

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600 Anchorage, AK 99501 Main: 907.269.0350

MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: June 5, 2025

FROM: Kyle Helie, Licensing Examiner II RE: Prohibited Financial Interest

Applicable Statue: AS 04.11.450. Prohibited financial interest.

- a) A person other than a licensee may not have a direct or indirect financial interest in the business for which a license is issued. ...
- c) A license may not be leased by a licensee to another person, partnership, limited liability organization, or corporation.
- d) For the purposes of this section, a lessor under a graduated or percentage lease-rent agreement involving premises licensed under this title does not hold a financial interest in the business.

Applicable Regulation: 3 AAC 305.610. Prohibited financial interest; representative or owner; management agreements.

- a) For the purposes of AS 04.11.450, an alcoholic beverage licensee may enter into a management agreement with a person who does not have an ownership interest in the alcoholic beverage license for the purpose of giving that person responsibility for the day-to-day operations of an alcoholic beverage license. ...
- c) A management agreement may not create a mechanism for a manager who is not a licensee to derive profit from the sale of alcohol in violation of AS 04.11.450, including an agreement for a manager to keep all profit above a certain amount of income when that profit may be derived from the sale of alcoholic beverages.

Background: On March 4th, 2025, authorized point of contact Brian Stibitz provided AMCO with a contract between University of Alaska Anchorage and Nana Management Services, LLC. This contract serves as a proof that the licensee has the right to operate on the licensed premises. The "Commissions" section of this contract indicates that 35% of net sales from "Event Concessions Sales: Alcoholic Beverages" are paid to UAA Auxiliary.

Staff Consideration: Does the board find that the contract provided violates the prohibited financial interest of AS 04.11.450?

Attachments:

- Pages from the contract between University of Alaska Anchorage and Nana Management Services LLC covering commissions
- New Sporting Activity or Event License application for license #16585 Avis Alaska Sports Complex

- costs, U.S. Department of Labor Consumer Price Index and changing program needs. Price increases will be negotiated in good faith between the Vendor and University, with approval at the sole option of University; approval shall not be unduly withheld.
- 16.7.1.2 Vendor will not alter prices and/or portion sizes once approved by University's Contract Administrator without obtaining further approval and must be able to justify that proposed price increases are the result of legitimately escalating costs of doing business.
- 16.8 <u>Conference Pricing.</u> The prices for University-sponsored Conferences shall be established by mutual agreement between University, its representatives from individual departments, and Vendor. The University and Vendor shall mutually agree upon Vendor's pricing schedule no later than November 1st of each year of the contract term.
- 16.9 <u>Temporary/Emergency Price Increases</u>. All temporary/emergency price increases that have University approval go into effect one (1) week after their approval. These emergency price increases shall be reviewed monthly and at the point that the emergency no longer exists, prices shall be reduced to the approved annual price. When there is an emergency situation, temporary price adjustment requests shall be considered for those items where a dramatic cost differential exists.
 - 16.9.1 Requests for price increases in any area must be accompanied by as many of the following factors listed below as applicable:
 - Menu item(s) impacted;
 - Changes in menu, points-of-service, additions or levels of service provided which have been previously approved by University;
 - Verifications/substantiation of any other cost factor through submission of supplier invoices over the previous six-month span;
 - Current/anticipated product cost;
 - Current/projected number of items sold per day for retail operations;
 - Current/anticipated participation (Residential Dining);
 - Comparison to retail operating situations in the geographic area;
 - Applicable local, regional and national statistical data.

16.10 Commissions.

16.10.1 Vendor shall pay the University the following commissions on a monthly basis. For ease of reference, the Schedule of Payment shall be documented annually in Attachment 7. Commissions shall be inclusive of Dining Dollars revenue.

