



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: November 29, 2021

FROM: Kristina Serezhenkov, OLE

RE: #3807 Odd Man Rush Brewing

**Statutory &  
Regulation  
Authority:**

AS 04.11.480(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

AS 04.11.510(b)(1): "if an application is denied, the notice of denial shall be furnished the applicant immediately in writing stating the reason for the denial in clear and concise language; the notice of denial must inform the applicant that the applicant is entitled to an informal conference with either the director or the board, and that, if not satisfied by the informal conference, the applicant is then entitled to a formal hearing conducted by the office of administrative hearings (AS 44.64.010); if the applicant requests a formal hearing, the office of administrative hearings shall adhere to AS 44.62.330 — 44.62.630 (Administrative Procedure Act); all interested persons may be heard at the hearing and unless waived by the applicant and the board, the formal hearing shall be held in the area for which the application is requested"

3 AAC 304.145(h) "The board may uphold a protest of an application or continued operation with a single abeyance period not to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation is approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that it has removed the protest, the application or continued operation is denied. The period of abeyance may not be extended or renewed."

**Background:** At the November 2, 2021 ABC Board meeting, the Board approved the new license application with delegation. On November 24, 2021, the Municipality of Anchorage protested the new application pending special land use permit approved by the Assembly.

**Staff Recommendation:** Consider the Municipality of Anchorage protest and determine if the protest is arbitrary, capricious and unreasonable. If it is not, rescind the previous approval and deny the application with a 180-day abeyance period.

**Attachment:**

Municipality of Anchorage Protest

AB-00

AB-02



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

## Office of the Municipal Clerk Licensing

November 24, 2021

Ms. Carrie Craig  
Alaska Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Ste. 1600  
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Craig:

The Anchorage Municipal Assembly at its regular meeting on **November 23, 2021** took the following final actions:

### **WAIVE OF PROTEST**

#### **Transfer Liquor License**

- **Beverage Dispensary**  
Mak Investors LL#3607 – AM 755-2021

### **PROTEST**

#### **Transfer Liquor License**

- **Beverage Dispensary**  
Odd Man Rush Brewing LL#3807 – AR 2021-379  
Pending special land use permit has been approved by the Assembly.  
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the November 23, 2021 Assembly Meeting.

### **New Liquor License**

- **Beverage Dispensary-Tourism**  
Aviator LL#5994 – AR 2021-380  
Pending conditional use permit has been approved by the Assembly and certification from the Anchorage Fire Department has been received.  
-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the November 23, 2021 Assembly Meeting.

If you require additional information or if I can be of any assistance, please call me.

Cordially,

Kiana Belser  
Business License Specialist

CC: Business Owners – Via Email

**AMCO Received 11/24/2021**



Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**What is this form?**

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

**This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.**

**Section 1 – Transferor Information**

Enter information for the **current** licensee and licensed establishment.

Licensee:	King Diamond Inc		License #:	3807	
License Type:	Beverage Dispensary		Statutory Reference:	AS 04.11.090	
Doing Business As:	LA Mex - Diamond				
Premises Address:	8330 KING street				
City:	Anchorage	State:	alaska	ZIP:	99518
Local Governing Body:	Anchorage M.O.A.				

**Transfer Type:**

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY			
Complete Date:	9-27-2021	Transaction #:	100095986
Board Meeting Date:	11-2-2021	License Years:	20-21
Issue Date:		BRE:	KRS



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 - Transferee Information

Enter information for the new applicant and/or location seeking to be licensed.

