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ST. JAMES ALASKA  
THIRD JUDICIAL DISTRICT  
2020 AUG -5 PM 4:52  
CLERK OF THE JUDICIAL COURTS

**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-20-07394CI

**MOTION AND MEMORANDUM IN SUPPORT OF  
TEMPORARY INJUNCTION**

This emergency motion arises at a critical time in fight against the COVID-19 pandemic in Anchorage. As the virus spreads through our community and threatens to overwhelm our health care system, the Municipality passed an emergency measure, Emergency Order 15 (EO-15), that takes the difficult but necessary step of closing bars and indoor dining at Anchorage restaurants in order to protect the health and safety of all Anchorage residents. Defendants own and operate a restaurant that has willfully refused to follow this law, putting its employees, customers, and all of Anchorage at risk. The restaurant has been served with Stop Work Orders that it has intentionally defied.

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For these reasons, Plaintiff Municipality of Anchorage (MOA) moves for a temporary restraining order and injunction against Defendants Kriner's Diner, LLC (Kriner's Diner), located at 2409 C. Street, Anchorage, Alaska, because Kriner's Diner is operating in violation of municipal law, and has intentionally ignored the MOA's directions that it stop work. Kriner's Diner is a restaurant operated in Anchorage Alaska, in the Third Judicial District; Defendants Andrew Kriner<sup>1</sup> and Norann Kriner, who operate Kriner's Diner, had notice of the orders to close in-person dining inside their restaurant, and have knowingly and willfully refused to comply with all lawful orders to cease indoor operation.

Specifically, the MOA seeks an order for Defendants to immediately cease operating the restaurant Kriner's Diner for indoor customer seating in violation of Emergency Order (EO) 15.

#### **I. APPLICABLE LAW.**

The Court has the jurisdiction to issue an injunction pursuant to AS 22.10.020(c).

Alaska R. Civ. P. 65(d) states:

Form and Scope of Injunction or Restraining Order. Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

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<sup>1</sup> Pursuant to the 2020 LLC filing with the State, Andrew Kriner is the LLC's registered agent and 50% owner.

## II. ELEMENTS NECESSARY FOR AN INJUNCTION.

In order to obtain an injunction, a plaintiff must first meet the appropriate standard. The showing required to obtain an injunction depends on the nature of the threatened injury. *State, Div. of Elections v. Metcalf*, 110 P.3d 976, 978 (Alaska 2005). A party seeking a temporary restraining order carries the same burden as a party seeking a preliminary injunction. *See Alaska v. United Cook Inlet Drift Association*, 815 P.2d 378 (Alaska 1991); *see also State v. Norene*, 457 P.2d 926, 934 n.5 (Moody, J. dissenting).

A plaintiff may obtain an injunction by meeting either 1) the balance of hardships standard, or 2) the probable success on the merits standard. *Alsworth v. Seybert*, 323 P.3d 47, 54 (Alaska 2014). The Supreme Court adopted the balance of hardships standard as an alternative to the rule requiring a clear showing of probable success on the merits. *A.J. Indus., Inc. v. Alaska Pub. Serv. Comm'n*, 470 P.2d 537, 540 (Alaska 1970), modified in other respects, 483 P.2d 198 (Alaska 1971).

The Supreme Court has articulated when the trial courts should apply the two standards:

The showing required to obtain a preliminary injunction depends on the nature of the threatened injury. If the plaintiff faces the danger of “irreparable harm” and if the opposing party is adequately protected, then we apply a “balance of hardships” approach in which the plaintiff “must raise ‘serious’ and substantial questions going to the merits of the case; that is, the issues raised cannot be ‘frivolous or obviously without merit.’” If, however, the plaintiff’s threatened harm is less than irreparable or if the opposing party cannot be adequately protected, then we demand of the plaintiff the heightened standard of a “clear showing of probable success on the merits.”

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*State, Div. of Elections v. Metcalfe*, 110 P.3d 976, 979 (Alaska 2005) citing to *State v. Kluti Kaah Native Village of Copper Center*, 831 P.2d 1270, 1273 (Alaska 1992) and *A.J. Indus., Inc.*, 470 P.2d at 540.

The Court should apply the balance of hardships test in this case. The Kriners' decision to ignore a critical public safety order in the midst of a deadly pandemic places their customers, employees, and the entire community at immediate risk of contracting a deadly disease; by any definition, this is irreparable harm.

### **III. FACTUAL BACKGROUND.**

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.

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.

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.

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. EO-15 placed limits on gatherings, defined to include any 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,

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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.”<sup>2</sup>

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

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.” Ex. 5 *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 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.* Ex. 6 *For One Anchorage Restaurant, a Defiant Opening Brings In Crowds*, Alaska

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<sup>2</sup> 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.

