

AUG • 5 2020

Clerk of the Trial Courts
By _____ Deputy

Linda J. Johnson
Ruth Bottstein
Assistant Municipal Attorney
Email: courtdocs@muni.org

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

MUNICIPALITY OF ANCHORAGE,)
)
 Plaintiff,)
)
 vs.)
)
 KRINER’S DINER, LLC, ANDREW)
 KRINER, AND NORANN KRINER)
)
 Defendants.)

Case No. 3AN-20-07394 CI

COMPLAINT

Plaintiff Municipality of Anchorage (MOA) files this Complaint against Defendants and alleges as follows.

PARTIES

1. Plaintiff Municipality of Anchorage (“MOA”) is a home rule municipal corporation, organized and existing under the laws of the State of Alaska, with a principal mailing address of Post Office Box 196650, Anchorage, Alaska, 99519-6650, and as such can sue and be sued under the statutes of the State of Alaska.

2. The continued operation at Kriner’s Diner, LLC, located at 2409 C Street, Anchorage, Alaska, in violation of municipal law, is the subject of this complaint. At all

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P.O. Box 196650
Anchorage, Alaska
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times material to the allegations in this complaint, defendant Kriner's Diner, LLC (Kriner's Diner) was a restaurant operated in Anchorage, Alaska, in the Third Judicial District.

3. At all times material to the allegations in this complaint, Defendants Andrew Kriner and Norann Kriner, who upon information and belief operate Kriner's Diner, are residents within the Third Judicial District. Defendants own Kriner's Diner, LLC and had notice of the orders to close in-person dining inside their restaurant, but have knowingly and willfully refused to comply with lawful orders to cease indoor operation.

JURISDICTION AND VENUE

4. The Court has subject matter jurisdiction in this action pursuant to AS 22.15.030(a).

5. The Court has personal jurisdiction over the parties to this action pursuant to AS 09.05.015(a).

6. Venue is proper pursuant to Alaska R. Civ. P. 3(c).

FACTUAL ALLEGATIONS

7. Anchorage is currently in the midst of a global pandemic. COVID-19 is a highly contagious virus. The United States of America, the State of Alaska, and the Municipality of Anchorage all have declared states of emergency due to the COVID-19 pandemic. On July 28, 2020, the Anchorage Assembly extended Anchorage Mayor Ethan Berkowitz's Proclamation of Emergency until October 16, 2020. The Proclamation was issued pursuant to Anchorage Municipal Code (AMC) 3.80.040, which permitted the Mayor to proclaim an emergency for a reason defined in AMC 3.80.030. *See* AMC 3.80.030 (defining "contagious disease"). COVID-19 poses a grave risk to the health and safety of Anchorage residents.

8. Residents have been urged to continue to keep social bubbles small, wear cloth face coverings in indoor public places, stay 6 feet away from others, and wash hands often. Despite these efforts, the MOA recently experienced the worst week of the pandemic to date, as measured by new cases, active cases, and cases per day. New local cases are being found at more than double the rate of prior weeks. The number of cases has exceeded the Anchorage Health Department's capacity to rapidly trace and monitor every known case. More people are in the hospital with COVID-19 in Anchorage now than at any point in the epidemic, and modeling from the University of Alaska Anchorage shows a deteriorating situation in which Anchorage will exceed hospital ICU capacity by mid-September if the MOA does not immediately to flatten the curve.

9. In response to the worsening pandemic in the Municipality, and in order to preserve the health and safety of the residents of the Municipality of Anchorage from COVID-19. On July 31, 2020, Anchorage Mayor Ethan Berkowitz signed his fifteenth Emergency Order of this pandemic, EO-15, effective at 8 a.m. August 3, 2020. EO-15 and the continuation of other emergency orders acknowledged that our community remains in the midst of an active, evolving pandemic. This order is to remain in effect until 11:59 pm on August 30, 2020. This "four-week reset" is intended to curb the widespread community transmission and ongoing increase in COVID-19 cases in Anchorage.