Licensee:	ODD MAN RUSH BREWING, LLC				
Doing Business As:	ODD MAN RUSH BREWING				
Premises Address:	10930 MAUSEL ST A-1				
City:	EAGLE RIVER	State:	AK	ZIP:	99577
Community Council:	EAGLE RIVER				

Mailing Address:	SAME AS ABOVE -				
City:		State:		ZIP:	

Designated Licensee:	BRIAN SWANSON				
Contact Phone:	907-727-1197	Business Phone:			
Contact Email:	ODDMANRUSHBREWING@GMAIL.COM				

Seasonal License?  Yes  No If "Yes", write your six-month operating period: \_\_\_\_\_

Section 3 - Premises Information

Premises to be licensed is:

an existing facility  a new building  a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

400 FT

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

1,000 FT



Alaska Alcoholic Beverage Control Board

# Form AB-01: Transfer License Application

## Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

## Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	BRIAN SWANSON				
Title(s):	MEMBER	Phone:	727-1197	% Owned:	33.3
Address:	131 W. HARVARD AVE				
City:	ANCHORAGE	State:	AK	ZIP:	99501



Alaska Alcoholic Beverage Control Board  
**Form AB-01: Transfer License Application**

Entity Official:	REID McDONALD			
Title(s):	MEMBER	Phone:	301-8088	% Owned: 33.3
Address:	23801 UPPER TERRACE			
City:	EAGLE RIVER	State:	AK	ZIP: 99577

Entity Official:	ROSS JOHNSON			
Title(s):	MEMBER	Phone:	227-8839	% Owned: 33.3
Address:	9845 GREENHOUSE ST			
City:	EAGLE RIVER	State:	AK	ZIP: 99577

Entity Official:				
Title(s):		Phone:		% Owned:
Address:				
City:		State:		ZIP:

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10015000	AK Formed Date:	8/29/13	Home State:	AK
Registered Agent:	ANDREW MITTON	Agent's Phone:	907-602-8360		
Agent's Mailing Address:	405 W. 36 <sup>th</sup> AVE SUITE 200				
City:	ANCHORAGE	State:	AK	ZIP:	99503

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alaska Alcoholic Beverage Control Board  
**Form AB-01: Transfer License Application**

**Section 6 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses:

Yes  No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

CURRENTLY HAVE BREWERY LICENSE  
# 5382

**Section 7 – Authorization**

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

AMCO  
AUG 27 2021





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 8 – Transferor Certifications**

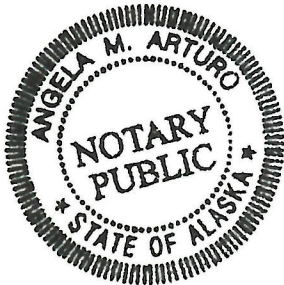
Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

*Dana Johnson*  
Signature of transferor

Trina Johnson  
Printed name of transferor

Subscribed and sworn to before me this 20<sup>th</sup> day of July, 2021.



*Angela M. Arturo*  
Signature of Notary Public

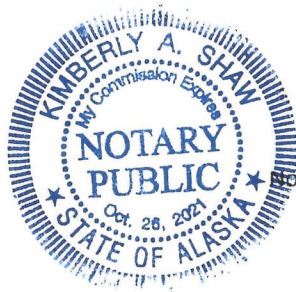
Notary Public in and for the State of Alaska

My commission expires: 02/06/2024

*Brian Swauson*  
Signature of transferor

BRIAN SWAUSON  
Printed name of transferor

Subscribed and sworn to before me this 27 day of July, 2021.



*Kimberly A. Shaw*  
Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 10-26-2021



# Alaska Alcoholic Beverage Control Board Form AB-01: Transfer License Application

## Section 9 – Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

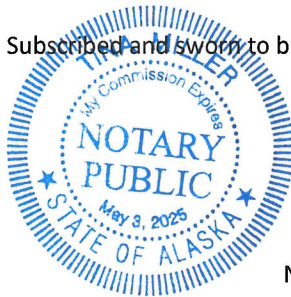


As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

  
\_\_\_\_\_  
Signature of transferee

BRIAN SWANSON  
\_\_\_\_\_  
Printed name

Subscribed and sworn to before me this 24 day of August, 2021.



