.

For these and other reasons, I hereby request a formal hearing to address this protest and request assistance from the local governing body – City of Dillingham, to facilitate at it earliest convenience.

Sincerely,



Gary J. Hale
Resident Ahklun View Estates

Cc: City of Dillingham
Kvichak Pacific, LLC

October 11, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

City of Dillingham
141 Main Street
PO Box 889
Dillingham, Alaska 99576

Kvichak Pacific, LLC
P.O. Box 91006
Anchorage, AK 99509

Re: Objection to the Transfer of License Application #2787 dba Olsen's Liquor Store

We write to you again with concerns regarding the transfer of license #2787.

#1 Public Notice Requirements

On August 19th, 2016 a letter was sent to the State of Alaska's Department of Commerce, Community and Economic Development. This letter was from the City of Dillingham protesting the license transfer application submitted by Kvichak Pacific. The City stated their reason for protest as being "inadequate public noticing". The vote was unanimous.

In Mr. Coffey's memorandum to the Council he notes that the City of Dillingham has no ordinance or regulation requiring any specific type of notice. Although the City of Dillingham does not have any ordinances or regulation on public notice, the State of Alaska Does, AS 04.11.310, as Mr. Coffey mention in his memorandum. What he forgot to mention was that the ABC Board may have additional requirements. Such as the follow on the license transfer application:

*"A public notice posting affidavit is required for all liquor license applications. An applicant must give notice of a liquor license application to the public by posting a true copy of the **Form AB-00** (new licenses) or **Form AB-01** (license transfers) for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per AS 04.11.310 and 3 AAC 304.125. The public notice must be given within the 60 days immediately preceding filing of the application."*

The City was correct in their decision. Their notice was not conspicuous and it was inadequate. In addition, it is the burden of the applicant to prove they did it in compliance with law and regulation.

1. The location in and of itself was not clear on the application. In fact, at the October 4th meeting, Mr. Coffey brought a new map to try to clear it up. If Mr. Coffey was unclear then how can adequate public notice be given? This is not proper public notice.

2. The application requires notice ON the proposed site. In a conspicuous area. If the posting was in a conspicuous area, someone should have seen it. In addition, where is the evidence that this happened? We see no affidavit in the application that it was posted as required, on the location.
3. The public notice requires two publications in the area, not one. One notice is to be on the proposed premises and the other in a, “conspicuous location in the area”. See below, conspicuous. In addition, the applicant claims that there are three conspicuous public notices.
 - a. The applicant states the notice was posted in the United States Postal Service Office, the local Post Office is not *in the area* of the proposed transfer. It is several miles away. Not in the area, not conspicuous.
 - b. It is against Federal Law, to post any items that are not federal business in the Post Office. Even if a Post Master agrees to let a person post by pressure for example, it is against the laws of the Postal Service and therefore, not proper notice to the public. If a community member does not have federal business, why would one stop to look? In addition to the non-compliant posting, it can be removed the day it is stamped and posted. How can anyone ensure it was up for 10 days, if proof is not provided?
 - c. The Alaska Journal of Commerce is not a community news means. It is not sold at AC, N&N, Bigfoot, or any other location in Dillingham that is considered public. The Alaska Journal of Commerce is not “conspicuous” in a bush community and is not sold in Dillingham.

Conspicuous: Adjective - 1. Easily seen or noticed; readily visible or observable: a conspicuous error. 2. Attracting special attention, as by outstanding qualities or eccentricities

True Copy: A faithful duplicate of an original document that is virtually identical and sufficient for its purposes to act as one. How do we know a “true copy” was posted on the site? If a true copy was there, how big would it need to be to properly post?

We believe it is the applicant that has the burden of proof and that proper public notice was not given and support the City's decision to protest the application.

In addition, Mr. Coffey states in his memo that the City's protest is based on a fact that the street name on which the business is proposed to be located was not included in the advertising. This may have been a consideration of the City but the City's letter clearly states they are objecting based on “inadequate public noticing”.

The letter to the City from the Alcoholic Beverage Control Board states: “If a protest is filed, the board will not approve the application unless it finds that the protest is arbitrary, capricious and unreasonable.” This language states that all three meanings, arbitrary, capricious, and unreasonable must be met. We do not believe that any of these have been met, the City's decision shows that they do not believe the statutory requirements were met, and we support the City Councils decision to protest the application based on inadequate public noticing.

Arbitrary: Adjective -1. Subject to individual will or judgment without restriction; contingent solely upon one's discretion: an arbitrary decision. 2. Decided by a judge or arbiter rather than by a law or statute. 3. having unlimited power; uncontrolled or unrestricted by law; despotic; tyrannical: an arbitrary government. 4. Capricious; unreasonable; unsupported: an arbitrary demand for payment. **And...**

Capricious: Adjective - 1. Subject to, led by, or indicative of a sudden, odd notion or unpredictable change; erratic: He's such a capricious boss I never know how he'll react. 2. Obsolete. Fanciful or witty. **And...**

Unreasonable: Adjective 1. Not reasonable or rational; acting at variance with or contrary to reason; not guided by reason or sound judgment; irrational: an unreasonable person. 2. Not in accordance with practical realities, as attitude or behavior; inappropriate: His Bohemianism was an unreasonable way of life for one so rich. 3. Excessive, immoderate, or exorbitant; unconscionable: an unreasonable price; unreasonable demands. 4. Not having the faculty of reason.

#2 Public Safety

It is legal to say that this is a license transfer, but what it really is, is an additional location to increase the profits for an owner that does not even live in the city or proposed area and is not affected by the social impact this has on the housing area, that this license is being transferred to, or to the community by adding another location.

What is well known to the community is the building referred to as The Willow Tree. The Willow Tree is known as a bar. Although some may know, it is not as well known that the building actually holds two licenses. And, this building has two different physical addresses and two different names on those licenses? Attached record of licenses.

History has proven that where there are additional liquor stores, there is also:

- Public drunkenness – Look outside the downtown liquor store. Not only is there drunkenness but those selling other unmentionables on the other side of the street.
- Increase in intoxicated drivers. Yes, the local police will have to frequent the area much more than they have had to in the past. What a convenient way to avoid the police, have the liquor store out of town. What about bootlegging?
- What about the response time for police?
- Vehicle accidents – we see them on a regular basis.
- Physical assaults – we see them on a regular basis.
- Crime increase – this is another location request. More liquor stores, more crime.
- Vandalism
- Damage to our roads
- Loitering – Folks may not loiter at the new location/store, but what about the outlying area? The area is surrounded by family homes.
- Trespass – Will now become a problem.
- Dead end roads – People will be driving town them or walking down them. All roads in this subdivision end at private homes.
- Littering
- Targeting village business – I know this may or may not be a consideration but this is the area that people from close villages (dry, wet, damp?) will have easy access to.
- OUR CHILDREN

#3 The Economic Consideration

Any financial gain that this new location has for the city and owner will be offset by the costs to the city. There will be an increase in the need for more law enforcement, the need for more maintenance and repairs in the area.

The property values in the area will decrease. Who wants to rent or buy in an area that has a liquor store in the middle of the community? The prices and the tax assessments and appraisals will decrease.

It is important to all single family housing areas to maintain quality, character, safety, and to protect our existing values. We may not be a zoned area but we are clearly a residential/housing area. The name "estate" has several meanings but two that apply here are from dictionary.com: 1. a piece of landed property, especially one of large extent with an elaborate house on it: to have an estate in the country. 3. British. a housing development.

There is precedence on situations like this, see attached. This is an established housing area regardless of zoning and we want to maintain this by keeping a liquor store out. In addition, please see City of Dillingham 17.19.150. and City Map. Every X is a home or apartment.

#4 Social Responsibilities

IT IS NOT IN THE BEST INTEREST OF THE PUBLIC. Dillingham is already suffering a great deal from alcohol and other drug related issues. Why would we as a community want to increase the availability of alcohol?

#5 Other Considerations

The Willow Tree and Olsen's Liquor Store are in the same physical location with two licenses that have two different owners and two physical addresses? So, what this transfer of license really means is a new/additional location.

There are several businesses in the area, none of them are liquor stores. One, at the beginning of the lake road, a restaurant, has a license. The rest of the lake road is mainly residential.

Manokotak is a dry community and seems to be the target or at least one of the targets of this new location. Has there been any thought as to how these communities feel about this new store and the impacts?

Again, we object to this license transfer and urge the powers at be to keep liquor stores out of any housing area, Ahklun View Estates, Nerka, HUD, etc. We also urge the City Council to stand by its original decision to object to the transfer.

Respectfully,

James and Jessica Denslinger
Gary Hale

News posted: 4/12/2016 5:31 AM

St. Charles moves to ban liquor stores from residential areas

**James Fuller**

One-Stop Liquors will soon be the only place to stop for liquor in a residential area of St. Charles. Aldermen gave preliminary approval Monday to a ban on any businesses dedicated to liquor or tobacco sales from locating in a neighborhood.

The change follows a situation that arose last summer when a liquor license application came before aldermen that would have created a liquor store at the current location of the St. Charles Mini-Mart on 710 S. 3rd St.

Neighbors fought against the application. Some even brought in their children to talk about how they would have to go past the store on the way to and from school or to play at a nearby park. Aldermen agreed and rejected the application.

However, nothing in city code prohibited a similar request from coming forward in the future.

Next week, aldermen will sit as the full city council and put the ban in place. It prevents any business that devotes 50 percent or more of its floor space to alcohol and/or tobacco sales from locating in residential neighborhoods. City staff said the law does not impact restaurants that generate a significant portion of their income from alcohol sales.

Under the change, liquor and tobacco shops would only be able to locate in areas that are solely or primarily business oriented. Staff said the change specifically permits liquor and tobacco stores on major arterial roads, such as Main Street, Randall Road or Kirk Road.

The only question that was raised before aldermen gave preliminary approval to the plan came from Alderman Bill Turner. He wanted to ensure no liquor store could ever move into the St. Charles Mini-Mart location. Staff assured Turner it could not.

The city's plan commission also gave a thumbs-up to the plan. However, they did debate the appropriateness of treating liquor and tobacco stores differently than any other business. Staff justified the pending change by saying it is consistent with the city's comprehensive plan goals of preserving the character of existing single-family residential neighborhoods.

Once made permanent, the One-Stop Liquors establishment will be grandfathered in. It can remain in operation but never expand.

17.19.150 Existing substandard lots. [SHARE](#)

Conveyance Restricted—Petition for Determination. In the case of a lot record at the time of passage of land use regulations affecting that lot, which does not conform to the land use regulations of the city, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed nor shall a building permit be issued for a structure on such a lot except in conformity with the following:

A. The owner of such substandard lot may, at any time prior to the proposed conveyance of such lot or request for building permit, petition the city for a determination as to the status of such lot.

B. Such petition shall be referred to the planning commission for study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the land use regulations of the city and shall act within sixty days to give consideration, among others, to the following factors:

1. The size, quality, and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.

2. Where public sewer is not available, a lot size necessary to comply with DEC standards.

3. The economic and engineering practicability of any possible redivision. (Ord. 90-03 § 1 (part), 1990.)



CITY OF DILLINGHAM

P.O. BOX 191

DILLINGHAM, ALASKA 99576

TELEPHONE (907) 842-5211 or 842-5212

May 28, 1982

TO WHOM IT MAY CONCERN:

There are no taxes owing on Ahklun View Estates North.

