

CLERK'S OFFICE

APPROVED

Date:

12-15-09

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

Prepared by: Municipal Clerk

For reading: December 15, 2009

ANCHORAGE, ALASKA

AR NO. 2009-293

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE #4948 FOR
SKYCAP INTERNATIONAL LLC DBA:THE LICKER STORE, LOCATED AT 410 K
STREET, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Skycap International, LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Package Store Liquor License #4948, to be used for The Licker Store, located at 410 K Street, 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 November 5, 2009 and has determined that the last day for the Assembly to file a protest is January 4, 2009; and

WHEREAS, the Assembly Meeting on December 15, 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. No ABC Board violations and/or incidents are on file that would lead to an ABC Board violation;
2. There are no taxes owing to the Municipality of Anchorage;
3. Anchorage Fire Department approval was received on November 13, 2009;
4. Health & Human Services Department approval was received on November 5, 2009;
5. Building Safety/Code Abatement approval was received on December 1, 2009;
4. Conditional Use Permit, required by AMC 21.50.160, **has not been completed;**

1 WHEREAS, protest by the Assembly is in order until Municipal Clerk confirmation that
2 outstanding items required for this location have been completed;
3

4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
5


6 Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a Transfer
7 Package Store Liquor License #4948 until this condition is met:
8

- 9 • Successful completion of the Conditional Use Permit under AMC
10 21.50.160 is confirmed by the Municipal Clerk.
11

12 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
13 Beverage Control Board as proof that the Anchorage Assembly, as the
14 local governing body, has stated its protest in order to allow the Director
15 of the Alcoholic Beverage Control Board to hold processing of Package
16 Store Liquor License #4948 under local protest, until receipt by the
17 Director of confirmation from the Municipal Clerk that the conditions in
18 Section 1 have been met, and this protest is lifted as authorized by this
19 Assembly Resolution.
20

21 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
22 Municipal Clerk confirmation that all conditions in Section 1 have been
23 met, to provide written notification to the Alcoholic Beverage Control
24 Board that this protest by the Anchorage Assembly is lifted, without
25 further action by the Assembly.
26

27
28 PASSED AND APPROVED by the Anchorage Assembly this 15th day of
29 December, 2009.
30

31
32 
33 _____
34 Chair
35

36 ATTEST:
37

38
39 
40 _____
41 Municipal Clerk
42



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A Masters, Commissioner

November 5, 2009

Municipality of Anchorage
Barbara Gruenstein
P.O. Box 196650
Anchorage, Alaska 99519

Re: The Licker Store – License # 4948

We have received the enclosed application for a new liquor license within the **Municipality of Anchorage**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Alcoholic Beverage Control Board

5848 E Tudor Rd. Anchorage, AK 99507 Voice (907) 260-0350 Fax (907) 272-0412

CR16
Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

New Liquor License

PAGE 1 OF 2

(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 _____
☒ Full 2-year period _____ Mo/Day _____ Mo/Day

#5510

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2010-11	License Type: PACKAGE STORE	Statute Reference	License Fee: \$1500
Office Use Only License #: 4948		Sec. 04.11.150	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) ANCHORAGE	Community Council Name(s) & Mailing Address: DOWNTOWN		Fingerprint: 54.25 (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): SKYCAP INTERNATIONAL LLC	Doing Business As (Business Name): THE LICKER STORE	Business Telephone Number: 907-248-7590	Total Submitted: \$ #1454.25
Mailing Address: PO. Box 240886	Street Address or Location of Premise: 410 "K" ST. ANCHORAGE, AK 99501	Email Address: SKYCAPINTL@GCI.NET	Fax Number: 907-
City, State, Zip: ANCHORAGE, AK 99524			

SECTION B. PREMISES TO BE LICENSED. Must be completed.

Closest school grounds 200' +	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. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable
Closest church: 200' +	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

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

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.

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) SKYCAP INTERNATIONAL LLC	Telephone Number 907-248-7590	Fax Number 907-248-5221
Corporate Mailing Address: PO BOX 240886	City ANCHORAGE	State AK
	Zip Code 99524	
Name, Mailing Address and Telephone Number of Registered Agent GARY HOVANEK (907) 248-7590 PO BOX 240886 ANCHORAGE, AK 99524	Date of Incorporation OR Certification with DCED JAN 26, 2007	State of Incorporation AK
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
GARY HOVANEK	PRESIDENT	100	13801 MAINSAIL (907) 248-6866	(907) 248-7590	

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

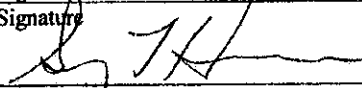
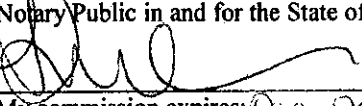
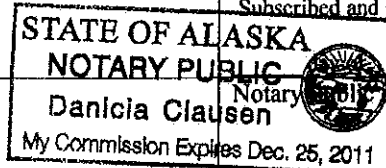
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

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 Licensee(s)

