

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 8-14-01

Submitted by: Assemblymember
Von Gemmingen, Sullivan

Prepared by: Department of Law
For reading: **August 14, 2001**

Shamberg, Taylor, Van Etten

ANCHORAGE, ALASKA
AR NO. 2001-178(s)

1
2 A RESOLUTION PROTESTING THE RENEWAL OF THE BEVERAGE
3 DISPENSARY-TOURISM LIQUOR LICENSE FOR SPENARD PARADISE INN
4 (LICENSE NO. 1139); TRANSMITTING NOTIFICATION OF VIOLATION OF
5 CONDITIONS TO THE STATE ALCOHOL CONTROL BOARD; AND FINDING
6 THE CONTINUED OPERATION OF THE LICENSED PREMISE TO BE A PUBLIC
7 NUISANCE.

8
9 WHEREAS, the Assembly has heard testimony that the Anchorage Police Department
10 has responded to an inordinate number of calls to 3001 Spenard Road and adjacent
11 property;

12
13 WHEREAS, the calls involve disturbing the peace, drug dealing, prostitution, and other
14 crimes of grave concern to the Municipality and its residents;

15
16 WHEREAS, the Assembly has heard testimony from members of the public and
17 representatives of the local community council and community service patrol that they
18 have frequently observed activity commonly associated with drug dealing and
19 prostitution adjacent to the premises and the persons involved in such activity freely
20 entering and exiting the premises, and conducting business through windows of the
21 premise's hotel; and

22
23 WHEREAS, members of the neighborhood and the local community council have
24 repeatedly voiced concerns with the operation of the premises and the nuisances
25 generated thereby to the APD and to the Assembly; and

26
27 WHEREAS, notices of liquor license violations regarding the subject premises have been
28 issued during the license period (copies of which are attached hereto);

29
30 WHEREAS, previous Municipal action, including the imposition of conditions, (See AR-
31 98-18 attached hereto) has not substantially abated the continuing problems associated
32 with the premises;

33
34 WHEREAS, the licensee testified that he has not complied with certain of the said
35 conditions imposed on the license, to-wit, conditions A, J, and L;

36
37 WHEREAS, members of the neighborhood and local community council and community
38 service patrol have testified that the licensee has not complied with certain conditions
39 imposed on the license, to-wit, conditions A, B (at least with regard to the exterior
40 entrance), C (at least with regard to one sign), and L;

41

1 WHEREAS, a memo from APD Officer Dennis K. Cole (attached hereto) indicates that
2 on August 1, 2001 the licensed premises was inspected and found not to be in compliance
3 with conditions B, C and D imposed on the license; and
4

5 WHEREAS, the licensee's previous assertion, that a perimeter check of the premises is
6 made every quarter hour was directly contradicted by testimony heard by the Assembly;
7

8 WHEREAS, the testimony heard by the Assembly has confirmed the pre-existing serious,
9 material and substantial concerns relating to the ability and willingness of the licensee to
10 comply with the operating requirements applicable to the licensed premises;

12 WHEREAS, the licensee has failed to demonstrate, as required by 2.30.125C., D., and H.
13 of the Anchorage Municipal Code, prospective or continued compliance with operations
14 procedures for the licensed premises, has failed to demonstrate an ability and willingness
15 to maintain order and prevent unlawful conduct on the licensed premises, and has failed
16 to refrain from engaging in patterns of practices injurious to public health and safety; and
17

*Amended by inserting two whereas clauses attached.

