



MEMORANDUM

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

DATE: December 17, 2018

FROM: Erika McConnell, Director

RE: 5710 Miso Sushi

Requested Action: New license application

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 ... 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...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 04.11.510(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.: Reconsider the approval of the application; uphold the protest and deny the application with a 90-day abeyance

Background: The board approved this application with delegation at the October 2018 meeting. The Municipality of Anchorage protests the application pending certification from the Anchorage Fire Department and the Building Safety Official.

Attachment: Municipality of Anchorage protest



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 1, 2018

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 **September 25, 2018** took the following final actions:

WAIVE OF PROTEST

Renewal Liquor License

- **Restaurant/Eating Place**
Haru LL#2935 – AM 591-2018

Transfer Liquor License

- **Beverage Dispensary**
Jalapenos Mexican Restaurant LL#3538 – AM 592-2018

PROTEST

New Liquor License

- **Restaurant/Eating Place**
Miso Sushi LL#5710 – AR 2018-263
Pending certification from the Anchorage Fire Department and the Building Safety Official.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the September 25, 2018 Assembly Meeting.

Transfer Liquor License

- **Restaurant/Eating Place**
Panda Restaurant LL#3077 – AR 2018-264
Pending certification from the Building Safety Official.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the September 25, 2018 Assembly Meeting.

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

Mandy Honest \ *MH*
Business License Official

CC: Hi Chung King – Via Email
Jalapenos, Inc. – Via Email
Miso Sushi Restaurant, LLC – Via Email
Panda Restaurant, Inc. – Via Email