Kodiak Island Borough
Office of the Borough Mayor
710 Mill Bay Road
Kodiak, Alaska 99615
Phone: (907) 486-9310
Email: clerks@kodiakak.us

December 27, 2024

Alcoholic Beverage Control Board
C/O Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Re: Protest and Request for Revocation of Restaurant Eating Place License #2611

Dear Alcoholic Beverage Control Board Members,

The Kodiak Island Borough (KIB) Assembly formally protests the continued operation of Restaurant Eating Place License (REPL) #2611, held by Sizzler Burger/Peking Restaurant, and respectfully requests the revocation of this license for the second year of its biennial license period. This request is based on the findings of the Clerk's Office investigation, which are outlined below:

- Both the Building Official and the Assessing Director have objected to the continued use and operation of this license, as the business is no longer operating at the licensed address.
- On September 6, 2024, the KIB Assembly submitted a letter to the ABC Board requesting the revocation of this license. The reasons for this request are stated in the letter.
- On October 24, 2024, the City of Kodiak submitted a letter protesting the continued use and operation of this license. The reasons for their objection are outlined in the letter.

Given these findings, the KIB Assembly respectfully requests that the ABC Board revoke Restaurant Eating Place License #2611, held by Sizzler Burger/Peking Restaurant. The license is currently listed as "temporarily surrendered" due to the loss of its operational location. Kodiak has only four available REPL licenses, with the current licensee holding two, neither of which are active. These licenses have been inactive for several years, which has posed challenges to the economic development of Kodiak.

Other businesses in Kodiak are eager to obtain REPL licenses to support their operations. However, License #2611, one of the two held by the licensee, remains unused. The KIB is committed to fostering economic growth in our community, and we strongly advocate for the revocation of this license to allow other businesses the opportunity to utilize an active REPL license.

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DEC 30 2024
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

Thank you for considering our letter and we hope that this would serve as a formal record of our intent.

Sincerely,

Scott Arndt

Scott Arndt, Mayor

Kodiak Island Borough
Office of the Borough Mayor
710 Mill Bay Road
Kodiak, Alaska 99615
Phone: (907) 486-9310
Email: clerks@kodiakak.us

September 6, 2024

Alcoholic Beverage Control Board
C/O Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Re: Revocation of Sizzler Burger and Peking Restaurant REPL License #2611

Dear Alcoholic Beverage Control Board Members,

The Kodiak Island Borough Assembly asks the Alcoholic Beverage Control (ABC) Board to revoke the Restaurant and Eating Place License (REPL) #2611 held by Sizzler Burger and Peking Restaurant. During the Borough Assembly hearing regarding this license, the licensee said she planned to reopen her business, and also said that she was in the process of finding a new location. However, subsequent information has revealed that rather than pursuing the reopening of her business, she is now looking to sell her license.

License #2611 is currently designated as "temporarily surrendered" due to the loss of its operational location. In Kodiak, there are only four REPL licenses available, with the current licensee possessing two, neither of which are active. In fact, these licenses have been inactive for years, presenting somewhat of a challenge to the economic development of Kodiak. There are other Kodiak businesses eager to obtain REPL licenses to enhance their operations; however, license #2611, one of the two held by the licensee, remains unused. The Kodiak Island Borough is committed to fostering economic growth and, therefore, we strongly advocate for the revocation of license #2611 to allow other businesses the opportunity to utilize the REPL license.

Thank you for considering our letter and we hope that this would serve as a formal record of our intent.

Sincerely,

Scott Arndt

Scott Arndt, Mayor

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SEP 9 2024
ALCOHOL & MARIJUANA CONTROL OFFICE
STATE OF ALASKA

Office of the Mayor and City Council
710 Mill Bay Road, Room 110, Kodiak, Alaska 99615

October 24, 2024

Sent electronically and via certified mail:

Alcoholic Beverage Control Board
C/O Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

Re: Protest of Sizzler Burger & Peking Restaurant REPL License No. 2611

To: The Alcoholic Beverage Control Board,

The Kodiak City Council is lodging a protest with the Alcoholic Beverage Control Board for the continued use and operation of the Sizzler Burger & Peking Restaurant REPL License No. 2611. The City Council had limited documentation and lacked familiarity with Alcohol and Marijuana Control Office processes within the initial 60-day protest period set by AMCO. The City Council held a public hearing on October 10, 2024, following the postponement of the action from the July 25 and August 8, 2024, regular meetings. Stephanie Kim spoke during the meeting on August 8, 2024, to inform the Council of the challenges to re-open Sizzler Burger & Peking Restaurant.

Upon further review of the renewal application submitted by Sizzler Burger & Peking Restaurant dated December 26, 2023, the restaurant's application for renewal as stated in their forms AB-17 and AB-33 includes data for food and alcohol revenue generated in 2022 and 2023. The restaurant had originally filed $0 on City sales tax returns for 2023. It is our understanding the City can protest the second year of continued operations pursuant to AS 04.11.480. Please accept this protest due to inconsistencies filed in their application while remitting taxes and inability to provide restaurant and eating place services while holding this license. The City of Kodiak further protests this license on the grounds that the Building Official indicated the physical location of 116 W Rezanof Dr. is a vacant building and that it was renovated without the permits required by Kodiak City Code, and the Fire Marshall indicated the building is not compliant with fire inspection requirements.

A public hearing was held on this protest on October 24, 2024, during the City Council regular meeting at 6:30 p.m. in the Kodiak Public Library. Ms. Kim was notified of the meeting and her opportunity to participate.

REPL No. 2611 is currently designated as "active-temporarily surrendered" as a result of the loss of its operational location. It is well known that the restaurant has not operated for several years, including the years referenced in the application; therefore, we request enforcement investigate the validity of this application.

Kodiak has four REPL licenses available. There are businesses currently operating in Kodiak that have expressed interest in applying for one of the licenses held by the licensee. The City of Kodiak fully supports

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economic growth and development; therefore, the Kodiak City Council supports a protest of continued renewal of the REPL No. 2611 that is inactive and issued until December 31, 2025. We request that this matter be reviewed at the next Alcoholic Beverage Control Board meeting in November.

Sincerely,

Bob Stanford

Bob Stanford, Deputy Mayor
City of Kodiak

Cc: Ms. Sook C. Yun

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