

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

Prepared by: Municipal Clerk
For reading: March 13, 2012

CLERK'S OFFICE

APPROVED

3-13-12

Date: _____

ANCHORAGE, ALASKA
AR NO. 2012-58

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE #5120 FOR KYLE
IVANOFF dba ALL BUSH, LOCATED AT 801 E. 82ND AVE. UNIT B14, AND
AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Kyle Ivanoff has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Package Store Liquor License #5120, to be used for All Bush, located at 801 E. 82nd Ave. Unit B14, 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 27, 2012 and has determined that the last day for the Assembly to file a protest is March 26, 2012 and

WHEREAS, the Assembly Meeting on March 13, 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. 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;

1 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
2

3 Section 1. The Anchorage Assembly hereby enters its PROTEST for a New
4 Package Store Liquor License #5120 until these conditions are met:

- 5
6 • Successful completion of the Conditional Use Permit under
7 AMC 21.50.160 is confirmed by the Municipal Clerk.
8

9 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
10 Beverage Control Board as proof that the Anchorage Assembly, as the
11 local governing body, has stated its protest in order to allow the Director
12 of the Alcoholic Beverage Control Board to hold processing of Package
13 Store Liquor License #5120 under local protest, until receipt by the
14 Director of confirmation from the Municipal Clerk that the conditions in
15 Section 1 have been met, and this protest is lifted as authorized by this
16 Assembly Resolution.
17

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

24 PASSED AND APPROVED by the Anchorage Assembly this 13th day of
25 March, 2012.
26

27
28 
29
30 Chair
31

32 ATTEST:
33

34
35 
36
37 Municipal Clerk

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

#8705

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEEs
License Year: 2012-13	License Type: Package store license	Statute Reference Sec. 04.11. 150	License Fee: \$ 1500 Filing Fee: \$100.00
(Office Use Only) License #: 5120	Community Council Name(s) & Mailing Address: Taku/Campbell		Fingerprint: (\$54.25 per person) 5425
Local Governing Body: (City, Borough or Unorganized) MOA	Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Kyle Ivanoff	Doing Business As (Business Name): All Bush	Total Submitted: \$ \$1654.25
Mailing Address: 801 E 82nd unit B14	Street Address or Location of Premise: 801 E 82nd unit Ave B14	Business Telephone Number: 907 830 7695	Fax Number:
City, State, Zip: Anchorage AK, 99518	Email Address: AllBush AK@Gmail.com K. Ivanoff@Allbushak.com		

SECTION B. PREMISES TO BE LICENSED. Must be completed.

Closest school grounds: 2112 Ft 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.
Closest church: 1956 Ft Distance measured under: <input checked="" 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 checked="" type="checkbox"/> Not applicable
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building	<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?

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) <i>N/A</i>	Telephone Number <i>907 830 7695</i>	Fax Number
Corporate Mailing Address: <i>801 E 82nd Ave. Unit B14</i>	City <i>Anchorage</i>	State <i>ALASKA</i>
Name, Mailing Address and Telephone Number of Registered Agent	Date of Incorporation OR Certification with DCED	Zip Code <i>99518</i>

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? Yes 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

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

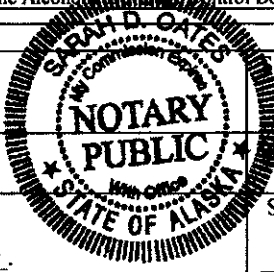
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: <i>Kyle Ivanoff</i> Address: <i>9524 E 15th terrace</i> <i>Anchorage AK 99501</i> Home Phone: <i>907 830 7695</i> Work Phone: <i>907 562 2522</i>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <i>12-29-1989</i>	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>[Signature]</i>	Signature Signature
Name & Title (Please Print) <i>Kyle Ivanoff</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>18th</i> day of <i>January, 2012.</i>	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska <i>[Signature]</i>	Notary Public in and for the State of Alaska
My commission expires: <i>w/office</i>	My commission expires:



STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: All Bush

PREMISES LOCATION: 801 E 82nd ave. unit B14

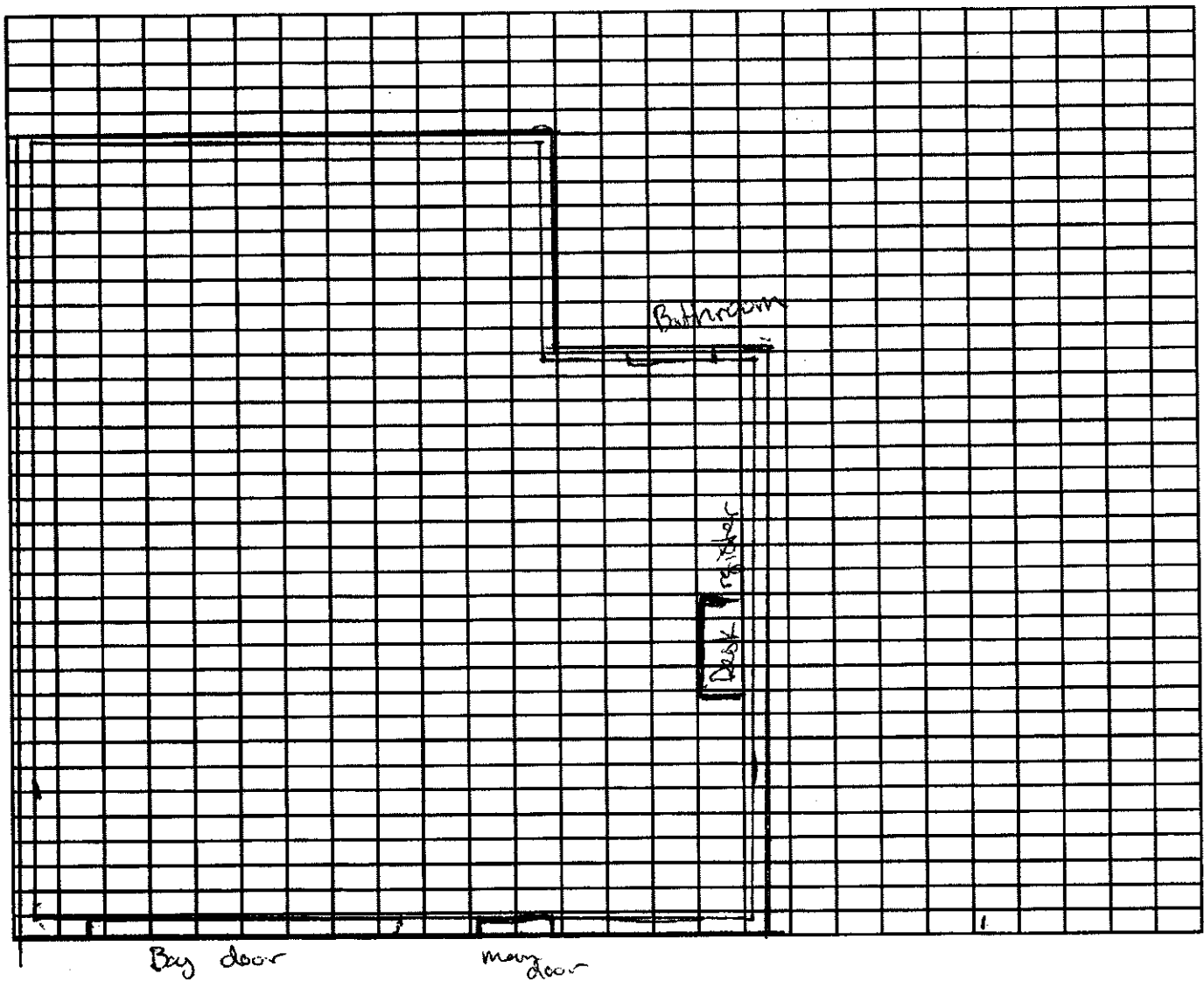
Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: ~~_____~~ 1 SQ. = 1 FT.

SCALE B:

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.





State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

January 27, 2012

Municipality of Anchorage
Attn: Municipal Clerk
VIA Email: munilicenses@muni.org

Kyle Ivanoff – Package Store License #5120 DBA All Bush

- New Application Transfer of Ownership Transfer of Location
 Restaurant Designation Permit DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. 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.

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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.

Sincerely,

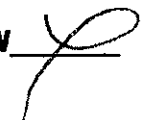
SHIRLEY A. GIFFORD
Director

Sarah D. Oates

Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: January 27, 2012

Application Type: **NEW**  **TRANSFER**
 Ownership
 Location
 Name Change

Governing Body: **Municipality of Anchorage**
Community Councils: Taku/Campbell Community Council

License #: 5120
License Type: Package Store
D.B.A.: All Bush
Licensee/Applicant: Kyle Ivanoff
Physical Location: 801 E 82nd Ave, Unit B14, Anchorage, AK 99518
Mail Address: 801 E 82nd Ave, Unit B14, Anchorage, AK 99518
Telephone #: 907-830-7695
EIN: 45-4281691

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
N/A				

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
N/A				

If transfer application, current license information:

License #:
Current D.B.A.:
Current Licensee:
Current Location:

Additional comments: Restaurant Designation Permit Application attached.

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Sincerely,

SHIRLEY A. GIFFORD
Director

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