10. EO-15's "four-week reset" was aimed at limiting spread of the virus by targeting the specific situations and behaviors that science has shown are most likely to spread COVID-19 to large numbers of individuals: large gatherings of people in close proximity, especially indoors and unmasked. EO-15 placed limits on gatherings, defined to include any

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meeting or event whether indoors or in an outside setting. It also restricted certain business operations—preventing situations where people congregate together indoors, where mask-wearing is not feasible, and/or where social distancing cannot be observed. Thus, EO-15 placed new limits on bars and nightclubs, restaurants and breweries, and bingo halls and theaters. EO-15 permits and encourages restaurants to continue to operate take-out, curbside pick-up, and delivery services. It also continues to permit outdoor dining at restaurants, allowing table service, with each table 10 feet or more apart, as measured edge to edge. But EO-15 specifically prohibits indoor restaurant dining, stating that “All restaurants and breweries are closed to indoor dining.”¹

11. Emergency Order 12, enacted in June 2020, allowed restaurants to expand outdoor seating. Thirty establishments in the Municipality have done so. Kriner’s Diner has not attempted to expand its service outdoors, take-out, curbside pick up, or delivery service.

12. On August 3, 2020, Kriner’s Diner opened for business and was in operation after 8 a.m. on August 3, 2020, intentionally defying EO-15 by offering indoor dining. Owner Andrew Kriner stated to the media that the MOA did not “provide details” about how it would enforce the new order, so he decided to open his restaurant for in-person dining and “see what happened.” *See Opposition to Anchorage Emergency Order Grows as Restaurants and Bars Scramble To Stay Afloat*, Anchorage Daily News (August 4, 2020). Mr. Kriner acknowledged to the media that he knew there was a mandate prohibiting Kriner’s Diner

¹ Mayor Berkowitz also signed EO-13 version 2, extending the requirement to wear cloth face coverings or masks in indoor public spaces. EO-13 version 2 required individuals to wear masks or cloth face coverings at all outdoor gatherings when six feet of physical distancing from non-household members cannot be maintained. EO-13 version 2 took effect August 3, 2020 to remain in effect until modified or revoked.

from staying open for indoor dining; he simply disagreed with the risk assessment of the Anchorage Health Department that underlies the mandate's restrictions: "If I thought I was endangering anybody I wouldn't open. I just don't believe I am." *Id. See also For One Anchorage Restaurant, a Defiant Opening Brings In Crowds*, Alaska Public Media (August 4, 2020) ("As of Monday afternoon, nothing had happened, Kriner said.")

13. On Facebook, Kriner's Diner posted the following on Monday, August 3, 2020:

Today has been an amazing day! The love and support that we have felt from our loyal customers is beyond anything we could ask for! We received countless a notes on credit cards, receive phone calls from strangers who wanted to pay for people dining in, customers walking in and handing us money just because they want to help, an unnamed customer came in twice today to pay for multiple meals that she didn't want us to cook, but just wanted to pay for. Alaska is a beautiful place!

Kriner's Diner was open for indoor dining on August 3, 2020 despite EO-15.

14. On August 4, 2020, at 11:08 a.m., a MOA Code Enforcement Officer went to Kriner's Diner and observed that the restaurant was actively serving customers indoors. The Code Enforcement Officer personally served a "Complaint of Municipal Code Violation" (Code Enforcement Complaint) to Kriner's Diner for violation of EO-15 on August 3, 2020. Ex. 1 attached hereto. A Certification of Service is attached hereto as Ex. 2, and states that the Complaint was personally served on Andrew Kriner. The Code Enforcement Complaint stated that Kriner's Diner was operating in violation of EO-15, which constituted a public nuisance pursuant to AMC 15.20.020.A and levied a fine, of \$300.00. The Code Enforcement Complaint ordered Defendants to immediately discontinue any indoor dining as directed by EO-15.

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15. On August 4, 2020, at 11:08 a.m., Code Enforcement also posted a Stop Work Order on the door of Kriner's Diner. Ex. 3 attached hereto. See Certification of Service, attached. The Stop Work Order stated that Defendants were to: "Immediately close the restaurant to indoor dining." The Order stated that the restaurant was in violation of EO-15. The Stop Work Order ended with a Warning:

The failure to stop work, the resuming of work without permission from the Municipality or the removal, mutilation, destruction or concealment of this Notice is punishable by fine and imprisonment. AMC 8.30.010)."

Id.

