



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: February 19, 2019

FROM: Erika McConnell, Director RE: 3050 Irashai

Requested Action: Transfer of ownership and location

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... 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 review an application for the issuance, renewal, transfer of location, or transfer to another person of a license without affording the applicant notice or hearing, except... (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;"

Staff Rec.: Reconsider the action of December 17, 2018; hold a public hearing; deny the transfer with a 90 day abeyance

Background: This transfer of ownership was approved with delegation at the December 17, 2018, meeting. On January 10, 2019, AMCO received the City of Fairbanks' protest of the transfer pending completed fire inspections and issuance of a certificate of occupancy.

Attachment: City of Fairbanks protest



City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6702
Fax (907)459-6710

January 10, 2019

Carrie Craig, Occupational Licensing Examiner
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Ste. 1600
Anchorage, Alaska 99501

Ms. Craig,

At the regularly-scheduled meeting of January 7, 2019, the Fairbanks City Council voted to **PROTEST** the application for transfer of ownership and location and Restaurant Designation Permit for the following Restaurant/Eating Place License **until fire inspections are complete and a Certificate of Occupancy is issued**:

Type: Restaurant/Eating Place, License #3050
To: Irashai / 3GIRO, Inc.
1448 S. Cushman Street, Fairbanks, Alaska

From: Gambardella's Pasta Bella / Gambardella's II, Inc.
No Premises

I will notify AMCO when fire inspections are complete and a Certificate of Occupancy is issued for the premises. Should you need further information do not hesitate to contact me.

Sincerely,

D. Danyielle Snider, CMC
Fairbanks City Clerk

cc: File(s)
Alex June, 3 Giro, Inc.
Amanda Shawcross, Law Offices of Ernouf & Coffey, P.C.
Fire Department
Building Department