



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: February 8, 2022

FROM: Kristina Serezhenkov, OLE

RE: #6019 The Cubby

**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:** This new license application was deemed complete on 2/28/2022 and scheduled for consideration at the 4/12/2022 ABC Board meeting. On March 23, 2022, the Municipality of Anchorage protested the new application due to ‘pending approval of conditional use permit as required by AMC 21.50.160 and certification from the Anchorage Health Department’.

**Staff Recommendation:** Consider the new license application and the Municipality of Anchorage protest and determine if the protest is arbitrary, capricious and unreasonable. If it is not, hold a public hearing and deny the application with 180-day abeyance.

**Attachment:**

Municipality of Anchorage Protest

AB-00

AB-02

AB-03



# Municipality of Anchorage

P.O. Box 196650 Anchorage, Alaska 99519-6650 Telephone: (907) 343-4316 Fax: (907) 249-7533 [www.muni.org/clerklicensing](http://www.muni.org/clerklicensing)

## Office of the Municipal Clerk Licensing

March 23, 2022

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 special meeting on **March 22, 2022** took the following final actions:

### **PROTEST**

#### **New Liquor License**

- **Beverage Dispensary-Tourism**

Aloft Anchorage Midtown LL#6015 – AR 2022-81

Pending certifications from Land Use Enforcement, Anchorage Health Department and Anchorage Fire Department.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the March 22, 2022 Assembly Meeting.

#### **New Liquor License**

- **Beverage Dispensary-Duplicate**

The Cubby LL#6019 – AR 2022-83

Pending approval of conditional use permit as required by AMC 21.50.160 and certification from the Anchorage Health Department.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the March 22, 2022 Assembly Meeting.

#### **Renewal Liquor License**

- **Restaurant/Eating Place**

Pho Lena Downtown LL#5635 – AR 2022-86

Pending payment of taxes owed to the Municipality in the amount of \$220.15 and certification from the Anchorage Fire Department and Land Use Enforcement.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the March 22, 2022 Assembly Meeting.

#### **Renewal Liquor License**

- **Beverage Dispensary-Tourism**

Alaska Lounge LL#5707 – AR 2022-87

Pending certification from the Anchorage Fire Department.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the March 22, 2022 Assembly Meeting.

**Renewal Liquor License**

- **Club**

Anchorage Curling Club LL#3187 – AR 2022-88

Pending certifications from the Anchorage Fire Department and Building Safety Official.

-Per 3 AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the March 22, 2022 Assembly Meeting.

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

Cordially,

**Kiana Belser**

Digitally signed by Kiana Belser  
Date: 2022.03.23 10:50:41  
-08'00'

Kiana Belser  
Business License Assistant

CC: Business Owners – Via Email



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

**Alaska Alcoholic Beverage Control Board**  
**Form AB-00: New License Application**

**What is this form?**

This new license application form is required for all individuals or entities seeking to apply for a new 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 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 – Establishment and Contact Information**

Enter information for the business seeking to be licensed.

Licensee:	Hickel Investment Company		
License Type:	Beverage Dispensary - Duplicate	Statutory Reference:	AS 04.11.090
Doing Business As:	The Cubby		
Premises Address:	939 W 5th Ave		
City:	Anchorage	State:	AK ZIP: 99501
Local Governing Body:	Municipality of Anchorage		
Community Council:	Downtown		

Mailing Address:	939 W 5th Ave		
City:	Anchorage	State:	AK ZIP: 99501

Designated Licensee:	Donald J. Towslee		
Contact Phone:	907 343 2232	Business Phone:	907 343 2232
Contact Email:	jtowslee@captaincook.com		

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

OFFICE USE ONLY			
Complete Date:	2-8-22	License Years:	License #: 6019
Board Meeting Date:	4-12-22	Transaction #:	100313222
Issue Date:		BRE:	KRS

AMCO  
 NOV 23 2021



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

**Section 2 - 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.

Inlet View Elementary 0.7 miles

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.

