



MEMORANDUM

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

DATE: February 19, 2019

FROM: Erika McConnell, Director

RE: 4897 Denali Arts Council

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 at AS 04.11.210. AS 04.11.330(a)(6) states that a renewal shall be denied if "renewal of the license would violate the restrictions pertaining to the particular license under this title..."

At the July 11, 2017, board meeting, the board recognized that this license does not meet the statutory definition of a recreational site license, and voted to renew this license for a final time, indicating that the 2017/2018 renewal would be the last renewal.

Attachment: July 11, 2017, ABC Board minutes (excerpt)
July 19, 2017, Notification Letter of Board Action
Renewal application

Evans: My question is do we have the authority to approve with delegation?

Ganley's motion to table fails 1-3, Ganley votes in favor.

Evans moves to approve the license with delegation. Manning seconds.

Motion carries 3-1, Ganley votes no.

D. 4165 Three Bears: Three Bears Alaska, Inc.

1900 Airport Way; Valdez

License: Package Storre

Consideration of license renewal application.

Local governing body: City of Valdez rescinds protests on condition that Three Bears sells the license within six months.

McConnell: Transferring a license without board approval is significant action. Recommend the board direct me to issue an accusation.

Steve Mierop, Vice President and CEO of Three Bears: Presented information to Board, including email record of correspondence with AMCO staff. There isn't an attorney who would know what the paper of record is for Tok. Also, from the licensee's side, why it is necessary to talk with staff. Sometimes we're faced with contradictory or confusing information. Regulations posted on AMCO website are inconsistent with regulations adopted and signed by the Lt. Governor.

Tried to operate in Valdez for a number of years. Also tried to sell license. For us, it is strict enforcement after the fact. I'm checking check box when renewing Valdez, but it's

We met the operating requirements. The solution we worked out with City of Valdez is the contract we have.

Klein: You are the license operator. You are the one that is responsible. You moved it to a location that was not approved. You were selling out of an unlicensed premises.

Mierop: We're willing to give the license up.

Evans: This violation of operating at an unlicensed premises is serious.

Ganley: If we decide on the renewal, we'll want to be very clear on timelines regards to the sale. Look at instead of six months, maybe three.

Evans moves to deny the renewal. Ganley seconds.

Motion carries 4-0.

Manning states he will not be able to participate after the lunch break and requests TAB 16 to be considered before lunch.

E. Reconsideration of Decision to Deny Renewal (made April 13, 2017) 11:15 am

4897 Denali Arts Council: Denali Arts Council

22249 S D Street, Talkeetna

License: Recreational Site

McConnell: There is a long history with Rec Site licenses, first identified by a legislative audit. Many are not compliant with AS 4.11.210. At the meeting in April, there were 6 rec site licenses that came before the board. This one came up as one that did not meet the definition of a rec site license requirement. At the February meeting, the Board identified a handful of licenses that didn't meet the requirements, approved their renewal, but also said "this will be the last renewal." I sent the licensee a board action of the denial of renewal. The licensee requested an informal conference with the director. Also sent proposed language in SB 76.

*Ganley moves to reconsider. Manning seconds.
Motion carries 3-1, Evans votes no.*

Colleen Love, director of Denali Arts Council: Never as an administrator have had as difficult time receiving an interpretation of a statute and regulation.

In 2005, there was a revised bill that sought to have the most revised language. A recreational license is an events based license. You're not going to find the venue open if you show up 2 hours before. It is only open for the event. With the Summit case, that was not an event-based license. We are an events-based facility. We don't have a movie theater, we don't have clubs. It is community based programming. The statute doesn't have a list of what it excludes. And it doesn't even have an exhaustive list of what it does include. We hold 50 events. Trying to get a catering permit for all events seems like it would be something the AMCO office would want to avoid.

Debi Whittaker, board member, speaks.

Becky Matisse, board member, speaks.

Manning: Couldn't find a license type that would be more appropriate. Would like to move this be renewed. Where does this type of rec license go next?

Evans: The 2014 legislative audit basically said, "you guys need to look at these recreational licenses because they're out of bounds." I still stand that this is outside the statute.

Klein: My opinion goes in two directions. One is that we did over-interpret recreational site licenses and auditors were right for slapping our hands. The question is, what about those businesses that were established when we were playing fast and loose with the law? We gave credence to the fact that people had invested time and money around the action of this board. Title 4, as it stands, allows for time for these businesses to find other ways to make a living. Your situation should be brought to the attention to Sen. Micciche

McConnell: A theatre license might be more appropriate.