16. Pursuant to AMC 8.30.010.A.6, if a person intentionally, recklessly or knowingly disobeys the lawful orders of any public official, the person has committed a crime. Violation of A.6 is a class B misdemeanor. AMC 3.80.090 makes will failure and refusal to comply with an Emergency Order a criminal offense, concurrent with and in addition to any civil penalties provided for in the Code, including but not limited to AMC 05.20.020

17. On August 4, 2020, Kriner's Diner posted the following notice to Facebook:

Well Anchorage, we just realized we don't have enough food to feed the whole city due to the OVERWHELMING support of you ALL!!! We have to close today, Tuesday August 4th at 3pm so we can restock and prep all night in order to RE-OPEN Wednesday, August 5th at 9am! THANK YOU ALL for your response and support! Norann and Andy Kriner hear you and feel your love! We will see you all again as we re-open tomorrow morning at 9am!! #Alaska #Anchorage #Diner #FamilyOwned

18. Despite the Code Enforcement Complaint and the posted Stop Work Order, Kriner's Diner and its operators, Andy and Norann Kriner, knowingly and intentionally disobeyed the lawful order and remained open and serving meals indoors until at least 3 pm on August 4, 2020, as indicated in their Facebook post. Further, Kriner's Diner Facebook

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page posting indicated that Andy and Norann Kriner intended to reopen Kriner's Diner for indoor dining on August 5, 2020, in direct violation of the Code Enforcement Complaint and Stop Work Order.

19. By the end of August 4, 2020, it appeared that customers of Kriner's Diner had pulled down the Stop Work order.

20. The Code Enforcement Officer returned to Kriner's Diner on August 5, 2020. Kriner's Diner was still open and serving customers indoors in violation of EO-15. Code Enforcement personally posted a second Stop Work Order. Ex. 4 Copy of Stop Work Order and Certificate of Service, dated August 5, 2020, attached hereto. A second Complaint of Municipal Code Violation, and a fine of \$600.00 for the second day (August 4, 2020) and \$600.00 for the third day (August 5, 2020), will be personally served on Defendants, ordering them to immediately discontinue any indoor dining as directed in EO-15. Further violations are subject to further fines at \$600.00 for each violation. At the time this Complaint was filed, Kriner's Diner had failed to comply with the Stop Work Order.

COUNT ONE
(Civil Penalties – AMC 15.20.130)

21. Plaintiff realleges paragraphs 1 through 20 as if fully set forth herein.

22. Kriner's Diner and its operators, Andy and Norann Kriner, have disobeyed and continue to knowingly and intentionally disobey a lawful order of the MOA Code Enforcement officer to remained open for indoor dining on August 3, 2020 and continuing on subsequent days, to date, of August 4, 2020 and August 5, 2020, in violation of AMC 15.20.020.

23. Pursuant to AMC 15.20.130, the MOA may set a fine for a violation, pursuant to AMC 14.60.030, up to \$300.00 for a first offense, and set a fine up to \$600.00 for the second and all subsequent offenses.

24. AMC 15.20.130A.5 permits the MOA to “assess up to double the amount of the fine, penalty, costs and damages for a second or subsequent offense...” Defendants have willfully disregarded the initial Stop Work Order and Code Enforcement Complaint and therefore the Court should grant double the fine for each day of operation in violation of EO-15.

25. The MOA seeks payment of the fine levied by the Code Enforcement Complaint for violation of the EO-15 on August 3, 2020, which amounted to \$300.00, and seeks payment for fines that have been or will be levied for subsequent and continuing violations, amounting to \$600.00 *per day*.

COUNT TWO
(Abatement – AMC 15.20.120)

26. The MOA realleges paragraphs 1 through 25 as if fully set forth herein.

27. The MOA relied upon AMC 15.05.070.A which protects the “imminent or present danger to the health or welfare of the people of the municipality ... and it appears to be prejudicial to the interests of the people of the municipality to delay action until an opportunity for a hearing can be provided, the director may without prior hearing order that person by notice to discontinue, abate or alleviate such condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.”

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28. The MOA also relied upon AMC 15.20.020.A, which states:

No person shall allow, maintain or permit a public nuisance to exist or allow, maintain or permit recurrence of a public nuisance. Such existence, allowance, maintenance, permitting or recurrence of a public nuisance is a violation of this chapter.

