



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: April 20, 2021

FROM: Glen Klinkhart, Director

RE: 4674 Dimond Bowl

Requested Action: Renewal Application

Statutory & Regulation Authority:

AS 04.11.510(b)(1): "if an application is denied, the notice of denial shall be furnished the applicant immediately in writing stating the reason for the denial in clear and concise language; the notice of denial must inform the applicant that the applicant is entitled to an informal conference with either the director or the board, and that, if not satisfied by the informal conference, the applicant is then entitled to a formal hearing conducted by the office of administrative hearings (AS 44.64.010); if the applicant requests a formal hearing, the office of administrative hearings shall adhere to AS 44.62.330 — 44.62.630 (Administrative Procedure Act); all interested persons may be heard at the hearing and unless waived by the applicant and the board, the formal hearing shall be held in the area for which the application is requested"

3 AAC 304.145(h) "The board may uphold a protest of an application or continued operation with a single abeyance period not to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation is approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that it has removed the protest, the application or continued operation is denied. The period of abeyance may not be extended or renewed."

Background: UPDATE: The Municipality of Anchorage has lifted their protest of this renewal application on April 20, 2021.

On April 29, 2020 the Municipality of Anchorage protested the renewal application pending certification from the Anchorage Health Department.. The ABC Board upheld the protest at the June 9, 2020 meeting and denied the renewal with 188-day abeyance. In order to renew the license, the Municipality would have needed to lift the protest no later than January 25, 2021, which they did not. A denial letter was mailed certified return receipt and emailed on January 26, 2021 with a blank Notice of Defense. On February 8, 2021 AMCO received a written request for an informal hearing to appeal the denial.

Attachment:

Written Request to Appeal the Denial
MOA's Protest Lift
Denial Letter
Board Action Letter
Municipality of Anchorage Protest
AB-17



February 8, 2021

Glen Klinkhart
Director
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Subject: Appeal of Decision for Recreational Site License #4674

Dear Mr. Klinkhart:

We have received the Alcohol and Marijuana Control Office's notice denying Dimond Bowl's (License #4674) Recreational Site License renewal due to pending certification from the Anchorage Health Department.

We would like to respectfully request an informal hearing with you to appeal this decision.

Please feel free to contact me anytime at (907) 227-7618 or hashlock@dimondcenter.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Hugh Ashlock', with a long horizontal flourish extending to the right.

Hugh Ashlock
Managing Member



Municipality of Anchorage

P.O. Box 196650 Anchorage, Alaska 99519-6650 Telephone: (907) 343-4316 Fax: (907) 249-7533 www.muni.org/clerklicensing

Office of the Municipal Clerk Licensing

April 20, 2021

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

Re: Dimond Center, LLC DBA Dimond Bowl, LL#4674

Dear Ms. Craig:

On April 28, 2020 the Anchorage Municipal Assembly approved the protest of the renewal recreational site liquor license, #4674 for the above listed establishment until certification from the Anchorage Health Department has been received.

The Municipality of Anchorage Clerk's Office LIFTS THE PROTEST on license #4674. However, the applicant may have conditions of approval for Municipal permits that must be fulfilled prior to operation, or conditions on the liquor license that the Assembly requests the ABC Board to impose prior to the issuance of this license.

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 Specialist

CC: Dimond Center, LLC - Via Email

Re: AR 2020-125



THE STATE
of ALASKA
GOVERNOR MIKE 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

January 25, 2021

Dimond Center, LLC
800 E. Dimond Blvd, Ste. 3-500
Anchorage, AK 99515
VIA email: hashlock@dimondcenter.com
ckuckertz@dimondcenter.com

Re: Renewal of Recreational Site License #4674

Dear Dimond Center, LLC:

On July 29, 2020 you were sent a Board Action from the Alcoholic Beverage Control Board with the following information:

At the June 9, 2020, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board upheld the protest of the license renewal application by the Municipality of Anchorage, and denied the application with a 180-day abeyance. This means that the Municipality of Anchorage must withdraw its protest of your license application by January 25, 2021; otherwise the application is denied. The municipality protested the renewal application pending certification from the Anchorage Health Department.

To date, the Municipality of Anchorage has not withdrawn its protest. Therefore, your application for renewal of your license is denied under 3 AAC 304.145(h).

To contest this denial, you have the right to an informal conference with the director or the Board under AS 04.11.510(b)(1), which you may initiate in writing within 15 days of receiving this letter. You also have the right to forego an informal conference and proceed directly to hearing. As such, please consider this letter as a Statement of Issues as required by AS 44.62.370. If you intend to request a formal hearing, you must notify AMCO in writing, within 15 days of receiving this notice. If you request an informal conference, the 15 days to request a formal hearing will be paused until the informal conference is held. A Notice of Defense form is enclosed for this purpose; however, you may submit any written notice that meets the requirements of AS 44.62.390.

