



MEMORANDUM

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

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: 4850 Arctic Valley Ski Area

**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."

Staff Rec.: Deny the renewal

Background: This recreational site license does not appear to meet the statutory requirements of the license type:

Sec. 04.11.210. Recreational site license.

(a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.

(b) The biennial fee for a recreational site license is \$800.

(c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

There do not appear to be "events" regularly held at a ski area. While ski race events may be held at a ski area, there is no indication that Arctic Valley holds and is limited to such competitive events, which is the common thread of the examples provided in the statute.

This license was first issued in 2010.

The improper issuance of recreational site licenses was identified in both the 2014 and 2018 legislative audits:

2014 Audit

Recommendation #4: The board should issue recreational site licenses in accordance with statutory requirements.

Recreational site licenses may be issued to businesses that host non-school-related recreational events held during a season.

Of the 32 recreational licensees active during the audit period, the audit found 15 businesses (47 percent) did not meet the criteria for a recreational license. Ineligible businesses include bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls. These business types did not meet the definition of a recreational site nor were operations limited to a season. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.

According to AS 04.11.210(a), the holder of a recreational site license may sell beer and wine at a recreational event during and one hour before and after recreational events. AS 04.11.210(c) defines recreational events as baseball games, car races, hockey games, or curling matches regularly held during a season.

Inquiries with board members revealed that the improper issuance of recreational site licenses was caused by an historic misunderstanding of what qualifies as a recreational event.

We recommend that the board issue recreational site licenses in accordance with statutory requirements.

2018 Audit

Recommendation #2: The board should issue recreational site licenses in accordance with statutory requirements.

Ten of 29 recreational site licenses active during the audit period were judgmentally selected for testing. All 10 did not meet the statutory definition of a recreational site. Six of the 10 licensees were informed by the board that their license would not be renewed during the next renewal period since the business did not meet the statutory definition of a recreational site. This same finding was reported in the prior 2014 sunset audit.

According to AS 04.11.210(a), the holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event. Alaska Statute 04.11.210(c) defines recreational sites as locations where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season. The 10 noncompliant licensees noted above included travel tour companies, bowling alleys, an art council, a pool hall, a movie theater, and a spa.

Review of board meeting minutes revealed that board members understood these businesses did not meet the definition of a recreational site license, yet believed it to be in the public interest to issue them. Furthermore, board members anticipated the criteria for recreational site licenses would be addressed in a future rewrite of AS 04.06. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.

We again recommend that the board issue recreational site licenses in accordance with statutory requirements.

Attachment: Renewal application



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 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

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site 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:	Anchorage Ski Club Inc	License #:	4850
License Type:	Recreational Site - Seasonal	Statute:	AS 04.11.210
Doing Business As:	Arctic Valley Ski Area		
Premises Address:	18800 Arctic Valley Road		
Local Governing Body:	Municipality of Anchorage		
Community Council:	None		

Mailing Address:	Po Box 200546		
City:	Anchorage	State:	Alaska
		ZIP:	99520

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:	John Robinson - Wilson		
Contact Phone:	907-351-3256	Business Phone:	907-351-3256
Contact Email:	gm@skiarctic.com		

Seasonal License? Yes No

If "Yes", write your six-month operating period: November 1 - April 31





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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?

Yes: [X] No: []

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

Bryan Kirkpatrick, Lee Fisher. Board members who assist with alcohol issues.

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

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone

This individual is an: [] applicant [] affiliate

Form with fields: Name, Mailing Address, City, State, ZIP, Email, Contact Phone





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Alaska Alcoholic Beverage Control Board
 Recreational Site License

Form AB-17c: 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 #:	71709D
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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.