Public Media (August 4, 2020) (“As of Monday afternoon, nothing had happened, Kriner said.”)

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!

Ex. 7 Kriner’s Diner Facebook Posting.

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. Code Enforcement Officer Cora Weaver personally served a “Complaint of Municipal Code Violation” (Code Enforcement Complaint) to Kriner’s Diner for the violation of EO-15 on August 3, 2020. Ex. 1 Complaint, dated August 4, 2020. See also Ex. 2 Certification of Service for August 4, 2020 (Complaint 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, which amounts to \$300.00 for operating on August 3, 2020. The Code Enforcement Complaint ordered Defendants to immediately discontinue any indoor dining as directed by EO-15.

On August 4, 2020, at 11:08 a.m., Code Enforcement posted a Stop Work Order on the door of Kriner’s Diner. Ex. 3 attached hereto. The Stop Work Order described the activity to be stopped: “Immediately close the restaurant to indoor dining” because “all

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restaurants and breweries are closed 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).”

Pursuant to AMC 8.30.010.A.6, if a person intentionally, reckless 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.

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 3 pm so we can restock and prep all night in order to RE-OPEN Wednesday, August 5th at 9 am! 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 9 am!! #Alaska #Anchorage #Diner #FamilyOwned

Ex. 8 Kriner’s Diner Facebook Posting.

Andrew Kriner stated to the media that he spoke directly with Mayor Borowitz for 20 minutes on August 4, 2020.<sup>3</sup> Ex. 9 *City Orders Kriner’s Diner to Close Its Dining Room, Owner Won’t Oblige*, Alaska Public Media (August 4, 2020). The media report indicated that there was a “20-minute wait to get a table” at the diner. Media reported a quote from Andrew Kriner reflecting his flagrant violation of EO-15:

Diner owner Andy Kriner confirmed in an interview outside of the restaurant that he intended to stay open despite the order “I don’t think it’s gonna kill everybody,” Kriner said.

<sup>3</sup> See also August 4, 2020 KTVA 5:00 news report. (The conversation did not “resolve the stalemate.”)

*Id.* It is clear from the facts and from media reports that Defendants will not comply with EO-15 without intervention from the Court:

Kriner said he was told that he faces a \$300 fine each day he stays open. But, he said, the increased patronage of his restaurant more than made up for that. "It's the busiest day I've ever seen," he said. "And people are really excited that we decided to take a stand."

*Id.*

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 until at least 3 pm on August 4, 2020, as indicated in their Facebook post. Further, Kriner's Diner posted on its Facebook page posting indicated that Andy and Norann Kriner intended to reopen Kriner's Diner on August 5, 2020 in direct violation of the Code Enforcement Complaint and Stop Work Order.

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

The Code Enforcement Officer returned to Kriner's Diner on August 5, 2020 and observed that Kriner's Diner was open and serving customers indoors in violation of EO-15. Code Enforcement personally posted another Stop Work Order on the door of Kriner's Diner. Ex. 4 Stop Work Order dated August 5, 2020. Ex. 4 Certificate of Service, dated August 5, 2020.

Another Complaint of Municipal Code Violation, which setting the fine at \$600.00 for the second and third violations, operating in defiance of EO-15, and again direct the

Defendants to immediately discontinue any indoor dining as directed in EO-15. Any further violations will also be subject to a \$600.00 daily fine.

#### **IV. THE INJUNCTION SHOULD BE GRANTED.**

AMC 15.20.120.E authorizes the MOA to bring a civil action to enjoin the violations. The MOA is entitled to an injunctive order against Kriner's Diner and Andy and Norann Kriner enjoining further violations. 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 until at least 3 pm on August 4, 2020 in violation of AMC 15.20.020. 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. The MOA also seeks a Court order prohibiting Kriner's Diner and Andy and Norann Kriner from conducting, permitting, or allowing others to permit or conduct any similar violation on the property.

The MOA relied upon AMC 15.05.070.A which states:

When the director finds after investigation that a person is causing, engaging in or maintaining a condition or activity which in the judgment 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.

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

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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.

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.

This Court must direct Kriner's Diner to comply with EO-15. The restrictions on indoor restaurant dining are undeniably difficult for affected businesses, but they are medically necessary for the health of our entire community. EO-15 was designed to focus on the most risky environments and behaviors. These include large gatherings of non-household or social bubble members, bars, and restaurants offering indoor dining. These are especially risky environments because they are indoor, because social distancing is difficult or impossible, and because masks cannot be worn while people eat and drink. Alcohol consumption also decreases inhibitions, including vigilance to social distancing and mask wearing. In Anchorage and elsewhere, these environments have resulted in "superspreader events" – clusters of disease resulting from a single infected person visiting bars and/or dining in indoor restaurants.

