



## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the Board

DATE: April 15, 2016

FROM: Cynthia Franklin  
Director, ABC Board

RE: Morning Wood Hotel Bar #5372

This is an application for a beverage dispensary tourism duplicate license in Skagway. The board delegated the license based on objection from Fire Marshal at the April, 2015, meeting. An objection was since received to the application. The board must consider the objection and testimony received at a hearing conducted under AS 04.11.510(b)(2) upon receipt of objection to ascertain the reaction of the public and local governing body to the application. AS 04.11.510(b)(2) requires that the board give 20 day advance notice of such hearing.

Objection received: Concerned Citizen of Skagway, January 6, 2015

Basis for objection: License not being sought to promote tourism

Notice given for hearing? Yes, 20 days notice in public notice for meeting

Statutes/Regulations Applicable AS 04.11.470; AS 04.11.510(b)(2); AS 04.11.320(a)(1); AS 04.11.400(d); 3 AAC 304.325

Question before the board

- 1) Is the applicant close enough to license issuance to maintain delegation awaiting Fire Marshal approval?
- 2) After a review of all relevant information, is the issuance of the license in the best interest of the public per to AS 04.11.320(a)(1)? The board may use any objection and the reaction of the public and local governing body to the application, as ascertained after holding the hearing under AS 04.11.510(b)(2), to assist in its determination.

Board Action

Options:

- 1) Deny license per AS 04.11.320(a)(1); issue written findings of fact in support of decision per AS 44.62.
- 2) Remove delegation and deny license based on objection of Fire Marshal.
- 3) Maintain delegation pending Fire Marshal approval and removal of its objection

1/6/15

To Whom It May Concern:

This letter is regarding the Skagway Pizza Station's application for a duplicate liquor license, and the State's requirement for them to build additional hotel rooms in order to receive this duplicate liquor license. I would strongly support their efforts to increase tourism in Skagway by adding more hotel rooms to their complex, but let's be real here, the only reason the hotel rooms exist is so that they can obtain liquor licenses.

I do not support this business using the existing hotel rooms as employee and building owner housing, which reduces, or even eliminates the benefit of the added hotel rooms. This business has been known to use these existing 10 rooms as building owner and employee housing in the past. One of the building owners, Matthew Smith lived in the suite for a number of years, and other employees have stayed in rooms throughout the last several years. This means that they did not even meet the minimum requirement of having 10 available hotel rooms for the purpose of enhancing tourism. Very recently, one of their employees told me that they will be living in one of the existing hotel rooms this summer, after the new rooms are completed.

I would hope that the board takes this into consideration when reviewing their case and takes proactive measures to insure that these hotel rooms are used for their intended purpose, which is to enhance tourism in Skagway, not to house this business's employees and get a couple of liquor licenses along with it.

Sincerely,

Concerned Citizen of Skagway

JAN 11 '15 PM 1:15

**MEMORANDUM**

TO: DEC – Area Office  
DPS – State Fire Marshall’s Office

[jason.wiard@alaska.gov](mailto:jason.wiard@alaska.gov)  
[diana.parks@alaska.gov](mailto:diana.parks@alaska.gov)

FROM: ABC Board  
2400 Viking Dr.  
Anchorage, AK 99501  
269-0350 – Phone  
334-2285 – Fax

DATE: 1/30/15

**RECEIVED**  
**Juneau Office**  
**FEB 02 2015**  
Div. of Fire & Life Safety  
Life Safety Inspection Bureau

SUBJECT: New Liquor License Application

**WITHIN 30 DAYS** please notify our office if there is a reason to object to requested application.

License #	5372
DBA	Morning Wood Hotel Bar
TYPE OF LICENSE	Beverage Dispensary Tourism –Duplicate (AS 04.11.400(d))
FOOD SERVICE PROVIDED	YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/>
PREMISE LOCATION	4 <sup>th</sup> and State Street Skagway
MAILING ADDRESS	PO Box 280 Skagway AK 99840
PHONE	Elizabeth Smith 907-612-0100 or 907-983-2200

PROPOSED BUILDING  EXISTING FACILITY  NEW BUILDING

REVIEWED/APPROVED: \_\_\_\_\_ DEC

DATE: \_\_\_\_\_ FIRE

PHONE: \_\_\_\_\_

Comments: we have not yet received and reviewed plans for the hotel addition. Until the time we receive the plans we object to issuing the license.

