



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: January 09, 2023

FROM: Kristina Serezhenkov, OLE

RE: #6102 dba Prospectors Provisions

**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 Package Store license application was deemed complete November 8, 2022 and approved with delegation by the ABC Board at the December 12, 2022 meeting. On December 21, 2022 the Municipality of Anchorage protested the new application pending approval by the Assembly of a special land use permit.

**Staff Recommendation:** Consider the Municipality of Anchorage protest and determine if the protest is arbitrary, capricious and unreasonable.

**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 [www.muni.org/clerklicensing](http://www.muni.org/clerklicensing)

## Office of the Municipal Clerk Licensing

December 21, 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 regular meeting on **December 20, 2022**, took the following actions:

### **WAIVE OF PROTEST**

#### **New Liquor License** – AM 732-2022

##### **Restaurant/Eating Place License:**

Basecamp Eatery, LL#6101

#### **Renewal Liquor License** – AM 733-2022

##### **Beverage Dispensary**

The Blue Fox, LL#140;  
Gwennie's Old Alaska Restaurant, LL#1478;  
Whisky & Ramen, LL#2159;  
Garcia's Cantina, LL#2275;  
William A. Egan Civic & Convention Center, LL#3234;  
No DBA, LL#4353;  
907 Alehouse & Grill, LL#4580;  
Bear Tooth Theatrepub, LL#4694;

##### **Beverage Dispensary-Tourism**

Staybridge Suites – Anchorage, LL#5678;

##### **Restaurant/Eating Place**

Sorrento's, LL#1064;  
Yamaya Restaurant, LL#3728;  
Comfort Suites of Anchorage, LL#4863;  
Jimmy Eastern Restaurant, LL#5257;  
Jimmy Sushi Restaurant, LL#5370;  
Siam Cuisine AK LLC, LL#5751;  
Spoonline, LL#5758;

##### **Package Store**

Captain Sparrow LL#688;  
Peters Creek Liquor, LL#855;  
Costco Wholesale #10, LL#2020;  
Costco Wholesale #63, LL#3149;

AMCO Received 12/21/22

**Club**

American Legion Post #28, LL#59;

**Brewpub**

Broken Tooth Brewing, LL#3972;

**Brewery**

Brewerks, LLC, LL#5943

**PROTEST**

**New Liquor License**

- **Beverage Dispensary-Tourism**

Navigator Lounge, LL#6100 – AR 2022-394

Pending a special land use permit 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 December 20, 2022 Assembly Meeting.

- **Package Store**

Prospectors Provisions, LL#6102 – AR 2022-393

Pending a special land use permit 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 December 20, 2022 Assembly Meeting.

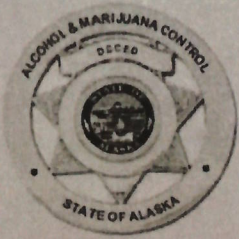
If you require additional information or if I can be of any assistance, please contact me.

Cordially,

Mandy Honest  
Business License Official

CC: Francis McLaughlin, Current Planning  
Above listed licensees.





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**

**Why is this form needed?**

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 Anchorage 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:	Northern Hospitality Group II, Inc		
License Type:	Package Store License	Statutory Reference:	AS.04.11.150
Doing Business As:	Prospectors Provisions		
Premises Address:	2415 C Street		
City:	Anchorage	State:	AK
		ZIP:	99503
Local Governing Body:	MOA		
Community Council:	Midtown Community Council		

Mailing Address:	645 W 3rd Ave		
City:	Anchorage	State:	AK
		ZIP:	99501

Designated Licensee:	Jason Motyka		
Contact Phone:	907-229-5151	Business Phone:	907-229-5151
Contact Email:	jmotyka@nhgalaska.com		

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

OFFICE USE ONLY			
Complete Date:	11-8-22	License Years:	License #: 6102
Board Meeting Date:	12-12-22	Transaction #:	100476320
Issue Date:		Examiner:	KLS

AMCO Received 10/21/2022





Alaska Alcoholic Beverage Control Board

# Form AB-00: New 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

## 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.

.3 Mile Steller School

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.