Commission Percentages			
	Payable to UAA Dining	Payable to UAA Auxiliary	
Residential Dining Door Sales	10% of Net Sales	NA	
Non-Resident Meal Plans	10% of Net Sales	NA	

Vendor Managed Retail Sales	10% of Net Sales	NA
Dining Dollars Sales in Retail and all Subway sales	5% of Net Sales	
Subcontractor Managed Retail Sales	10% of Net Sales	NA
Catering Sales	10% of Net Sales	NA
Conferences and Events	10% of Net Sales	NA
Event Concessions Sales: Alcoholic Beverages	NA	35% of Net Sales
Event Concession Sales: Food <u>Under</u> \$500K	NA	16% of Net Sales
Event Concession Sales: Food Over \$500K	NA	30% of Net Sales
Event Food Sales: EatFleet	NA	10% of Net Sales
AAC Catering Sales: all Sales Under \$170K	NA	0% of Net Sales
AAC Catering Sales: all Sales Over \$170K	NA	10% of Net Sales
Varsity Sports Grill	NA	0% of Net Sales

- 16.10.2 Vendor shall be exempt from paying commission on the following types of income, to be reported as separate line items in all financial reports.
 - 16.10.2.1 Discounted and free meals.
 - 16.10.2.2 RA/RA meal plans and dining dollars.
 - 16.10.2.3 Discounted Wolf Bucks.
 - 16.10.2.3 Supplemental catering charges such as delivery charges.
- 16.10.3 Vendor shall not be reimbursed for commissions paid on uncollected accounts.
- 16.10.4 Payments of commissions shall be made to University by Vendor on or before the 20th calendar day following the last day of the Vendor's Accounting Period in which the commissions were earned. Vendor shall prepare and provide a mutually agreed to statement of sales and commissions for each Accounting Period and shall submit such statement with the payment due to University Finance and Administration Office.
- 16.11 <u>Billing and Payment</u>. For retail operations and catering, the Vendor shall collect and deposit in its own bank all cash receipts. The Vendor shall submit invoices to University for all amounts due from the University under this Agreement at the end of each week. Payments by University shall be paid weekly and not more than thirty (30) calendar days after the receipt of the invoice, provided that Vendors' invoice is complete and accompanied by full documentation. For ease of reference, the Schedule of Payment shall be documented annually in Attachment 7. All services provided by Vendor pursuant to this Agreement shall be performed to the satisfaction of University, as determined at the sole discretion of University's Contract Administrator, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. Vendor shall not receive payment for work found by University to be unsatisfactory or performed in violation of any applicable federal, state, or local law, ordinance, or regulation.
 - 16.11.1 <u>Catering Billing</u>. Vendor shall be responsible to invoice clients directly and collect amounts due. University shall cooperate with the Vendor in the collection of delinquent accounts involving University departments.





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alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco Phone: 907,269,0350

Alaska Alcoholic Beverage Control Board

Form AB-00: New License Application

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This application for a license is required for all individuals or entities seeking to apply for a new alcoholic beverage license. Applicants should review **Title 04** of **Alaska Statutes** and **Chapter 305** of the **Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260 and 3 AAC 305.045.

This form must be completed and submitted to AMCO's Anchorage office, along with all other required forms and fees before any license application will be considered complete and placed in the queue for a licensing examiner review.

Section 1 - Establishment and Contact Information Enter information for the business seeking to be licensed. Applicant: NANA Management Services, LLC SPORTING ACTIVITY OR EVENT Statutory Reference: License Type: AS 04.09.270 Doing Business As: AVIS ALASKA SPORTS COMPLEX Premises Address: 2801 Spirit Way ZIP: City: Anchorage State: Alaska 99508 **Local Governing** Municipality of Anchorage Body/Bodies: Community Council, (If applicable): 800 East Dimond Boulevard, Suite 3-450 Mailing Address: State: Alaska ZIP: 99515 City: Anchorage **Brad Osborne** Designated Individual with Binding Authority to apply for this License: 907-242-0519 **Business Phone:** 907-242-0519 Contact Phone: **Contact Email:** brad.osborne@nmsusa.com Yes Seasonal License? If "Yes", write your operating period not exceeding Six months each year: _ OFFICE USE ONLY License #: License Years: Complete Date: Transaction #: **Board Meeting Date:** Examiner: Issue Date:

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Form AB-00: New License Application

