

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

CLERK'S OFFICE

Prepared by: Municipal Clerk
For reading: February 14, 2012

APPROVED

Date: 2-14-12

**ANCHORAGE, ALASKA
AR NO. 2012-44**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A RENEWAL OF A BEVERAGE DISPENSARY LIQUOR
LICENSE #2895 FOR EAGLE RIVER BOWL LLC dba HOMESTEAD
LOUNGE/SOURDOUGH BOWL, LOCATED AT 12130 REGENCY DRIVE, AND
AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Eagle River Bowl LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Renewal of a Beverage Dispensary Liquor License #2895, to be used for Homestead Lounge/Sourdough Bowl, located at 12130 Regency Drive, 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 December 21, 2011 and has determined that the last day for the Assembly to file a protest is February 20, 2012; and

WHEREAS, the Assembly Meeting on February 14, 2012 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. Any ABC Board violations and/or incidents are on file that would lead to an ABC Board violation are attached;
2. There are taxes owing to the Municipality of Anchorage in the amount of **\$11,888.12**

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 Renewal of Beverage Dispensary Liquor License # 2895 until this condition is met:

- Taxes owing to the Municipality of Anchorage in the amount of \$13,091.38 are paid in full.

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Section 2.

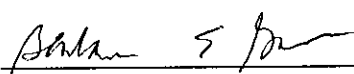
A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Beverage Dispensary Liquor License # 2895 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.

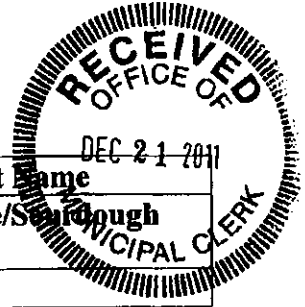
PASSED AND APPROVED by the Anchorage Assembly this 14th day of February, 2012.


Chair

ATTEST:

Municipal Clerk

8201

2012/2013 Liquor License Renewal



License Number	License Type	Establishment Name
2895	Beverage Dispensary	Homestead Lounge/Sandwich Bowl
If Seasonal License	Seasonal From:	Seasonal To:

Mailing Address	Premise Address
Eagle River Bowl LLC 12130 Regency Dr Ste 201 Eagle River, AK 99577	12130 Regency Drive Anchorage, Mun. of Other(Anch,Sit,Jno,Com.Car,WA)

Phone: 907-522-1616	Fax: 907-522-3892
Email: N/A	

Please mark the correct box to answer:

Eagle River

- Was your business open at least 30 days for 8 hours each day in 2010? Yes No
- Was your business open at least 30 days for 8 hours each day in 2011? Yes No
- Has the licensed premise changed from the last diagram submitted? Yes No
- Has any person named in this application been convicted of a felony? Yes No

List all corporation members, managers and shareholders below:

Name & Mailing Address	Title	Share %	Phone

If not a corporation - List all individuals, spouses, or partners that own business below:

Name & Mailing Address	Title	Phone
<i>Wynn Lythgoe 100%</i> <i>13725 Jarvis Dr. Anchorage, AK</i>	<i>Member</i>	<i>907-244-8450</i>
<i>Marcia Lythgoe</i> <i>13725 Jarvis Dr. Anchorage, AK</i>	<i>Member</i>	<i>907-522-1616</i>

License Fee	Application Fee	Late Fee	Fingerprint Fee	TOTAL
\$2500.00	\$200.00			\$2700

By affixing my signature below:

I declare under penalty of perjury that I have examined this application and to the best of my knowledge and belief state it is true, correct and complete.

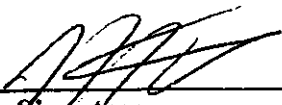
I certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

As a licensee (a sole proprietor, partner or officer, director, shareholder, member, of the entity to which license is issued), I certify that I have received alcohol server training and my certification is currently valid.