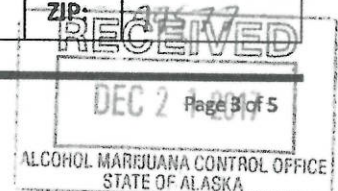
- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more of the stock in the corporation*, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following 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:	Mark Heyseil				
Title(s):	President	Phone:	907-440-4265	% Owned:	NA
Mailing Address:	2306 Susitna Dr				
City:	Anchorage	State:	AK	ZIP:	99517

Entity Official Name:	Leslie Need				
Title(s):	Vice President	Phone:	907-310-3822	% Owned:	NA
Mailing Address:	1315 E 11th Ave				
City:	Anchorage	State:	AK	ZIP:	99501

Entity Official Name:	Rich Todd				
Title(s):	Vice President	Phone:	907-230-4016	% Owned:	NA
Mailing Address:	4150 Eikhorn Dr				
City:	Eagle River	State:	AK	ZIP:	99577

[Form AB-17c] (rev 10/16/2017)
 License #4850 DBA Arctic Valley Ski Area





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Alaska Alcoholic Beverage Control Board

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Section 4 – Entity Ownership Information

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 Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

Alaska CBPL Entity #:	717090
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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.



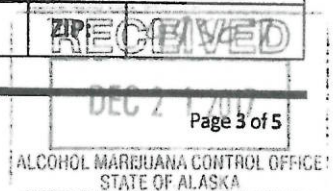
This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- 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:	Bryan Kirkpatrick				
Title(s):	Secretary	Phone:	907-336-2114	% Owned:	NA
Mailing Address:	12940 Hillside Drive				
City:	Anchorage	State:	AK	ZIP:	99516

Entity Official Name:	Matt Mead				
Title(s):	Asst Secretary	Phone:	907-903-5070	% Owned:	NA
Mailing Address:	8420 Heather Cir				
City:	Anchorage	State:	AK	ZIP:	99502

Entity Official Name:	John Robinson-Wilson				
Title(s):	General Manager	Phone:	907-351-3250	% Owned:	NA
Mailing Address:	5701 E 104 th Ave				
City:	Anchorage	State:	AK	ZIP:	99516





Alaska Alcoholic Beverage Control Board

**Recreational Site License
 Form AB-17c: 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. | <input type="checkbox"/> | <input type="checkbox"/> |
| The license was regularly operated during a specific season each year. | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| The license was only operated to meet the minimum requirement of one time during the calendar year. | <input type="checkbox"/> | <input type="checkbox"/> |
| The license was not operated at all during the calendar year.
<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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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"/> |

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

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

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.

JRW





Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 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.

JRW

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.

JRW

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.

JRW

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.

JRW

I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

JRW

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.

[Handwritten Signature]

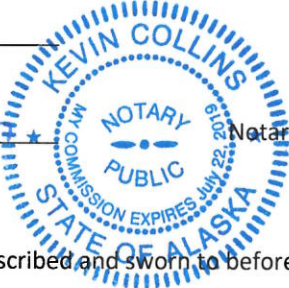
Signature of licensee

[Handwritten Signature]

Signature of Notary Public

John Robinson-Wilson

Printed name of licensee



Notary Public in and for the State of ALASKA

My commission expires: 07/22/2019

Subscribed and sworn to before me this 20th 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):					





Anchorage Ski Club dba Arctic Valley Ski Area
PO Box 200546, Anchorage, AK 99520
info@skiarctic.com
907-351-3256

December 20, 2017

Alcohol and Marijuana Control Office
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Re: License #4850 Anchorage Ski Club dba Arctic Valley Ski Area

The Anchorage Ski Club wishes to renew its recreational site license under AS 04.11.210 for Arctic Valley Ski Area.

To address the mandatory points to be included, we offer the following responses:

1. Arctic Valley Ski Area will serve beer and wine on days we are open for skiing and snowboarding and/or snow tubing from 12 noon (or opening time, whichever is later) until 1 hour following the end of skiing and snowboarding and/or tubing operations. Our operating hours are adjusted with the varying available daylight, and our beer and wine serving hours will be adjusted accordingly.
2. None of the listed activities are regularly held at our establishment.
 - a. Arctic Valley Ski Area offers skiing and snowboarding, as well as snow tubing. We believe this qualifies under AS 04.11.210 for a recreational site license.
3. Arctic Valley Ski Area's operating season is November 1 – April 31.

Best regards,

John Robinson-Wilson
General Manager
Arctic Valley Ski Area
gm@skiarctic.com
907-351-3256

