

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

Prepared by: Municipal Clerk

For reading: May 22, 2012

Failed 5/22/12

**ANCHORAGE, ALASKA
AR NO. 2012-134**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE #5134 FOR ISLES,
INC. dba LA BODEGA, LOCATED AT 1200 WEST NORTHERN LIGHTS BLVD SUITE F,
AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Isles, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Package Store Liquor License #5134, to be used for La Bodega, located at 1200 West Northern Lights Blvd Suite F, 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 March 27, 2012 and has determined that the last day for the Assembly to file a protest is May 25, 2012 and

WHEREAS, the Assembly Meeting on May 22, 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 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 not been received**; and

1 WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation
2 that outstanding items required for this location have been completed;
3

4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
5

6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a New
7 Package Store Liquor License #5134 and until these conditions are met:
8

- 9 • Approval from the Anchorage Fire Department is received and
10 confirmed by the Municipal Clerk.
- 11 • Successful completion of the Conditional Use Permit under
12 AMC 21.50.160 is confirmed by the Municipal Clerk.
- 13 • Approval from the Municipal Health & Human Services and
14 Building Safety Departments are received and confirmed by
15 Municipal Clerk.
16

17 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
18 Beverage Control Board as proof that the Anchorage Assembly, as the
19 local governing body, has stated its protest in order to allow the Director
20 of the Alcoholic Beverage Control Board to hold processing of Package
21 Store Liquor License #5134 under local protest, until receipt by the
22 Director of confirmation from the Municipal Clerk that the conditions in
23 Section 1 have been met, and this protest is lifted as authorized by this
24 Assembly Resolution.
25

26 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
27 Municipal Clerk confirmation that all conditions in Section 1 have been
28 met, to provide written notification to the Alcoholic Beverage Control
29 Board that this protest by the Anchorage Assembly is lifted, without
30 further action by the Assembly.
31

32 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
33 _____, 2012.
34

35 _____
36 Chair
37

38 ATTEST:
39

40 _____
41 Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

March 23, 2012

Municipality of Anchorage
Attn: Amanda Moser, Licensing & Minutes Clerk
VIA Email: munilicenses@muni.org

Isles, Inc. – Package Store License #5134 DBA La Bodega

- 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

A handwritten signature in cursive script, appearing to read "Sarah D. Oates".

Sarah D. Oates

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

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: March 23, 2012

Application Type: **NEW**

 TRANSFER
 Ownership
 Location
 Name Change

Governing Body: **Municipality of Anchorage**
Community Councils: Midtown Community Council

License #: 5134
License Type: Package Store
D.B.A.: La Bodega
Licensee/Applicant: Isles, Inc.
Physical Location: 1200 W Northern Lights Blvd, Ste F, Anchorage, AK 99503
Mail Address: PO Box 242522, Anchorage, AK 99524
Telephone #: 907-830-9148
EIN: 45-3549924

| Corp/LLC Agent: | Address | Phone | Date and State of Incorporation | Good standing? |
|-----------------|--------------------------------------|--------------|---------------------------------|----------------|
| Isles, Inc. | PO Box 242522 Anchorage, AK 99503 | 907-830-9148 | 09/09/2011 Alaska | Yes |

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 (%) |
|----------------------------|------------|--|------------------------------|------------------|
| Pamela Hatzis President | 07/01/1981 | 6906 Big Mountain Drive Anchorage, AK 99516 | 907-830-9148 907-569-3800 | 100% |
| | | | | |
| | | | | |
| | | | | |

If **transfer** application, current license information:

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

Additional comments:

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 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 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

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: 2012/2013 | License Type: Package Store License | Statute Reference Sec. 04.11.150 | License Fee: \$1,500.00 |
| (Office Use Only) License #: 5134 | | | Filing Fee: \$100.00 |
| Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage | Community Council Name(s) & Mailing Address: Midtown Community Council Don Pohland 3800 W. 43rd Ave. Anchorage AK | | Fingerprint: (\$54.25 per person) |
| Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Isles, Inc. | Doing Business As (Business Name): La Bodega | Business Telephone Number: 907-830-9148 | Total Submitted: \$1,600.00 |
| Mailing Address: PO Box 242522 | Street Address or Location of Premise: 1200 W. Northern Lights Blvd, Ste. F Anchorage, AK 99503 | Email Address: labodegastore@gmail.com | |
| City, State, Zip: Anchorage, AK 99524 | | | |

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

| | | |
|---|---|---|
| Closest school grounds: Holy Rosary Academy (0.85miles) | Distance measured under: X 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 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 |
| Closest church: Is Jesus the Answer (0.68miles), Anchorage New Life Church (1.05miles) | Distance measured under: X 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 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?

