



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019
FROM: Erika McConnell, Director RE: 1270 Bear's Den Liquor

Requested Action: Transfer of location

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."

Background: This package store license is being transferred to a new location in an area with no local government (Tok).

At issue is the interpretation of AS 04.11.460, Prior Public Approval, which states:

- (a) A new license or the transfer of location of an existing license may not be approved by the board in an area outside but within 50 miles of the boundaries of a municipality unless a petition asking that the license be issued or transferred within the area containing signatures of a majority of the permanent residents residing within one mile of the proposed premises is filed with the board.
- (b) A license may not be issued in an area that is 50 miles or more from the boundaries of a municipality unless a petition asking that the license be issued within the area containing the signatures of two-thirds of the permanent residents residing within a radius of five miles of the United States post office station nearest to the proposed licensed premises, is filed with the board. If there are two or more United States post office stations in the vicinity of the proposed licensed premises, the nearest to the premises constitutes the point of beginning under this subsection. If there is no United States post office station within a radius of five miles of the proposed licensed premises, the applicant must obtain the signatures of two-thirds of the permanent residents residing within a five mile radius of the proposed licensed premises. A petition is not required for the renewal of a license issued in accordance with this subsection unless specifically required by the board.
- (c) In this section, "permanent resident" means a person 21 years of age or older who has established a permanent place of abode.

Should the transfer application for this license include a petition as indicated in subsection (b)? (The proposed new location of the license is not within 50 miles of the boundaries of a municipality, so subsection (a) does not apply.)

While subsection (a) very clearly applies to “a new license or the transfer of location of an existing license,” subsection (b) does not provide that clarity. This license was first issued at the location from which it is transferring in 1956—I do not know if there was a petition requirement at that time.

Because the language at the beginning of subsection (b) states “a license may not be issued,” but the language in the last sentence of the subsection exempts the renewal of a license from needing a petition (except when required by the board), the implication is that all issuances of a license, except for a renewal, would require a petition. However, that interpretation would include transfers of ownership, which makes less sense than just new licenses and transfers of location.

In a spot check of licenses that are in locations with no local government, many transfers of ownership were noted, not one of which included a petition. One license was identified that had transferred location twice: records from a transfer in 1999 include a petition and records from a transfer in 2009 do not include a petition.

If the board determines this section to require a petition for this transfer of location, I recommend the board approve the transfer with delegation, and that the submittal of a qualifying petition be part of the delegation.

Attachment: Transfer application



Alaska Alcoholic Beverage Control Board Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

Enter information for the **current** licensee and licensed establishment.

Licensee:	Three Bears Alaska, Inc.	License #:	1270
License Type:	Package Store	Statutory Reference:	04.11.150
Doing Business As:	Bear's Den Liquor		
Premises Address:	Mile 1312 Alaska Highway		
City:	Tok	State:	Alaska
		ZIP:	99780
Local Governing Body:	NA		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY

Complete Date:	4/18/19	Transaction #:	1045239
Board Meeting Date:	2/8/19	License Years:	2018-2019
Issue Date:		BRE:	ODE

AMCO
 APR = 3 2019



Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 2 – Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Three Bears Alaska, Inc.				
Doing Business As:	Bear's Den Liquor				
Premises Address:	Mile 1314 Alaska Highway				
City:	Tok	State:	Alaska	ZIP:	99780
Community Council:	NA				

Mailing Address:	445 N. Pittman Road, Suite B				
City:	Wasilla	State:	Alaska	ZIP:	99623

Designated Licensee:	Steve Mierop				
Contact Phone:	907-357-4311 x303	Business Phone:	907-357-4311 x303		
Contact Email:	steve@threebearsalaska.com				

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

Section 3 – Premises Information

Premises to be licensed is:

- an existing facility a new building a proposed building

(the building already exists but is also being renovated and is receiving a small addition this spring/summer)

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

Tok School -- 4,300 feet

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

Tok Assembly of God -- 935 feet

AMCO
 APR 8 2019



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.

If more space is needed, please attach a separate sheet with the required information.

- 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*.

Entity Official:	Please see attached				
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	24136D	AK Formed Date:	05/19/1981	Home State:	Alaska
Registered Agent:	Joan Travostino		Agent's Phone:	907-276-4557	
Agent's Mailing Address:	1031 West Fourth Avenue, Suite 600				
City:	Anchorage	State:	Alaska	ZIP:	99501

Residency of Agent: Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?

