



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: June 12, 2018

FROM: Erika McConnell, Director RE: 582 The Pit

Requested Action: License transfer of controlling interest and location

Statutory Authority: AS 04.06.090(b): “The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title.”

AS 04.11.040(b) and (c): “(b) A license or permit issued under this title may not be transferred to a new location except with the written consent of the board.
(c) A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board.”

AS 04.11.480(a): “A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.”

AS 04.11.480(a): “The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application...”

AS 04.11.510(b)(2): “the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);”

Staff Rec.: Uphold the protest and deny the transfer

Background: The Bristol Bay Borough submitted a timely protest of the transfer of this beverage dispensary license, due to public safety concerns.

The board is required to hold a hearing to consider the protest, and the hearing shall be conducted under AS 04.11.510(b)(2).

The Bristol Bay Borough appears to have provided the licensee with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, "A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body."

Attachment: Bristol Bay Borough protest
Application

P.O. Box 189
NAKNEK, ALASKA 99633

www.bristolbayboroughak.us



TELEPHONE
(907) 246-4224
FAX
(907) 246-6633

Bristol Bay Borough

To Whom it May Concern:

In its May 7th meeting the Bristol Bay Borough Assembly voted unanimously to oppose liquor license # 582, The Pit, being transferred from South Naknek to North Naknek of Bristol Bay Borough for the following reasons:

- 1) The proposed location is in the busiest section of the Borough during height of the commercial fishing industry. This location is home to most of the processors, boat storage, repair and maintenance facilities. The relationship of the location on the Alaska Peninsula Highway and the Leader Creek Bridge is of concern. The entrance/exit of the restaurant/bar driveway is only feet away from the steep inclined/decline of the Leader Creek bridge. The speed limit posted is 45 in this section of the highway. Traveling west from King Salmon approaching Leader Creek there is a steep decline that ends on a narrow bridge. This is a blind spot in the road and once committed there is nowhere to turn off. The proposed location is feet from the bridge. This is a major safety concern for the Assembly. There has been one fatality, several injuries and multiple vehicle incidents on this stretch of highway within the last 5 years.
- 2) The proposed timeframe of operating is during the busiest time of the commercial fishing season. Our communities' population during the winter months is approx. 850 people, during the peak of the commercial salmon fishing season {June, July} our population reaches upwards of 12,000. Approximately 2/3 of the population, during this time, is located within 5 miles of the proposed location. Currently, foot traffic along this stretch of highway makes the area very congested. There is not a walking pathway available in the area therefore, the path of least resistance is the highway. With the amount of people living in the area during the proposed operating timeframe the Assembly feels this location, during this timeframe is a safety hazard.
- 3) The final concern expressed by the Assembly is the number of establishments serving alcohol in the Naknek area is enough at present levels. We have 2 other bars, 2 package stores, one restaurant/bar and one restaurant serving beer and wine within 1 mile of each other and 4 miles from the proposed new location. The current location in South Naknek is the only one for that community. There is a river that separates the communities of South Naknek and North Naknek.

Although the Bristol Bay Borough Assembly empathizes with the owner(s) of the Pit regarding the loss of many fisherman coming to shore in South Naknek due to the closure of a seafood plant, we feel it is in our best safety interest to oppose the moving of the liquor license to North Naknek. This is a historic action for us as we have not opposed a liquor license for safety reasons before. We hope you take our concerns seriously before taking action on this license transfer.

CUSTOMER USE ONLY

FROM: (PLEASE PRINT) PHONE () 907 246-4334
 Bristol Bay Borough
 PO Box 189
 Naknek, AK 99633

PAYMENT BY ACCOUNT (if applicable)
 USPS® Corporate Acct. No. Federal Agency Acct. No. or Postal Service™ Acct. No.

DELIVERY OPTIONS (Customer Use Only)
 SIGNATURE REQUIRED Note: The mailer must check the "Signature Required" box if the mailer: 1) Requires the addressee's signature; OR 2) Purchases additional insurance; OR 3) Purchases COD service; OR 4) Purchases Return Receipt service. If the box is not checked, the Postal Service will leave the item in the addressee's mail receptacle or other secure location without attempting to obtain the addressee's signature on delivery.
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TO: (PLEASE PRINT) PHONE ()
 Mike Ongaro
 218 main Street #002
 Kirkland, WA
 ZIP + 4® (U.S. ADDRESSES ONLY)
 98033

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PO ZIP Code 99633 Scheduled Delivery Date (MM/DD/YY) 5/21/18 Postage \$ 24.70

Date Accepted (MM/DD/YY) 5/18/18 Scheduled Delivery Time
 10:30 AM 3:00 PM
 12 NOON Insurance Fee \$ COD Fee \$

Time Accepted 3:28 AM PM 10:30 AM Delivery Fee \$ Return Receipt Fee \$ Live Animal Transportation Fee \$

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Weight lbs 2.00 ozs. Flat Rate Acceptance Employee Initials [Signature] \$

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 AM PM

Delivery Attempt (MM/DD/YY) Time Employee Signature
 AM PM

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NAKNEK
 1/2 SCHOOL RD
 NAKNEK
 AK

05/18/2018 99633-9800 3:31 PM
 0260060633 (800)275-8777

Product Sale Final
 Description Qty Price

PM Exp 2-Day 1 \$24.70
 Flat Rate Env (Domestic)

(KIRKLAND, WA 98033)
 (Flat Rate)
 (Signature Waiver)
 (Scheduled Delivery Date)
 (Monday 05/21/2018 03:00 PM)
 (Money Back Guarantee)
 (USPS Tracking #)
 (EE107531479US)
 PM Exp 1 \$0.00
 Insurance (Up to \$100.00 included)

