



## MEMORANDUM

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

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 1242 Willow Tree Inn

**Requested Action:** License renewal

**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.”

AS 04.11.480(a): “A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.”

AS 04.11.480(a): “The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application...”

AS 04.11.510(b)(2): “the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);”

**Staff Rec.:** Uphold the protest with a 30-day abeyance

**Background:** The City of Dillingham submitted a timely protest of the renewal of this beverage dispensary license, due to non-payment of taxes and utility fees.

The board is required to hold a hearing to consider the protest, and the hearing shall be conducted under AS 04.11.510(b)(2).

The City of Dillingham provided the licensee with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, "A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body."

Attachment: City of Dillingham protest  
Application



April 12, 2018

Erika McConnell  
State of AK, Dept. of Commerce, Community and Economic Development  
Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501

Subject: Renewal Alaska '49 LLC d/b/a Olsen's Willow Tree Inn, License No. 1242

Dear Erika:

This is in response to Alaska '49 LLC's request for a Liquor License Renewal received in this office February 16, 2018. As stated in your notice the governing body has 60 days to respond. A copy of the renewal application is attached.

The Council voted at their April 5, 2018 council meeting to protest the renewal. The current status regarding the state of all accounts with the city was discussed. Specifically, the delinquent nature and length the accounts have been in arrears. Utilities have been past due since June of 2017, the last sales tax return was for June of 2017, and real property taxes for 2017 are also unpaid. The City endeavors to encourage businesses in Dillingham, but Council felt it necessary to protest this renewal due to the consistent past due condition of accounts.

All city council meetings are advertised and adhere to the open meetings act. The meeting agenda is posted on the city website, the city Facebook page, forwarded to a local Facebook group, posted three local locations, as well as emailed to various sites in town for posting.

Please do not hesitate to contact us with any questions. My direct line is 907-842-5212, or email [cityclerk@dillinghamak.us](mailto:cityclerk@dillinghamak.us).

Sincerely,

A handwritten signature in blue ink that reads "Lori Goodell".

Lori Goodell  
City Clerk

Enclosures: Renewal License Application  
City's Liquor License Application Review Form

Emailed to: Erika McConnell, [amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

cc: LaPreal Bauer, [labauer1979@yahoo.com](mailto:labauer1979@yahoo.com)  
Tod Larson, City Manager



TYPE	License Renewal	New License	Transfer
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Willow Tree Inn	Beverage Dispensary	Alaska '49 LLC	513 Wood River Road

This review covers the period January 1, 2016 to December 31, 2017.

Route to FINANCE N/A Information Available as of 3/8/18  
Date Date

ACTIVITY	STATUS
<b>Sales Tax Filings</b>	<p>_____ Bal. Due <u>10/2/17</u> \$1568.93 Date/Amt. of Last Payment</p> <p>_____ No. late payments in last two years.</p> <p><b>Comment:</b> Last Regular Sales Tax Return received was for month of June 2017. Last Alcohol Sales Tax Return received was for month of June 2017.</p>
<b>Real Property Tax</b>	<p>\$4,234.28 _____ Bal. Due _____ Date/Amt. of Last Payment</p> <p><b>Owns the property?</b></p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>_____ No. late payments in last two years.</p> <p><b>Comment:</b> 2017 RP Tax Billing remains unpaid RP Tax (\$3,797.30) + Penalty (\$379.73) + Interest (\$57.25)</p>
<b>Personal Property Tax</b> (Inventory, Supplies, Office Equipment)	<p>_____ Bal. Due _____ Date/Amt. of Last Payment</p> <p>_____ No. late payments in last two years.</p> <p><b>Comment:</b></p>
<b>Utility Bill</b>	<p>\$4,810.53 _____ Bal. Due <u>6/30/17</u> \$1582.18 Date/Amt. of Last Payment</p> <p><b>Responsible for utilities?</b></p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>_____ No. late payments in last two years.</p> <p><b>Comment:</b> Utility Charges for June 2017 through February 2018 are unpaid</p>
<b>Most Current DLG Business License</b>	<p>2017 _____ 1/6/17 _____</p> <p>License Year Date Applied</p> <p><b>Comment:</b></p>
<b>Most Current State of Alaska Business License</b>	<p>_____ _____</p> <p>License Year Date Applied</p> <p><b>Comment:</b></p>



LIQUOR LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Willow Tree Inn	Beverage Dispensary	Alaska '49 LLC	513 Wood River Road

This review covers the period January 1, 2016 to December 31, 2017.

Route to PUBLIC SAFETY N/A Information Available as of March 7, 2018  
Date Date

Have there been any adverse reports filed in the past two years?  YES  NO  
If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

- Serving to minors (under 21 years of age).
- Intoxicated person on licenses premises.
- Serving alcoholic beverages after hours.
- Pattern of disturbances or fights on the licenses premises.
- Open sale of prohibited drugs on the licenses premises.

