



## MEMORANDUM

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

DATE: December 17, 2018

FROM: Erika McConnell, Director

RE: 4123 Ding How Restaurant  
4529 Samurai Sushi Garden

**Requested Action:** Informal conference with the board; license reinstatement and renewal

**Statutory and Regulatory 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."

**Staff Rec.:** Reinstate and renew

**Background:** At the October 2018 meeting of the board, the board upheld the Municipality of Anchorage's protest of the 2017/2018 renewal of these licenses for taxes due, with a 30 day abeyance. The licensee was sent a letter stating that he was required to have the MOA protest lifted by November 18, 2018, or the licenses would expire. The licensee did not pay his taxes and have the protests lifted by the deadline, so the licenses were expired on November 19.

The licensee is requesting an informal conference with the board under AS 04.11.510(b)(1). He has paid the taxes and the MOA has lifted the protests. The licensee is requesting reinstatement and renewal.

Please note that at the October meeting, the board also approved transfer applications that were contingent on the renewal of the licenses. If the board reinstates and renews these licenses, the board should affirm that the transfers remain approved with delegation.

Attachment: Request for reinstatement  
MOA Lift of Protest

**From:** Jones Law Reception  
**To:** [McConnell, Erika B \(CED\)](#)  
**Cc:** [mike@joneslaw.attorney](mailto:mike@joneslaw.attorney); [Kenny Lee](#); [Alcohol Licensing, CED ABC \(CED sponsored\)](#); [Milton, Mikal C \(CED\)](#); [Hoelscher, James C \(CED\)](#); [Hamilton, Joe \(CED\)](#)  
**Subject:** Re: Alcohol License #4123 for Ding How and #4529 for Samurai Sushi  
**Date:** Thursday, November 29, 2018 11:22:42 AM  
**Attachments:** [Notice of Defense - Request for Hearing .pdf](#)

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Hello Ms. McConnell,

I'm attaching copies of Mr. Kenny Lee's Notice of Defense / Request for Hearing. He is also bringing by copies to the administrative officer at the the Alcohol and Marijuana Control Office today for filing. At this time Mr. Lee would like to formally request for the reinstatement and renewal of his licenses as he has come current on his property taxes and the Municipality has listed its protest. Please let me know if there is anything else you require. Thank you.

With Regards,  
Sean Burt  
Jones Law Group, LLC  
PO Box 241546  
Anchorage, AK 99524  
(888)-260-3775 ext 1

On Nov 20, 2018, at 11:01 AM, McConnell, Erika B (CED)  
<[erika.mcconnell@alaska.gov](mailto:erika.mcconnell@alaska.gov)> wrote:

Mr. Burt,

The October 19 letters of board action provided to the licensee stated that the municipal protest must be lifted by November 18, not just that the taxes be paid. Because the protests were not lifted by the deadline, the licenses have been expired. I recommend the licensee request an informal conference with me. At that informal conference, I will explain to them that they will need to request reinstatement from the board. If the conference is held before November 30 and the request for reinstatement is received before November 30, which is the deadline for agenda items for the next board meeting, the request will be placed on the December 17 ABC Board meeting agenda for board consideration. I have no authority to reinstate an expired license.

Please let me know if you have any additional questions. I will be out of the office tomorrow and AMCO will be closed on Thursday for the holiday and on Friday for a mandatory furlough day.

Sincerely,  
*Erika McConnell*  
Director

**From:** Jones Law Reception <[reception@joneslaw.attorney](mailto:reception@joneslaw.attorney)>  
**Sent:** Monday, November 19, 2018 4:57 PM  
**To:** Alcohol Licensing, CED ABC (CED sponsored) <[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)>  
**Cc:** Kenny Lee <[kennylee2130@gmail.com](mailto:kennylee2130@gmail.com)>; Mike Bedinger <[mike@joneslaw.attorney](mailto:mike@joneslaw.attorney)>  
**Subject:** Alcohol License #4123 for Ding How and #4529 for Samurai Sushi

Hello,

Our client, Kenny Lee, received notice of the Municipality of Anchorage's protest of renewal of his license renewal application for license #4123 and #4529 with a deadline for November 18. As November 18 was a Sunday, Mr. Lee was unable to pay them on that day. Today, on Monday, he paid off all his unpaid taxes. I've attached the receipts for the Muni taxes. As of the payment of the taxes the Muni lifts its protest. While Mr. Lee was paying his taxes at the Muni office, AMCO employees removed the liquor licenses from Ding How and Samurai Sushi. These licenses must be returned immediately. Mr. Lee's restaurants open at 11 AM tomorrow. Please call me prior to that time to arrange returning of those licenses.

With Regards,  
Sean Burt  
Jones Law Group, LLC  
PO Box 241546  
Anchorage, AK 99524  
(888)-260-3775 ext 1

<Samurai Sushi Muni Receipt.pdf><Ding How Muni Receipts .pdf>



# 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

November 28, 2018

Mikal Milton  
Alaska Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Ste. 1600  
Anchorage, Alaska 99501

**Re: Ding How, LLC dba Ding How Restaurant LL#4123**

Dear Ms. Milton:

On May 9, 2017 the Anchorage Municipal Assembly approved the protest of the Renewal Restaurant/Eating Place liquor license #4123 with restaurant designation permit for the above listed establishment until Taxes owing to the Municipality of Anchorage are paid in full.

**The Municipality of Anchorage Clerk's Office LIFTS THE PROTEST on license #4123.** 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,

*Debra Roehl*

Debra Roehl *DR*  
Business License Specialist

CC: Ding How, LLC

Re: AR 2017-172





# 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

November 28, 2018

Mikal Milton  
Alaska Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Ste. 1600  
Anchorage, Alaska 99501

**Re: Samurai Sushi, LLC dba Samurai Sushi Garden LL#4529**

Dear Ms. Milton:

On May 9, 2017 the Anchorage Municipal Assembly approved the protest of the Renewal Restaurant/Eating Place liquor license #4529 with restaurant designation permit for the above listed establishment until Taxes owing to the Municipality of Anchorage are paid in full.

**The Municipality of Anchorage Clerk's Office LIFTS THE PROTEST on license #4529.** 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,

*Debra Roehl*

Debra Roehl \ *DR*  
Business License Specialist

CC: Samurai Sushi LLC

Re: AR 2017-173