350 ft 5th and I Entrance      500 ft 5th Ave Entrance

**Section 3 - Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 4. 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:	



Alaska Alcoholic Beverage Control Board

## Form AB-00: New License Application

### Section 4 – 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 5.

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:	Donald J Towslee				
Title(s):	President, Treasurer	Phone:	9073432400	% Owned:	0
Address:	939 W 5th Ave				
City:	Anchorage	State:	AK	ZIP:	99501

Entity Official:	Joseph Hickel				
Title(s):	Secretary, Director, Shareholder	Phone:	9073432400	% Owned:	13.23
Address:	939 W 5th Ave				
City:	Anchorage	State:	AK	ZIP:	99501

Entity Official:	Jack Hickel				
Title(s):	Director, Shareholder	Phone:	9073432400	% Owned:	18.67
Address:	939 W 5th Ave				
City:	Anchorage	State:	AK	ZIP:	99501

Entity Official:	William K Hickel				
Title(s):	Director, Shareholder	Phone:	9073432400	% Owned:	21.85
Address:	939 W 5th Ave				
City:	Anchorage	State:	AK	ZIP:	99501



Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

**Section 4 – 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 5.

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:	Walter J Hlckel, Jr			
Title(s):	Director, Shareholder	Phone:	907 343 2400	% Owned: 17.99
Address:	939 West 5th Ave			
City:	Anchorage	State:	AK	ZIP: 99501

Entity Official:	Robert Hlckel			
Title(s):	Shareholder	Phone:	907 343 2400	% Owned: 13.79
Address:	939 W 5th Ave			
City:	Anchorage	State:	AK	ZIP: 99501

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

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





Alaska Alcoholic Beverage Control Board

**Form AB-00: New License Application**

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 #:	5652D	AK Formed Date:	9-10-1962	Home State:	Alaska
Registered Agent:	Donald J. Towslee		Agent's Phone:	907 802 2998	
Agent's Mailing Address:	939 W 5 <sup>th</sup> Ave				
City:	Anchorage	State:	AK	ZIP:	99501

Residency of Agent: Yes No

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

**Section 5 – Other Licenses**

Ownership and financial interest in other alcoholic beverage businesses: Yes No

Does any representative or owner named 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):

Walter Hickel, Jr., Jack Hickel, Joseph Hickel, William K Hickel, Robert Hickel  
 type of business is hotel for following licenses: License # 742 Beverage Dispensary - Tourism. Whales Tail #1224 Beverage Dispensary, Fletcher's #2290 Beverage Dispensary - Duplicate, Quarterdeck #932 Beverage Dispensary - Duplicate, Crow's Nest #290 Beverage Dispensary - Duplicate

**Section 6 – 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:



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board  
**Form AB-00: New License Application**

**Section 7 – 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.

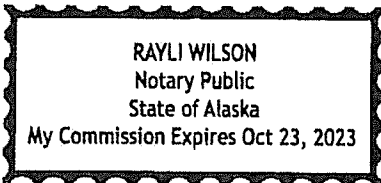
*Donald J. Towlslee*  
 Signature of licensee

DONALD J. TOWLSLEE  
 Printed name of licensee

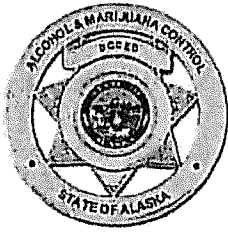
*Rayli Wilson*  
 Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 10-23-23



Subscribed and sworn to before me this 5<sup>th</sup> day of October, 2021.



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

## 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.**

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



### Section 1 – Establishment Information

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

Licensee:	Hickel Investment Company	License Number:			
License Type:	Beverage Dispensary - Duplicate				
Doing Business As:	The Cubby				
Premises Address:	939 W 5th Ave				
City:	Anchorage	State:	/AK	ZIP:	99501