  
\_\_\_\_\_  
Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 5/3/2025



# Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

## What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form. Yes  No

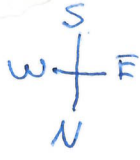
PREMISES ON FILE - SAME AS EXISTING

## Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	000 MAN RUSH BREWING, LLC	License Number:	3807
License Type:	BEVERAGE DISPENSARY		
Doing Business As:	000 MAN RUSH BREWING		
Premises Address:	10930 MANUEL ST A-1		
City:	EAGLE RIVER	State:	AK
		ZIP:	99577

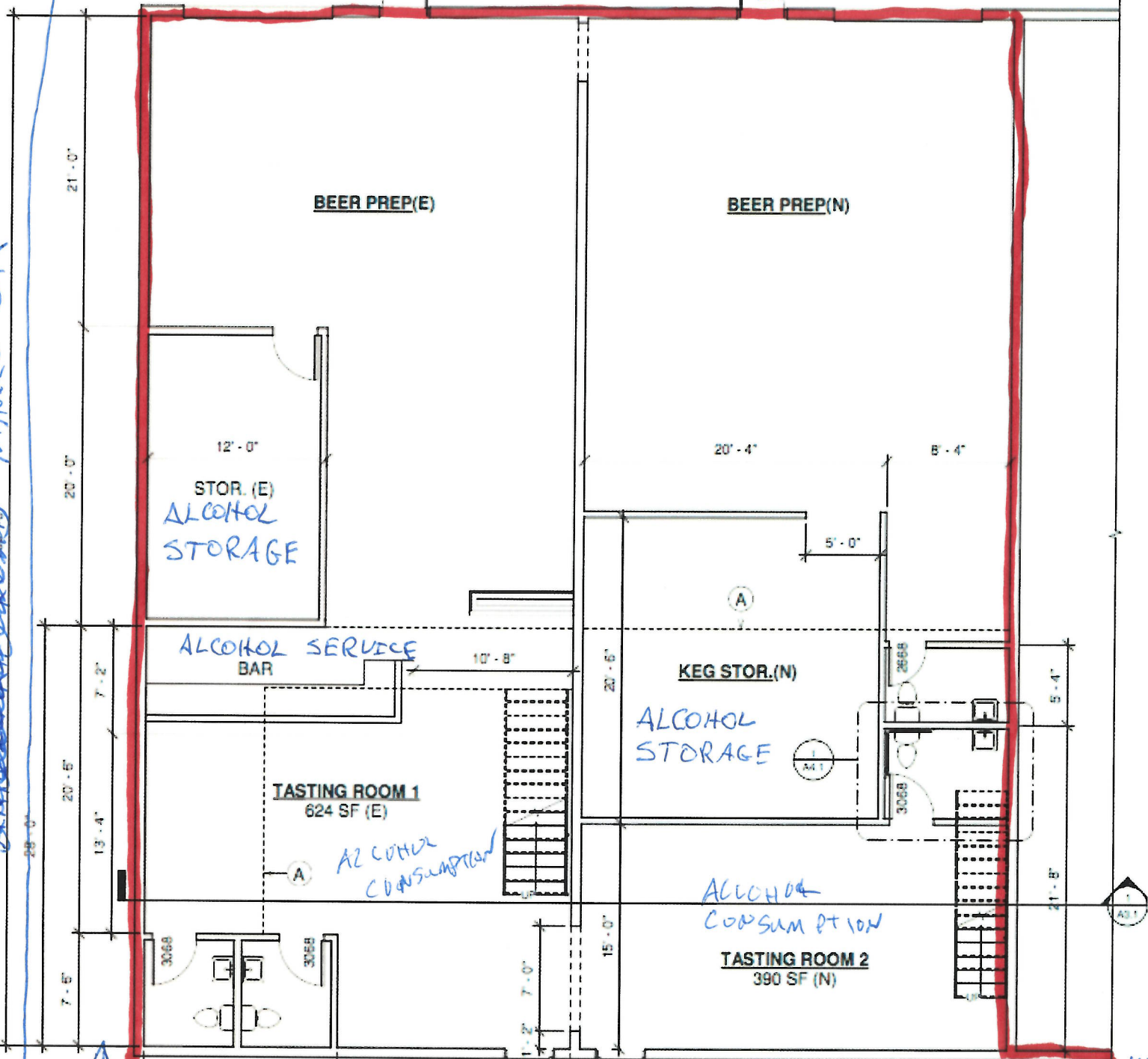
AMCO  
SEP 24 2021  
AMCO  
AUG 20 2021



Exit

EXIT

MAUSEC ST.



21'-0"

20'-0"

20'-0"

20'-6"

13'-4"

7'-6"

25'

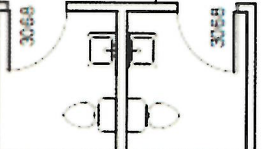
12'-0"

STOR. (E)  
ALCOHOL  
STORAGE

ALCOHOL SERVICE  
BAR

TASTING ROOM 1  
624 SF (E)

ALCOHOL  
CONSUMPTION



13'-0"

15'-8"

EXIT

EXIT

(E) (N)

BEER PREP (E)

BEER PREP (N)

20'-4"

8'-4"

5'-0"

(A)

KEK STOR. (N)

ALCOHOL  
STORAGE

(A1)

2668

3068

5'-4"

11'-6"

ALCOHOL  
CONSUMPTION

TASTING ROOM 2  
390 SF (N)

NOTE: EXISTING EXTERIOR DOOR = 3070 (TYP.)

① MAIN LEVEL  
3/16" = 1'-0"

