



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: August 14, 2018

FROM: Erika McConnell, Director RE: 4117 The Longliner Lodge and Suites

Requested Action: Waiver (refund) of waiver fee and late waiver fee assessed under 3 AAC 304.170

Statutory and Regulatory Authority: 3 AAC 304.170(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;”

3 AAC 304.170(h): “In addition to the application fee under (c) of this section, the applicant shall pay \$1,000 for an application that is received too late for board consideration at its meeting before November 30 of the year for which waiver is requested.”

3 AAC 304.170(i): “In circumstances of death of a licensee, destruction of the premises, or comparable circumstances showing extraordinary hardship, the board will, in its discretion, waive the fees under (c) and (h) of this section.”

Staff Rec.: Deny the request

Background: This request waiver of the waiver fees was received in December of 2017, but because the board delegated approvals of first and second waivers to the director, it was not brought to the board in a timely manner.

The licensee requests that the waiver fee (3 AAC 304.170(c)) and the late waiver fee (3 AAC 304.170(h)) be waived under 3 AAC 304.170(i) because the multiple liens against the previous owner made for a challenging transfer process and because of “the slow responsiveness of AMCO” due to understaffing. While regrettable, neither of these reasons rise to the level of “extraordinary hardship” comparable to the death of a licensee or destruction of the premises.

Attachment: Waiver application and refund request



Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

What is this form?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 30 eight-hour days in a calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of:

- for a 1st request, an amount equal to 1/2 the applicable biennial license fee; or
- for a 2nd or subsequent request, double the amount of the fee paid for the previous waiver application.

The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises count not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for each license and for each calendar year during which a license was not operated in compliance with AS 04.11.330.

Section 1 – Establishment Information

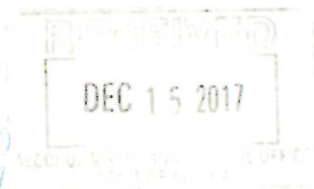
Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	The Longliner Lodge & Suites	License Number:	4117
License Type:	Beverage Dispensary		
DBA:	The Longliner Lodge & Suites		
Premises Address:	485 Katlian St.		
City:	City: Borough of Sitka	State:	Alaska ZIP: 99835
Local Governing Body:	City of Borough of Sitka		

Section 2 – Request Number and Calendar Year

1st Request 2nd Request 3rd Request Other _____

Request for Calendar Year ~~2018~~ 2017 JAM





Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

Section 3 – Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

Please see attached

Section 4 – Certifications

The following must be completed for establishments located within the boundaries of a local governing body:

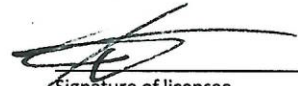
Read the line below, and then sign your initials in the box to the right of the statement:


Initials

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.

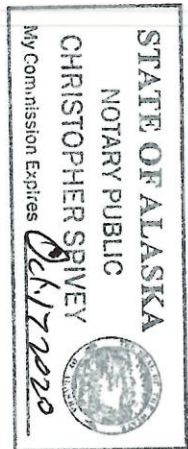
JAM

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.


Signature of licensee
Jon Andrew Martin
Printed name of licensee


Notary Public in and for the State of Alaska.
My commission expires: Oct 17 2020

Subscribed and sworn to before me this 13th day of December, 2017.



Office Use Only			
Waiver Application Fee:		Late Fee:	Transaction #:



December 10th 2017, Form AB-29 Waiver of Operation Application, Longliner Lodge & Suites

Jon Martin
Longliner Lodge & Suites LLC
485 Katlian Street
Sitka, Alaska 99835
(907).747.7910

AMCO
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
(907).269.0350

Dear AMCO board,

Thank you for taking the time to read the Form AB-29 Waiver of Operation Application submitted by the Longliner Lodge & Suites in Sitka Alaska. The Longliner Lodge is a new business in Sitka and we are excited that we were finally issued our beverage dispensary license (#4117) on September 22nd 2017. Unfortunately, as you are all aware, the transfer process was challenging due to the previous owners multiple liens against the license and the slow responsiveness of AMCO while they were understaffed. As a result, the Longliner Lodge was not able to operate our restaurant during the peak summer 2017 season which resulted in a near catastrophic financial loss for us. Furthermore, since the license was issued on the September 22nd 2017 we have not been able to operate the required minimum time required by the state of Alaska. During the month of October we did not operate the license because we were focused on stocking inventory in the bar, hiring staff, and updating the atmosphere in the restaurant. We are operating the license in December while we host holiday parties in our restaurant for various businesses in Sitka. Unfortunately, even though we are operating in December, we will not achieve the minimum days required. In 2018 our restaurant and bar will be fully operational and we look forward to not having to ask for another waiver by the AMCO board.

The Longliner Lodge respectfully asks the AMCO board to grant a waiver of annual operating requirement as stated in 3 AAC 304.170. Further, the Longliner Lodge is respectfully asking the Board to consider waiving the fee associated with AB-29 under 3 AAC 304.170(i) due to the unique and extraordinary circumstances surrounding the transfer date and challenges we have faced during the transfer process.

Best regards,



Jon Martin, Partner/Owner
The Longliner Lodge & Suites LLC
Sitka, Alaska 99835
(907).747.7910