Robert Plumb  
Deputy Fire Marshall

2/6/15

## New Liquor License

License is:  Full Year      OR       Seasonal      List Dates of Operation: \_\_\_\_\_

SECTION A - LICENSE INFORMATION			FEES
Office Use:	License Type:	Statute Reference	12434
License Year: <u>2015-2016</u>	* Duplicate * License # 4379 Beverage Dispensary Tourism	Sec. 04.11. <u>406(d)</u>	License Fee: \$ <u>2500.00</u>
Office Use:			Filing Fee: \$100.00
License #: <u>5372</u>			Rest. Desig. Permit Fee: \$
Local Governing Body: (City, Borough or Unorganized)	Community Council Name(s) & Mailing Address:		Fingerprint: \$
<u>Municipality of Skagway</u>	<u>Skagway Municipal Council</u>		<u>(\$51.50 per person)</u>
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership):	Doing Business As (Business Name):		<b>TOTAL \$ <u>2600</u></b>
<u>Elizabeth F. Smith</u>	<u>Morning Wood Hotel Bar</u>		Business Telephone Number:
Mailing Address:	Street Address or Location of Premises:	Email Address:	
<u>P.O. Box 280</u>	<u>4th E State St.</u>	<u>Skagpie@yahoo.com</u>	
City, State, Zip:	<u>Skagway, AK 99840</u>		
<u>Skagway, AK 99840</u>			
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds:	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
<u>1 mile</u>		<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Distance to closest church:	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	<input checked="" type="checkbox"/> Not applicable	
<u>600 feet</u>			
Premises to be licensed is:	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)		
<input type="checkbox"/> Proposed building	<input type="checkbox"/> Diagram of premises attached		
<input type="checkbox"/> Existing facility			
<input checked="" type="checkbox"/> New building			

## New Liquor License

### SECTION C – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes  No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Elizabeth F. Smith	Skagway's Pizza Station	Beverage Dispensary Tourism Lic # 4379	444 4th St.	Skagway, AK

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes  No If Yes, attach written explanation.

### SECTION D – OWNERSHIP INFORMATION - CORPORATION

*Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.*

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): <b>N/A</b>		Telephone Number:	Fax Number:
Corporate Mailing Address:	City:	State:	Zip Code:
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED:	State of Incorporation:

Is the Entity in "Good Standing" with the Alaska Division of Corporations?  Yes  No  
 If no, attach written explanation. Your entity **must** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

### Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth

**NOTE: If you need additional space, please attach a separate sheet.**

## New Liquor License

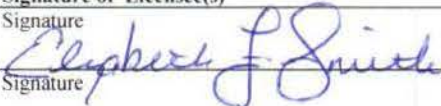
### SECTION E – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

**Individual Licensees/Affiliates** (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: <u>Elizabeth F. Smith</u> Address: <u>P.O. Box 280</u> <u>Skagway, AK 99840</u> Home Phone: <u>(907) 612-0100</u> Work Phone: <u>(907) 983-2200</u>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <u>5-22-1993</u>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: <u>Mark Smith</u> Address: <u>P.O. Box 280</u> <u>Skagway, AK 99840</u> Home Phone: <u>(907) 612-0101</u> Work Phone: <u>(907) 983-2758</u>	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth: <u>12-21-1993</u>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

#### Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) Signature  Signature	Signature of Licensee(s) Signature Signature
Name & Title (Please Print) <u>Elizabeth F. Smith/owner</u>	Name & Title (Please Print)
Subscribed and sworn to before me this <u>12<sup>th</sup></u> day of <u>November, 2014</u>	Subscribed and sworn to before me this _____ day of _____
Notary Public in and for the State of <u>Alaska</u> 	Notary Public in and for the State of _____
My commission expires: <u>04-23-2017</u>	My commission expires:



Skagway Pizza Station  
Elizabeth F. Smith  
P.O. Box 280  
Skagway, AK 99840

The State of Alaska  
Alcohol Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501

January 26, 2015

Dear Board of Directors,

The Skagway Pizza Station is a year round establishment that serves breakfast, lunch and dinner. Currently, we encourage tourism through our 10 room hotel (The Morning Wood Hotel), and our restaurant/bar, by trying to entice travelers to stay longer than just a day. We offer discounts throughout the winter months to encourage travelers from Whitehorse, Juneau and Haines to come visit Skagway and spend a weekend without it costing a fortune. Our rooms at the Morning Wood Hotel are offered at a discounted rate as well as discounts to the restaurant for our guests. We also try and encourage travelers to spend a night or two by providing live entertainment at the bar, such as local bands or local game shows.

The Skagway Pizza Station's and Morning Wood Hotel's staff is all trained to answer any questions our customers may have regarding tours and other local attractions whether it be historical sites or hikes. We provide various phone numbers to different tour companies depending on what the customer is requesting or we directly contact Skagway's local tour brokerage, M&M Tours to get the information our guests need. The hotel also offers free Wi-Fi to our guests in case they want to book their own tours on line.