18 WHEREAS, the testimony heard by the Assembly demonstrates that the continued
19 operation of the licensed premises in the manner it has been operating in the most recent
20 license period, and prior thereto, is not in the best interests of the residents of the
21 neighborhood in which the premises is located nor in the best interests of the community
22 as a whole; Now therefore;
23

24 THE ANCHORAGE ASSEMBLY RESOLVES

25
26 Section 1. That for the reasons stated above, the Municipality finds the licensee has
27 municipal conditions imposed upon the license pursuant to AS 4.11.480(d), and that there
28 is substantial evidence to suggest that the license has failed to meet the requirements of
29 AMC 2.30.125 C., D., and H. Notification is hereby given to the State Alcohol Control
30 Board for further action by that body and recommends that the State Alcohol Control
31 Board revoke the license.
32

33 Section 2. That the Municipality finds that the continued operation of the licensed
34 premises constitutes a public nuisance which must be abated and recommends that the
35 Municipal Attorney's Office take action consistent with this resolution.
36

37 PASSED AND APPROVED by the Anchorage Assembly this 14th day of
38 AUGUST, 2001.

39 
40 Chair of the Assembly

41 ATTEST:

42 
43
44 Municipal Clerk
45
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page 2, line 17 insert:

WHEREAS, the licensee admitted that six of the Inn's thirteen rooms are rented to local residents; and

WHEREAS, the licensee has not maintained the minimum number of rooms for rental by the tourist trade, as required by State law, for the operation of a tourism liquor license; and

Submitted by: Assemblymember MURDY

Prepared by: Assembly Office

For reading: January 13, 1998

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 1-27-98 ANCHORAGE, ALASKA
AR NO. 98- 18

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY PROTESTING THE
CONTINUED OPERATION OF A BEVERAGE DISPENSARY LIQUOR LICENSE AT 3001
SPENARD ROAD, ANCHORAGE, ALASKA DBA THE SOUTH SEAS LOUNGE**

The Anchorage Assembly finds that:

*7/21/98 protest lifted
& conditions added*

WHEREAS, the Anchorage Municipal Assembly has received documentary evidence
pertaining to the continued operation of a liquor license; and

* See insert amendment attached.

WHEREAS, the evidence presented to the Municipal Assembly has raised material,
serious, and substantial questions relating to the ability of the licensee to comply with local and
State laws in the operation of the establishment; and

WHEREAS, in accordance with AS 04.16.052 and AMC 2.30.125 C., the licensee has
failed to demonstrate compliance with operations procedures for licensed premises, in that on
July 19, 1997, a patron under the age of 21 years old was furnished alcoholic beverages; and

WHEREAS, in accordance with AS 04.16.010 and AMC 2.30.125 C., the licensee has
failed to demonstrate compliance with operations procedures for licensed premises, in that on
July 19, 1997, patrons with alcoholic beverages were still on the premises after legal closing
hours; and

WHEREAS, in accordance with AMC 2.30.125 C., the licensee has failed to
demonstrate compliance with operations procedures for licensed premises, in that on July 18,
1997, several intoxicated patrons were discovered on the premises; and

* See insert amendment attached.

WHEREAS, in accordance with AMC 2.30.125 D., the licensee has failed to
demonstrate the ability to maintain order and prevent unlawful conduct injurious to public
safety, health and welfare, in that during 1997, there have been numerous incidents of
assaults, disturbances, drugs, prostitution, and thefts on the premises.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That for the reasons set forth above, the Municipality of Anchorage does
hereby protest the continued operation of the beverage dispensary liquor license at 3001
Spennard Road, Anchorage, Alaska DBA The South Seas Lounge.

Section 2: The Municipal Attorney is requested 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 Municipal Assembly this 27 day of
January, 1998.

[Signature]
Chair

ATTEST:

[Signature]
Municipal Clerk

AR 98-18, Amendments passed by the Anchorage Assembly on 1-27-98
South Seas Lounge Liquor License Protest

Insert as second whereas paragraph.

WHEREAS, the Anchorage Municipal Assembly held a public hearing on January 27, 1998, and heard extensive testimony from residents, business owners, and community council representatives in opposition to the continuance of the licensed premise;

Insert on Line 34:

WHEREAS, the patterns of activity and practice of the licensed premise are in opposition to the adopted Alcohol Philosophy of the Municipality of Anchorage;

PARADISE INN BEVERAGE DISPENSARY LIQUOR LICENSE

ANCHORAGE ASSEMBLY CONDITIONS FOR THE CONTINUED OPERATION OF A BEVERAGE DISPENSARY LIQUOR LICENSE AT 3001 SPENARD ROAD, ANCHORAGE, ALASKA, formerly dba the South Seas Hotel and Lounge now dba Paradise Inn

License Conditions.

