



MEMORANDUM

TO: Robert Klein, Chair, and
Members of the Board

DATE: November 13, 2017

FROM: Erika McConnell
Director, ABC Board

RE: Alaska Wine Guy, #5120
Appeal of license forfeiture
under AS 04.11.030

AS 04.11.030, Death of a licensee, requires that an application for transfer of ownership from a deceased licensee be made within 90 days of the death of the licensee and allows for the board to approve an extension of time if petitioned by the executor or administrator of the estate. If the transfer is not submitted within the required time, the license is forfeited.

This package store license in Anchorage is held by AWG, Inc., which was owned by Thomas Faughnan (90%) and Ernae Caddell (10%). Mr. Faughnan died on March 31, 2014, and Ms. Caddell died on January 8, 2016. Ms. Sherrie Caddell, daughter of Ms. Ernae Caddell and widow of Mr. Faughnan, is the personal representative of both deceased owners.

On April 15, 2016, Ms. Sherrie Caddell requested a time extension from the board to complete a license transfer application. Her February 8, 2016, request stated that she had just become the personal representative of the estate of Ms. Ernae Caddell, that she was working with an attorney to transfer the AWG stock, and would be submitting a transfer application as soon as the stock transfer was complete. The board approved an extension to December 2016.

No transfer application has been received by this office. It appears the license was operated during the first several months of 2017, as there are liens filed by Southern Glazer's Wine and Spirits and Odom Corporation for orders invoiced between February and April.

On October 10, 2017, I informed AWG, Inc., that the license was forfeited in accordance with AS 04.11.030(b) as no transfer application had been received by December 2016 (or subsequently). Ms. Sherrie Caddell is appealing.

Attachments: Ms. Caddell's appeal
April 2016 Board Packet

October 26, 2017

Alcohol & Marijuana Control Office
550 West 7th Ave. , Suite 1600
Anchorage, AK 99501

RE: Alaska Wine Guy, License #5120

Dear Ms. McConnell,

In accordance with AS 04.11.560(a) and on behalf of the Estate of Ernae Caddell, I would like to appeal the decision to forfeit license #5120.

Due to complexities with the Ernae Caddell's Estate, it remains undisposed. At this time, the license is inactive and debts owed against it appear to be greater than the market value. In an effort to resolve, I have been working with realtor Collin Agni, Associate Broker at Commercial Real Estate Alaska to negotiate with vendors and parties which hold a securities interest to accept a percentage of the profits proportionate to the represented debt, when sold. While the majority of the vendors are amenable, additional time is needed to finalize the last vendor and to market the license at an appropriate value. In an attempt to ameliorate an unfortunate situation, I would like to request that the board provide additional time for the transfer, while the license is professionally marketed. The application for a transfer would take place when a suitable buyer is found.

Thank you for your consideration.

Sincerely,



Sherri Caddell

Personal Rep for the Estate of Ernae Caddell



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD
550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437

MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: April 15, 2016

RE: Alaska Wine Guy #5120

This is a license for which a 90% owner died in 2014 and the 10% owner died in 2016. This is a request for extension of time to apply for a transfer of the license. The licenses have been operated in the interim by the personal representative of both deceased owners.

Dates of deaths: March 31, 2014- Thomas Faughnan, 90% owner
January 8, 2016- Ernae Caddell, 10% owner
(PR is Sherrie A. Caddell, widow of Thomas Faughan and daughter of Ernae Elaine Caddell)

Status of transfer: Transfer application not filed at this time. Ms. Caddell, PR, had begun process of working through probate of Thomas's estate when Ernae Elaine passed.

Request of licensee: Extension of time to complete transfer now that she is the personal representative for 100% of ownership in license.

Recommendation: Grant extension of time to complete probate process. Schedule for December, 2016 board meeting.

AWG, Inc.
4655 Cascade Circle
Anchorage, AK 9952
Phone: (907) 351-0211
Email: sherricaddell@hotmail.com

February 8, 2016

Alcohol and Marijuana Control Office
557 W. 7th Ave., Ste. 1600
Anchorage, AK 99501

Re: Request for Time Extension and Request for Temporary Authority of Personal Representative License No. 5120

To Whom It May Concern,

I have been appointed the personal representative for my late husband, Thomas W. Faughnan. I am attaching copies of the appointment documents issued by the probate court to verify my authority as personal representative. Thomas was the owner of 90% of all stock in AWG, Inc., holder of the above-referenced license. I have been in contact with one of your business registration examiners regarding the transfer of ownership of the AWG stock and was in the process of preparing the necessary application materials to have the stock transfer approved by the Board when my mother, Ernae Caddell, died on January 8, 2016. Ernae was the owner of the remaining 10% of the AWG stock.