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What is the distance of the								ur proposec	l prem	Ises to the
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Form AB-00: New License Application

Section 4 Entity Ownership Information

This section must be completed by any <u>antity</u>, 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 <u>corporation</u>, the application shall be executed by an authorized officer of the Corporation. Information must be completed below 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 <u>limited liability organization</u>, whether manager managed or member managed, the following
 information must be completed for each member with an awnership interest of 10% or more and for each manager
 regardless of ownership share.
- If the applicant is a <u>partnership</u>, including a <u>limited partnership</u>, the following information must be completed for each <u>partner</u> with an interest of 10% or more, and for each <u>general partner</u>.
- For any entity, Identify all affiliates for your organization as defined at 3 AAC 305,950.

	T				_	_
Entity Official:	Brad Osborne					
Title(s):	Vice President	Phone:	907-242-0519	% Ov	vned:	0
Address:	15127 Goldenview	Drive				
City:	Anchorage	State:	Alaska	ZIP:	99	516
Emall:	brad.osborne@nmusa.co	om				
Entity Official:	NANA North, LLC					
Title(s):	Member	Phone:	907-265-4100	% Ow	ned:	51
Address:	909 West 9th Stree	t				
City:	Anchorage	State:	Alaska	ZIP:	99	501
Email:						
Entity Official:	Sodexo Alaska, LL0	2				
Title(s):	Member	Phone:		% Ow	ned:	49
Address:	9801 Washingtonia	n Boulevard				
City:	Gaithersburg	State:	Marlyand	ZIP:	208	378
Entity Official:						
Title(s):		Phone:		% Ow	ned:	
Address:		11				
City:		State:		ZIP:		





Aicohol and Marijuana Control Office 550 W 7th Ayenue, Sulte 1600 Anchorage, AK 99501 alcohol.licensing@alaska.goy

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

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 or who has registered as a business entity with the Division of Corporations, Business, and Professional Licensing (CBPL). Any entity registered or required to be registered with CBPL must be in good standing and have a registered agent as defined at AS 04.11.430.

CBPL Entity #:	65551D	AK Formed Date:	01/01/1978	Home State:	Alaska	
Registered Agent:	CT Corporation	on System	Agent's Phone:	1-866-236-4	1234	
Agent's Mailing Address:	8585 Old Dairy Rd. Ste 2D8					
City:	Juneau	State:	AK	ZIP:	99803	
Email:	info@country	wideprocess.co	m			
Ownership and financial intered Does any representative or own alcoholic beverage business that if "Yes", disclose which individe number(s) and license type(s): Nana Management Se	er named in this appl at does business in or ual(s) has the financia	ication have any direct on the licensed in Alaska?	e of business is, and l	lf licensed in Alaska		
Communication with AMCO st	220,110,000	tion 6 – Author	ization	5. P. A	es No	
Does any person other than a l staff?	oes any person other than a licensee named in this application have authority to discuss this license with AMCO aff?					
If "Yes", disclose the name of the individual and contact Information for the Individual, including phone number and email, and the authori for this authorization:						
*See attached						





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thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification. I certify that all proposed licensees have been listed with Division of Corporation, Business and Professional Licensing. I certify that I and any individual identified in the business entity ownership section of this application, has or will read AS 04 and its implementing regulations. Brad Osborne	
true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification. I certify that all proposed licensees have been listed with Division of Corporation, Business and Professional Licensing. I certify that I and any individual identified in the business entity ownership section of this application, has or will	
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I hereby certify that I am the person herein named and subscribing to this application and I know the full content	IJ
I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.	D
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 305.700.	I
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.	
t certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.	J
Section 7 - Attestations Read each line below, and then sign your initials in the box to the right of each statement: Init	tials

Name of Contact:	Brian Stibitz	Contact Phone:	907-222-7100
Contact Email:	brian@reevesamodio.com		

Name of Contact:	Scott Evers	Contact Phone:	907-952-9702
Contact Empil:	scott.evers@nmsusa.com		

Name of Contact:	Chris Tarsitano	Contact Phone:	609-703-5345
Contact Email:	chris.tarsitano@nmsusa.com		







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Alaska Alcoholic Beverage Control Board

Form AB-02: Premises Diagram

Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all alcohol license applications, per AS 04.11.260, 3 AAC 305.630 and 3 AAC 305.660. 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.