A. The Licensed Premises will provide one security person during hours of operation

B. The Licensed Premises shall install and maintain a video monitoring system to monitor the exterior entrance to the bar, and the interior of the bar, during all hours that the premises is open for business. The videotapes taken will be retained for 15 days prior to being recycled, and copies of the tapes will be made available to the Anchorage Police Department upon request.

C. The Licensed Premises will purchase and display two conspicuous signs, one directly inside the entrance to the premises and one in another conspicuous location inside the premises, which state that "IT IS UNLAWFUL FOR THE PURPOSE OF PROSTITUTION OR SELLING DRUGS FOR PERSONS TO ENTER OR TO REMAIN ON THE PREMISES."

D. The Licensed Premises will purchase and display two conspicuous signs, one directly inside the entrance to the premises and one in another conspicuous location inside the premises, which state that "THE ACTIVITIES AND BEHAVIOR OF PATRONS ON THESE PREMISES ARE CONTINUOUSLY VIDEOTAPED. COPIES OF THESE TAPES ARE PROVIDED TO THE ANCHORAGE POLICE DEPARTMENT UPON REQUEST."

E. The Licensed Premises will (1) install lighting on the building outside the bar sufficient to brightly illuminate the sidewalk outside the bar; (2) install additional lighting in the parking lot leading to and from the rear entrance to the bar, and (3) install additional interior lighting, if necessary.

F. The Licensed Premises will cooperate with and submit to the Spenard Community Council a review of and report on the licensee's operation six months after approval of this Assembly motion.

G. The management of the Licensed Premises and its legal representatives will appear before the Anchorage Assembly on January 26, 1999 to review all police reports for the last quarter of 1998.

PARADISE INN BEVERAGE DISPENSARY LIQUOR LICENSE

H. The management of the Licensed Premises (i.e., the officers, directors, and shareholders) will substantially increase their personal presence on the premise of the Licensed Premises every business day, and will review employee conduct and any police incidents, as well as view the video monitor tapes, as needed.

I. The management of the Licensed Premises will schedule Techniques in Alcohol Management ("TAM") or similar training for each employee on an annual basis;

J. The management of the Licensed Premises will meet and consult with Captain Katkus of the Anchorage Police Department or his designee on a monthly basis to resolve any police department concerns regarding the operation of the Licensed Premises.

K. All patrons of the Licensed Premises will be checked for identification and will be assessed as to age, manual dexterity, and apparent sobriety.

L. The Licensed Premises will not allow non-patrons to loiter on the premises.

M. That Ms. Hyun Ju Song will not have any involvement in the operation of the license and will, as soon as possible, be removed as an owner of the license.

Motion PASSED AND APPROVED by the Anchorage Assembly this 21st day of July, 1998.


Municipal Clerk

cc: Alcoholic Beverage Control Board
Anchorage Police Department
Spenard Community Council
Licensee Kyon-taek Song

Alcoholic Beverage Control Board
550 W. 7th Avenue Suite # 540
Anchorage, AK 99501
Telephone (907) 269-0350

Date: April 19, 2000
Number: 00-0039
Page 1 Of 1

Notice of Violation

(15AAC 104.525)

Licensee	License Number	Type of License
Hyun Ju Song & Kyong Song	99/20-1139	Beverage Dispensary (T)
D.B.A. Spenard Paradise Inn & Lounge	How Delivered [x] Certified Mail. P 470 830 211 [] In Person	Law Enforcement Agency Anchorage Police Dept.
Street or P.O. Box P.O. Box 91928	City, State Anchorage, AK	Zip 99509-1928

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: The ABC Board has received a report from the Anchorage Police Department, # 00-17399, which states that on April 7, 2000 Anchorage Police Officer Derek Hsieh entered your licensed premises at approximately 2:36 am and observed several patrons still in the premises, some playing board games. This is a violation of law.