The ordinance follows the science, reflecting that, based on the current data about the status of this disease in Alaska, indoor bar and restaurant operations cannot be open safely at this time in the Municipality of Anchorage. Even when bar and restaurant owners and operators in good faith diligently use best practices for sanitation and other efforts to prevent disease transmission, at this time these environments simply pose an unacceptable

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risk to the community. This is not the fault of any business owner; it simply reflects that the virus spreads very well in these particular settings. EO-15's restrictions on bars and restaurants are well-tailored to the current status of COVID-19 in Anchorage today. Furthermore, all restaurants have been subjected to the same requirements under the EO. And restaurant owners can minimize economic harm by properly setting up outdoor dining and focusing on take out orders.

**A. Injunction Should Apply the Balance of Hardships Test.**

The Supreme Court set forth the elements needed for a balance of hardships standard:

A preliminary injunction is warranted under that standard when three factors are present: "(1) the plaintiff must be faced with irreparable harm; (2) the opposing party must be adequately protected; and (3) the plaintiff must raise serious and substantial questions going to the merits of the case; that is, the issues raised cannot be frivolous or obviously without merit."

*Alsworth*. at 54, citing *State v. Kluti Kaah Native Village of Copper Center*, 831 P.2d, 1270, 1273 (Alaska 1992) (quoting *Messerli v. Dep't of Natural Resources*, 768 P.2d 1112, 1122 (Alaska 1989)). Given the facts in this case, the balance of hardships test should be applied. The risk of sickening Anchorage diners and others in the community with a deadly disease is irreparable harm by any definition.

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**1. Without an Injunction, The Public Health and Safety will Be Jeopardized, Causing Irreparable Harm.**

As stated above, the public health is in jeopardy in Anchorage from Covid 19. The Mayor's order in EO-15 is designed to prevent the spread of disease which has proved to be deadly to some residents, and has sickened thousands in Alaska.

Defendants have willfully failed and refused to comply with EO-15. Defendants are aware of the order but have refused to comply. Instead Defendants have refused to comply with EO-15, and are serving customers inside Kriner's Diner, in what appears to be very crowded conditions, which contributes to the spread of Covid-19.

**2. Defendants are Adequately Protected.**

Defendants are adequately protected because EO-15 did not halt all restaurant business, and EO-15 is only intended to last for four weeks. Although Kriner's Diner is set up to provide indoor dining service to customers, EO-12, dated June 2020, permitted restaurants to set up outdoor dining for customers. EO-15 continues to permit the continued consumption of food or drink, so long as the gathering is outdoors. Restaurants also have the option to offer take-out service, curbside pick-up and delivery services. Kriner's Diner has sufficient options to continue to operate its business during the time that EO-15 is in place. Even if these measures were not available, the pandemic presents a sufficiently serious imminent public health risk that would still permit the Municipality to close Kriner's Diner entirely.

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### **3. The MOA Can Demonstrate Serious and Substantial Questions Going to the Merits of the Case.**

The protection of the health and safety of Anchorage residents is a serious and substantial question going to the merits of the case. Defendants' failure to comply with EO-15 is a serious and substantial question. In fact, the Court has sufficient evidence of the Defendant's actions constitute

Further, the MOA was not unreasonable in its enforcement. The MOA waited 24 hours prior to citing Defendants for their violation of Municipal law and EO-15. Unfortunately, even after Defendants were cited by the MOA Code Enforcement Officer and a Stop Work Order was posted on the door ordering the Defendants to cease indoor restaurant service, Defendants continued to serve customers inside the diner. The MOA checked back on August 5, 2020 hoping that Defendants would have complied with the orders, but Defendants again defied the order. the MOA was finally required to file the Complaint to enforce EO-15 and the Code Enforcement Officer's unambiguous orders to force Defendants to cease indoor restaurant service.

### **B. If Necessary, The MOA Can Demonstrate a Clear Showing Of Probable Success On The Merits.**

Although it is not necessary because the harm to the MOA is great if the injunction is denied, and defendants are adequately protected if the injunction is granted, it is not necessary to demonstrate that there is a clear probability of success of the merits. However, even if this Court determines it is necessary to evaluate the likelihood of success on the merits, the MOA can demonstrate probable success on the merits of its claims.