Sincerely,

Vivian M. Braswell

Vivian M. Braswell
City Clerk

82-14

RECORDED-FILED 1000	
Bristol Bay REC. DIST.	
DATE	6-8 1982
TIME	3:20 P M
Requested by	City of
Address	Dillingham



August 22, 2016

James and Jessica Denslinger
PO Box 1086
Ahklun View Estates Lot #7
Dillingham, Alaska 99576

Department of Commerce, Community, and Economic Development
Alcoholic Beverage Control Board
Attn: Maxine Andrews
550 West 7th Avenue Suite #1600
Anchorage, Alaska 99501

We are writing in response to our recent notification of the application from Kvichak Pacific, LLC for the transfer of location to Ahklun View Estates North Addition Lot 1. We were notified by a neighbor on August 21, 2016 of this application. We highly object to this transfer of location for several reasons.

We would like to bring to the ABC Boards attention the attached map of the area. This map shows a housing area. This being a housing area is our number one objection. Lot 1 on the application currently has an apartment building on it. The remaining lots, all but one, have homes on them. There is currently one lot, a rock pit that is not being used for homes. Does this application mean that the store will be next to the apartment building or in the apartment building? Both, we object to. This may be an error on the application?

Secondly, the community was not informed of this potential transfer. It was publicized in the Alaska Journal of Commerce. This Journal is not a reasonable mode of communication to a bush community.

Thirdly, the application is misleading in its current form. It does not show the community that there are three licenses involved currently being used in two locations. This transfer would mean that there would be three locations instead of two being used to obtain alcohol. The first location is downtown Dillingham, the second location (two licenses) are at the Willow Tree Building, it has two different physical addresses. In addition, the applicant appears to be from Anchorage and not Dillingham. The applicant may not be aware that this is a housing area, nor does the applicant have to live with the ramifications of putting an alcohol outlet in the middle of a housing area.

The picture that you see in the application is the beginning of the driveway to three homes, not to mention those on the other side and the apartment building.

Lastly, like our neighbors, we are extremely concerned with the property values being severely impacted, the crime that will increase, the vandalism, the damage to our road, the loitering, and because our homes are on dead end roads, the trespass.

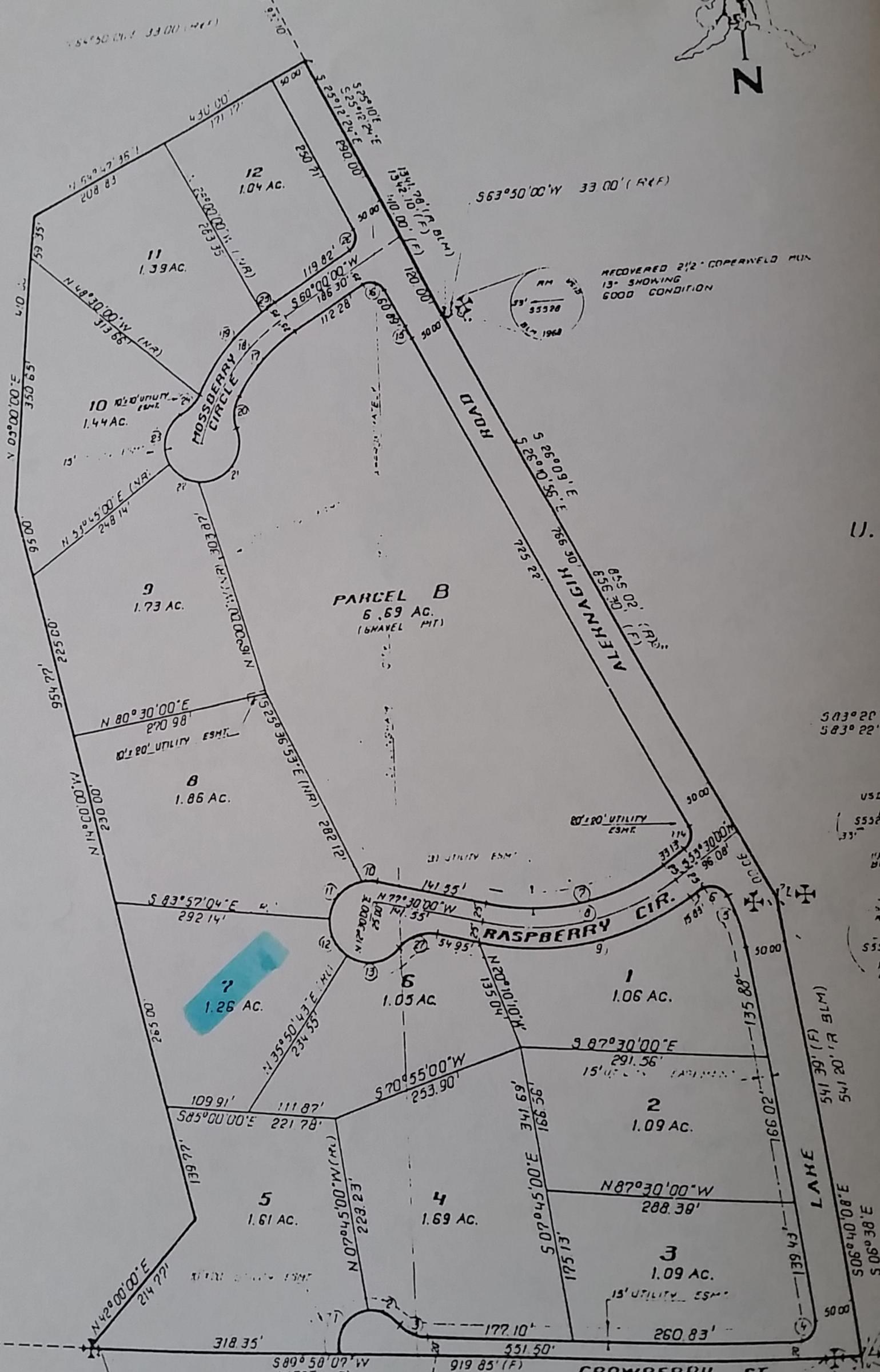
We respectfully ask the ABC Board deny this application and allow our homes to remain in a safe and crime free area.

Sincerely,

A handwritten signature in black ink, appearing to be 'JDenslinger', written in a cursive style.

James and Jessica Denslinger
Denslinger LLC
Resident Ahklun View Estates

cc: City of Dillingham
Kvichak Pacific, LLC



RECOVERED 2" COPPERWELD MIN.
18" SHOWING
GOOD CONDITION

RECOVERED 2 1/2" COPPERWELD MIN.
13" SHOWING
GOOD CONDITION

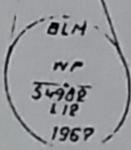
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(COLL)

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(ING LTD)

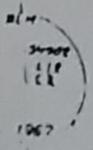
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BRASS CAP MONUMENT
5" SHOWING
GOOD CONDITION



RECOVERED 3/4" BLM BRASS
CAP MONUMENT
10" SHOWING
GOOD CONDITION



AHKLUN VIEW ESTATES

EAST 2222 20' (R)

3.60, 52.61 N

S 03° 20' W
S 83° 22' 00" W

USDI
55528
1968
BLM

55528
1968
BLM

N 83°
N 03°

S 06° 40' 08" E
S 06° 38' E

3.60, 52.61 N

From: [Jessica Denslinger](mailto:Jessica.Denslinger)
To: [Alice Ruby](mailto:Alice.Ruby); [Andrews, Maxine R \(CED\)](mailto:Andrews.Maxine.R); [Alcohol Licensing, CED ABC \(CED sponsored\)](mailto:Alcohol.Licensing.CED.ABC); manager@dillinghamak.us
Subject: Re: FW: Transfer of License #2787
Date: Monday, August 22, 2016 12:40:56 PM

Thank you Alice. Is the Kim you are referring to Kim Parker? On the list of license owners, she is not listed as the one transferring correct? She is Alaska 49 LLC? I think she rents from The Willow Tree building owner? There are two licences in the Willow Tree Building (even with two different physical addresses). One is under her and the other is under Kvichak. But they are currently in the same building. It is the one owned by Kvichak that is transferring and creating an additional location? So there are 3 licenses involved in 2 locations currently. So if they get a transfer approved, there will be 3 locations. One would be our housing area.

Am I understanding what is happening correctly? Thank you Alice.

LicenseNumber	EstablishmentName	LicenseType	Description	ServiceLocation	OENName	OEAddress	Phone	OEEEmail	ExpirationYear	InUse	
1015	Sea Inn	Beverage Dispensary	8 Alley Way	Sea Inn Properties LLC	PO Box 1229	(907) 842-2233	seainnbar@yahoo.com	2016	TRUE	1242	
1242	Willow Tree Inn	Beverage Dispensary	513 Wood River Road	Alaska '49 LLC	PO Box 630	(907) 842-5513	dlgalaska49@yahoo.com	2017	TRUE	1405	
1405	Dillingham Liquor Store	Package Store	312 Main Street	East Brannon Rentals LLC	PO Box 91006	907-229-4064	mjkatty49@gmail.com	2017	TRUE	2652	
2652	Windmill Grille	Restaurant/Eating Place	Seasonal	1544 Kanakanak Rd.	Nina J. Corbett	PO Box 1216	(907) 842-1240	njcorbett@gmail.com	2016	TRUE	2787
2787	Olsen's Liquor Store	Package Store	1.25 Mile Willow Lane	Kvichak Pacific LLC	PO Box 91006	(907) 274-1634	2016	TRUE	5261	The Rack	
5261	The Rack Restaurant/Eating Place	3310 Nina Way	Paul & Mikki's, Inc.	PO Box 501	907-842-1920	mennis@bbaac.org	2016	TRUE			

On Mon, Aug 22, 2016 at 12:05 PM, Alice Ruby <alice.ruby@dillinghamak.us> wrote:

Hi Jessica:

The decision will be made by the ABC Board so you did the right thing by sending a written comment immediately.

Thanks to the fact that both Curt and Rose had talked with a few of the property owners in the area who were unaware, the Council took a position of asking the ABC Board to deny the relocation of the permit until adequate public notice was provided.

I would suggest that you also contact the owners by phone or in person and let them know how you feel. Kim lives here and I think she wants to have a positive relationship with the community. The other gentleman doesn't live here but I did get an impression that he was willing to listen.

In the end, even if the license is allowed to relocate, the developers still have to go through the City's Land Use Permit process, which is a way that you can influence how the land is developed.

On Mon, Aug 22, 2016 at 11:03 AM, Jessica Denslinger <thesprucekitchen@gmail.com> wrote:

Thank you Alice. I received a response from Bryce as well. What can we do?

On Mon, Aug 22, 2016 at 10:50 AM, Alice Ruby <alice.ruby@dillinghamak.us> wrote:
Hi Jessica:

Just wanted to drop you an email to acknowledge receipt of your email.

On Mon, Aug 22, 2016 at 10:48 AM, Alice Ruby <alice@bbedc.com> wrote:

Alice Ruby, Director

Bristol Bay Economic Development Corporation

P.O. Box 1464

Dillingham, AK 99576

[\(907\) 842-4370](tel:(907)842-4370)

www.bbedc.com



From: Jessica Denslinger [mailto:thesprucekitchen@gmail.com]

Sent: Saturday, August 20, 2016 4:19 PM

To: Andrews, Maxine R (CED) <maxine.andrews@alaska.gov>; Alice Ruby <alice@bbedc.com>; manager@dillinghamak.us

Cc: Janice Williams <cityclerk@dillinghamak.us>; bryce.edgmon@akleg.gov

Subject: Transfer of License #2787

Hello Maxine, Alice and Rose,

I am contacting you both in regards to the attachment. I just received a call from a concerned neighbor about this transfer of license to our housing area. My neighbor was contacted by a city council member that was concerned about our neighborhood not knowing about this proposal. This is true. We did not know. We would like to know now, in cooperation with our city council, what we as a neighborhood can do to stop this proposal.

