



MEMORANDUM

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

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: #5358 The Perfect Cup – Family
Bistro

**Requested
Action:** Informal conference

**Statutory
Authority:** AS 04.11.510(b)(1): “if an application is denied...the applicant is entitled to an
informal conference with either the director or the board...”

Staff Rec.: Reconsider denial of license renewal

Background: The Municipality of Anchorage protested the renewal of this license for non-payment of taxes. The board upheld the protest with a 30-day abeyance at the November 2017 meeting. The board required the protest to be lifted by the 30-day deadline, which was March 30, 2018 (30 days after the licensee was notified of the board’s action).

On September 5, 2018, I expired the license because the Municipality of Anchorage had not lifted its protest. The applicant provided notification to the AMCO on September 13 that they had paid their taxes. On September 14, 2018, we received notice from the Municipality of Anchorage that it had lifted its protest.

I recommend that the board reconsider its action at the November 2017 meeting and renew the license.

Attachment: Request for informal conference
Municipality of Anchorage protest lift
Expiration Letter
Board Action Letter
Municipality of Anchorage protest

From: Aren Martin
To: [McConnell, Erika B \(CED\); Alcohol Licensing, CED ABC \(CED sponsored\)](#)
Subject: Re: Appeal rights for denial of renewal
Date: Thursday, September 27, 2018 7:35:19 AM

To Whom It May Concern,

I would like to request an informal conference with the ABC Board. I would like to request for the board to reconsider the denial of my license renewal because I have paid my property taxes and the protest has been lifted. Please feel free to contact me via email or phone, 907-229-9539, with any questions or concerns. Thank you for your time.

Sincerely,

Aren Martin
The Perfect Cup Plus, LLC.

On Fri, Sep 14, 2018 at 5:29 PM McConnell, Erika B (CED) <erika.mcconnell@alaska.gov> wrote:

Good morning, Mr. Martin,

Thank you for your email. The Municipality of Anchorage reports that you have paid your taxes and they have lifted their protest. I propose to resolve this as follows:

1. Please request, by email to me and to alcohol.licensing@alaska.gov, an informal conference with the ABC Board.
2. Please send to me and to alcohol.licensing@alaska.gov, before September 28, a written request for the board to reconsider their denial because you have paid your taxes and the protest has been lifted.
3. Please plan to attend (in person or telephonically) the next ABC Board meeting on October 15, which will be held in Kenai, to be available should the board have any questions for you.
4. If the board reconsiders their denial action and renews your license, you will be required to pay a \$200 fee under 3 AAC 304.147(a)(2).

Let me know if you have any questions. The process I've outline above will be the fastest way for you to regain your license. Alternately you may continue with your appeal and request for a formal hearing, but that will take months to resolve.



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

September 14, 2018

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

Re: The Perfect Cup Plus, LLC LL#5358

Dear Ms. Oates:

On May 24, 2017 the Anchorage Municipal Assembly approved the protest of the renewal of restaurant/eating place liquor license #5358 with restaurant designation permit, for the above listed establishment until taxes due to the Municipality were paid in full.

The Municipality of Anchorage Clerk's Office LIFTS THE PROTEST on license #5358. However, the applicant may have conditions of approval to fulfill before they may begin operations.

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

CC: The Perfect Cup Plus, LLC

Re: AR 2017-202



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

September 5, 2018

The Perfect Cup Plus, LLC
DBA The Perfect Cup – Family Bistro
800 E. Dimond Blvd. #204
Anchorage, AK 99515

Re: Expiration and Mandatory Cessation of Operation of License #5358

YOUR LIQUOR LICENSE HAS EXPIRED

Dear The Perfect Cup Plus, LLC:

At the November 13, 2017, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board voted to uphold the Municipality of Anchorage's protest on your license renewal in accordance with AS 04.11.480(a), with a 30-day abeyance to provide you an opportunity to resolve your issue with the Municipality. The Municipality of Anchorage protested pending payment of taxes owed, which the board did not determine to be arbitrary, capricious, and unreasonable. I sent you a letter dated February 28, 2018, informing you of this action and the March 30, 2018, deadline for the protest to be lifted.

We did not receive notice by March 30, 2018, that the municipality had lifted the protest. Thus your license renewal is denied and your license is expired.

**THE SERVICE, SALE, CONSUMPTION, MANUFACTURE, AND/OR DISTRIBUTION
OF ALCOHOL ON YOUR PREMISES MUST CEASE IMMEDIATELY.**

Because your renewal application has been denied, you have the right to an informal conference with the director or the board under AS 04.11.510(b)(1), which you may initiate in writing within 15 days of receiving this letter.

