



CITY OF WASILLA

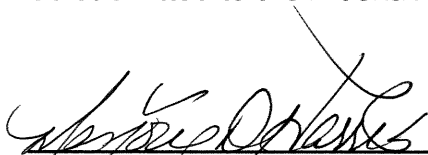
290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

COUNCIL MEMORANDUM NO. 97-09

FROM: Clerk's Office
DATE: March 3, 1997
SUBJECT: Transfer of Liquor License

A request for the transfer of a liquor license for Kashim Inn has been received, transferring it into the name of Richard Tzou from Alaska USA Federal Credit Union.

There are no outstanding violations at this time. Recommend a letter of non objection be submitted to the Alaska Alcoholic Beverage Control Board.



Marjorie D. Harris, CMC
City Clerk

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

TONY KNOWLES, GOVERNOR

550 W. 7TH AVENUE, STE. 350

Anchorage, Alaska 99501-6698

Phone: 907-277-8638

Fax: 907-272-9412

RECEIVED

February 28, 1997

MAR 03 1997

CITY OF WASILLA, ALASKA

Majorie D. Harris, Clerk
City of Wasilla
290 E. Herning
Wasilla Ak 99687

Dear Ms. Harris:

We are in receipt of the following application(s) for **transfer** of a liquor license(s) within the City of Wasilla. You are being notified as required by 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.

BEVERAGE DISPENSARY TOURISM

Kashim Inn: Richard Tzou; 181 Parks Hwy; Wasilla, 99687; Mail: P O Box 874127; Wasilla AK 99687. Trnsfr of ownership from: AK USA Credit Union; Mail; P O Box 196613; Anchorage, 99519. Same loc. & dba.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application 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 44.62.630. If the applicant requests a hearing, the municipality must come forward at the hearing with evidence and argument in support of your protest.

AS 04.11.480. Protest, subsection (a) states, in part, "A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license period. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application."

Additionally, 15 AAC 104.145(b) through (g) reads as follows:

(b) No final action will be taken upon an application until at least 30 days after the receipt of notice by the local governing body unless it advises the director in writing that it is waiving its right to protest the application. No final action may be taken upon an application until at least 15 days after completion of public notice of the application.

(c) (To be repealed.)

(d) A local governing body protest will generally be considered not to be arbitrary, capricious, or unreasonable where

(1) the protest is made under an ordinance, resolution, or statement of policy adopted by the governing body before it considered the application, or the applicant otherwise had reasonable notice, before making application, of the factors to be considered and the standards applied by the local governing body;

(2) the applicant was provided a reasonable opportunity to defend the application before a meeting of the local governing body; and

(3) the protest has a reasonable basis in fact and is not contrary to law.

(e) A local governing body protest may be based upon facts that render the particular application objectionable to the local body, or may be based upon a general public policy. If based on a general public policy, the policy must have a reasonable basis in fact, may not be contrary to law, and may not be patently inapplicable to the particular application being protested. The board will not substitute its judgement for that of the local governing body on matters of public policy that have reasonable factual support.

(f) If the application is denied because of the protest and the applicant requests a hearing, the local governing body must, at the board's request, appear or otherwise meaningfully participate in the hearing and must assist in or undertake the defense of its protest.

(g) In addition to the other grounds for protest set out in this section, a local governing body may protest

(1) the renewal or transfer of a license based on nonpayment of delinquent taxes arising in whole or in part from the conduct of the licensed business; and

(2) the transfer of a license if

(A) the local governing body has adopted an ordinance under which it may estimate the amount of current taxes in the tax year of the proposed transfer and arising in whole or in part from the conduct of the licensed business; and require the licensee to pay the estimated amount; and

(B) the licensee fails to pay that amount or give security under AS 04.11.360.

IF YOU WISH TO PROTEST THE APPLICATION(S) REFERENCED ABOVE, PLEASE DO SO IN THE PRESCRIBED MANNER AND WITHIN THE PRESCRIBED TIME. PLEASE SHOW PROOF OF SERVICE UPON THE APPLICANT.

