

Notice of Violation

(3AAC 304.525)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 11/15/18

License #/Type: #1450 - Restaurant/Eating Place

Licensee: Chul Woo Kang

Address: 2824 Front St., Nome, AK

DBA: Milano's Pizzeria

AMCO Case #: AB18-1433

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

You have unapproved board transfers as follows:

Business License as Sole Proprietor is currently INACTIVE and expired 12/31/2011

New Entity #: 125433

Date Created: 12/18/2009

Legal Name in CBPL: Milano's Pizzeria Inc.

Officials: Chul Woo Kang, President, 50%

Kyung Ok Kang, Secretary, 50%

Business License for Corporation is currently ACTIVE and issued on 10/13/2011, expires 12/31/2019

Your attention is directed to AS 04.11.040: Board approval of transfers

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE: *J.R. Hamilton*

SIGNATURE:

Delivered VIA: Mail

Date:

LT NOME LAW, P.C.
ATTORNEYS AT LAW
P.O. BOX 61
NOME, ALASKA 99762
MAIL@NOME.LAW

TOLL-FREE: (833) NOME LAW • PHONE: (907) 443-5226 • FAX: (907) 443-5098

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ERIN M. LILLIE
ERIN@NOME.LAW

November 28, 2018

J. Hamilton
Alcohol & Marijuana Control Office
Attn: Enforcement
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Re: Notice of Violation – License # 1450

Dear Mr. Hamilton:

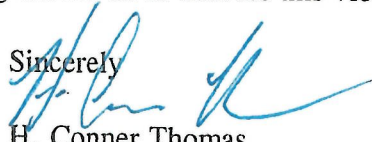
Chul Woo Kang dba Milano's Pizzeria has requested that our office respond to the above referenced Notice of Violation. (Copy Attached).

Mr. Kang is a Korean speaker with very limited English. He was not aware that when he incorporated his business in 2009 and obtained a business license in the name of the new entity that he would be in violation of the alcohol licensing law. It was not his intention to transfer the license to the new entity in violation of the law. He overlooked the impact on the license with creation of the new entity and new business license. As you can tell from the history he has had no problems with this license in the past.

Mr. Kang wants to take whatever steps are necessary to rectify this problem. He will obtain a business license as a sole proprietor dba as Milano's Pizzeria. Mr. Kang recognizes that he may not be permitted to obtain a business license for Milano's Pizzeria since that is the same name used by the entity Milano's Pizzeria Inc. Assuming that is the case he will consider dropping the business license for Milano's Pizzeria Inc. In addition he will, this week, begin preparation of the transfer paperwork to Milano's Pizzeria, Inc.

Let us know if there is anything else that Mr. Kang should do to address this violation.

Sincerely


H. Conner Thomas

Cc: Milano's Pizzeria



Alaska Alcoholic Beverage Control Board

Restaurant or Eating Place License

Form AB-17a: 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 restaurant or eating place liquor license that 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:	Milano's Pizzeria, Inc.	License #:	1450
License Type:	Restaurant/Eating Place		
Doing Business As:	Milano's Pizzeria		
Premises Address:	110 Front Street, Old Federal Building, #102		
Local Governing Body:	City of Nome		
Community Council:	None		

Mailing Address:	PO Box 904				
City:	Nome	State:	AK	ZIP:	99762

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:	Kyung OK Kang	Contact Phone:	(907) 443-2924
Contact Email:	ejache@hotmail.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:	Kang J Cho	Contact Phone:	(907) 561-0101
Contact Email:	Kjcjungam@gmail.com		

**Form AB-17a: 2020/2021 Restaurant Renewal License Application****Section 2 – Entity or Community Ownership Information**

Licensees 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 visiting the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	125433
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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.

GK

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:	Chul woo kang			
Title(s):	president	Phone:	443-2924	% Owned: 50
Mailing Address:	PO Box 904			
City:	Nome	State:	AK	ZIP: 99762

Name of Official:	kyung ok kang			
Title(s):	Secretary, Treasurer	Phone:	443-2924	% Owned: 50
Mailing Address:	PO Box 904			
City:	Nome	State:	AK	ZIP: 99762

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

**Form AB-17a: 2020/2021 Restaurant 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

N/A

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

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.

GK

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

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

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

**Form AB-17a: 2020/2021 Restaurant 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?

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?



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.



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.



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.



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).



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.

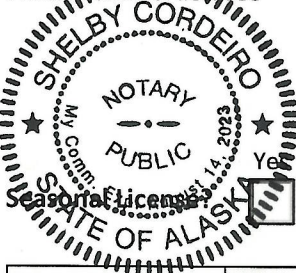
Signature of licensee

CHUL woo kang

Signature of Notary Public

Shelby Cordeiro

Printed name of licensee

Notary Public in and for the State of AlaskaMy commission expires: 08/14/2023Subscribed and sworn to before me this 29th day of November, 2019.

Yes

No

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

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					