AS 04.11.510(b)(1) also provides you with a means to appeal the board's decision. Specifically, you are entitled to a formal hearing conducted by the Office of Administrative Hearings. If you request a formal hearing, the Office of Administrative Hearings will adhere to AS 44.62.330 – AS 44.62.630 (the Administrative Procedures Act) and will assign an administrative law judge to hear the matter. You may hire an attorney to represent you in such a hearing, but are not required to.

Please consider this letter as a Statement of Issues as required by AS 44.62.370. If you intend to request a formal hearing, you must notify AMCO in writing within 15 days of receiving this notice, although the 15 day period is held in abeyance between the date of request of an informal conference (should one be requested) and the holding of the informal conference. A Notice of

The Perfect Cup
September 5, 2018
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Defense form is enclosed for this purpose; however, you may submit any written notice that meets the requirements of AS 44.62.390. Your Notice of Defense must be sent to:

Administrative Officer
Department of Commerce, Community, and Economic Development
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

You may contact me at erika.mcconnell@alaska.gov with any questions or to request additional information. However, I cannot provide you with any legal advice.

Sincerely,



Erika McConnell
Director

cc: AMCO Enforcement
Municipality of Anchorage
License File

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT
ALCOHOL AND MARIJUANA CONTROL OFFICE

In the matter of:)
)
The Perfect Cup Plus, LLC)
DBA The Perfect Cup – Family Bistro)
800 E. Dimond Blvd. #204)
Anchorage, AK 99515,)
Respondent)
_____) License #5358

NOTICE OF DEFENSE / REQUEST FOR HEARING

The Respondent, pursuant to AS 44.62.390, hereby gives Notice of Defense in this proceeding. A hearing on the matters set forth in the Decision is hereby requested.

I. Respondent Initiating Request

Date: _____ Respondent's Name (printed): _____

Respondent's Signature: _____

Mailing Address: _____

City State Zip Code

Phone Number: _____

OR

II: Attorney Representing Respondent (Note: An attorney is not required for this proceeding.)

Name of Attorney Representing Respondent: _____

Mailing Address: _____

City State Zip Code

Phone Number: _____

Date: _____ Signature: _____

NOTE: This Notice of Defense/Request for Hearing must be signed by or on behalf of Respondent, must set forth Respondent's current mailing address, and must be filed **within 15 days** after the enclosed Decision was mailed or delivered to the Respondent (time period held in abeyance for informal conference). It shall be filed accordingly:

Administrative Officer
Department of Commerce, Community, and Economic Development
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 28, 2018

The Perfect Cup Plus, LLC
DBA The Perfect Cup – Family Bistro
800 E. Dimond Blvd. #204
Anchorage, AK 99515

Re: The Perfect Cup – Family Bistro, License #5358

Dear The Perfect Cup Plus, LLC:

At the November 13, 2017, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board voted to uphold the Municipality of Anchorage's protest on your license renewal with a 30-day abeyance to provide you an opportunity to resolve your issue with the Municipality. The Municipality of Anchorage protested pending payment of taxes owed.

The AMCO office must receive notice from the Municipality of Anchorage that the protest has been lifted no later than close of business on March 30, 2018. Otherwise, the protest will be upheld and your license renewal will be considered denied.

Please contact our office at alcohol.licensing@alaska.gov with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell
Director

cc: License File
Municipality of Anchorage



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

May 24, 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 **May 23, 2017** took the following final actions:

PROTEST

New Liquor License

- **Restaurant/Eating Place**
-Fried Rice Express Asian Cuisine LL#5551 – AR 2017-201
Pending certification from the State of Alaska Fire Marshal and a special land use permit approved by the Planning Department Director.

Transfer Liquor License


- **Restaurant/Eating Place**
-Yakitori Sushi House LL#5150 – AR 2017-203
Pending certification from the Department of Health & Human Services.
- **Beverage Dispensary**
-Tequila 61 LL#826 – AR 2017-212
Pending certification from the Department of Health & Human Services.

Renewal Liquor License

- **Restaurant/Eating Place**
-The Perfect Cup – Family Bistro LL#5358 – AR 2017-202
Pending payment of taxes owed to the Municipality in the amount of \$1,484.26.

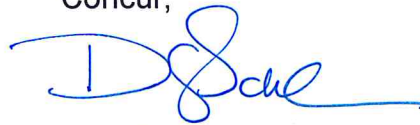
Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,



Mandy Honest
Business License Official

Concur,



Lisa Schleusner
Deputy Municipal Clerk

CC: Fried Rice Express Asian Cuisine
Yakitori Sushi House
Tequila 61
The Perfect Cup – Family Bistro