Regardless of how we are zoned (unzoned), this is a residential area. We are a safe and crime free area, and have been for many years past. This application notes that this transfer is only 1.25 miles from its current location. This is not correct. We are more than 5 miles from downtown Dillingham. Again, we are a safe and crime free residential area. This proposes putting a liquor outlet in the middle of our neighborhood, and down the street from many other homes with children. This will

greatly impact the quality of living in this area.

This was not brought to the explicit attention of the residences of Ahklun View Estates. I know the law does not require it, however, this does not mean it is acceptable to bring alcohol directly into our neighborhood of families, especially, with the current drug and alcohol epidemic in Dillingham.

We understand that law only requires limited posting requirements. However, the families in our area, were not made aware of the possible alcohol being sold in our neighborhood. What can we do to stop this?

In addition, we are a little confused about this transfer application noting lot 1 as its requested location. According to our lot map, lot 1 currently has an apartment building on it? We are on lot 7, lot 5 and lot 6 have homes on them. Lot 1 and 6 are connected. Lot 8, 9, 10, etc...have homes on them. Is this just an error on the application? Or, is the apartment and the liquor store going to be on the same lot? It was our understanding that Choggiung Ltd. owned lot 1, I may or may not be correct on that.

What can we do to stop this and preserve our safe neighborhood? Thank you.

--

Jessica Denslinger

PO Box 1086

Dillingham, Alaska 99576

[907-842-2742](tel:907-842-2742), [907-842-4453](tel:907-842-4453), [907-843-2590](tel:907-843-2590)

--

*Alice Ruby, Mayor
City of Dillingham*

--

**Jessica Denslinger
The Spruce Kitchen
805 Kanakanak Road
PO Box 1086**

Dillingham, Alaska 99576
[907-842-4453](tel:907-842-4453) ~ [907-843-2590](tel:907-843-2590)

--

Alice Ruby, Mayor
City of Dillingham

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Jessica Denslinger
The Spruce Kitchen
805 Kanakanak Road
PO Box 1086
Dillingham, Alaska 99576
907-842-4453 ~ 907-843-2590



October 14, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

City of Dillingham
141 Main Street
PO Box 889
Dillingham, Alaska 99576

Re: Transfer of License Application #2787, DBA Olsen's Liquor Store

To Whom It May Concern:

Choggiung Investment Corporation is a wholly owned subsidiary of Choggiung Ltd., the Native corporation in Dillingham, Alaska; the company owns several commercial properties and nine residential properties with a total of 60 rental units. I am writing to express Choggiung Investment Corporation's opposition to the transfer of the Olson Liquor license from the Willow Tree to the primarily residential location on Aleknagik Lake Rd and Raspberry Rd. Reasons for opposition include:

1. Concerns of lowered property values in the primarily residential neighborhood surrounding the proposed liquor store.
2. Concerns of increased crime.
3. Concerns of increased injuries including those resulting from being intoxicated while driving snow machines and cars.

4. Concerns of negative impact on time demands, and expense for law enforcement due to this proposed additional liquor store location and distance from police station.
5. Concerns of negative impact on dry villages of Manokotak, Togiak, and Twin Hills due to close access to the main snow machine trail. Bootlegging will be difficult to monitor by law enforcement.
6. Concerns of increased demand and expense for city and volunteer services such as ambulance crew, search and rescue crews.
7. Concern of precedent for a liquor store to be established in any residential area with the above listed possible significant negative impact.
8. Concern of Choggiung Investment Corporation's ability to rent apartments at Raspberry Flats, all of which have been 100% occupied since we purchased the 4-plex in 2013. All tenants occupying the units have voiced to us their opposition to having a liquor store in this residential area.

Best regards,



Lance Nunn
CEO

Cc: Kvichak Pacific, LLC
P.O. Box 91006
Anchorage, Alaska 99509

From: [Donivan G. Andregg](#)
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: application Dillingham
Date: Tuesday, October 11, 2016 1:21:34 PM

Dear Alcohol Control Office,

Please note my input regarding the proposed liquor store near Dillingham, on Aleknagik Lake Road, Raspberry Circle. Please mark me as very opposed.

I oppose this business in the residential location in which I am living. The type of business, the car and foot traffic, I believe would all have a negative impact on the residents along Raspberry Circle. This short drive has approximately 7 residences and a commercial business would have a dramatic impact.

Sincerely,

Donivan Andregg

Tenant in #3 Raspberry Flats, Raspberry Circle
Dillingham, AK 99576

Edward and Ayla Budrow

Ahklun View Estates

P.O. Box 1086

Dillingham, AK 99576

August 22, 2016

Alcoholic Beverage Control Board

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

Attn: Maxine Andrews

Hello Ms. Andrews,

We are contacting you in regards to the Application submitted by Kvichak Pacific, LLC for the transfer of their package store liquor license, from the current location 1.25 Mile Willow Lane/ 513 Wood River Road Dillingham, Alaska to Ahklun View Estates North, Lot 1 Dillingham, Alaska.

As residents of Ahklun View Estates and the parents of young children, we would like to protest the approval of this application for the following reasons:

1. This package store will increase both foot and vehicle traffic on our quiet street. Hindering our young children from being able to play outside without fear of their safety.
2. Increased foot and vehicle traffic also increases the concern of theft, vandalism, loitering, and various other crime, illegal, and menacing acts.
3. This package store will increase public intoxication, and people operating motor vehicles under the influence; be it by snowmobile, 4 wheeler, or any other motor vehicle. This not only puts people driving on the road in danger, it also puts us and our neighbors at risk of a drunken snowmobile operator hitting one of our children or pets playing in our own yard.
4. History has proven that where there is alcohol there is increased crime. This will add additional burden to our local police department.
5. It seems to be that this is targeted at people living in surrounding villages, making it easier for them to access alcohol rather than them having to travel all the way in to down town to make a purchase, this is extremely counterproductive in community's efforts to prevent alcohol abuse. As well it puts a lot of people at risk for accidental death traveling under the influence.
6. The roads accessing the package store will become littered with broken bottles, cans, and other litter that is harmful to children, and pets living in this neighborhood.

7. In reviewing the license transfer application packet from the City of Dillingham, it seems that currently this package store license has low activity, as it is not commonly known that the Willow Tree Bar building holds this license. Opening an additional location with this license will only promote more alcohol consumption in our community.
8. Inadequate public notice, as this proposal was only advertised in the Alaska Journal of Commerce. Rather than a locally known media source.

For these, and multiple other reasons we strongly protest this proposal, and request that the local governing body deny this application and that all other governing bodies do what they can to prevent it.

Thank you for your consideration,

A handwritten signature in black ink that reads "Ayla Budrow". The signature is written in a cursive, flowing style.

Ed and Ayla Budrow

Residents of Ahklun View Estates

cc: City of Dillingham
Kvichak Pacific, LLC

Edward & Ayla Budrow

P.O. Box 1086

5061 Raspberry Cl.

Dillingham, AK 99576

October 11, 2016

Attn:

A.B.C Board

550 West 7th Ave, Suite 1600

Anchorage, AK 99576

Kvichak Pacific, LLC

P.O. Box 91006

Anchorage, AK 99509

Dear Members of the A.B.C. Board & Kvichak Pacific LLC,

We are contacting you in regards to the application submitted by Kvichak Pacific, LLC (License #2787, DBA Olsen's Liquor Store) for the transfer of their package store liquor license, from the current location 1.25 Mile Willow Lane/ 513 Wood River Road, Dillingham, Alaska to Ahklun View Estates North, Lot 1 Dillingham, Alaska. Also referred to as Raspberry Circle.

As residents of Raspberry Circle (Ahklun View Estates) and the parents of young children, we would like to state our reasoning behind our protest of the approval of this application, as well as address a few issues raised at the Dillingham City Council meeting on October 6th, 2016.

Beginning with our original concerns, we believe that,

1. This package store will increase both foot and vehicle traffic on our quiet street. Hindering our young children from being able to play outside without fear of their safety.
2. Increased foot and vehicle traffic also increases the concern of theft, vandalism, loitering, and various other crime, illegal, and menacing acts. History has proven that where there is alcohol, there is increased crime. This will add additional burden to our local police department.
3. This package store will increase public intoxication, and people operating motor vehicles under the influence; be it by snowmobile, 4 wheeler, or any other motor vehicle. This not only puts people driving on the road in danger, it also puts us and our neighbors at risk of a drunken vehicle operator hitting one of our children or pets playing in our own yard.
4. It seems to be that this new store is targeted at people living in surrounding villages, making it easier for them to access alcohol rather than them having to travel all the way into downtown to make a purchase, this is extremely counterproductive in our community's efforts to prevent alcohol abuse. As well, it puts a lot of people at risk for accidental death traveling under the influence.
5. The roads and surrounding roads accessing the package store will become littered with broken bottles, cans, and other litter that is harmful to children, and pets living in this neighborhood.
6. In reviewing the license transfer application packet from the City of Dillingham, it seems that currently this package store license has low activity, as it is not commonly known that the Willow Tree Bar building

holds this license. Opening an additional location with this license will only promote more alcohol consumption in our community.

7. Inadequate public notice, as this proposal was only advertised in the Alaska Journal of Commerce. Rather than a locally known media source.

In addition, we would like to expand on a few of our original concerns.

Referencing back to concern number 4 of this letter, we would like to make it known that the village this liquor store is seemingly targeting is the village of Manakotak, Alaska. According to the states website Manakotak is a dry village. Meaning that the sale, importation and possession of alcohol is banned from this village. We believe that this liquor store would not only add burden to the City of Dillingham's police department but also Manakotak's police department. They will have an even more difficult time enforcing the ban of alcohol in their village.

Once again, we would like to highlight that this will potentially turn our private driveways in to major snow machine trails, because we would be a straight shot from Manakotak to the top of Raspberry Circle. We would also like to make it known that this liquor store will be directly above a large rock pit. This could be a dangerous attraction. We believe that all of the profit that this liquor store will bring to our city could potentially be offset with the cost of increased law enforcement.

It was stated at the City Council meeting on October 6th, by a few of Mr. Keenan's business partners that loitering, littering and public intoxication will not be an issue. They stated that they would take responsibility for their patrons. How can they make these statements? How can they guarantee that these issues will not arise? Mr. Keenan does not live in Dillingham nor does his lawyer. It was also stated that this will be a country market themed store, selling meats, cheeses and breads. Those items are not of our concern. Our concern is the social economic impact that a new package liquor store location will bring.

We would also like to expand on concern number 7 of this letter. Since originally writing this letter, we have become more familiar with the laws of

advertising involved with this sort of business venture. Mr. Keenan by law was required to post notice in 3 conspicuous locations. A media source, a conspicuous location on the property, as well as a conspicuous location in the area. Mr. Keenan has not provided proof that any of these criteria were met. He has provided proof of the notice being published in The Alaska Journal of Commerce, which is not a paper that is circulated in Dillingham. Not a single person to this date, living on or near Raspberry Circle can attest to seeing the notice that was supposedly posted on the property, nor was any proof provided that it was. Lastly Mr. Keenan states that notice was posted on the bulletin board at the Dillingham Post office. According to the United States Postal Service website, under rules and regulations governing conduct on postal service property ***“Depositing or posting of handbills, flyers, pamphlets, signs, posters, placards, or other literature (except official Postal Service and other governmental notices and announcements) on the grounds, walks, driveways, parking and maneuvering areas, exteriors of buildings, and other structures, or on the floors, walls, stairs, racks, counters, desks, writing tables, window ledges, or furnishings in interior public areas on Postal Service premises is prohibited.”*** Again there was no proof being provided that this was posted nor is there proof that it was hung for the required 10 days.