ALCOHOL CONSUMPTION

AMCO

NEW OUTSIDE SEATING

SEP 24 2021

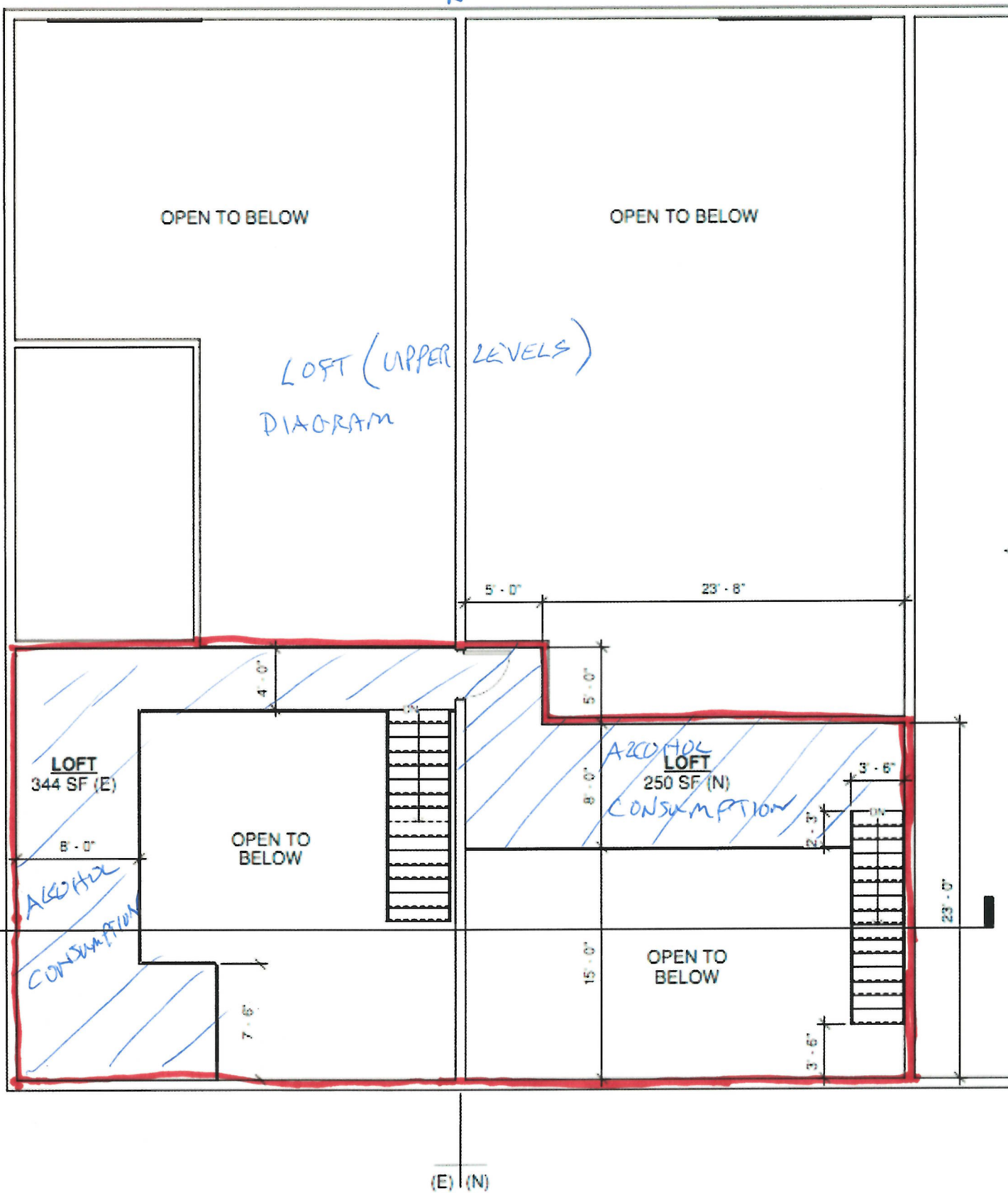
EXIT

105'

4"X4" POST FENCE

W S E  
N

MANSEL ST.



② UPPER LEVEL  
3/16" = 1'-0"

