MEMORANDUM

TO: Alcoholic Beverage Control Board  DATE: August 25, 2021
FROM: Kristina Serezhenkov, OLE  RE: #4720 Lefty’s

Requested Action: Rescind the previous approval with delegation, hold an informal hearing and deny the application with 180-day abeyance period.

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to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body.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: At the August 17, 2021 ABC Board meeting, the board approved the transfer application with delegation. On August 24, 2021, the City of Fairbanks protested the transfer application because the new location of the proposed premises is not compatible with the character of the neighborhood and against public interest as expressed in public testimony.

Staff Recommendation: Rescind the previous approval, hold an informal hearing and deny the application with a 180-day abeyance.

Attachment:
City of Fairbanks Protest
AB-01
AB-02
August 24, 2021

Kristina Serezhenkov, Licensing Examiner
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Ste. 1600
Anchorage, Alaska 99501

Ms. Serezhenkov,

At the regularly scheduled meeting of August 23, 2021, the Fairbanks City Council voted to **PROTEST** the application for transfer of ownership, location and name change for the following liquor license:

- **Type:** Beverage Dispensary, License #4720
- **To:** Lefty’s / Michael Rasmussen
  1107 College Road, Fairbanks, Alaska
- **From:** Gallantino’s Italian Restaurant / Gallantino’s, Inc.
  1446 S. Cushman Street, Fairbanks, Alaska

Pursuant to AS 04.11.480 and FGC Sections 14-168(b) and 178(a), the Fairbanks City Council approved by unanimous vote a motion to protest the application for transfer after holding a public hearing. The protest is based on the character and public interest of the surrounding neighborhood, as expressed in public testimony by neighboring property owners. The neighbors were concerned that a bar was not compatible with the character of the neighborhood. Concern was also expressed that the proposed open-air deck consumption area would look directly down on the neighboring residence. Both the neighbors and the Chief of Police testified about the potential law enforcement problems if this beverage dispensary license were allowed to relocate in the proposed location. Also of concern was the fact that the proposed location was located within 0.5 miles of an elementary school and was directly across a busy 4-lane road from the popular viewing area of the Creamer’s Field Migratory Waterfowl Refuge.

Should you need further information do not hesitate to contact me.

Sincerely,

D. Danyielle Snider, MMC
Fairbanks City Clerk

Cc: File
    Michael Rasmussen, Owner
Kristina,

Please find attached the City of Fairbanks response regarding the transfer application for Lefty’s, License #4720.

A certified copy of the attached letter will also be mailed to the applicant.

Thank you,

D. Danyielle Snider, MMC
City Clerk | City of Fairbanks
800 Cushman Street | Fairbanks, AK 99701
907.459.6774 | 907.459.6710
dsnider@fairbanks.us

Municipal Election Day is Tuesday, October 5, 2021
Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing 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, AS 04.11.280, AS 04.11.290, 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 – Transferor Information

Enter information for the current licensee and licensed establishment.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>GALLANTINO'S INC.</th>
<th>License #:</th>
<th>4720</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>BEVERAGE DISPENSARY</td>
<td>Statutory Reference:</td>
<td>04.11.096</td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>GALLANTINO'S ITALIAN RESTAURANT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>1446 SOUTH CUSHMAN, FAIRBANKS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>FAIRBANKS</td>
<td>State:</td>
<td>ALASKA</td>
</tr>
<tr>
<td>ZIP:</td>
<td>99709</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local Governing Body:</td>
<td>CITY OF FAIRBANKS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Transfer Type:

☑ Regular Transfer
☐ Transfer with security interest
☐ Involuntary retransfer

OFFICE USE ONLY

<table>
<thead>
<tr>
<th>Complete Date:</th>
<th>7-29-2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transaction #:</td>
<td>100054563</td>
</tr>
<tr>
<td>Board Meeting Date:</td>
<td>8-17-21</td>
</tr>
<tr>
<td>Issue Date:</td>
<td></td>
</tr>
<tr>
<td>License Years:</td>
<td>2020-2021</td>
</tr>
<tr>
<td>BZE:</td>
<td>KRS</td>
</tr>
</tbody>
</table>

[Form AB-01] (rev 10/10/2016)
Section 2 – Transferee Information

Licensee: Michael Rasmussen
Doing Business As: Lefty's
Premises Address: 1107 College Road
City: Fairbanks State: Alaska ZIP: 99709
Community Council:

Mailing Address: P.O. Box 80910
City: Fairbanks State: Alaska ZIP: 99709

Designated Licensee: Michael Rasmussen
Contact Phone: 907-750-1177 Business Phone:
Contact Email: MikeAlaska@ymail.com

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

Section 3 – 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.