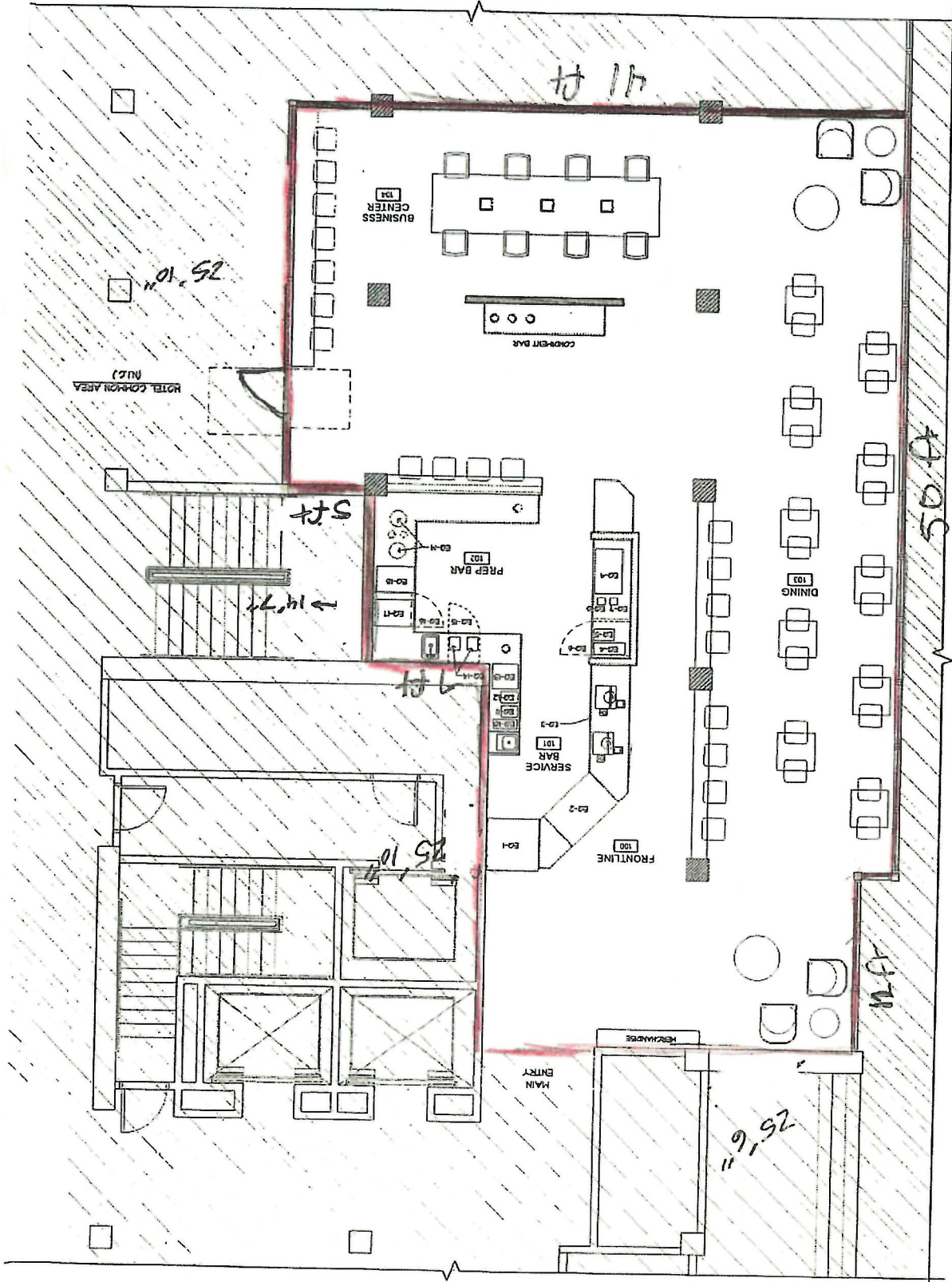
AMCO

NOV 23 2021

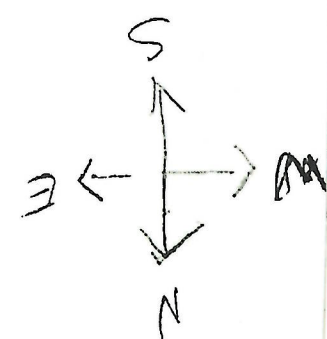
NOV 2 3 2021

AMCO

THE CUBBY COFFEE BAR  
HOTEL CAPTAIN COOK  
939 W 5TH AVE  
ANCHORAGE, ALASKA 99501

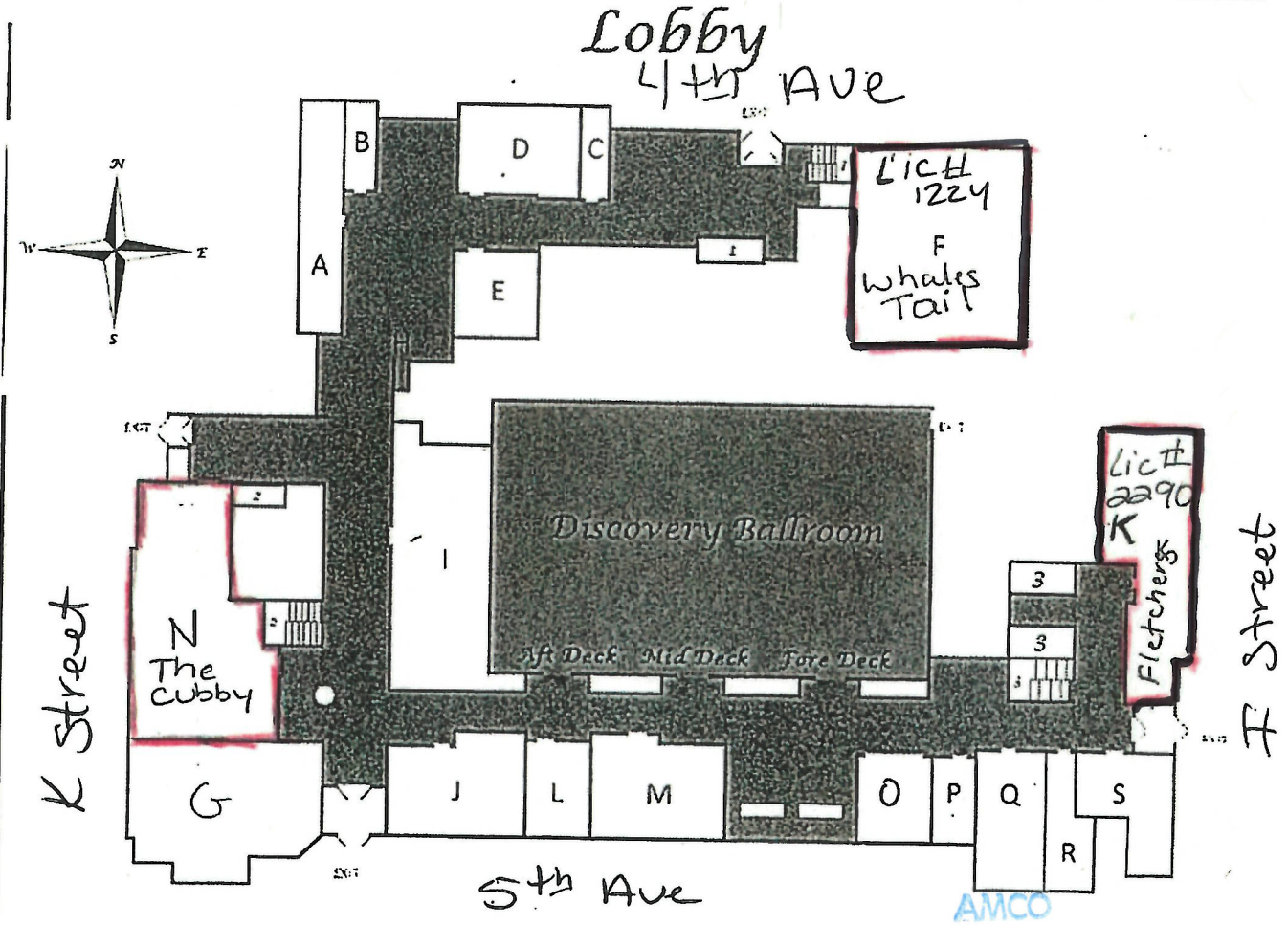


K Street

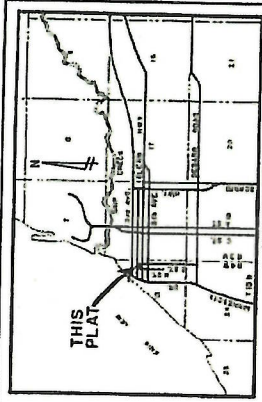




- A. Front Desk
- B. Business Center
- C. Shoeshine
- D. Stephan's Fine Arts
- E. Stephan's Fine Arts
- F. The Whale's Tail Restaurant #1224
- G. Vacant
- H. Bell Desk and Concierge
- I. The Pantry Restaurant
- J. Boreal Traditions
- K. Fletcher's Restaurant #2290
- L. Aurora Chocolates
- M. Owen and Drew Sundries
- N. The Cubby
- O. Coat Check
- P. Vacant
- Q. Rositia's
- R. Captain Cook Hair Salon
- S. Elaine Baker and Associates



AMCO  
NOV 23 2021



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 (WE) HEREBY CERTIFY THAT (WE) HOLD THE HEREBY DESCRIBED PROPERTY INTEREST IN THE PROPERTY SHOWN AND DESCRIBED HEREON AND ALL SLOPES OF 1.5 FEET HORIZONTAL TO 1 VERTICAL AND SHALL SLOPES OF 1.5 FEET HORIZONTAL TO 1 VERTICAL MAINTAINING THE LATERAL SUPPORT OF THE CONSTRUCTED STREET AND ADJACENT THEREON. THE RIGHTS, THEIR HEIRS, SUCCESSORS AND ASSIGNS, TO THE CHANGING OF THE CHARACTER OF THE PROPERTY AND MAINTAINING OTHER ADEQUATE LATERAL SUPPORT AS APPROVED BY THE MUNICIPALITY.

