



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: March 31, 2020

FROM: Glen Klinkhart, Interim Director

RE: 5557 49th State Brewery – Roof Top
Deck Bar

**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 180 day abeyance.

Background: Municipality of Anchorage protests pending certification from the State Fire Marshal.

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

Attachment: Municipality of Anchorage protest
Renewal application



Municipality of Anchorage

PO. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

January 30, 2020

Ms. Carrie Craig
Alaska Alcohol and Marijuana Control Office
550 W 7th Ave. Ste. 1600
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Craig:

The Anchorage Municipal Assembly at its regular meeting on January 28, 2020 took the following final action:

WAIVE OF PROTEST

Renewal Liquor License – AM 29-2020

- **Beverage Dispensary**
 - 49th State Brewing Company-Floor 1 Main Bar LL#4058
 - Humpy's Great Alaskan Ale House LL#3427
 - Darwin's Theory LL#987
- **Beverage Dispensary – Duplicate**
 - 49th State Brewing Company-Floor 2 Service Bar LL#5554
 - 49th State Brewing Company-Floor 1 Theater Bar LL#5558
- **Brewpub**
 - 49th State Brewing Company- Brewpub Bar LL#4059

Renewal Liquor License – AM 29-2020

- **Beverage Dispensary**
 - Buckaroo Club LL#185
 - Anchorage Brewing Company LL#977
 - Polar Bar LL#901
- **Beverage Dispensary – Duplicate**
 - Bear Tooth Grill LL#5721
- **Beverage Dispensary-Tourism**
 - Old Cannery Bar LL#4230
- **Restaurant/Eating Place**
 - Panda Restaurant LL# 3077
 - Tempura Express Sushi & Teriyaki LL#5160
 - Ronnie Sushi LL#4435
 - Smashburger LL#5490

- **Package Store**
 - Value Liquor #1 LL#1044
 - Value Liquor #3 LL#1199
 - Value Liquor #4 LL#1197
 - Anchorage Wine House at Minnesota Drive LL#2808
- **Club**
 - Loyal Order of Moose Lodge #1534 LL#750

PROTEST


Renewal Liquor License

- **Restaurant/Eating Place**
 - 49th State Brewing Company-Roof Top Deck Bar LL#5557 – AR 2020-12
 - Pending certification from Anchorage Fire Department.
 - Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the January 28, 2020 Assembly Meeting.
- **Beverage Dispensary**
 - Panhandler Bar LL#825 – AR 2020-11
 - Pending certification from Anchorage Fire Department.
 - Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the January 28, 2020 Assembly Meeting.

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,



Kiana Belser 
Business License Assistant



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	49th State Brewery - Roof top Deck Bar	License Number:	5557
License Type:	Beverage Dispensary - Duplicate		
Examiner:	RANDI	Transaction #:	1186559

Document	Received	Completed	Notes
AB-17: Renewal Application	11/21	11/21	
App and License Fees	11/21	11/21	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
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	Yes	No
Selling alcohol in response to written order (package stores)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

Waive
 Protest
 Lapsed

LGB 2 Response:

Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 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 are is due to renew by December 31, 2019. 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 and submitted to AMCO's main office before any license renewal application will be reviewed. 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:	Northern Hospitality Group, Inc.	License #:	5557
License Type:	Beverage Dispensary - Duplicate		
Doing Business As:	49th State Brewery - Roof Top Deck Bar		
Premises Address:	717 W 3rd Avenue		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Downtown		
Mailing Address:	645 W. 3rd Ave		
City:	Anchorage	State:	AK
		ZIP:	99501

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:	Jason Motyka	Contact Phone:	907-229-5151
Contact Email:	jmotyka@nhgalaska.com		

Optional: If you wish for AMCO staff to communicate with an 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: 2020/2021 Renewal License Application

Section 2 – Entity or Community Ownership Information

Licenses who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below 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 vising the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10033804
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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 **shareholder 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. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	David McCarthy			
Title(s):	President	Phone:	907-599-0052	% Owned: 50
Mailing Address:	645 W. 3rd Ave			
City:	Anchorage	State:	AK	ZIP: 99501

Name of Official:	Jason Motyka			
Title(s):	Secretary	Phone:	907-229-5151	% Owned: 50
Mailing Address:	645 W. 3rd Ave			
City:	Anchorage	State:	AK	ZIP: 99501

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



Form AB-17: 2020/2021 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. 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.

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

This individual is an: applicant affiliate

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

This individual is an: applicant affiliate

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:

2018 2019

The license was regularly operated continuously throughout each year.

<input type="checkbox"/>	<input type="checkbox"/>
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The license was regularly operated during a specific season each year.

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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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.

<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.

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.

<input type="checkbox"/>	<input type="checkbox"/>
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Form AB-17: 2020/2021 Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

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 2018 or 2019?

Yes No

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.

Initials

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.