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.

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.

Under AS 04.21.010(d), if applicable, you must provide notice to the appropriate community council within your municipality.

NOTE: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.909(e), AS 04.11.100(f) and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,



Donna Johnson
Records & Licensing Supervisor
(907) 277-8638

LIQUOR LICENSE APPLICATION

(Please read separate instructions)

Send Parts 1 and 2 to the ABC Board.
Keep Part 3 for your files.

73/967

Application is for: (check one) Two Year Seasonal - Dates of operation not to exceed 12 mos.

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.				FEES	
Type of Application: <input type="checkbox"/> New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Transfer of License Holder <input type="checkbox"/> Relocation	License Type Beverage Disp.	Statute Reference Sec. 04.11.400 (d)	For License Years 96-97	Federal EIN	License Fee \$ _____ Filing Fee: \$ 1000 Penalty (if applicable) \$ _____ Total Submitted \$ _____
		<input checked="" type="checkbox"/> Within a Municipality (Specify) _____ OR <input type="checkbox"/> Outside Municipality			
Current Liquor License Number 0624		If renewal, has the license been exercised or active at least 30 eight-hour days during each of the two preceding calendar years? (AS 04.11.330(3)) <input type="checkbox"/> YES <input type="checkbox"/> NO If no, application will be denied unless written request for waiver of operation is approved by the Alcoholic Beverage Control Board.			
Enter applicant's or transferee's name and mailing address as it should appear on the license: Richard Tzou PO Box 874127 Wasilla, AK 99687 <input type="checkbox"/> THIS IS A NEW MAILING ADDRESS		Doing Business As (Business Name) Kashim Inn Street Address or Location of Business 181 W. Parks Highway City Wasilla, AK 99687 Business Phone Number(s)		Community Council Name and Mailing Address (See Instructions)	

SECTION B. PREMISES TO BE LICENSED. Must be completed for New and Relocation applications.	
Name to be used on public sign or in advertising to identify premises: Kashim Inn Closest School Grounds: 1/4 mile Closest Church: 1/4 mile Premises to be licensed is: <input type="checkbox"/> Existing Facility <input type="checkbox"/> New Building <input type="checkbox"/> Proposed Building	Is location of premises greater than or less than 50 miles from the boundaries of a municipality (Incorporated city, borough or unified municipality)? WASILLA <input type="checkbox"/> Greater than 50 miles <input checked="" type="checkbox"/> Less than 50 miles <input type="checkbox"/> Not Applicable <input type="checkbox"/> Plans submitted to Fire Marshall (Required for new and proposed buildings) <input type="checkbox"/> Diagram of Premises Attached (Required for all New and Relocation applications)
Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local Ordinance No.: _____	

SECTION C. RENEWAL INFORMATION. Must be completed for Renewal applications.		
Has licensed premises where alcoholic beverages are sold, served, consumed, possessed and/or stored been changed from the last diagram submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO	Has the statement of financial interest changed from the last statement submitted? <input type="checkbox"/> YES <input type="checkbox"/> NO	PACKAGE STORE. Is this a renewal of the annual notice required under 15AAC 104.645 to sell alcoholic beverages in response to written orders? <input type="checkbox"/> YES <input type="checkbox"/> NO

SECTION D. TRANSFER INFORMATION. Must be completed for Transfer of License Holder and Relocation applications only.	
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence "default" under AS 04.11.670. <input checked="" type="checkbox"/> Regular Transfer. 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 is: (Attach extra sheets if necessary) See attached Deed of Trust, Equipment Listing and Power of Attorney	Name(s) and Mailing Address of Current Licensee(s) Alaska USA Federal Credit Union PO Box 196613 Anchorage, AK 99519-6613 BEFORE TRANSFER, Doing Business As: (Business Name) Kashim Inn BEFORE TRANSFER, Street Address or Location 181 W. Parks Highway, Wasilla, AK 99687

SECTION E. CORPORATION INFORMATION. Must be completed if applicant or co-applicant is a corporation. (AS 04.11.390)		
Corporate Name Mailing Address City, State, Zip Code	Doing Business As (Business Name) Street Address or Location of Business City and State	Date of Incorporation in Alaska Corporate Office Phone No.
Is the above named corporation in good standing with the State of Alaska, Department of Commerce and Economic Development? <input type="checkbox"/> YES <input type="checkbox"/> NO	Registered Agent (Name and Mailing Address)	Agent's Alaska Residency Years: _____ Months: _____ Agent's Phone No.