.3 Mile Great Land Christian Church

## 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

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

### 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*.

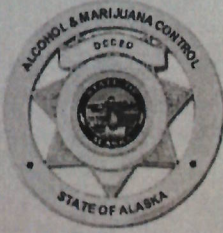
Entity Official:	Denali Hospitality Group, inc			
Title(s):	Member/Manager	Phone:	907-599-0052	% Owned: 70
Address:	645 W 3rd Ave			
City:	Anchorage	State:	AK	ZIP: 99501

Entity Official:	Prospectors investment Group			
Title(s):	Member	Phone:	907-229-5151	% Owned: 30
Address:	645 W 3rd Ave			
City:	Anchorage	State:	AK	99501

Entity Official:	David McCarthy			
Title(s):	Affiliate	Phone:	907-599-0052	% Owned: 0
Address:	1317 Inlet Place			
City:	Anchorage	State:	AK	ZIP: 99501

Entity Official:	Jason Motyka			
Title(s):	Affiliate	Phone:	907-229-5151	% Owned: 0
Address:	2211 Sunrise Drive			
City:	Anchorage	State:	AK	ZIP: 99508





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

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 #:	10188056	AK Formed Date:	02/21/2022	Home State:	AK
Registered Agent:	Jason Motyka		Agent's Phone:	907-229-5151	
Agent's Mailing Address:	645 W 3rd 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):

See  
Addendum-4946,671,3370,4938,5297,4058,4059,5554,5555,5556,5557,5558,5744,5745,5648

### 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:

Daniel J McCarthy, Legal Counsel





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

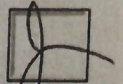
## Alaska Alcoholic Beverage Control Board Form AB-00: New License Application

### Section 7 – Certifications

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

Initials

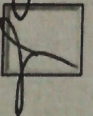
I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



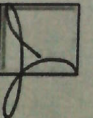
I certify that all proposed licensees have been listed with the Division of Corporations.



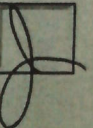
I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



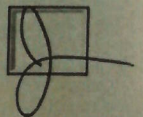
I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to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

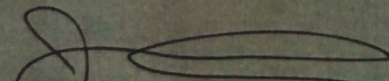


I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

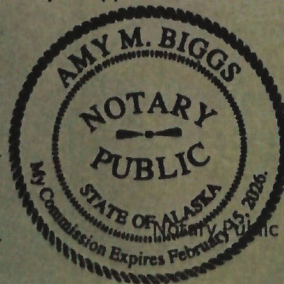


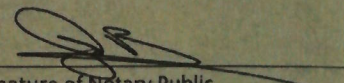
I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.



  
Signature of licensee

Jason Motyka  
Printed name of licensee



  
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 2/15/26

Subscribed and sworn to before me this 27 day of May, 2022



Licenses – J. Motyka/David McCarthy

5744	49 <sup>th</sup> State Brewing	Brewery
5745	49 <sup>th</sup> State Brewing	Winery
4946	49 <sup>th</sup> State Brewing Co.	Brewpub
3370	Beverage Dispensary – Tourism – Seasonal	McKinley Denali Salmon Bake
671	Beverage Dispensary	49 <sup>th</sup> State Brewing Company
4938	Restaurant/Eating Place – Seasonal	Prospectors Historic Pizzeria & Ale House
5297	Beverage Dispensary -Seasonal	The Overlook
4058	Beverage Dispensary	49 <sup>th</sup> State Brewing Company – Floor 1 Main Bar
4059	Brewpub	49 <sup>th</sup> State Brewing Company
5554	Beverage Dispensary – Duplicate	49 <sup>th</sup> State Brewery – Floor 2 Service Bar
5555	Beverage Dispensary – Duplicate	49 <sup>th</sup> State Brewery – Basement East Bar
5556	Beverage Dispensary – Duplicate	49 <sup>th</sup> State Brewery – Basement West Bar
5557	Beverage Dispensary – Duplicate	49 <sup>th</sup> State Brewery – Roof Top Deck Bar
5558	Beverage Dispensary – Duplicate	49 <sup>th</sup> State Brewery – Floor 1 Theater Bar
5648	Package Store	49 <sup>th</sup> State Spirits and Gifts
6034	Restaurant/Eating Place	49 <sup>th</sup> State Brewing @ the Rail
6035	Package Store	49 <sup>th</sup> State Spirits and Gifts @ the Rail
2097	Beverage Dispensary	*Transfer License from Yellowstone
	Investments	





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

### Why is this form needed?

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 may not be 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 Anchorage 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:	Northern Hospitality Group II, Inc	License Number:	
License Type:	Package Store		
Doing Business As:	Prospectors Provisions		
Premises Address:	2415 C St.		
City:	Anchorage	State:	AK
		ZIP:	99503