This form must be completed and submitted to AMCO's Anchorage office before any license application will be considered complete. You may attach blueprints or other detailed drawings that meet the requirements of this form.

The diagram MUST include:

- You must use a solid, contiguous red line to outline the outer perimeter of your premises with no breaks or separations.
 - The red outline is required to follow a physical barrier (wall, fence and even across doorways).
 - o There should be no red lines within the perimeter
- Each area should be clearly labeled in any color other than red where alcohol is:
 - Stored
 - o Served/Sold
 - Manufactured
 - Consumed
- All diagrams must include:
 - o Dimensions (AMCO does not accept diagrams drawn to scale)
 - Cross streets
 - Points of reference, such as a compass rose indicating True North
 - All entrances, exits, walls, bars, and fixtures
- If your premises include multiple floors, please include a separate diagram of each floor.
 - o You must identify the stairs between each floor, and each hallway/corridor that leads to each set of stairs.
- If your premises includes multiple floors, please include a separate diagram of each floor. You must identify the stairs between each floor, and each hallway/corridor that leads to each set of stairs.
- 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.
- Any license applications that include outdoor space are required to submit a security plan that includes
 information about the barriers, practices, and personnel that are to be used to ensure that alcohol is not
 introduced or removed from the permitted premises and to prevent the access of alcohol by a minor during
 the permitted event. A security plan may be requested for other proposed locations on a case-by-case basis.

Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	NANA Management Services, LLC	License	Number:		
License Type:	Sporting Activity or Event				
Doing Business As:	Avis Alaska Sports Complex				
Premises Address:	2801 Spirit Way				
City:	Anchorage	State:	AK	ZIP:	99508

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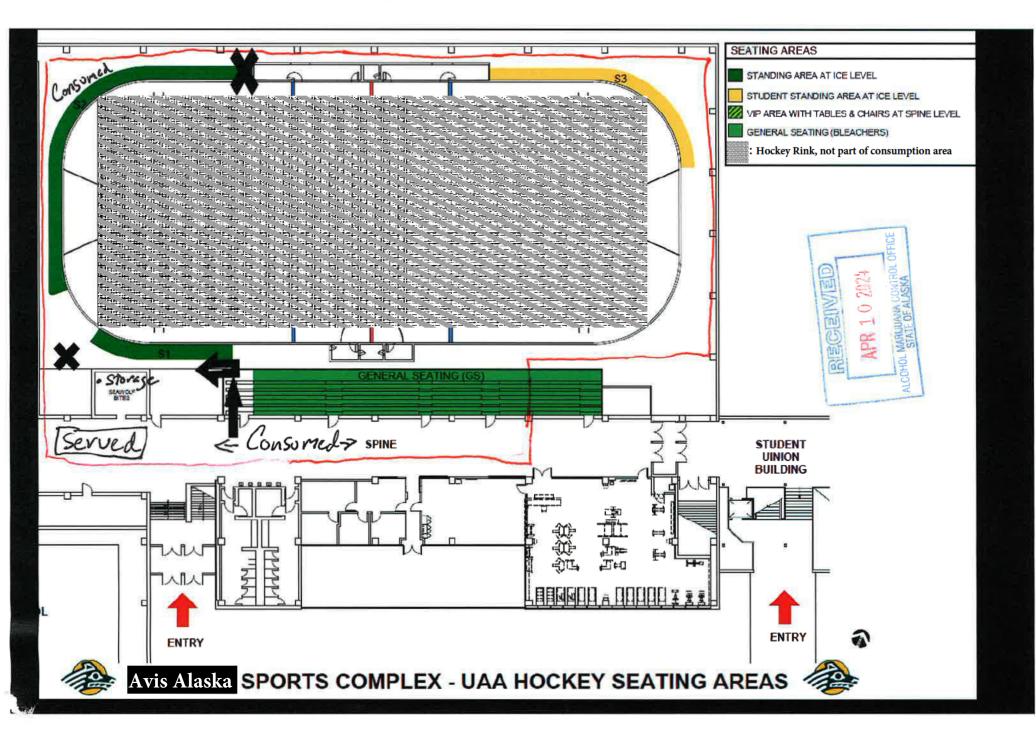
Alaska Alcoholic Beverage Control Board

