



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: June 11, 2021

FROM: Carrie Craig, RLS

RE: #5950 House of Fire Pizza

**Requested
Action:**

Rescind previous new license approval with delegation at the April 28th, 2021 meeting and instruct staff to keep the application in place and allow the applicant to change the license type to a Restaurant/Eating Place – Public Convenience by re-doing the publishing requirement and completing Form AB-12: Petition. Once completed, the application would need to be brought before the board for consideration.

**Statutory
Authority:**

AS Sec. 04.11.400. "Population limitations: (2) inside an established village, incorporated city, or unified municipality if, after the issuance or relocation, there would be inside the established village, incorporated city, or unified municipality (A) more than one restaurant or eating place license for each 1,500 population or fraction of that population;"

AS 04.11.400(g): "The board may approve the issuance or transfer of ownership of a restaurant or eating place license in a municipality without regard to (a) [population limits] of this section if the board finds that issuance or transfer of the license is necessary for the public convenience."

3 AAC 304.335: "(a) The board may issue a restaurant or eating place license under AS 04.11.400(g) upon a showing that

(1) repealed 8/24/2001;

(2) there is community support, which must be shown by a petition signed by a majority of the residents 21 years of age or over who reside within one mile of the proposed premises; and the governing body of the municipality in which the licensed premises are to be located approves the application."

3 AAC 304.115(a): "...Petition signatures must be obtained within the 90-day period immediately preceding the submission of the application. After an application has been filed, no additional signatures may be added to the petition, and no signatures may be withdrawn."

Background: The City of Fairbanks is only allowed to have 21 Restaurant/Eating Place licenses (REPL) based on population. After AMCO received an application for FatBurger #5926 on 7/13/2020 (license issued 9/1/2020) there were no new licenses of this type available in the City of Fairbanks.

On January 21, 2021 AMCO received an application for a new REPL in the City of Fairbanks, House of Fire Pizza. AMCO staff should have verified the current and correct license count when the application was submitted and again when it was reviewed for completion. There is also an internal checklist that the examiner completes which includes the question, “Are there available licenses of this type in this LGB?”

When the application was submitted, the Population Figures spreadsheet on the website said that there were 19 current Restaurant/Eating Place licenses, but as of 7/13/20 there were really 21 current/pending REPLs in the City of Fairbanks per the Currently Active Licenses report in our database. Therefore, staff should have immediately notified the applicant that there were no new REPLs available and offer the option of applying for a REPL – Public Convenience.

In this case, I believe staff checked the Population Figures spreadsheet on our website but they did not pull a Currently Active Licenses report out of our database, which has accurate license counts because it includes pending applications that have been submitted to the office for processing. The Population Figures spreadsheet, which is available to the public, does not contain that information. This was a training error and Licensing is in the process of putting their policies and procedures down on paper.

Attachment: Board Action Required Letter
Active Licenses in City of Fairbanks Spreadsheet
AB-00



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

June 2, 2021

TJMN, LLC
3677 College Road, Suite #4
Fairbanks, AK 9909
VIA Email: tom.bartels@houseoffirepizza.net

Re: House of Fire Pizza New License Application #5950

Dear Mr. Bartels:

At the April 28, 2021, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board voted to approve your application with delegation. However, after reviewing the population figures and license counts for the City of Fairbanks, we have discovered that when the application was submitted to our offices on January 21, 2021 there were no Restaurant/Eating Place licenses available for application. A more recent search as of today again shows no available Restaurant/Eating Place licenses.

We regret to inform you that your application will need to appear before the ABC Board once again at the June 22, 2021 board meeting where AMCO will present the situation and request the Board to rescind their previous approval, instruct the staff to keep your application in place and allow you to change the license type to a Restaurant/Eating Place – Public Convenience AS 04.11.400(g) by re-doing the publishing requirement and completing and submitting Form AB-12: Petition.

The other option the board would have is to rescind the approval and deny the application. A refund form for the full amount of \$1,150.00 will be provided to you after the meeting.

You may contact the office at alcohol.licensing@alaska.gov with any questions or to request additional information. However, we cannot provide you with any legal advice.

Respectfully,

A stylized, blue and white graphic signature of Carrie Craig.