29. Kriner's Diner as well as Andy and Norann Kriner failed to comply with the lawful Code Enforcement order and continued to serve customers inside the restaurant in defiance of the Code Enforcement Complaint and Stop Work Order. Pursuant to AMC 15.20.120.B the MOA may abate the violation of AMC 15.20.020 and recover the costs of abatement.

30. The MOA requests a writ of assistance for entry onto the property to assist with the abatement of the ongoing violations, if necessary.

31. The MOA requests an order authorizing MOA officials to enter the property and abate the nuisance, if necessary.

32. The MOA requests an order for its costs in abating this nuisance.

COUNT THREE
(Injunctive Relief – AMC 15.20.120)

33. The MOA realleges paragraphs 1 through 32 as if fully set forth herein.

34. AMC 15.20.120.E authorizes the MOA to bring a civil action to enjoin the violations.

35. The MOA is entitled to an injunctive order against Kriner's Diner and Andy and Norann Kriner enjoining further violations.

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36. The MOA seeks a Court order pursuant to AMC 14.50.010.A, directing Kriner's Diner and Andy and Norann Kriner to immediately discontinue any indoor dining, as directed by EO-15.

37. The actions of Kriner's Diner and Andy and Norann Kriner to allow indoor dining at Kriner's Diner in the midst of the COVID-19 pandemic and in violation of EO-15's specific prohibition of indoor dining pose an imminent health risk to the citizens of Anchorage. Allowing Kriner's Diner to continue to operate in violation of EO-15 would irreparably harm Anchorage and all its residents by increasing the spread of COVID-19.

38. The MOA also seeks a Court order prohibiting Kriner's Diner and Andy and Norann Kriner from conducting, permitting, or allowing others to continue providing indoor dining at Kriner's Diner while EO-15 remains in effect, or to permit or conduct any similar violation on the property.

PRAYER FOR RELIEF

WHEREFORE, the MOA prays for the following relief:

- a. A temporary and permanent injunction against further violations by Kriner's Diner, and/or Andy and Norann Kriner.
- b. Imposition of a fine of \$300.00 for the first offense and a fine of \$600.00 per day for the second and any subsequent offense.
- c. The costs of abating the nuisance.
- d. A writ of assistance directing law enforcement officials to assist the MOA in abating the violation.

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f. An order authorizing MOA officials to enter the property and abate the on-going violation

g. Interest in the amount of 8 percent per annum, pursuant to AMC 14. 50.040D.

h. An award of costs and attorney's fees incurred by the MOA in bringing and prosecuting this action.

i. Any such other relief as the Court deems just and equitable.

Respectfully submitted this 5th day of August, 2020.

KATHRYN R. VOGEL
Municipal Attorney

By: 

Linda J. Johnson
Assistant Municipal Attorney
Alaska Bar No. 8911070
Ruth Botstein
Assistant Municipal Attorney
Alaska Bar No. 9901016

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**BEFORE THE ADMINISTRATIVE HEARING OFFICER
FOR THE MUNICIPALITY OF ANCHORAGE**

MUNICIPALITY OF ANCHORAGE,)
)
Plaintiff,)
)
vs.)
)
KRINER'S DINER, LLC,)
dba KRINER'S DINER,)
ANDREW AND NORANN KRINER)
)
Defendants.)

Administrative Hearing No.: _____

Code Enforcement Case No.: LUE118952

COMPLAINT OF MUNICIPAL CODE VIOLATION

Name and Address of the persons responsible for the violation: Kriner's Diner, LLC
dba Kriner's Diner, Andrew and Norann Kriner, 2550 Melvin Avenue, Anchorage,
Alaska 99517

Street Address of violation: 2409 C Street, Anchorage, Alaska 99503

Legal Description of violation: W D McKinney 2nd Addition, Lot 7A

Zoning of Property & Section: B-3, General Business District, (AMC 21.04.030.D)

Date of violation: August 3, 2020, one (1) day.

- 1) **Specific violations:** AMC 15.20.020.A, *Public Nuisance*: No person shall allow, maintain or permit a public nuisance to exist or allow, maintain or permit recurrence of a public nuisance. Such existence, allowance, maintenance, permitting or recurrence of a public nuisance is a violation of this chapter. **Violation of Emergency Order 15, Paragraph 7, By Mayor Ethan Berkowitz, "Four Week Reset. "Restaurants and Breweries Closed to Indoor Dining".** All restaurants and breweries are closed to indoor dining. The outdoor areas of restaurants and breweries are limited to table service, with each table 10-feet apart or greater, as measured edge to edge. Restaurants and breweries are encouraged to

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offer takeout, curbside, and delivery service.”