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The MOA is highly likely to prevail on the allegations in its complaint, based on the willful and intentional violations of the Anchorage Municipal Code committed by Defendants. EO-15 was intended to further a legitimate Municipal goal – to restrain all restaurants in the Municipality from engaging in behavior that has been identified as contributing to a public health and safety emergency. The pandemic caused by Covid-19 has spread throughout the Municipality. Anchorage’s cases have increased substantially since the Mayor ended the order to “hunker down” and allowed restaurants to begin operating once again. Since that time, it is clear that the disease has continued to increase among Anchorage residents.

Defendants had prior knowledge of EO-15’s mandate to stop indoor dining. However, despite that knowledge, Defendants willfully continued to serve customers inside their restaurant. They have violated the Stop Work Order and have continued to serve in the face of the Code Enforcement Complaint, personally served upon Andrew Kriner on August 4, 2020. Accordingly, the MOA can demonstrate a clear showing of probable success on the merits.

## **V. CONCLUSION.**

For all the reasons set forth above, the Court should grant the temporary restraining order and injunction against Defendants and direct them to immediately close Kriner’s Diner to indoor dining.

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Respectfully submitted this 5<sup>th</sup> day of August, 2020.

KATHRYN R. VOGEL  
Municipal Attorney

By: 

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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 2<sup>nd</sup> 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

applicable civil penalties set forth in AMC Title 14. (Pre-hearing costs and costs of abating nuisances may also be sought.)

**BY MY SIGNATURE BELOW I CERTIFY THAT THIS COMPLAINT WAS SERVED:**

☒ A) In person on date of issuance.

☐ B) By certified mail, restricted delivery, to the last known address of

Kriner's Dinner LLC, dba Kriner's Diner, Andrew and Norann Kriner, 2409 C Street, Anchorage, Alaska 99503

☐ C) By affixing a copy of this complaint to the property which is the subject of the violation: \_\_\_\_\_.

☐ D) By delivery to the authorized representative of Defendant, \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
Officer Name Printed

\_\_\_\_\_  
Signature


\_\_\_\_\_  
Date

Proceeding initiated by Code Enforcement

Officer: Cora D. Weaver

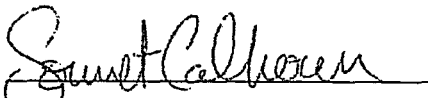
Phone No.: (907) 343-8331

I, Cora Weaver, state that I have read the above complaint and that the statements and attachments are true and correct to the best of my knowledge and belief.

  
Signature

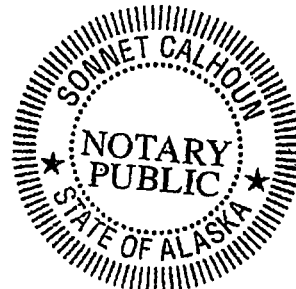
8-21-20  
Date

SUBSCRIBED AND SWORN TO before me this 4th day August 2020.



Notary Public in and for Alaska

My Commission Expires: 10-2-2023



**Municipality  
of  
Anchorage**

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

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. 6<sup>th</sup> 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. 6<sup>th</sup> 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

**Municipality  
of  
Anchorage**

Land Use  
Enforcement  
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,

Plaintiff,

vs.

KRINER'S DINER, LLC  
dba KRINER'S DINER,  
ANDREW AND NORANN KRINER

Defendant.

Administrative Hearing No.: \_\_\_\_\_

Code Enforcement Case No.: LUE118952

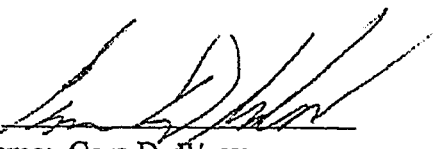
**CERTIFICATION OF SERVICE**

By my signature below, I certify that a 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 4<sup>th</sup>, 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,

Plaintiff,

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 5<sup>th</sup>, 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