I Ayla, have lived here in Dillingham for nearly my entire life, and I plan to raise my children here. Specifically in or around Ahklun View Estates. For these, and multiple other reasons we believe that this proposal is socially irresponsible, and we strongly protest it. We as well, have requested that the local governing body deny this application and that all other governing bodies do what they can to prevent it.

Thank you for your consideration,

Ed and Ayla Budrow and Family

Residents of Ahklun View Estates

October 13, 2016

Department of Commerce, Community, and Economic Development
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, Alaska 99576

CC:
Kvichak Pacific, LLC
P.O. Box 91006
Anchorage, AK 99509

City of Dillingham
PO BOX 889
Dillingham, AK 99576

RE: Opposition to Transfer of Liquor License#2787, DBA, Olsen's Liquor Store from the Willow Tree to Aleknagik Lake & Raspberry Road in Dillingham, AK

To Whom It May Concern:

I am writing to express my opposition to the transfer of the Olson Liquor license (License#2787, DBA, Olsen's Liquor Store) from the Willow Tree to the primarily residential location on Aleknagik Lake Rd and Raspberry Rd. My reasons for opposition include:

1. Concerns of increased crime.
2. Concerns of increased injuries including those resulting from being intoxicated while driving vehicles & snow machines.
3. Concerns of negative impact on time demands, and expense for law enforcement due to this proposed additional liquor store location and distance from police station.
4. Concerns of negative impact on dry villages of Manokotak, Togiak, and Twin Hills due to close access to the main snow machine trail. Bootlegging will be difficult to monitor by law enforcement.

5. Concerns of increased demand and expense for city and volunteer services such as ambulance crew, search and rescue crews.
6. Concerns of lowered property values in the primarily residential neighborhood surrounding the proposed liquor store.
7. Concern of precedent for a liquor store to be established in any residential area with the above listed possible significant negative impact.

Please do not approve the transfer of the license!

Thank you,

The following 170 concerned citizens in the Bristol Bay area (over 90% of signers Dillingham residents) :

#	Name	Additional Comments:
1	Alannah Hurley	
2	Andrea Hurley	
3	Desmond Hurley	
4	Diane Folsom	I live in this mostly residential area. I oppose the transfer of the liquor license. Crime will increase. Please listen to the residence of the area and not the lawyers.
5	Crystal Nixon-Luckhurst	
6	Tish Olson	
7	Gayla Hoseth	Strongly oppose a liquor store on lake road for all the reasons stated in this petition.
8	Vivian Seal	
9	Vivian	
10	Alisha folsom	
11	Terry Mann	
12	Angela Christensen	
13	Heather Savo	One liquor store in town is enough for our community we don't need one that far out of town. Please don't allow this.
14	Sally Gumlickpuk	
15	Casey Gokey	
16	Hope Jackson	

17	Verna Berry-Brandon	
18	Patricia Luckhurst	
19	Shelley Cotton	One liquor store is enough.
20	Lorna L Olson	What next .. We have enough problems with 1 in town already ..I am signing this petition ... yes it will increase more crime and also accidents .. I am so against ..
21	Mary Barnes	
22	Rachel Sorensen	
23	Massa Pat	Massa Pat
24	Macrina Pat	
25	Margaret Schroeder	One is more than enough!!
26	Amelia Giordano	
27	Dorothy Kawaglia	An epidemic is happening right now with heroin in DLG. Address that problem instead of creating another.
28	Evelyn Olson	
29	Jacque Mills	i agree 1 liquor store in Dillingham is enough
30	Frank Woods	
31	Raven birkholz	
32	Angeli Venua	
33	Sirena Tennyson	Not very happy with a potential liquor store in my neighborhood, we have enough safety and crime issues.
34	Marlena Purchiaroni	
35	Barbara Riley Asher	Please protect our residential areas by NOT allowing liquor stores in these areas
36	Dinah Bennett	
37	Jason Smith	
38	Annie Sergie	We don't need another liquor store..it is bad enough with what is there..because of alcohol there is alot of brokenness with family n loved ones..we need to fix our loved ones not add more..im so against this..not good for our ppl..
39	Casey Sifsof	
40	Akse Buholm	
41	Rachel Bobbitt	
42	Shane Judge	
43	Shireen Nunn	
44	Michael Ramirez	This would be bad for the lake road neighborhood. It would increase the death toll on this Road.
45	Brian Pauling	

46	Lacey Calvert	
47	Ayla Budrow	
48	Alanah Murphy	I am raising my baby in this area, and it will not be safe for him or any other children with a liquor store that close to our home. Please do not allow this!
49	Roberta Blunka	
50	Melissa Dunham	
51	Juliana Montooth	
52	McKaila	Alcohol is already a problem in Dillingham, and adding another store is just too much. 1 is good enough.
53	Heather Renk	
54	Tamera Evans	
55	Marjorie Dunaway	
56	Tiffany Bennett	We already have enough alcohol and drugs in this community. There is no reason for another store for such a small community other than personal gain, why not open something that will positively impact the community? This is an issue in other towns around Alaska and if we go through with this it will only be a matter of time until we are dealing with all the BS. Repercussions. Not for this store in a residential area. And no Dave Benginger, you may not use this comment for kdIlg trolling, thanks.
57	Margaret Johnson- Williams	Why? To accommodate people who live out Lake Road or closer to the winter snow machine trails to the villages so they can make a pit stop before they go home?
58	Jessica Denslinger	I agree that we should not have liquor stores in housing areas for all of the reasons listed. For those that would like to take further steps to prevent this, please contact the ABC Board. All objections, petitions, documentation concerned with this action should be sent to the following email addresses NLT FRIDAY 10/14/16 in order to ensure the attention and distribution of same makes it to the appropriate parties. sarah.oates@alaska.gov cynthia.franklin@alaska.gov alcohol.licensing@alaska.gov
59	Terry Fuller	
60	Devynn wassily	It is not right for you guys to be trying to build a liquor store on lake road. The liquor store in town is bad enough.. Don't bring a liquor store around residents homes.
61	Abigail Flynn	I see enough evidence of the harm done by alcohol consumption with the access to it that DLG already has. We don't need another source.
62	Kristine Tinker	I strongly do not think we need another liquor store, really people!!! We love our people just not the bad choices that they make. Do not add to the addiction problem.
63	Christy Tuomi	
64	Marilyn Casteel	
65	Rhonda Jenkins	No on another liquor store.
66	Sarah Grace Durrance	

67	Karen Gauthier	
68	Norma	I agree NO more liquor stores, this is a small community, not good for the residents close or near by
69	Stephanie Aikins	As a recent member of Dillingham Fire Dept. and Rescue Squad, I believe this is not in the best interest of our citizens, both local and from the surrounding villages. Having a vast majority of the ambulance and even some fire calls involving intoxicated people, I have seen some of the worst instances of what alcohol a can do and how it can affect friends and family. I do not believe adding another liquor store in a residential area is a smart decision.
70	Lecia Scotford	I oppose. This is a residential area
71	Kristin Donaldson	
72	Helen Gregorio	We do not need another alcohol outlet. Alcohol kills.
73	Robert Aikins	
74	Sarah Schroeder	
75	Kaylani Farler	One liquor store is all our little town needs! We already have a huge drugs problem why add another liquor store to make the alcohol problem worst?
76	Katherine Carscallen	
77	Natalia Nancy Dull	No liquor license please, we have enough problems don't need anymore.
78	Wendi Kannenberg	As an individual who lives at Raspberry Circle (proposed location), I am fundamentally against the nearby location of a liquor store. I elected to live away from downtown Dillingham to distance myself from the commercial traffic and clientel who frequent a liquor store. To proprot that criminal activity would not increase and safety of person/property decrease with a neighborhood liquor store...is a fantasy.
79	Lance Nunn	I oppose. This is a residential area
80	Lou Ann Nunn	I oppose this liquor store being located in a residential area
81	M Nelson	
82	Jenifer Wilson	Not a good idea.
83	Bonnie Kropoff	
84	Julie Pauling	
85	Luke Cullins	
86	Rex Spofford	
87	Jenea	
88	Dennis Nelson	Born and Raised in Dillingham, AK. Dillingham does not need a liquor store in a residential neighborhood.
89	Dean Heyano	I thought the license in question had to be adjacent to a bar.

90	John Montooth	
91	John Gleason	We DO NOT need a liquor store out on Lake road. It will encourage more drunk driving and there will be more accidents happening as a result.
92	Nick Schollmeier	
93	Helen Smeaton	We do not need a liquor store in a residential area. We all see what the current locations look like and that is bad enough. Being in a more secluded area will make it even easier for the people who are bootlegging for others, at least downtown it is easily seen and there is a chance to stop it. I do not support this and do not think it is an appropriate location.
94	Alfred Gosuk	
95	Larissa Orloff	I have family in Dillingham and aleknagig, with alcohol comes crime and injury and death. Nothing good comes from it
96	Gage	
97	Barbara Swanson	
98	Jadelyn Gleason	We don't need this poison killing our people!! I bet the guy trying to open it isn't even from Bristol Bay area
99	Sara Kolbe	
100	Michael Bennett	
101	Katherine Bennett	
102	Michael Bennett	Your beer and spirits are not welcomed!
103	Danae Suttles	
104	Phil Hulett	
105	Nathan Suttles	
106	Clara Torrison	
107	Debbie Reiswig	
108	Gary Hale	The liquor Store owner who lives in Anchorage wants to make more money off of Dillingham's misery!
109	Chris Carty	
110	Donivan Andregg	I oppose the liquor store as a local Raspberry resident. I see no good that will be added to the neighborhood or Dillingham. Thanks
111	Brianna Clark	
112	Heather Nudlash	
113	Eric Loren Shade	8. Related to #2 and #4 are the deaths that will be attributed to the opening of this location for the sale of liquor.
114	Kari Andrew	
115	Steven Aikins	How about no
116	Almarae Naomoff	
117	Sarah Andrew	

118	Deborah Mclean	Would like to examine the issue more completely
119	Michael Nunn	
120	Suzanne Nunn	
121	Alex Hahn	Due to the minimal resources available in Dillingham in regards to law enforcement and emergency response services, it would be irresponsible to relocate the liquor store to a Lake Aleknagik road location.
122	Jim Folsom Sr	I am located very close to the proposed site of the new liquor store and am concerned about any increase in the crime rate in my area that this may bring as we already have a high rate of breakins and theft in the area thus bringing this into the area in my opinion would cause more trouble and also trespassing problems . This we don't deserve.
123	Linda Mayer	No is the answer there are family's, & children living in a great neighbor hood we do not need to promote more liquor stores in the neighborhood...Thank you
124	Warren Downs	Besides all the other concerns, it appears the proposed store was not given an honest attempt at public notice. Notice should have been posted in commonly read papers such as the Bristol Bay Times, on Dillingham Trading Post, etc.
125	Sherry Becker	
126	Mary Hansen	
127	Savannah	
128	Savannah	
129	Thomas Tinker Jr	
130	Jennifer Sage	No lake road liqueur store. This is an area with lots of families and kids. We have enough problems with drugs on our street.
131	Kortney Nunn-John	
132	Brandy Giordano	
133	Verity Downs	
134	Robert Scott	
135	James Loiland	I am a former resident with deep ties to Dillingham. We lived out Lake Rd. The area is family and the last thing it needs is a package store. Keep alcohol in downtown where it can be monitored and CONTROLLED.
136	Dianna Schollmeier	
137	Victor Solis	
138	Simon Flynn	
139	Mitchell F Horan	
140	Kenda Horan	
141	Karen Shelden	I already pick up enough beer cans and liquor bottles tossed from vehicles in the Nerka 7, Waskey area....we don't need the additional encouragement of another purchase option. NO.
142	Daniel Tieva	

