



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 5598 Out of the Box

**Requested
Action:** New license

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

AS 04.11.480(a): "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... 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 with a 90-day abeyance

Background: The Municipality of Anchorage submitted a timely protest of this new restaurant or eating place license, for lack of a special land use permit.

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). Notification of the protest was provided to the Spenard Community Council on May 23, 2018, as required by statute.

The Municipality of Anchorage 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: Municipality of Anchorage protest
Application



Municipality of Anchorage

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

Office of the Municipal Clerk Licensing

October 11, 2017

Ms. Sarah Oates
Alaska Alcohol and Marijuana Control Office
550 W 7th Ave. Ste. 1600
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Oates:

The Anchorage Municipal Assembly at its regular meeting on **October 10, 2017** took the following final actions:

NON-OBJECTION

New Liquor License

- Restaurant/Eating Place
-Serrano's Mexican Grill LL#5592 – AM 689-2017

Renewal Liquor License

- Restaurant/Eating Place
-Serrano's Mexican Grill LL#5364 – AM 690-2017

Transfer Liquor License

- Restaurant/Eating Place
-Serrano's Mexican Grill LL#5364 – AM 691-2017

PROTEST

New Liquor License

- Brewery
-King Street Brewing Company LL#5595 – AR 2017-325
Pending approval of a special land use permit by the Assembly.

New Liquor License

- Restaurant/Eating Place
-Out of the Box LL#5598 – AR 2017-326
Pending approval of a special land use permit by the Planning Department.

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,

Mandy Honest
Business License Official

Concur,

Lisa Schleusner
Deputy Municipal Clerk

CC: Serrano's, LLC
King Street Brewing, LLC
Make or Break, LLC



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

What is this form?

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

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

Section 1 – Establishment and Contact Information

Enter information for the business seeking to be licensed.

Licensee:	Make or Break LLC			04.11.100
License Type:	Restaurant Eating Place	Statutory Reference:	04.11.100	
Doing Business As:	Out of the Box			
Premises Address:	3807 Spenard Rd.			
City:	Anch.	State:	AK	ZIP: 99517
Local Governing Body:	MOA			
Community Council:	Spenard			

Mailing Address:	3807 Spenard Rd.			
City:	Anch.	State:	AK	ZIP: 99517

Designated Licensee:	JOHN L. DENNIS			
Contact Phone:	(907) 230-5123	Business Phone:	(907) 903-1203	
Contact Email:	outoftheboxak@icloud.com			

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

OFFICE USE ONLY				
Complete Date:		License Years:		License #: 5598
Board Meeting Date:		Transaction #:	15457	
Issue Date:		BRE:		





Alaska Alcoholic Beverage Control Board
Form AB-00: New License Application

Section 2 – Premises Information

Premises to be licensed is:

- an existing facility a new building a proposed building

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

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

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

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

Section 4 – Entity Ownership Information

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

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

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

Entity Official:	JOHN L. DENNIS			
Title(s):	Member	Phone:	(907)230-5123	% Owned: 50
Address:	3807 Spenard Rd.			
City:	Anch	State:	AK	ZIP: 99517

Entity Official:	DENISE D. DENNIS			
Title(s):	Member	Phone:	(907)632-4279	% Owned: 50
Address:	3807 Spenard Rd.			
City:	Anch	State:	AK	ZIP: 99517

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

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





Alaska Alcoholic Beverage Control Board
Form AB-00: New License Application

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

DOC Entity #:	18002721	AK Formed Date:	2/1/2012	Home State:	AK
Registered Agent:	JOHN L. DENNIS		Agent's Phone:	(907) 230-5123	
Agent's Mailing Address:	1120 W. 11th Ave AA				
City:	Anch	State:	AK	ZIP:	99501

Residency of Agent: Yes No

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

Section 5 – Other Licenses

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

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

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

Section 6 – Authorization

Communication with AMCO staff: Yes No

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

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

DENISE D. DENNIS spouse/member





Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

Section 7 – Certifications

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

Initials

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

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

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.

