



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019
FROM: Erika McConnell, Director RE: 5004 The Summit

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."

AS 04.11.210(d): "The board may not deny an application for renewal of a license issued under this section or an application to transfer a license issued under this section to another person solely because the board determines that the licensed premises is not a "recreational site" as defined under (c) of this section if the applicant

- (1) held a license under this section or received a transferred license under this section that was valid at any time between January 1, 2018, and March 31, 2019 or holds a license that was initially issued under (e) of this section; and
- (2) operates the license under the same conditions required at the time of initial licensure."

Staff Rec.: Approve the renewal

Background: The 2016/2017 renewal of this recreational site license was denied in February of 2016. After an appeal and hearing before an Administrative Law Judge, the board adopted the judge's proposed decision in December of 2016, and renewed the license for 2017/2018. The decision stated that the board singled out this license and did not apply its standards equally to all recreational site licenses, but that the board could apply its more correct interpretation of AS 04.11.210 to all future renewal applications, which is what the board did. The board denied the 2019/2020 renewal of this license in February of 2019, because the business, a health club, does not meet the requirements for a recreational site license under AS 04.11.210.

With the passage of Senate Bill 16, the licensee is requesting reconsideration of the renewal of their recreational site license. License 5004 was valid between January 1, 2018 and February 19, 2019, when renewal was denied.

Attachment: Renewal application

The Alaska Club Summit statement addressing meeting the requirements of AS 04.11.210 for 2019-2020 Recreational Site license.

1. The Summit at The Alaska Club has and will continue to sell beer and wine from the hours of 11:00am to 9pm or one hour after the last scheduled fitness activity.
2. While admittedly more of an activity based operation than an event based operation, the Club does offer the opportunity for competitive sports among members at the site.

It is the nature of our business that leads us to ask for the renewal under the recreational label. Without any question, the operations of the club foster fitness and good health while providing opportunities for social interaction, networking, and recreation. As to specific events, our group fitness schedule provides multiple scheduled classes daily that last for an hour or more. Classes begin as early as 5:30am and end at 8:00pm daily. While the classes may vary in style and format, they are offered year round and throughout the day.

3. The offering of our services and specifically our classes are year round.

AMCO

DEC 13 2018



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 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 recreational site 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:	The Alaska Club, Inc.	License #:	5004
License Type:	Recreational Site	Statute:	AS 04.11.210
Doing Business As:	The Summit		
Premises Address:	11001 O'Malley Centre Drive		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Bayshore/Klatt		

Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507

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:	Gary Sossamon	Contact Phone:	330-0134
Contact Email:	GSOSSAMON@THEALASKACLUB.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:		Contact Phone:	
Contact Email:			



Form AB-17c: 2019/2020 Recreational Site 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 using the following site: <https://www.commerce.alaska.gov/cbp/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 #:	37363 D
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

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.

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:	ATHLETIC CLUB HOLDINGS, INC.				
Title(s):	SHAREHOLDER	Phone:	330-0225	% Owned:	100
Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507

Name of Official:	ROBERT BREWSTER				
Title(s):	PRESIDENT	Phone:	337-9550	% Owned:	
Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507

Name of Official:	MARK BRIGHT				
Title(s):	VP / TREASURER	Phone:	330-0125	% Owned:	
Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507

DEC 31 2018



Form AB-17c: 2019/2020 Recreational Site Renewal License Application

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- 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:	BRENT KNUDSEN				
Title(s):	DIRECTOR / VP	Phone:	907-337-9550	% Owned:	—
Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507

Name of Official:	DEBRA CEDENO				
Title(s):	VICE PRESIDENT	Phone:	907-264-2729	% Owned:	—
Mailing Address:	1400 W. NORTHERN LIGHTS				
City:	ANCHORAGE	State:	AK	ZIP:	99503

Name of Official:	JASON WINSHIP				
Title(s):	DIRECTOR, SEC.	Phone:	907-337-9550	% Owned:	—
Mailing Address:	5201 EAST TUDOR ROAD				
City:	ANCHORAGE	State:	AK	ZIP:	99507



Form AB-17c: 2019/2020 Recreational Site 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/cbp/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 #: 37363D

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

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.



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.

Table with 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP. Row 1: Gary SOSSAMON, ASST. TREASURER, 907-330-0134, 5201 EAST TUOR ROAD, ANCHORAGE, AK, 99507.

Table with 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP. Row 1: MIKE GUDERIAN, VICE PRESIDENT, 907-330-0127, 5201 EAST TUOR ROAD, ANCHORAGE, AK, 99507.

Table with 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP. Row 1: (Empty)



Form AB-17c: 2019/2020 Recreational Site 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.

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 one time during the calendar year.

The license was not operated at all during the calendar year.

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.



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?

Yes: [] No: [x]

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?

Yes: [] No: [x]

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.

[M]

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.

[M]

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.

[M]

I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

[M]

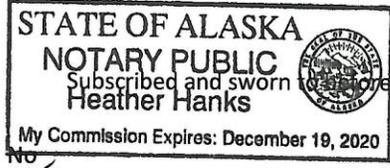
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the 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 [Signature]

Signature of Notary Public [Signature]

Printed name of licensee: Gary Sossamon

Notary Public in and for the State of Alaska



My commission expires: December 19, 2020. Subscribed and sworn to before me this 12th day of December, 2018.

Seasonal License? Yes [] No [x]

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

Table with 5 columns: License Fee (\$800.00), Application Fee (\$300.00), TOTAL (\$1100.00), Miscellaneous Fees, GRAND TOTAL (if different than TOTAL)