Your Notice of Defense must be sent to:

Administrative Officer
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600

Anchorage, AK 99501

Failure to request an informal conference or to request a hearing waives your right to further appeal.

You may contact the office with any questions or to request additional information. However, we cannot provide you with any legal advice.

Respectfully,

A handwritten signature in blue ink, appearing to read "Carrie Craig". The signature is stylized and somewhat cursive, with the first name "Carrie" being more prominent than the last name "Craig".

Carrie Craig

Records and Licensing Supervisor



THE STATE
of ALASKA
GOVERNOR MIKE 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

July 29, 2020

Dimond Center, LLC
800 E Dimond Blvd, #3-500
Anchorage, AK 99515

Re: Dimond Bowl #4674

Dear Licensee:

At the June 9, 2020, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board upheld the protest of the license renewal application by the Municipality of Anchorage, and denied the application with a 180-day abeyance. This means that the Municipality of Anchorage must withdraw its protest of your license application by January 25, 2021; otherwise the application is denied. The borough protested the renewal application pending payment of taxes and/or debts owed in addition to a violation of the Condition Use Permit.

If the protest is lifted by the deadline, your license application is approved with delegation, meaning the it can be effectuated as soon as all outstanding approvals are received.

Please contact alcohol.licensing@alaska.gov with any questions.

Sincerely,

A stylized, blue-toned signature of Carrie Craig.

Carrie Craig
Records and Licensing Supervisor

For
Glen Klinkhart,
Interim Director

cc: License File
Municipality of Anchorage



Municipality of Anchorage

P.O. Box 196650 Anchorage, Alaska 99519-6650 Telephone: (907) 343-4316 Fax: (907) 249-7533 www.muni.org/clerklicensing

Office of the Municipal Clerk Licensing

April 29, 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 **April 28, 2020** took the following final actions:

WAIVE OF PROTEST

Renewal Liquor License – AM 232-2020

- **Beverage Dispensary**
Moose's Tooth Pub & Pizzeria, LL#3971
Firetap Alehouse Restaurant Tikahtnu Commons, LL#1625
Little Italy Restaurante, LL#2988
Henri Hawaii, LL#4835
- **Beverage Dispensary-Tourism**
Embassy Suites Anchorage, LL#4774
Silver Gulch Brewing & Bottling, LL#5131
Flight Deck Bar/Arctic Inn, LL#402
- **Restaurant/Eating Place**
Charlou, LL#5718
Marco T's Pizzeria, LL#5463
Xalos Grill, LL#5190
BurgerFi Creekside Mall, LL#5453
BurgerFi, LL#5324
Guido's Pizza, LL#2636
Fried Rice Express Asian Cuisine, LL#5551
Silk, LL#1691
- **Package Store**
Firetap, LL#5448
Silver Gulch Brewing & Bottling, LL#5121
Fred Meyer Muldoon 18, LL#4108
Fred Meyer 668, LL#4186
Fred Meyer Dimond 71, LL#3906
Fred Meyer 656, LL#4160
Crush, LL#4779

- **Club**
American Legion Post 1, LL#51
- **Wholesale-General**
The Odom Corporation, LL#5714

Renewal Liquor License – AM 233-2020

- **Beverage Dispensary**
Slippery Salmon Bar & Grill, LL#1036
McGinley's Alaskan Pub, LL#4545
- **Restaurant/Eating Place**
The Red Chair Café, LL#5316
- **Package Store**
Growlers, Whiskey & Wine, LL#4377
Crush Bottle Shop, LL#4820
49th State Spirits & Gifts, LL#5648

PROTEST

Renewal Liquor License

- **Restaurant/Eating Place**
Jack Sprat LL#1632 – *AR 2020-118*
Pending certifications from the Anchorage Health Department, Land Use Enforcement and approval by the Director of the Planning Department of a special land use permit modification.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.
- **Package Store**
Matanuska Brewing Company LL#5724 – *AR 2020-119*
Pending certifications from the Anchorage Health Department and the Building Safety Official.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.
- **Beverage Dispensary-Tourism**
Al's Alaskan Inn LL#10 – *AR 2020-120*
Pending certifications from the Anchorage Health Department and the Anchorage Fire Department.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.
- **Winery**
Double Shovel Cider Company LL#5427 – *AR 2020-121*
Pending certifications from the Anchorage Health Department, the Anchorage Fire Department and Land Use Enforcement.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.
- **Beverage Dispensary**
Last Frontier Bar LL#135 – *AR 2020-122, As Amended*
Pending payment in full of taxes owed to the Municipality and certification from the Anchorage Health Department.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.
- **Club**
35+ Singles Club LL#1494 – *AR 2020-123*
Pending certifications from the Anchorage Health Department and the Building Safety Official.
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 28, 2020 Assembly Meeting.