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.

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

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

Signature of licensee

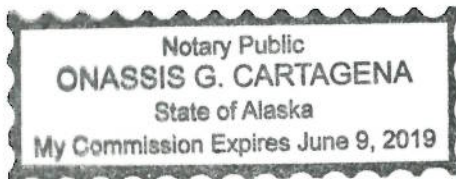
Signature of Notary Public

John L. Dennis
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: June 9, 2019

Subscribed and sworn to before me this 3rd day of September, 2017.





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

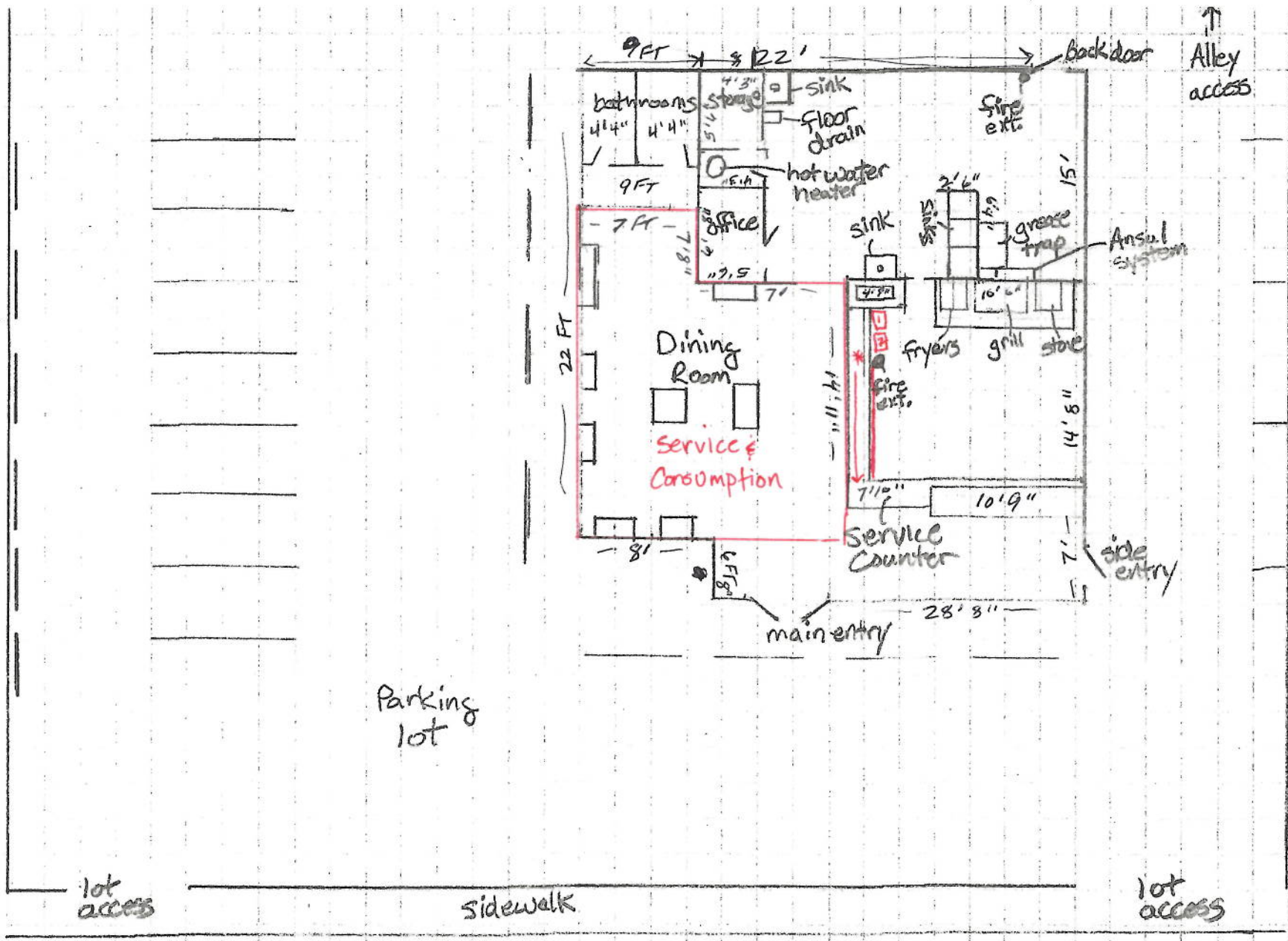
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 – Establishment Information