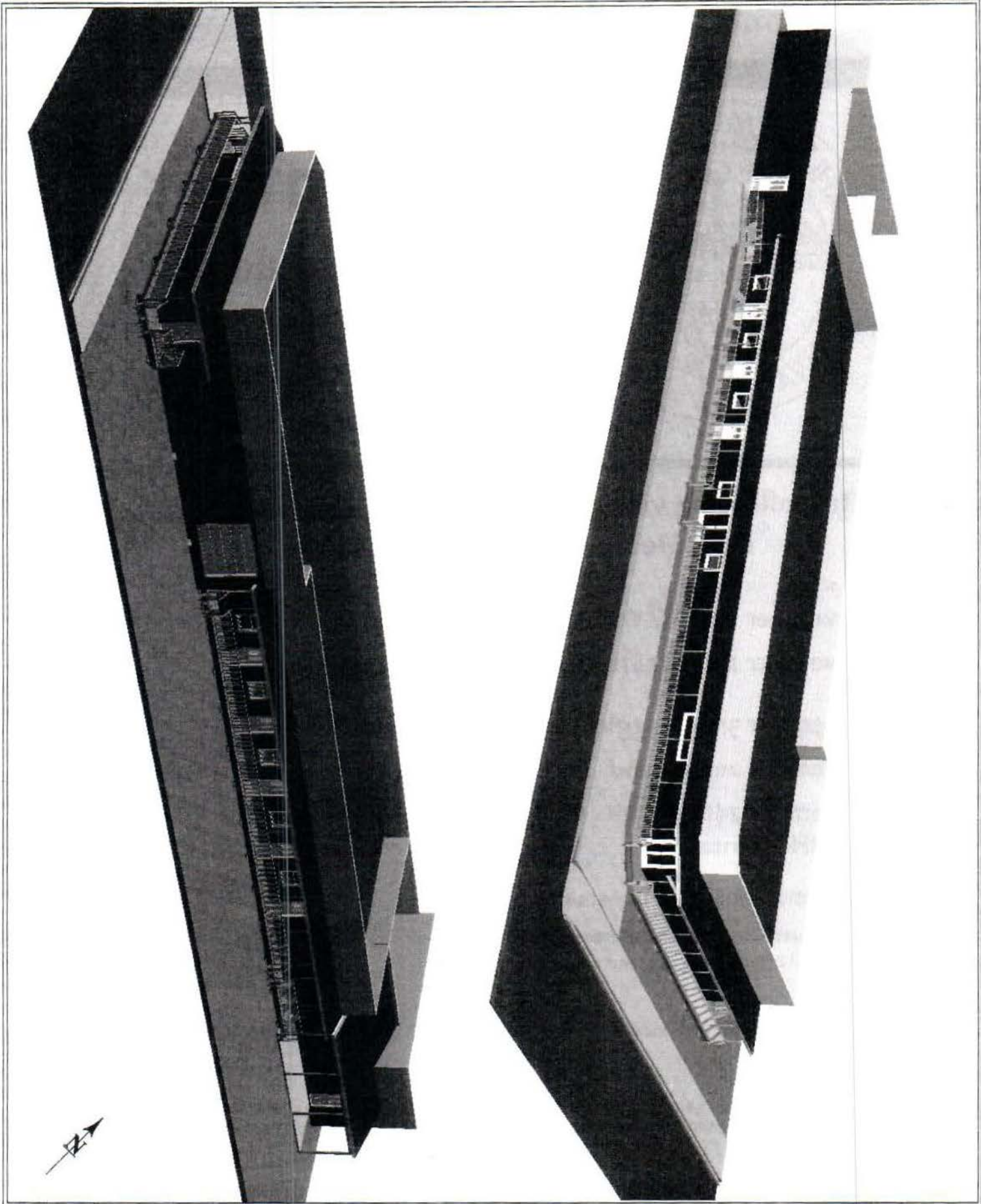
The Skagway Pizza Station and the Morning Wood Hotel are constantly trying to make improvements for its guests. In the last two years we have added Wi-Fi to the hotel and have made several improvements and repairs to the rooms and bathrooms. Last fall we broke ground on our hotel expansion project. This expansion will add an additional 8 hotel rooms, along with a larger lobby, gift shop and hotel bar.

I hope this letter provides all the answers to your questions, however please feel free to contact me if you have any further questions. My phone number is (907) 612-0100. Thank you for taking the time to read this letter. Have a wonderful New Year.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth F. Smith". The signature is written in black ink and is positioned above the printed name.

