

Submitted by: ASSEMBLY CHAIR FLYNN
VICE CHAIR GUTIERREZ, AND
ASSEMBLY PUBLIC SAFETY
COMMITTEE CHAIR CLAMAN

Prepared by: Municipal Clerk
For reading: April 13, 2010

CLERK'S OFFICE

APPROVED

Date: 4-13-10 ANCHORAGE, ALASKA
AR NO. 2010-111

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE RENEWAL OF BEVERAGE DISPENSARY-TOURISM LIQUOR LICENSE #4682 FOR BRISAM ANCHORAGE LLC DBA:HOWARD JOHNSON PLAZA HOTEL, LOCATED AT 239 W 4th AVENUE AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Brisam Anchorage, LLC. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a renewal of Beverage Dispensary-Tourism Liquor License #4682, to be used for Howard Johnson Plaza Hotel, located 239 W 4th Avenue, 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 February 19, 2010 and has determined that the last day for the Assembly to file a protest is April 20, 2010; and

WHEREAS, the Assembly Meeting on April 13, 2010 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 Board violations and/or incidents are on file that would lead to an ABC Board violation are attached;
2. There are taxes owing to the Municipality of Anchorage in the amount of \$13,091.38.

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:

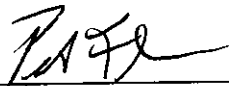
Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a Renewal of Beverage Dispensary-Tourism Liquor License #4682 until this condition is met:

- Taxes owing to the Municipality of Anchorage in the amount of \$13,091.38 are paid in full.


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 Beverage Dispensary-Tourism Liquor License #4682 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 13th day of April, 2010.


Chair

ATTEST:


Municipal Clerk



Alaska Board
5848 E Tudor Rd
Anchorage AK 99507

Liquor License Renewal

www.dps.state.ak.us/abc

Page 1 of 2
(907)269-0200
Fax (907)272-9400

SECTION A - LICENSE INFORMATION

2010/2011 6288-6290

*** Review and complete all blank spaces. ***

Lic. # 4682

AS 04.11.400(d)

Type: Beverage Dispensary-Tourism AS 04.11.400(d)

Owner: (Individual/Corp/LLC)

Brisam Anchorage LLC

Mailing Address:

239 W 4th Ave
Anchorage AK 99501

DBA (Establishment Name):

Howard Johnson Place

Premise Location (Street Address):

239 W 4th Ave

If your mailing address has changed, please cross out current mailing address and add new address here:
(New):

Email Address:

@

Phone: (907) 793-5500

Fax: (907) 958-4732

If license is seasonal, indicate operational dates:

Mo/Day (Begin)

Mo/Day (End)

Local Governing Body

City: Anchorage, Mun. of

Borough: Other (Anch, Sit, Jno, Com. Car, WA)

SECTION B - WAIVER and RESTAURANT/EATING PLACE STATEMENT

You must answer all questions in this section - Yes; No or N/A

WAIVER OF OPERATION (13 AAC 104.170)

Was your license operated for at least 30 days during each of the 2008 and the 2009 periods? If "NO", then you must file a Waiver of Operation or your renewal application will be denied.

☒ YES ☐ NO

RESTAURANT/EATING PLACE STATEMENT:

All restaurant/eating place licensees must answer to be in compliance with Title 4:

Did the sale of food at the licensed premises constitute at least 50 percent of the gross receipts of the business during the 2008/2009 calendar years as required under AS 04.11.100(e)?

☐ N/A ☐ YES ☐ NO

SECTION C - OTHER INFORMATION

- Has the licensed premises been changed from the last diagram submitted?
- Has there been any change in ownership interest since the last application submitted?
- If license is a PACKAGE STORE, are you in compliance with the written order database requirements?

☒ N/A ☐ YES ☒ NO

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

☒ YES ☐ NO

Name - State

BRISAM FARMER LLC - CA

BRISAM TUNSA LLC - OK

BRISAM JALONCIA LLC - CA

BRISAM LAKE TOWER LLC - AK

BRISAM LAY (DO) - CA

Name - State

BRISAM BIG BONE LLC - CA

MANSON HOTEL LLC - NY

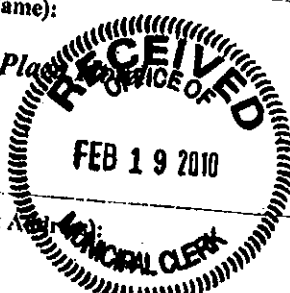
RICHMOND DISTRICT LLC - NY

BRISAM COVINA LLC - CA

Has any person named in this application been convicted of a felony, AS 04 violation, or convicted as licensee/manager of any other licensed premise in another state under the liquor laws of that state? If YES, attach written explanation.

☐ YES ☒ NO

FEB 9 '10 PM 1:23



FEEES

All fees must be submitted with application

License Fee: \$2500.00

Application Fee: \$ 200.00

Late Penalty Fee: \$ 500.00
(Due after 12/31/09)

Fingerprint Fee: \$
(\$54.25 due with each new licensee, officer, director, shareholder, affiliate must submit)

TOTAL Submitted: \$ 3,200

Community Council Name & Address
(Anchorage & MatSu only)

Name:

Address:

DEC 31 '09 PM 5:04

JAN 28 '10 PM 3:47



All licenses are owned by either an Individual or a business entity. Please list the ownership in the area below:

Individual Owner / Affiliate Info	Name:	Date of Birth:	Name:	Date of Birth:
	<input type="checkbox"/> Applicant		<input type="checkbox"/> Applicant	
	<input type="checkbox"/> Affiliate (spouse - non-owner)	Title	<input type="checkbox"/> Affiliate (spouse - non-owner)	Title
		Phone		Phone
OR	Is the Corporation/LLC in compliance with Alaska Statutes - Title 10?			<input type="checkbox"/> YES <input type="checkbox"/> NO

List all LLC Members/Managers or Corporate Shareholders (holding 10% or more) and all Officers & Directors

Corporate or LLC Information	Name & Mailing Address	Title	%	Phone	Date of Birth
	SAM CHANG 420 GREAT NICK ROAD GREAT NICK, NY 11021	Pres.	100	858-277-4305	07/29/60
					FEB 9 '10 PM 1:23
					DEC 31 '09 PM 1:01

Declaration (Please read and understand prior to signing.)

