



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: April 29, 2019

FROM: Erika McConnell, Director RE: 4293 Uncle Joe's Pizzeria

Requested Action: License renewal; request for refund of late fee

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 Recommendation: Approve license renewal; deny refund request

Background: License #4293 is a restaurant or eating place license held by Uncle Joe's Inc. DBA Uncle Joe's Pizzeria, at 3401 E. Tudor Road, in Anchorage.

AMCO received the initial submittal of the renewal application for this license on December 26, 2018. An incomplete letter was emailed to the licensee at the email address provided on the renewal application on January 16, 2019. The licensee asserts that he never received the January 16 email and was unaware that his renewal application was not complete until he received the expiration warning letter mailed on February 8, 2019. He completed his renewal application on February 14, 2019, but was required to pay the \$500 late penalty. He is requesting a refund of the \$500 late penalty.

The attached correspondence shows that the January 16 incomplete email was sent to the correct email address. The cover letter sent with the renewal applications in September of 2018 specifically notes that any needed corrections will be sent by email, asks applicants to monitor their email including their junk folder, and instructs applicants to contact the office if they haven't received either written correspondence or a temporary license within 7-10 days of submittal of their application. See the highlighted portions of the attached renewal cover letter sent to this licensee.

AS 04.11.270(b) requires a completed renewal application be submitted prior to January 1, and establishes a \$500 penalty fee for late renewal applications.

Attachments: Licensee request for refund
Correspondence
Renewal cover letter
Renewal application

February 13, 2019

State of Alaska
Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

RE: License #4293 DBA Uncle Joe's Pizzeria

To whom it may concern,

This is a request to abate the \$500.00 late application fee as my application was submitted in a timely fashion.

I received a correspondence via the US postal service dated February 8, 2019 stating that my liquor license will expire on February 28, 2019 because of an incomplete application, as an initial was missing from one question. The letter also stated that I did not respond to an email request sent by the control office in January to address this matter. The email from January was never received.

The letter dated February 8, 2019 was the first correspondence I had received from the control office and I acted upon it *immediately*. When John from the control office emailed me today with a duplicate request, his email was sent with a "read receipt", there should not be a "read receipt" confirmation from the said January email because it was not received.

Please consider my request for the abatement of the \$500.00 late fee imposed on my company as the letter dated February 8, 2019 was the first time this issue was communicated to me.

Thank you,

A handwritten signature in black ink that reads "Joe White". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.

Joe White
Owner
Uncle Joe's Pizzeria
907-226-5682 mobile

Church, John D (CED)

From: Alcohol Licensing, CED ABC (CED sponsored)
Sent: Thursday, February 14, 2019 8:58 AM
To: Joe White
Cc: Alcohol Licensing, CED ABC (CED sponsored)
Subject: RE: Uncle Joe's Pizzeria License 4293

Categories: Complete

Hi Joe,

Since the late fee is required by statute, our office will need to receive the late fee before the renewal can be deemed complete. I have received your waiver request and have passed it onto my supervisor to have it added to the April agenda. If the board agrees with your request, our office will issue a refund for the \$500.00. This is just the process we have been instructed to follow.

Credit card payments can be taken over the phone or checks can be mailed to our office at 550 W 7th Ave, Ste 1600 Anchorage, AK 99501.

Let me know if you have any more questions.

Best,
John

From: Joe White <unclejoe@gci.net>
Sent: Wednesday, February 13, 2019 5:32 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Uncle Joe's Pizzeria License 4293

John,

I never received any notice, you have no return receipt confirmation for that first email you said you sent in January, because it was never received. The first communication to me was in a letter dated February 8, 2019. This is not right.

Do I need to pay the \$500, then write a written request for a refund or do I wait to pay until the request is granted?

Joe White
Uncle Joe's Pizzeria

From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Wednesday, February 13, 2019 3:14 PM
To: Joe White <unclejoe@gci.net>
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Uncle Joe's Pizzeria License 4293

Hi Joe,

In order for the application to be deemed complete, our office will need to receive the \$500 late fee per AS 04.11.270. If you would like to request a waiver of the fee, please send us a separate written request and we will add it to the ABC

Board agenda for their consideration. If the board accepts your appeal then our office will issue a refund for the late fee. Please note your renewal is currently scheduled to appear before the board at their April 29/30 meeting.

Let me know if you have any additional questions.

Best,
John

From: Joe White <unclejoe@gci.net>
Sent: Wednesday, February 13, 2019 1:10 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Uncle Joe's Pizzeria License 4293

John,

The letter I received dated February 8, 2019 is the first notice I have received. My email is through GCI and I just talked with them, they confirmed that they moved to a new platform and that some of my emails my have not gotten to me. Please waive the \$500 fee as I did not receive any coorispondance from Alcohol licensing. I have attached my corrected form, only my initials were missing.