Violation: Operating/ permitting/serving, indoor dining in Kriner’s Diner on August 3, 2020, in violation of Emergency Order 15, Paragraph 7.

Relevant Code Provisions:

- 2) **Anchorage Municipal Code 3.80.060.H:** Imposition of orders and regulations during period of emergency: Issue such other orders of regulations immediately necessary for the protection of life and property
- 3) **Anchorage Municipal Code 15.05.070.A** Emergency Orders: When the director finds after investigation that a person is causing, engaging in or maintaining a condition or activity which in the judgement of the director presents an imminent or present danger to the health or welfare of the people of the Municipality, or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment, and it appears to be prejudicial to the interests of the people of the Municipality to delay action until an opportunity for a hearing can be provided, the director may without prior hearing order that person by notice to discontinue, abate or alleviate such condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.
- 4) **Anchorage Municipal Code 15.02.020.A: Public nuisances prohibited; enumeration.** No person shall allow, maintain, or permit a public nuisance to exist or allow, maintain or permit recurrence of a public nuisance. Such existence, allowance, maintenance, permitting or recurrence of a public nuisance is a violation of this chapter.

Relief request:

1. Civil penalty in the amount of \$300.00 per violation, per day for one (1) day; Account:192020-101000-407050.
2. A compliance order under AMC 14.50.010.A directing defendant to: immediately discontinue any indoor dining as directed in Emergency Order-15.
3. Other relief, specifically: defendant shall not conduct, permit, or allow others to permit or conduct any similar violation on the subject property *or be subject to*

Municipality of Anchorage vs Kriner’s Diner, LLC
Land Use Enforcement case #118952

Notice of Rights

If you do not dispute the claim in this Complaint please correct the violation(s) as requested above and submit check or money order payable to the Municipality of Anchorage for the civil penalty amount indicated above and mail to: Administrative Hearing Office, PO Box 196650, Anchorage, AK 99519-6650 or deliver in person to: City Hall, 632 W. 6th Avenue, Suite 740 with a copy of the Complaint.

If you wish to contest the allegations in the Complaint, please complete the request for hearing form below within 15 days of receipt of Complaint and mail to: Administrative Hearing Office, PO Box 196650, Anchorage, AK 99519-6650 or deliver in person to: City Hall, 632 W. 6th Avenue, Suite 740 with a copy of the Complaint. Phone: (907) 343-4535, Facsimile: (907) 343-4541. A brief description of the rights and procedures before the Administrative Hearing Officer is included with this Complaint. More complete information concerning guidelines and procedures for the administrative hearing process are available from the Administrative Hearings Office.

You are hereby notified that the relief request above will be granted and decision entered for the relief requested unless you file an Application for Administrative Hearing within FIFTEEN (15) DAYS after you receive this Complaint. In addition, be advised that a fine of \$250.00 per day may be assessed for noncompliance of an order issued by the Administrative Hearings Officer. If not paid in full within thirty (30) days from the date of this final order, a one-time late payment fee of \$25.00 will be assessed pursuant to AMC 14.50.040(E). Interest on fines and assessments not paid within thirty (30) days of the decision shall accrue at the rate of eight percent (8%) per year pursuant to AMC 14.50.040(D).

The notice of hearing date, time and place, and all decisions will be served by mail. If you request a hearing but fail to appear at the time and place set for the hearing, your failure to appear may result in a Default Order being entered against you. A default may not be entered if the facts alleged in this Complaint fail to support the violation claimed to have occurred

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P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-4141

Municipality of Anchorage vs Kriner's Diner, LLC
Land Use Enforcement case #118952

IMPORTANT: READ THE FOLLOWING NOTICE CAREFULLY

Notice of Rights and Procedures
Before the Municipal Administrative Hearings Officer