Total \$24.70

Credit Card Remitd \$24.70
 (Card Name: VISA)
 (Account #: XXXXXXXXXXXX925)
 (Approval #: 015212)
 (Transaction #: 233)
 (Entry Mode: Chip)
 (AID: A0000000031010)
 (Application Label: VISA CREDIT)
 (PIN: PIN Not Required)
 (Cryptogram: 8EAC2402699228A5)
 (ARC: 00)
 (CVR: SE0300)
 (IAD: 06010A03602012)
 (TSI: F800)
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Includes up to \$100 insurance

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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

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

Section 1 – Transferor Information

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

Licensee:	H.O.H. INC		License #:	582	
License Type:	BEVERAGE DISPENSARY		Statutory Reference:	AS 04.11.090	
Doing Business As:	THE PIT				
Premises Address:	800 AIRPORT RD				
City:	SO. NAKNEK	State:	AK	ZIP:	99670
Local Governing Body:	BRISTOL BAY BOROUGH				

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY

Complete Date:		Transaction #:	41318 - \$ 1,094 - (582+583) 1020972 - \$100
Board Meeting Date:		License Years:	
Issue Date:		BRE:	





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 – Transferee Information

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

Licensee:	HOH INC.			
Doing Business As:	THE PIT			
Premises Address:	MILE POST 3.1 ALASKA PENINSULA HWY, LOT 7A EGBRO - AL			
City:	NAKNEK	State:	AK	ZIP: 99633
Community Council:	BRISTOL BAY BOROUGH			

Mailing Address:	218 MAIN ST #562			
City:	KIRKLAND	State:	WA	ZIP: 98033

Designated Licensee:	MIKE ONGARO		
Contact Phone:	425-754-7869	Business Phone:	907 246-6512
Contact Email:	MIKEONGARO@MSN.COM		

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

Section 3 – Premises Information

Premises to be licensed is:

an existing facility a new building a proposed building

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

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

2.9 MILES

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

1.2 MILES





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
 If more space is needed, please attach a separate sheet with the required information.
 The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate *N/A*

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate *N/A*

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
 If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	<i>MICHAEL ONGARO</i>				
Title(s):	<i>Director</i>	Phone:	<i>425 754 7869</i>	% Owned:	<i>50</i>
Address:	<i>218 MAIN ST # 562</i>				
City:	<i>KIRKLAND</i>	State:	<i>WA</i>	ZIP:	<i>98033</i>





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

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

Entity Official:	JULIE ONGARO			
Title(s):	PRASIDANT, SECRETARY	Phone:	978 910 1536	% Owned: 50
Address:	218 MAIN ST # 562			
City:	KIRKLAND	State:	WA	ZIP: 98033

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

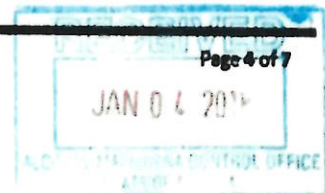
Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:

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

DOC Entity #:	477230	AK Formed Date:	5/10/91	Home State:	ALASKA
Registered Agent:	MOY - RANDI HARRIS, WEDDLE, BARETT		Agent's Phone:	907 274-0666	
Agent's Mailing Address:	701 W 8 th AVE # 700				
City:	ANCHORAGE	State:	ALASKA	ZIP:	99501

Residency of Agent: Yes No

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





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

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

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

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

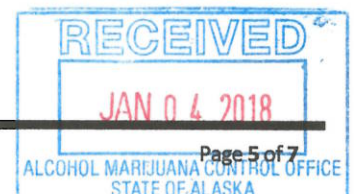
Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:





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

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

Section 8 - Transferor Certifications

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

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

[Signature]
 Signature of transferor

MICHAEL ONGARO
 Printed name of transferor

Subscribed and sworn to before me this 20th day of OCTOBER, 2011.

[Signature]
 Signature of Notary Public



Notary Public in and for the State of California

My commission expires: 01/07/2020

[Signature]
 Signature of transferor

JOHN R. HEARD
 Printed name of transferor

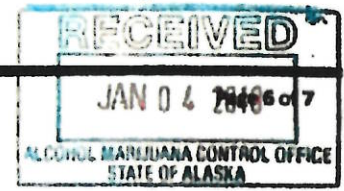
Subscribed and sworn to before me this 6th day of March, 2018.



[Signature]
 Signature of Notary Public

Notary Public in and for the State of Idaho

My commission expires: August 20, 2021





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

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

MO

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

MO

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

MO

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

MO

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

MO

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

Michael Ongaro

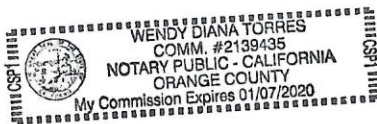
Signature of transferee

MICHAEL ONGARO

Printed name

Subscribed and sworn to before me this 26th day of October, 2017.

Wendy Diana Torres
Signature of Notary Public



Notary Public in and for the State of California.

My commission expires: 01/07/2020





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

What is this form?

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

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

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

Yes No

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

Section 1 – Establishment Information

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

Licensee:	HOH INC	License Number:	582
License Type:	BEVERAGE DISPENSARY		
Doing Business As:	THE PIT		
Premises Address:	MILE POST 3.1 M, ALASKA PENINSULA HWY, LOT 7A E62110- ALLAN		
City:	NAKANUK	State:	AK
		ZIP:	99633





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

Section 2 – Detailed Premises Diagram

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

