



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: July 9, 2019

FROM: Erika McConnell, Director

RE: 5780 Jazz Bistro "Havana Nights"

**Requested Action:** New license application

**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; rescind previous approval, and deny the application with a 180 day abeyance

**Background:** At the last meeting, the board approved this restaurant or eating place license with delegation. After the meeting, staff received a timely protest from the City of Fairbanks pending issuance of a certificate of occupancy.

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

**Attachments:** City of Fairbanks protest  
New license application



# City of Fairbanks

*Office of the City Clerk*

800 Cushman Street

Fairbanks, AK 99701

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

May 15, 2019

TJ Zielinski, Occupational Licensing Examiner  
Alcohol & Marijuana Control Office  
550 W 7th Avenue, Suite 1600  
Anchorage, Alaska 99501

Mr. Zielinski:

At the regularly-scheduled meeting of May 13, 2019, the Fairbanks City Council voted to **PROTEST** the following new Restaurant/Eating Place liquor license and Restaurant Designation Permit (RDP) until a Certificate of Occupancy has been issued by the City Building Official:

License Type: Restaurant/Eating Place, License #**5780**  
DBA: **Jazz Bistro "Havana Nights"**  
Licensee/Applicant: Bluenote Create, Inc.  
Physical Location: 529 4th Avenue, Fairbanks, Alaska

I will notify AMCO when the City protest has been lifted. Should you need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Danyielle Snider".

D. Danyielle Snider, CMC  
Fairbanks City Clerk

cc: File  
Anna Lenora Byam, Bluenote Create, Inc. Agent



Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

**What is this form?**

This new license application form is required for all individuals or entities seeking to apply for a new liquor license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 304** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 304.105.

**This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to be licensed.

Licensee:	Bluenote Create Inc		
License Type:	Restaurant Eating Place	Statutory Reference:	04.11.100
Doing Business As:	Jazz Bistro "Havana Nights"		
Premises Address:	529 4th Ave		
City:	Fairbanks	State:	AK
		ZIP:	99701
Local Governing Body:	City of Fairbanks		
Community Council:	Fairbanks		

Mailing Address:	PO BOX 60584		
City:	Fairbanks	State:	AK
		ZIP:	99706

Designated Licensee:	Anna Lenora Byam		
Contact Phone:	9079879611	Business Phone:	
Contact Email:	jazzbistro.on4th@gmail.com		

Seasonal License?  Yes  No If "Yes", write your six-month operating period: \_\_\_\_\_

OFFICE USE ONLY			
Complete Date:		License Years:	License #: 5780
Board Meeting Date:		Transaction #:	1037969
Issue Date:		BRE:	TJZ



## Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

### Section 2 – Premises Information

Premises to be licensed is:

- an existing facility       a new building       a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

### Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4. If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant       affiliate

Name:					
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 4 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

- 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*.

Entity Official:	Anna Lenora Byam				
Title(s):	President, VP, Sec, owner	Phone:	9079879611	% Owned:	100
Address:	Po Box 60584				
City:	Fairbanks	State:	AK	ZIP:	99706

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10035398	AK Formed Date:	2/01/16	Home State:	Alaska
Registered Agent:	Anna Lenora Byam		Agent's Phone:	9079879611	
Agent's Mailing Address:	PO BOX 60584				
City:	Fairbanks	State:	Alaska	ZIP:	99706

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

**Section 5 - Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Restaurant Eating Place License, License # 5585, Bluenote Create Inc dba Jazz Bistro On 4th, owner Anna Lenora Byam

**Section 6 - Authorization**

Communication with AMCO staff: Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:



# Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

## 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 proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

I certify that all proposed licensees have been listed with the Division of Corporations.

I certify 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.

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As an applicant for a liquor license, 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.

\_\_\_\_\_  
Signature of licensee

\_\_\_\_\_  
Signature of Notary Public

Anna Lenora Byam  
\_\_\_\_\_  
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 07/04/2022

STATE OF ALASKA  
NOTARY PUBLIC  
**B. Withrow**  
My Commission Ends July 4, 2022



Subscribed and sworn to before me this 6<sup>th</sup> day of February, 2019.



## Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

### What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

**The second page of this form is not required.** Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

**This form must be completed and submitted to AMCO's main office before any license application will be considered complete.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

### Section 1 – Establishment Information

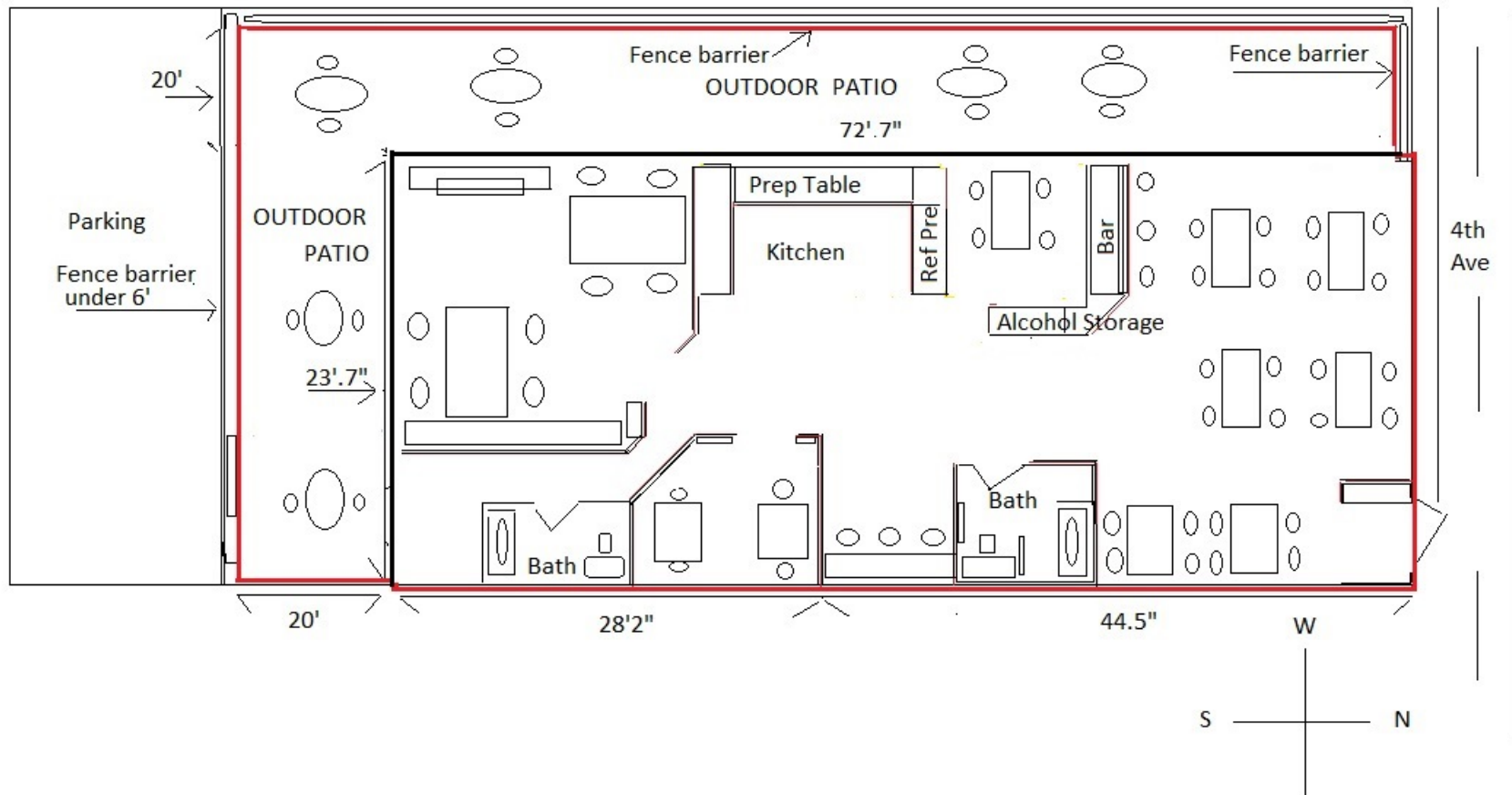
Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Bluenote Create Inc	License Number:	
License Type:	Restaurant Eating Place		
Doing Business As:	Jazz Bistro "Havana Nights"		
Premises Address:	529 4th Avenue		
City:	Fairbanks	State:	Alaska
		ZIP:	99701

