



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019
FROM: Erika McConnell, Director RE: 61 Anchor Bar & Grille

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 04.11.480(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.: Hold a public hearing; deny the application with a 30 day abeyance

Background: The City of Cordova protests the renewal of this beverage dispensary license pending payment of delinquent sales taxes.

The licensee should be notified that under 3 AAC 304.145(h), this abeyance period may not be extended or renewed.

Attachment: City of Cordova protest
Renewal application

From: [Smith, Jedediah R \(CED\)](#)
To: [AMCO Local Government Only \(CED sponsored\)](#)
Subject: FW: liquor license renewals in Cordova
Date: Tuesday, April 23, 2019 5:23:32 PM

From: Smith, Jedediah R (CED)
Sent: Tuesday, April 23, 2019 10:45 AM
To: cityclerk@cityofcordova.net
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: liquor license renewals in Cordova

Susan,

Thank you for this response. We can accept the waive of protest for license #62. But we need to clarify that unless you protest (conditionally) license #61, you will not have the opportunity to protest on July 1 if the licensee does not come into compliance. Your response should state that the city is protesting the renewal of the license on the condition that the licensee pay all delinquent sales taxes by July 1, 2019. This will clarify to the ABC Board the exact situation with this licensee, and allow our office to issue the licensee a “temporary” license so that they may operate during this interim period. But if the city “recommends renewal” that undercuts your recourse if they do not become compliant.

Please feel free to give me a call if you need further clarification.

Thank you,

Jedediah R. Smith
Local Government Specialist
Alcohol and Marijuana Control Office
(907) 334-2195
<https://www.commerce.alaska.gov/web/amco/>

From: Susan Bourgeois <cityclerk@cityofcordcitycova.net>
Sent: Monday, April 22, 2019 10:13 AM
To: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Cc: finance@cityofcordova.net; Barb Webber <finance4@cityofcordova.net>
Subject: RE: liquor license renewals in Cordova

Jane,
Thanks for all of this info. As far as licenses 61 and 62, Council approved this 2-part motion last week at its regular meeting on April 17.

1) waive it's right to protest approval of the renewal of liquor license #62 (Anchor Liquor Store) for Tiny Wings, Inc.

And,

2) recommend renewal of Liquor License # 61 with the condition that Tiny Wings, dba Anchor Bar & Grill, pays all delinquent sales taxes owing by July 1, 2019 while remaining current on new sales incurred, or the City will protest the renewal with AMCO at that time.

Obviously, the important part is item 2. I've cc'd Dean Baugh, Finance Director, who will be in close contact with the owners of the bar. We will contact you again by July 1 or sooner to let you know the status of the collection of the back taxes.

Thanks,
Susan

From: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>

Sent: Tuesday, March 12, 2019 4:24 PM

To: Susan Bourgeois <cityclerk@cityofcordova.net>; AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>

Cc: Dean Baugh <finance@cityofcordova.net>; Alan Lanning <citymanager@cityofcordova.net>

Subject: RE: liquor license renewals in Cordova

Hello Susan,

I would like to respond to your comments/questions in this email.

I want to update you on actions taken at recent Council meetings regarding liquor license renewals. At its February 6 regular meeting, Cordova City Council voted to waive its right to protest renewal of license 5508 and license 747.

At its February 20 meeting, Cordova City Council voted to waive its right to protest renewal of license 2433.

Thank you for this.

I assume when the sixty day period of local government protest expires, you usually just move forward on renewals. I have been remiss in responding to you when the City Council takes action such as waiving the right to protest. I will try to remember in the future to send you a quick email when that has occurred on a renewal that is before you.

You are correct, we usually move forward on renewals after the sixty-day period of local government protest expires. If it is a local government that would normally respond to our notices regardless, we try to reach out to make sure we did not actually miss a protest. Nonetheless, if you are ever to timely protest a renewal or a transfer or a new application, please make sure we acknowledged your protest.

There are 2 others that are now before you for renewal, licenses 61 & 62. This business has some financial issues with the City and we are in the process of addressing those. I believe Council has until May 1 to act on whether or not to protest these two renewals. I will be in touch with you

before then to let you know what action Council has chosen.

The protest period for these two license renewal applications expire on 4/29/19, so if we receive a protest after this date, it may not be considered by the ABC Board. Please plan accordingly.

Respectfully

Jane Sawyer

Occupational Licensing Examiner

Alcohol and Marijuana Control Office

907-269-0350

From: Susan Bourgeois <cityclerk@cityofcordova.net>

Sent: Tuesday, March 12, 2019 9:04 AM

To: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>

Cc: finance@cityofcordova.net; Alan Lanning <citymanager@cityofcordova.net>

Subject: liquor license renewals in Cordova

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Thanks,

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Susan Bourgeois, CMC, City Clerk

City of Cordova

The Cordova Center

PO Box 1210

601 First Street

Cordova, AK 99574

907.424.6248 (o)

907.253.6248 (c)

From: [Smith, Jedediah R \(CED\)](#)
To: [AMCO Local Government Only \(CED sponsored\)](#)
Cc: [Sawyer, Jane Preston \(CED\)](#)
Subject: FW: liquor license renewals in Cordova
Date: Wednesday, April 24, 2019 2:12:01 PM

FYI...