Love: There are two problems with that. You need a mezzanine and a separate theatre. Also, you need a BDL holder. It wouldn't benefit a small theatre in a rural community.

Manning moves to renew license with notification that there will not be another renewal. Ganley seconds with the comment that other arts councils statewide use permits.

Motion carries 3-1, Evans votes no.

F. Request for Reconsideration of Decision to Deny Transfer of Location, Ownership, and DBA Change (made December 5, 2016)

4170 Tapas: Tapas, Inc.

603 Lacey Street, Fairbanks; Fairbanks

License: Beverage Dispensary

From: Café de Paris Catering Company DBA Lavalley's Bistro; 575 1st Avenue

Transfer of ownership, location, and DBA change.

Local governing body: **City of Fairbanks protests pending issuance of a Certificate of**

Occupancy

Approvals: Department of Labor, Department of Revenue, Department of Environmental Conservation

Background investigations: complete



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Ste 1600
Anchorage, Alaska 99501
Main: 907.269.0350

July 19, 2017

Denali Arts Council
DBA Denali Arts Council
PO Box 404
Talkeetna, AK 99676

Re: Denali Arts Council, License #4897

Dear Denali Arts Council:

At the July 11, 2017, meeting of the Alcoholic Beverage Control Board in Fairbanks, Alaska, the board voted to reconsider its April action on your license and approve your recreational site license renewal.

Although you hold a recreational site license, the board has determined that your business does not fully meet the statutory definition of recreational site as currently defined by state law.

The board recognizes the impact of this interpretation on your business and has agreed to allow this last renewal. Therefore, this will be the final recreational site license issued to this business under existing statute. We encourage you to review the different license types available under Alaska statute if you wish to serve alcohol after this license expires.

Please contact our office at alcohol.licensing@alaska.gov with any questions.

Sincerely,

Erika McConnell
Director

CC: License File

December 27, 2018

Erika McConnell
Director, Alcohol & Marijuana Control Office
1503 West 31st Avenue
Anchorage, AK 99503

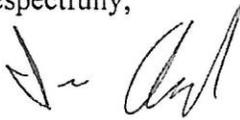
Dear Ms. McConnell,

The Denali Arts Council is currently a holder of a Recreational Site License. This is used mostly for our limited theatre season. We are not a dispensary, restaurant, eating establishment, nor are we open every day. We hold events regularly, but sporadically, for the general public. The majority of our events are theatrical in nature. We host music concerts, drama productions, musicals, visual arts receptions, and film festivals. Our events have a starting time and an ending time.

Consuming a beer or glass of wine is an essential element to the enjoyment of our events for a great number of our patrons. Currently, the Recreational Site License is an appropriate fit for our organization and helps us stay financially viable, which is the only way we can achieve our mission of bringing art to our community.

I hope you and the board see fit to renew our license. We would be greatly appreciative. We thank you in advance for your consideration.

Respectfully,



Iver Arnegard
Executive Director

AMCO
DEC 31 2018

AMCO
DEC 31 2018

Debbie Whitecar

PO Box 1061
Talkeetna, AK 99676
907-733-2553
dwhitecar@icloud.com

December 2018

To Whom it May Concern,

I am writing to you today as a board member of Denali Arts Council and as a resident of Talkeetna. This is a letter in support of Denali Arts Council's renewal of the liquor license. While our mission supports artistic expression, it also includes involving community members to come to our shows as spectators: theater, dance, music, and films bring people to our home, the Sheldon Community Arts Hangar, to socialize. A big part of making people want to come, is serving wine and beer. It creates a relaxing atmosphere. But the main reason why the alcohol license is of such importance to our arts council, is the income that it generates. As you can imagine, running a non-profit organization in financially tough economic times, is even tougher than it is under the most ideal circumstances. Unrestricted funds are hard to come by, so we truly rely on the income from alcohol sales. Our biggest events wouldn't happen at our Hangar if we would not have the alcohol license! The Talkeetna Bachelor Auction & Ball, the Fat Tire Bike Race, and the Osis Classic Ski Race are facility rentals that bring hundreds of people to the Hangar. Stripping the arts council of the alcohol license would strip us from the income we desperately need to cover operating costs.