As a Corporate/LLC licensee, I certify that all agents and employees, who serve, sell or are otherwise responsible for the service/sale/storage of alcoholic beverages have received alcohol server training and their certification is currently valid. I further certify that certain shareholders/officers/directors/members of the entity that are *not directly or indirectly* responsible for the service/sale/storage of alcoholic beverages are not alcohol server training certified, and will not be required to be certified.


As a licensee, I certify that all my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid.



 Licensee Signature



 Printed Name & Title



 Notary Signature
 Notary Public in and for the State of Alaska
 Commission expires: 12/25/11

Subscribed and sworn to before me this
6 day of December



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 1-7-10
Number: 09-2332
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee	License Number	Type of License
Eagle River Bowl LLC	2895	Beverage Dispensary
D.B.A.	How Delivered	Law Enforcement Agency
Homestead	<input checked="" type="checkbox"/> Certified Mail # 7006 2760 0002 <input type="checkbox"/> In Person 7713 3625	Anchorage Police Department
Street or P.O. Box	City, State	Zip
12130 Regency Drive, Ste 201	Eagle River, AK	99577

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION: On 12-30-09, at about 2023 hours, Eagle River Bowl Homestead Lounge manager Daniel Lee Graeber allowed an under 21 person on a licensed premises. The incident occurred during a compliance check. Graeber was issued a summons for allowing an under 21 person on a licensed premises. A mandatory court date of 1-26-10, 0830 hours, Anchorage District Court was assigned.

Your attention is directed to **AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

A licensee or an agent or employee of the licensee may not with criminal negligence

- (1) allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 years within licensed premises;
- (2) **allow a person under the age of 21 years to enter and remain within licensed premises except as provided in AS 04.16.049 ;**
- (3) allow a person under the age of 21 years to consume an alcoholic beverage within licensed premises;
- (4) allow a person under the age of 21 years to sell or serve alcoholic beverages.
- (5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation.

***Please include your Alcohol License Number in your response.**

**Shirley A. Gifford, Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507**

A Response is Required

13 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Investigator F.R. (Joe) Hamilton
Filed By: <i>F.R. Hamilton</i>	F.R. (Joe) Hamilton Title Investigator IV



Alcoholic Beverage Control Board
5848 East Tudor Road
Anchorage, AK 99507

Date: 9-28-11
Number: 11-1071
Page 1 of 2 Pages

Notice of Violation

(13AAC 104.525)

Licensee Homestead Lounge / Sourdough Bowl	License Number 2895	Type of License Beverage Dispensary
D.B.A. Homestead Lounge / Sourdough Bowl	How Delivered <input checked="" type="checkbox"/> By Certified Mail 7006 2760 0002 7713 3847 Number: <input type="checkbox"/> Personally Served	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 12130 Regency Drive, Suite 201	City, State Eagle River, AK	Zip 99577

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION:

On 9-23-11 at approximately 2344 hours, Anchorage Police Department officers, Wisel and Clark arrived at the Homestead Lounge / Sourdough Bowl located at 12130 Regency Drive in Eagle River, Alaska.

Upon entering the premises, Ofc. Clark observed Austin Childers, age 21 of Wasilla, AK exhibiting traits of a drunken person. After observing additional traits of drunkenness, Ofc. Clark and Wisel made contact with Mr. Childers and subsequently issued a uniform summons and complaint to appear before the Anchorage District Court in 30 days regarding the charge of "Drunken Person on a Licensed Premises".

Your attention is directed to AS 04.16.040: Access of drunken persons to licensed premises

Sec. 04.16.040. Access of drunken persons to licensed premises.

A drunken person may not knowingly enter or remain on premises licensed under this title.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation.

***Please include your Alcohol License Number in your response.**

**Shirley A. Gifford, Director
Alcoholic Beverage Control Board
5848 E. Tudor Road
Anchorage, Alaska 99507**

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Receipt:	Violation Observed By:
Filed By:	Title: