



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: November 23, 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 licensee 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 and postmarked 02/28/2015. Letter sent on 03/10/2015 by Candy Deutsch indicated renewal application not complete or correct, as the licensed corporation was involuntarily dissolved. 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 Anthonys.

Previous Board Action	Board heard information at October 26, 2016 meeting. Mr. Anthony's appeared by phone and insisted he has documentation that will prove to the board that he renewed his license. Board instructed him to provide that documentation and tabled until December 5, 2016.
Documents from Anthony's	On November 23, 2016, AMCO received a parcel with documents provided by Mr. Anthony's. These documents are in your board packet. Ms. Oates will explain the documents for the board as they are AMCO's documents.
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.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

March 6, 2015

Creative Latin Businesses Inc.
PO Box 56067
North Pole, AK 99705

RE: Expiration and Cessation of Operation of License #4910 Azucar Fina

YOUR LIQUOR LICENSE HAS EXPIRED

Dear Licensee:

Because a complete application for renewal and/or the required fees were not filed with the ABC Board by February 28, 2015, **your liquor license expired at midnight, February 28, 2015**, per AS 04.11.540.

THE SERVICE, SALE, CONSUMPTION, AND/OR DISTRIBUTION OF ALCOHOL ON YOUR PREMISES MUST CEASE IMMEDIATELY.

Per 3 AAC 304.160(e), the board will consider a written request to reinstate the license if the request is accompanied by (1) a complete application; (2) all required fees and penalty fees; and (3) proof of good cause for the failure to file and pay by February 28.

If you feel that this letter was received in error, or if you have any questions or concerns, please call the ABC Board licensing staff at 907-269-0350.

Sincerely,

A handwritten signature in green ink, appearing to read "Sarah D. Oates".

Sarah D. Oates

Records & Licensing Supervisor
sarah.oates@alaska.gov
2400 Viking Drive
Anchorage, AK 99501
(907)269-0350

Frederico Anthony
PO BOX 60556
Fairbanks, AK 99706



November 05, 2016

Attn: ALCOHOL & MARIJUANA CONTROL OFFICE

Chairman of the board, Robert Klein and Board Members

Director of the board, Cynthia Franklin,

I am writing this letter in response to the request of information made by the ABC board on October 26th, 2016 meeting. The documents provided are in reference to license #4910, assigned to Azucar Fina. The attached documents are in support of Licensee's testimony given during the October 26th meeting.

Points for the ABC board to consider, when making it's decision:

The Licensee argues that he filed a complete application along with all associated fees on February 28th, 2015, (See attached USPS Certified Receipt), also signed and received by AMCO's staff member Jane Sawyer. (See attached USPS Return Receipt) Licensee, also argues that license #4910 was in fact considered filed and current by the ABC board; which corresponds with the database information obtained from the ABC board's website, (See attached, 08/2016 current Master Alcohol Licenses List) Note; the Master's list has since been changed by the AMCO's staff, and license # 4910 assigned to Azucar Fina, no longer appears nor reflects as being a current license. The attached document was screened, shot, and printed from the ABC board's website immediately after board director Cynthia Franklin denied a catering permit that was applied for in August 2016.

In addition; Director Cynthia, on October 18th, 2016, issued a Memorandum to ABC board Chairman Bob Klein and Members of the Board raising arguments and

offering recommendations in regards to license #4910. The licensee was never notified by the director that arguments were being brought up for discussion against the license before the board on October 26th, 2016 meeting. Director offered incorrect information to the board seeking to obtain a decision to consider license #4910 expired for not being filed on February 28th, 2015. The licensee in this case, strongly feels that Director Cynthia Franklin, abused her discretion when it misrepresented the true facts in this matter. The information she offered to the board during the meeting was misleading and incorrect. The Licensee understood the license was properly renewed, and filed on February 28th, 2015. He applied for a catering permit believing the license was current.

Per the ABC Board's request I the licensee here by submits the following:

1. Proof of delivery receipt addressed to ABC board, USPS Stamped dated February 28th, 2015.
2. USPS Return receipt signed by ABC board staff Business Administrator, Jane Sawyer.
3. Master list of current alcohol licenses. Note: All fees submitted by the Licensee were cashed in as acknowledged by board director Cynthia Franklin.