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

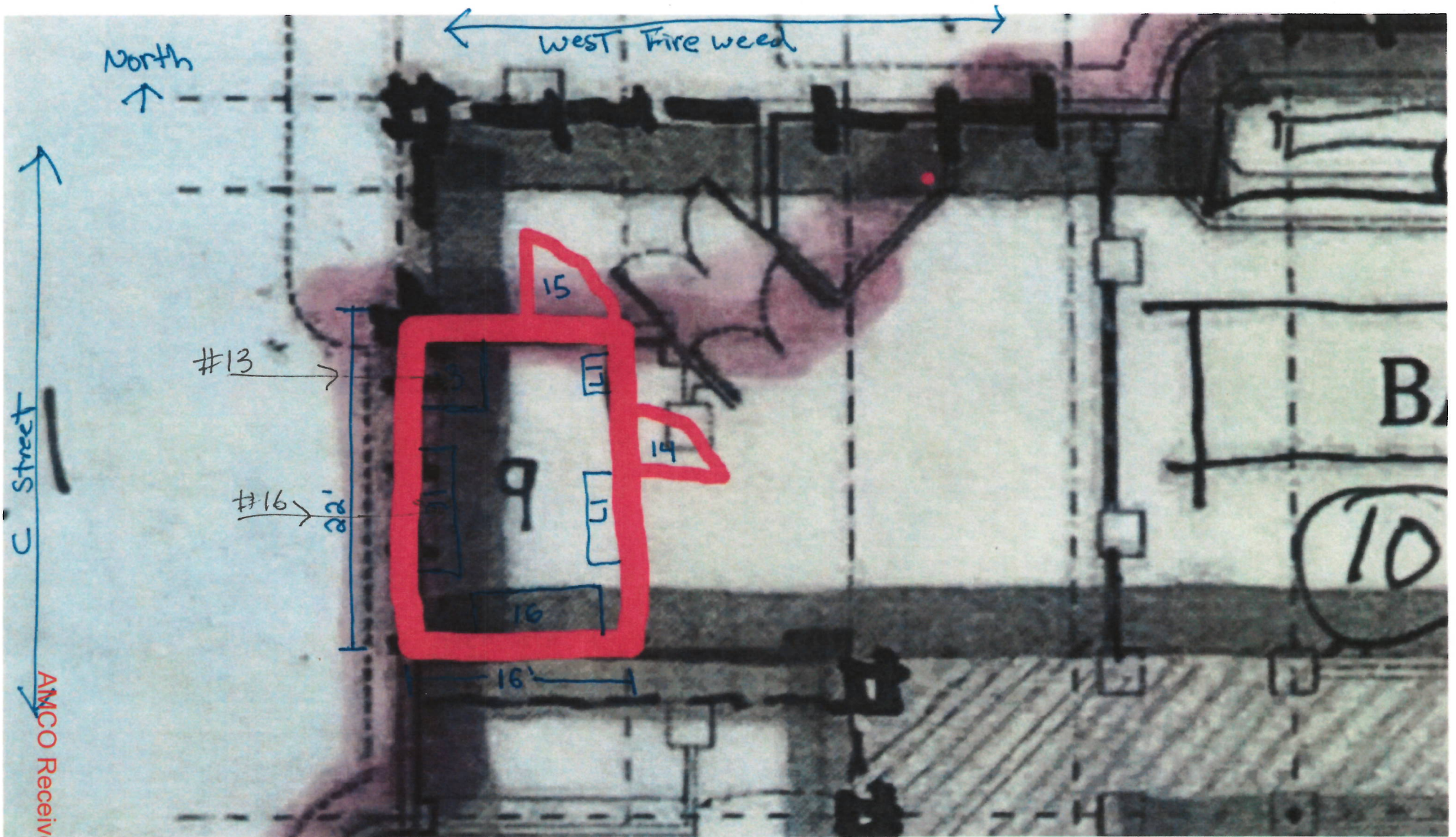
Alaska Alcoholic Beverage Control Board

## Form AB-02: Premises Diagram

### Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.





