



MEMORANDUM

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

DATE: April 29, 2019

FROM: Erika McConnell, Director

RE: 3934 Residence Inn by Marriott

Requested Action: License renewal

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."

Staff Recommendation: Deny the renewal per AS 04.11.330(a)(6)

Background: On the renewal application for the Residence Inn by Marriott, a restaurant or eating place license issued to JL 35th Avenue Hotel Company, the licensee indicated that they have no food receipts or gross receipts. When an inquiry was sent to the licensee, the licensee informed AMCO that this was "due to the fact that we do not (1) have a restaurant at this location, so no retail sales and (2) beer and wine which is dispensed is only provided on a complimentary basis in a controlled environment for hotel guests as part of a required Residence Inn/Marriott brand standard known as the RI Mix. We serve during limited evening hours three days per week complimentary food appetizers and complimentary beer, wine and soft drinks."

AS 04.11.100(b) states, "A license may be issued under this section only if the board determines that the premises to be licensed are a bona fide restaurant or eating place."

AS 04.11.330(a)(6) states that renewal of a license shall be denied if "renewal of the license would violate the restrictions pertaining to the particular license under this title or the license has been operated in violation of a condition or restriction imposed by the board."

Attachments: AB-33 Restaurant Receipts Affidavit
Correspondence
Renewal application



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-33: 2017/2018 Restaurant Receipts Affidavit

What is this form?

A restaurant or eating place licensee must file a complete copy of this form along with its 2019/2020 license renewal application, in order to provide evidence to the Alcoholic Beverage Control Board that this licensed restaurant's receipts from the sale of food upon the licensed premises constitute no less than 50% of the gross receipts (food + alcohol sales) of the licensed premises for each calendar year in 2017 and 2018, as required by AS 04.11.100(e). This form is considered to be confidential.

This form must be completed correctly and submitted along with a complete and correct copy of Form AB-17a before a license renewal application may be considered to be complete.

Section 1 – Establishment Information

This form is being submitted for the following license:

Licensee:	JL 35th Avenue Hotel, LLC	License #:	3934
License Type:	Restaurant or Eating Place		
Doing Business As:	Residence Inn by Marriott		
Premises Address:	1025 35th Avenue		
Local Governing Body:	Municipality of Anchorage		

Section 2 – Gross Receipts for 2017 and 2018

Enter the dollar amounts of the food and gross (food + alcohol) receipts on the licensed premises, and calculate the percentage of gross receipts that are from food sales on the licensed premises for each calendar year. (Food Receipts ÷ Gross Receipts x 100 = %)

2017 Food Receipts:		2017 Gross Receipts:		% From Food:	%
2018 Food Receipts:		2018 Gross Receipts:		% From Food:	%

I declare under penalty of perjury that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Printed name of licensee



Signature of Notary Public

My commission expires:

01-06-2021

Subscribed and sworn to before me this 7 day of January, 2019.

AMCO

JAN 08 2019

Craig, Carrie D (CED)

From: Stuart Newmark <stuart.newmark@jlhotelgroup.com>
Sent: Thursday, February 07, 2019 10:31 AM
To: Alcohol Licensing, CED ABC (CED sponsored)
Subject: RE: Alcohol License Renewal Applications for 3934 & 3936From
Attachments: FW: [EXTERNAL Email] #3934 dba Residence Inn by Marriott Renewal Application
Categories: Carrie

Hello Carrie, I just left a message with one of your colleagues. Please would you call me back at 407-230-7055 to discuss.

Back on January 8, 2019, we discussed the JL 35th Avenue Hotel, LLC issue regarding gross receipts. I explained that we do not have any receipts since we do not sell food or alcoholic beverages at this location.

We recently received correspondence from you indicating that O cannot be listed under gross receipts. Since we do not have any gross receipts, I am looking for further direction.

Thank you very much.

Stuart

Stuart R. Newmark, CHA
Operating Partner



Mobile: 407-230-7055
stuart.newmark@jlhotelgroup.com

This communication contains information that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law. Please consider the environment before printing this e-mail

From: Stuart Newmark
Sent: Tuesday, January 08, 2019 6:10 PM
To: 'Alcohol Licensing, CED ABC (CED sponsored)' <alcohol.licensing@alaska.gov>
Subject: RE: Alcohol License Renewal Applications for 3934 & 3936

Okay thank you very much Carrie. Please reach out to me directly if I can provide any additional information.

