From: stephani k
To: CED ABC Alcohol Licensing (CED sponsored)
Subject: Sizzler Burger &Peking Restaurant lic#2611
Date: Friday, August 2, 2024 12:49:16 PM

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Attention: Sonya Irwin

We are requesting for a surrender of our beer and wine license until we find a new location for our restaurant.

We have been at the same location and address in Kodiak, Alaska as a tenant serving the community for over 40 years with our restaurant sizzler burger Peking.

During over 40 years of being a tenant at the same location, we have gone through 4 building owners inheriting our business as a tenant with valid lease and making payment every month in timely manner.

New ownership of the building took place right after COVID and Pandemic. Having gone through the challenging times as a restaurant owner and working hard to get our business back on track, the new owners of the building informed us that they would like us out to break all walls and expand their business. (their hydraulic business is part of the building)

Even with our valid lease, they showed in actions what was expressed making it more costly, and challenging to operate our business.

The owner of the building parked all their cars in front or our door/business all day. The back door that was used for food deliver was blocked with their equipments. Coming in to tell our new hires when we were not present that he is the owner of the building and he is going to evict us. Scaring the new hires with no security in their job and leaving us. (which with in finding employees with the pandemic period and after has been a challenge to the level we had never experienced all these years). Shutting off our heater in the winter.

The final action that had us give up the home we have known for our business all these years is when they started to renovate parts of the building and while operating hours the part of ceiling fell from dry goods area by where our cook was. We cannot put safety of anyone in danger. With constant banging with a howling dog, cracks and holes created from renovation with potent smell of chemical/ paint throughout our restaurant space for us to not be able to operate as we have all these years.

We were informed by the borough that there was a violation and without permit, construction/ remodel was taking place. At the Meeting clarified all things.

We are currently looking for a new location for our restaurant. There are available spaces for offices but not a restaurant. We are hopeful and will continue our search and will contact you for your guidance for us to take the proper and necessary steps to get our license and restaurant back on track to serve our community.

Attached is a copy of the license.
Mailing in the actual license by mail.

Sincerely,

Sizzler Burger And Peking restaurant family
Mopper 7@hotmail.com
(407)733-6231
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From: stephani k
To: CED ABC Alcohol Licensing (CED sponsored)
Subject: Re: License Status Conversation
Date: Friday, August 2, 2024 12:10:48 PM

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Good morning sonya.

Thank you so much for remembering and taking the time and reassurance with your knowledge.

If there is anything I am missing and did not include in Email, please let me know.

Also attaching a copy of our license.

Will also mail in the license itself. Please advise the address to be mailed to.

Again, thank you so much Sonya for your guidance and knowledge.

Stephani Kim
(407)733-6231
Mopper7@hotmail.com

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From: CED ABC Alcohol Licensing (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Friday, August 2, 2024 1:15:20 PM
To: mopper7@hotmail.com <mopper7@hotmail.com>
Cc: CED ABC Alcohol Licensing (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: License Status Conversation

Good morning Stephanie,

I'm following up with an email based on our conversation from 7/31/24. Given the circumstances that you described involving your business, the two options that I spoke with you about are temporarily surrendering your license or transferring it to no premises. I mentioned that temporarily surrendering your license would be less expensive because if you were to transfer your license to no premises you would have to submit a second transfer to move it to whatever new location you identify for your business. That would mean that you would be submitting two transfers and would have the required fees as well as advertising costs associated with those transfers. Whereas if you were to temporarily surrender your

license, identify a location to move your business, and then submit a transfer, you would only need to submit one transfer and the required fees for that one transfer.

It is important to stress that you should decide what direction to go in as quickly as possible. If you are not currently operating the license you need to take action to stay compliant. A license that isn't being operated needs to be surrendered no later than 10 days after the cessation of business at the licensed premise. I included the references below.

Sec. 04.11.580. Surrender or destruction of license. (a) A license issued under this title shall, if the board so directs, be surrendered on demand to a peace officer, agent, or officer of the board.
(b) The licensee shall surrender a current license to the board **not later than** 10 days after the loss or vacation of the licensed premises.
(c) If the license is destroyed, the licensee shall notify the board.