1 MILE

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.

3 MILES
Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5. 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: MICHAEL RASMUSSEN
Address: 3490 CHEYENNE DRIVE
City: FAIRBANKS  State: ALASKA  ZIP: 99709

Section 5 – 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 6. 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:

<table>
<thead>
<tr>
<th>Title(s):</th>
<th>Phone:</th>
<th>% Owned:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
<td>ZIP:</td>
</tr>
</tbody>
</table>
Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

<table>
<thead>
<tr>
<th>Entity Official:</th>
<th>[Name Redacted]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title[s]:</td>
<td>Owner</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
</tr>
<tr>
<td>ZIP:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>907.250.1129</td>
</tr>
<tr>
<td>% Owned:</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entity Official:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title[s]:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
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<td>ZIP:</td>
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<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>% Owned:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Entity Official:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Title[s]:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
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<tr>
<td>City:</td>
<td>State:</td>
</tr>
<tr>
<td>ZIP:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td></td>
</tr>
<tr>
<td>% Owned:</td>
<td></td>
</tr>
</tbody>
</table>

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>AK Formed Date:</th>
<th>Home State:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Agent:</td>
<td>Agent’s Phone:</td>
<td></td>
</tr>
<tr>
<td>Agent’s Mailing Address:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>State:</td>
<td>ZIP:</td>
</tr>
</tbody>
</table>

Residency of Agent:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

[Form AB-01] (rev 10/10/2016)
Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes ☒ No ☐

Does any representative or owner named as a transferee 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?

Yes ☐ No ☒

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):

Michael Rasmussen 100% owner of

Justia Store (package store) 4005
College Wine & Liquor (package store) 3692

Section 7 – 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?

Yes ☐ No ☒

If "Yes", disclose the name of the individual and the reason for this authorization:

[Form AB-01] (rev 10/10/2016)
Section 8 - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this ______ day of December, 2019.

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires 01/18/2023.

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this ______ day of __________________, 20____.

Signature of Notary Public

Notary Public in and for the State of ____________________

My commission expires: ____________________

[Form AB-01] (rev 10/10/2016)
Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 9 – Transferee 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 transferee

Printed name

Subscribe and sworn to before me this ___ day of ___ 20___

Signature of Notary Public

City and County of Honolulu
Notary Public in and for the State of Hawaii

My commission expires: ___ 19___

[Form AB-01] (rev 10/10/2016)
Form AB-02: Premises Diagram

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.

Yes No

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.

<table>
<thead>
<tr>
<th>Licensee:</th>
<th>MICHAEL RASMUSSEN</th>
<th>License Number:</th>
<th>4720</th>
</tr>
</thead>
<tbody>
<tr>
<td>License Type:</td>
<td>BEVERAGE DISPENSARY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doing Business As:</td>
<td>LEFTY'S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td>1107 COLLEGE ROAD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>FAIRBANKS</td>
<td>State:</td>
<td>AK</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ZIP:</td>
<td>99709</td>
</tr>
</tbody>
</table>

[Form AB-02] (rev 06/24/2016)
Section 2 - Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.
LEFTY'S

Outdoor/Indoor Serving Security Plan

1. All minors must be accompanied by an adult (age over 21) while in the restricted area when any alcohol is being served/sold/consumed.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. A four foot wall is around the outdoor servicing area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by law are posted inside and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol WILL continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent or legal guardian will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.

* THE OUTDOOR SERVICE AREA IS ON THE TOP OF THE BUILDING. *