

Submitted by: ASSEMBLY CHAIR TRAINI,  
VICE CHAIR FLYNN, AND ASSEMBLY  
PUBLIC SAFETY  
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk  
For reading: October 26, 2010

CLERK'S OFFICE

**APPROVED**

Date: 10-26-10 **ANCHORAGE, ALASKA**  
**AR NO. 2010-303**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS  
PROTEST REGARDING A NEW RECREATIONAL SITE LIQUOR LICENSE #5009 FOR  
BELUGA BILLIARDS LLC dba BELUGA BILLIARDS, LOCATED AT 3841 WEST DIMOND  
BLVD STE. 200, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN  
ACTION.**

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WHEREAS, Beluga Billiards LLC, has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Recreational Site Liquor License # 5009, to be used for Beluga Billiards, located at 3841 West Dimond Blvd Ste. 200, 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 August 27, 2010 and has determined that the last day for the Assembly to file a protest is October 26, 2010 and

WHEREAS, the Assembly Meeting on October 26, 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. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Anchorage Fire and Health and Human Service Departments approval have been received;
4. Conditional Use Permit, required by AMC 21.50.500, **has not been completed;**
5. Approvals from the Building Safety Department **has not been received;** and

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

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4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

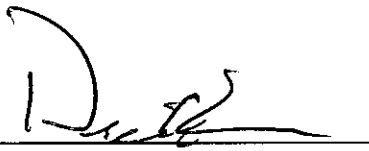
5  
6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a Recreational  
7 Site Liquor License # 5009 Permit until these conditions are met:

- 8  
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  - Successful completion of the Conditional Use Permit under AMC
  - 21.50.160 is confirmed by the Municipal Clerk.
  - Approval from Building Safety Department has been received and
  - confirmed by Municipal Clerk.

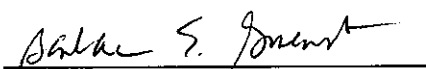
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14 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic  
15 Beverage Control Board as proof that the Anchorage Assembly, as the  
16 local governing body, has stated its protest in order to allow the Director  
17 of the Alcoholic Beverage Control Board to hold processing of  
18 Recreational Site Liquor License # 5009 under local protest, until receipt  
19 by the Director of confirmation from the Municipal Clerk that the  
20 conditions in Section 1 have been met, and this protest is lifted as  
21 authorized by this Assembly Resolution.

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

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29 PASSED AND APPROVED by the Anchorage Assembly this 26<sup>th</sup> day of  
30 October, 2010.

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Chair

ATTEST:

  
Municipal Clerk



State of Alaska  
Department of Public Safety  
**Alcoholic Beverage Control Board**

Sean Parnell, Governor  
Joseph A Masters, Commissioner

August 27, 2010

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

Re: Beluga Billiards – License # 5009

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) 269-0350 - Fax (907) 272-9412

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

#6524

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2010	License Type: Recreational Site	Statute Reference	License Fee: \$800.00
(Office Use Only) License #: 3009		Sec. 04.11.210	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: Sand Lake Community Council 1057 West Fireweed Suite 100 Anchorage, Alaska 99503		Fingerprint: (\$54.25 per person) \$1008.50 Total Submitted: \$1008.50
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Beluga Billiards, LLC	Doing Business As (Business Name): Beluga Billiards	Business Telephone Number: 907-677-6864 Fax Number: NONE	
Mailing Address: PO Box 221546	Street Address or Location of Premise: 3841 West Dimond Blvd, Suite 200 Anchorage, AK 99502	Email Address: manager@belugabilliards.com	
City, State, Zip: Anchorage, AK 99522-1546			

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

Closest school grounds: Chinook Elementary	Distance measured under: 1 mile <input 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: Dimond Blvd. Baptist Church	Distance measured under: 0.5 mi. <input 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
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# 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) <b>Beluga Billiards, LLC</b>		Telephone Number <b>907-677-6864</b>	Fax Number <b>NONE</b>
Corporate Mailing Address: <b>PO Box 221546</b>	City <b>Anchorage</b>	State <b>AK</b>	Zip Code <b>99522-1546</b>
Registered Agent: <b>Weems, Sean M</b> <b>3841 W. Dimond Blvd. #200, Anchorage, AK 99502</b>		Date of Incorporation OR Certification with DCED <b>02/08/2010</b>	State of Incorporation <b>AK</b>

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? ☒ Yes ☐ 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
Sean Weems	Manager	50	PO Box 221546, Anchorage, AK 99522 Ph. 907-243-8882	907-677-6864	09.20.1970
Natalia Weems	Assistant Manager	50	PO Box 221546, Anchorage, AK 99522 Ph. 907-243-8882	907-677-6864	02.19.1977

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

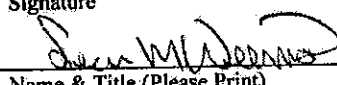
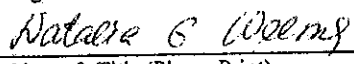
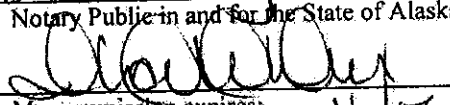
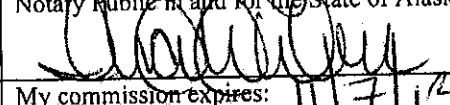
**Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)**

Name: Address: <b>No</b> Home Phone: <b>Additional</b> Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: <b>No</b> Home Phone: <b>Additional</b> Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: <b>No</b> Home Phone: <b>Additional</b> Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: <b>No</b> Home Phone: <b>Additional</b> Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

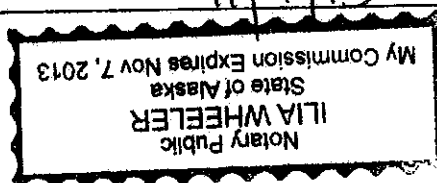
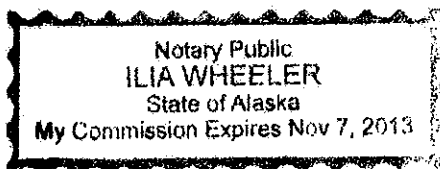
**Declaration**

- 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) Sean Weems - Manager	Name & Title (Please Print) Natalia Weems - Assistant Manager
Subscribed and sworn to before me this <b>23rd</b> day of <b>July</b> , <b>2010</b>	Subscribed and sworn to before me this <b>23rd</b> day of <b>July</b> , <b>2010</b>
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska 
My commission expires: <b>11/7/13</b>	My commission expires: <b>11/7/13</b>

New License App 3/09



**Content ID:** 009516**Type:** AR\_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RECREATIONAL SITE LIQUOR LICENSE #

**Title:** 5009 FOR BELUGA BILLIARDS LLC dba BELUGA BILLIARDS, LOCATED AT 3841 WEST DIMOND BLVD STE. 200, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly Chair Traini, Vice Chair Flynn, and Assembly Public Safety Committee Chair Honeman.**Author:** moserak**Initiating Dept:** Muni\_Clk**Date Prepared:** 10/15/10 3:06 PM**Assembly Meeting Date:** 10/26/10

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	10/15/10 3:12 PM	Exit	Amanda Moser	Public	009516
AllOtherARWorkflow	10/15/10 3:12 PM	Checkin	Amanda Moser	Public	009516