Jedediah R. Smith
Local Government Specialist
Alcohol and Marijuana Control Office
(907) 334-2195
<https://www.commerce.alaska.gov/web/amco/>

From: Susan Bourgeois <cityclerk@cityofcordova.net>
Sent: Wednesday, April 24, 2019 2:10 PM
To: Smith, Jedediah R (CED) <jedediah.smith@alaska.gov>
Subject: RE: liquor license renewals in Cordova

I'm confused, I'm pretty sure this is how we did it last time we put conditions on a business.

I guess we are doing the same thing we did last time. We do not want to protest immediately, we want to allow them the time to make up the amount owing to the City. The Finance Director and the business owner spoke and decided that the business had until July 1 to clear all past due amounts.

If you want to clarify with the board, please do so. Cordova Council is interested in protesting (for now) with the condition that they pay in full by July 1. At which time we will be in touch with you again to inform you of whether or not they have paid in full or not.

Seems to be semantics either way, but last time, in 2017 when we accomplished this I used the same language. I'll change it for next time.

Thanks,
Susan

From: Smith, Jedediah R (CED) <jedediah.smith@alaska.gov>
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PO Box 1210
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Cordova, AK 99574
907.424.6248 (o)
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Alaska Alcoholic Beverage Control Board

Form AB-17: 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 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:	Tiny Wings, Inc.	License #:	61
License Type:	Beverage Dispensary	Legal Ref.:	AS 04.11.090
Doing Business As:	Anchor Bar & Grill		
Premises Address:	207 Breakwater Avenue		
Local Governing Body:	City of Cordova		
Community Council:	None		

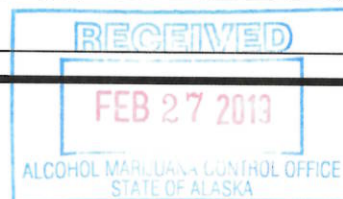
Mailing Address:	PO Box 1429				
City:	Cordova	State:	AK	ZIP:	99574

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:	Eli Johnson / Tiny Wings Inc	Contact Phone:	(907) 429-8089
Contact Email:	eli@graphicice.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-17: 2019/2020 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 #:	10002156
-----------------------	----------

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.

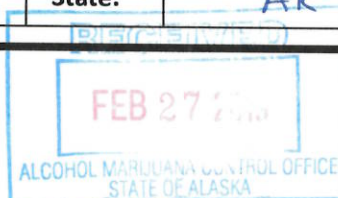
- If the applicant is a **corporation**, the following information must be completed for each **stockholder who owns 10% or more** of the stock in the corporation, and for each **president, vice-president, secretary, and managing officer**.
- If the applicant is a **limited liability organization**, 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:	Ben D Johnson				
Title(s):	Director, Shareholder Secretary, Vice president	Phone:	(907) 253-3344	% Owned:	25
Mailing Address:	319 Davis Ave ; PO Box 263				
City:	Cordova	State:	AK	ZIP:	99574

Name of Official:	Brooke C Johnson				
Title(s):	Shareholder	Phone:	(907) 253-7100	% Owned:	25
Mailing Address:	PO Box 263				
City:	Cordova	State:	AK	ZIP:	99574

Name of Official:	Eli J Johnson				
Title(s):	Director, Shareholder, President Treasurer	Phone:	(907) 429-8089	% Owned:	25
Mailing Address:	PO Box 1089				
City:	Cordova	State:	AK	ZIP:	99574





Form AB-17: 2019/2020 Renewal License Application

Section 2 – Entity or Community Ownership Information

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- 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**.
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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:	Harry R Harlow				
Title(s):	Shareholder	Phone:	(206) 423-6697	% Owned:	25
Mailing Address:	6042 Seaview Ave				
City:	Seattle	State:	WA	ZIP:	98107

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	





Form AB-17: 2019/2020 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

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 5.

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.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was regularly operated during a specific season each year.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>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.</i>	<input type="checkbox"/>	<input type="checkbox"/>
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. <i>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.</i>	<input type="checkbox"/>	<input type="checkbox"/>





Alaska Alcoholic Beverage Control Board

Form AB-17: 2019/2020 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? [] [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? [] [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. [EB]

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 Board. [EB]

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. [EB]

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] Signature of licensee

[Signature] Signature of Notary Public

Eli J Johnson Printed name of licensee

Notary Public in and for the State of Oregon

My commission expires: 6/29/19

Subscribed and sworn to before me this 26th day of Feb, 2019.



Seasonal License? Yes [] No [X]

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

Table with 5 columns: License Fee (\$2500.00), Application Fee (\$300.00), TOTAL (\$2800.00), Miscellaneous Fees (Late Fee \$500), GRAND TOTAL (if different than TOTAL) (\$3300)