143	Catherine Hyndman	
144	Rene OConnor	
145	Liz	
146	Brown Family	
147	Judy Mahoney	
148	Shanna Bailey	
149	Priscilla dray	
150	Sean Carlos	
151	Richard Asher	Enough places to get booze in Dillingham. Keep it out of our neighborhood.
152	Pete Kapotak	Enough is booze is right.
153	David Powers	I believe this will have a very negative impact on this residential area- there are other places to purchase liquor in Dillingham already
154	Blinn Dull Jr	I live on the Aleknagik Lake Road and believe this will not be a positive business for the residential area. The current liquor store proposing the move already has a location to sell their liquor.
155	Nathalie Dull	
156	Anita Fuller	
157	Lynn Van Vactor	A residential area is an inappropriate place for a liquor store. I would humbly request that the board not approve such a transfer. They could well find another location within a business district. Families & children should not have their neighborhoods made less safe by allowing increased traffic, increased alcohol use & consumption within their neighborhood. Ad, bad idea.
158	Debbie Milligan	
159	Acacia N Walton	
160	James Denslinger	
161	Brent Wetter	
162	Ed Budrow	
163	Kelly	
164	Jacob Schulzkump	
165	Nicolas Gutierrez	
166	Janice Larsen	I support the petition to stop the liquor store.
167	Gabe Dunham	
168	Steve Ito	
169	Sandra Long	

170	Tiera Schroeder	
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Juliana Montooth
PO Box 1454
3931 Aleknagik Lake Rd
Dillingham, Alaska 99576

October 10, 2016

To Whom It May Concern:

I am writing to express my strong opposition to the proposed liquor store in Ahklun View Estates North, Lot 1 on Raspberry Circle and Aleknagik Lake Rd. My concerns are as follows:

1. Property values will decrease in the neighborhood of the proposed liquor store. The proposed site is in a primarily residential neighborhood with many properties being affected. It is well documented that property near a liquor store decreases in value.
2. Crime will increase. The National Council on Alcoholism and Drug Dependence states "Alcohol and drugs are implicated in an estimated 80% of offenses leading to incarceration in the U.S." "Alcohol...plays a particularly strong role in the relationship to crime and other social problems. Alcohol is a factor in 40% of all violent crimes today". I have heard several law enforcement officers in Dillingham estimate that 90% of their jobs would not exist without Alcohol and drugs.
3. Alcohol associated crime will be harder to stop. The proposed new liquor store location is a long distance from the police station. The location is close to the main snow machine trail to villages which is not patrolled by law enforcement. Law enforcement personnel will be stretched thin and costs will increase with trying to police 2 liquor store locations. The location close to a major snowmachine trail and close to the end of Dillingham City Limits will encourage irresponsible drinking.
4. Children and families in the primarily residential neighborhood of the proposed new liquor store will have increased safety risks. Safety risks will occur from loitering , or intoxicated individuals operating snow machines and cars, increased commercial traffic on the roads and through the trees and on tundra, increased litter, increased crime associated with Alcohol.
5. The dry villages of Manokotak, Togiak, and Twin Hills will have increased bootlegging. The location of the proposed liquor store will gain many customers from the nearby snow machine thoroughfare with little police oversight. A \$20.00 bottle of liquor sells for \$200.00-\$300.00 in a dry village.
6. If the proposed liquor store is approved, a precedent will be set that could enable future liquor stores in other residential neighborhoods in Dillingham.
7. Mr Keenan, and Kvichak Pacific, LLC did not provide the required public notice. The application seems to have been attempted very secretly. I never saw a single sign posted nor did any person I know. They published their proposed liquor store in only one magazine that is not sold anywhere in Dillingham and no one that I have spoken to reads. The Post office was the final location they said they posted at—7 miles from the proposed Liquor building site. The Post office officially does not post local postings so

most community members never check Post office postings. I have found no one yet who saw the posting in the post office either.

8. Costs and demands on time will increase for community members such as volunteer emergency medical services, police, volunteer firefighters, search and rescue, and hospital staff. Increased accidents from intoxicated individuals operating motor vehicles such as cars and snow machines will likely occur and intoxicated individuals could require help in multiple isolated areas along Lake Rd or on routes to surrounding villages.

I am a mother of 3 young children and 1 teenager who lives with my family within 1/2 mile away from the proposed liquor store location. I also have worked as a physician in the community of Dillingham for 13 years and have observed the devastation Alcohol has brought to many people in Dillingham and the surrounding villages. I am opposed to the proposed new Liquor store location because of both the negative impact on my family and adverse effects in Dillingham and surrounding villages. Thank you for the time you are dedicating to this very important matter.

Sincerely,

Juliana Montooth

From: [Warren Downs](#)
To: [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: New Liquor Store
Date: Monday, October 10, 2016 6:13:19 PM

To whom it may concern:

I'm writing to express my concern with the proposed new liquor store to be opened near the apartments on Raspberry, in Dillingham. In my view, this is expressly targeting snowmobilers on their way to Manokotak, or people coming directly from the airport and on the highway out of town. It would seem irresponsible to encourage drinking for those just setting off on a trip (Manokotak) or on the highway to Aleknagik. We don't want more fatal accidents in either of those directions.

Neither do we need a new drinking venue near a residential area with children. Not to mention the danger to the many people who walk the roadside path in that area, including myself and my family.

Besides all the safety concerns, there is the fact that the proposed store was not given an honest attempt at public notice. The notice should have been published in commonly read papers like the Bay Times, on Dillingham Trading Post, etc. The locations it was posted at are either usually used for Federal notices (Post Office) or are not even available in Dillingham.

For all these reasons, I request that the Alcohol Control Board refuse to grant the license for the proposed store.

Sincerely,

Warren E. Downs, System Administrator
Choggiung Limited

From: [Sean Carlos](#)
To: [Oates, Sarah D \(CED\)](#); [Franklin, Cynthia A \(CED\)](#); [Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: Relocation of Olson Liquor License in Dillingham Alaska
Date: Thursday, October 13, 2016 11:41:21 PM

To Whom it may concern;

My name is Sean Carlos. I have lived in Bristol Bay for over 36 years. I have lived in Dillingham the last 5 years. I am writing to express my objection of the requested relocation of the Olson Liquor License, from it's current location to the Lake Road. I own property that borders the lot proposed for the relocation of said liquor license.

I am concerned with public safety because of the proposed location. It is near the edge of city limits on the Lake Road. We currently struggle with people driving drunk on the Lake Road because of the City boundaries and lack of Policing. I feel that a liquor store at this location will further contribute to this problem. The proposed location is also by the main trail that leads to Manokotak, Twin Hills and Togiak. These communities have elected to excersice their local option to ban the importation and procession of alcoholic beverages. Having grown up in Togiak I have seen first hand the problems that these villages struggle with alcohol abuse. I was a police officer in Togiak for several years and have seen many people die on the trail from Dillingham to Togiak. I have also participated in several search and rescues for inebriated people driving from Dillingham to Togiak. I feel that the lack of proximity of law enforcement and the location to this trail will make the problem even worse. Furthermore I don't feel it's in the best interest of the community of Dillingham to put a liquor store in a residential area. Besides my house there are several houses in close proximity. There are several family dwellings adjacent to proposed location. About 50 feet from proposed lot is a residential four plex. My property also borders the said trail that leads to Manokotak, Twin Hills and Togiak. I worry for my children's safety with potential inebriated drivers trespassing through my property to get access to liquor store.

I also am concerned that the proposed location is going to have a negative affect on property values nearby. This decrease in value is going to negatively affect the finances of the City of Dillingham. As with most rural communities, it is a struggle to adequately fund Public Safety. I believe that this location is going to place more burden on our Public Safety services. These burdens along with decreased tax base is going to negatively affect public safety.

In summary this location is not in the best interest of the community of Dillingham, surrounding villages and residential dwellings in such close proximity.

Thank you for your time and consideration.

Sean Carlos

I am speaking to you because I strongly oppose the new liquor store's proposed location. I would like to start by asking why does anyone want a liquor store on Raspberry and Lake roads ? Is it so that people in Dillingham can get liquor easily? The liquor store we already have in town does fine at getting liquor to Dillingham residents. Is it to make money for Dillingham? The owner, Mr. Keenan, who gets most of the profit does not live in Dillingham. And it's well established that property values decrease in the area surrounding a liquor store. It's also well documented that crime, violence, injuries, and hospital visits increase, all of which will increase city expenses. What makes the intersection of Lake Rd and Raspberry a desirable location for a second liquor store? It is a residential neighborhood with homes, families, and children—**almost all of whom have signed the petition opposing the new liquor store location!** What is different about the Lake and Raspberry Rd locations that would make an owner even hire a lawyer to try to insist on building there? He could move a couple miles down Lake Rd and not have to get city council permission. He could buy another site in town that already has a structure built. I do not know the reasons Mr. Keenan wants this location so badly. What does seem very clear is that the new location is not in the best interest of Dillingham or surrounding villages. One major difference at this location compared to others is direct access to the surrounding villages—most of which have currently voted themselves dry. This liquor store is very close to the main Manokotak snow machine trail. A big concern with this proposed location is increased crime, increased bootlegging, increased injuries, increased emergency medical service needs, increased police needs but much greater difficulty and expense for police, search and rescue, and emergency medical services to respond to those needs. The new location is far from the police station, close to the end of city limits where police and ambulances take longer to reach, close to the snow machine trails where police do not follow, and emergency medical services have difficulty reaching. There will be greatly increased availability of liquor with greatly decreased law enforcement oversight and thus more tragedies occurring

Again, what benefit does building a liquor store on Raspberry and Lake Roads bring? I want to say I believe in people's freedom to make choices and live their lives as they believe. The problem here is that unlike other products such as groceries, the product sold, and location Mr. Keenan is choosing will limit other people's freedom and have significant negative consequences on lives. As a mother of four, I want my children to continue to enjoy the beauty of the trees,

tundra, and walks along the road without this increased risk to their safety. As a physician for 13 years in Dillingham, I have already seen too much alcohol related sadness and tragedy and do not want it to increase either in my neighborhood, Dillingham, or the villages. And, Mr. Keenan will not even be in Dillingham to suffer the bad consequences of his wealth. As a resident of the neighborhood surrounding the proposed liquor store, and as a resident of Dillingham, I am asking that the city council to take action to prevent a liquor store being built in the residential area proposed.

10-14-16

TO: CYNTHIA A. FRANKLIN / ABC DIR.

FROM: Kim / DILLINGHAM

RE: OLSEN'S LIQUOR STORE

HERE ARE THE SIGNED
PETITION IN SUPPORT OF
THE RELOCATION OF OLSEN'S
LIQUOR LICENSE.

PLEASE CALL ME IF ANY
PAGES DIDN'T GO THRU,
843-0393.

THANKS
K. E. PARKER

203 TOTAL SUPPLY TOTAL 10/13

PETITION IN SUPPORT OF OLSEN'S LIQUOR STORE RELOCATION TO LAKE ALEKNAGIK ROAD

We the Undersigned, residents of the City of Dillingham support the relocation of Olsen's liquor store to Lake Aleknagik Road and urge the City Council to lift its protest of the relocation of this package store.

