

SUBJECT: Liquor License Transfer

REQUESTED BY: Clerk's Office

PREPARED BY: Clerk's Office *W.*

DATE: September 24, 1999

FOR AGENDA OF: October 11, 1999

SUMMARY:

The city has received the attached application for a transfer of a restaurant or eating place liquor license from Shoreline Restaurant to Tokyo Restaurant & Sushi Bar.

After staff review, the Tokyo Restaurant is found to be out of compliance with Council Policy 95-03; therefore, direction from council is requested at this time.

FISCAL IMPACT: X No ___ Yes, amount requested: \$ Fund:

CLERK'S RECOMMENDED ACTION: The Tokyo Restaurant is not in compliance with Council Policy 95-03, direction from the council is requested at this time.

Administration Initial: *SP by JWC*

Attachments: Application and cover letter from ABC Board
Dated: September 22, 1999

Presented to council on 10/11/99
Action taken: Approved Denied
other: Write a letter of objection
Verified by only if sales tax delinquency
& sign violation are not
resolved. *YK*

LIQUOR LICENSE APPLICATION REVIEW

To: Finance Department

Date: September 24, 1999

Business Name: Tokyo Restaurant & Sushi Bar

Date Received: September 24, 1999

Business Location: 735 W. Parks Highway

Type of Application: Transfer of License - Restaurant / Eating Place

Please provide the information requested below and return this form to the clerk's office within ten business days.

- Does the applicant have a current business license? yes no
- Are there any delinquent debts or taxes owed to the city arising out of the conduct of the business?

Assessments	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
Sales Tax	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Utilities	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
- After review, is the above stated liquor license applicant in compliance with the requirements of Council Policy 95-03? yes no
- If no, please list the violations below:

*An violation of item 3 WMC 9.04 -
 Has not submitted any sales tax since
 they opened in June.*

Department head or designee: *Erin P. Nelson* Date: *9-24-99*

Note: **Finance Department** to check items 1, 2, 3, and 4 of the council policy.
Public Works Department to check items 5, 6, and 7 of the council policy.
Planning Department to check item 8 of the council policy.
 Mat-Su Borough will be notified on item 9 of the council policy.

RETURN TO THE CITY CLERK'S OFFICE WITHIN 10 BUSINESS DAYS

LIQUOR LICENSE APPLICATION REVIEW

To: Planning Department
 Police Department
 Public Works

Date: September 24, 1999

Business Name: Tokyo Restaurant & Sushi Bar

Date Received: September 24, 1999

Business Location: 735 W. Parks Highway

Type of Application: Transfer of License – Restaurant / Eating Place

Please provide the information requested below and return this form to the clerk's office within ten business days.

- After review, is the above stated liquor license applicant in compliance with the requirements of Council Policy 95-03?
 yes no
- If no, please list the violations below:

ONE FREESTANDING TOKYO SIGN IS NOT IN COMPLIANCE. THE PROPERTY OWNER HAS INDICATED HE WILL OBTAIN A SIGN PERMIT.

Department head or designee: 

Date: 10/28/99

Note: **Finance Department** to check items 1, 2, 3, and 4 of the council policy.
Public Works Department to check items 5, 6, and 7 of the council policy.
Planning Department to check item 8 of the council policy.
Mat-Su Borough will be notified on item 9 of the council policy.

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LIQUOR LICENSE APPLICATION REVIEW

To: Planning Department
 Police Department
 Public Works

Date: September 24, 1999

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Date Received: September 24, 1999

Business Location: 735 W. Parks Highway

Type of Application: Transfer of License – Restaurant / Eating Place

Please provide the information requested below and return this form to the clerk's office within ten business days.

- After review, is the above stated liquor license applicant in compliance with the requirements of Council Policy 95-03?

yes no

- If no, please list the violations below:

I have no history on this one. I can only assume that they have never done anything to bring themselves to the attention of the Police.

Department head or designee: D. C. [Signature]

Date: 9/24/99

Note: **Finance Department** to check items 1, 2, 3, and 4 of the council policy.
Public Works Department to check items 5, 6, and 7 of the council policy.
Planning Department to check item 8 of the council policy.
Mat-Su Borough will be notified on item 9 of the council policy.

RETURN TO THE CITY CLERK'S OFFICE WITHIN 10 BUSINESS DAYS

STATE OF ALASKA

DEPARTMENT OF REVENUE ALCOHOLIC BEVERAGE CONTROL BOARD

TONY KNOWLES, GOVERNOR

550 W. 7TH AVENUE, STE. 350

Anchorage, Alaska 99501-6698

Phone: 907-269-0350

Fax: 907-272-9412

September 22, 1999

Kristie VanGorder, Clerk
City of Wasilla
290 East Herning Ave
Wasilla, AK 99654

CLERKS OFFICE

**SEP 24 1999
RECEIVED**

Dear Ms. VanGorder:

We are in receipt of the following application for a transfer of a **restaurant or eating place** license 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.