3 AAC 305.605. Surrender of license. Not later than 10 days after the loss or surrender of the licensed premises, or if a licensee ceases to conduct business upon the licensed premises for a period expected to continue for one month or more, the licensee shall inform the board and surrender the license to the director. The license will be reissued upon request when the conduct of business is resumed or upon transfer of the license. (Eff. 1/1/2024, Register 248)

<u>If you decide to submit a transfer application the following are the necessary steps</u>:

To transfer a current license, the following items will need to be submitted. However, before you submit an application of any kind to the Alcohol and Marijuana Control office, you must publish and post your application as listed in Form AB-07 & Advertising Format. These items must be completed within the **60 days before submitting the application to AMCO**. Applications with publications or postings that are more than 60 days old on the day the application is submitted to AMCO will be returned without review. Please note the application process can take 3 to 6 months on average.

AB-01: Transfer License Application:

- Sections 4 and 5 are mutually exclusive; only include information in ONE of these sections.
- If you fill out section 5, please make sure that the CBPL (Corporations, Business and Professional Licensing) information matches what is listed on your application. https://www.commerce.alaska.gov/cbp/main/search/entities

AB-02: Premises Diagram:

- Please review the diagram requirements carefully, any diagram that does not meet all requirements will be returned for correction.

AB-03: Restaurant Endorsement (if applicable):

- Menu
- $200.00 Endorsement fee + $25.00 application fee

- DEC Kitchen Permit or DEC Plan Review Approval or DEC Kitchen Permit Application date stamped Received by DEC (A final permit will be required before finalization.) In the Municipality of Anchorage, corresponding Department of Health and Human Services (DHHS) documentation is required.
    - Please follow this link to the DEC Food Safety website: http://dec.alaska.gov/eh/fss/food/
    - Please follow this link to the Municipality Food Safety website: http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx

AB-07: Public Notice Posting Affidavit:

- An applicant must give notice of a liquor license application to the public by posting a true copy of the Form AB-00 (new licenses) or Form AB-01 (license transfers) for ten (10) days per AS 04.11.310 and 3 AAC 304.125.
- Posting should occur at the premises and another conspicuous location in the area.
- Common Carrier – Vessels should post in their home port (or main port of call in Alaska) at the Harbor Master's office and another conspicuous location.

AB-08a: Authorization of Records Release:

- For those individuals who are required to be listed in Sections 4 or 5 of the AB-01.
- Original fingerprint card on FBI approved cardstock for each individual who is required to be listed in Sections 4 or 5 of the AB-01.
- $48.25 Background Investigation fee for those individuals who are required to be listed in Sections 4 or 5 of the AB-01.

AB-09: Statement of Financial Interest:

- This form should be completed by the applicant.

AB-11: Creditor's Affidavit:

- This form should be completed by the transferor (current ownership), when a transfer of ownership occurs.

Publisher's Affidavit:

- Applicants must advertise once each week for three consecutive weeks by newspaper of general circulation in the area of the license; or if by radio, two times each week during triple A advertising time, for three consecutive weeks. *Per Alaska Regulation, notice by radio MAY NOT substitute for newspaper notice in the following areas: Municipality of Anchorage, City and Borough of Juneau, and Fairbanks North Star Borough.*
- This affidavit should be signed and notarized by an associate of the publisher or radio in which the advertisement was published; most publishers have their own affidavit format.
- Use the Advertising Format under New License Forms on our website to create your radio or newspaper advertisement.

Entity documents:

- Limited Liability Companies – Articles of Organization, Certificate of Organization and Operating agreement.
- Corporations – Certificate of Incorporation.

Proof of Right and Title to the premises:

- The Licensee, as listed on Page 1, Section 1 of the AB-01 form, must be the entity or individual that the lease or deed lists as the lessee or owner.
- All documents must be signed by the appropriate parties.
- Any sublease or assignment of lease must also provide the master lease/original lease.
- The "Premises Address" as listed on Page 1, Section 1 of the AB-01 form should be listed in the lease or deed. (If it is not listed, a legal linking document between what IS listed in the lease and the premises address will be required.)
- If the transfer is a transfer of ownership and NOT location, it is imperative that the transferor (current licensee) maintain right/title and interest in the premises until the transfer is effectuated. Most commonly, the submitted documents have either an effective date of "upon license transfer" or there is a lease-back agreement that is in effect until the transfer is effectuated.

Fees:

- $500.00 Transfer License Application fee

All forms, instructions and fees can be found here: https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx. Completed documents (with the exception of fingerprint cards or payments) may be scanned and emailed, and questions or concerns may be sent to alcohol.licensing@alaska.gov.

If you have any further questions my direct line is 907-269-8993 or you can email me at this email address.

Sonya Irwin
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, Ak 99501
(907)269-0350
Alcohol.licensing@alaska.gov