AMCO

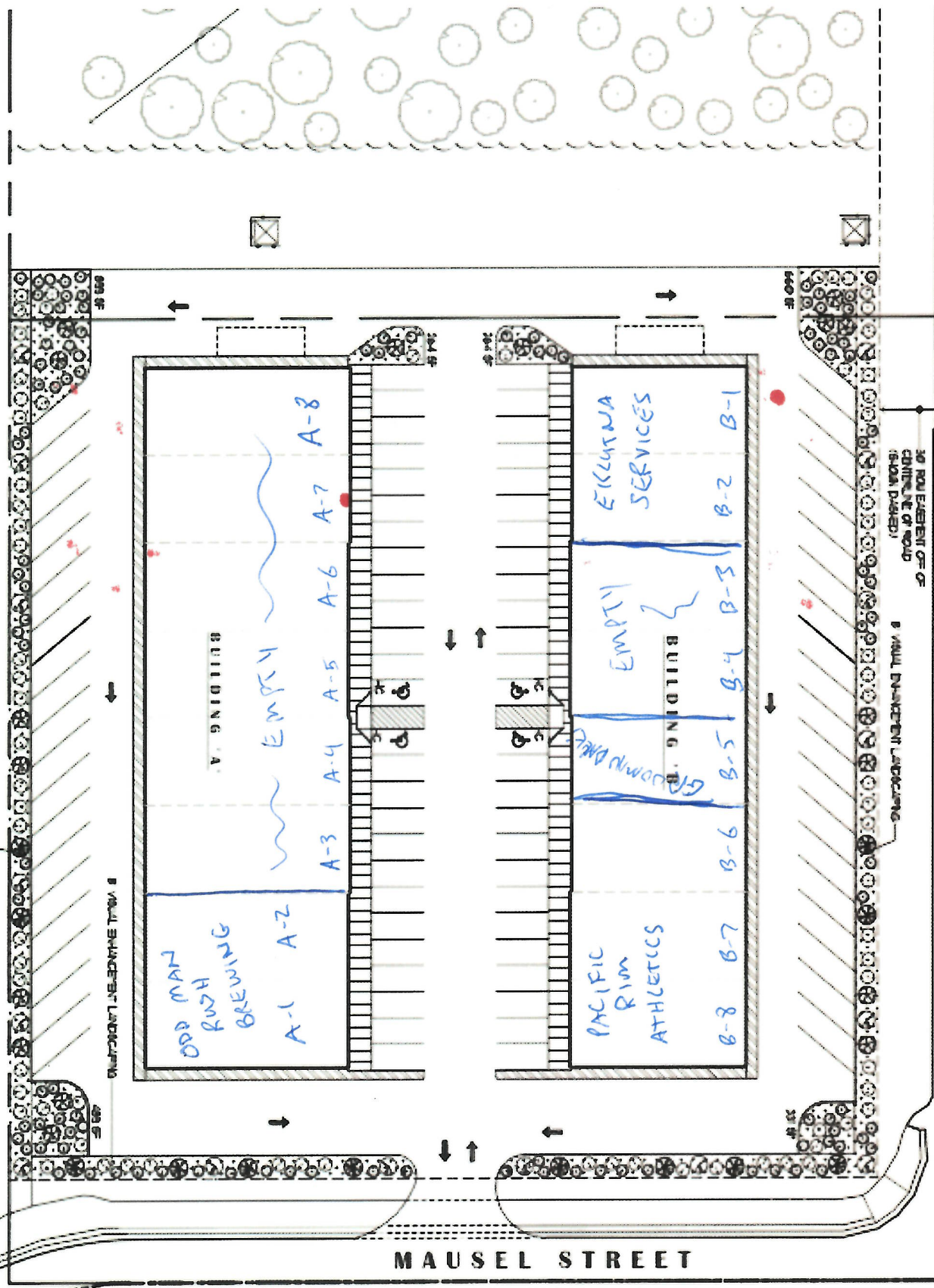
SEP 24 2021

ARTILLERY ROAD

30' NON EXISTENT OF CENTERLINE OF ROAD (SOIL BARRIERS)

8' WALL ENCASEMENT LATERALS

MAUSEL STREET



BUILDING A

BUILDING B

OPP MAN  
RUSH BREWING  
A-1 A-2  
A-3 A-4 A-5 A-6 A-7 A-8  
EMPTY

PACIFIC RIM ATHLETICS  
GRANDPARK  
EMPTY  
EKLUTNA SERVICES  
B-1 B-2 B-3 B-4 B-5 B-6 B-7 B-8

AMCO

SEP 24 2021

Odd Man Rush Brewing  
Outdoor/Indoor Serving Security Plan

1. All minors must be accompanied by adults (age over 21) while in the restricted area when any alcohol is being served.
2. All new patrons are carded upon ordering alcohol.
3. All staff is trained in the identification of fake IDs.
4. Cinder Block and 4x4 wood fencing is around the outdoor servicing area.
5. Underaged persons will be monitored closely by our professionally trained alcohol servers.
6. Proper egress from the outdoor service area will always remain unobstructed.
7. ABC mandated posters as required by Law are posted inside Odd Man Rush Brewing and at the entrances of the outdoor seating area.
8. All entrances and exits will provide clear notice that NO ALCOHOL IS ALLOWED BEYOND THE OUTDOOR SEATING AREA.
9. Keeping outdoor seating area viable without any increased risk to minors exposed to alcohol WILL continue to be a part of our training for our staff.
10. All safety related operations for our current liquor service will additionally be enforced in the new service area.
11. Proper signage at points of entry indicating no minors without a parent or legal guardian will be posted.
12. All servers will closely monitor that only the guests that have been carded will have alcoholic beverages.
13. Our top priority continues in providing safety for all guests regarding the service of alcoholic beverages.
14. Servers will be present in the outdoor area to monitor consumption.