



MEMORANDUM

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

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 4932 The Gardens

Requested Action: License renewal

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."

Staff Rec.: Approve the renewal; require an alternating premises submittal under 3 AAC 304.225

Background: This recreational site license appears to meet the statutory requirements of the license type:

Sec. 04.11.210. Recreational site license.

(a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.

(b) The biennial fee for a recreational site license is \$800.

(c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

The board should clarify with the licensee that "special events" where alcohol is served under this license must be limited to competitive sporting events in order to comply with AS 04.11.210. This is consistent with direction the board provided to License #4895, AK Tuesday Night Fights, where the licensed premises (the Curtis Menard Sports Complex in Wasilla) can be used for non-sporting events such as concerts.

In addition, the licensed premises of this facility is regularly used for youth sports (as stated in the recreational site statement), and it is likely that minors are regularly on the premises without a parent or guardian, in violation of AS 04.16.049. In his statement, the licensee hints at the concept of

alternating premises under 3 AAC 304.225, but an alternating premises diagram has never been approved by the board. The board should require the licensee to submit a written request for alternating licensed premises under 3 AAC 304.225 before the next time alcohol is served at this licensed premises, or submit information showing that no unaccompanied minor is ever permitted on the licensed premises.

Attachment: Renewal application
 Approved licensed premises diagram



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

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	O'Malley Ice and Sports Center, LLC	License #:	4932
License Type:	Recreational Site	Statute:	AS 04.11.210
Doing Business As:	The Gardens		
Premises Address:	11051 O'Malley Centre Drive		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Bayshore/Klatt		

Mailing Address:	11111 O'Malley Centre Drive				
City:	Anchorage	State:	AK	ZIP:	99515

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	Stephen Agni		
Contact Phone:	907 248-8303	Business Phone:	907 229-0583
Contact Email:	AKstewea@hotmail.com		

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





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

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

Section 2 - 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?

Yes: [X] No: []

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

John Stenehjem, General Manager

Section 3 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. 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

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone

This individual is an: [] applicant [] affiliate

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	10029744
-----------------------	----------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.



This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- 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 Name:	Stephen Agni			
Title(s):	Managing Member	Phone:	907 229 0583	% Owned: 36.37%
Mailing Address:	PO Box 244661			
City:	Anchorage	State:	AK	ZIP: 99524

Entity Official Name:	Sig Jokiel			
Title(s):	Managing Member	Phone:	907 349 2511	% Owned: 36.5%
Mailing Address:	8461 Langhorn St			
City:	Anchorage	State:	AK	ZIP: 99507

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





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

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

Section 5 - License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:
2016 2017
The license was regularly operated continuously throughout each year. [X] [X]
The license was regularly operated during a specific season each year. [] []
The license was only operated to meet the minimum requirement of one time during the calendar year. [] []
The license was not operated at all during the calendar year. [] []
If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:
Yes No
Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017? [] [X]
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017? [] [X]

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Alcohol Server Education

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

[Signature box containing initials 'Sj']





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

Section 8 – Certifications

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

Initials

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

SJ

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

SJ

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

SJ

I certify on behalf of myself or of the organized entity 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.

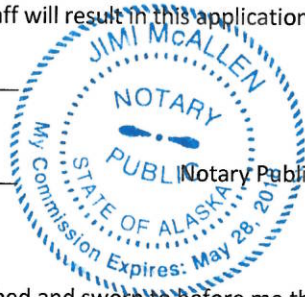
SJ

I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

SJ

As an applicant for a liquor license renewal, 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. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Sig Jorkiel
 Signature of licensee



Jimi McAllen
 Signature of Notary Public

SIG JORKIEL
 Printed name of licensee

Notary Public in and for the State of ALASKA

My commission expires: 5/28/18

Subscribed and sworn to before me this 28th day of December, 2017.

License Fee:	\$ 800.00	Application Fee:	\$ 200.00	TOTAL:	\$ 1000.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