CORPORATION DIRECTORS AND STOCKHOLDERS (Use additional sheets if necessary)		% or Shares of Ownership
Full Name (Do not use initials)	Home Address	Date of Birth

SECTION F. INDIVIDUAL/CORPORATE OFFICER INFORMATION. The following information must be provided for each applicant or corporate officer. If the applicant or co-applicant is a corporation, the officers listed must include the President, Vice-President, Secretary and Treasurer. Use additional pages as necessary.

Full Name (Do not use initials) Richard Li-Chien Tzou			Full Name (Do not use initials)		
Mailing Address PO Box 874127			Mailing Address		
City, State, Zip Code Wasilla, AK 99687			City, State, Zip Code		
Home Address (if different from mailing address) Lot 1, Block 3, Royal Estate			Home Address (if different from mailing address)		
Date of Birth 3/19/54	Home Phone 376-4919	Work Phone 376-4919	Date of Birth	Home Phone	Work Phone
Length of Alaska Residency Years: 15, Months:		If applicant is a corporation, identify the corporate office you hold.	Length of Alaska Residency Years: , Months:		If applicant is a corporation, identify the corporate office you hold.
Full Name (Do not use initials)			Full Name (Do not use initials)		
Mailing Address			Mailing Address		
City, State, Zip Code			City, State, Zip Code		
Home Address (if different from mailing address)			Home Address (if different from mailing address)		
Date of Birth	Home Phone	Work Phone	Date of Birth	Home Phone	Work Phone
Length of Alaska Residency Years: , Months:		If applicant is a corporation, identify the corporate office you hold.	Length of Alaska Residency Years: , Months:		If applicant is a corporation, identify the corporate office you hold.

SECTION G. INDIVIDUAL/CORPORATE OFFICER BACKGROUND. Must be completed for all types of applications.

Does any individual or corporate officer named above now have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

NO YES If yes, give state, name of business, and address.

If never having filed or since filing of the last application, has any individual or corporate officer listed above been convicted of a felony, a violation of AS 04, or been as a licensee or manager of licensed premises in another state of the liquor laws of that state?

NO YES If yes, please explain on separate sheet of paper.

SECTION H. DECLARATION. Must be read and certified by each applicant.

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 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 applicant(s) or 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.

If application is for a Beverage Dispensary or Package Store license, I certify that each applicant named on this application has resided in the state of Alaska for at least one year prior to the date of this application; and/or the applicant is a corporation registered and qualified to do business in the state of Alaska for one year prior to the date of this application, or all of the shareholders have resided in the state of Alaska for at least one year prior to the date of this application.

SIGNATURE(S) OF CURRENT LICENSEE(S) (APPLICANT)	SIGNATURE(S) OF TRANSFEREE(S)
Alaska USA Federal Credit Union By: <u>W. B. Eckhardt</u> W. B. Eckhardt, President	<u>Richard Tzou</u> Richard Tzou
Subscribed and sworn to before me this <u>17th</u> day of <u>December</u> , 19 <u>96</u> <u>Howie Moore</u>	Subscribed and sworn to before me this <u>26th</u> day of <u>December</u> , 19 <u>96</u> <u>Ed [Signature]</u>
NOTARY PUBLIC IN AND FOR ALASKA My commission expires <u>7/22/98</u>	NOTARY PUBLIC IN AND FOR ALASKA My commission expires <u>DECEMBER 11, 2000</u>

