



MEMORANDUM

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

DATE: July 11, 2017

FROM: Erika McConnell
Director, ABC Board

RE: Route 33 #2097 Beverage
Dispensary

Renewal applications were due on January 1, 2017, in accordance with AS 04.11.270(b)(2). AS 04.11.540 states that if a complete application for renewal has not been filed by February 28 [2017], the license expires on midnight of February 28.

The AMCO office received a complete renewal application for this beverage dispensary license on March 29, 2017. The licensee is seeking reinstatement and renewal.

Please note that the applicant filed a DBA change from "Tap Root" to "Route 33" after the renewal application was complete.

Recommendation:

Evaluate the request for reinstatement and renewal pursuant to 3 AAC 304.160(e) and (f).



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March 29, 2017

Ms. Erika McConnell
Director
Alcohol Marijuana Control Office
VIA HAND-DELIVERY

**Re: TR2, Inc.
License #2097
Renewal**

Dear Erika:

Attached to this letter please find, a completed renewal application for TR2, Inc., a check in the amount of \$3200 for all fees, costs, and late fees. Pursuant to 3 AAC 304.165(e), and in the interest of time, please let this letter serve as my client's statement of good cause for failure to file by February 28. Mr. Nowka would also like to testify as to the reasons for the inadvertent failure to file at the Board meeting when this item is scheduled for consideration.

In January of 2017, Mr. Nowka contacted this firm about his renewal. This firm has represented the licensee and business for some time. Due to that relationship, this firm advised Mr. Nowka in mid-January that a renewal must be filed immediately. As such, Mr. Nowka assigned his key administrative employee Ms. Kristy Havasi to complete and file the renewal application. Mrs. Amanda Shawcross of my office worked with Mr. Nowka and Ms. Havasi on completion of the renewal paperwork and various other matters. At that time, Ms. Havasi advised both Mr. Nowka and Ms. Shawcross that the liquor license renewal had been filed by hand delivery. Since Ms. Havasi was a long time and trusted employee, all parties took her on her word. Ms. Havasi's employment was terminated just recently. After termination, my client started to realize that Ms. Havasi had not been completing tasks that she said had stated that she had completed. Mr. Nowka then discovered that she had never filed the renewal and that the paperwork had been throw away. Mr. Nowka confirmed today via telephone conversation with Ms. Havasi that she did not in fact file the renewal. Within 12 hours of discovering this fact, Mr. Nowka and this firm are filing the attached renewal with fees, costs, and penalties as required by Title 4



TR2 operates the Taproot in Anchorage. The Taproot is a valued music venue and reputable operation which has operated without issues or legal incidents for many years. A loss of the liquor license would be a huge blow to the business itself, its partners, its landlord, and the community. TR2 has never been in this situation before and has always complied with the letter of the law. As such, TR2 has learned a valuable lesson, and this Board can rest assured this will never happen again.

As such, the licensee asks for renewal and/or reinstatement of the license for good cause as provided for in 3 AAC 304.165. Again, Mr. Nowka would like to directly address the Board relative to this renewal, so please advise when and if this is possible.

Thank you for your time and consideration in this regard.

Sincerely,



W. Sherman Ernouf

Attachments





Alaska Alcoholic Beverage Control Board
Form AB-17: Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	TR2, Inc.	License #:	2097
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Tap Root		
Premises Address:	3300 Spenard Rd		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Spenard		

Mailing Address:	429 Industrial Way		
City:	Anchorage	State:	AK
		ZIP:	99501

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	Hans Nowka		
Contact Phone:	250-0498	Business Phone:	250-0498
Contact Email:	hans@nowkacabinets.com		

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Seasonal License? Yes No
 If "Yes", write your six-month operating period: _____



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	10024320
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Alaska Division of Corporations:

APR 25 '17 AM 11:33 Yes No

Is your entity in good standing with the Alaska Division of Corporations?



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Hans Nowka				
Title(s):	V.P.	Phone:	250-0498	% Owned:	49
Address:	12221 Shenandoah				
City:	Anchorage	State:	AK	ZIP:	99516

Entity Official:	Martin Severin				
Title(s):	President	Phone:	952-3898	% Owned:	51
Address:	3120 E. 144th Avenue				
City:	Anchorage	State:	AK	ZIP:	99516

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:	APR 25 '17 AM 11:30				
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

Section 4 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

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Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

The license was regularly operated during a specific season each year, for 8 or more hours each day.

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

If this box is checked, an AMCO employee will contact you after reviewing your application.

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

If "Yes", list all convictions:

APR 25 '17 AM 11:33



Alaska Alcoholic Beverage Control Board
Form AB-17: Renewal License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.

HN

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

HN

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

HN

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

HN

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.

HN

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

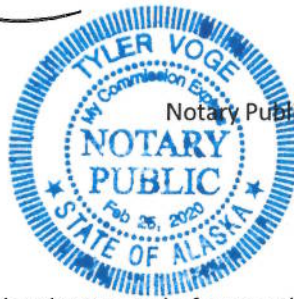
Signature of licensee

Signature of Notary Public

Hans Nowka

Notary Public in and for the State of Alaska

Printed name of licensee



My commission expires: Feb 25, 2020

Subscribed and sworn to before me this 25th day of March April, 2017.

License Fee:	\$ 2500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					APR 25 '17 AM 11:34
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					