1. The Administrative Hearings Officer is an employee of the Municipality of Anchorage appointed by the Mayor and confirmed by the Assembly pursuant to the provisions of Title 14 of the Anchorage Municipal Code. The Administrative Hearings Officer is empowered to determine whether violations of the Municipal Code have occurred and, if so, to order appropriate remedial action to correct the violation and/or impose civil penalties.
2. The Administrative Hearings procedure is a quasi-judicial proceeding although generally less formal and more flexible than court proceedings. All testimony is under oath or affirmation. You will have the right to cross examine witnesses and you have the right to be represented by an attorney at your own expense and choosing. The burden of proof and of going forward with the evidence will usually be on the Municipality.
3. A request for a hearing must contain:
 - a) Your full name and address;
 - b) The name and address of your attorney should you choose to hire an attorney;
 - c) A statement that you admit, deny or do not have, and are unable to obtain, sufficient information to admit or deny the allegations in the Complaint. Failure to respond to an allegation shall be treated as an admission; and
 - d) A statement of your defense or basis for denying the facts alleged in this Complaint and the facts supporting your defense.
4. The procedure used at the hearing is set forth generally in AMC 14.30 and under control of the Hearings Officer. You will be given an opportunity to present witnesses and evidence on your own behalf, and to cross examine the Municipality's witnesses. Prior to or in the course of the hearing, the Hearings Officer may encourage an off-the-record discussion between the parties for the purposes of defining or limiting the issues and/or exploring the possibilities of a stipulated settlement.
5. A recording will be made of all hearings. A copy of such record will be available to you upon request and receipt of duplication fees.
6. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. You are expected to have all relevant evidence available at the time set for hearing. If you have documents or photos you wish to be in evidence you must provide a copy for the opposing party as well as a copy for the Administrative Hearing Officer. Hearsay evidence may be excluded at the discretion of the Hearings Officer.
7. An attorney will not normally represent the Municipality in hearings, although the Municipality may be represented by counsel if it so desires. You may be represented by an attorney at your own expense and choosing in these proceedings if you wish.
8. If you are not represented by an attorney, you may, during the course of the proceedings, request a recess to obtain an attorney if you determine that representation by an attorney is necessary to protect your rights. Such request is, however, addressed to the sound discretion of the Hearings Officer.
9. If you require accommodations to attend or participate in the hearing please advise the Hearing Office at least three business days prior so that arrangements can be made. Failure to do so may cause delays in the hearing process.
10. If you are aggrieved by any final order of the Hearings Officer, you may appeal such order to the Superior Court of the State of Alaska within thirty (30) days of effective date of the order.



**MUNICIPALITY OF ANCHORAGE
 ADMINISTRATIVE HEARING OFFICE
 City Hall, 632 West 6th Avenue, Suite 740
 Anchorage, Alaska 99501
 (907) 343-4535; Facsimile (907) 343-4541**

REQUEST FOR HEARING

LAND USE, RIGHT-OF-WAY AND ON-SITE SVS.

**You must file this request for hearing within fifteen (15) days of the date of service of the Complaint.
*Please type or print clearly.***

Land Use Case #: _____ OR Right-of-Way Case #: _____

Your Name(s): _____

Mailing Address: _____

City: _____ Zip Code: _____

Home Phone: _____ Cell Phone: _____ Work Phone: _____

State why you are requesting a hearing. If more space is needed, attach additional sheets. At the hearing, you may present photographs, diagrams, documents and other relevant evidence. You may call witnesses. If a witness is unable to attend, you may present his/her notarized sworn statement.

STATEMENT OF RIGHTS

I understand that I am entitled to attend the hearing and submit evidence at the hearing. I understand that I may present witnesses, cross-examine witnesses called by Land Use or Right-of-Way, and may engage the services of an attorney to represent me; I may also subpoena witnesses. If I do not attend for any reason, I waive the right to present evidence in my defense at the hearing. I understand that if for any reason I do not attend, a decision may be rendered against me by default. I understand that the notice of the hearing date, time and place, and all decisions will be served by mail.

I declare that all information provided above is true, accurate and complete. In the absence of a notary public, I personally certify under penalty of perjury, that the foregoing statements are true.