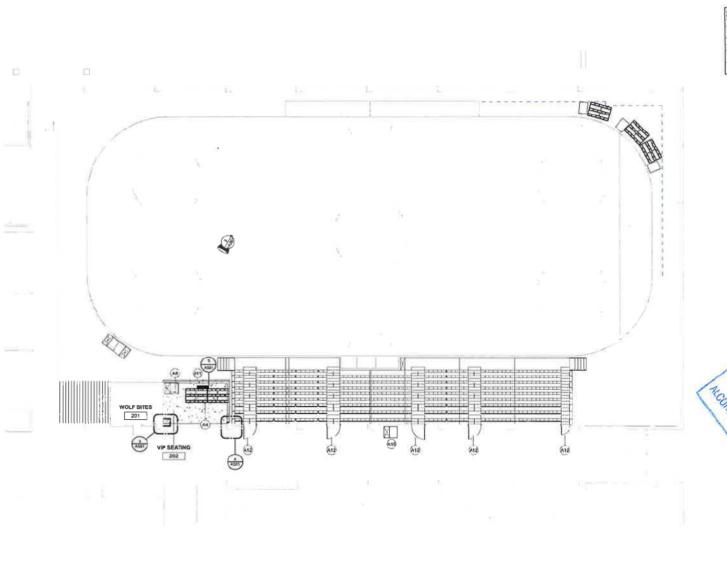
Form AB-02: Premises Diagram

Section 2 - Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. See above for detailed instructions.

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SHEET NOTES

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 AN ADA ACCESSIBLE VEYWOR LOCATIONS
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700 PRICING