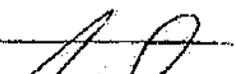
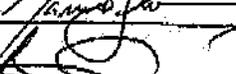
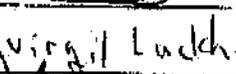
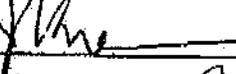
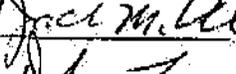
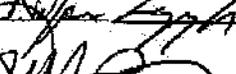
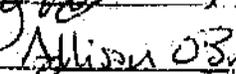
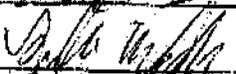
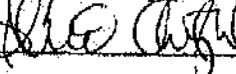
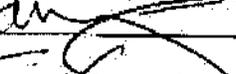
There are many reasons for our support of this relocation. They are as follows:

- 1) There are numerous commercial businesses which are located on Lake Aleknagik Road. It is not just a residential area. All of the commercial businesses about the road, including a restaurant which serves beer and wine to its customers.
- 2) The proposed package store location is adjacent to Lake Aleknagik Road with the access only from that Road. There will be no access from the subdivision road (Raspberry) that leads into the resident area. (See attached maps and site plan).
- 3) The proposed store will be approximately 900 square feet. It will be located on the north east side of the 1.43 acre site. All commercial activity will be far removed from any homes. The 3 houses located off of Raspberry Road are more than 700 feet away from the proposed location of the store. (See attached maps and site plan).
- 4) The lot will not be cleared except in the front portion which abuts Lake Aleknagik Road. The trees and bushes that are on site quite thick providing a substantial buffer to the homes in the subdivision. (See attached aerial maps).
- 5) The revenue from the property, sales and inventory taxes will be a substantial and significant benefit to our town given the tough economic times.
- 6) The store owner, Mike Keenan, has operated in our town for over nearly six years with no violations.
- 7) This store is a package store, NOT A BAR. Customers will make their purchases and leave the area. There will be NO CONSUMPTION OF ALCOHOL on this site.

Name	Signature	Address
Robert M... <u>Robert M...</u>		Birch Lane #5 DLG
Jasmine Kriz <u>Jasmine Kriz</u>		Box 963 DLG AK
Dan Kemp <u>Dan Kemp</u>		Box 1056 DLG AK 99576
Louis Krantz <u>Louis Krantz</u>		Box 917 DLG AK 99576
Marlene B... <u>Marlene B...</u>		Box 726 DLG AK 99576
Basil T. Iden <u>Basil T. Iden</u>		P.O. Box 1594 DLG AK 99576
Charles Wassily <u>Charles Wassily</u>		P.O. Box 68 DLG AK 99576
Shannah Hintsala <u>Shannah Hintsala</u>		Box 593 DLG AK 99576
Fayona Johnson <u>Fayona Johnson</u>		Box 721 DLG AK 99576
	STEVEN KEENAN	Box 1122 DLG AK 99576
* Mike Keenan <u>Mike Keenan</u>		1588 DLG 99576

NON RESIDENT OF THE CITY

SUPPORT LISERS **ZOPP**

Name	Signature	Address
Veronica Kilgus		1920 Birch Circle DLG AK, AZ 99576
Shirley Beck		1300 Wood River DLG
Jane Shuck		Po Box 567 DLG
Paula		Box 43 & DLG
Virgil Luckhurst	Virgil Luckhurst	Po Box 1346 216 AK
Jeff Kirk		P.O. Box 66 Dill, AK
Jack M. Allen	Jack M. Allen	P.O. Box 1226 Dillingham
Debra Lopez Jr.		Box 957 DLG AK
Samantha Holmberg		Box 363 DLG AK
B	Allison O'Brien	Box 1331 DLG
Anne Shade		Box 1225 DLG
Crystal Anderson	Crystal Anderson	Box 270 DLG
Manabulowshi	Manabulowshi	Box 508 DLG AK 99576
Maria Elias	Manabulowshi	POB 903 DLG 99576
Sheila Nakata	Sheila Nakata	PO Box 116 DLG AK 99576
Olaf Timmerman		Po Box 195 DLG AK 99576
Donald Johnson		Po Box 1161 DLG AK 99576
Tyler Williams		Po Box 1424 DLG AK 99576
Alice Chythlox	Alice Chythlox	Box 678 DLG AK 99576
Sammy Martin		Box 205 DLG AK 99576
Emil Johnson		Box 198 DLG AK 99576
Jason Munster		Box 1540, DLG, AK 99576
Michael	Michael	Box 510 DLG 99576

PETITION IN SUPPORT OF OLSEN'S LIQUOR STORE RELOCATION TO LAKE ALEKNAGIK ROAD

OLSEN
40F13

We the Undersigned, residents of the City of Dillingham support the relocation of Olsen's liquor store to Lake Aleknagik Road and urge the City Council to lift its protest of the relocation of this package store.

There are many reasons for our support of this relocation. They are as follows:

- 1) There are numerous commercial businesses which are located on Lake Aleknagik Road. It is not just a residential area. All of the commercial business abut the road, including a restaurant which serves beer and wine to its customers.
- 2) The proposed package store location is adjacent to Lake Aleknagik Road with the access only from that Road. There will be no access from the subdivision road (Raspberry) that leads into the resident area. (See attached maps and site plan).
- 3) The proposed store will be approximately 900 square feet. It will be located on the north east side of the 1.43 acre site. All commercial activity will be far removed from any homes. The 3 houses located off of Raspberry Road are more than 700 feet away from the proposed location of the store. (See attached maps and site plan).
- 4) The lot will not be cleared except in the front portion which abuts Lake Aleknagik Road. The trees and bushes that are is on site quite thick providing a substantial buffer to the homes in the subdivision. (See attached aerial maps).
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- 6) The store owner, Mike Keenan, has operated in our town for over nearly six years with no violations.
- 7) This store is a package store, NOT A BAR. Customers will make their purchases and leave the area. There will be NO CONSUMPTION OF ALCOHOL on this site.

<u>Name</u>	<u>Signature</u>	<u>Address</u>
Ronald L. Rodeman		P.O. Box 1025 Dillingham AK
Dennis Varner		PO Box 1229 DLG, AK 99576
Matthew Hirtaka		P.O. Box 767 DLG AK 99576
KEAL ROIF		PO Box 1246 DLG
Samantha Nelson		P.O. Box 712 DLG, AK 99576
Cinda Gabel		PO Box 938 DLG AK 99576
Jami Creasey		P.O. Box 684 DLG AK 99576
Daniel Hamato		P.O. Box 1348 DLG AK 99576
Bethy Nicholson		PO Box 378 DLG AK 99576
Melissa Varner		Box 1326 DLG AK 99576

SUTTORI ULWEN

SUT ID

Oct.09.2016 13:19

Michael J. Keenan

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PAGE. 3/ 3

<u>NAME</u>	<u>Signature</u>	<u>Address</u>
John Timmerman Jr	[Signature]	PO Box 743 DLG AK
Eva Claude	[Signature]	Box 215 211th Street, AK 99576
Ken Rife	[Signature]	P.O. 1426 DLG
Louise Egeland	[Signature]	Box 256 DLG, AK 99576
* Thomas Wilk	[Signature]	P.O. Box 865 DLG, AK 99576
Robert Blue	[Signature]	PO Box 1372 Dillingham, AK 99576
William Wilson	[Signature]	PO Box 142 DLG, AK 99576
Peter Nady	[Signature]	PO Box 83 DLG AK 99576
Alan H. Gotsyla	[Signature]	Box 677 DLG, AK 99576
Shawn Jewell	[Signature]	P.O. Box 242 DLG AK 99576
Nick Wassillie	[Signature]	P.O. Box 1266 DLG, AK 99576
Jim Akerman	[Signature]	PO Box 959 DLG AK 99576
Michael CARTI	[Signature]	P.O. Box 777 DLG AK 99576
Derek Knutson	[Signature]	Box 494 DLG AK 99576
* John P. Tutsik	[Signature]	Box 74 WKK AK 99555
Dallas K. Nelson	[Signature]	3x74) 99576 DLG
Tom Kruy	[Signature]	Box 1538 DLG
Russ Flanagan	[Signature]	Box 345 DLG
Helen Carty	[Signature]	PO Box 128 DLG AK 99576
Johanna Bouker	[Signature]	PO Box 241 DLG, AK 99576
Travis L. Brassily	[Signature]	Box 1213 DLG, AK 99576
Paul C. Roehi	[Signature]	P.O. Box 124 DLG, 99576
MATT O'Connell	[Signature]	PO Box 331 DLG, AK 99576

* NON RESIDENT OF THE CITY

PETITION IN SUPPORT OF OLSEN'S LIQUOR STORE RELOCATION TO LAKE ALEKNAGIK ROAD

We the Undersigned, residents of the City of Dillingham support the relocation of Olsen's liquor store to Lake Aleknagik Road and urge the City Council to lift its protest of the relocation of this package store.

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- 2) The proposed package store location is adjacent to Lake Aleknagik Road with the access only from that Road. There will be no access from the subdivision road (Raspberry) that leads into the resident area. (See attached maps and site plan).
- 3) The proposed store will be approximately 900 square feet. It will be located on the north east side of the 1.43 acre site. All commercial activity will be far removed from any homes. The 3 houses located off of Raspberry Road are more than 700 feet away from the proposed location of the store. (See attached maps and site plan).
- 4) The lot will not be cleared except in the front portion which abuts Lake Aleknagik Road. The trees and bushes that are on site quite thick providing a substantial buffer to the homes in the subdivision. (See attached aerial maps).
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<u>Name</u>	<u>Signature</u>	<u>Address</u>
<u>Michael Barnett</u>	<u>[Signature]</u>	<u>PO Box 1260 DLG AK</u>
<u>Byron Hoffmann</u>	<u>[Signature]</u>	<u>PO Box 1385 DLG AK</u>
<u>Fred J. McCormick Jr.</u>	<u>[Signature]</u>	<u>PO Box 248 DLG AK</u>
<u>Tracy C. Lightfoot</u>	<u>[Signature]</u>	<u>PO Box 902 DLG AK</u>
<u>BEYAN SCHNISEN</u>	<u>[Signature]</u>	<u>PO Box 1538 DLG AK</u>
<u>Kyle Gregory JR</u>	<u>[Signature]</u>	<u>DLG</u>
<u>all 12 the</u>		<u>363 DILLINGHAM, AK</u>
<u>* Peggy Shugart</u>	<u>[Signature]</u>	<u>TOGETHAK</u>
<u>Clifford Mulholland</u>		<u>123 DLG</u>
<u>Jesse Lemson</u>	<u>[Signature]</u>	<u>PO Box 550 DLG AK</u>

*** NON RESIDENT OF THE CITY**

SUPPORT

Name

Signature

Address

Kyle Coveque

Kyle Coveque

P.O. Box 387 DLG, AK

Michael N Johnson

Michael Johnson

P.O. Box 765 DLG, AK

*

Nathan Wassilie

Nathan Wassilie

Lake Aleknagik AK

*

Nick Wassilie

Nick Wassilie

PO Box 1266 DLG

Daniel Savo Jr

Daniel Savo Jr

PO Box 734 DLG, AK

*

Sophia Kusyk

Sophia Kusyk

PO Box 92 EMO, AK

and A. Hensley

and A. Hensley

P.O. Box 1364 AK

*

Harry T Egler

Harry T Egler

P.O. Box 114 clarks Pt AK

Chris Florescu

[Signature]

PO Box 1277

Desene Bond

Desene Bond

Bx 1495 DLG AK

*

Jeremiah Chudane

[Signature]

Bx 22 WKK AK

Richard Thiel

[Signature]

