



MEMORANDUM

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

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: Schwabenhof #3773

Requested Action: Reinstatement and renewal of license

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 request 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 request for reinstatement and renewal against the statutory and regulatory requirements to determine whether or not acceptable proof of good cause has been submitted.

The current population of the Matanuska-Susitna Borough authorizes 28 beverage dispensary licenses to be issued within the borough but outside of the city limits of Houston, Palmer, and Wasilla. There are currently 27 issued beverage dispensary licenses in these areas.

The following is a timeline of events pertaining to this request:

11/01/2016:	License renewal applications mailed to licensees
02/14/2017:	Expiration warning letters mailed to licensees who had not submitted complete applications and fees
03/24/2017:	Expiration and cessation of operation letters mailed to licensees who failed to submit complete renewal applications and fees
01/02/2018:	Thomas Robertson hand-delivers 2017/2018 renewal application, along with reinstatement request
01/08/2018:	Mr. Robertson visits the office and makes corrections to his application
01/18/2018:	Mr. Robertson submits final payment to complete his renewal application; notice sent to Mat-Su Borough

Addendum to Form AB-17, Renewal License Application
Re: 3 AAC 304.160. License Renewals

(e) Failure to comply w/ a current license from AMCO for Alcohol Dispensing due primarily to severe illness (FIBROMYALGIA) resulting in incomplete completion of required paperwork and applications for business operation.:

Condition recently under control and now battling to bring life & business back to an ordered and organized and current state.

Thomas N Robertson

THOMAS N ROBERTSON

Jan. 02, 2018



(c) A hearing conducted under this section will, in the discretion of the director, be recorded by a qualified court reporter or the board's staff.

(d) A hearing required to be held under AS 44.62 is delegated to a hearing officer alone, unless the board decides to sit along with a hearing officer for a specific matter.

3 AAC 304.155. Issuance of license

Upon approval of an application for a new license or the renewal or transfer of an existing license, receipt by the board of necessary public health and public safety approvals and completion of any inspection considered necessary by the director, the director will issue an appropriate license.

3 AAC 304.160. License renewals

(a) For purposes of AS 04.11.270(b), a license renewal is timely and not delinquent if received at the board's main office or postmarked on or before December 31.

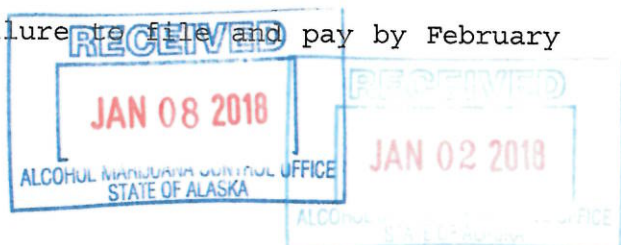
(b) For purposes of AS 04.11.540, an application for renewal of a license as described in that section is considered submitted by February 28 if the renewal application is received at the board's main office or postmarked on or before February 28.

(c) If a mailed renewal application has an illegible postmark or an undated postmark, the postmark date is rebuttably presumed to be five calendar days before the application was received in the board's office.

(d) In this section, "postmark" means the official cancellation stamp used by the United States Postal Service that records the date and place of mailing.

(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.



(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.

3 AAC 304.165. Renewals

Repealed.

3 AAC 304.170. Waiver of annual operating requirement and minimum operating requirements

(a) Except as provided in this section, the board will deny an application for renewal of a license if the licensed premises were not operated for the time required by AS 04.11.330(a)(3) or (d).

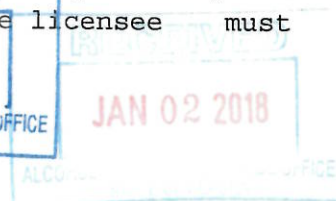
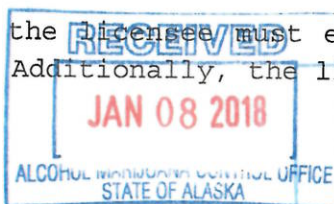
(b) A licensee may apply to the board, requesting that the board waive the operating requirement of AS 04.11.330 (a)(3) or (d). Under AS 04.11.330(a)(3), the board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the preceding calendar year.

(c) An application for waiver for a calendar year must be made in writing to the board and must be accompanied by a non-refundable application fee of:

(1) an amount equal to one-half the applicable biennial license fee if a waiver application was not made for the previous year; or

(2) double the amount of the fee paid for the previous year's waiver application;

(d) In an application for waiver, the licensee must explain why the licensed premises were not operated. Additionally, the licensee must





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:	Schwabies Inc	License #:	3773
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Schwabenhof		
Premises Address:	4115 E Palmer-Wasilla Hwy.		
Local Governing Body:	Matanuska-Susitna Borough		
Community Council:	SOUTH LAKE		

Mailing Address:	P.O. Box 876 535				
City:	WASILLA	State:	ALASKA	ZIP:	99687

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

Designated Licensee:	THOMAS N ROBERTSON		
Contact Phone:	907-354-3447	Business Phone:	907-357-2739
Contact Email:	troberson@yahoo.com / callie.Willard@yahoo.com		

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

NIA²

Name:	THOMAS N. ROBERTSON			
Address:	2651 E QUIET CIRCLE DR. APT D-3			
City:	WASILLA	State:	ALASKA	ZIP: 99687
Email:	tnrobertson@yahoo.com			
Contact Phone:	907-354-3447		907-357-2739	

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 #:	95107T 129757 10075413
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Alaska Division of Corporations:

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:	THOMAS N ROBERTSON			
Title(s):	PRESIDENT, VICE PRES, TREASURER, SHAREHOLDER, SEC.	Phone:	907-354-3447	% Owned: 100%
Address:	MAILING P.O. BOX 876535 #AK574			
City:	WASILLA	State:	AK	ZIP: 99687

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

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

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

Entity Official:				
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:

[Empty text box for disclosure]

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

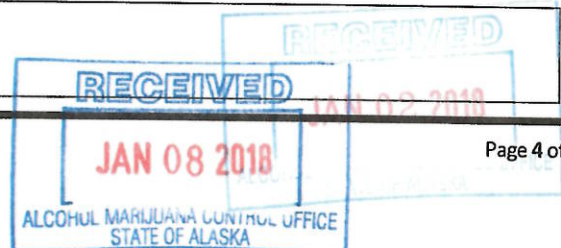
Applicant convictions in calendar years 2015 and 2016:

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:

[Empty text box for listing convictions]





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.

R

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.

R

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.

R

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.

R

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.

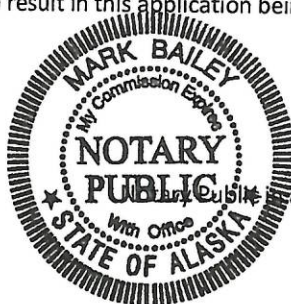
R

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.

Thomas N Robertson

Signature of licensee

THOMAS N ROBERTSON
 Printed name of licensee



Mark Bailey

Signature of Notary Public

Subscribed and sworn to before me this _____ day of January, 2018.

My commission expires: w/ office

Subscribed and sworn to before me this 2 day of January, 2018.

License Fee:	\$ 2500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					\$500
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$3200.00

