

CLERK'S OFFICE

APPROVED

Date:

8-16-11

Submitted by: ASSEMBLY CHAIR OSSIANDER,
VICE-CHAIR HALL AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk
For reading: August 16, 2011

ANCHORAGE, ALASKA
AR NO. 2011-202

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A TRANSFER OF LOCATION OF A DISTILLERY LIQUOR LICENSE #4985 FOR BARE DISTILLERY ALASKA, LLC dba BARE DISTILLERY, LOCATED AT 6310 A STREET, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Bare Distillery Alaska, LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Location of a Distillery Liquor License #4985, to be used for Bare Distillery, located at 6310 A 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 June 20, 2011 and has determined that the last day for the Assembly to file a protest is August 19, 2011 and

WHEREAS, the Assembly Meeting on August 16, 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 **has not** been received;
5. Approval from the Municipal Health & Human Service Department **has not been received**; and

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

1 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
2

3 Section 1. The Anchorage Assembly hereby enters its PROTEST for a Transfer of
4 Location of a Distillery Liquor License #4985 and until these conditions
5 are met:
6

- 7 • Approvals from the Anchorage Fire Department and Municipal
8 Health and Human Service Department are received and
9 confirmed by the Municipal Clerk.
10


11 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
12 Beverage Control Board as proof that the Anchorage Assembly, as the
13 local governing body, has stated its protest in order to allow the Director
14 of the Alcoholic Beverage Control Board to hold processing of Distillery
15 Liquor License #4985 under local protest, until receipt by the Director of
16 confirmation from the Municipal Clerk that the conditions in Section 1
17 have been met, and this protest is lifted as authorized by this Assembly
18 Resolution.
19

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

26 PASSED AND APPROVED by the Anchorage Assembly this 16th day of
27 August, 2011.
28

29 
30 Chair
31

32
33 ATTEST:

34 
35
36 Municipal Clerk
37



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

June 16, 2011

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

Re: **Bare Distillery – License #4985**

- ☐ Transfer of Ownership ☐ Name Change ☐ Restaurant Designation Permit
☒ Transfer of Location Old License # (if changed): _____

We have received the enclosed liquor license application 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 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

rj

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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEEs
License Year: <u>2011-2013</u>	License Type: <u>Distillery</u>	Statute Reference Sec. 04.11. <u>170</u>	License Fee: \$ Filing Fee: \$100.00
License #: <u>14985</u>	Local Governing Body: (City, Borough or Unorganized) <u>Municipality of Anchorage</u>		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LIC/LP/LLP/Individual/Partnership): <u>Bare Distillery Alaska, LLC.</u>		Community Council Name(s) & Mailing Address: <u>Ron Jordan</u> <u>8170 Woodgreen Cir.</u> <u>Anchorage AK 99518</u>	Total Submitted: \$ <u>100</u>
Mailing Address: <u>6310 A St.</u> <u>Anchorage AK 99518</u>		Doing Business As (Business Name): <u>Takul Campbell Area</u> <u>Bare Distillery</u>	Business Telephone Number: <u>907 440-0569</u>
City, State, Zip: <u>Anchorage AK 99518</u>		Street Address or Location of Premise: <u>6310 A St. Anchorage, AK</u> <u>99518</u>	Fax Number: <u>907 561-2103</u>
		Email Address: <u>kyle@baredistillery.com</u>	

SECTION B - TRANSFER INFORMATION.	
<input checked="" type="checkbox"/> Regular Transfer <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. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Name and Mailing Address of CURRENT Licensee: <u>Bare Distillery Alaska, LLC</u> <u>501 E. 83rd Ave Unit A-9</u> <u>Anchorage AK 99518</u> Business Name (dba) BEFORE transfer: <u>Bare Distillery</u> Street Address or Location BEFORE transfer: <u>501 E. 83rd Ave Unit A-9</u> <u>Anchorage AK 99518</u>

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.		
Closest school grounds: <u>SAVE High</u> <u>410 E. 56th Ave</u>	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 checked="" type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable
Closest church: <u>Agvanan Foundation</u> <u>6140 Old Savage Hwy</u>	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 checked="" 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

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): <u>Bare Distillery Alaska, LLC</u>		Telephone Number: <u>(907) 440-0569</u>	Fax Number: <u>(907) 561-2103</u>
Corporate Mailing Address: <u>6310 A St.</u>	City: <u>Anchorage</u>	State: <u>AK</u>	Zip Code: <u>99518</u>
Name, Mailing Address and Telephone Number of Registered Agent: <u>Mark Melcher Attorney Anchorage AK 99503</u> <u>3000 A St. Suite 300</u>		Date of Incorporation OR Certification with DCED: <u>11/18/10</u>	State of Incorporation: <u>Alaska</u>
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
Kyle Ryan	Founder/owner	26	1501 W. 47th Ave #1 Anch. AK 99503 ^{907 440 0569}	907 561-2100	8/2/76
Jeremy Loyer	Founder/owner	26	1401 W. 9th Ave Anch. AK 99501 ^{907 331 1187}	907 561-2100	7/24/75
William Clark, M.D.	Owner	12	2120 Sunstrom St. Anch. AK 99517 ^{907 351 1258}	907 245-1776	1/6/53
Robert Allen, M.D.	Owner	12	2121 Belmont Dr. Anch. AK 99517 ^{907 276 2803}	907 276-2803	3/9/59
John Halligan, M.D.	Owner	12	1001 E. St. #6 Anch. AK 99501 ^{907 313 3186}	907 212-3186	9/16/62

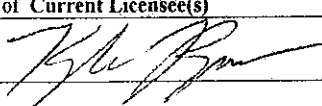
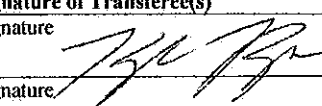
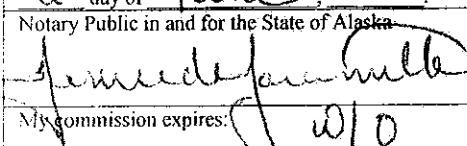
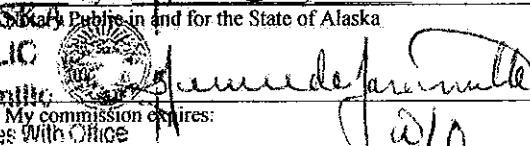
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

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:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	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 Current Licensee(s)		Signature of Transferee(s)	
Signature		Signature	
Signature		Signature	
Name & Title (Please Print)	<u>Kyle Ryan - Founder/owner</u>	Name & Title (Please Print)	<u>Kyle Ryan - Founder/owner</u>
Subscribed and sworn to before me this		Subscribed and sworn to before me this	
<u>16</u> day of <u>June</u> , 2011		<u>16</u> day of <u>June</u> , 2011	
Notary Public in and for the State of Alaska		Notary Public in and for the State of Alaska	
			
My commission expires: <u>W/O</u>		My commission expires: <u>W/O</u>	