AMCO Received 1/1/2025

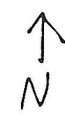
License # 6102 Detail

- ① - Package Store / Gift shop
- ② - Service Area (check out) "sold"
- ③ - Indoor Package Store Entrance
- ④ - Outdoor Package Store Entrance

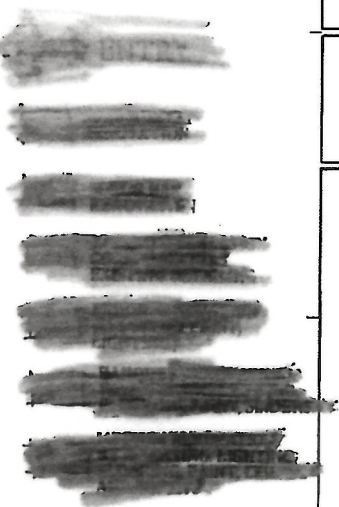
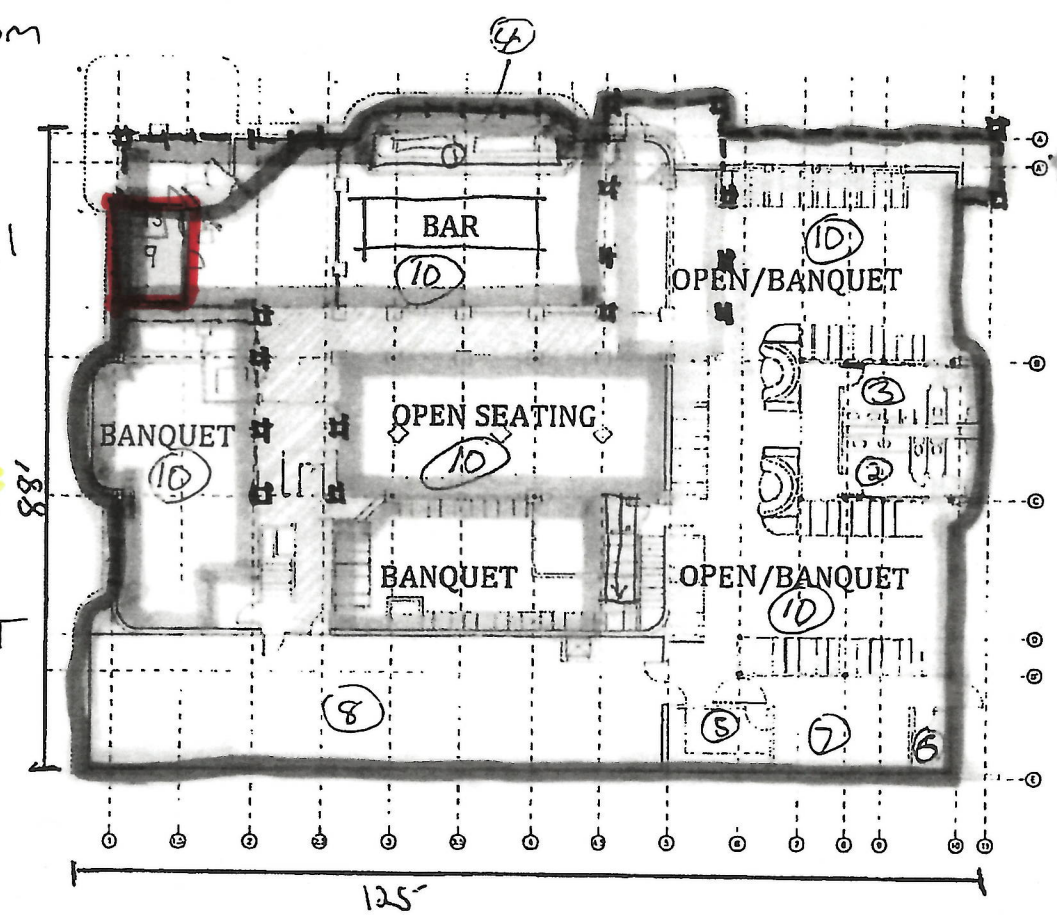
- ⑤ Beer Coolers (three Door hooking Coolers)  
"Stored" "
- ⑥ Merchandise Wall mount Gift Racks



← West Fireweed Lane →



- ① Service Area Alcohol
- ② Ladies Room
- ③ Mens Room
- ④ Back Bar
- ⑤ office
- ⑥ Mechanical
- ⑦ Cooler
- ⑧ Kitchen
- ⑨ Gift Shop (Package Store)
- ⑩ Seating  
→ See Page 3  
for Basement  
level



OPTION 2

Architects  
P.A. Architects

ARCHITECTS  
1100 S. SHAWANEE BLVD. #100  
DENVER, CO 80202  
303.733.1100  
www.paaarchitects.com

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Revisions		
No.	Description	Date

Drawn by EJC	Date 10/20/22
Checked by EJC	Job No. 100000000

Sheet Contents  
FLOOR PLAN AND OPTION 2

Category A	Sheet No. 1
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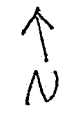
FLOOR PLAN  
1/8" = 1'-0" (1/8" = 1'-0" SCALE)