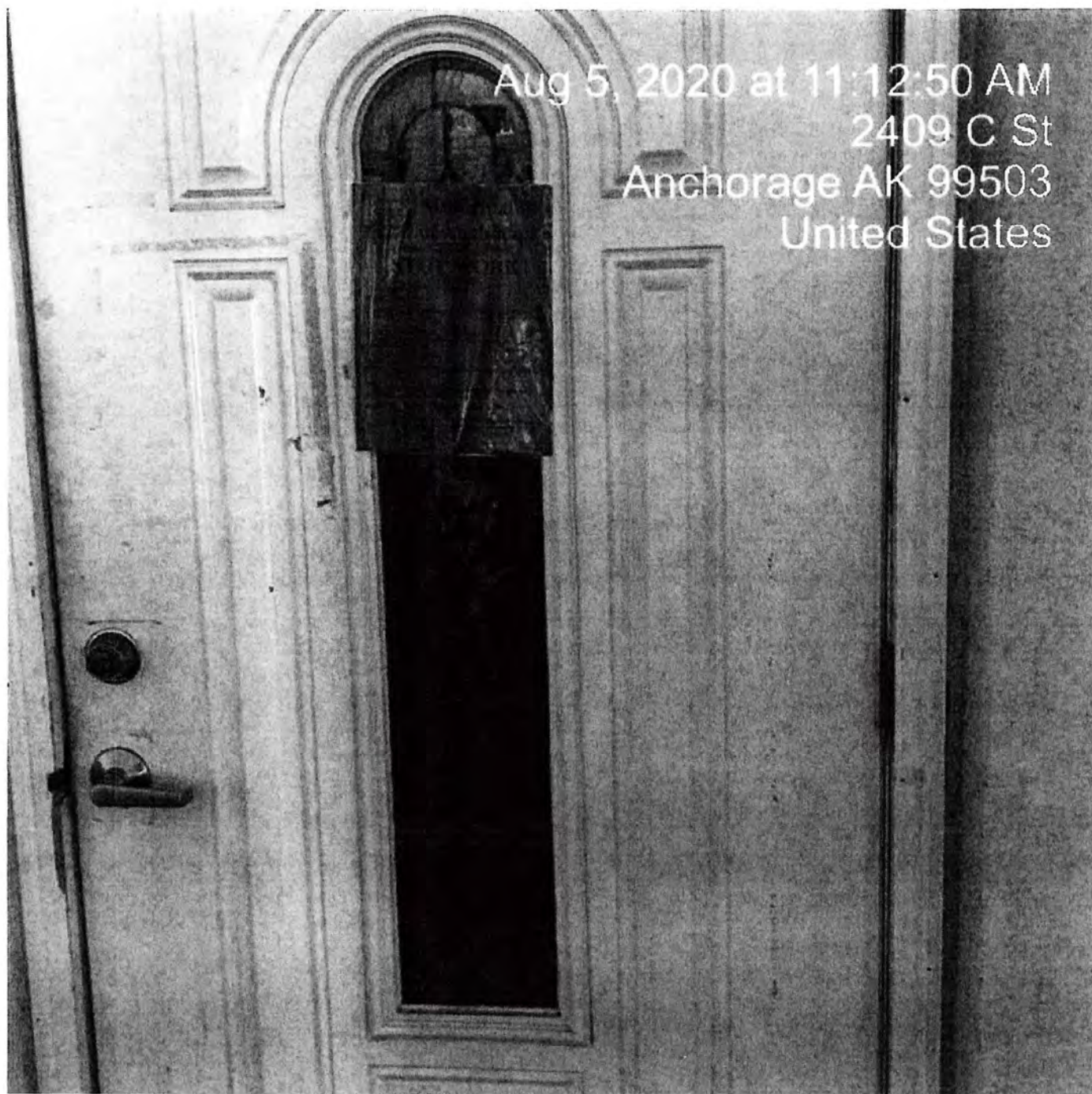
By:

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

Posted at: 11:00 AM/PM On: August 05, 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).*



# ANCHORAGE DAILY NEWS

Alaska News

## Opposition to Anchorage emergency order grows as restaurants and bars scramble to stay afloat

✍ Author: Emily Goodykoontz, Alex DeMarban ⓘ Updated: 1 day ago 📅 Published 1 day ago



*Nancy and David Brady split a pizza outside of Uncle Joe's Pizzeria in downtown Anchorage on Aug. 3, 2020. (Emily Mesner / ADN)*

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We're making coronavirus coverage available without a subscription as a public service. But we depend on reader

support to do this work. Please consider joining others in supporting local journalism in Alaska for just \$3.23 a week.

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Anchorage's new emergency order halting indoor dining in restaurants and bars sent business owners scrambling over the weekend: Some created makeshift outdoor seating areas in parking lots and on sidewalks. Others repurposed food that would otherwise go to waste. A number notified employees of layoffs and cutbacks on hours.

Intended as a "reset" to slow the spread of COVID-19 in Anchorage and lasting through Aug. 30, the new order also drew a protest, and at least one establishment openly defied it. Many in the industry say the shutdown, at a time when federal aid is running out and state aid is slow to arrive, will decimate their businesses.

Anchorage Mayor Ethan Berkowitz said in an interview Monday that while the order is unfair to bars and restaurants, they are "bearing the price, being the shield that protects the community."

Spreading occurs rapidly in bars and restaurants because they are built around social interactions, where people eat and drink in close proximity without masks on, he said.

"This whole disease punishes social interaction," Berkowitz said.

