MEMORANDUM

TO: Alcoholic Beverage Control Board    DATE: October 22, 2021
FROM: Kristina Serezhenkov, OLE    RE: #5984 Divots Golf

Requested Action: New Golf Course license consideration and hold an informal hearing and deny the new license application with 180-day abeyance period.

Statutory & Regulation 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 04.11.115(f): “In this section, (1) “golf course” means a course, having at least nine holes and covering at least 2,950 yards, that is open to the public; and (2) “licensed premises” includes building located on the golf course or a vending cart designed to carry beverages or food located on the golf course.”

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to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body.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: This application is for a new golf course license in the Municipality of Anchorage. AS 04.11.115(f) requires a golf course to have at least nine holes and cover at least 2,950 yards. The applicant wishes to make the case that the nine holes and 2,950 yards referred to in Statute may include ‘virtual holes’ and ‘virtual yards’ accessed via electronic golf simulators located within a building.

On October 13, 2021, the Municipality of Anchorage protested the new license application pending approval of special
land use permit by the Assembly and certifications from the Building Safety Official and the Anchorage Health Department.

**Staff Recommendation:** Review application and consider if it meets the requirements of AS 04.11.115(f) and if the board agrees that it does, hold an informal hearing and deny the application with 180-day abeyance period.

**Attachment:**
Municipality of Anchorage Protest
Applicant Letter
AB-00
AB-02
October 13, 2021

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 October 12, 2021, took the following final actions:

**WAIVE OF PROTEST**

Renewal Liquor License
- **Restaurant/Eating Place**
  Gumbo House LL#5823 – AM 633-2021

**PROTEST**

New Liquor License
- **Restaurant/Eating Place**
  Alaskan Burger & Brew LL#5987 – AR 2021-337
  Pending certifications from the Building Safety Official, Anchorage Health Department and Anchorage Fire Department.
  - Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the October 12, 2021, Assembly Meeting.

Renewal Liquor License
- **Restaurant/Eating**
  Noodle World Alaska LL#5191 – AR 2021-338
  Pending certification from 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 October 12, 2021, Assembly Meeting.

New Liquor License
- **Golf Course**
  Divots Golf LL#5984 – AR 2021-339
  Pending approval of Special land use permit by the Assembly and certifications from the Building Safety Official and Anchorage Health Department.
  - Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the October 12, 2021, Assembly Meeting.

If you require additional information or if I can be of any assistance, please call me.
Cordially,

Kiana Belser

Kiana Belser
Business License Specialist

CC: Business Owners – Via Email
To Whom it May Concern:

My selection of applying for a Golf Course license is because even though Divots Golf is an indoor golf simulation business, the product and intent is golfing real golf courses from around the world. Below you will see a list of courses available at Divots Golf, and it clearly meets the requirements for Sec. 04.11.115.(f), stating that the course must have at least 9 holes and cover 2,950 yards. Customers hit actual golf balls with golf clubs and follow the course hole by hole. After research and a thorough review of all applicable sections of AS04 and newly effective 3A AAC04 regulations, I did not believe Divots Golf fits under any other license type more so than a Golf License.

Thank you for your consideration.

Victoria Hofmann
Owner, Divots Golf
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.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>VMH Enterprises LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>Golf Course</td>
</tr>
<tr>
<td>Statutory Reference</td>
<td>04.11.115</td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>Divots Golf</td>
</tr>
<tr>
<td>Premises Address:</td>
<td>4230 Old Seward Hwy</td>
</tr>
<tr>
<td>City:</td>
<td>Anchorage</td>
</tr>
<tr>
<td>State:</td>
<td>AK</td>
</tr>
<tr>
<td>ZIP:</td>
<td>99503</td>
</tr>
<tr>
<td>Local Governing Body:</td>
<td>Anchorage Municipality</td>
</tr>
<tr>
<td>Community Council:</td>
<td>Midtown</td>
</tr>
</tbody>
</table>

| Mailing Address:    | 4230 Old Seward Hwy          |
| City:               | Anchorage                    |
| State:              | AK                           |
| ZIP:                | 99503                        |

| Designated Licensee: | Victoria Hofmann             |
| Contact Phone:       | 509-240-0445                 |
| Contact Email:       | victoria@divotsindoorgolf.com|

| Seasonal License?    | Yes                          |
| If “Yes”, write your six-month operating period: |                        |

**OFFICE USE ONLY**

| Complete Date:       |                             |
| License Years:       |                             |
| License #:           | 5984                        |
| Board Meeting Date:  |                             |
| Transaction #:       | 100073597                   |
| Issue Date:          |                             |
| BRE:                 |                             |

[Form AB-00] (rev 10/10/2016)
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:
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.