In accordance to 3 AAC 304.160 (b), an application for renewal of a license as described in that section is considered submitted by February 28 if the renewal application is received at the board's main office or postmarked on or before February 28.

Licensee hopes that the information being provided will satisfy the ABC board's request.


Frederico Anthony/ Licensee

Cc;

ABC board Director, Cynthia Franklin



Copied only part of the List that applies.



4879 Kenai Fjord Outdoor R Outside Cit Kenai Penir Pedersen L Kenai Fjord PO Box 385 907-783-25 david@ala
 4880 Friar Tuck's Restaurant Fairbanks Fairbanks 427 Merha Joshua Roa PO Box 825 907-388-41 friartucksh
 4881 Alaska Trav Recreation Juneau, Cit Other(Anc 9999 Glaci Alaska Trav 9085 Glaci 907-789-00 cmeier@be
 4882 Oriental G Restaurant Seward Kenai Penir 313 Fourth Kyung Ok Y PO Box 405 907-224-7677
 4883 Wine Hous Package St Anchorage, Other(Anc 8841 Jewel TCCH Incor 3318 Chec 907-349-76 checkmate
 4884 Clipper Od Common C Alaskan W Other(Anc Alaskan W: ISP Leisure 4770 Bisca 305-573-63 mfollador@
 4885 Muldoon S Restaurant Anchorage, Other(Anc 210 Muldo P. Claudine 218 Hoyt S 907-748-36 cksf911@g
 4886 Gold Rush I Restaurant Skagway B Other(Anc Mile 2 Klon Gold Rush I PO Box 27 907-612-00 mike@gold
 4887 Captain Ch Restaurant Anchorage, Other(Anc 3001 Penla Captain Ch 3001 Penla 907-278-34 Eatfish@ca
 4888 Sea Princes Common C Alaskan W Other(Anc Alaskan W: Princess Cr 24305 Tow 661-753-15 jmansur@t
 4889 Knik Super Package St Outside Cit Matanuska 5721 S Knik RMB, LLC PO Box 521 907-892-80 bbkassoc@
 4890 Captain's C Beverage C Haines, Cit Other(Anc 108 2nd Av Captain's C PO Box 392 907-766-31 capchoic@
 4891 Firetap Ale Beverage C Anchorage, Other(Anc 10950 O'M O'Malley A 10950 O'M 907-561-23 firetap@al
 4892 Balmoral, Common C Alaskan W Other(Anc Alaskan W: Fred. Olsen Fred. Olsen 44-1473-25 matt.grime
 4893 Serrano's Restaurant Anchorage, Other(Anc 640 W 36th Serrano's, I PO Box 231 907-744-15 katia@serr
 4894 Fresh Catcl Restaurant Homer Kenai Penir 4025 Home Harrison M PO Box 152 907-235-4715
 4895 AK Tuesday Recreation Wasilla Matanuska 1001 S. Ma AK Entertai PO Box 877 907-947-34 akentertair
 4896 Knik River I Restaurant Outside Cit Matanuska 29979 E Kn Knik River I 29979 E Kn 907-745-50 info@knikr
 4897 Denali Arts Recreation Outside Cit Matanuska 22249 S D Denali Arts PO Box 404 907-733-7929
 4898 Panorama Beverage C Outside Cit Denali Borc Mile 224 P Leslie LeQu PO Box 53 907-683-2523
 4899 Panorama Brewpub - Outside Cit Denali Borc Mile 224 P Leslie LeQu PO Box 53 907-683-2523
 4900 Villa Veron Restaurant Outside Cit Matanuska 244 S Sylva Federico G 7362 W Pai 907-357-9155
 4901 Denali Prin Beverage C Outside Cit Denali Borc 238.5 Park Alaska Hot 800 5th Av 206-336-61 mpipkin@f
 4902 Denali Prin Beverage C Outside Cit Denali Borc 238.5 Park Alaska Hot 800 5th Av 206-336-61 mpipkin@f
 4903 Last Call, TI Package St Anchorage, Other(Anc 15415 Old F&L Enterp PO Box 240 907-334-92 thelastcall
 4904 Crystal Ser Common C Alaskan W Other(Anc Alaskan W: Crystal Cru 11755 Wils 310-785-93 jmaeda@ci
 4905 Taco Aztec Restaurant North Pole Fairbanks 101 Santa C Taco Aztec PO Box 747 907-488-82 casillas.yol
 4906 Taco Del M Restaurant Fairbanks Fairbanks 930 Old Ste NTF, LLC 2440 East 1907-569-44 jchevigny@
 4907 Taco Del M Restaurant Anchorage, Other(Anc 2001 East E NTF, LLC 2440 East 1907-569-44 jchevigny@
 4908 Taco Del M Restaurant Anchorage, Other(Anc 4505 Spen NTF, LLC 2440 East 1907-569-44 jchevigny@
 4909 Taco Del M Restaurant Anchorage, Other(Anc 110 West T NTF, LLC 2440 East 1907-569-44 jchevigny@
 4910 Azucar Fin Restaurant Outside Cit Fairbanks 3677 Colle Creative La P.O. Box 60 907-456-25 pilonmelao
 4911 Bombay Va Restaurant Wasilla Matanuska 991 S Herr Bombay Va 810 Lighth 907-376-95 SUNSIL@B
 4912 Baranof Isl Brewery Sitka, City Other(Anc 215 Smith Baranof Isl PO Box 164 907-747-27 rick@barar
 4914 Flying Squi Restaurant Outside Cit Matanuska 26205 S Ta Flying Squi PO Box 685 907-733-68 anita@flyir
 4915 Railway Cai Restaurant Seward Kenai Penir 1401 4th A Taco Dans PO Box 225 907-224-82 railwaycan
 4916 Custom Ala Common C Alaskan W Other(Anc Alaskan W: M/V Sikum PO Box 123 425-806-20 info@sikun
 4917 Filipino Cor Club Ketchikan Ketchikan C 2414 Tong Filipino Cor PO Box 624 907-225-9093