MCG EXPLORE DESIGN



UNIVERSITY OF ALASKA

SEAWOLF SPORTS COMPLEX SEATING REPLACEMENT

2001 SPIRIT WAY, ANCHORAGE, AK

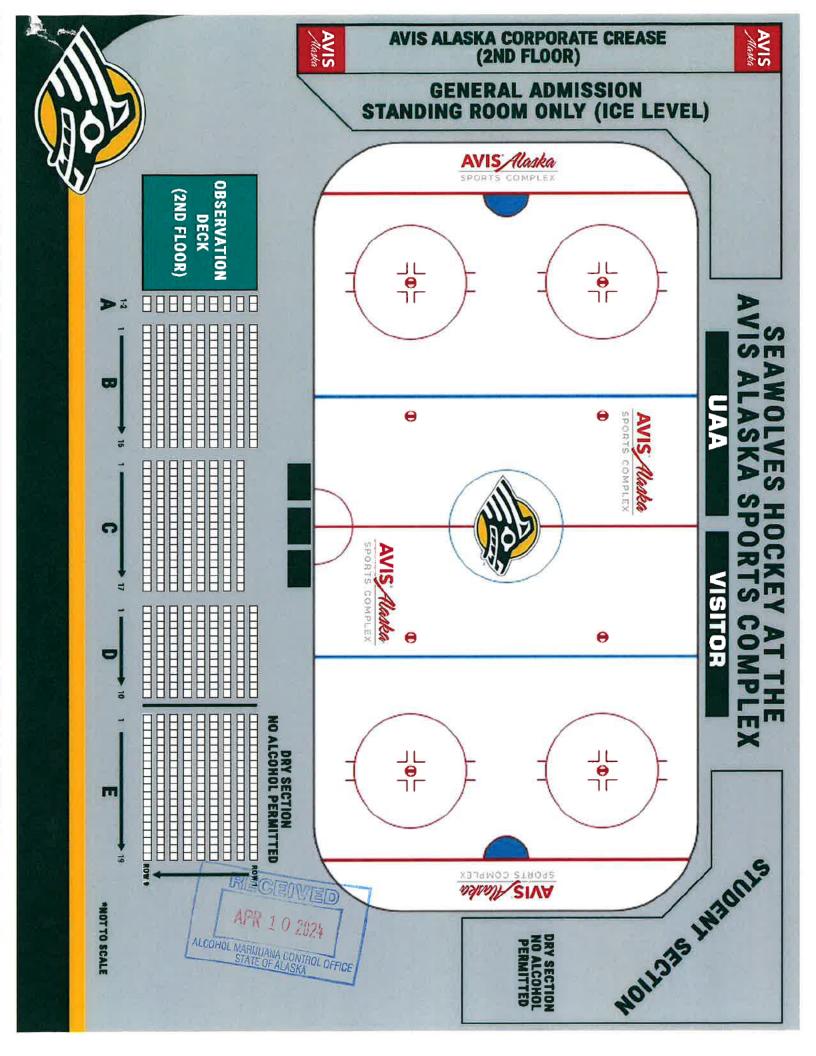
CONSTRUCTION

FLOOR PLAN -LEVEL 2 -





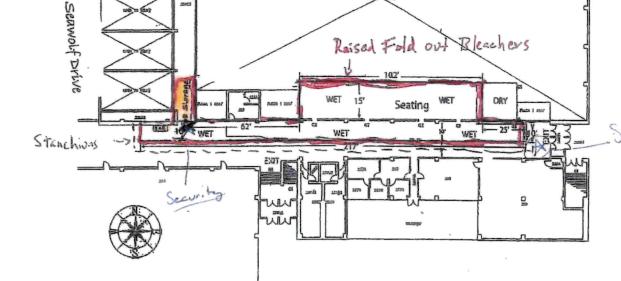




(Avis Alaska Sports Complex)

Under 21 Plan -

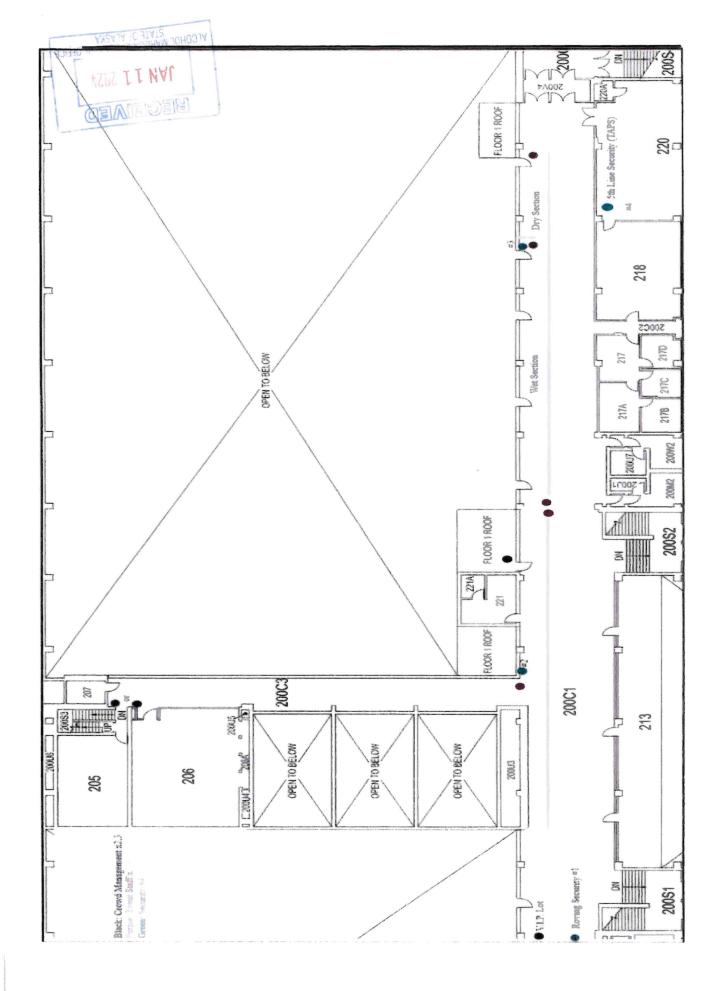
- NMS will fully manage and staff all aspects of alcohol distribution at the Seawolf Sports Complex.
- Per NMS planning and based on maximum patron attendance, a maximum of two (2) points of sale locations will be made available.
- Patrons will be asked to show ID when purchasing a beverage to provide valid proof of age.
- Patrons will be restricted to purchasing a maximum of one (1) beverage per transaction.
- Event Staff will be positioned to ensure no alcohol enters the dry section, and that no beverages leave the permissible 'wet areas.'
- All alcohol sales will cease with 10 minutes remaining in the 3rd period. Barrier Information Crowd Control Stanchion 39" H Black posts 7 1/4 H Black Retractable Belt