X Yes No If Yes, complete the following. Attach additional sheets if necessary.

| Name | Name of Business | Type of License | Business Street Address | State |
|---------------|------------------|-----------------------|---|--------|
| Pamela Hatzis | Labodega | Package Store License | 3801 Old Seward Hwy. Suite 2 | Alaska |
| Pamela Hatzis | Labodega | Package Store License | 530 E. Benson Blvd Ste 104, 105, 106 | Alaska |
| | | | | |
| | | | | |

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 |
|---------------|----------------------|

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) Isles, Inc. | | Telephone Number 907-830-9148 | Fax Number |
| Corporate Mailing Address: PO Box 242522 | City Anchorage | State AK | Zip Code 99524 |
| Name, Mailing Address and Telephone Number of Registered Agent Pamela Hatzis 3801 Old Seward Hwy Ste 2, Anchorage AK 99503 | | Date of Incorporation OR Certification with DCED 9/9/11 | 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 |
|----------------------|---------------------------|------------|--|-----------------------|---------------|
| Pamela Hatzis | President/Director | 100 | 6906 Big Mountain Drive, Anchorage, AK 99516 907-830-9148 | 907-569-3800 | 7/1/81 |
| | | | | | |

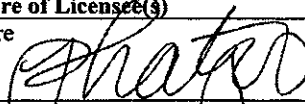
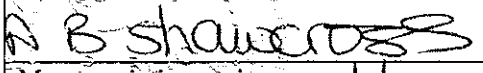
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

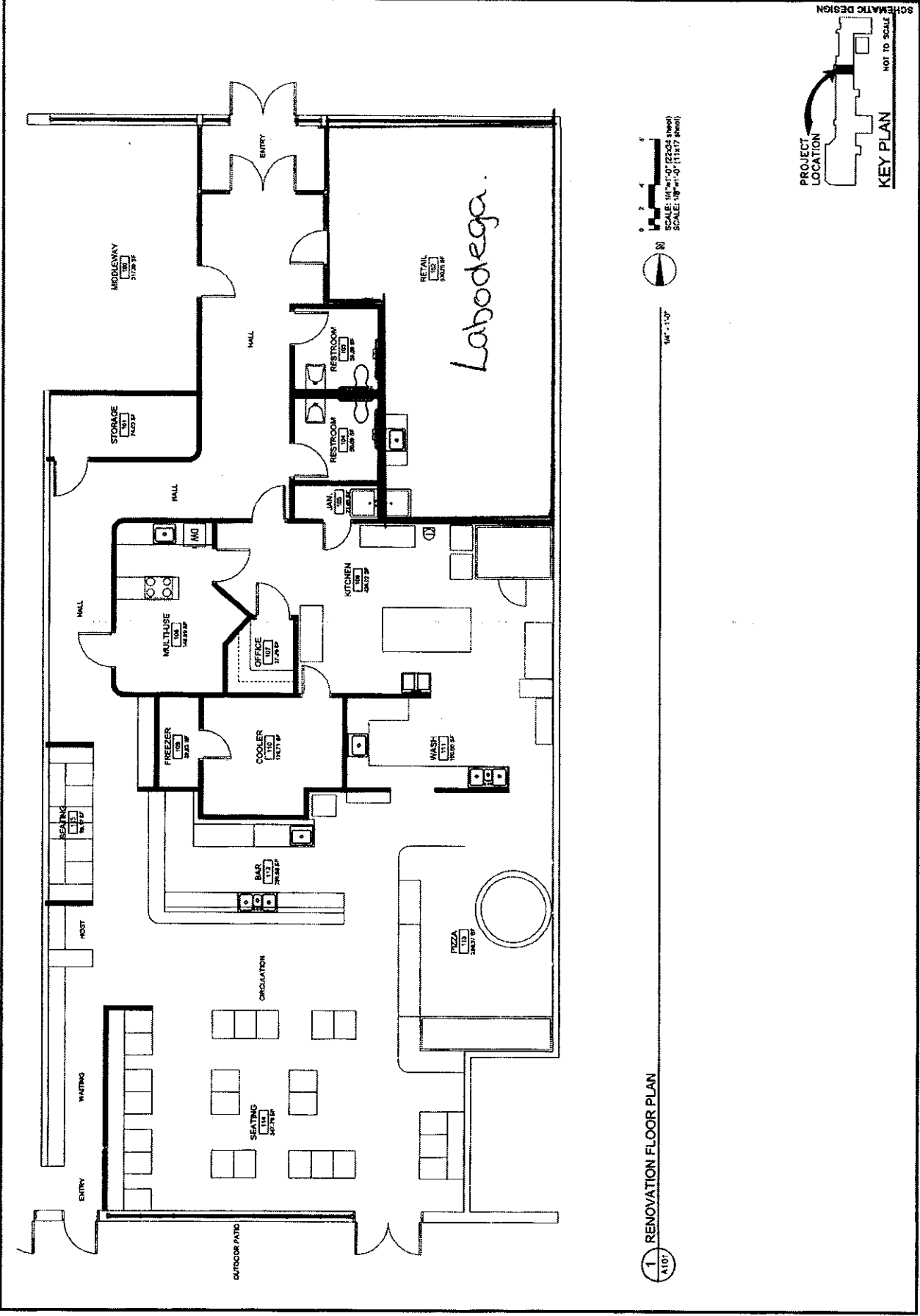
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

| | | | |
|----------------------------|--|----------------------------|--|
| 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 Licensee(s) | |
| Signature  | Signature |
| Name & Title (Please Print) Pamela Hatzis | Name & Title (Please Print) |
| Subscribed and sworn to before me this 6th day of March , 2012 | Subscribed and sworn to before me this day of |
| Notary Public in and for the State of Alaska  | Notary Public in and for the State of Alaska |
| My commission expires: 2/1/15 | My commission expires: |



1 RENOVATION FLOOR PLAN
 (A101)

SCHEMATIC DESIGN
 PROJECT LOCATION
 KEY PLAN
 NOT TO SCALE