

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

CLERK'S OFFICE

Prepared by: Municipal Clerk
For reading: February 15, 2011

APPROVED

Date: 2-15-11

**ANCHORAGE, ALASKA
AR NO. 2011-49**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW BEVERAGE DISPENSARY/DUPLICATE LIQUOR
LICENSE #5030 FOR ANCHORAGE CLEEK CORPORATION dba O'MALLEY'S ON THE
GREEN, LOCATED AT 3651 O'MALLEY ROAD, AND AUTHORIZING THE MUNICIPAL
CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Anchorage Cleek Corporation has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New of a Beverage Dispensary/Duplicate Liquor License #5030, to be used for O'Malley's on the Green, located at 3651 O'Malley Road, 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 January 6, 2011 and has determined that the last day for the Assembly to file a protest is March 7, 2011 and

WHEREAS, the Assembly Meeting on February 15, 2011 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 Department approval was received on **January 25, 2011**;
4. Conditional Use Permit required by AMC 21.50.160; **has not** been approved;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have 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;
3

4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
5

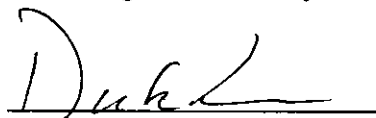
6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a New
7 Beverage Dispensary/Duplicate Liquor License #5030 until these
8 conditions are met:
9

- 10 • Successful completion of the Conditional Use Permit under AMC
11 21.50.160 is confirmed by the Municipal Clerk.
12

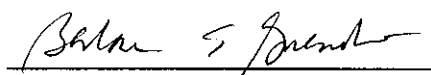
13 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
14 Beverage Control Board as proof that the Anchorage Assembly, as the
15 local governing body, has stated its protest in order to allow the Director
16 of the Alcoholic Beverage Control Board to hold processing of Beverage
17 Dispensary/Duplicate Liquor License #5030 under local protest, until
18 receipt by the Director of confirmation from the Municipal Clerk that the
19 conditions in Section 1 have been met, and this protest is lifted as
20 authorized by this Assembly Resolution.
21

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

28 PASSED AND APPROVED by the Anchorage Assembly this 15th day of
29 February, 2011.
30

31 
32 Chair
33

34 ATTEST:
35

36 
37
38 Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

January 6, 2011

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

Re: O'Malleys on the Green – **License # 5030**

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

5948 E Tudor Rd. Anchorage, AK 99507 Voice (907) 260-0350 Fax (907) 272-0412

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

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEEs
License Year: <u>2011/2012</u>	License Type: <u>Beverage Dispensary Duplicate</u>	Statute Reference: <u>Sec. 04.11.090</u>	License Fee: \$
(Office Use Only) License #: <u>5030</u>			Filing Fee: \$100.00
Local Governing Body (City, Borough or Unorganized): <u>Anchorage</u>	Community Council Name(s) & Mailing Address: <u>HUFFMAN/O'Malley Abbot Loop</u>		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Anchorage CLEEK Corp.</u>	Doing Business As (Business Name): <u>O'Malleys on the Green</u>	Business Telephone Number: <u>907 522-3425</u>	Total Submitted: \$
		Fax Number: <u>522-3362</u>	
Mailing Address: <u>9138 ARLOW ST Suite A3-152</u>	Street Address or Location of Premise: <u>3651 O'Malley Road</u>	Email Address:	
City, State, Zip: <u>Anchorage AK 99507</u>			

SECTION B. PREMISES TO BE LICENSED. Must be completed.	
Closest school grounds Distance measured under: <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.
Closest church: Distance measured under: <input 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

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?				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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) <i>ANCHORAGE CLEEK CORPORATION</i>	Telephone Number <i>907 522-3425</i>	Fax Number <i>522-3326</i>
Corporate Mailing Address: <i>9138 ARLOW ST Suite A3-152</i>	City <i>Anchorage</i>	State <i>Alaska</i>
Name, Mailing Address and Telephone Number of Registered Agent <i>Rich Sayers, 13100 FLORAL LANE 99516</i>	Date of Incorporation OR Certification with DCED <i>2/25/2008</i>	State of Incorporation <i>Alaska</i>
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input 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
<i>Richard Sayers JR</i>	<i>Pres</i>	<i>33.3</i>	<i>13100 FLORAL LANE 99516</i>	<i>522-3425</i>	<i>12-3-60</i>
<i>STANLEY Sayers</i>	<i>V.P.</i>	<i>46.7</i>	<i>2831 SARATOGA AVE 99517</i>	<i>222-7575</i>	<i>08-29-51</i>
<i>Mark Schreiber</i>	<i>Treas.</i>	<i>6.7</i>	<i>6143 E 22nd Ave 99504</i>	<i>562-4242</i>	<i>12-28-55</i>
<i>JAN KELLEY</i>	<i>Sec</i>	<i>13.3</i>	<i>7471 Hackleberry Circle 99502</i>	<i>230-5445</i>	<i>1-2-62</i>

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 <i>Richard Sayers Jr.</i>	Signature
Name & Title (Please Print) <i>Richard Sayers JR President</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>21</i> day of <i>December</i> 2010	Subscribed and sworn to before me this
Notary Public in and for the State of Alaska <i>Henreeda Jaramillo</i>	Notary Public in and for the State of Alaska <i>Henreeda Jaramillo</i>
My commission expires: <i>w/o</i>	My Commission Expires With Office

Content ID: 009875**Type:** AR_AllOther - All Other Resolutions

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CLERK TO TAKE CERTAIN ACTION

Author: moserak**Initiating
Dept:** Muni_Clk**Date
Prepared:** 2/4/11 10:51 AM**Assembly
Meeting
Date:** 2/15/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/4/11 10:58 AM	Exit	Amanda Moser	Public	009875
AllOtherARWorkflow	2/4/11 10:58 AM	Checkin	Amanda Moser	Public	009875