



## MEMORANDUM

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

FROM: Erika McConnell, Director      RE: 4543 Breeze-In

**Requested Action:** Transfer of controlling interest

**Statutory Authority:** AS 04.11.040(c): “A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board.”

AS 04.11.360: “An application requesting approval of a transfer of a license to another person under this title shall be denied if... (4) the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title unless (A) the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority; or (B) the transfer is under a promise given as collateral by the transferor to the transferee in the course of an earlier transfer of the license under which promise the transferor is obliged to transfer the license back to the transferee in the event of default in payment for property conveyed as part of the earlier transfer of the license;”

AS 04.11.470: “A person may object to an application for issuance, renewal, transfer of location, or transfer to another person of a license, or for issuance of a permit, by serving upon the applicant and the board the reasons for the objection. The board shall consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) 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.:** Absent compelling public testimony suggesting a different course of action, rescind the delegated approval of the transfer; deny the transfer with a 30-day abeyance; note for the record that other pending approvals must be received before the transfer can be effectuated

**Background:** The transfer of this package store license was approved with delegation by the board in September 2017. Subsequently, an objection to the transfer was served by the Odom Corporation due to an unsatisfied debt.

The board is required by AS 04.11.510(b)(2) to hold a hearing to consider the objections and ascertain the reaction of the public.

Attachment: Odom Corporation objection



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

November 1, 2017

The Odom Corporation  
Via email: [marsha.dettorre@odomcorp.com](mailto:marsha.dettorre@odomcorp.com)

#176/662 4543  
combined stmt

License Number:	176, 662, and 4543
License Type:	Package Stores
Applicant:	Breeze-In Corporation
Doing Business As:	Breeze-In Liquor, Douglas Island Breeze-In, and Breeze-In

AS 04.11.360(4) requires that the board deny an application for transfer of a license to another person if the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority. Our records indicate that you are listed as a creditor or taxing authority for the above license.

We have received an application for transfer of ownership for the above liquor license. For the purposes of AS 04.11.360(4) and in compliance with AS 04.11.280(b), this letter serves to provide written notice and request for status from the above referenced entity regarding the above application (see attached application documents for more information).

Please complete and return this form to the AMCO office at the email below.

NAME: Marsha Dettorre PHONE: 425 456 3526

Do you have an objection to the transfer of this license?  Yes  No

AMOUNT OWED: \$54,477.70 54,669.29 Stmt A DATE: 11-8-17

COMMENTS: Soft drink bal \$ 526,941.73 stmt B

If you have any questions, please send them to the email address below.

Sincerely,

*Erika McConnell*

Erika McConnell  
Director, ABC Board  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)

Statement A  
bal 11-8 \$ 74,447.67  
stmt B 11-8 64,584.01