Please consider granting Denali Arts Council a renewal of their liquor license.

Thank you for your leadership and support.

Sincerely,



Debbie Whitecar

AMCO
DEC 31 2018

To Whom It May Concern,

The importance of the Denali Arts Council to the community of Talkeetna is clear to all who encounter our small village. The events that take place at the Sheldon Community Arts Hangar bring people together to laugh, dance, create, and most importantly, connect. Since joining the Denali Arts Council board, I have become enlightened to the delicate balance at which our beloved organization hangs. Ticket sales alone can not keep our building afloat. The sale of beer and wine during events quite literally pays the bills that allow us to open our doors each day. If our liquor license is denied, the impact on the organization would be detrimental, and the entire community of Talkeetna would suffer for it. On behalf of all the members of Talkeetna who value the arts, I ask that our liquor license be granted so that we may continue to nurture the creativity of our community.

Thank you for your time,

Mariah Smith

AMCO
DEC 31 2018



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

Alaska Alcoholic Beverage Control Board
 Recreational Site License

Form AB-17c: 2019/2020 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 recreational site liquor license that will expire on December 31, 2018. 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. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

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:	Denali Arts Council	License #:	4897
License Type:	Recreational Site	Statute:	AS 04.11.210
Doing Business As:	Denali Arts Council		
Premises Address:	22249 S D Street		
Local Governing Body:	Matanuska-Susitna Borough		
Community Council:	Talkeetna		

Mailing Address:	170 Box 404		
City:	Talkeetna	State:	AK
		ZIP:	99676

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.

Contact Licensee:	Diane Hall-Rambo	Contact Phone:	907 733 6502
Contact Email:	rambod.dhr@gmail.com		

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	J. Ainsworth	Contact Phone:	907 521 8342
Contact Email:	director@denalartsconcil.org		

[Form AB-17c] (rev 09/17/2018)



AMCO
 DEC 31 2018

AMCO Page 1 of 4
 DEC 31 2018

Mrs. Diane Hall-Rambo



Form AB-17c: 2019/2020 Recreational Site Renewal License Application

Section 2 - Entity or Community Ownership Information

This top 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). This number is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by using the following site: https://www.commerce.alaska.gov/cbp/main/search/entities

General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

Alaska CBPL Entity #: 25285D

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.

EA MS

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.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

Name of Official: Diane Holl-Rambo
Title(s): Board President
Phone: 907 733 6502
% Owned: 0
Mailing Address: PO Box 822
City: Talkeetna
State: AK
ZIP: 99676

Name of Official: Mary Faringa
Title(s): Board Vice Pres.
Phone: 907 733 2673
% Owned: 0
Mailing Address:
City: Talkeetna
State: AK
ZIP: 99676

Name of Official: Mariah Smith
Title(s): Board Secretary
Phone: 560 489 7058
% Owned: 0
Mailing Address:
City: Talkeetna
State: AK
ZIP: 99676



AMCO DEC 31 2018

DEC 31 2018



Form AB-17c: 2019/2020 Recreational Site Renewal License Application

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate (spouse)

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

This individual is an: applicant affiliate (spouse)

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

Section 4 – 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 set forth in AS 04.21.025 and 3 AAC 304.465.

JAM *ms*
x

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2017 2018

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of one time during the calendar year.

The license was not operated at all during the calendar year.

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, unless a complete copy of the form (including fees) has already been submitted for that year.



Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

Yes: [] No: [x]

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 2017 or 2018?

Yes: [] No: [x]

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

Section 7 - 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, and 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.

[IA] ms

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 approved and on file with the Alcoholic Beverage Control (ABC) Board.

[IA] ms

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.

[IA] ms

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.

[IA] ms

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 or AMCO staff 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.

X Mary E. B. Farina Signature of licensee

Geraldine Dankewalter Signature of Notary Public

X Mary E. B. Farina Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: Jan 7, 2022



OFFICIAL SEAL Geraldine Dankewalter NOTARY PUBLIC-STATE OF ALASKA My Comm. Expires January 7, 2022

Subscribed and sworn to before me this 31 day of December, 2018.

Seasonal License? [] YES [x] NO If "Yes", write your six-month operating period: _____

Table with 6 columns: License Fee (\$800.00), Application Fee (\$300.00), TOTAL (\$1100.00), Miscellaneous Fees, GRAND TOTAL (if different than TOTAL)