

CLERK'S OFFICE

APPROVED

Date: 11-24-98

Submitted by: Assembly Member Wuerch

Prepared by: Department of Law

For reading: November 24, 1998

ANCHORAGE, ALASKA

AR NO. 98- 368

A RESOLUTION TO SET PUBLIC HEARING ON THE QUESTION OF THE CONTINUED OPERATION OF THE LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES HELD BY C & L ENTERPRISES, INC. D/B/A ALASKA LIQUOR STORE #1, LOCATED AT 2607 "A" STREET, ANCHORAGE, ALASKA.

WHEREAS, it has been alleged that:

1. The premises of C & L Enterprises, Inc. d/b/a Alaska Liquor Store #1, (herein "Licensee") located at 2607 "A" Street, Anchorage, Alaska (herein the "Licensed Premises") has been used as a resort for illegal possessors or users of narcotics;

2. On November 18, 1997, the Anchorage Police Department made a controlled purchase of cocaine from an employee of the Licensee on the Licensed Premises during regular business hours of the Licensed Premises;

3. On November 19, 1997, illegal drugs and drug paraphernalia were found on the Licensed Premises;

4. The Licensed Premises is or was known as a location where illegal narcotics could be purchased; and

WHEREAS it has been further alleged that:

5. The operation of the Licensed Premises and the Licensee attracts, caters to and/or fails to adequately control or prevent patronization of publicly inebriated customers which in turn creates and contributes to situations, events and conditions inimical to the public health, safety and welfare of other citizens and adjacent property owners and their properties, including but not limited to indecent exposure, public urination, defecation and vomiting on public and private property, trespass, vandalism, assaults, threats and damage to private property; and

WHEREAS the Licensed Premises and Licensee operate under a Conditional Waiver of Protest enacted March 26, 1995 as Assembly Resolution 96-64 and there is reason to believe there have been violations of the conditions contained in said Conditional Waiver of Protest; and

WHEREAS there is reason to believe the operation of the Licensed Premises by the Licensee has not complied with the requirements of Anchorage Municipal Code generally and specifically subsections 10.50.015B., E., O., and R., as well as applicable State statutes; now, therefore

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. That the allegations set forth above in the preamble ("Whereas" paragraphs) of this resolution shall and do hereby constitute accusations against the Licensee and the Licensed Premises.

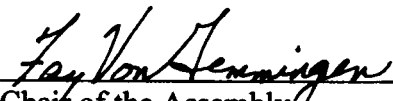
1 **Section 2.** That a public hearing before the Assembly is hereby set for January 5, 1999 to be held during
2 the course of the regular Assembly meeting in the first floor Assembly Chambers at the Loussac Library,
3 3600 Denali, Street, Anchorage, Alaska at which time the Licensee shall appear before the Assembly and
4 answer the accusations against the Licensee and the Licensed Premises set forth above and during the course
5 of which hearing the Assembly may take evidence and testimony from other interested persons.
6

7 **Section 3.** That this resolution shall be forthwith served upon the Licensee by personal service on or
8 certified , restricted mail to Licensee's principals or authorized agent.
9

10 **Section 4.** That upon concluding the hearing set by Section 2. of this Resolution, the Assembly shall
11 consider and take action on whether to protest the continued operation of the Licensed Premises.
12

13 **Section 5.** This resolution shall become effective immediately upon its passage and approval by the
14 Assembly.
15

16
17 PASSED AND APPROVED by the Anchorage Assembly this 24th day of November, 1998.
18

19
20 
21 Chair of the Assembly

22 ATTEST:

23 
24
25 Municipal Clerk
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL ATTORNEY

MEMORANDUM

DATE: November 24, 1998

Assembly Member Wuerch

Mary K. Hughes, Municipal Attorney

FROM: William A. Greene, Deputy Municipal Attorney

Subject: Alaska Liquor Store #1. Accusation; AR 98-368.

Attached is the referenced resolution with the appropriate text which you introduced by title at the last Assembly meeting. We recommend you provide the resolution to the Assembly for **immediate consideration tonight, November 24, 1998**. No public hearing is required for the adoption of this resolution. The resolution makes the accusations against Alaska Liquor Store #1 and sets the hearing on continued operation of the licensed premises for January 5, 1999, after which but prior to January 30, 1999, the Assembly may protest or waive protest of the Licensee's continued operation. A subsequent resolution will be needed for whatever Assembly action is taken after the January 5, 1999 hearing. The Assembly will be acting in its quasi-judicial capacity in this process and with respect to the Licensee. Accordingly, the *ex parte* rules are effect.

If you have any questions or we may be of further help, please call us at 343-4545

enc|

cc: Greg Moyer