PO 12 DLG AK

Ledia Pedersen

Ledia Pedersen

PO 94 Alek. Ale 99555

Tanya Kehler

Tanya Kehler

PO Box 573 DLG, AK

Miles Gobert

Miles Gobert

PO. Box 1331 DLG, AK 99576

Emily Anderson

Emily Anderson

P.O. Box 57 DLG AK

Vernon Hestbake

Vernon Hestbake

P.O. Box 312 DLG

Ernesto Quiroz

Ernesto Quiroz

Box 311 DLG

*

Francis Perce

Francis Perce

201 E. Sterling Cir. Salinas AK 99645

David Wittington

David Wittington

Box 863 Dillingham AK 99576

Dewin Johnson

Dewin Johnson

Box 375 Dillingham AK 99576

Arthur Johnson

Arthur Johnson

Dillingham, AK 99576

Mitchell Moore

Mitchell Moore

PO. Box 95 DLG

* NON RESIDENT OF THE CITY

PETITION IN SUPPORT OF OLSEN'S LIQUOR STORE RELOCATION TO LAKE ALEKNAGIK ROAD

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- 3) The proposed store will be approximately 900 square feet. It will be located on the north east side of the 1.43 acre site. All commercial activity will be far removed from any homes. The 3 houses located off of Raspberry Road are more than 700 feet away from the proposed location of the store. (See attached maps and site plan).
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Name

Signature

Address

Sabrina Marchetti

[Signature]

44 Wood River Rd Dillingham

Shannon Walker

[Signature]

P.O. Box 857, Dillingham AK

Michael Brumby

[Signature]

DLG

Mason Park

[Signature]

P.O. 1413 DLG

Chris May

[Signature]

Box 1277 DLG

David K Hilley

[Signature]

P.O. Box 1411 DLG

SHANE BELVILLE

[Signature]

30 Box 328 DILLINGHAM

Mike Paisley

[Signature]

4 mile lake rd DLG AK

Leslie Rogers

[Signature]

Box 754 DLG, AK

Matthew Rogers

[Signature]

Box 754 DLG, AK 99576

[Signature]

Rob 221 Dlg.

*** NON RESIDENT OF THE CITY**

DLG LIQUOR 707 ID

Name	Signature	Address
Emil F. Egelund	<i>Emil Egelund</i>	P.O. Box 1108 DLG
* Philip Christoph	<i>Philip Christoph</i>	P.O. Box 146 New Ste
Samantha Small	<i>Samantha Small</i>	PO BOX 1536 DLG AK 99576
* Robin Teysak	<i>Robin Teysak</i>	Box 74 Alakung 99555
Ernest	<i>Ernest</i>	BOX 963 DLG
Jeff Moxic	<i>Jeff Moxic</i>	Box 303 DLG
Eva Burtma	<i>Eva Burtma</i>	Box 491 DLG
Jdene Timurphy	<i>Jdene Timurphy</i>	Box 1157 DLG
Joy Cacerangh	<i>Joy Cacerangh</i>	Box 23 DLG
Masser Barilla	<i>Masser Barilla</i>	PO BOX 23 DLG
Thanae Skov	<i>Thanae Skov</i>	PO BOX 438 DLG
Branth Williams	<i>Branth Williams</i>	Box 1272 DLG
Teresita Tanaka	<i>Teresita Tanaka</i>	Box 496 DLG AK 99576
Camcor Kase	<i>Camcor Kase</i>	Box 917 DLG AK 99576
Brink Spurlack	<i>Brink Spurlack</i>	Box 1548 DLG AK 99576
Amy Martin	<i>Amy Martin</i>	Box 1292 DLG, AK 99576
* Maya Kanulie	<i>Maya Kanulie</i>	Box 284 Tog, AK 99678
Rose Hiratsuka	<i>Rose Hiratsuka</i>	Box 495 DLG AK 99576
Robert Idemal	<i>Robert Idemal</i>	Box 155 DLG AK 99576
* Andrew W. Cassidy	<i>Andrew W. Cassidy</i>	P.O. Box 17 Clark's Point
William A. Bennett	<i>William A. Bennett</i>	Box 83 DLG, AK 99576
Bonnie A. Leck	<i>Bonnie A. Leck</i>	PO BOX 1578 DLG, AK 99576
Phillip Larson	<i>Phillip Larson</i>	P.O. Box 1201 DLG 99576

* NON RESIDENT OF THE CITY

PETITION IN SUPPORT OF OLSEN'S LIQUOR STORE RELOCATION TO LAKE ALEKNAGIK ROAD

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172
SIGNED

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Name	Signature	Address
* THOMAS MUELLER		Lot 2 Gordon Sub - D.I.I.
* GRETCHEN NODEN		Lot 2 GORDON Sub DLG, AK 99576
Cameron Mulstrom		4119 Spruce St 99576
Norm Coupchick		Box 196 DLG, AK 99576
* Gary L. Gordon		Box 708 DLG
Chanel Chockwind		PO Box 1304 DLG
Jeff D. Itkin		PO Box 1304 1501 Woodrives Rd. DLG
Robert Luna		PO Box 613 DLG, AK
Jennifer Starita		PO Box 213 DLG, AK
Bert Johnson		Box 1327, DLG, AK
Stewart Chandler		PO Box 857, DLG, AK
Lawrence Sorenson		Box 191 DLG, AK
Mark Seaboard		P.O. box 474

* NON RESIDENT OF THE CITY

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Name

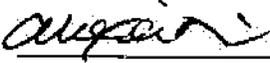
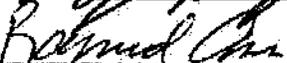
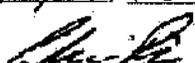
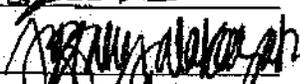
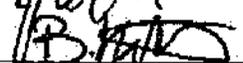
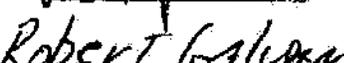
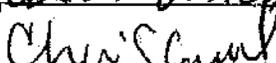
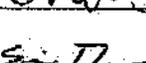
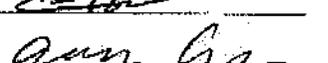
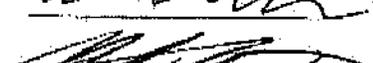
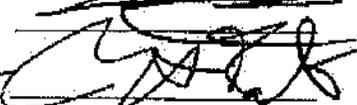
Signature

Address

* Katina Meekins	Katina Meekins	PO Box 5035 Ketchikan AK 99901
* Simon W. ...	[Signature]	PO Box 52 New ... AK 99901
Sophie Petta	Sophie Petta	PO 1257 DLG 99901
Kevin A. Hayes	[Signature]	PO Box 98
Tom Olson	[Signature]	Box 394 DLG
Jessie ...	[Signature]	P.O. Box 2 MTC
Tyler ...	[Signature]	PO Box 284 DLG AK
* Elan ...	[Signature]	PO Box 5019 Ketchikan AK
Bhanta ...	[Signature]	PO Box 1015 DLG AK
Heather Larsen	Heather Larsen	PO Box 1015 DLG AK
* Rita Paul	[Signature]	PO Box 45 Ketchikan AK
* Jenni ...	[Signature]	P.O. Box 126 Ketchikan
Meagan Clark	Meagan Clark	P.O. Box 1316 DLG AK
Chadwick ...	Chadwick ...	P.O. Box 686 DLG AK
William ...	[Signature]	PO Box 902 DLG AK
Ronna Johnson	[Signature]	PO Box 1114 DLG AK
* Jimmy Olson	Jimmy Olson	PO Box 5053 Ketchikan AK
Tom O'Connor	[Signature]	PO Box 546 DLG AK
April ...	[Signature]	P.O. Box 41 DLG AK
Constantine ...	[Signature]	P.O. Box 802 DLG AK
Ronald ...	[Signature]	Box 346 DLG AK
Kim PARKER	[Signature]	Box 888 dlg

* NON RESIDENT OF THE CITY

120113

Name	Signature	Address
* Alex Machin		Box 151 Manokotak, AK 99628
Greg MURPHY		Box 528 DLG 99576
* Raymond Amos		Box 172 Manokotak, AK 99628
FRANK PERRE		P.O. Box 1591 DLG 99576
* Tiffany Alwayak		POB 96 MANOKOTAK, AK 99628
Jay Hoan		MIle 10 LAKEDOWN
Branden Kozachenko		2401 Bea Ave.
Robert Galvan		P.O. Box 783
Cheri Brewer		PO Box 996
Eoin Brown		PO Box 751
Aaron Andrews		Box 6
Andri Thomas		Box 496
Chad Cox		Box 965 99576
Brian Aeyaro		Box 1001 99576
Myrtice Frelb		Box 47

* NON RESIDENT OF THE CITY

MEMORANDUM
Ernouf & Coffey, P.C.

Dan K. Coffey
Of Counsel Ernouf & Coffey
PO Box 212314
Anchorage, Ak 99521

Phone: (907)274-3385
Cell: (907) 306-6001
E mail: dancoffey@gci.net

TO: Alcohol Beverage Control
FROM: Ernouf & Coffey, P.C.
ATTN: Dan Coffey, Of Counsel
RE: Olsen's Liquor Store
Transfer of Location
DATE: 10-15-2016



PURPOSE OF THE MEMO:

The purpose of this Memo is to address the Dillingham City Council's action at its August 18th meeting where it protested the transfer of location of an existing package store liquor license to a new location.

This Memo presents a factual analysis leading to the conclusion that the protest should not be sustained because it violates the provisions of Alaska Statute, Title 4 and the Board's regulations.

CITY'S PROTEST:

On August 19th, the City Clerk for the City of Dillingham filed the City's protest with the ABC Board stating the reason for the protest was "inadequate public notice". The protest letter further states that the Council's "... main concern was that the property was not identified by street names in the advertisement... making it difficult, they felt, to identify where the property was located." (See City's Protest Letter to ABC Board).

There is no City of Dillingham ordinance or regulation requiring any specific type of notice. The only applicable notice requirements are those in Title 4 and the Board's regulations.

In addition, the city did not advise the Applicant of its "notice concern" until just prior to the City Council meeting of August 18th, allowing him no time to provide additional notice.

- a. The City had the relocation application since late June, 2016, having received a letter from the ABC Board advising of the application which is dated June 24, 2016.
- b. On July 28, by e mail, the staff of the ABC Board provided copies of the affidavit of public notice, the posting of the application and the advertisement publication to the City Manager (See attached email from the ABC Board staff).
- c. The July 28th e mail contained the location notice information so the City was aware of what it later claimed on August 18th, to be inadequate notice.
- d. The City never notified the applicant of its “notice concerns” until the meeting of August 18th where it voted to protest the relocation based on those “notice concerns”.

NOTICE REQUIREMENTS/TRANSFER OF LOCATION:

As noted above, the Dillingham City Code does not have any requirements for noticing liquor license location transfers. All of the notice requirements are found in State Statute and State Regulation. (See AS.04.11.310 and 3 AAC 304.125)

STATUTORY NOTICE REQUIREMENTS (AS.04.11.310): The Applicant met all of the notice requirements imposed by the State Statute which states as follows:

- 2) “The Applicant must post a copy of the application for 10 days at the location of the proposed licensed premises and at any additional locations designated by the board.”
- 3) “The Board may require the applicant
 - a. (1) to provide a copy of the application to newspapers, radio and television stations for public service announcements; or
 - b. (2) to provide paid notice of the application once each week for three successive weeks in a newspaper or by radio.”

REGULATORY NOTICE REQUIREMENTS (3 AAC 304.125): The Applicant met all of the notice requirements imposed by the State Regulations.

