



	Approved	Denied
Action taken	11/22/04	
Other:		
Verified by:	[Signature]	

**WASILLA CITY COUNCIL ACTION MEMORANDUM**

**AM No. 04-73**

**TITLE: APPROVAL OF LIQUOR LICENSE TRANSFER FROM NORTHWEST RETAIL VENTURES LLC, dba, ALASKA MARKETPLACE TO BROWN JUG, INCORPORATED.**

Agenda of: November 22, 2004

Date: November 5, 2004

Originator: Jamie Newman, Deputy Clerk *JN*

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	[Signature]
X	Clerk	[Signature]

**REVIEWED BY MAYOR DIANNE M. KELLER:** [Signature]

**FISCAL IMPACT:**  yes\$ or  no

Funds Available  yes  no

Account name/number:

Attachments: Liquor License Application

**SUMMARY STATEMENT:** Northwest Retail Ventures, dba, Alaska Marketplace currently holds a package store liquor license in the City. Northwest Retail Ventures has applied to the State of Alaska, Alcoholic Beverage Control Board (ABC Board), to transfer its license to Brown Jug, Inc.

Pursuant to AS 04.11.480 the City Council may protest the approval of a liquor license application by furnishing the ABC Board and the applicant with a clear and concise written statement of reasons in support of their protest.

**STAFF RECOMMENDED ACTION:** To direct the City Clerk to send a letter of non objection, on behalf of the City Council, to the ABC Board regarding the liquor license transfer from Northwest Retail Ventures LLC, dba, Alaska Marketplace, to Brown Jug, Inc.

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: October 28, 2004

Application Type: NEW

X **TRANSFER**  
X Ownership  
X Location  
X Name Change

Governing Body: **City of Wasilla**  
 Community Councils: None

License #: 4453  
 License Type: **Package Store**  
 D.B.A.\*: Brown Jug #670  
 Licensee/Applicant: Brown Jug Inc.  
 Physical Location: 2521 East Mountain Village Drive

Mail Address: P O Box 190027 Anchorage AK 99519  
 Telephone #: 907-563-3815 907-562-3130 Fax  
 EIN: 20-1378187

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership	Good standing?
Lowell J. Shinn	P O Box 190027 Anchorage AK 99519	907-563-3815	June 30, 1978 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 (%)
Lowell J. Shinn	5/12/1953	950 P Street Anchorage AK	907-563-3815	Pres/Treasurer 0%
Edward J. O'Neill	6/12/1937	4211 Garfield St. #A Anchorage AK	907-562-0814	Secretary 0%
O'Neill Properties Incorporated		N/A	907-563-6762	100%

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

License #: 2257  
 Current D.B.A.: Alaska Marketplace #581  
 Current Licensee: Northwest Retail Ventures LLC  
 Current Location: 1800 E. Parks Hwy

Additional comments: None.

\*Date of Birth  
 \*Doing Business As  
 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,

*/s/ Reeda Jaramillo*  
Reeda Jaramillo  
Business Registration Examiner