Signature 	Signature
Name & Title (Please Print) GARY L. HOVANEK, PRESIDENT	Name & Title (Please Print)
Subscribed and sworn to before me this 13 day of October, 2007	Subscribed and sworn to before me this
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska 
My commission expires: DEC 25 2011	My commission expires:

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below;
show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: SKYCAP INTERNATIONAL LLC (THE LICKER STORE)

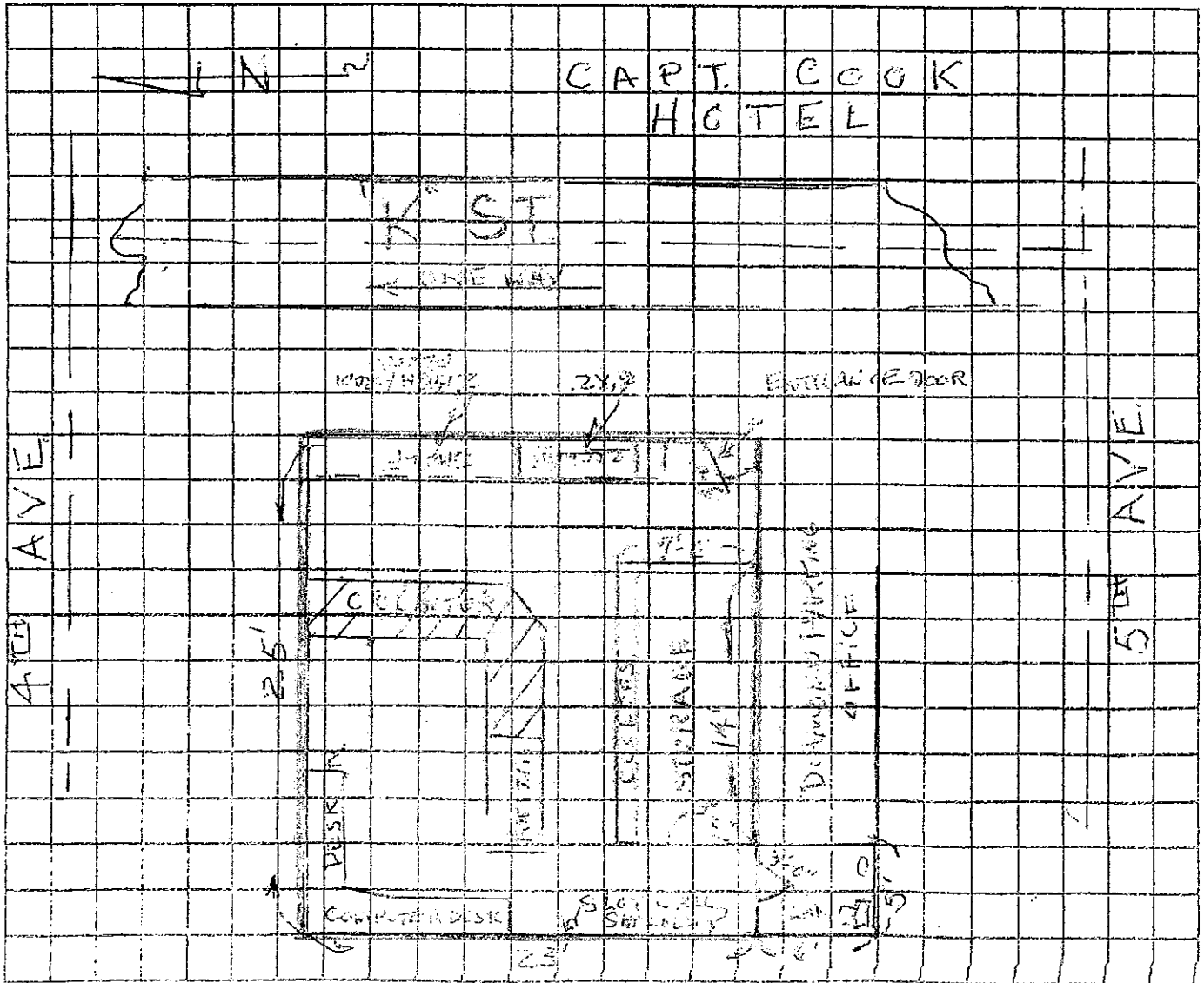
PREMISES LOCATION: 410 "K" ST.

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: $\frac{1}{8}'' = 1'$ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet: $25' \times 23'$ PLUS LAJ. $6' \times 5'$
 $575' + 30' = 605'$

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



Content ID: 008487**Type:** AR_AllOther - All Other ResolutionsA RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
STATING ITS PROTEST REGARDING A NEW PACKAGE STORE
LIQUOR LICENSE #4948 FOR SKYCAP INTERNATIONAL LLC**Title:** DBA:THE LICKER STORE, LOCATED AT 410 K STREET, AND
AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN
ACTION.**Author:** delongmm**Initiating Dept:** Muni_Clk**Date Prepared:** 12/3/09 10:02 AM**Assembly Meeting Date:** 12/15/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	12/3/09 10:08 AM	Exit	Michelle M. DeLong	Public	008487
AllOtherARWorkflow	12/3/09 10:08 AM	Checkin	Michelle M. DeLong	Public	008487