Joe White
Uncle Joe's Pizzeria
907-229-5682

From: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Sent: Wednesday, February 13, 2019 8:07 AM
To: Joe White <unclejoe@gci.net>
Cc: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: RE: Uncle Joe's Pizzeria License 4293

Hi Joe,

On Jan. 16th our office sent an incomplete notice to UncleJoe@gci.net notifying you that your application was incomplete. Since we did not receive the corrections within 7 day following the date of the letter the \$500 late fee was applied. If you believe you submitted the corrections, please let me know when you sent them and I can look through our inbox to see if they were missed. Otherwise, our office will need to receive the late fee before the application can be completed.

I have reattached the incomplete letter and the application page that needs the corrections. If you have any additional questions let us know.

Best,
John

From: Joe White <unclejoe@gci.net>
Sent: Tuesday, February 12, 2019 8:57 PM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: Uncle Joe's Pizzeria License 4293

I just received a letter saying I submitted an incomplete application for the renewal of license number 4293 for Uncle Joe's Pizzeria. I believe my application was submitted correctly and on time. The \$900.00 check for the renewal was

cashied in December of 2018. Please email me asap with any corrections deemed necessary. I also believe since my original renewal was timely, I should not have to pay a \$500.00 penalty.

Thank you,

Joe White
Uncle Joe's Pizzeria
907-229-5682 Mobile
unclejoe@gci.net

Church, John D (CED)

From: Alcohol Licensing, CED ABC (CED sponsored)
Sent: Wednesday, January 16, 2019 3:16 PM
To: UncleJoe@gci.net
Cc: Alcohol Licensing, CED ABC (CED sponsored)
Subject: 4293 Incomplete Letter and Application dba Uncle Joe's Pizzeria
Attachments: 4293 Incomplete Letter and Application.pdf

Categories: Complete

Hello,

I have received and reviewed your renewal liquor license application. At this time, your application is considered incomplete. Please review the attached documents for instructions on how to complete your application.

Please submit all documents to complete your application within seven (7) days from the date of this notice. If, after seven days, your application is still incomplete, your application will be assessed an additional \$500 late fee per AS 04.11.270. Any application that is still incomplete at midnight on February 28, 2019 will be expired, per AS 04.11.540.

It is very important that you submit the requested corrections and/or documents **as soon as possible**. AMCO staff need adequate time to review the documents and determine if additional corrections and/or documents are necessary to complete your application.

Completed documents (with the exception of fingerprint cards or payments) may be scanned and emailed, and questions or concerns may be sent to alcohol.licensing@alaska.gov.

Thank you for your immediate diligence toward completing your application.

Best,



John Church
Occupational Licensing Examiner



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

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

September 24, 2018

Uncle Joe's, Inc.
PO Box 112645
Anchorage, AK 99511

Dear Licensee:

Enclosed is your liquor license renewal application for the 2019/2020 calendar years. Not later than **December 31, 2018**, the complete renewal application, corresponding fees, and any additional documents requested for the application must be postmarked or received at the Alcohol and Marijuana Control Office (AMCO). Please submit your application documents as soon as possible, so that AMCO staff has adequate time to review them, and so you will have adequate time to submit corrections, if necessary, without having to pay late fees.

This fall, we will be providing a few **training sessions for licensees** regarding the renewal application process. Covered topics will include: changes to the application since the last renewal season, the top mistakes that delay renewal applications, and tips and tricks for a smoother renewal process. Attendees will have plenty of opportunity to ask questions during each training session. Additional information about these training sessions will be mailed out to licensees and posted in the next couple of weeks to the AMCO homepage at <https://www.commerce.alaska.gov/web/amco>.

A personal or bank check, money order, or credit card are all acceptable forms of payment for a renewal application. If you choose to pay by credit card, please mail or hand-deliver during regular business hours the enclosed Form AB-31: Credit Card Payment Form. Please do not email your credit card information.

Your application will not be reviewed by AMCO staff unless and until the renewal fees have been receipted. **Receipt and/or processing of renewal payment neither indicates nor guarantees that an application will be determined to be complete, or that a license will be renewed.**

AN APPLICATION THAT IS INCOMPLETE FOR ANY REASON, INCLUDING OMISSION OF REQUIRED DOCUMENTS OR FEES, WILL BE RETURNED TO THE APPLICANT, AS SET FORTH UNDER 3 AAC 304.105(e).

If your application is determined by AMCO staff to be incomplete, an official "incomplete letter" that details what corrections are necessary **will be emailed to the contact email address(es) provided on your application**. The incomplete letter will include a deadline by which corrections must be submitted in order to avoid potential late fees. **If you provide an email address, please be sure to monitor both your email inbox and your junk/spam mailbox, for potential receipt of this time-sensitive correspondence.** If an email address is not provided on the application, correspondence will be mailed to the mailing address provided on the application.