On Monday, 40 more cases of the coronavirus and one new death were reported in Anchorage, bringing the total active cases in the municipality to more than 1,370. The city saw record daily highs reported in recent days, with 158 on July 26, 110 on Saturday and 111 on Sunday.

*[Alaska reports death of Anchorage man with COVID-19, plus 80 new infections statewide]*

Still, the city's new emergency order has been met with some resistance.

Darrel Alford, a bartender at Jens' Restaurant in Midtown, started an online petition over the weekend calling on the mayor to repeal the policy.

After about 24 hours, the petition had about 2,500 signatures and was continuing to gather more, he said.

"I guess there's just a lot of people out there in agreement with me, who are just frustrated and feeling like the industry is maybe being singled out," he said. "There are a lot of hospitality workers in this city. It's going to hurt everyone."

*[‘I can’t afford to shut the doors again’: Anchorage restaurants and bars face another round of COVID-19 restrictions]*

A crowd gathered Monday evening outside Loussac Library to protest the shutdown.

“We’ve worked very hard through this whole shutdown. We’ve done everything,” said Tudor Bingo owner John Powers, who attended the rally. Bingo halls are also shut down as part of the municipality’s new emergency order. He said he’s now forced to furlough two-thirds of his employees.

In Girdwood, Jack Sprat owners Jen and Frans Weits said they are organizing a coalition with other business owners and taking stock of their legal options. Coronavirus cases have been low in Girdwood, they said. Now, they will lose out on August revenue, a busy month which helps sustain them through the slower winter months. The initial federal aid they received has run out and the state and the municipality should provide aid or compensation for their losses, they said.

“We’re exhausted. And it’s been this way since day one,” Jen Weits said. “We scramble to stay alive, scramble to change the way we do business, to stay afloat. Scramble to keep up with the restrictions, make sure employees are safe and everybody’s safe that works with us.”

Kriner’s Diner in Midtown Anchorage opened for business as usual Monday, defying the emergency order. Owner Andy Kriner said the city did not provide details about how it would enforce the order, so he decided to open his restaurant and see what happens.

“If I thought I was endangering anybody I wouldn’t open. I just don’t believe I am,” he said.

City spokeswoman Carolyn Hall released a statement Monday saying that the city is “dismayed and disappointed by the actions of the few.”

She said the municipality is “pursuing all enforcement options, including informing and educating businesses in violation of the Emergency Order as well as issuing fines and Stop Work Orders.”

“Anchorage just experienced our worst week of the pandemic as measured by new cases, active cases, and cases per day,” Hall wrote. “The number of cases has exceeded the Anchorage Health Department’s capacity to rapidly trace and monitor every known case.”

Most Anchorage business owners understand the public health emergency and are complying, she said.

In interviews Monday, many restaurant and bar owners said they were complying but they fear most for their employees. Many will now be laid off or have reduced hours just when the previous CARES Act boost to federal unemployment benefits expires.

At Midnight Sun Brewing, owner Lee Ellis said he’s forced to choose between the livelihood of his employees and his business’s survival. Through the pandemic, he’s continued to pay his employees, even if they can’t work, he said.

"Do we run the brewery into bankruptcy to keep people from living on the street?" he said.

*[Anchorage will halt indoor service at restaurants and bars, shrink gathering size limits starting Monday]*

Midtown restaurant Bear Paw Bar and Grill had just opened its doors for the first time when the March shutdown hit, according to its general manager James Mooney. The business held on and reopened as soon as possible in May.

But since the new restrictions were announced Friday, he has felt sick to his stomach, he said. Employees called him in tears, worried for their jobs.

"I have single moms calling me basically begging me to give them shifts, to give them hours — to do anything I can to help them," he said.

Mooney has had to cut staff by about half — from 80 to about 40 or 50, all working limited hours.

Berkowitz said the city is working on relief programs for employees and that rent relief money is available through the municipality, as well as some small business and nonprofit grants. Another \$5 million in aid is coming for small businesses from the municipality's money it received through the CARES Act, he said. Berkowitz also said the city is looking for ways to directly help workers who've been affected by the order.

Berkowitz also said that Emergency Order 12, passed in June, allowed businesses to expand outdoor seating and that 30 establishments have already done so.

Berkowitz said many Alaskans are feeling frustrated because the state has "been slow getting its \$290 million of small business aid out the door." He said he has discussed the issue with Gov. Mike Dunleavy, but the state has also been bogged down by rules.

*[Most of Alaska's \$1.5 billion federal pandemic aid package remains unspent]*

Berkowitz said that more federal aid should soon come for businesses and that he is part of a group of mayors nationwide that have asked Congress to pay particular attention to bars and restaurants, because they've "paid the price across the country."