EXP / INUSE

<i>EXP</i>	<i>INUSE</i>			
2016	TRUE	FALSE	1-May	31-Oct
2016	TRUE	FALSE		
2016	TRUE	FALSE	15-Apr	1-Oct
2014	FALSE	FALSE		
2016	TRUE	FALSE		
2010	FALSE	FALSE	1-May	31-Oct
2010	FALSE	FALSE		
2016	TRUE	FALSE	15-Apr	15-Oct
2012	FALSE	FALSE		
2012	FALSE	FALSE	1-May	31-Oct
2017	TRUE	FALSE		
2016	FALSE	FALSE		
2017	TRUE	FALSE		
2010	FALSE	FALSE	15-Apr	15-Sep
2014	FALSE	FALSE		
2016	TRUE	FALSE	1-May	1-Nov
2016	TRUE	FALSE		
2016	FALSE	FALSE		
2016	TRUE	FALSE	1-May	1-Oct
2010	FALSE	FALSE	1-May	1-Oct
2012	FALSE	FALSE		
2016	TRUE	FALSE	1-May	31-Oct
2016	TRUE	FALSE	1-May	31-Oct
2010	FALSE	FALSE		
2016	TRUE	FALSE	1-Apr	30-Sep
2017	TRUE	FALSE		
2012	FALSE	FALSE		
2012	FALSE	FALSE		
2012	FALSE	FALSE		
2012	FALSE	FALSE		
2016	FALSE	FALSE		
2010	FALSE	FALSE		
2016	TRUE	FALSE		
2016	TRUE	FALSE		
2016	TRUE	FALSE		
2012	FALSE	FALSE	1-May	30-Oct
2010	FALSE	FALSE		



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Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 11.75



Sent To Alcohol Beverage Control Board
Street & Apt. No., or PO Box No. 2400 Viking Drive
City, State, ZIP+4 Anchorage AK 99501

PS Form 3800, July 2014

See Reverse for Instructions

7014 2120 0001 4216 7455



Copy

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alcohol Beverage Control
Board
2400 Viking Drive
Anchorage, AK 99501

2. Article Number
(Transfer from service label)

7014 2120 0001 4216 7455

COMPLETE THIS SECTION ON DELIVERY

A. Signature

* Jane Sawyer

Agent

Addressee

B. Received by (Printed Name)

Jane Sawyer

C. Date of Delivery

3/19/15

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No



3. Service Type

Certified Mail®

Priority Mail Express™

Registered

Return Receipt for Merchandise

Insured Mail

Collect on Delivery

4. Restricted Delivery? (Extra Fee)

Yes