



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: February 19, 2019

FROM: Erika McConnell, Director RE: 1788 Latitude 62 Lodge

Requested Action: Appel of license forfeiture; request for time extension

Statutory Authority: AS 04.11.030(b): "If an application for the transfer of ownership of a license from a deceased licensee is not made within 90 days of the death of the licensee or within an additional 90 days if an application for transfer of ownership made by the executor is denied, or no petition is made to the board for an extension of time under (c) of this section within the time, the license is forfeited."

AS 04.11.030(c): "The board may extend the time limits in (b) of this section on petition of the executor or administrator."

Background: License 1788 for Latitude 62 Lodge, a beverage dispensary - tourism license, is held by Latitude 62 LLC. Latitude 62 LLC is held by Mac A. Stevens 99% and Nancy L. Trump 1%. Mac Stevens died on November 30, 2017. The license was declared forfeited on February 6, 2019.

Nancy Trump is appealing the forfeiture of the license and requesting additional time to file a transfer.

Attachments: Licensee request

Feb. 7, 2019

Letter to the Alcohol Control Board

Bob Klein, Rex Leath, Robert Evans, Sarah Erickson, Glen Brady

Dear Sirs and Madam,

I am writing to you to ask that you please consider reinstating my liquor license #1788 and giving me an extension to provide all the transfer information that is needed.

I am writing to you so you are aware of a situation that is happening to me and my business, Latitude 62 Lodge/Motel in Talkeetna. I received an email from the Alcohol Beverage Control Board on Feb. 5th stating my liquor license has been forfeited and I can no longer sell alcohol, the reason being I never transferred the ownership within 90 days of the death of my partner Mac Stevens. I have been in constant contact with the ABC Board and this is the first I knew there was a problem. The business is a LLC and I submitted my application on Nov. 4th 2018 and listed myself Personal Representative of the Estate. My money was taken. It says right on the application

AN APPLICATION THAT IS INCOMPLETE FOR ANY REASON, INCLUDING USE OF OUT-DATED FORMS OR OMISSION OF REQUIRED DOCUMENTS OF FEES, WILL BE RETURNED TO THE APPLICANT, PER 3 AAC 304.105(e).

I never received anything back from the ABC board so I assumed my application was being processed.

This revoking of my license is devastating to me. I have 20 employees most of who I will have to lay off because of lack of business. They are now all applying for unemployment. This is going to make a significant impact on the economy of Talkeetna.

My big question is, why is this happening? I have managed this business since 1986 and now I am shut down without any warning. I was given less than 24 hours to be put on the list of persons to be heard at the ABC Board meeting Feb. 19 & 20 and it is in Juneau! I had to get my lawyer involved which will cost me a significant amount with no income coming in so I cannot afford to travel to Juneau personally.

I feel I am being treated very unfairly and I am devastated for my employees, most who live paycheck to paycheck. I have already laid off half of my staff and told them to apply for unemployment. If I do not get an extension I will be forced to lay off all employees and close my doors.

I hope somehow, some way Erika McConnell will be asked to reconsider her decision and the board will give me an extension to transfer the license if that is what is needed.

Sincerely,

Nancy L. Trump



NOSEK LAW GROUP, LLC



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February 6, 2019

Dept. Of Commerce, Community
and Economic Development
Alcohol and Marijuana Control Office

Attention Mikal Milton, Records and Licensing Supervisor at <mikal.milton@alaska.gov>

Re: Latitude 62, LLC; Appeal of Forfeiture of License # 1788 and
Request For Additional Time To Submit Transfer Application

Your telephone call at 2:00 p.m. this afternoon advised me that Director Erika McConnell had forfeited the Latitude 62, LLC License #1788 for the following reason:

"Because no application for transfer of ownership has been made within 90 days of the death of Mac Stevens and no extension request has been received..."

Attached and incorporated by reference is my status email to you dated 11-14-18, which essentially advises that (a) this License was held for many years prior to 2000 by Mac Stevens and Nancy Trump, and (b) since 2000, when the Latitude 62, LLC was created, this License has been held by Latitude 62, LLC as Licensee. The ownership of this LLC is the same as the ownership of this License was many years prior to 2000. Instructions of how to proceed with the License were requested from the ABC Board, but the only communication has been the above referenced letter forfeiting the License, with an Appeal deadline of noon tomorrow.