Additional comments:

Police received reliable reports of a bartender keeping customers after hours and serving them alcohol. An investigation and surveillance was begun but the activity stopped. The bartender was soon no longer working at the bar.



LIQUOR LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Willow Tree Inn	Beverage Dispensary	Alaska '49 LLC	513 Wood River Road

This review covers the period January 1, 2016 to December 31, 2017.

Route to PLANNING OFFICE N/A Information Available as of   
Date Date

For License Types: New and Transfer

1) Does the structure, or use of land or a structure, including parking requirements at the proposed license location conform to Title 18. Explain.

2) Provide a detail of the Public Notice Requirements.



LIQUOR LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Willow Tree Inn	Beverage Dispensary	Alaska '49 LLC	513 Wood River Road

Reviewed by: Code Review Committee March 22, 2018

Date

Recommendation:

No Action

Deny

Explain the reason(s) for a denial of the application:

The Willow Tree Inn is delinquent in their debt; significantly behind in sales tax and property tax payments, as well as utility payments.

OTHER COMMENTS:



Alaska Alcoholic Beverage Control Board

**Form AB-17: 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 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:	Alaska '49 LLC	License #:	1242
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Willow Tree Inn		
Premises Address:	513 Wood River Road		
Local Governing Body:	City of Dillingham		
Community Council:	None		

Mailing Address:	PO BOX 630		
City:	Dillingham	State:	Alaska
		ZIP:	99576

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:	LaPreal Bauer		
Contact Phone:	843-0391	Business Phone:	842-5513
Contact Email:	labauer1979@yahoo.com		

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







Alaska Alcoholic Beverage Control Board

**Form AB-17: 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:

Paul Kelly, Atty

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

This individual is an:  applicant  affiliate

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





Alaska Alcoholic Beverage Control Board

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

**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 visiting 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 #:	130924
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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.



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:	Lapreal Bauer		
Title(s):	member	Phone:	843-0391 % Owned: 33.33
Mailing Address:	PO BOX 1315		
City:	Dillingham	State:	AK ZIP: 99576

Entity Official Name:	Monica McCollor		
Title(s):	member	Phone:	843-2076 % Owned: 33.33
Mailing Address:	PO BOX 1315		
City:	Dillingham	State:	AK ZIP: 99576

Entity Official Name:	Kim Parker		
Title(s):	member	Phone:	843-0393 % Owned: 33.33
Mailing Address:	PO BOX 888		
City:	Dillingham	State:	AK ZIP: 99576







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: 907.263.0350

### Alaska Alcoholic Beverage Control Board Form AB-17: 2018/2019 Renewal License Application

#### 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.   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <b>AB</b> |
| The license was regularly operated during a specific season each year, for 8 or more hours each day.  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <b>AB</b> |
| The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.<br><i>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.</i>  | <input type="checkbox"/>            | <input type="checkbox"/>                      |
| 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.<br><i>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.</i> | <input type="checkbox"/>            | <input type="checkbox"/>                      |

#### 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?   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <b>AB</b> |
| 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? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> <b>AB</b> |

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

#### Section 7 - Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 8.

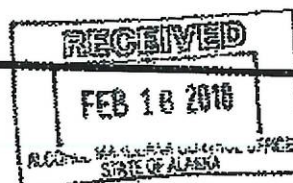
Read the line below, and then sign your initials in the box to the right of the statement:

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

Initials

**AB**

[Form AB-17] (rev 10/16/2017)  
License #1242 DBA Willow Tree Inn



Page 4 of 5



**Alaska Alcoholic Beverage Control Board**  
**Form AB-17: 2018/2019 Renewal License Application**

**Section 8 – 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.

*[Handwritten 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.

*[Handwritten initials]*

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.

*[Handwritten initials]*

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.

*[Handwritten initials]*

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

*[Handwritten signature: Larreal Bauer]*  
 Larreal Bauer  
 Printed name of licensee

Signature of Notary Public

*[Handwritten signature]*  
 Notary Public in and for the State of Alaska



My commission expires:

*[Handwritten: 10/06/18]*

Subscribed and sworn to before me this

14 day of February, 2018.

License Fee:	\$ 2500.00	Application Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of <b>\$500.00</b> – if received or postmarked after 01/02/2018:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



Re: License # 1242 Violation # AB16-0667

**VIOLATION:** On 11-29-16 Alcohol & Marijuana Control Office (AMCO) received information from AK Dept of Environmental Conservation, Division of Environmental Health, Food Safety and Sanitation Program that you are not compliant with Alaska Food Code 18 AAC 020(c). This is a violation of Title 04.

