

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

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

CLERK'S OFFICE
APPROVED

Date: 8-16-11

**ANCHORAGE, ALASKA
AR NO. 2011-203**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A TRANSFER OF LOCATION OF A BEVERAGE DISPENSARY
LIQUOR LICENSE #4750 FOR B.P. BILLIARDS dba ANCHORAGE BILLIARD PALACE,
LOCATED AT 903 W. NORTHERN LIGHTS STE 100/101, AND AUTHORIZING THE
MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, B.P. Billiards has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Location of a Beverage Dispensary Liquor License #4750, to be used for Anchorage Billiard Palace, located at 903 W. Northern Lights Blvd Ste. 100/101, 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 28, 2011 and has determined that the last day for the Assembly to file a protest is August 29, 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;
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

WHEREAS, protest by the Assembly is in order pending 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 Transfer of Ownership of a Beverage Dispensary Liquor License #4750 until these conditions are met:

- Approval from the Anchorage Fire Department is received and confirmed by the Municipal Clerk.
- Successful completion of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.

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 Liquor License # 4750 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 16th day of August, 2011.

Debbi Ossander
Chair

ATTEST:

Shelley S. Gruenert
Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A Masters, Commissioner

June 28, 2011

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

Re: Anchorage Billiard Palace – License #4750

☐ 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

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

Transfer 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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEEs
License Year: 2011	License Type: Beverage Dispensary License	Statute Reference Sec. 04.11.090	License Fee: \$
License #: 4750			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage	Community Council Name(s) & Mailing Address: Spenard Community Council René Haag, Chair 2803 Spenard Rd Anchorage, Ak 99503		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): B.P. Billiards, LLC	Doing Business As (Business Name): Anchorage Billiard Palace	Business Telephone Number: (907) 230-5401 / 562-4251	Total Submitted: \$100.00
Mailing Address: 3705 Arctic Blvd PMB 496	Street Address or Location of Premise: 903 W Northern Lights Blvd Suite 100/101 Anchorage, AK 99503	Fax Number: (907) 929-7214 / 562-4270	
City, State, Zip: Anchorage, AK 99503		Email Address: SueGriffinAK@aol.com	

SECTION B - TRANSFER INFORMATION.

<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of <i>CURRENT</i> Licensee: B.P. Billiards LLC 3705 Arctic Blvd PMB 496 Anchorage, AK 99503
<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.	Business Name (dba) <i>BEFORE</i> transfer: Anchorage Billiard Palace
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Street Address or Location <i>BEFORE</i> transfer: 3400 C Street Anchorage, AK 99503

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.

Closest school grounds: None within 200 feet	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: None within 200 feet	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.
		<input type="checkbox"/> Not applicable

Premises to be licensed is:

- ☒ Proposed building
☒ Existing facility **TENANT IMPROVEMENTS**
☐ New building

- ☒ Plans submitted to Fire Marshall (required for new & proposed buildings)
☒ 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
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Date Approved

Director's Signature

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage AK 99507
PH: 907 269-0350 - FX: 907 272-9412

Liquor License

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Licensee Information
www.dps.state.ak.us/abc

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.

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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

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.P. Billiards, LLC		Telephone Number: (907) 230-5401 / 929-7214	Fax Number: (907) 929-7214
Corporate Mailing Address: 3705 Arctic Blvd PMB 496	City: Anchorage	State: AK	Zip Code: 99503
Name, Mailing Address and Telephone Number of Registered Agent: Sue Griffin 3705 Arctic Blvd PMB 496 Anchorage, AK 99503 (907) 230-5401 / 929-7214		Date of Incorporation OR Certification with DCED: Nov 17, 2006	State of Incorporation: Alaska
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
Sue Griffin	Owner Single member	100	1345 E 27 th Ave Anchorage, AK 99508	(907) 230-5401 / 929-7214	08/19/51

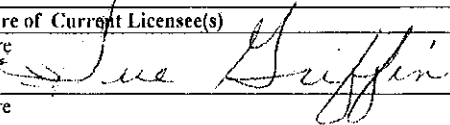
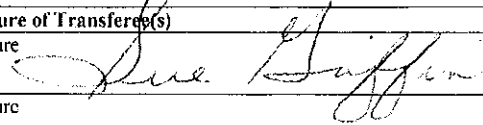
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

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

Name: Richard Holmes Address: 1345 E 27 th Ave Anchorage, AK 99508 Home Phone (907) 929-7214 Work Phone (907) 230-7401	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: 03/07/46	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 Current Licensee(s) Signature 	Signature of Transferee(s) Signature 
Signature	Signature

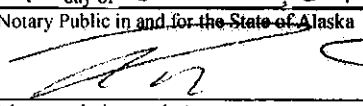
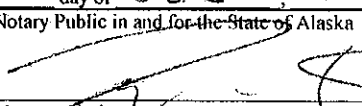
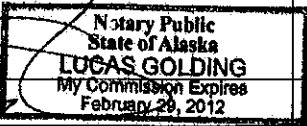
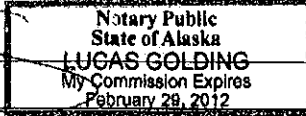
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Liquor License

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Licensee Information
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Name & Title (Please Print) <u>Sue Griffin, Owner</u>	Name & Title (Please Print) <u>Sue Griffin, Owner</u>
Subscribed and sworn to before me this <u>7</u> day of <u>JUNE</u> , 2011	Subscribed and sworn to before me this <u>7</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>2/29/2012</u> 	My commission expires: <u>2/29/2012</u> 

Transfer App 3/09