If after 7-10 days from the date you submit your application, you have not received either written correspondence or a temporary license from AMCO staff, please call or email the alcohol licensing team

to make sure that your application was received at the office. Please note that correspondence from AMCO regarding applications received during the last two weeks in December and the first week in January may be delayed beyond 7-10 days due to the volume of applications received during that period.

Applications postmarked, emailed, or brought into the AMCO office after close of business at 4:00pm on December 31, 2018 will be assessed a \$500.00 late fee in addition to the regular renewal fees, as set forth under AS 04.11.270(b)(3). Any incomplete application or any license application and required fees not postmarked or received in AMCO's Anchorage office by February 28, 2019 will be expired, as set forth under AS 04.11.540.

Any corporation or limited liability organization (LLC) that applies for renewal must be in good standing with the Alaska Division of Corporations, Business, and Professional Licensing (CBPL), and all stakeholders, officers, members, and managers listed on the application must match those listed with CBPL in order for the renewal application to be considered complete. Please remember that any change listed under AS 04.11.045 – AS 04.11.055 to a corporation, LLC, or partnership must be reported to AMCO staff in writing within 10 days of the change.

This renewal season, we will be mailing out temporary licenses to all applicants that will allow you to operate while your application is awaiting final approval from the ABC Board. Issuance of a temporary is not a guarantee that your application will be approved; therefore, any investment based upon the issuance of a temporary license is at your own risk. If a protest or objection is received for your application, under AS 04.11.480 or AS 04.11.470 respectively, or if AMCO staff identify an issue, your application will be considered individually by the ABC Board, and a public hearing will be held, if required by statute. Upon ABC Board approval, your 2019/2020 liquor license will be mailed to you at the mailing address on file.

Supplemental forms can be found by clicking the "Alcohol License Application" link on the AMCO home page. Please mail, hand-deliver, or scan and email complete applications and documents to amco.admin@alaska.gov. Applications **will not be accepted** via fax machine.

Sincerely,



Sarah Daulton Oates
Program Coordinator

for
Erika McConnell
Director



Alaska Alcoholic Beverage Control Board
Restaurant or Eating Place License
Form AB-17a: 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 restaurant or eating place 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:	Uncle Joe's, Inc.	License #:	4293
License Type:	Restaurant or Eating Place	Statute:	AS 04.11.100
Doing Business As:	Uncle Joe's Pizzeria		
Premises Address:	3401 E Tudor Rd		
Local Governing Body:	Municipality of Anchorage		
Community Council:	University Area		

Mailing Address:	P.O. Box 112645				
City:	Anchorage	State:	AK	ZIP:	99511

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:	Joseph White	Contact Phone:	907.229.5082
Contact Email:	unclejoe@eci.net		

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:		Contact Phone:	
Contact Email:			



Form AB-17a: 2019/2020 Restaurant 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 visiting 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 #:	52731D
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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.

JW

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.

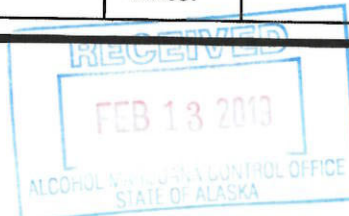
- If the applicant is a **corporation**, the following information must be completed for each **stockholder who owns 10% or more** of the stock in the corporation, and for each **president, vice-president, secretary, and managing officer**.
- If the applicant is a **limited liability organization**, 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:	Holly White			
Title(s):	V.P., Secretary	Phone:	907.350-032	% Owned: 51
Mailing Address:	P.O. Box 112645			
City:	Anchorage	State:	AK	ZIP: 99511

Name of Official:	Joseph White			
Title(s):	President, Treasurer	Phone:	907.229.5282	% Owned: 49
Mailing Address:	P.O. Box 112645			
City:	Anchorage	State:	AK	ZIP: 99511

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:





Form AB-17a: 2019/2020 Restaurant 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.

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. 2017 2018
- The license was regularly operated during a specific season each year. 2017 2018
- The license was only operated to meet the minimum requirement of 240 total hours each calendar year. 2017 2018
If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.
- The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. 2017 2018
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.



Form AB-17a: 2019/2020 Restaurant Renewal License Application

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

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

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.

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.

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.

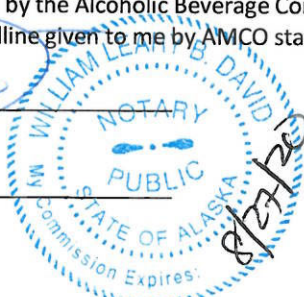
I am submitting as part of this application a completed copy of Form AB-33: Restaurant Receipts Affidavit, to provide evidence to the ABC Board that this establishment met the food sales requirement set forth in AS 04.11.100(e).

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.

Signature of licensee

JOE WHITE

Printed name of licensee



Signature of Notary Public

[Signature]

Notary Public in and for the State of ALASKA

My commission expires: 8/27/20

Subscribed and sworn to before me this 24th day of DECEMBER, 2018.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					