



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: October 18th 2016

RE: Azucar Fina #4910

This is a license which from the AMCO staff's perspective expired by operation of law on February 28, 2015. The license applied for permits, some of which made it through the process by an examiner who ignored the licensing database reflecting the license was expired. In August, 2016, the director denied a permit because the license was expired and because it appeared the permits were being sought and operated at an unlicensed premises in lieu of a license. The licensee insisted that the license was renewed because the renewal check was cashed. Staff seeks a definitive determination from the board on the status of the license.

Date License Was to Renew: January 1, 2015

Action Taken by Staff:

Letter was sent to licensee at mailing address on file on 01/29/2015 stating that the license will expire at midnight on 02/28/2015 if a complete renewal application is not submitted by then. This notice was returned to the ABC Board as "Return to Sender; Unable to Forward". No renewal application was submitted by 02/28/2015, so license was expired and notice of expiration was sent on 03/06/2015.

Renewal application received 03/09/2015. Letter sent on 03/10/2015 by Candy Deutsch indicated renewal application not complete or correct, as the licensed corporation was involuntarily dissolved, and no proof of good cause was submitted for failure to file a complete application for renewal by February 28, as required by 3 AAC 304.160(e). No local government notice of renewal sent due to non-responsiveness of applicant. No refund sent because no request for refund by applicant. (Check deposited when received with initial incomplete, incorrect renewal application.)

Additional Consideration:

Lien received against license on 11/14/2012, filed by Alaska Legal Services Corp for Francisca Anthony's.

Recommendation:

The recommendation is that the board find that the license was not renewed but expired by operation of law on February 28, 2015. No statutory requirements for renewal were met, such as sending complete renewal application to LGB, because completed application was never received. Board should order staff to refund renewal license fee.