

CLERK'S OFFICE
APPROVED
Date: 4-14-98

Submitted by: Assembly Member Wohlforth
Prepared by: Department of Law
For reading: March 31, 1998

ANCHORAGE, ALASKA
AR NO. 98- 109

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY PROTESTING THE
RENEWAL OF A LICENSE FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES AT
4119 MOUNTAIN VIEW DRIVE, ANCHORAGE, ALASKA, D/B/A LATINO'S CAFE,
ALCOHOLIC BEVERAGE CONTROL LICENSE NO. 1235, A RESTAURANT/EATING
PLACE LICENSE.

WHEREAS, Fernandez De Los Santos, does business as Latino's Cafe under Alcoholic
Beverage Control License No. 1235, a restaurant/eating place license, at 4119 Mountain View
Drive, Anchorage, Alaska (herein "Licensee"); and

WHEREAS, the Assembly finds to be true the allegations of the Notice of Violation issued
by the Alcoholic Beverage Control Board (NOV No. 97-0021 dated April 3, 1997, a copy of which
is attached hereto) that, on or about March 30, 1997 the Licensee operated the licensed premises
after 3:00 A.M. closing hours in violation of the Anchorage Municipal Code; and

WHEREAS, the Assembly finds to be true the allegations of the Notice of Violation issued
by the Alcoholic Beverage Control Board (NOV No. 97-0022 dated April 3, 1997 a copy of which
is attached hereto) that, on or about March 30, 1997, the Licensee allowed underage persons on
the licensed premises in violation of Alaska Statutes and the Anchorage Municipal Code; and

WHEREAS, the Assembly finds to be true the allegations of the Notice of Violation issued
by the Alcoholic Beverage Control Board (NOV No. 97-0022 dated April 3, 1997 a copy of which
is attached hereto) that, on or about March 30, 1997, the Licensee is allowed underage persons to
consume alcoholic beverages on the licensed premises; and

WHEREAS, the Assembly finds that, as reflected in the Minutes of the Meeting of the
Assembly of February 10, 1998, despite requests to do so the Licensee has failed and refused to
appear before the Assembly and has failed and refused to meet with the Community Council of
the area in which the licensed premises is located, for the purpose of addressing the operation of
the licensed premises in accordance with law and said failure and/or refusal constitutes serious
indicia of the Licensee's disregard for the requirements of operating the licensed premises imposed
under Anchorage Municipal Code and State law; and


WHEREAS, the Assembly, on February 10, 1998, protested the transfer of said License for
the reasons stated therein; now, therefore,

THE ANCHORAGE ASSEMBLY RESOLVES:

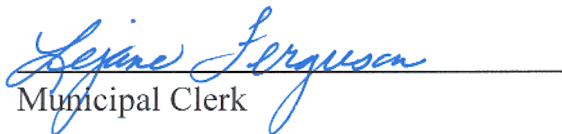
Section 1. That for the reasons set forth above, the Assembly does hereby protest the renewal of the Alcoholic Beverage Control License No. 1235 at 4119 Mountain View Drive, Anchorage, Alaska in the name of Fernandez De Los Santos, doing business as Latino's Cafe.

Section 2. The Municipal Attorney is hereby directed to take appropriate steps to use any document or evidence necessary to effectively advance the position of the Municipality at any hearing before the State Alcoholic Beverage Control Board.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of April, 1998.


Chairman

ATTEST:


Municipal Clerk

Alcoholic Beverage Control Board
550 W. 7th Avenue Suite #350
Anchorage, AK 99501
Telephone (907) 277-8638

Date: April 3, 1997
Number: 96-0021
Page 1 Of 1

Notice of Violation

(15AAC 104.525)

Licensee Fernande De Los Santos	License Number 96/97-3655	Type of License Restaurant/Eating Place
D.B.A. Latino's Cafe	How Delivered <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> In Person	Law Enforcement Agency Anchorage Police Dept.
Street or P.O. Box 4119 Mountain View Drive	City, State Anchorage, AK	Zip 99508

This is a notice to you as licensee, that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On March 30, 1997, in response to reports from the public, ABC Investigator John Bilyeu entered your licensed premises at approximately 3:18 a.m., 18 minutes after legal closing hours. Your licensed premises was full of patrons and alcoholic beverages full and empty were observed on almost all of the tables in the restaurant. The staff stated they had conducted last call but wanted to let the patrons finish their meals. No meals were observed on the tables by the Investigator or any of the Anchorage Police Officers who were present. This is a violation of law. The Anchorage Municipality required the licensed premises to be closed and all patrons off the premises by 3:00 a.m. on weekends.

Your attention is directed to AS 04.16.010 which states "Hours of sale and presence on licensed premises (standard closing hours.)

(a) A person may not sell, offer for sale, give, furnish, deliver or consume an alcoholic beverage on premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day.

(d) A municipality may provide for additional hours of closure under AS 04.21.010."

You are directed to respond in writing with how you intend to insure that this conduct will not be continued or repeated. You are also directed to provide a copy of all your employees certification of alcohol server education course completion within 10 days of receipt of this Notice of Violation.

A Response is Required

15 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt: <i>Fernande De Los Santos</i>	Violation Observed By: <i>John Bilyeu</i>
Filed By: <i>John Bilyeu</i>	Title Investigator RECEIVED Office of Municipal Clerk

MAR 17 1998

P.O. Box 196650
Anchorage, Alaska 99519-6650

Alcoholic Beverage Control Board
550 W. 7th Avenue Suite #350
Anchorage, AK 99501
Telephone (907) 277-8638

Date: April 3, 1997

Number: 96-0022

Page 1 Of 1

Notice of Violation

(15AAC 104.525)

Licensee	License Number	Type of License
Fernande De Los Santos	96/97-3655	Restaurant/Eating Place
D.B.A.	How Delivered	Law Enforcement Agency
Latino's Cafe	[] Certified Mail [X] In Person	Anchorage Police Dept.
Street or P.O. Box	City, State	Zip
4119 Mountain View Drive	Anchorage, AK	99508

This is a notice to you as licensee, that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On March 30, 1997, in response to reports from the public, ABC Investigator John Bilyeu entered your licensed premises at approximately 3:18 a.m., 18 minutes after legal closing hours. Your licensed premises was full of patrons and alcoholic beverages full and empty were observed on almost all of the tables in the restaurant. A number of underage persons were observed on the premises and were not there for the purpose of eating and four (4) of the underage persons were found to have consumed alcoholic beverages. No meals were observed in the area where the under age persons were observed, but numerous beer bottles, full and empty, were present.

Your attention is directed to AS 04.16.049 which states "Access of persons under the age of 21 to licensed premises. (a) A person under the age of 21 years may not knowingly enter or remain in premises licensed under this title unless

(2) the person is at least 16 years of age, the premises are designated by the board as a restaurant for the purposes of this section, and the person enters and remains only for dining;

The Board will consider revocation of your restaurant designation permit at it's next meeting in Valdez, April 14th and April 15th.

You are directed to respond in writing with how you intend to insure that this conduct will not be continued or repeated. You are also directed to provide a copy of all your employees certification of alcohol server education course completion within 10 days of receipt of this Notice of Violation.

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Filed By: <i>John Bilyeu</i>	Title Investigator RECEIVED Office of Municipal Clerk

MAR 17 1998

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Anchorage, Alaska 99519-6650