(WE) HEREBY AGREE TO THIS PLAT AND TO ANY RESTRICTIONS OR EMBARRASSING HEREON AND ENFORCEABLE AGAINST PRESENT AND FUTURE OWNERS OF THIS COMBINED PROPERTY.

*W. J. ...*  
 WITNESSED BY ME, THE NOTARY PUBLIC, ON THIS DAY OF ... 1987.

**NOTARY'S ACKNOWLEDGEMENT**  
 I, *W. J. ...*, Notary Public for the State of Alaska, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on this day of ... 1987.

**PLAT APPROVAL**  
 PLAT APPROVED BY THE MUNICIPAL PLATTING AUTHORITY THIS 25 DAY OF OCTOBER 1987.

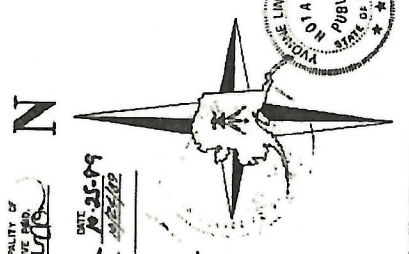
*James D. ...*  
 AUTHORIZED OFFICIAL

**SURVEYOR'S CERTIFICATE**  
 I, CRAIG L. SAVAGE, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF ANCHORAGE ORIGINAL TOWNSITE LOTS 1A, 2D & 6A, BLOCK 38, ORIGINAL TOWNSITE IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS ACTUALLY SURVEYED AND THAT ALL DISTANCES AND BEARINGS ARE CORRECTLY AND ACCURATELY SHOWN AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS AND OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED, AS SHOWN HEREON.

DATE: 17 NOV 1987  
 SIGNATURE OF LAND SURVEYOR: *Craig L. Savage*

**PLAT OF ANCHORAGE ORIGINAL TOWNSITE LOTS 1A, 2D & 6A, BLOCK 38**  
 ANCHORAGE ORIGINAL TOWNSITE LOTS 1 and 6 BLOCK 38 (OLD PLAT 1917) & LOT 2C BLOCK 38 (1977-78)  
 WITH VACATION RESOLUTION 87-23  
 NE 1/4 SEC. 16 T. 4 N. R. 4 W. S. 4  
 ANCHORAGE RECORDS DISTRICT, AK  
 CONTAINING LEGAL ACRES.

**LOUNSBURY AND ASSOCIATES**  
 ANCHORAGE  
 ENGINEERS - PLANNERS - SURVEYORS  
 ALASKA  
 DATE: AUGUST 1987 SCALE: 1" = 100'  
 DRAWN: L. TILLET SHEET: 1 OF 1  
 CHECKED: W.D.C. | F.D. BK 87-021 GRID: 1229 S 8677



**BENEFICIARIES**  
 FOUND PRIMARY MONUMENT  
 FOUND 1/2" ALCAP ON 3/8" REBAR  
 0.4' BELOW PAVEMENT  
 FOUND 1/2" ALCAP ON 5/8" REBAR  
 0.1' BELOW GRADE  
 (35000) RECORD DATA PER PLAT 77-279  
 UNLESS OTHERWISE NOTED  
 35000 MEASURED DATA THIS SURVEY

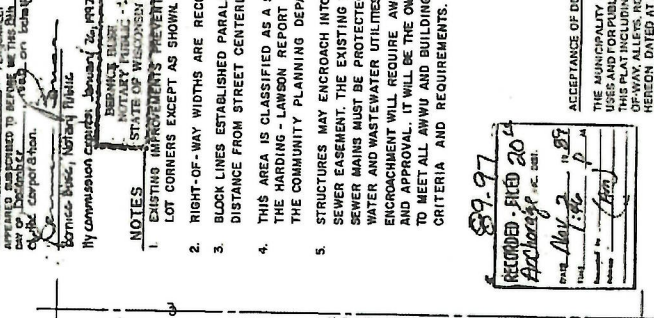
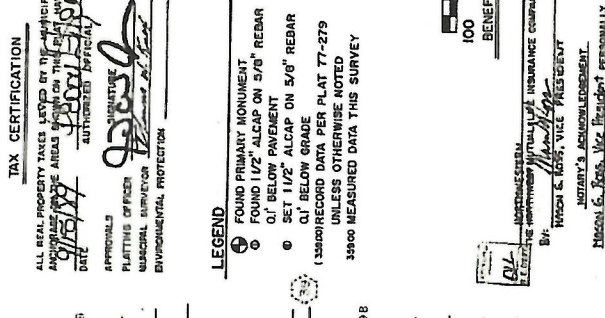
**NOTARY'S ACKNOWLEDGEMENT**  
 I, *W. J. ...*, Notary Public for the State of Alaska, do hereby certify that the foregoing instrument was duly executed and acknowledged before me on this day of ... 1987.