Still, Alaska Cabaret, Hotel, Restaurant and Retailers Association president Sarah Oates said the indoor dining shutdown has hit businesses at the "most inopportune time possible."

"Every time the rules have changed, it's required a significant investment by these businesses to comply with the new requirements," she said. They were already adjusting to the previous emergency order, she said. That order significantly reduced their operating capacities, and was passed in late July.

Over the weekend, Mooney doubled the size of his outdoor seating area at Bear Paw with more tents and heaters. The establishment has spent “several thousand dollars” creating a large outdoor dining area in its parking lot, he said.

Curtis Yim, an owner at Ray’s Place, said business had been picking up and the Midtown Vietnamese restaurant was taking steps to add employees.

But the new mandate forced the restaurant to lay off two part-time workers.

“It’s hard to find the positive on this first day,” he said. “Starting today, it’s three steps back.”

Yim said he has generally supported the mayor’s policies to combat COVID-19.

“I feel it’s a little bit harsh on all the bars and restaurants,” he said. “We were keeping good records, following all the protocols, and sanitizing everything since we opened. But because a few bars and restaurants had some cases of COVID, they are including everyone.”

For lunch on Monday, the restaurant set out three outdoor tables in the parking lot. The tables filled up at one point, offering a glimmer of hope, he said. He planned to add more for dinner.

“It just doesn’t seem right serving a customer in the parking lot,” he said. “They get to listen to road traffic. And we’re wondering if it’s going to get rainier or windier.”

*[Because of a high volume of comments requiring moderation, we are temporarily disabling comments on many of our articles so editors can focus on the coronavirus crisis and other coverage. We invite you to write a letter to the editor or reach out directly if you’d like to communicate with us about a particular article. Thanks.]*

# For one Anchorage restaurant, a defiant opening brings in crowds

By Lex Treinen, Alaska Public Media - Anchorage - August 4, 2020



Patrons enter Kriners Diner on Monday, August 3, 2020 (Lex Treinen/Alaska Public Media)

**Update, Tuesday 1:30 p.m.:** Municipal employees posted a stop work order outside of Kriner's Diner sometime before noon. Restaurant owner Andy Kriner said he will keep operating, despite the order.

## Original story:

Emergency Order 15 went into effect Monday in Anchorage, banning indoor dining at restaurants and bars, but not every business complied.

At Kriner's Diner in Midtown, Monday looked like about any other afternoon: Pickup trucks crowded the parking lot. Customers streamed inside, looking for a fix of diner fare: burgers, chili and pie.

Many weren't just there for the food. It was also about making a statement in defiance of the city's restrictions on businesses meant to curb the rapidly spreading coronavirus.

"Any business that's willing to stay open for their livelihood over going on the government dole, I will try to support to the best of my ability," said Chad Hahn as he walked out of the restaurant after a late breakfast of corned beef, hash and eggs.

He said fears of the coronavirus are overblown.

**RELATED:** *Alaska's COVID-19 count tops 3,000, as Anchorage bars and restaurant dining rooms close again*

Hahn, a postal service employee, said that keeping business running is what his patronage is all about. He said he also doesn't want to live his life in fear, and he thinks the other customers would agree.

"They're at capacity," he said, when describing the scene inside Kriner's. "They do have distancing. And there are tables that are reserved to maintain distancing. And people are in there and they're happy and they're laughing and they're chatting. Nobody's sitting in fear."

**RELATED:** *Anchorage shuts down bars, restaurants for indoor service*

Kriner's owner, Andy Kriner, said remaining open is about staying in business. The diner already living through one shutdown. It has run out of Paycheck Protection Program money and it doesn't have any outdoor seating, Kriner said.

Luckily, he said, supporters have come out in droves.

"I've had three people hand me \$100 bills," Kriner said. "People are calling on the phone and paying for people that are here eating because they can get here. Overwhelming support."

Kriner said he knows there are risks to staying open.

For one, there's the health risk. But, he said, the wait staff is still wearing masks. He said he's doing his best to keep 6 feet between customers, though with the number of guests, that's hard.

Also, there's also the risk of a consequence from the city for violating the mandate. Kriner said he tried to get a response about what might happen if he didn't shut down.

"I couldn't get a straight answer," he said. "What happened if I didn't shut down? So I just thought I'll stay open and see what happens."

As of Monday afternoon, nothing had happened, Kriner said.

Mayor Ethan Berkowitz's administration declined a request for an interview. In a prepared statement, spokesperson Carolyn Hall wrote that the city was pursuing all enforcement options "including informing and educating businesses in violation of the Emergency Order as well as issuing fines and Stop Work Orders."

