MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 116-2008

MEETING DATE: February 26, 2008

FROM: Municipal Clerk

SUBJECT: 2007/2008 Uncle Joe's Pizza #3847-Transfer of Ownership of a Restaurant Eating Place and Permit for a Restaurant Designation Permit Downtown Community Council

On January 29, 2008 the Municipal Clerk's Office received from the Alcoholic Beverage Control Board notice for a transfer of ownership for a Restaurant Eating Place Liquor License and application for a for a Restaurant Designation Permit for the following establishment:

Uncle Joe’s, Inc.
Uncle Joe’s Pizzeria
428 G Street
Anchorage, Ak 99501

Any ABC violations and/or incidents that would lead to an ABC violation are attached for the Assembly’s evaluation.

There are no taxes owing.

AMC 21.50.160 requires that any use, whether principal or accessory, involving the retail, sale or dispensing of alcoholic beverage is permitted only by conditional use. There is a conditional use permit at this location.

Alaska Statute 04.11.480 provides that if the Assembly wishes to protest the issuance, renewal, relocation or transfer of a liquor license, it may protest within 60 days following receipt of the application and the protest will be honored unless the Board finds the protest to be arbitrary, capricious and unreasonable. The last day to protest is March 28, 2008, March 25, 2008 is the last scheduled regular Assembly meeting before the end of the protest period.

Approval of this memorandum will PROTEST the transfer of a restaurant eating place liquor license and application for a restaurant designation permit for the establishment named above until it has obtained approval from the Anchorage Fire Department. The Municipal Clerk is authorized to notify the ABC Board of the Assembly's action and is authorized to sign on its behalf.

Respectfully submitted,

[Signature]
Barbara E Gruenstein
Municipal Clerk
Transfer Liquor License

Alcoholic Beverage Control Board
3848 E Tudor Rd
Anchorage, AK 99507

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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications

License Year: 2008 2007
License #: 3847
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage
Community Council Name(s) & Mailing Address: Downtown Community Council

Federal EIN or SSN: 92-0148531
Name of Applicant (Corp/LLC/LLP/Individual/Partnership): UNCLE JOE'S, INC.
Doing Business As (Business Name): UNCLE JOE'S PIZZERIA

Mailing Address: P.O. Box 112645
City, State, Zip: Anchorage, AK 99511
Street Address or Location of Premise: 428 G. STREET

SECTION B - TRANSFER INFORMATION

[ ] Regular Transfer
[ ] Transfer with security interest: 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 must be described. Provide security interest documents.

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.

Distance measured under: AS 04.11.410 OR Local ordinance No.

Premises to be licensed:
[ ] Proposed building
[ ] Existing facility
[ ] New building

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.

Date Approved
Director's Signature

Transfer App 11/05
### Entity Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>%</th>
<th>Home Address &amp; Telephone Number</th>
<th>Work Telephone Number</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph White</td>
<td>PRES</td>
<td>19%</td>
<td>5415 DEERMOON RO, ANCHORAGE, AK 99511</td>
<td>349-4559</td>
<td>1/10/91</td>
</tr>
<tr>
<td>Holly White</td>
<td>VP/SEC</td>
<td>51%</td>
<td>5415 DEERMOON RO, ANCHORAGE, AK 99511</td>
<td>349-4559</td>
<td>10/9/90</td>
</tr>
</tbody>
</table>

### Individual Licensees/Affiliates

<table>
<thead>
<tr>
<th>Name:</th>
<th>Address:</th>
<th>Home Phone:</th>
<th>Work Phone:</th>
<th>Date of Birth:</th>
<th>Applicant</th>
<th>Affiliate</th>
<th>Name:</th>
<th>Address:</th>
<th>Home Phone:</th>
<th>Work Phone:</th>
<th>Date of Birth:</th>
<th>Applicant</th>
<th>Affiliate</th>
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### 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 license(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 of Transferee(s)**

**Signature**

**Name & Title (Please Print)**

**JOE WHITE, PRESIDENT**

**Subscribed and sworn to before me this 11th day of November, 2005**

**Notary Public in and for the State of Alaska**

**My commission expires:**

**Transfer App 11/05**

**Signature**

**Name & Title (Please Print)**

**FRANCES FONTE, PRESIDENT**

**Subscribed and sworn to before me this 14th day of November, 2005**

**Notary Public in and for the State of Alaska**

**My commission expires:**

**3-7-09**

**Signature**
Notice of Violation

<table>
<thead>
<tr>
<th>Licensee</th>
<th>License Number</th>
<th>Type of License</th>
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<tbody>
<tr>
<td>U J Alaska Inc</td>
<td>3847</td>
<td>Restaurant Eating</td>
</tr>
<tr>
<td>D.B.A. Uncle Joe's Pizzeria</td>
<td>How Delivered [X] Certified Mail # 7008 2760 0002 [ ] In Person 7713 5520</td>
<td>Law Enforcement Agency ALASKA STATE TROOPERS</td>
</tr>
<tr>
<td>428 G St Ste D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street or P.O. Box</td>
<td>City, State</td>
<td>Zip</td>
</tr>
<tr>
<td>PO Box 112645</td>
<td>Anchorage, AK</td>
<td>99511</td>
</tr>
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This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

**Note:** This is not an accusation or a criminal complaint.

**VIOLATION:** On 6-19-07, at about 1457 hours, Uncle Joe's Pizzeria waiter Gary Devonn Lott furnished an alcoholic beverage to a person under the age of 21. The incident occurred during a compliance check. Lott was issued a summons for furnishing alcohol to a person under the age of 21. A mandatory court date of 7-18-07, 0830 hours, Anchorage District Court was assigned. Other violations observed were alcohol license not conspicuously displayed and warning sign for under 21 persons not posted at the entrance to the establishment.

Your attention is directed to **AS 04.16.051:** Furnishing or delivery of alcoholic beverage to person under the age of 21.

(a) A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 years.

(b) This section does not prohibit the furnishing or delivery of an alcoholic beverage

(1) by a parent to the parent’s child, by a guardian to the guardian’s ward, or by person to be the legal spouse of the person if the furnishing or delivery occurs of the licensed premises; or

(2) by a licensed physician or nurse to a patient in the course of administering medical treatment.

(c) Acts unlawful under AS11.51.130 are not made legal by (b) of this section.
(d) A person acting with criminal negligence who violates this section is guilty of a class C felony if, within five (5) years preceding the violation, the person has been previously convicted under this section.

Your attention is directed to **AS 04.21.065: Posting of warning signs.**

(a) ...... The license or permit holder shall display the first and second signs in a manner that would make them conspicuous to a person who will be purchasing or consuming alcoholic beverages or display the third sign at each door through which customers enter the licensed premises.

Your attention is directed to **13AAC104.185: Licensed premises.**

(b) The licensee shall conspicuously post the license within the licensed premises.

You are directed to respond to the Director of the Alcohol Beverage Control Board in writing to this notice of violation within 10 days to explain what action you have taken to prevent a reoccurrence of this violation.

A **Response is Required**

15 AAC 104.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

<table>
<thead>
<tr>
<th>Receipt:</th>
<th>Violation Observed By:</th>
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<tr>
<td></td>
<td>Investigator F.R. (Joe) Hamilton</td>
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<th>Title</th>
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<td>Corporal, Department of Public Safety</td>
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