

CLERK'S OFFICE

APPROVED

Date: 11-3-09

Submitted by: ASSEMBLY CHAIR OSSIANDER,
VICE CHAIR DRUMMOND, AND
ASSEMBLY PUBLIC SAFETY
COMMITTEE CHAIR GUTIERREZ

Prepared by: Municipal Clerk
For reading: November 3, 2009

**ANCHORAGE, ALASKA
AR NO. 2009-259**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A TRANSFER OF PACKAGE STORE LIQUOR LICENSE #4558
FOR LIQUOR STORES USA NORTH, INC, BROWN JUG, LOCATED AT 1106 NORTH
MULDOON ROAD #110, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE
CERTAIN ACTION.**

WHEREAS, Liquor Stores USA North, Inc has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for Transfer of a Package Store Liquor License #4558, to be used for Brown Jug, located at 1106 North Muldoon Road #110, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on September 18, 2009 and has determined that the last day for the Assembly to file a protest is November 17, 2009; and

WHEREAS, the Assembly Meeting on November 3, 2009 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. Any ABC violations and/or incidents that would lead to an ABC violation are attached for the Assembly's evaluation;
2. No taxes are owing to the Municipality of Anchorage;
3. Conditional Use Permit, required by AMC 21.50.160, **has not been completed;**
5. Approvals from the Municipal Health & Human Services, Building Safety and Fire Departments **have not been received;** and

WHEREAS, protest by the Assembly is in order until Municipal Clerk confirmation that outstanding items required for this location have been completed;

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1.

The Anchorage Assembly hereby enters its **PROTEST** for a Transfer of Package Store Liquor License #4558 until these conditions are met:

- Successful completion of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.
- Approvals from the Municipal Health & Human Services, Building Safety and Fire Departments are confirmed by the Municipal Clerk.


Section 2.

A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Package Store Liquor License #4558 under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.

Section 3.

The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk confirmation that all conditions in Section 1 have been met, to provide written notification to the Alcoholic Beverage Control Board that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 3rd day of November, 2009.


Chair

ATTEST:


Municipal Clerk

Transfer Liquor License

PAGE 1 OF 2

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

This application is for:

- ☐ Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
Mo/Day Mo/Day
- ☒ Full 2-year period

5319

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES	
License Year: 2008-2009	License Type: PACKAGE STORE LICENSE	Statute Reference: Sec. 04.11.150	License Fee: \$	
License #: 4558			Filing Fee: \$100.00	
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: NORTHEAST COMMUNITY COUNCIL 7320 OLD HARBOR AVE ANCHORAGE, AK 99504		Fingerprint: (\$54.25 per person) 100	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): LIQUOR STORES USA NORTH, INC.	Doing Business As (Business Name): BROWN & LUG	Business Telephone Number: 780 989-7604 Fax Number: 780 702-1427		
Mailing Address: #300 10505-82 AVENUE	Street Address or Location of Premise: TIKATITNU COMMONS CENTER 1106 N. HILSDOWN RD # 110 ANCHORAGE, AK 99504		Email Address: ALCORBETT@ISUP.CA	
City, State, Zip: EDMONTON, ALBERTA, CANADA T6E 2A4				

SECTION B - TRANSFER INFORMATION.

<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of CURRENT Licensee: 300 10505-82 AVE, EDMONTON, ALBERTA, CANADA T6E 2A4
<input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.	Business Name (dba) BEFORE transfer: NO PREMISE
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Street Address or Location BEFORE transfer: N/A

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.

Closest school grounds: 0.34 MILES	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church: 0.72 MILES	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building	<input checked="" type="checkbox"/> Not applicable	
		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
SEE ATTACHED				
LIST OF BROWN & LUG				
LICENSES				

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

SEP 15 09 PM 3:09

Office use only

Date Approved

Director's Signature

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): LIQUOR STORES USA NORTH, INC.	Telephone Number: 780-989-7604	Fax Number: 780-702-1427
Corporate Mailing Address: #300 10508-82 AVE	City: EDMONTON	State: ALBERTA, CANADA
Name, Mailing Address and Telephone Number of Registered Agent: RICHARD M. ROSSON, P.C. 1031 W 4th AVE, ANCHORAGE, AK 99501 907-276-4557	Date of Incorporation OR Certification with DCED: 2005	Zip Code: T6E 2A4
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.		