Hall described the decision to have to close restaurants and bars as "unfortunate," but said that it was based on evidence that the businesses are often linked to disease spread.

When Berkowitz was asked about enforcement of the new order last week, he said Alaskans do not live "in a police state."

“For much of what we do we count on people to do the right things for the right reasons,” he said. “There’s a tremendous amount of social awareness of what the right kind of behavior is and that kind of social correction, I think, is occurring and will continue to occur.”

By late Monday afternoon, Kriner’s Diner had posted a message on social media thanking its customers for an amazing day. Customers like Chad Hahn say they’ll keep showing up, as long as there’s a place to sit and breakfast on the menu.

**Lex Treinen, Alaska Public Media - Anchorage**

Select Language ▼



Kriner's Diner

August 3 at 2:37 PM · 🌐

...

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!



1.1K

294 Comments 214 Shares



## Kriner's Diner

Yesterday at 1:18 PM · 🌐

...

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!!

Get your Kriner fix NOW at our sister restaurant Kriner's Burgers & Pies! Open daily 11-7p in Mountain View.

#Alaska #Anchorage #Diner #FamilyOwned



# City orders Kriner's Diner to close its dining room, owner won't oblige

By Lex Treinen, Alaska Public Media - Anchorage - August 4, 2020



Diner owner Andy Kriner stands outside his Midtown Anchorage restaurant on August 3, 2020. Kriner refused to close under a city order meant to slow the spread of coronavirus. (Lex Treinen/Alaska Public Media)

The Berkowitz administration upped the stakes on Tuesday in a standoff over an Anchorage restaurant that refuses to shut down indoor dining as required by a recent emergency order meant to slow the spread of the coronavirus.

0:00 / 3:25

Municipality workers posted a stop work notice at Kriner's Diner before noon Tuesday.



Diner owner Andy Kriner confirmed in an interview outside of the restaurant that he intended to stay open despite the order.

**RELATED:** For one Anchorage restaurant, a defiant opening brings in crowds

"I don't think it's gonna kill everybody," Kriner said.

The city's order that again shut down dine-in service at Anchorage restaurants, bars and breweries took effect Monday and lasts for four weeks.

*Municipal workers speak with Andy Kriner (center in blue) on Tuesday morning, Aug. 4, 2020 (Anonymous photo used with permission)*

On Monday, Kriner's Diner kept serving customers inside. And, on Tuesday afternoon, the diner was crowded again, with a 20-minute wait to get a table.

Kriner said he spoke with Anchorage Mayor Ethan Berkowitz earlier in the day. He said the conversation was amicable and Berkowitz is a "nice guy," but he doesn't see them reaching an agreement. There are things that the two fundamentally disagree on when it comes to the coronavirus, he said.

Mathew Myers, a construction worker waiting outside, said he thought fears of the virus were overblown and fabricated for political gains.

"They want to create misery to get Republicans out of office, especially Trump," he said.

By 1:15 p.m., Kriner posted on the diner's Facebook page that the restaurant had to close early because it was so busy it had run out of food and needed to restock.



*At about 1 p.m. on Tuesday, August 4, diners had a wait time of about 15 minutes to enter Kriner's Diner. Owner Andy Kriner said that Tuesday was the busiest it's ever been. (Lex Treinen/Alaska Public Media)*

"Well Anchorage, we just realized we don't have enough food to feed the whole city due to the OVERWHELMING support of you ALL!!!" the post said.



*A customer removes the red stop work order sign from the door of Kriner's Diner as he videos himself with a cell phone. He later returned the sign to the door. (Lex Treinen/Alaska Public Media)*

Kriner wrote that the restaurant would reopen Wednesday at 9 a.m.

It is unclear exactly what type of enforcement might happen next.

The city has said it will pursue all available enforcement options, and in an emailed statement on Tuesday evening, Berkowitz spokesperson Carolyn Hall said there could be fines and additional penalties after a stop work order is issued. She wrote that fines will accrue on a daily basis for violators and that they may be disqualified from future stimulus or relief funds.

"Flagrant violations of Emergency Orders needlessly increase the public health risk to employees and customers, and divert public resources from the more pressing needs of the community," she wrote, adding that the vast majority of businesses are complying with the order.

Kriner said he was told that he faces a \$300 fine each day he stays open. But, he said, the increased patronage of his restaurant more than made up for that.

"It's the busiest day I've ever seen," he said. "And people are really excited that we decided to take a stand."

*This story has been updated to include the city's response.*

**Lex Treinen, Alaska Public Media - Anchorage**

Select Language ▼