**NOTES**  
 1. EXISTING IMPROVEMENTS PREVENT MONUMENTATION OF LOT CORNERS EXCEPT AS SHOWN.  
 2. RIGHT-OF-WAY WIDTHS ARE RECORD AND MEASURED.  
 3. BLOCK LINES ESTABLISHED PARALLEL TO AND AT RECORD DISTANCE FROM STREET CENTERLINES.  
 4. THIS AREA IS CLASSIFIED AS A SEISMIC ZONE 5 IN THE HARDING - LAWSON REPORT 1979 ON FILE WITH THE COMMUNITY PLANNING DEPARTMENT.  
 5. STRUCTURES MAY ENCRoACH INTO THE WATER AND SEWER EASEMENT. THE EXISTING WATER AND SANITARY WATER AND WASTEWATER UTILITIES (AWWU) SATISFACTION ENCRoACHMENT WILL REQUIRE AWWU PLAN REVIEW AND APPROVAL. IT WILL BE THE OWNERS RESPONSIBILITY TO MEET ALL AWWU AND BUILDING DEPARTMENT CRITERIA AND REQUIREMENTS.

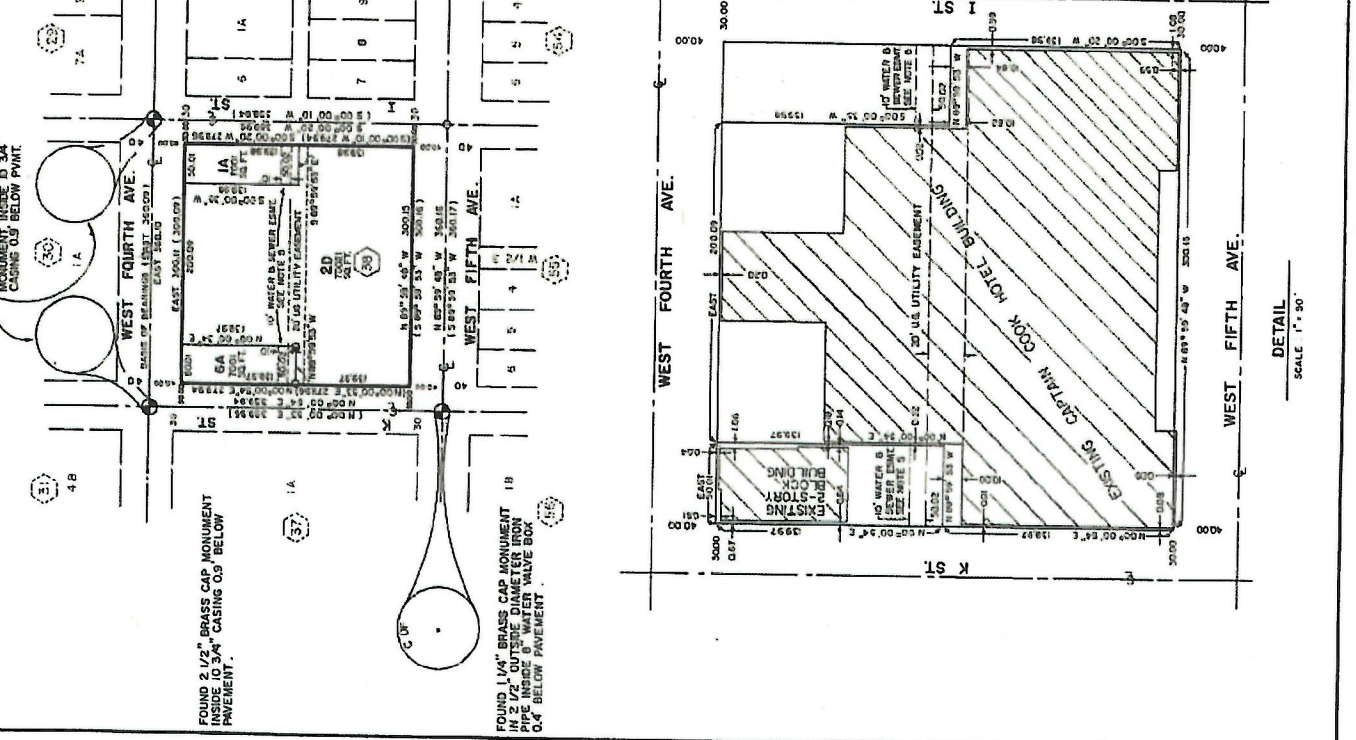
**ACCEPTANCE OF DEDICATION BY THE MUNICIPALITY OF ANCHORAGE**  
 THE MUNICIPALITY OF ANCHORAGE HEREBY ACCEPTS FOR PUBLIC USE THE PROPERTY DESCRIBED IN THIS PLAT INCLUDING, BUT NOT LIMITED TO, THE RIGHTS OF-WAY ALLEYS, ROADWAYS, ENCROACHMENTS, AND PARTS SHOWN HEREON DATED AT ANCHORAGE, ALASKA, THIS 25th DAY OF OCTOBER 1987.