This Regulation increases the notice requirements set out in the Statute and states as follows: “The notice required by AS 04.11.310 **“must be given”** as follows:



- 1) By posting for a period of at least 10 days a true copy of the application at:
 - (A) The location of the proposed premises; and
 - (B) One other conspicuous location in the area of the proposed premises.
- 2) By an announcement, published once a week for three consecutive weeks in a newspaper of general circulation in the area or broadcast twice a week for three consecutive weeks by a radio station serving the area, stating,
 - (A) The name of the applicant and the transferee if applicable;
 - (B) The name and location of the proposed premises;
 - (C) The type of license applied for;
 - (D) That any comment or objection may be submitted to the board;
 - (E) Whether the application is for a new license or transfer of an existing license.

Subsection (b) of the same Regulation requires that "Proof of posting and of publication must be made by affidavit which must be attached to the application."

APPLICANT'S COMPLIANCE WITH ALL STATUTORY & REGULATORY REQUIREMENTS:

The Applicant met all of the notice requirements of State Statute and State Regulation by providing notice as follows:

- 1) The Applicant posted the application on the property where the proposed new location is to be constructed. The Applicant also posted the required notice at the local post office.
- 2) The Applicant provided "... the notice of the application.... (transfer of location_ "once each week for three successive weeks in a newspaper...." of general circulation (See attached news paper advertisement).
- 3) The Affidavit of Posting signed by the Applicant's building contractor,



- A) Tom Mueller, who installed a post on the property to which he affixed the application. Anyone who lives or works in the vicinity of the proposed location had the opportunity to see what the posting stated as did anyone who picked up mail at the post office.
- B) Mueller advised the Applicant that he drove by the property daily, as he lives on Lake Aleknagik road. He further advised the Applicant that the notice was posted on the property continuously for the required number of days.
- 4) As to the description of location of the proposed new store, the advertising stated as follows: "Ahklun View Estates North Addition, Lot 1, Dillingham, Alaska". This is the legal description of the property as there is no street address for this property, nor will there be a street address associated with the location until a structure is built on the property.

LOCAL GOVERNING BODY PROTEST: STATE STATUTE AND REGULATION.

There are two (2) provisions in State law regarding "local governing body protests: one Statutory and one Regulatory.

Under State Statute (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 the notice of the filing of the application."

The State Statute continues in Subsection (a):

"If an application ... is protested, the board shall deny the application ... unless the board finds that the protest is **arbitrary, capricious, and unreasonable.**"

For the reasons set out in this Memo, the Applicant believes that the actions of the City violated this provision.

There is also an ABC Board Regulation governing "protests" by local governing bodies which is found at 3 AAC 304.145 (a):

"... [t]o protest an application ..., the local governing body must set out its reasons in a written protest filed with the board and copied to the applicant. The reasons stated by the local governing board must be logical grounds for opposing the application ... and have a reasonable basis in fact."



For the reasons set out in this Memo, the Applicant believes that because he complied with all requirements in law and regulation, there is **no logical grounds for opposing the application.**

The Regulation further provides two basis for a protest by a local governing body. A protest "...may be based upon facts that render the particular application objectionable to the local body or may be based upon a general public policy. If based on a general public policy it must have a reasonable basis in fact, may not be contrary to law and may not be patently inapplicable to the particular application being protested."

CITY'S PROTEST VIOLATES STATE STATUTE AND REGULATION:

As noted above, the ABC Board has comprehensive Statutory and Regulatory requirements specifying, in detail, how public notice is to be given. The Applicant complied with all of those requirements.

The City has protested a license location transfer which was in compliance with state statute and regulation for notice.

The City has no ordinance or regulation of its own requiring any kind of notice. It is objecting to a lawful process fully complied with when it has no process of its own.

- a) In the absence of a local ordinance or regulation, there is no "general public policy".
- b) The "facts that render the particular application objectionable" related to notice, but the local governing body cannot object when the Applicant has complied with the Board's requirements set out in statute and regulation.
- c) Since there are no code or regulatory provisions adopted by the City and since the State Statutory and Regulatory notice requirements were all met by the Applicant, the City's protest of this application is "contrary to law".
- d) The City is asking the Board to the ABC Board to find its own statutory and regulatory requirements insufficient. This is "contrary to law" and is "patently inapplicable to this Application. The protest cannot be applied to this Application which fully complies with the Board's notice requirements.



LACK OF NOTICE BY THE CITY PREVENTED THE APPLICANT FROM PROVIDING ADDITIONAL NOTICE:

The Applicant learned on the night of the City Council meeting (August 18, 2016) that the City had “notice concerns” This concern was not provided to the Applicant until the right before the City Council meeting on August 18th. If the City had advised the Applicant in late July or early August of it’s concerns after receiving notice of the way in which the transfer was advertised the Applicant could have given additional notice. He was not afforded that opportunity. (See ABC Board Staff e mail of July 28th),

The Applicant attended the Code Review Committee meeting on August 18th where the notice issue was first brought to his attention. During its discussion of the issue, the Committee commented that “describing the property other than using street names made it difficult to identify the proposed location”. Nevertheless, the Committee noted that “any concerns could be addressed when the land use permit was processed” and unanimously approved a motion “to recommend the Council take no action”.

The failure of the City to give the applicant notice of its “notice concerns” and, in effect, misleading the Applicant at its Code Review Committee meeting, results in one conclusion. The City was “arbitrary, capricious and unreasonable” in its protests of the relocation transfer.

ABC BOARD DENIAL OF A LOCAL GOVERNING BODY PROTEST:

As discussed above, a protest by a local governing body **will not be upheld** by the ABC Board if “the board finds that the protest is arbitrary, capricious and unreasonable” (AS 04.11.480 (a) or if the protest is “contrary to law” (3 AAC 304.145 (e).

At the Board’s October meeting in Nome, the Applicant will present the following facts to the ABC Board to demonstrate that the Council’s action was “arbitrary, capricious and unreasonable” and that its protest is “contrary to law”.

- 1) Applicant met all of the notice requirements in state law and regulation.
- 2) The City of Dillingham has no specific requirements for notice.
- 3) Even though the City was aware of the nature of the notice that was given upon its receipt, on July 28th, of an E mail from the Board’s staff (22 days before the City Council meeting), no notice was given to the Applicant in advance of the August 18 Council meeting that his notice was “deficient” so he had no time to provide additional notice(s).



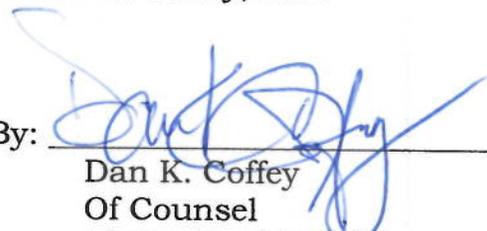
- 4) The Applicant was led to believe by the action of the Code Review Committee, that the “notice concerns” could be addressed when the land use permit was processed. The Committee recommended that “the Council take no action” against this license. Within hours, however, the City Council protested the location transfer.

These facts demonstrate that the City’s protest is both “arbitrary, capricious and unreasonable” and “contrary to law”.

The Board is asked to deny the protest and to issue the license.

DATED at Anchorage, Alaska this 14th day of October 2016.

Ernouf & Coffey, P.C.

By: 

Dan K. Coffey
Of Counsel
Ak Bar No. 75-0511





August 19, 2016

Maxine Andrews
State of AK, Dept. of Commerce, Community and Economic Development
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Subject: Kvichak Pacific d/b/a Olsen's Liquor Store – Request for Liquor License Transfer of Location

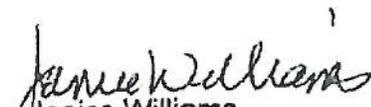
Dear Maxine:

This is in response to Kvichak Pacific's request for a Liquor License Transfer of Location, as recorded in your letter to the City of Dillingham, dated June 24, 2016.

At last night's Council meeting, the Council voted unanimously to protest the license transfer due to what they felt was inadequate public noticing. Please note they did receive a copy of the Posting Affidavit showing proof of advertisement, along with a copy of your June 24 letter. One of their main concerns was that the property was not identified by street names in the advertisement, making it difficult, they felt, to identify where the property was located. Due to the time constraints, sixty day protesting period, I am emailing this letter as an attachment.

Please do not hesitate to contact us with any questions.

Sincerely,


Janice Williams
City Clerk

cc: Kim Parker dlgligstore@yahoo.com
Rose Loera, City Manager



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Alaska Statutes: 04.11.260, 04.11.310

POSTING AFFIDAVIT

3 AAC 304.125 The public notice must be given within the 60 days immediately preceding the filing of the application.

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new _____ liquor license
for _____
located at _____
(address and/or location)

OR
b. Posting of application for transfer of a Package store liquor license
currently issued to Kvichak Pacific LLC whose business name (d/b/a)
is Clsen's Liquor Store located at 1.25 mile Willow Lane
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:
_____ to _____

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

a. Location of premises to be licensed Abkhaz View East North Add lot 1 Dillingham
b. Other conspicuous location in the area USP, Dillingham AK

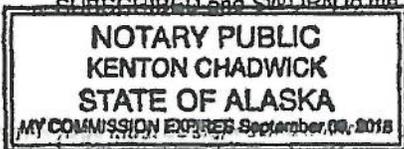
3. I believe that with the approval of this application, population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

- a. a radius of five (5) miles of the proposed location.
- b. an incorporated city, organized borough or unified municipality.
- c. does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
- d. established village.
- e. lodge license.
- f. common carrier.



[Signature]
(signature)

SUBSCRIBED and SWORN to me this 6th day of June, 2016.



[Signature]
Notary Public in and for Alaska
My commission expires: 09-09-2018

ALASKA Journal of Commerce

6/3/2016

Alaska's Paper of Record • Established 1977

Affidavit of Publication

Account No. 1000718850

ATTACH PROOF OF PUB HERE

LAW OFFICES OF ERNOUF & COFFEY, P.C
PO BOX 212314
ANCHORAGE AK 99521 USA

Public Notices

UNITED STATES OF AMERICA, STATE OF ALASKA, THIRD DISTRICT BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC THIS DAY PERSONALLY APPEARED Andrew Jensen WHO, BEING FIRST DULY SWORN, ACCORDING TO THE LAW, SAYS THAT HE/SHE IS AN AUTHORIZED REPRESENTATIVE OF THE ALASKA JOURNAL OF COMMERCE PUBLISHED AT 301 ARCTIC SLOPE, SUITE 350, IN SAID THIRD DISTRICT AND STATE OF ALASKA AND THAT ADVERTISEMENT OF WHICH THE ANNEXED IS A TRUE COPY, WHICH HAS PUBLISHED IN SAID PUBLICATION ON THE DATES LISTED BELOW:

Kvichak Pacific, LLC d/b/a Cisen's Liquor Store located at 125 mile Willow Lane Dillingham Ak 99576 is applying for transfer of a Package Store AS 04.11.150 liquor license to Kvichak Pacific, LLC located at Alkern View Estates North Add Lot 1 Dillingham AK 99576

Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 450 West 7th Ave Suite 1600 Anchorage AK 99501
Pub 5:22 29 & 3:5 2016
Ad#7000056961

Section / Ad #	Run Date	Page Placement
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LEGAL NOTICES		
7000056961-01		

5/22/2016	
5/29/2016	
6/5/2016	
3	



Andrew Jensen
AUTHORIZED REPRESENTATIVE
SUBSCRIBED AND SWORN BEFORE ME

THIS 16th DAY OF June, 2016

NOTARY PUBLIC STATE OF ALASKA

MY COMMISSION EXPIRES 12/12/17