The "Gardens" located within the O'Malley Sports Center

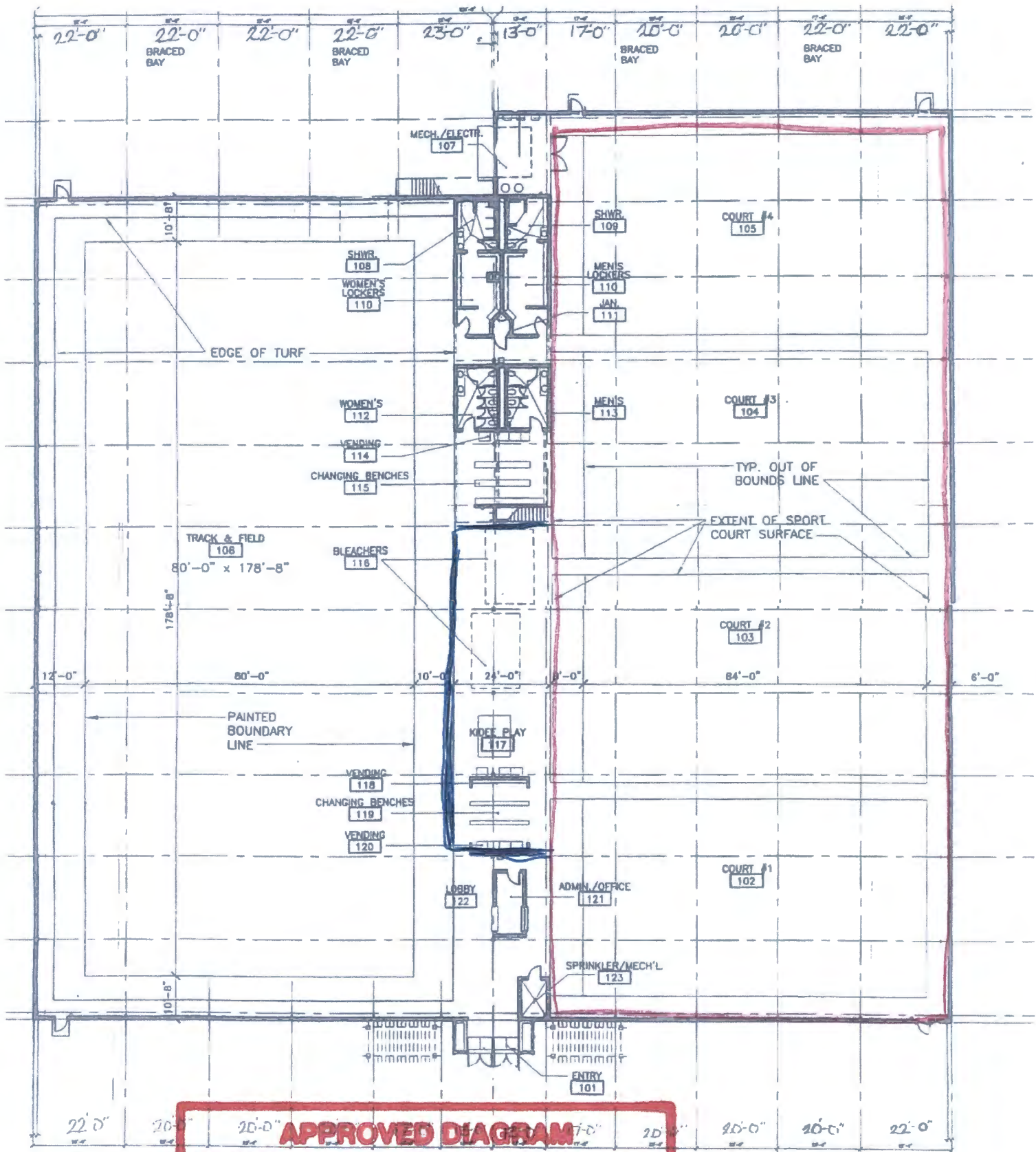
Located at 11051 O'Malley Center Drive Anchorage

O'Malley Ice and Sports Center the Licensee, has operated the "Gardens" within the 45,000 square foot O'Malley Sports Center since January 1, 2007. The O'Malley Sports Center is a multi-recreational facility hosting youth and adult sports including basketball, volleyball, dodgeball, badminton, pickle ball, martial arts and other. The facility is open 350 days per year, usually opening at noon and closing at 12:00 pm. The O'Malley Sports center experiences about 250,000 visitations on an annual basis. Presently about half of the building area within the Center is leased to the "Get Air Trampoline Park".

The "Gardens" operates only during special events hosted in the facility that are adult oriented with the spectator volumes sufficient to support the beer and wine sales. Snack foods and concession style foods are also sold at these special events. The Premises of the Gardens is a designated area within the recreational space that is cordoned off and managed for beverage service during special events. During the special events and tournaments, the operating hours of the Gardens follows the special event and tournament activity times opening one hour before and closing not later than one hour after the event ceases.

The Gardens alcoholic beverage sales activities are managed by a food and beverage professional. All beverage service personnel receive "TAPs" training. Inventory purchases and sales are continuously recorded and reported as a component of a CPA reviewed financial statement. The executive management of the O'Malley Sports Center and its "Gardens" continues to be the two individuals who founded the facility in 2001, Mr. Steve Agni and Mr. Sig Jokiel.





APPROVED DIAGRAM
STATE OF ALASKA - DEPT. OF PUBLIC SAFETY
ALCOHOLIC BEVERAGE CONTROL BOARD
R. Kelly
 9-29-10
 Dan

O'Malley Gardens
 noticeable section in Red

4932

OK - APPROVED
JLB 9/29/10

September 27, 2010

John Bilyeu
Investigator
ABC Board/DPS

Re: Permanent Extension of Premises for the AT&T Sports Pavilion
11051 O'Malley Centre Dr
Anchorage, AK 99515

Dear Mr. Bilyeu,

This letter is to request the ABC Board to extend our Recreational Site license to a Permanent Extension that allows us to move and adjust the licensed area by having special roped-off and separated areas to be determined by the size of the event on the court side.

Please see the enclosed attachment.

I appreciate all the help you and the entire staff have given me!

Sincerely,



Melissa Vega
Event & Business Development
907-227-5452

Development Mangers, Inc.
8301 Briarwood St. Suite 100 Anchorage, AK 99518 907-248-8300