

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

CLERK'S OFFICE

Prepared by: Municipal Clerk

For reading: August 30, 2011

APPROVED

Date: 8-30-11 **ANCHORAGE, ALASKA**
AR NO. 2011-220

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A TRANSFER OF OWNERSHIP OF A BEVERAGE DISPENSARY
LIQUOR LICENSE #4367 AND RESTAURANT DESIGNATION PERMIT FOR EL RODEO
INC. dba EL RODEO MEXICAN RESTAURANT, LOCATED AT 385 MULDOON ROAD,
AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, El Rodeo, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Ownership of a Beverage Dispensary Liquor License #4367 and Restaurant Designation Permit, to be used for El Rodeo Mexican Restaurant, located at 385 Muldoon 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 July 5, 2011 and has determined that the last day for the Assembly to file a protest is September 5, 2011 and

WHEREAS, the Assembly Meeting on July 12, 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** 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 #4367 and Restaurant Designation Permit until these conditions are met:

- Successful completion of the Administrative Site Plan Review under AMC 21.50.500 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 #4367 and Restaurant Designation Permit 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 30th day of August, 2011.


Chair

ATTEST:


Municipal Clerk



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

July 5, 2011

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

Re: El Rodeo Mexican Restaurant – License #4367

☒ 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

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 _____
Mo/Day Mo/Day
- ☐ Full 2-year period

7666
7667

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2011	License Type: Beverage Dispensatory	Statute Reference: Sec. 04.11.090	License Fee: \$
License #: 4367			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorgan)	Community Council Name(s) & Mailing Address:		Res New Permit \$50
Anchorage			Fingerprint: (\$59 per person)
Federal EIN or SSN: 20-5673494			Total Submitted: \$150
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): EL RODEO INC.	Doing Business As (Business Name): EL Rodeo Mexican Restaurant	Business Telephone Number: (907) 338-5393	
Mailing Address: 385 MULDOON RD	Street Address or Location of Premise: 385 Muldoon Rd	Fax Number: 333-1764	
City, State, Zip: Anchorage, AK 99504	Anchorage, AK 99504	Email Address: izzyblanco@hotmail.com	

SECTION B - TRANSFER INFORMATION.

<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of Current Licensee: La Verne M. Thacker Jr.
<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.	222 Inc.
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Business Name (dba) BEFORE transfer: 401 W. Int'l Airport Rd. #31
	Street Address or Location BEFORE transfer: NON-PREMISSIS LICENSE

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

Closest school grounds: Muldoon Elementary	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: Baptist	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 type="checkbox"/> Not applicable
		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)
		<input 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.

Officer 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): EL Rodeo, Inc.		Telephone Number: (907) 338-5393	Fax Number: (907) 333-1764
Corporate Mailing Address: 385 Muldoon Rd.	City: Anchorage	State: AK	Zip Code: 99504
Name, Mailing Address and Telephone Number of Registered Agent: ISMAEL SANCHEZ 7515 WHITE HAWK DR. ANCHORAGE, AK 99507		Date of Incorporation OR Certification with DCED: 10/04/2006	State of Incorporation: AK
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
ISMAEL SANCHEZ	Pres.	100	7515 WHITE HAWK DR. ANCHORAGE, AK 99507	(907) 338-5393	6-17-70
ISMAEL SANCHEZ	Sec.		"		
ISMAEL SANCHEZ	Treas.		"		

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: Marisol Sanchez Address: 7515 White Hawk Dr Anchorage, AK 99507 Home Phone: 770-1853 Work Phone: 338-5393	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth: 06-15-70	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 of Transferee(s)
Signature <i>Ismael Sanchez</i>	Signature <i>LaKore M. Thacker Jr</i>
Signature	Signature
Name & Title (Please Print) Ismael Sanchez	Name & Title (Please Print) LaKore M. Thacker Jr. President
Subscribed and sworn to before me this 9th day of June , 2011.	Subscribed and sworn to before me this 9th day of June , 2011.
Notary Public in and for the State of Alaska <i>Kristina McDaniels</i>	Notary Public in and for the State of Alaska <i>Kristina McDaniels</i>
My commission expires: 5/12/12	My commission expires: 5/12/12

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

This application is for designation of premises where: (please mark appropriate items).

- 1 ☒ Under AS 04.16.010(c) Bona fide restaurant/eating place.
2 ☒ Persons age 16 to 20 may dine unaccompanied.
3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
4 ☒ Persons between 16 and 17 years may be employed. *(See note below).

License Number _____

LICENSEE: EL Rodeo Inc

D/B/A: El Rodeo Mexican Restaurant

ADDRESS: 385 Muldoon Rd

1. Hours of Operation: 11:00 pm to 10:00 pm Telephone # _____
2. Have police ever been called to your premises by you or anyone else for any reason: ☒ Yes [] No
If yes, date(s) and explanation(s): _____

3. *Duties of employment: Street person will not leave wait staff

4. Are video games available to the public on your premises? _____

5. Do you provide entertainment: [] Yes ☒ No If yes, describe. _____

6. How is food served? ☒ Table Service ☒ Buffet Service _____ Counter Service _____ Other* _____

7. Is the owner, manager, or assistant manager always present during business hours? ☒ Yes [] No

*** A MENU AND A DETAILED LICENSED PREMISE DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

I have read and instructed my employees about the provisions contained in AS 04.06.049, 04.16.060, & 13 AAC 104.715-795.

Amel Simeez
Applicant signature

Local Governing Body Approval - 13 AAC 104.725(e)

Subscribed and sworn to before me this

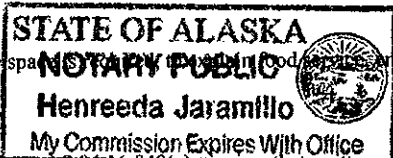
1st day of July 2011
Henreeda Jaramillo
Notary Public in and for Alaska

Date: _____

My Commission expires w/o

Director, ABC Board

Date: _____



** If more space is required for providing additional information, please add on back or attach additional page(s).

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 18 years of age. Persons 18, 19, & 20 years of age are not required to have the consent or exemption.

BACK DOOR

BACK DOOR