Initials

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.

Initials

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
Jason Moly
Printed name of licensee

Tracy Edwards
Signature of Notary Public
Notary Public in and for the State of Alaska

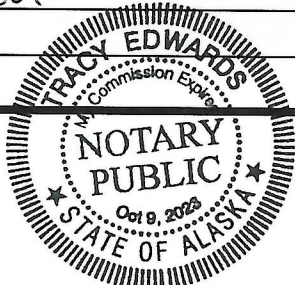
My commission expires: 10/9/2023

Subscribed and sworn to before me this 21st day of November, 2019.

Seasonal License? Yes No

If "Yes", write your six-month operating period: 4/15 - 10/15

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:	<u>1,250</u>		<u>\$ 300.</u>		<u>1550</u>
GRAND TOTAL (if different than TOTAL):					



Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Northern Hospitality Group, Inc.

Entity Type: Business Corporation

Entity #: 10033804

Status: Good Standing

AK Formed Date: 12/2/2015

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: 645 W 3RD AVE, ANCHORAGE, AK 99501

Entity Physical Address: 717 W 3RD AVE, ANCHORAGE, AK 99501

Registered Agent

Agent Name: Jason S. Motyka

Registered Mailing Address: PO BOX 107, DENALI PARK, AK 99755

Registered Physical Address: MILE 238 S PARKS HWY, DENALI PARK, AK 99755

Officials

Show Former

AK Entity #	Name	Titles	Owned
	David Sean McCarthy	Director, President, Shareholder	50.00
	Jason Scott Motyka	Director, Secretary, Shareholder, Treasurer	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
12/02/2015	Creation Filing	Click to View	Click to View
1/12/2016	Initial Report	Click to View	
11/10/2016	Biennial Report	Click to View	
1/05/2019	Biennial Report	Click to View	
7/16/2019	Change of Officials	Click to View	

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City Code: Anchorage, Muni. of

Borough Code: Anchorage

Liquor Code: Beverage Dispensary - Dupl

Comments: Change of Officers rcvd 7/16/19 cdc
Expiration year changed - inspection never completed/license never

Start Season:

End Season:

Designation:

Rest Des:

Documents: [View/Add Documents](#)

Save

Cancel

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This changes to seasonal at some point

need dates on here at some point

Department of Commerce, Community, and Economic Development
ALCOHOL & MARIJUANA CONTROL OFFICE

[State of Alaska](#) / [Commerce](#) / [Intranet](#) / [ABC License](#) / [Home](#) / [Add/Update License](#)

ADD/UPDATE A LICENSE

License No.:

Expiration

Data Entry:

Year:

Form No.:

Last Update:

Valid Pending Expired

Entered By:

Updated By:

DBA/Establishment:

Owner: ▼

Location:

Address:

City:

State:

Zip:

Community

Council:

EIN:

Email:

Phone:

Fax:



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 3, 2019

Municipality of Anchorage
Via Email: munilicenses@muni.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary - Duplicate	License Number:	5557
Licensee:	Northern Hospitality Group, Inc.		
Doing Business As:	49 th State Brewing Company – Roof Top Deck Bar		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

A handwritten signature in brown ink, appearing to read "Glen Klinkhart".

Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 3, 2019

Northern Hospitality Group, Inc.
DBA: 49th State Brewing Company Roof Top Deck Bar

Re: Beverage Dispensary License #5557 DBA: 49th State Brewing Company Roof Top Deck Bar

Dear Applicant:

I have received your application for renewal of your liquor license. Our staff has reviewed your application after receiving your application and required fees. Your renewal documents appear to be in order, and I have determined that your application is complete for purposes of AS 04.11.510, and AS 04.11.520.

Your application is now considered complete and will be sent electronically to your local governing body, your community council if your proposed premises is in Anchorage or certain locations in the Matanuska-Susitna Borough, and to any non-profit agencies who have requested notification of applications. The local governing body will have 60 days to protest the renewal of your license or waive protest.

A temporary license has not been issued for this establishment. Your 2018/2019 license is valid through February 28, 2020 to allow you continued operations during the renewal process. A temporary license will only be issued if you have not received the final approvals necessary by February 28, 2020.

Your application will be scheduled for the January 2020 board meeting for Alcoholic Beverage Control Board consideration. The address and call-in number for the meeting will be posted on our home page. The board will not grant or deny your application at the meeting unless your local government waives its right to protest per AS 04.11.480(a).

Please feel free to contact us through the alcohol.licensing@alaska.gov email address if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Randi Baker".

Randi Baker
Occupational Licensing Examiner



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

December 3, 2019

Municipality of Anchorage
Via Email: munilicenses@muni.org

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary - Duplicate	License Number:	5557
Licensee:	Northern Hospitality Group, Inc.		
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Glen Klinkhart, Interim Director
amco.localgovernmentonly@alaska.gov