ATTEST:  
*James D. ...*  
 MAYOR

**TAX CERTIFICATION**  
 ALL REAL PROPERTY TAXES DUE BY THE MUNICIPALITY OF ANCHORAGE FOR THE AREAS SHOWN ON THIS PLAT HAVE BEEN PAID.  
 APPROVED: *James D. ...*  
 AUTHORIZED OFFICIAL  
 DATE: 17 NOV 1987



**RECORDED - FILED 2014**  
*Archangel*  
 FILED: 17 NOV 1987  
 BY: *James D. ...*



**DETAIL**  
 SCALE 1" = 50'

AMCO  
 NOV 23 2021



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**What is this form?**

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

**Section 1 – Establishment Information**

Enter information for licensed establishment.

Licensee:	Hickel Investment Company				
License Type:	Beverage Dispensary - Dupilcate	License Number:			
Doing Business As:	The Cubby				
Premises Address:	939 W 5th Ave				
City:	Anchorage	State:	AK	ZIP:	99501
Contact Name:	Donald J Towslee	Contact Phone:	907 343 2232		

**Section 2 – Type of Designation Requested**

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:



Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-03: Restaurant Designation Permit Application

### Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minor patrons will only be allowed to sit in the dining area and not at bar adjacent to the service area  
 Minor employees will have a access to the dining area as well a behind the counter.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Alcohol will only be served to adults 21 and older with a valid ID.  
 Alcohol will be kept behind the service counter and locked up after business hours. There will be an employee 21 or older with a current TAPS card supervising. Employees under the age of 21 will not be permitted to sell, serve, deliver or dispense any alcoholic beverage.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes  No

### Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services 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>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

\*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.





Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-03: Restaurant Designation Permit Application

### Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

6AM - 10pm Sun - Sat

### Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes  No

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

table service     buffet service     counter service     other

If "other", describe the manner of food and beverage service offered or anticipated:



Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

**Section 7 – Certifications and Approvals**

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

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted.  
*(AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)*

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

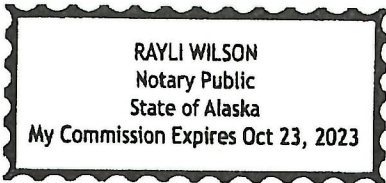
*Donald J. Towslee*  
 Signature of licensee

DONALD J. TOWSLEE  
 Printed name of licensee

*Rayli Wilson*  
 Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 10-23-23



Subscribed and sworn to before me this 23<sup>rd</sup> day of November, 2021.

Local Government Review (to be completed by an appropriate local government official):

Approved Denied

Signature of local government official

Date

Printed name of local government official

Title



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

**Form AB-03: Restaurant Designation Permit Application**

AMCO Enforcement Review: \_\_\_\_\_ Enforcement Recommendation: Approve Deny

\_\_\_\_\_  
Signature of AMCO Enforcement Supervisor

\_\_\_\_\_  
Printed name of AMCO Enforcement Supervisor

\_\_\_\_\_  
Date

**Enforcement Recommendations:**

AMCO Director Review: \_\_\_\_\_ Approved Denied

\_\_\_\_\_  
Signature of AMCO Director

\_\_\_\_\_  
Printed name of AMCO Director

\_\_\_\_\_  
Date

**Limitations:**

AMCO  
NOV 23 2021

THIS PERMIT MUST BE CONSPICUOUSLY POSTED IN A PUBLIC PLACE IN THE ESTABLISHMENT

Municipality of Anchorage  
**DEPARTMENT OF HEALTH & HUMAN SERVICES PERMIT**

PERMIT NO.  
**FA0000413**

FACILITY NAME: **CAPTAIN COOK - MAIN KITCHEN**  
OWNER'S NAME: **HICKEL INVESTMENT CO**  
TYPE OF FACILITY: **RESTAURANT (51+ SEATING)**  
LOCATION: **939 W 5TH AVE**