We opened the probate of my mother's estate on January 27, 2016 (I was not able to submit the materials necessary to start a probate until after we received a certified copy of her death certificate). I just received the documents appointing me as personal representative of her estate today. I am attaching copies of both the application and the appointment documents to verify my authority as her personal representative, and to demonstrate that I have been working diligently on this for the past several weeks.

Now that I have proper authority to convey 100% of the AWG stock to the successor in interest to both Thomas and Ernae, I wanted to request that the Board grant me an additional extension of time, pursuant to AS 04.11.030, in which to submit the stock transfer info to your offices for approval by the Board in connection with the renewal and transfer of the license. This request is not made in an effort to delay the licensing process in any way, but is merely the result of Ernae's untimely death. Should the Board require any additional information from me in order to consider this request, please do not hesitate to contact me. I am presently working with my attorney to legally transfer the AWG stock and

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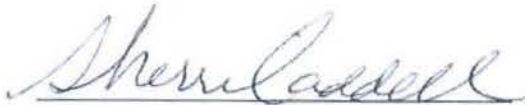
as soon as that process is complete, I intend to prepare and submit the application materials necessary to have the transfer approved by your offices.

Since both of the AWG shareholders are now deceased, I have been further directed to request that Director Franklin grant me permission to continue to operate the business as the personal representative until the stock transfer is completed. Please accept this letter as my request. I am very familiar with the AWG business and my operation of the business through my appointment as personal representative would only be temporary, as we anticipate being able to legally transfer the AWG stock within the next week now that I have received the documents back from the probate court appointment me personal representative of my mother's estate.

Should this request present any problems for AWG, please contact me and advise as to how you would prefer for me to proceed under the circumstances. Your understanding and cooperation during this difficult time is very much appreciated. I am happy to respond to any questions or concerns that you might have.

Sincerely,

AWG, Inc.



Sherri Caddell, Personal Representative
of the Estate of Thomas W. Faughnan and
Personal Representative the Estate of Ernae
E. Caddell

Enclosure

FEB 8 '16 9:41:24

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


In the Matter of the Estate of
THOMAS W. FAUGHNAN,
Deceased.

Case No. 3AN-14- 01443 PR

LETTERS OF ADMINISTRATION

The Statement of Informal Probate of Will and Appointment of Personal Representative
having been signed by the Registrar, Sherri A. Caddell is appointed personal representative
of the Estate of Thomas W. Faughnan.

Dated: 6/25/14


Registrar

ACCEPTANCE

I, Sherri A. Caddell, accept the duties and promise to perform the duties as required by
law of the office of personal representative of the Estate of Thomas W. Faughnan. I
acknowledge my duty as personal representative to:

1. Take possession and control of decedent's property as required by AS 13.16.380,
determine the liabilities of the estate, and complete an inventory as required by AS 13.16.365.;

LAW OFFICES OF ROYCE & BRAIN
1407 West Thirty-First Avenue, 7th Floor
Anchorage, AK 99503-3678
Telephone: (907) 258-6792
Facsimile: (907) 276-2919

2. Provide notice to heirs and devisees as required by AS 13.16.360, except as provided by AS 13.16.690;
3. Provide notice to creditors as required by law, publish notice when required, and review and either accept or reject claims as required by AS 13.16.455 - .515;
4. Advise the court in writing of my address and telephone number as required by Probate Rule 8;
5. File returns for State estate taxes, if required by AS 43.31.121 and AS 43.31.250;
6. Pay homestead, exempt property, and family allowances as may be required by AS 13.11.125 - .140, costs of administration and other claims as required by AS 13.16.470, and distribute the assets of the estate; and
7. Close the estate as soon as appropriate as required by AS 13.16.620 - .670.

I was not required to file a bond

Dated: 6/23/14


SHERRI A. CADDELL
4655 Cascade Cir.
Anchorage, AK 99502
(907) 351-0211

Letters of Administration
In the Matter of the Estate of Thomas W. Faughnan
Case No. 3AN-14-_____ PR
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I CERTIFY THAT ON 06/30/2014
COPIES OF THIS FORM WERE SENT
TO AT-1, P170V
CLERK A