Elizabeth F. Smith



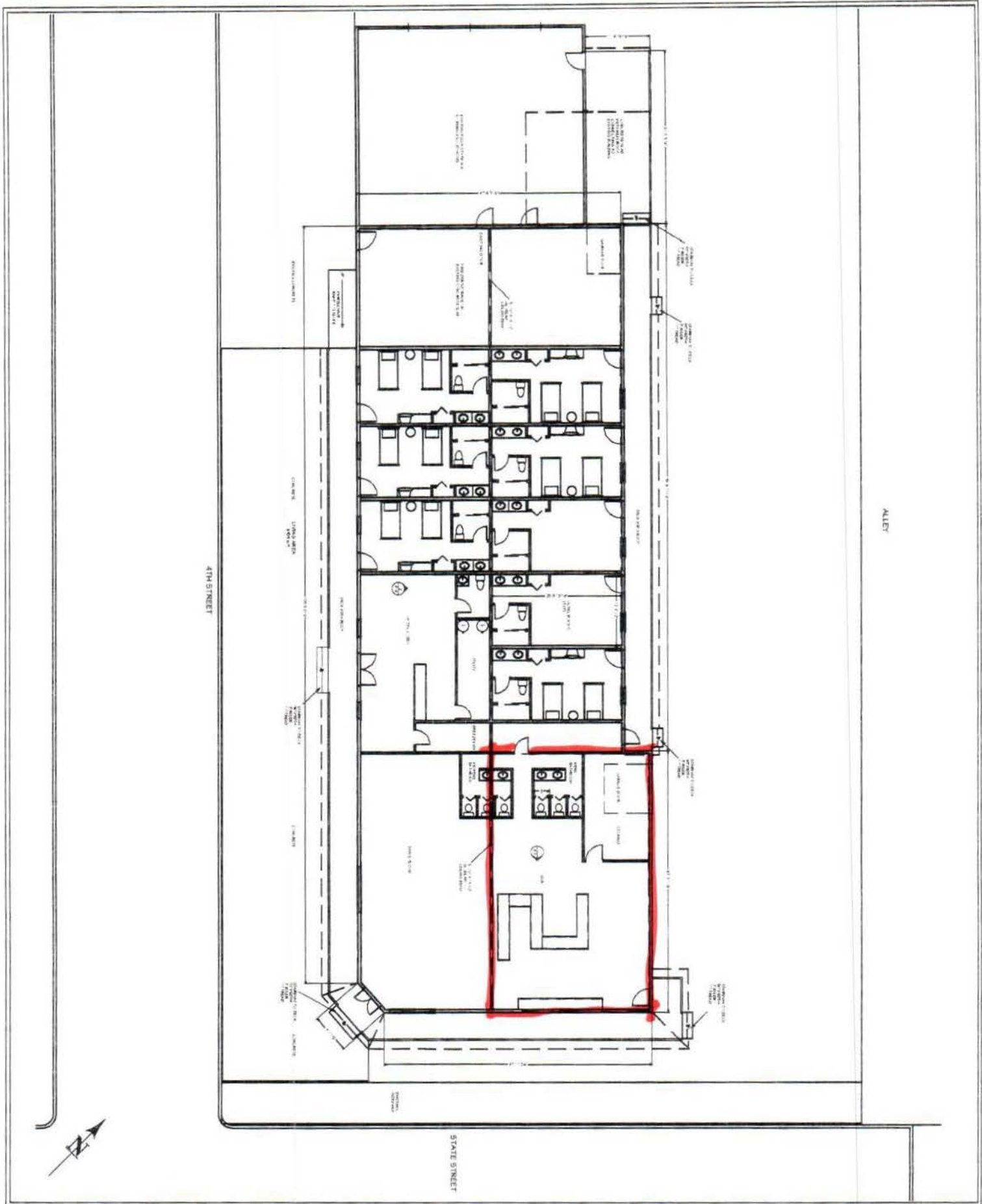
DRAWINGS PROVIDED BY  
  
 11000 N. W. 11th Ave.  
 BOCA RATON, FLORIDA 33431  
 561-465-1888

PIZZA STATION AND  
 MORNING WOOD HOTEL  
 ADDITION

PERSPECTIVE  
 OVERVIEW

DATE: 11/2/2014  
 SCALE: N.T.S.  
 SHEET: P-1





DRAWINGS PROVIDED BY  
  
 2 ALBUQUERQUE, ALABAMA ROAD  
 807-463-3388

PIZZA STATION AND  
 MORNING WOOD HOTEL  
 ADDITION

FIRST FLOOR  
 PLAN

SHEET:  
 N.T.S.  
 SCALE:  
 DATE:  
 11/7/2014

P-6