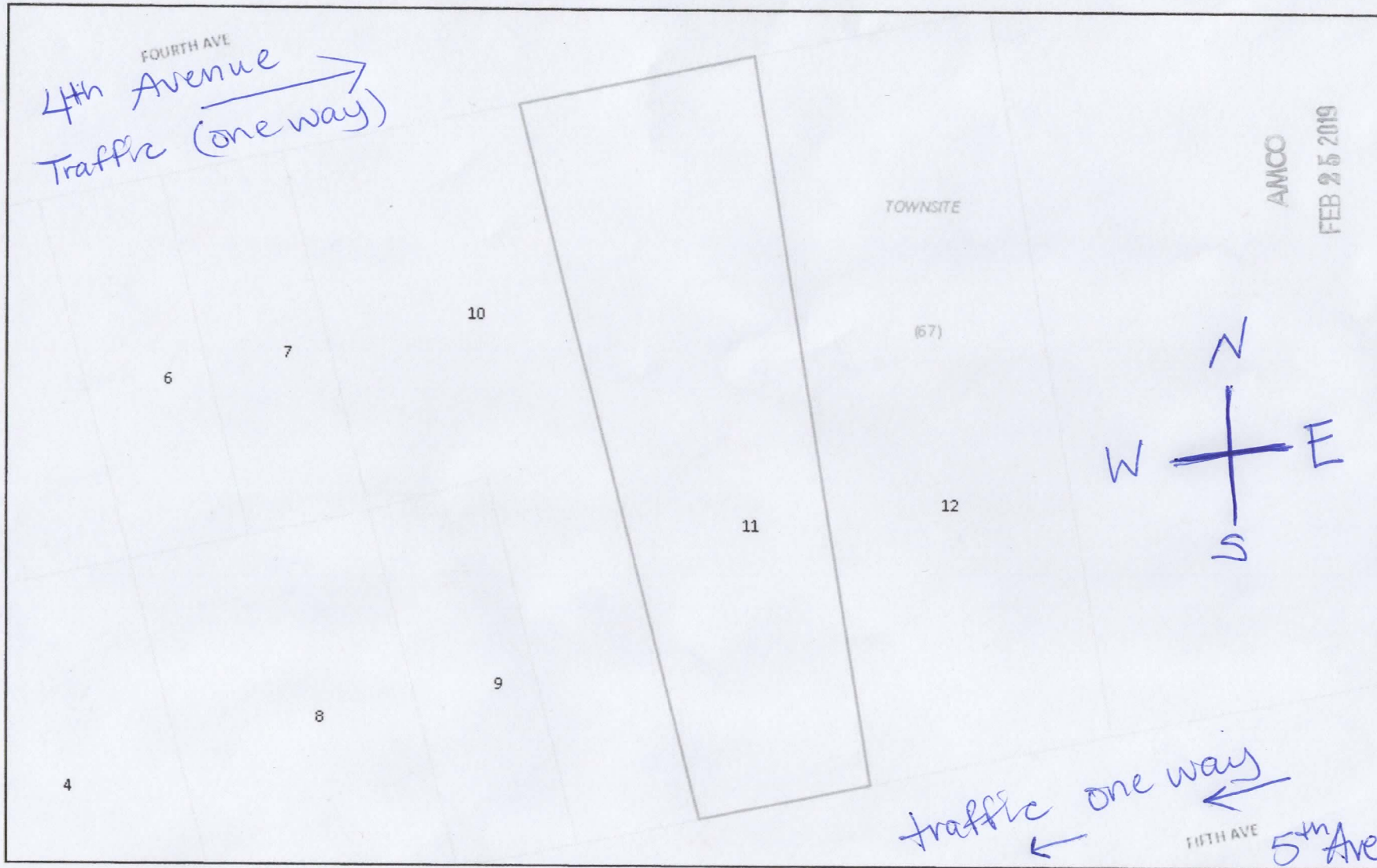


5th Ave

4th Ave

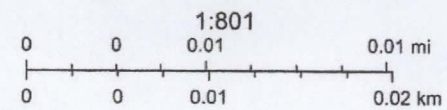


# Fairbanks Property Summary Map



2/22/2019 3:49:19 PM

Parcels Roads  
Constructed



Restaurant Designation Permit Application:

More Details outside patio dining; Security Measures:

Customers can dine outside during the summer season.

The area will be fenced, and the proper alcohol signage provided by AMCO of the Alaska Statutes on Alcohol will be posted.

No one can leave the area with any alcohol.

All staff will monitor and make sure patrons are aware of those regulations.

Everyone will be ID, and no one under 21 Years of age will be served alcohol.

The fence is less than 6 feet. Outdoor seating wraps around the building; it is "L" shaped. There is only one outdoor patio seating area.

There will be 6 to 7 outdoor patio tables.