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

Licensee:	Makor Break, LLC	License Number:	5598
License Type:	Restaurant or Eating Place		
Doing Business As:	Out of the Box		
Premises Address:	3807 Spenard Rd.		
City:	Anchorage	State:	AK
		ZIP:	99517





Spenard Road

* storage under counter
 1- Keegerator
 2- cooler



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A **detailed floor plan** of the proposed designated and undesignated areas of the licensed business and a **menu** or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Make or Break, LLC				
License Type:	Restaurant or Eating Place	License Number:	5598		
Doing Business As:	Out of the Box				
Premises Address:	3807 Spenard Rd.				
City:	Anchorage	State:	AK	ZIP:	99517
Contact Name:		Contact Phone:			

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY				
Issue Date:		Transaction #:		BRE:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Additional Information

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Tuesday - Saturday NOON - 8pm

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises?

Yes No

If "Yes", describe the entertainment offered or available:

Food and beverage service offered or anticipated is:

table service buffet service counter service other

If "other", describe the manner of food and beverage service offered or anticipated:

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours?

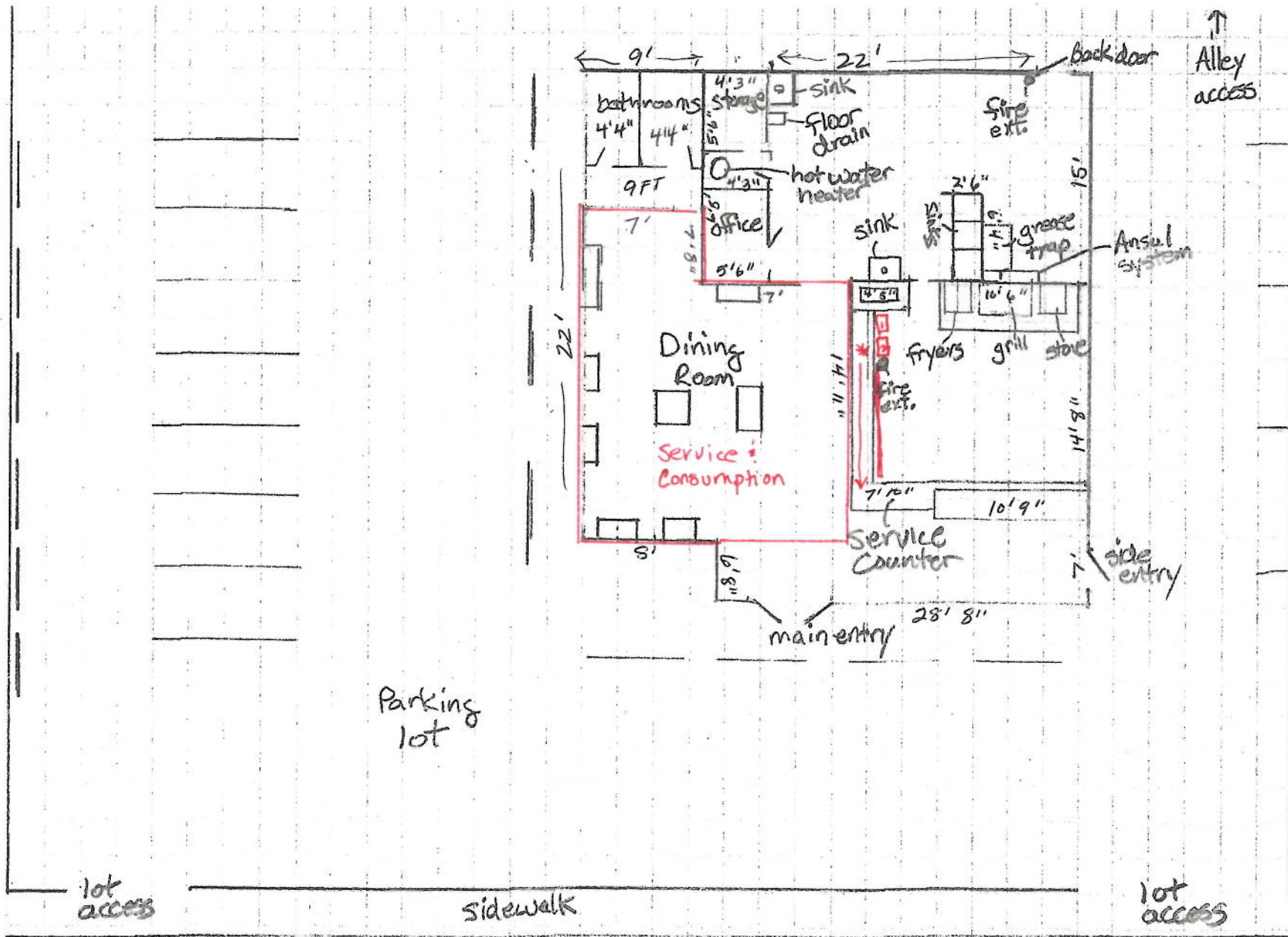
Yes No

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

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

Yes No







Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

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

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram.

[Handwritten initials]

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.

[Handwritten initials]

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

[Handwritten initials]