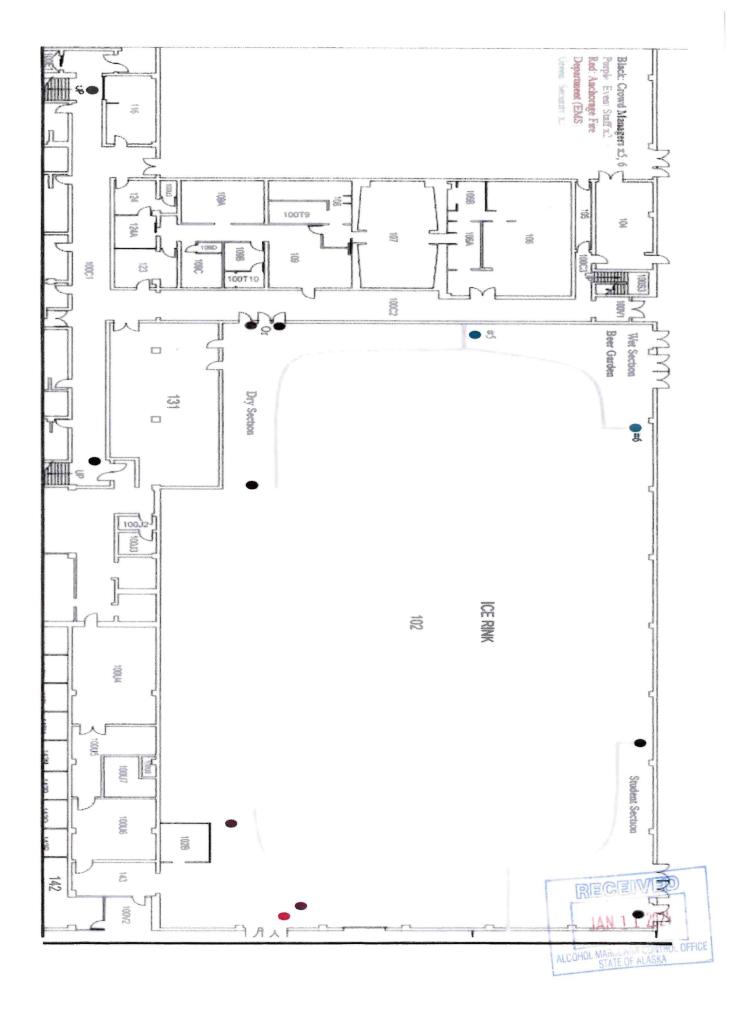


Spirit Drive

1 - Security Mover







Avis Alaska Sports Complex Beverage & Security Plan

Under 21 Plan

- NMS will manage and staff all aspects of alcohol distribution at the Avis Alaska Sports Complex.
- Per NMS planning and based on maximum patron attendance, a maximum of two (2) Points of Sale locations will be made available.
- Patrons will be asked to show ID when purchasing a beverage to provide valid proof of age.
- Safety Personnel will be positioned to ensure no alcohol enters the dry section,
 and that no beverages leave the permissible 'wet section'.
- All alcohol sales will cease at the beginning of the 3rd period.