Stuart

Stuart R. Newmark, CHA
Operating Partner



From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Tuesday, January 08, 2019 6:05 PM
To: Stuart Newmark <stuart.newmark@jlhotelgroup.com>
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Alcohol License Renewal Applications for 3934 & 3936

Hi, Stuart

Thank you for the information. It looks like we need to dig a little further into this one, so I will forward your information to my management team for review/guidance. Someone from our office will be in touch soon – we all want the renewal process to go smoothly and as quickly as possible.

Thank you,

Carrie Craig

Occupational Licensing Examiner
State of Alaska DCCED
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, AK 99501

From: Stuart Newmark <stuart.newmark@jlhotelgroup.com>
Sent: Tuesday, January 08, 2019 1:41 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Alcohol License Renewal Applications for 3934 & 3936

Hi Carrie, just tried calling you to respond to your comment regarding 3934 application Section 2-Gross Receipts for 2017 & 2018.

The reason why Food Receipts and Gross Receipts are listed as zero is simply due to the fact that we do not (1) have a restaurant at this location, so no retail sales and (2) beer and wine which is dispensed is only provided on a complimentary basis in a controlled environment for hotel guests as part of a required Residence Inn/Marriott brand standard known as the RI Mix. We serve during limited evening hours three days per week complimentary food appetizers and complimentary beer, wine and soft drinks.

Hope that answers your question.

Thank you very much.

Stuart

Stuart R. Newmark, CHA
Operating Partner



Mobile: 407-230-7055
stuart.newmark@jlhotelgroup.com

This communication contains information that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please immediately delete it and all copies, and promptly notify the sender. Nothing in this communication is intended to operate as an electronic signature under applicable law. Please consider the environment before printing this e-mail

From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Tuesday, January 08, 2019 5:30 PM
To: Stuart Newmark <stuart.newmark@jlhotelgroup.com>
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Alcohol License Renewal Applications for 3934 & 3936

Good afternoon,

Received, thank you. I have forwarded the applications and payment information to our Admin team for processing and intake. A quick glance at the applications looks to be complete, but a more thorough examination will occur shortly by one of our examiners.

One thing I did notice was the AB-33 for license #3934 was not completed in full. Section 2 - Gross Receipts for 2017 & 2018 is required by AS 04.11.100(e) and cannot be zero. The examiner will address this with any other information (if necessary) after their review.

Thanks again!

Carrie Craig
Occupational Licensing Examiner
State of Alaska DCCED
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, AK 99501

From: Stuart Newmark <stuart.newmark@jlhotelgroup.com>
Sent: Tuesday, January 08, 2019 1:12 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: Alcohol License Renewal Applications for 3934 & 3936

Attention: Carrie

Thanks for your help on the telephone Carrie. Attached are the completed applications. Please let me know that you received and if everything appears to be in order.

Stuart
Stuart R. Newmark, CHA
Operating Partner



Mobile: 407-230-7055



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 2019/2020 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant or eating place liquor license that will expire on December 31, 2018. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	JL 35th Avenue Hotel, LLC	License #:	3934
License Type:	Restaurant or Eating Place	Statute:	AS 04.11.100
Doing Business As:	Residence Inn by Marriott		
Premises Address:	1025 35th Avenue		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Rogers Park		

Mailing Address:	1025 35th Avenue				
City:	Anchorage	State:	AK	ZIP:	99508

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Contact Licensee:	Jonathan Rubini	Contact Phone:	907-279-8068
Contact Email:	JRubini@jlproperties.com		

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	Stuart Newmark	Contact Phone:	407-878-0234
Contact Email:	stuart.newmark@jlhotelgroup.com		



Alaska Alcoholic Beverage Control Board

Form AB-17a: 2019/2020 Restaurant Renewal License Application

Section 2 - Entity or Community Ownership Information

This top subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). This number is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbpl/main/search/entities>. General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

