



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: 4947 Alaska Team Imports

Requested Action: License renewal; refund of late fee assessed under AS 04.11.270(b)(3)

Statutory Authority: AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

There is no statutory authority for the board to refund a late fee. The board may conclude that the late fee was assessed in error, which would then require a refund.

Staff Rec.: Approve the renewal; deny the request for late fee refund

Background: AMCO first received the renewal application from this wholesale licensee on December 29, 2017. An incomplete letter was emailed to the email address provided by the licensee on January 12, 2018, informing the licensee that corrections were needed to the application and that if the application was still incomplete after seven days, the \$500 late fee would be assessed.

AS 04.11.270(b)(2) states, "the licensee shall submit the completed renewal application and the biennial license fee to the director before January 1" and (b)(3) states, "a renewal application filed after December 31 is delinquent and must be accompanied by a \$500 penalty fee."

For those applications submitted before January 1 that are not reviewed for completeness until after January 1, a seven day grace period is provided to make any necessary corrections. If the application is not completed within that seven day grace period, the application is considered to be not completed by January 1 as required in AS 04.11.270(b) and the late fee is assessed.

Corrections to the renewal application for this license were received on February 22, 2018.

The licensee states in his appeal letter that he was assured by an AMCO staff member that his application was "in order" and "fully completed" when he submitted the application in person in late December, and he notes that his checks were processed.

With regard to the processing of payment, 3 AAC 304.105(e) states, “An application that is incomplete or that is not accompanied by the required fees will be returned to the applicant.” Thus the fees are required as part of determining whether an application is complete. In addition, office management and good money handling policies dictate that we can’t hold unprocessed payments (checks and credit card numbers) for days, weeks, or months pending the completion of an application.

With regard to the licensee being told his application was “in order” and “fully completed,” staff does not review applications for completeness at the counter. Staff will often page through an application packet to see whether there are missing forms, but a completeness review can’t be done in a couple of minutes. It is impossible that a staff member told Mr. Sandbom that his application was “fully completed” although he may have been told that his paperwork “appeared to be in order.”

Attachment: Refund request
Renewal application

3/10/18

Dear Director McConnell,

This is an appeal to the ABC board to have you waive and refund the \$500 late fee we were forced to pay for our recent wholesale malt beverage/wine license renewal. After discussing our issue with Sarah Oates, the program coordinator for the Alcohol & Marijuana Control Office, she suggested we reach out to you directly. The reason we are requesting that this late fee be waived and refunded is as follows:

The renewal form (AB-17) for our wholesale malt beverage/wine license was physically brought into ABC office during the last week of December, to submit on time before the 1/2/28 deadline. As I was then leaving the state on 1/4/18 for 6 weeks, I made sure to request assistance from an ABC office staff member, ensuring the application was filled out correctly. Once the ABC staff member reviewed the application and indicated all was in order, we paid the \$600 (\$400 license renewal + \$200 application fee), and the \$500 mandatory supplier fee, and left the office with the assurance that the application was fully completed and submitted on time. Again, this was confirmed by an ABC staff member.

Just to further confirm all was in order here, I checked our bankaccount and noticed both checks were cashed on 1/2/18 (check #1819 & 1820). I then left the state for 6 weeks.

When I then returned to Alaska late February, it was to my great dismay that I found a letter from the ABC board stating that our application was incomplete, and that if we did not complete the application and pay an \$500 late fee by 2/28/18, our license would be suspended. How could this be possible if the application was PHYSICALLY brought into the ABC office on time, and an ABC staff member assisted to ensure that the application was fully and accurately completed?? An ABC staff member assured me when I left the office in December all was in order with our application, thus I feel the onus is on the ABC here, not my business, as we were in complete compliance. Furthermore, the fact that the checks were cashed, in my mind, was proof that the application was submitted and accepted on time. If the application was incomplete, why would the ABC board have cashed the renewal checks??

I respectfully request that due to these reasons, and resulting unfortunate outcome that was no fault of my own, you waive the \$500 late fee and have the \$500 payment we were forced to make refunded to us. We run a very small business, and the license renewal fees and mandatory supplier fee are already difficult for us to absorb, therefore an additional \$500 is a detriment to our business.

I sincerely thank you for your time and consideration.

Best regards,
Jon Sandbom
Owner
License #4947





Alaska Alcoholic Beverage Control Board

**Wholesale License
 Form AB-17f: 2018/2019 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 beverage dispensary – tourism liquor license that will expire on December 31, 2017. 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 should 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. If any populated information is incorrect, please contact AMCO.

Licensee:	Jon Sandbom	License #:	4947
License Type:	Wholesale - Malt Beverage & Wine	Statute:	AS 04.11.160(b)
Doing Business As:	Alaska Team Imports		
Premises Address:	814 W Northern Lights Blvd		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Spenard		

Mailing Address:	P.O. Box 91261				
City:	ANCHORAGE	State:	AK	ZIP:	99509

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

Point of Contact:	JON SANDBOM		
Contact Phone:	907-529-6372	Business Phone:	907-297-8306
Contact Email:	JCSANDBOM@HOTMAIL.COM		

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____





Alaska Alcoholic Beverage Control Board

Wholesale License

Form AB-17f: 2018/2019 Renewal License Application

Section 2 - 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:

NICHOLAS SANDBOM, BECAUSE HE IS THE OPERATIONS MANAGER

Section 3 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4. 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:	JON COOPER SANDBOM				
Mailing Address:	BOX 91261				
City:	ANCHORAGE	State:	ALASKA	ZIP:	99509
Email:	JCSANDBOM@HOTMAIL@HOTMAIL.COM				
Contact Phone:	(907) 529-6372				

This individual is an: applicant affiliate

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





Alaska Alcoholic Beverage Control Board

**Wholesale License
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Section 4 – 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, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>
 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

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This subsection must be completed by any community or entity, including a corporation, limited liability company, 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 Name:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

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

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





Alaska Alcoholic Beverage Control Board

Wholesale License

Form AB-17f: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2016 2017

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, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this 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, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.

Section 6 – Violations and Convictions

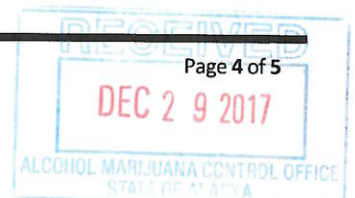
Applicant violations and convictions in calendar years 2016 and 2017:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?

Has any person or entity 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 2016 or 2017?

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.





Alaska Alcoholic Beverage Control Board

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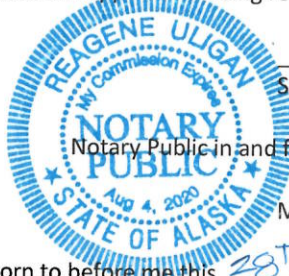
Section 7 – Certifications

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

- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application. Initials
- 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.
- 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, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.
- 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.
- I have submitted a completed Form AB-25: Supplier Certification for each distiller, brewer, vintner, or importer of each product line of alcoholic beverages that I have purchased or intend to purchase, offer for sale, or sell. Additionally, I have submitted as part of this application the required supplier fee, following the attached Supplier Fee Schedule.

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]
 Signature of licensee
JON COOPER SANDBOM
 Printed name of licensee



[Signature]
 Signature of Notary Public
 Notary Public in and for the State of ALASKA
 My commission expires: 08/04/2020

Subscribed and sworn to before me this 28th day of DECEMBER, 2017.

License Fee:	\$ 400.00	Application Fee:	\$ 200.00	TOTAL:	\$ 600.00
Late Fee of \$500.00 – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