• NMS Alcohol Standard Operating Procedures for Sporting Events

Access – For our major events where alcohol is served, NMS will engage patrons
at building entrances (outside as weather permits) to check identification of all
patrons appearing to be under 35 years old or younger. All patrons will be
required to show ID at the bar when purchasing alcoholic beverages.

- Denial of Entry and/or Service No individual showing signs of excessive
 intoxication as defined by TAP will be allowed entry to the building. Failure to
 leave the property will result in the person being referred to UPD. Patrons failing
 to provide proof of legal drinking age or displaying sign of intoxication will be
 refused service of alcoholic beverages. Refunds will not be promised or given.
- Removal from Venue Guest who appear intoxicated will have their wristband removed and denied additional alcoholic beverage service. Guests who appear intoxicated will be offered a non-alcoholic beverage in a blue solo cup and monitored for signs of over intoxication. Guests creating issues with other guests, as determined by complaint or observation, will be approached by Safety Personnel. Safety Personnel will give said guest a single warning to comply with venue policy or be asked to leave the premises. Guests who are clearly intoxicated will be removed from the public environment and Safety Personnel will be notified.
- Service Times and Shutoff Protocol Alcohol Service shall begin when Security is in place and doors open for an event. Alcohol service shall end at a predetermined and posted time or condition for each event as outlined. Alcohol Service may end earlier at the determination of the concessionaire, venue manager, or University Police. NMS venue manager will ensure that Safety Personnel are in place at the end of any sales location line when sales are closed. Once the end of the line has had the opportunity to purchase their last

beverage, NMS will place a barrier to prevent further guests from approaching the Point of Sale.

• Athletic Events – Beer & Wine to be served and consumed in 'Wet Sections'
ONLY. All beverages poured into cups. Sales begin one hour prior to a game or when Security is put in place. NMS will provide signs at each Point of Sale indicating service times and pricing. NMS will provide 'Drink Responsibly'
message at Point of Sale. NMS will make and provide non-alcoholic options available at 'Wet Section'. NMS to schedule two (2) TAP trained and certified employees for service.





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Form AB-36: Recreational Site Statement

Why is this form needed?

A new, transfer, or renewal application for a recreational site license must be accompanied by a written statement that explains how the establishment meets the requirements currently listed under AS 04.11.210 until AS 04.09.270 is in effect January 1, 2024

2024.			
This form must be comple will be reviewed.	ted and submitted to AMCO's Anchorage office bef	ore any recreational site license app	lication
	Section 1 - Establishment I	Information	
Enter information for the licensed establishment or the business seeking to be licensed.			
Doing Business As:	Avis Alaska Sports Complex	License #:	-4
License Type:	Sporting Activity or Event		
	Section 2 - Recreational Sit	e Statement	
2.1. Explain what hours yo	ou will be serving beer and wine at your establishme	ent in relation to your event hours.	
_	rom start times of 12p.m. to 9:30p.m. dur ne hour before and after events. per AS 0-	•	e will take
2.2 Are baseball games, car races, hockey games, sled dog racing events, or curling matches regularly held during a season at your establishment? If no, what recreational events are regularly held during a season at your establishment that you believe qualify you for a recreational site license currently under AS 04.11.210 until AS 04.09.270 is in effect January 1, 2024?			
recreational site license co	intentity under A3 04.11.210 until A3 04.03.270 is in	eriect January 1, 2024:	
2.3 What is the season(s)	of your recreational events? Please list months and s	specific dates.	
Sporting Events or oupon the NCAA and	other recreational events can occur 12 m I/or UAA calendar.	nonths out of the calendar ye	ar based



https://www.commerce.alaska.gov/web/amco

Alcohol and Marijuana Control Office 550 W 7th Avenue, Suite 1600 Anchorage, AK 99501

alcohol.licensing@alaska.gov

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-36: Recreational Site Statement

Section 3 - Certification

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

Initials

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.



Brad Osborne

Printed name of licensee/affiliate

Brad Osborne Date: 2024.04.09 12:31:13

Digitally signed by Brad Osborne

Signature of licensee/affiliate