



MEMORANDUM

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

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: Requests for Reinstatement
and Renewal

Requested Action: Reinstatement and renewal for 27 licenses

Statutory and Regulatory Authority: AS 04.11.540: “Notwithstanding AS 04.11.680, an application for renewal of a license issued for the two calendar years ending December 31 or of a seasonal license issued for parts of those calendar years may be submitted up until the next February 28. If a complete application for renewal has not been filed by February 28 or the required fees and the penalty fees have not been paid by that date, the license expires at 12:00 midnight February 28. A new license may not be issued to the holder of an expired license for the same premises except on proof satisfactory to the board of good cause for the failure to file and pay.”

3 AAC 304.160(e): “For the purposes of AS 04.11.540, if a license has expired for failure to file a complete application for renewal by February 28 or for failure to pay the required fees and penalty fees by that date, 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.”

3 AAC 304.160(f): “The board will deny a request for reinstatement submitted under (e) of this section if the board finds that the failure to timely file or pay was caused by

- (1) the licensee's failure to notify the board of a change of the licensee's mailing address;
- (2) a transfer of ownership of the business for which the license was issued without written approval of the board in violation of AS 04.11.040;
- (3) a lease of the licensed business to another person in violation of AS 04.11.450(c); or
- (4) any other action of the licensee whether active or tacit that the board finds constitutes a failure to lawfully operate the business for which the license was issued.”

Staff Rec.: Evaluate the requests for reinstatement and renewal against AS 04.11.540 and 3 AAC 304.160(e) and (f)

Statute and regulation require the board to find that the holder of the expired license has submitted proof of good cause for failure to renew that the board finds satisfactory.

The board should evaluate the requests for reinstatement and renewal against the statutory and regulatory requirements to determine whether or not acceptable proof of good cause has been submitted.