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

[Handwritten signature: John L. Dennis]

Signature of licensee

[Handwritten signature]

Signature of Notary Public

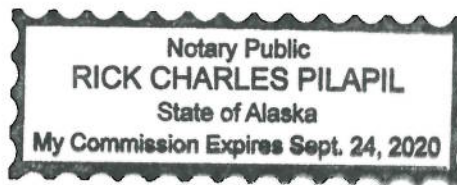
John L. Dennis

Printed name of licensee

Notary Public in and for the State of ALASKA

My commission expires: 9/24/2020

Subscribed and sworn to before me this 14th day of AUGUST, 2017.



Local Government Review (to be completed by an appropriate local government official):

Approved Disapproved

Signature of local government official

Date

Printed name of local government official

Title





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review:

Approved Disapproved

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



OUT OF THE BOX

3807 Spenard Road

Call 903-1203 to order ahead of pick-up
Tuesday-Saturday 12PM-8PM

Grass Fed Black Angus 8- or Buffalo 9- Burgers 4 oz. patty
Lettuce, tomato, shaved red onion, mayo, mustard, ketchup & pickles.
Add Tillamook cheddar, pepper jack, or swiss 1-

Chicken Strips: 2 strips, dipped in buttermilk & coated in seasoned flour &
fried, with french fries & jalapeño ranch dressing. 9-

Coconut Shrimp: 5 Pacific white shrimp, egg washed, coated with seasoned
flour, coconut & fried, with french fries & habanero orange marmalade. 13-
or have 7 shrimp for 16-

BLTA: Applewood smoked bacon, lettuce, tomato, avocado & mayo on bread
of choice. 9- As a salad with bleu cheese or jalapeño ranch. 8-

Tacos: 3 soft corn tortillas, flash fried, grilled, topped w/black angus taco
meat, shred cheese, lettuce, avocado crema & salsa fresca. 8- or 4 tacos for 10-

French Fries: Regular 3- sweet potato 5-

Large Salad 5- or small salad 3- Dressings: Bleu cheese, jalapeño ranch or
vinaigrette.

Assorted drinks 1- to 2- each. Gluten free bread choices add 1- Available
condiments: mayo, ketchup, mustard, dijon, chipotle ketchup & jalapeño
ranch.

All available gluten free/we fry in safflower oil