Restaurant or Eating Place License

Tokyo Restaurant & Sushi Bar; To: Hyunsuek Yang; 735 W. Parks Hwy Wasilla, AK;
Mail: 735 W. Parks Hwy Wasilla, AK 99654; **From:** Shoreline Restaurant Inc; Pappy's
Star Inc; 735 W. Parks Hwy Wasilla, AK **Mail:** 2430 E Parks Hwy Wasilla, AK 99654

Sincerely,

/S/ Donna Johnson

Donna Johnson
Records & Licensing Supervisor

cc:

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,

Donna Johnson
Records & Licensing Supervisor
(907) 269-0350
Donna_Johnson@revenue.state.ak.us

LIQUOR LICENSE APPLICATION

(Please read separate instructions)

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

12/58

This 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 Restaurant/ Eating place Beer & wine only Current Liquor License Number	Statute Reference Sec. 04.11.100	For License Years 99	Federal EIN 99 920146016	License Fee \$ 100.00 Filing Fee: \$ 100.00 50.00 Penalty applicable \$ Total Submitted \$ 150.00
		<input checked="" type="checkbox"/> Within a Municipality (Specify) Wasilla OR <input type="checkbox"/> Outside Municipality			
		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: Hyunsuek Yang 735 W Parks Hwy Wasilla AK 99654 <input type="checkbox"/> THIS IS A NEW MAILING ADDRESS		Doing Business As (Business Name) Tokyo Restaurant & Sushi Bar Street Address or Location of Business 735 W Parks Hwy City Wasilla AK 99654 Business Phone Number(s) (907) 357-8888 Fax 357-8887		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: Closest School Grounds: _____ Distance measured under: Closest Church: _____ <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local Ordinance No.: _____	Is location of premises greater than or less than 50 miles from the boundaries of a municipality (incorporated city, borough or unfiled municipality)? <input type="checkbox"/> Greater than 50 miles <input type="checkbox"/> Less than 50 miles <input checked="" type="checkbox"/> Not Applicable
Premises to be licensed is: <input checked="" type="checkbox"/> Existing Facility <input type="checkbox"/> New Building <input type="checkbox"/> Proposed Building	
<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)	

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)	Name(s) and Mailing Address of Current Licensee(s) Shoreline Restaurant Pappy's Star INC 2430 E Parks Hwy Wasilla AK 99654 BEFORE TRANSFER, Doing Business As: (Business Name) Shoreline Restaurant BEFORE TRANSFER, Street Address or Location 1401 E Parks Hwy Wasilla AK 99654

SECTION E. CORPORATION INFORMATION. Must be completed if applicant or co-applicant is a corporation. (AS 04.11.390)			
Corporate Name	Doing Business As (Business Name)	Date of Incorporation in Alaska	
Mailing Address	Street Address or Location of Business		
City, State, Zip Code	City and State	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	

THIS AREA OFFICE USE ONLY

License Number	Date Approved	Director's Signature

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) <u>Hyunsuek YANG</u>			Full Name (Do not use initials)		
Mailing Address <u>135 W PARKS HWY</u>			Mailing Address		
City, State, Zip Code <u>Wasilla AK 99654</u>			City, State, Zip Code		
Home Address (if different from mailing address) <u>978 Nuggett Ave Wasilla AK 99654</u>			Home Address (if different from mailing address)		
Date of Birth <u>12-08-60</u>	Home Phone <u>373-5151</u>	Work Phone <u>357-8888</u>	Date of Birth	Home Phone	Work Phone
Length of Alaska Residency Years <u>8</u> Months <u>6</u>	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 convicted 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.

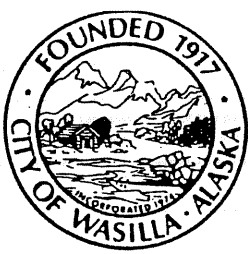
I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.

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)
<u>Hyunsuek Yang</u>	<u>Sandra L. Morgan (Partner)</u> <u>JMC</u>
Subscribed and sworn to before me this <u>30</u>	Subscribed and sworn to before me this <u>30</u>
day of <u>July</u> , 19 <u>99</u>	day of <u>July</u> , 19 <u>99</u>
<u>Eileen M. Lipe</u>	<u>Eileen M. Lipe</u>
NOTARY PUBLIC IN AND FOR ALASKA	NOTARY PUBLIC IN AND FOR ALASKA
My commission expires <u>8/29/02</u>	My commission expires <u>8/29/02</u>



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

Council Policy No. 95-03

Title: Liquor License Renewals and Transfers

Council Policy No. 88-5 and 93-04 are hereby repealed. It is Council Policy to protest an application for a liquor license transfer or renewal if any of the following conditions exists:

1. Violation of WMC 2.60, Special Assessment Districts (delinquent payments);
2. Violation of WMC 5.10, Water Utility or WMC 5.20, Sewer Utility (delinquent payments);
3. Violation of WMC 6.50, Sales Tax;
4. Violation of WMC 9.04, Business License;
5. Violation of WMC 11.12, Litter, Sanitation Measures (trash enclosures);
6. Violation of WMC 14.04, Abandoned Vehicles and other property;
7. Violation of WMC 14.08, Encroachments;
8. Violation of WMC 16.43, Wasilla Development Code; or
9. Delinquent Taxes; i.e. Personal Property, Real Property, or Hotel/Motel Bed Tax.

Each Liquor License Renewal or Transfer shall also be submitted to the Wasilla Police Department for review, and Council may or may not take this into consideration when approving or protesting an application.

This policy becomes effective May 22, 1995.

John C. Stein, Mayor

05/22/95

Date Approved

ATTEST:

Marjorie D. Harris, CMC
City Clerk

(SEAL)