Carrie Craig
Records and Licensing Supervisor

Currently Active Licenses Thursday, June 3, 2021

License Number	Establishment	License Type	City
1475	Pizza Hut of Fairbanks	Restaurant/Eating Place	Fairbanks
1639	Alaska Salmon Bake	Restaurant/Eating Place-Seasonal	Fairbanks
3050	Kanpai	Restaurant/Eating Place	Fairbanks
3336	Soapy Smith's Pioneer Restaurant	Restaurant/Eating Place	Fairbanks
3381	Bei Jing Hot Pot Asian Cuisine	Restaurant/Eating Place	Fairbanks
3467	Lin's Asian Bistro	Restaurant/Eating Place	Fairbanks
3687	Thai House Restaurant	Restaurant/Eating Place	Fairbanks
4344	Bahn Thai Restaurant	Restaurant/Eating Place	Fairbanks
4772	Chicken and Beer	Restaurant/Eating Place	Fairbanks
4831	Irashai Japanese Restaurant	Restaurant/Eating Place	Fairbanks
4880	Friar Tuck's Hoagie House	Restaurant/Eating Place	Fairbanks
4941	Seoul Gate Restaurant	Restaurant/Eating Place	Fairbanks
5051	Asiana Restaurant	Restaurant/Eating Place	Fairbanks
5262	Aha Oriental Kitchen	Restaurant/Eating Place	Fairbanks
5266	Fushimi	Restaurant/Eating Place	Fairbanks
5585	Jazz Bistro On 4th	Restaurant/Eating Place	Fairbanks
5736	SOBA LLC	Restaurant/Eating Place	Fairbanks
5767	Denny's	Restaurant/Eating Place	Fairbanks
5780	Jazz Bistro Havana Nights	Restaurant/Eating Place	Fairbanks
5816	Ajimi Japanese Restaurant	Restaurant/Eating Place	Fairbanks
5926	FatBurger	Restaurant/Eating Place	Fairbanks
5950	House of Fire Pizza	Restaurant/Eating Place	Fairbanks


Borough**Service Location**

Fairbanks North Star Borough	89 College Road
Fairbanks North Star Borough	2300 Airport Way
Fairbanks North Star Borough	1448 S. Cushman Street
Fairbanks North Star Borough	543 2nd Ave.
Fairbanks North Star Borough	1694 Airport Way
Fairbanks North Star Borough	1900 Airport Way
Fairbanks North Star Borough	412 5th Ave
Fairbanks North Star Borough	541 Third Avenue
Fairbanks North Star Borough	1454 S. Cushman St.
Fairbanks North Star Borough	419 Merhar Ave, Ste B
Fairbanks North Star Borough	427 Merhar Ave., Unit 2
Fairbanks North Star Borough	958 Cowles Street
Fairbanks North Star Borough	2001 Airport Way
Fairbanks North Star Borough	996 Blair Road
Fairbanks North Star Borough	607 Old Steese Highway Ste.105
Fairbanks North Star Borough	527 4th Ave. Ste B
Fairbanks North Star Borough	535 2nd Ave. Suite 106
Fairbanks North Star Borough	1929 Airport Way
Fairbanks North Star Borough	529 4th Avenue
Fairbanks North Star Borough	69 College Road
Fairbanks North Star Borough	3548 Airport Way
Fairbanks North Star Borough	300 Old Steese Highway Unit #1



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:	TJMN, LLC				
License Type:	Restaurant/Eating Place	Statutory Reference:	04.11.100		
Doing Business As:	House of Fire Pizza				
Premises Address:	300 Old Steese Hwy Unit #1				
City:	Fairbanks	State:	Alaska	ZIP:	99701
Local Governing Body:	City of Fairbanks				
Community Council:	None				

Mailing Address:	300 Old Steese Hwy Unit #1				
City:	Fairbanks	State:	Alaska	ZIP:	99701

Designated Licensee:	Thomas S. Bartels				
Contact Phone:	907-322-0096	Business Phone:			
Contact Email:	tom.bartels@houseoffirepizza.net				

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

OFFICE USE ONLY				
Complete Date:		License Years:	License #:	5950
Board Meeting Date:		Transaction #:	100037132	
Issue Date:		BRE:		



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:	Thomas S. Bartels				
Title(s):	Member	Phone:	907-322-0096	% Owned:	50
Address:	1093 Coppet Street				
City:	Fairbanks	State:	Alaska	ZIP:	99709

Entity Official:	Milan Bajmoczi				
Title(s):	Member	Phone:	617-771-0264	% Owned:	50
Address:	1122 Sunset Drive				
City:	Fairbanks	State:	Alaska	ZIP:	99709

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 #:	10080322	AK Formed Date:	03/15/2018	Home State:	Alaska
Registered Agent:	Thomas Bartels		Agent's Phone:	907-322-0096	
Agent's Mailing Address:	1093 Coppet Street				
City:	Fairbanks	State:	Alaska	ZIP:	99709

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):

House of Fire Pizza 3677 College Rd; Fairbanks, AK 99709--Both owners are 50% owners of that property. Type: Pizza Restaurant. License: #5713 License Type: Restaurant/Eating Place

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:

[Empty box for authorization details]



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

Thomas S. Bartels

Printed name of licensee

Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires:

Mar 31, 2021

Subscribed and sworn to before me this

21 day of January, 2021.

