



MEMORANDUM

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

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: 4123 Ding How Mongolian BBQ
4529 Samurai Sushi

Requested Action: Transfer of ownership and DBA change; protest of 2016 renewal

Statutory Authority: AS 04.11.040(a): "A license issued under this title may not be transferred to another person 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."

Staff Rec.: Uphold protest of 2016 renewal with 30-day abeyance; approve transfers with delegation

Background: These licenses were up for renewal at the end of 2016. Renewal applications were timely submitted and the Municipality of Anchorage protested both renewals due to unpaid taxes. Staff also identified that the licenses had been transferred without approval of the board as required by AS 04.11.040. Due to staff errors, the protests were never brought to the board, and the licenses were renewed administratively and issued in May of 2017.

Transfer applications were received in the spring of 2017 but application errors were never corrected, so the applications were returned to the licensee in August of 2017. Transfer applications were again submitted in 2018.

Because the board never considered the local government protest of the 2016 renewal applications, the board should consider those at this time. I recommend upholding the protests with a 30-day abeyance, and approving the transfers with delegation. The approval of the transfers would be valid only if the taxes are paid and the renewal protests are lifted. The Municipality of Anchorage has not yet indicated whether or not they will protest the license transfers.

Attachment: Municipality of Anchorage protests



Municipality of Anchorage

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

May 10, 2017

Office of the Municipal Clerk Licensing

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 **May 9, 2017** took the following final action:

NON-OBJECTION

Renewal Liquor License – AM 362-2017

- **Beverage Dispensary**
Tap Root LL#2097 (Amended Application)
- **Restaurant/Eating Place**
Jimmy Sushi Restaurant LL#5370
- **Package Store**
UnWined LL#5045
- **Brewery**
Resolution Brewing Company LL#5321

New Liquor License – AM 361-2017

- **Restaurant/Eating Place**
Piccolinos Restaurant LL#5559

PROTEST

Renewal Liquor License

- **Restaurant/Eating Place**
 - Ding How Restaurant LL#4123– AR 2017-172
Pending payment of taxes owed to the Municipality in the amount of \$3,473.40.
 - Samurai Sushi Garden LL#4529– AR 2017-173
Pending payment of taxes owed to the Municipality in the amount of \$2,257.73.
 - Yes International Bistro LL#4528– AR 2017-174
Pending payment of taxes owed to the Municipality in the amount of \$7,988.84.
- **Beverage Dispensary-Duplicate**
 - 49th State Brewery-Dining Room 2 LL#5554 – AR 2017-167
Pending approval by the Assembly of a conditional use permit.
 - 49th State Brewery-Banquet Room East Bar LL#5555 – AR 2017-168
Pending approval by the Assembly of a conditional use permit
 - 49th State Brewery-Banquet Room West Bar LL#5556 – AR 2017-169
Pending approval by the Assembly of a conditional use permit
 - 49th State Brewery-Roof Top Deck LL#5557 – AR 2017-170
Pending approval by the Assembly of a conditional use permit

-49th State Brewery-Theater LL#5558 – AR 2017-171
Pending approval by the Assembly of a conditional use permit

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: Yes International Bistro
Samurai Sushi Garden
Ding How Restaurant
49th State Brewery

From: Honest, Miranda L.
To: "kennylee2130@gmail.com"
Cc: [Schleusner, Lisa](#); [Gardner, Susan](#); [AMCO Local Government Only \(CED sponsored\)](#)
Subject: Municipal Taxes Owed - Ding How Restaurant LL#4123, Samurai Sushi Garden LL#4529 & Yes International Bistro LL#4528
Date: Thursday, August 30, 2018 1:29:30 PM
Attachments: [LL#4528.pdf](#)
[LL#4123.pdf](#)
[LL#4529.pdf](#)
Importance: High

Dear Kenny H Lee & Jong R Lee:

The Anchorage Municipal Clerk's Office received your application from the Alcohol & Marijuana Control Office for the renewal of liquor licenses #4123, #4529 and #4528 on March 13, 2017. On April 4, 2017 you were sent notice of past due taxes owed to the Municipality of Anchorage. At the Regular Assembly Meeting of May 9, 2017, the Assembly protested the renewal of liquor licenses #4123, #4529 and #4528 pending payment in full of all past due Municipal taxes. Currently, taxes are **taxes are owed to the Municipality of Anchorage in the amount of \$23,716.65.** (Please see attachments for details.)

Payment in full must be made in cash or certified funds. You may submit payment at City Hall, 632 W. 6th Avenue in the Municipal Cashier's Office, suite 330 on the third floor.

If you have any questions concerning payment of taxes please contact Paige Nelson in the Finance Department at 343-6946.

You may also contact me at 343-4316, if you have additional licensing questions.

Regards,
Mandy Honest
Business License Official

Municipal Clerk's Office
632 W. 6th Avenue, Suite 250
Anchorage, AK 99501
Phone: (907) 343-4316
MuniFax: (907) 249-7591
Email: MuniLicenses@muni.org
www.muni.org

Messages to and from this email address may be available to the public under Alaska Public Records Law.



Municipality of Anchorage

Office of the Municipal Clerk - Division of Business Licensing

632 West Sixth Avenue Anchorage, Alaska 99501 Suite 250

Phone: 343-4316 Fax: 249-7533

Mailing Address: P.O.Box 196650 Anchorage, AK 99519-6650

LL

Business License Review

Finance - Business Personal Property Taxes

To: Diana Flavin/Blyss Cruz

Phone: 343-6940/343-6946

Fax: 343-6677

Liquor License

RECEIVED OFFICE OF

AUG 30 2018

MUNICIPAL CLERK

4123

Sent: 03-24-2017

Renew

Due: 03-28-2017

Previous License

Current Application

Owner: **Kenny H Lee & Jong R Lee**

Owner: **Ding How, LLC**

Business: **Ding How Restaurant**

Business: **Ding How Restaurant**

Address: **1241 Muldoon Rd.**

Address: **1241 Muldoon Rd.**

Anchorage, AK 99504

Anchorage, AK 99504

License is not protested

Date: _____

License is protested for taxes

Date: 8/30/18

PERSONAL Property Taxes 36-50590400171

\$ 1,957.05

PERSONAL Property Taxes 37-50590400179

\$ 1,969.14

PERSONAL Property Taxes 38-505904001 Estimated

\$ 2,164.78

REAL Property Taxes: _____

\$ _____

Hotel/Motel: _____

\$ _____

Reviewed By: [Signature]

Date: 8/30/18

Collections: [Signature]

Date: 8/30/18

Comments: Payment in Full must be made in cash or certified funds.

Protest Released - TAXES PAID IN FULL

Date: _____ Signed/Title: _____



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Renew

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**PAYMENT IN FULL MUST
BE MADE IN CASH OR
CERTIFIED FUNDS**

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Owner: **Samurai Sushi, LLC**

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Anchorage, AK 99504

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License is not protested

Date: _____

License is protested for taxes

Date: 8/30/18

PERSONAL Property Taxes 36-53985800179

\$ 1272.10

PERSONAL Property Taxes 37-53985800177

\$ 1279.95

PERSONAL Property Taxes 38-539858001 Estimated

\$ 1533.38

REAL Property Taxes: _____

\$ _____

Hotel/Motel: _____

\$ _____

Reviewed By: [Signature]

Date: 8/30/18

Collections: [Signature]

Date: 8/30/18

Comments: _____

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