- **Recreational Site**

Dimond Bowl LL#4674 – AR 2020-125

Pending certification from the Anchorage Health Department.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the April 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,

Mandy Honest
Business License Official

CC: Weits III, LLC – Via Email
Eagle River Alehouse, LLC – Via Email
Allen Henry Choy, LLC – Via Email
Double Shovel Cider Co., LLC – Via Email
Venture Bar, LLC – Via Email
Thirty-Five Plus Singles Club, Inc. – Via Email
Dimond Center, LLC – Via Email



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 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 recreational site 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: | Dimond Center, LLC | License #: | 4674 |
| License Type: | Recreational Site | | |
| Doing Business As: | Dimond Bowl | | |
| Premises Address: | 800 E Dimond Blvd #3-023 | | |
| Local Governing Body: | Municipality of Anchorage | | |
| Community Council: | Taku/Campbell | | |

| | | | |
|------------------|----------------------------------|--------|--------|
| Mailing Address: | 800 E. DIMOND BLVD., SUITE 3-500 | | |
| City: | ANCHORAGE | State: | ALASKA |
| | | ZIP: | 99515 |

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: | HUGH ASHLOCK | Contact Phone: | 907-344-2581 |
| Contact Email: | HASHLOCK@DIMONDCENTER.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: | CAROLYN KUCKERTZ | Contact Phone: | 907-344-2581 |
| Contact Email: | CKUCKERTZ@DIMONDCENTER.COM | | |



Form AB-17c: 2020/2021 Recreational Site 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 using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

| | |
|-----------------------|--------|
| Alaska CBPL Entity #: | 66699D |
|-----------------------|--------|

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.

HA

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: | Ashlock Family Limited Partnership | | | |
| Title(s): | Member | Phone: | 907-344-2581 | % Owned: 30 |
| Mailing Address: | 800 E. Dimond Blvd., Suite 3-500 | | | |
| City: | Anchorage | State: | Alaska | ZIP: 99515 |

| | | | | |
|-------------------|--------------------------------------|--------|--------------|-------------|
| Name of Official: | Joe Ashlock Descendants Trust | | | |
| Title(s): | Member | Phone: | 907-344-2581 | % Owned: 19 |
| Mailing Address: | 800 E. Dimond Boulevard, Suite 3-500 | | | |
| City: | Anchorage | State: | Alaska | ZIP: 99515 |

| | | | | |
|-------------------|------------------------|--------|--------------|--------------|
| Name of Official: | H Ashlock Family Trust | | | |
| Title(s): | Manager, Member | Phone: | 907-344-2581 | % Owned: 8.5 |
| Mailing Address: | 3822 Locarno | | | |
| City: | Anchorage | State: | Alaska | ZIP: 99515 |

Entity or Community Ownership Information - Page 2- Dimond Bowl – License #4674 – 02/28/2020

| | | | | | |
|-------------------|---------------------------------|--------|--------------|----------|-------|
| Name of Official: | Hugh Ashlock | | | | |
| Title: | Affiliate | Phone: | 907-344-2581 | % Owned: | 0% |
| Mailing Address: | 800 E. Dimond Blvd, Suite 3-500 | | | | |
| City: | Anchorage | State: | Alaska | ZIP | 99515 |

[Form AB-17c] (rev 09/17/2019)

License # 4674 DBA Dimond Bowl



Form AB-17c: 2020/2021 Recreational Site 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

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.

HA

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"/> |
|-------------------------------------|-------------------------------------|

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 one time during the calendar year.

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

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

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

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-17c: 2020/2021 Recreational Site 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 <u>this license</u> in the calendar years 2018 or 2019? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

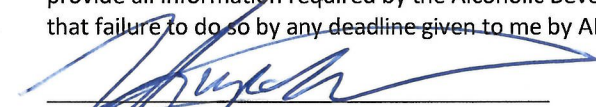
I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business. HA

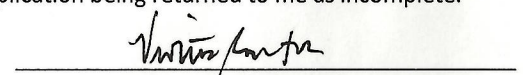
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board. HA

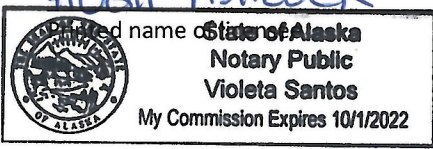
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. HA

I am submitting as part of this application a completed copy of the attached Recreational Site Statement form, for review by the Alcoholic Beverage Control Board. HA

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
HUBERT ASHLOCK


 Signature of Notary Public
 Notary Public in and for the State of ALASKA



My commission expires: 10/1/2022
 Subscribed and sworn to before me this 30TH day of DECEMBER, 20 19.

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

| | | | | | |
|--|-----------|------------------|-----------|--------|------------|
| License Fee: | \$ 800.00 | Application Fee: | \$ 300.00 | TOTAL: | \$ 1100.00 |
| Miscellaneous Fees: | | | | | |
| GRAND TOTAL (if different than TOTAL): | | | | | \$ 1100.00 |