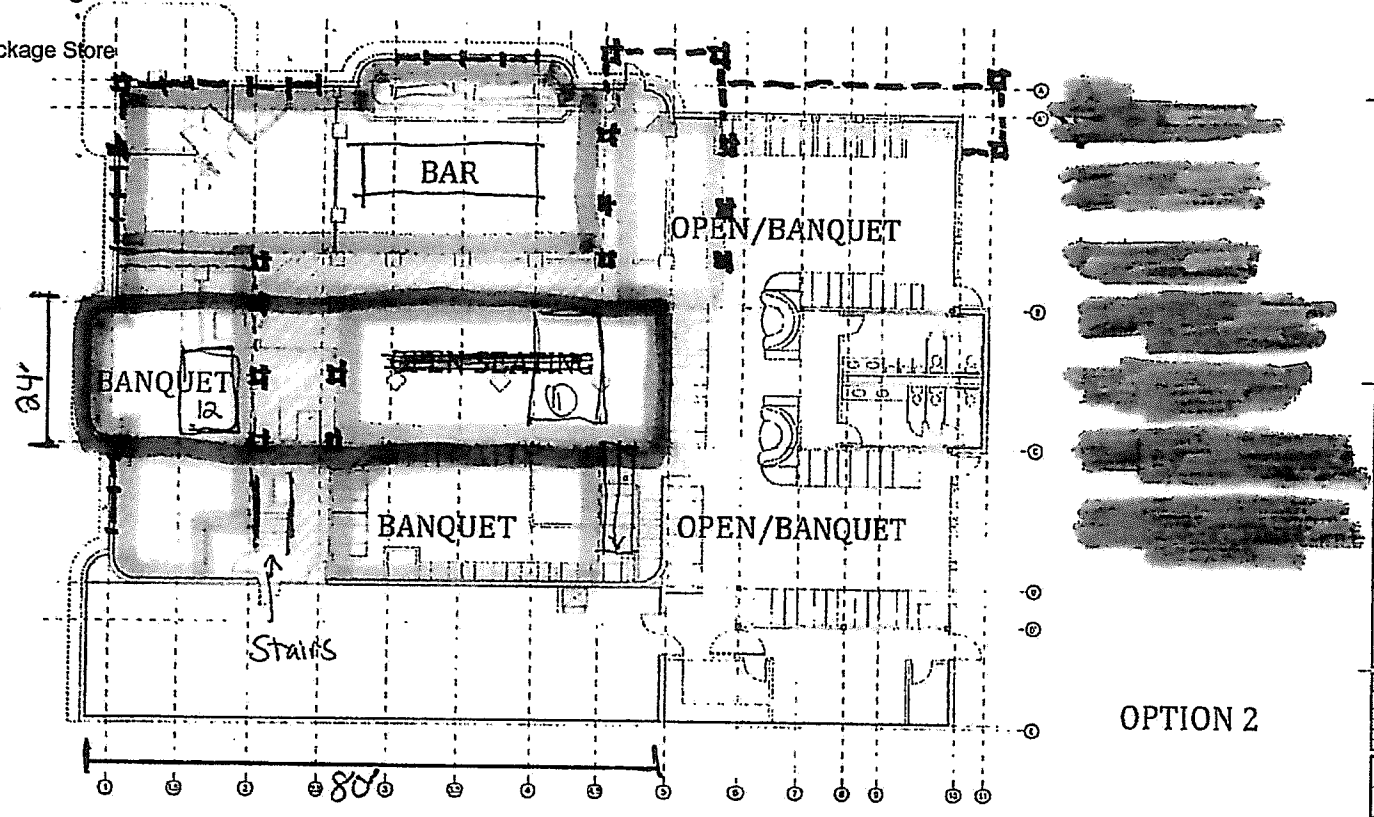
West Fireweed



- ① Keg Cooler
- ② liquor storage

13 Service Area for Package Store

Basement level



OPTION 2

FLOOR PLAN  
1/4" = 1'-0" (1/8" = 6'-0" REDUCED)



**Architects**  
**Alaska**

ARCHITECTS  
1500 W. BRIDGE ROAD  
ANCHORAGE, ALASKA 99501  
907.562.1234  
WWW.AAARCHITECTS.COM

Revisions		
No.	Description	Date

Drawn by JCC	Date 10/20/21
Checked by JCC	25th Flr. 10/20/21

Sheet Details  
REGULATORY NOTES

Discipline A	Sheet No. 1
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AMCO Received 10/21/2022  
AMCO Received 11/2/2022