This is Nancy Trump's AS 04.11.560(a) Appeal Notice and Request For Extension of Time to transfer this License to herself in her capacities as (a) Personal Representative of Mac Steven's Probate Estate, (b) as Manager of the Latitude 62 Lodge, and (c) minority owner of the current Licensee, Latitude 62, LLC.

Nancy Trump will support her Appeal & Request telephonically at the February 19 & 20, ABC Board Meeting, but cannot personally attend in Juneau.

Respectfully,

Nosek Law Group, LLC

By _____
Frank Nosek, Attorney for Nancy Trump

Milton, Mikal C (CED)

From: Frank Nosek <frank@noseklaw.com>
Sent: Wednesday, November 14, 2018 12:26 PM
To: Alcohol Licensing, CED ABC (CED sponsored)
Cc: Nancy Trump
Subject: Renewal or Transfer of Alaska Beverage Dispensary Tourism License
Attachments: Scan0175 Letters signed by Court.pdf

Hello Mikel,

Per our telephone conversation on 11/13/18 regarding my question about the renewal of an Alaska Beverage Dispensary Tourism License, below is the requested information about the following license:

1. **License.** Here are the particulars regarding this License:
 - a. The License # is 1788, issued pursuant to AS 04.11.400(d),
 - b. This is a Beverage Dispensary – Tourism License,
 - c. There are no violations or convictions in 2017 or 2018.
2. **Licensee.**
 - a. this License has been owned by Mac Stevens and Nancy Trump individually for many years prior to the filing of Latitude 62, LLC, in 2000.
 - b. Since 2000 the Licensee has been Latitude 62, LLC, an Alaska limited liability, doing business as “Latitude 62 Lodge”, Mile 13 ¾ Talkeetna Spur Rd., Talkeetna, AK in the Matanuska-Susitna Borough
 - c. Latitude 62, LLC, was filed in 2000 as Entity # 6971D, and is in Good Standing
 - d. Latitude 62, LLC is owned 99% by Mac Stevens and 1% by Nancy Trump,
 - e. The Manager of Latitude 62, LLC is Nancy Trump.
3. **Death of Mac Stevens.**
 - a. Mac Stevens, aka Mac Arthur Stevens, died of natural causes on 11/30/17 after a lengthy illness; Nancy Trump, aka Nancy L. Trump is alive and well.
 - b. A Probate Estate was filed by Nancy L. Trump for Mac Arthur Stevens on 09/05/18 in Anchorage and assigned Court Case # 3AN-18-02341PR,
 - c. Mac Stevens died with a Last Will and Testament which has been filed with and accepted by the Probate Court,
 - d. The Last Will and Testament named and nominated Nancy L. Trump to act as Personal Representative of the Mac Arthur Stevens probate estate.
 - e. On 09/11/18 the Probate Court formally appointed Nancy L. Trump as Personal Representative of the Mac Arthur Stevens probate estate and issued Letters Testamentary to her, a copy of which Letters Testamentary is attached to this email.
 - f. Nosek Law Group, LLC, represents Nancy L. Trump, the Personal Representative of the Mac Arthur Stevens probate estate; Nosek Law Group contacts are: mail: 810 N Street, Suite 100, Anchorage, AK 99501; (T) 907-274-2602; (F) 907-258-2001; (E) frank@noseklaw.com
 - g. Probate of the Mac Arthur Stevens estate is proceeding in due course; Notice to Heirs has been given, and Notice to Creditors is being published, no Creditors’ Claims have been filed.
4. **Renewal of License.** Nancy L. Trump, as Manager of the Latitude 62, LLC, is filing Form AB-17d: 2019/2020 Renewal License Application prior to the 12/31/18 License expiration date, just as she has done each year since 2000.
5. **Question.** Other than giving the ABC Board this notice of the death of one of the owners of Latitude 62, LLC, is there any other procedure which the surviving owner and Manager of the Latitude 62, LLC should comply with in regard to the current Renewal of License Application ?

I will await your response. Thank you.

Nosek Law Group, LLC
Frank Nosek
ABA 6203020