Alaska CBPL Entity #: 10062099

You must ensure that you are able to certify the following statement before signing your initials in the box to the right:

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

Initials

[Signature]

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

Name of Official:	Leonard Hyde				
Title(s):	MANAGER	Phone:	907-279-8068	% Owned:	0%
Mailing Address:	P.O. BOX 202845				
City:	Anchorage	State:	Alaska	ZIP:	99520-2845

Name of Official:	Jonathan B Rubini				
Title(s):	MANAGER	Phone:	907-279-8068	% Owned:	0%
Mailing Address:	P.O. BOX 202845				
City:	Anchorage	State:	Alaska	ZIP:	99520-2845

Name of Official:	ANCHORAGE HOTEL Portfolio, LLC				
Title(s):	MEMBER	Phone:	907-279-8068	% Owned:	100%
Mailing Address:	P.O. BOX 202845				
City:	ANCHORAGE	State:	ALASKA	ZIP:	99520-2845

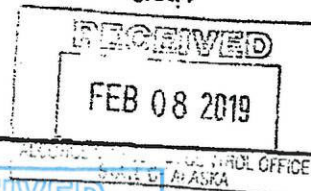
Form AB-17a (rev 09/17/2018)

License #3934 DBA Residence Inn by Marriott

AMCO

JAN 08 2019

Page 2 of 4



ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Form AB-17a: 2019/2020 Restaurant Renewal License Application

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: ☐ applicant ☐ affiliate (spouse)

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

[Handwritten initials]

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2017 2018

The license was regularly operated continuously throughout each year.

☒ ☒

The license was regularly operated during a specific season each year.

☐ ☐

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

☐ ☐

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

☐ ☐



Alaska Alcoholic Beverage Control Board

Form AB-17a: 2019/2020 Restaurant Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

☐ ☒

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2017 or 2018?

☐ ☒

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

5.14

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

5.14

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

5.14

I am submitting as part of this application a completed copy of Form AB-33: Restaurant Receipts Affidavit, to provide evidence to the ABC Board that this establishment met the food sales requirement set forth in AS 04.11.100(e).

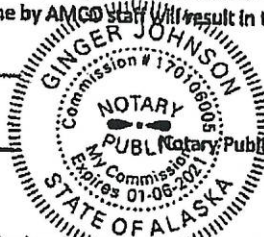
5.14

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Printed name of licensee

GONATHAN PUDINA



Signature of Notary Public

Notary Public in and for the State of

My commission expires: 01-06-2021

Subscribed and sworn to before me this 7 day of JANUARY, 20 19.

Seasonal License? Yes ☐ No ☒

If "Yes", write your six-month operating period: _____

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:	<u>(LATE FILING FEE)</u>				<u>\$500.00</u>
GRAND TOTAL (if different than TOTAL):					<u>\$1400.00</u>

[Form AB-17a] (rev 09/17/2018)

License #3934 DBA Residence Inn by Marriott

Page 4 of 4

AMCO

JAN 08 2019

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	JL 35th Avenue Hotel, LLC
Previous Legal Name	Midtown Residence Hotel, LLC

Entity Type: Limited Liability Company**Entity #:** 10062099**Status:** Good Standing**AK Formed Date:** 6/23/2017**Duration/Expiration:** Perpetual**Home State:** ALASKA**Next Biennial Report Due:** 1/2/2021**Entity Mailing Address:** P.O. BOX 202845, ANCHORAGE, AK 99520-2845**Entity Physical Address:** 813 D STREET, SUITE 200, ANCHORAGE, AK 99501

Registered Agent

Agent Name: Leonard Hyde**Registered Mailing Address:** P.O. BOX 202845, ANCHORAGE, AK 99520-2845**Registered Physical Address:** 813 D STREET, SUITE 200, ANCHORAGE, AK 99501

Officials

☐ Show Former

AK Entity #	Name	Titles	Owned
10063697	Anchorage Hotel Portfolio, LLC	Member	100
	Jonathan B. Rubini	Manager	
	Leonard B. Hyde	Manager	

Filed Documents

Date Filed	Type	Filing	Certificate
6/23/2017	Creation Filing	Click to View	Click to View
8/01/2017	Initial Report	Click to View	