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
RICHARD J. CROOK	PRESIDENT		544 HUNTERS GREEN	780-433-9089	3/19/1966
RICHARD J. CROOK	TREASURER		EDMONTON, ALBERTA T6E 2A4, CN		
JAN HAMILTON	SECRETARY		900 SNOWBOWL LA, BLAINE, WA 98230	360-371-3279	
LIQUOR STORES USA HOLDINGS INC. - ALBERTA HOLDING	SHAREHOLDER	100%	#300 10508-82 AVE		
			EDMONTON, ALBERTA T6E 2A4, CN	780-944-9594	N/A

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address:		Address:	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	
Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address:		Address:	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature	Signature
Signature	Signature
Name & Title (Please Print) Richard J. Crook, President	Name & Title (Please Print)
Subscribed and sworn to before me this 20th day of July, 2009	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska Province of Alberta	Notary Public in and for the State of Alaska
My commission expires:	My commission expires:



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 8-31-09
Number: 09-1516
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Liquor Stores USA North Inc.	License Number 1561	Type of License Package Store
D.B.A. Brown Jug – Red Apple 131. S. Bragaw Street	How Delivered <input checked="" type="checkbox"/> By Certified Mail Number: 7006 3450 0003 7319 4851 <input type="checkbox"/> Personally Served	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box #300 10508-82 Ave	City, State Edmonton, Alberta, Canada	Zip T6E

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 8-31-09, at about 2002 hours, Brown Jug clerk Selena Renee Byrd sold an alcoholic beverage to a person under the age of 21. When asked to provide server education, she stated she had the education but could not produce proof of attending. The incident occurred during compliance checks.

Byrd was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 9-21-09, 0830 hours, Anchorage District Court was assigned. Byrd was instructed not to sell alcoholic beverages until she could provide proof of training. (NOTE: O. C. Madden, Personnel Manager, e-mailed me proof of her server education on file at the main Brown Jug office).

Your attention is directed to **AS 04.16.052(5): Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

Your attention is directed to **13AAC104.465(a): Alcohol Server's Education Course.**

- (a) While selling or serving alcoholic beverages, a person required under AS 04.21.025 to complete an alcohol server education course and the person's on-duty supervisor shall carry a current course card certifying completion of an approved alcohol server education course. The card is effective for three years from date of issuance during which time the person shall complete another approved course. **The card must be made of or encased in plastic, and must include the name and birth date of the card holder, the name of the course, date of expiration of the card, and a signature of an authorized course representative. If the card does not include a photograph of the holder, the person shall also carry a valid identification under 13 AAC 104.425(b).** The card must be shown upon request of a peace officer or board representative. If the person cannot show a current card or a copy of it on file on the premises, or show a date of hire less than 30 days earlier, the person shall immediately cease selling or serving alcoholic beverages.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

***Please include your Alcohol License Number in your response.**

**Shirley A. Gifford, Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507**

A Response is Required

13 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: F.R. Hamilton
Filed By: <i>F.R. Hamilton</i>	Title: Investigator III



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 10-2-09
Number: 09-1678
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Liquor Stores USA North Inc.	License Number 1561	Type of License Package Store
D.B.A. Brown Jug 131 S. Bragaw Street	How Delivered <input checked="" type="checkbox"/> By Certified Mail Number: 7006 3450 0003 7319 4745 <input type="checkbox"/> Personally Served	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box #300 10508-82 Ave	City, State Edmondton, Alberta, Canada	Zip T6E

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 9-30-09, at about 1842 hours, Brown Jug clerk Bennie Wilson Spicer sold an alcoholic beverage to a person under the age of 21. The sale occurred during a compliance check. Spicer was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 10-23-09, 0830 hours, Anchorage District Court was assigned.

Your attention is directed to **AS 04.16.052(5): Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

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Receipt:	Violation Observed By: F.R. Hamilton
Filed By: <i>F.R. Hamilton</i>	Title: Investigator III

Content ID: 008310**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF PACKAGE STORE LIQUOR LICENSE #4558 FOR LIQUOR STORES USA NORTH, INC, BROWN JUG, LOCATED AT 1106 NORTH MULDOON ROAD #110, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION, ASSEMBLY CHAIR OSSIANDER, VICE CHAIR DRUMMOND, AND ASSEMBLY PUBLIC SAFETY COMMITTEE CHAIR GUTIERREZ.

Author: delongmm**Initiating Dept:** Muni_Clk**Date Prepared:** 10/22/09 9:43 AM**Assembly Meeting Date:** 11/3/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	10/22/09 9:46 AM	Exit	Michelle M. DeLong	Public	008310
AllOtherARWorkflow	10/22/09 9:46 AM	Checkin	Michelle M. DeLong	Public	008310