- 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 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.
- (Organized entity)** I hereby certify that there have been no changes in officers, directors, stockholders or members/managers 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.

"Public Safety through Public Service"

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

2010 FEB 9 PM 3:47



ABC Board
5848 E Tudor Rd
Anchorage AK 99507

Liquor License Renewal

Page 3 of 3
(907)269-0350
Fax (907)272-9412

ALCOHOL SERVER TRAINING CERTIFICATION

As required under AS 04.21.025


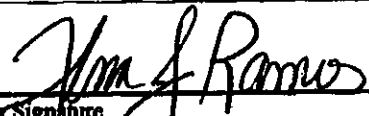
This certification must be submitted with your renewal, or your renewal will not be accepted. If new or transfer application, submit within 30 days after a temporary approval or liquor license has been issued. If you do not comply with this requirement, you will be in violation of Title 4, and your license may be suspended.

1. As a sole licensee or partner, or as officer, director, shareholder, member, or managing member of the entity to which this license is issued ("licensee"), I certify that I have received alcohol server training and my certification is currently valid.
2. As licensee, I certify that all other persons named as my partners, or officers, directors, shareholders, members or managing members of the entity to which this license is issued, have received alcohol server training and their certification is currently valid.
3. As licensee, I certify that all of my agents, employees who serve/sell alcoholic beverages, their supervisors, and anyone employed to check a patron's identification, have received alcohol server training and their certification is currently valid. (This applies within 30 days of employment)

EXCEPTION:

☐ As a Corporate/LLC licensee (entity), I certify that all agents and employees who serve, sell, or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly responsible* for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.

License #: **4682**
Name: **Howard Johnson Plaza Hotel**
Owner: **Brisam Anchorage LLC**

 Licensee Signature		SAM CHANG - manager Name & Title (Please print)
 Notary Signature Notary Public in and for the State of <u>New York</u>	Subscribed and sworn to before me this <u>19th</u> day of <u>January</u> , 20 <u>10</u> . My commission expires: <u>6/1/2012</u>	

ANA J. RAMOS
Notary Public, State of New York
No. 01RA6110892
Qualified in Nassau County
My Commission Expires June 1, 2012

DEC 31 '09 PM 1:01

FEB 9 '10 PM 1:23



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

Date: 2-4-10
Number: 10-0079
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Brisam Anchorage LLC	License Number 4682	Type of License Beverage Dispensary - Tourism
D.B.A. Howard Johnsons Plaza Hotel	How Delivered <input checked="" type="checkbox"/> By Certified Mail Number: 7006 2760 0002 7713 3694 <input type="checkbox"/> Personally Served	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 239 W. 4th Ave	City, State Anchorage, AK	Zip 99501

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 1-21-10, it was brought to the attention of the Alcoholic Beverage Control Enforcement Staff that your beverage dispensary tourism license was being leased. Investigation revealed the license and a portion of your hotel was being leased to Dale Van Doren who renamed the bar and restaurant Mardale's. This is a violation.

Your attention is directed to **AS 04.11.450: Prohibited Financial Interest**

(a) A person other than a licensee may not have a direct or indirect financial interest in the business for which a license is issued.

(b) A person who is a representative or owner of a wholesale business, brewery, winery, bottling works, or distillery may not be issued, solely or together with others, a beverage dispensary license, a restaurant or eating place license, or package store license. A holder of a beverage dispensary license may be issued a brewpub license, subject to the provisions of AS 04.11.135. The prohibition against issuance of a restaurant or eating place license imposed under this subsection does not apply to a restaurant or eating place license issued on or before October 1, 1996 or a restaurant or eating place license issued under an application for a restaurant or eating place license approved on or before October 1, 1996.

(c) A license may not be leased by a licensee to another person, partnership, limited liability organization, or corporation.

(d) For the purposes of this section, a lessor under a graduated or percentage lease-rent agreement involving premises licensed under this title does not hold a financial interest in the business.

(e) A holder of either a general wholesale license or a wholesale malt beverage and wine license may not be employed by or act as the agent or employee of the holder of a beverage dispensary or package store license.

(f) In this section, "direct or indirect financial interest" means holding a legal or equitable interest in the operation of a business licensed under this title. However, credit extended by a distiller, a brewery, or a winery to a wholesaler, or credit extended by a wholesaler to persons licensed under this title, or a consulting fee received from a person licensed under this title, is not considered a financial interest in a business licensed under this title.

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>FR Hamilton</i>	Title: Investigator III

Content ID: 008896**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE RENEWAL OF BEVERAGE DISPENSARY-

Title: TOURISM LIQUOR LICENSE #4682 FOR BRISAM ANCHORAGE LLC
DBA:HOWARD JOHNSON PLAZA HOTEL, LOCATED AT 239 W 4th AVENUE
AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**Author:** delongmm**Initiating Dept:** Muni_Clk**Date Prepared:** 4/2/10 10:16 AM**Assembly Meeting Date:** 4/13/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	4/2/10 10:18 AM	Exit	Michelle M. DeLong	Public	008896
AllOtherARWorkflow	4/2/10 10:18 AM	Checkin	Michelle M. DeLong	Public	008896