ISSUED BY THE DEPARTMENT OF HEALTH & HUMAN SERVICES AND SUBJECT TO THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES TITLES 15 AND 16. UNLESS THE OWNERSHIP CHANGES, THIS PERMIT IS VALID FROM **1/1/2021 TO 12/31/2021**

**CAPTAIN COOK - MAIN KITCHEN**  
**939 W 5TH AVE**  
**ANCHORAGE, AK 99501**

7C-031 Ver 9 02'

**THIS CERTIFICATE AND PERMIT IS NOT TRANSFERABLE  
AND IS THE PROPERTY OF THE MUNICIPALITY OF ANCHORAGE**

NOV 23 2021

AMCO

THIS PERMIT MUST BE CONSPICUOUSLY POSTED IN A PUBLIC PLACE IN THE ESTABLISHMENT  
Municipality of Anchorage

**DEPARTMENT OF HEALTH & HUMAN SERVICES PERMIT**

PERMIT NO.  
**FA0010632**

FACILITY NAME: **CAPTAIN COOK - THE CUBBY**  
OWNER'S NAME: **HICKEL INVESTMENT CO**  
TYPE OF FACILITY:  
LOCATION: **939 W 5TH AVE**

ISSUED BY THE DEPARTMENT OF HEALTH & HUMAN SERVICES AND SUBJECT TO THE ANCHORAGE MUNICIPAL CODE OF ORDINANCES TITLES 15 AND 16. UNLESS THE OWNERSHIP CHANGES, THIS PERMIT IS VALID FROM **1/1/2021 TO 12/31/2021**

**CAPTAIN COOK - THE CUBBY**  
**939 W 5TH AVE**  
**ANCHORAGE, AK 99501**

70-031 Ver 3\_02

**THIS CERTIFICATE AND PERMIT IS NOT TRANSFERABLE  
AND IS THE PROPERTY OF THE MUNICIPALITY OF ANCHORAGE**

NOV 2 5 2021

AMCC

# Cubby Food Menu

## Breakfast

### North Slope Breakfast Burrito

Cheese Flavored Tortilla, Eggs, Reindeer Sausage, Cheddar Cheese, Bell Peppers, Onion

### Egg Ham & Cheese Breakfast Burrito

Cheese Flavored Tortilla, Eggs, Cheddar Cheese, Ham

### Veggie Breakfast Burrito

Cheese Flavored Tortilla, Eggs, Spinach, Mushrooms, Cheddar Cheese, Bell Peppers, Onion

### Bacon Egg & Cheese Croissant Sandwich

Croissant, Eggs, Bacon, Cheddar Cheese

## Sandwiches

### Turkey Croissant Club

Croissant, Turkey, Bacon, Tomato, Romain Lettuce

### Italian Grinder Wrap

Tomato Basil Tortilla, Ham, Salami, Bell Peppers, Onion, Tomato, Spinach, Mozzarella, Provolone, Pepperoncini Pepper, Pesto Mayo

### Chicken Caesar Wrap

Tomato Basil Wrap, Chicken Breast, Romain Lettuce, Parmesan Cheese, Tomato

### Veggie Wrap

Tomato Basil Tortilla, Spring Mix, Zucchini, Yellow Squash, Bell Peppers, Mushrooms, Onion, Pesto Mayo

## Salad

### Chicken Caesar Salad

Romaine Lettuce, Chicken Breast, Grape Tomatoes, Parmesan Cheese, Croutons, Caesar Dressing

### Cobb Salad

Romaine Lettuce, Egg, Grape Tomatoes, Bacon, Blue Cheese, Blue Cheese Dressing

### Garden Salad

Spring Mix, Cucumbers, Grape Tomatoes, Carrots, Ranch Dressing

## Soup

Five Star Chili  
Soup of the Day

## Grab & Go

### Fruit Medley

Cantaloupe, Honeydew, Pineapple, Strawberries, Blueberries

### Protein Pack

Salami, Cheese, Hardboiled Egg, Crackers Grapes

## Desserts & Pastries

New York Cheesecake

Banana Bread

Chocolate Brownie

Angel Bar

Cookies

Soft Serve Ice Cream

AMCC

NOV 23 2021