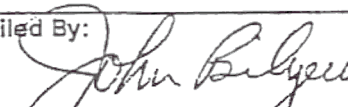
Your attention is directed to **AS 04.16.010. Hours of sale and presence on licensed premises (standard closing hours).** (a) A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage on premises licensed under this title between the hours of 5:00 a.m. and 8:00 a.m. each day.

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

You are directed to respond to this notice of violation within 10 days of receipt and explain how you will insure that there will be no repetition of this 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:	Violation Observed By: APD Officer Hsieh APD Officer Johnstone
Filed By:  John Bilyeu	Title Investigator

Alcoholic Beverage Control Board
550 W. 7th Avenue Suite # 540
Anchorage, AK 99501
Telephone (907) 269-0350

Date: April 19, 2000
Number: 00-0040
Page 1 Of 1

Notice of Violation

(15AAC 104.525)

Licensee	License Number	Type of License
Hyun Ju Song & Kyong Song	99/20-1139	Beverage Dispensary (T)
D.B.A. Spenard Paradise Inn & Lounge	How Delivered [x] Certified Mail. P 470 830 211 [] In Person	Law Enforcement Agency Anchorage Police Dept.
Street or P.O. Box	City, State	Zip
P.O. Box 91928	Anchorage, AK	99509-1928

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: The ABC Board has received a report from the Anchorage Police Department, # 00-17399, which states that on April 7, 2000 at approximately 2:35 am Anchorage Police Officer Derek Hsieh observed two men drag a male out the front door of your licensed premises. Investigation revealed the male to be a drunken Native male who was put into a waiting cab. The male was incapable of walking without assistance and was comatose, having the strong odor of alcoholic beverages on his body. This is a violation of law.

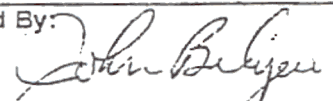
Your attention is directed to AS 04.16.030. Prohibited conduct relating to drunken persons.
(a) A licensee, an agent, or employee may not with criminal negligence

- (1) sell, give, or barter alcoholic beverages to a drunken person;
- (2) allow another person to sell, give, or barter an alcoholic beverage to a drunken person within licensed premises;
- (3) allow a drunken person to enter and remain within licensed premises or to consume an alcoholic beverage within licensed premises;

You are directed to respond to this notice of violation within 10 days of receipt and explain how you will insure that there will be no repetition of this 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:	Violation Observed By: APD Officer Hsieh
Filed By:  John Bilyeu	Title Investigator

Anchorage Police Department
Service Since 1921
Memorandum

August 1, 2001

To: Dick Traini, Chair
Anchorage Assembly

Walt Monegan
Chief of Police

LeJane Ferguson
Municipal Clerk

From: Daniel K. Cole
Lieutenant, "B" Shift Commander

Subject: Compliance Check – Paradise Inn

At the request of the office of the Municipal Clerk, I took a copy of the Assembly imposed conditions on the license and checked the premises for compliance with those conditions. My inspection took place at 10:00 AM. The liquor establishment was not open for business at the time and I was not able to check for compliance in the bar area.


My inspection did not result in findings regarding compliance or non-compliance with condition **A** or conditions **E through M**.

Condition B: requires the installation and monitoring of the entrances/exits to the bar. The camera on the northwest side of the building was not pointed toward the doorway in such a manner as to be able to monitor the entrance/exit but was, instead, pointed toward 30th Ave.

Condition C: requires that two specifically worded signs be conspicuously displayed in designated areas. No such signs were found where required on the interior of the establishment. Instead, signs meeting their description were found lying on the front desk of the hotel portion of the establishment, partially covered by papers.

Condition D: requires that other specifically worded signs be conspicuously displayed. No such signs were visible on the interior of the establishment. One set of signs was displayed on the front (Spenard Rd.) side of the building outside of the entry door.

Please feel free to contact me if you have any questions.


Daniel K. Cole, #841
Police Lieutenant
Office: 786-8752
Page: 762-0746