Signature _____

Date _____

Municipality of Anchorage vs Kriner's Diner, LLC
 Land Use Enforcement case #118952

**BEFORE THE ADMINISTRATIVE HEARINGS OFFICER
FOR THE MUNICIPALITY OF ANCHORAGE**

MUNICIPALITY OF ANCHORAGE,)
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 Plaintiff,)
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 vs.)
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 KRINER'S DINER, LLC)
 dba KRINER'S DINER,)
 ANDREW AND NORANN KRINER)
)
 Defendant.)

Administrative Hearing No.: _____
Code Enforcement Case No.: LUE118952

CERTIFICATION OF SERVICE

By my signature below, I certify that a stop work order was posted on the door of 2409 "C" Street at 11:08 a.m. and a Complaint of Municipal Code Violation was served at 11:10 a.m. on August 4th, 2020.

By, personal service to Andrew Kriner, owner of Kriner's Diner at 2409 C Street, Anchorage, Alaska 99503.

**Municipality
of
Anchorage**

Land Use
Enforcement
P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-8331

Signature: 
Printed Name: Cora D. Weaver
Title: Code Enforcement Officer

Phone No.: 343-8331
Date: 8-5-20



Municipality of Anchorage

ALL PERSONS ARE HEREBY ORDERED TO

STOP WORK

IMMEDIATELY

On these premises at: 2909 C Street, Anchorage, AK

Business Name: Kriner's Diner

Description of work to be stopped: Immediately close the restaurant to indoor dining. "Restaurants and Breweries Closed to Indoor Dining. All restaurants and breweries are closed to indoor dining."

Reason for issuing stop work order: Violation of Emergency Order 15, Paragraph 7, By Mayor Ethan Berkowitz, (AMC 3.80.060H), EO-15, "Four Week Reset." "Restaurants and Breweries Closed to Indoor Dining. All restaurants and breweries are closed to indoor dining. The outdoor areas of restaurants and breweries are limited to table service, with each table 10-feet apart or greater, as measured edge to edge. Restaurants and breweries are encouraged to offer takeout, curbside, and delivery service."

Code

Reference(s): AMC 3.80.060H, AMC 15.05.070, and AMC 15.20.020

By: Cora Weaver, Code Enforcement Officer, Municipality of Anchorage, 343-8331

Posted at: 11:08 AM/PM On: 4 August 2020

Warning

The failure to stop work, the resuming of work without permission from the Municipality or the removal, mutilation, destruction or concealment of this Notice is punishable by fine and imprisonment (AMC 8.30.010).

**BEFORE THE ADMINISTRATIVE HEARINGS OFFICER
FOR THE MUNICIPALITY OF ANCHORAGE**

MUNICIPALITY OF ANCHORAGE,)
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 Plaintiff,)
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 vs.)
)
 KRINER'S DINER, LLC)
 dba KRINER'S DINER,)
 ANDREW AND NORANN KRINER)
)
 Defendant.)

Administrative Hearing No.: _____
Code Enforcement Case No.: LUE118952

CERTIFICATION OF SERVICE

By my signature below, I certify that a second stop work order was posted on the door of 2409 "C" Street at 11:08 a.m. on August 5th, 2020.

By personal service/ posting at 2409 C Street, Anchorage, Alaska 99503.

**Municipality
of
Anchorage**

Land Use
Enforcement
P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-8331

Signature: 
Printed Name: Cora D. Weaver
Title: Code Enforcement Officer

Phone No.: 343-8331
Date: 8-5-20



Municipality of Anchorage

ALL PERSONS ARE HEREBY ORDERED TO

STOP WORK

IMMEDIATELY

On these premises at: 2409 C Street, Anchorage, AK

Business Name: Kriner's Diner

Description of work to be stopped: Immediately close the restaurant to indoor dining.

Reason for issuing stop work order: Violation of Emergency Order 15, Paragraph 7 By Mayor Ethan Berkowitz (AMC 3.80.060H), EO-15, "Four Week Reset."

Code

Reference(s): AMC 3.80.060H, AMC 15.05.070, and AMC 15.20.020

By:

Cora Weaver, Code Enforcement Officer, Municipality of Anchorage, 343-8331

Posted at:

AMJPM On: August 05, 2020

Warning:

The failure to stop work, the resuming of work without permission from the Municipality or the removal, modification, destruction or concealment of this Notice is punishable by fine and imprisonment (AMC 8.30.010).



Aug 5, 2020 at 11:12:50 AM
2409 C St
Anchorage AK 99503
United States