<table>
<thead>
<tr>
<th>Entity Official:</th>
<th>Victoria Hofmann</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title(s):</td>
<td>Manager, Member</td>
</tr>
<tr>
<td>Phone:</td>
<td>509-240-0445</td>
</tr>
<tr>
<td>% Owned:</td>
<td>50</td>
</tr>
<tr>
<td>Address:</td>
<td>2921 Monarch Cir</td>
</tr>
<tr>
<td>City:</td>
<td>Anchorage</td>
</tr>
<tr>
<td>State:</td>
<td>AK</td>
</tr>
<tr>
<td>ZIP:</td>
<td>99516</td>
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<tr>
<th>Entity Official:</th>
<th>Lawrence Hofmann, Jr.</th>
</tr>
</thead>
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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.

<table>
<thead>
<tr>
<th>DOC Entity #:</th>
<th>10157156</th>
<th>AK Formed Date:</th>
<th>03/03/2021</th>
<th>Home State:</th>
<th>AK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Agent:</td>
<td>Andrew C. Mitton</td>
<td>Agent's Phone:</td>
<td>907-602-8360</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agent's Mailing Address:</td>
<td>405 W. 36th Ave. Ste. 200</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

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):

☐ ☑

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:

☐ ☑
Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

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

Victoria Hermann

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 09-24-93

Subcribed and sworn to before me this 25 day of May, 2021.
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.

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.

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Divots Golf
4230 Old Seward Hwy
Anchorage, AK 99503

Notes:
- No alcohol manufacturing will be taking place on the premises
- Interior walls are shown in black
- Brown features are furniture
- Dimensions are shown in feet

AMCO Received 8/16/2021
Atunyote Golf Club
Aviara – Four Seasons
Bandon Dunes
Banff Springs
Barton Creek – Fazio Foothills
Bay Hill Club & Lodge
Belfry
Bethpage Black
Bighorn – Canyon Course
Bighorn – Mountains Course
Bountiful Ridge
Cabo del Sol – The Ocean Course
Castle Pines Golf Course
Chateau Whistler Golf Course
Club at Hokuli’a
Club Le Golf Le Sorcier
Cog Hill – Dubsdread
Covered Bridge Golf Club
Devils Island
Dorado Beach – East Course
Emerald Dunes
Entrada at Snow Canyon
Firestone C.C. – South Course
Frankfurter Golf Course
Gleneagles – The Centenary Course
Greywolf
Hapuna Golf Course
Harbour Town
Holtsmark GK RTJ
Innisbrook – Copperhead
Junior Challenge Course
Kapalua Bay
Kapalua Plantation
Kapalua Village
Kauri Cliffs
Kiawah Island – Ocean Course
King and Bear
Kuala Lumpur – West Course
Kuneticka Hora
Lakeside Golf Course
Latrobe County Club – Fall
Le Grand George
Loch Lomond Golf Club
Losby Golf
Mauna Kea Resort
Mauna Lani
New South Wales
Oakmont Country Club
Oslo Golf Club
Owl Creek Golf Club and Resort
Pacific Dunes
Pacific Rim Country Club
Panther Lake
Par 3 Mountain Course
Par 3 Ocean Course
Paradise Palms Resort
Pebble Beach Golf Links Resort
Pelican Hill Golf Club
PGA National
Phoenix Country Club
Pine Canyon Golf Club
Pinehurst No. 2
Pinehurst No. 8
Prairie Dunes Country Club
Princeville
Raven Golf Club at South Mountain
Robert Trent Jones G.T. – Cambrian
Robert Trent Jones G.T. – Judge
Robert Trent Jones G.T. – Links
Royal Melbourne Golf Club
RTJ Silver Lakes Backbreaker
RTJ Silver Lakes Heartbreaker
RTJ Silver Lakes Mindbreaker
Sanctuary Golf Club
Scottsdale North
Sea Island Golf Club
Skeleton Coast
Spyglass Hill Golf Course
Stone Canyon Club
Superstition Mountain
Taghazout
Thanksgiving Point
The Gallery North Golf Course
The Golf Club of Houston
The Links at Spanish Bay
Three Canyons
Torrey Pines – South Course
Tribute at the Otsego Club
Troon North – Monument Course
Valderrama Golf Club
Wade Hampton Golf Club
Westfields Golf Club
Yellowstone Club