Three Bears Alaska, Inc.
Transfer Application for Alaska Liquor License Number 1270
March 11, 2019

Corporate Officers, Directors & 10% or Greater Owners

Name	Title	✓ if Director	%	Home Address & Telephone Number	Work Telephone Number
David A. Weisz Sr.	President	✓	9.77%	3771 N. Meadow Lakes Dr., Wasilla, AK 99654 907-357-3502	907-357-4311
Rachel A. Sanford	Vice President; Treasurer; Asst. Secretary	✓	N/A	.1 Schiovalli Road, Tok, AK 99780 907-883-5432	907-883-4324
Paul D. Sonnenberg	Vice President	✓	N/A	3700 North Bear Street, Wasilla, AK 99654 907-357-1529	907-357-4311
Stephen D. Mierop	Vice President; Secretary		N/A	9630 Burning Bush Drive, Anchorage, AK 99507 907-980-0721	907-357-4311
Three Bears Investment Group, LLC	Shareholder		72.56%	445 N. Pittman Road, Suite B Wasilla, AK 99654 Attn: David A. Weisz Sr.	907-357-4311

AMCO
 APR = 3 2019



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Please see attached

Section 7 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Joan Travostino, outside counsel to Three Bears Alaska, Inc.

Three Bears Alaska, Inc
Transfer Application for Alaska Liquor License Number 1270
March 11, 2019

Interests in Alcoholic Beverage Businesses Licensed in Alaska

Owner's Name	Name of Business	Type of License	Business Street Address	State
Three Bears Alaska, Inc.	Bear's Den Liquor	Package Store #534	17119 W. Parks Highway, Houston	Alaska
Same	Three Bears	Package Store #4118	10575 Kenai Spur Highway, Kenai	Alaska
Same	Three Bears	Package Store #4503	445 N. Pittman Road, Wasilla	Alaska
Same	Three Bears	Package Store #4499	8151 E. Palmer-Wasilla Highway, Palmer	Alaska
Same	Bear's Den Liquor	Package Store #376	3950 S. Knik Goose Bay Road, Wasilla	Alaska
Same	Bear's Den Liquor	Package Store #1011	22211 Birchwood Loop, Chugiak	Alaska
Same	Bear's Den Liquor	Package Store #1388	14468 W. Hollywood Rd., Big Lake	Alaska
Same	Bear's Den Lounge	Beverage Dispensary #1269	Mile 1312 Alaska Highway, Tok	Alaska
Same	Bear's Den Liquor	Package Store #3036	Mile 248.5 George Parks Highway, Healy	Alaska
Same	Three Bears Minimart	Package Store #1144	Mile 124 Glenn Highway Tok Cutoff, Tok	Alaska

AMCO

APR - 8 2019



Alaska Alcoholic Beverage Control Board Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

SM

I certify that all proposed licensees have been listed with the Division of Corporations.

SM

I certify 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.

SM

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

SM

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

SM

As an applicant for a liquor license, 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.

Three Bears Alaska, Inc.

By: *[Signature]*

Signature of transferee

Stephen D. Mierop

Printed name

Subscribed and sworn to before me this 11 day of March, 2019.

[Signature]

Signature of Notary Public

PATRICIA ANN NELSON
Notary Public
State of Alaska
My Commission Expires
August 22, 2022

Notary Public in and for the State of Alaska.

My commission expires: Aug 22, 2022



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 – Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Three Bears Alaska, Inc.

By: *David A. Weisz*
Signature of transferor

David A. Weisz
Printed name of transferor

Printed name of transferor

Subscribed and sworn to before me this 11 day of March, 2019.

Patricia Nelson
Signature of Notary Public

PATRICIA ANN NELSON
Notary Public
State of Alaska
My Commission Expires
August 22, 2022

Notary Public in and for the State of Alaska.

My commission expires: Aug 22, 2022

Three Bears Investment Group, LLC

By: *David A. Weisz*
Signature of transferor

David A. Weisz, Manager
Printed name of transferor

Printed name of transferor

Subscribed and sworn to before me this 18 day of April, 2019.

Patricia Nelson
Signature of Notary Public

PATRICIA ANN NELSON
Notary Public
State of Alaska
My Commission Expires
August 22, 2022

Notary Public in and for the State of Alaska.

My commission expires: Aug 22, 2022

AMCO
APR - 3 2019





Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

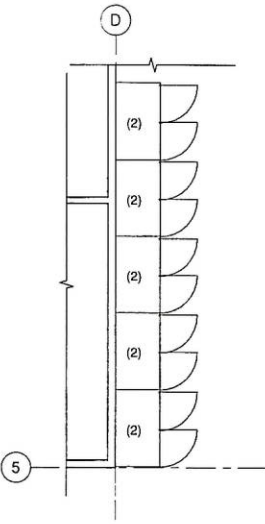
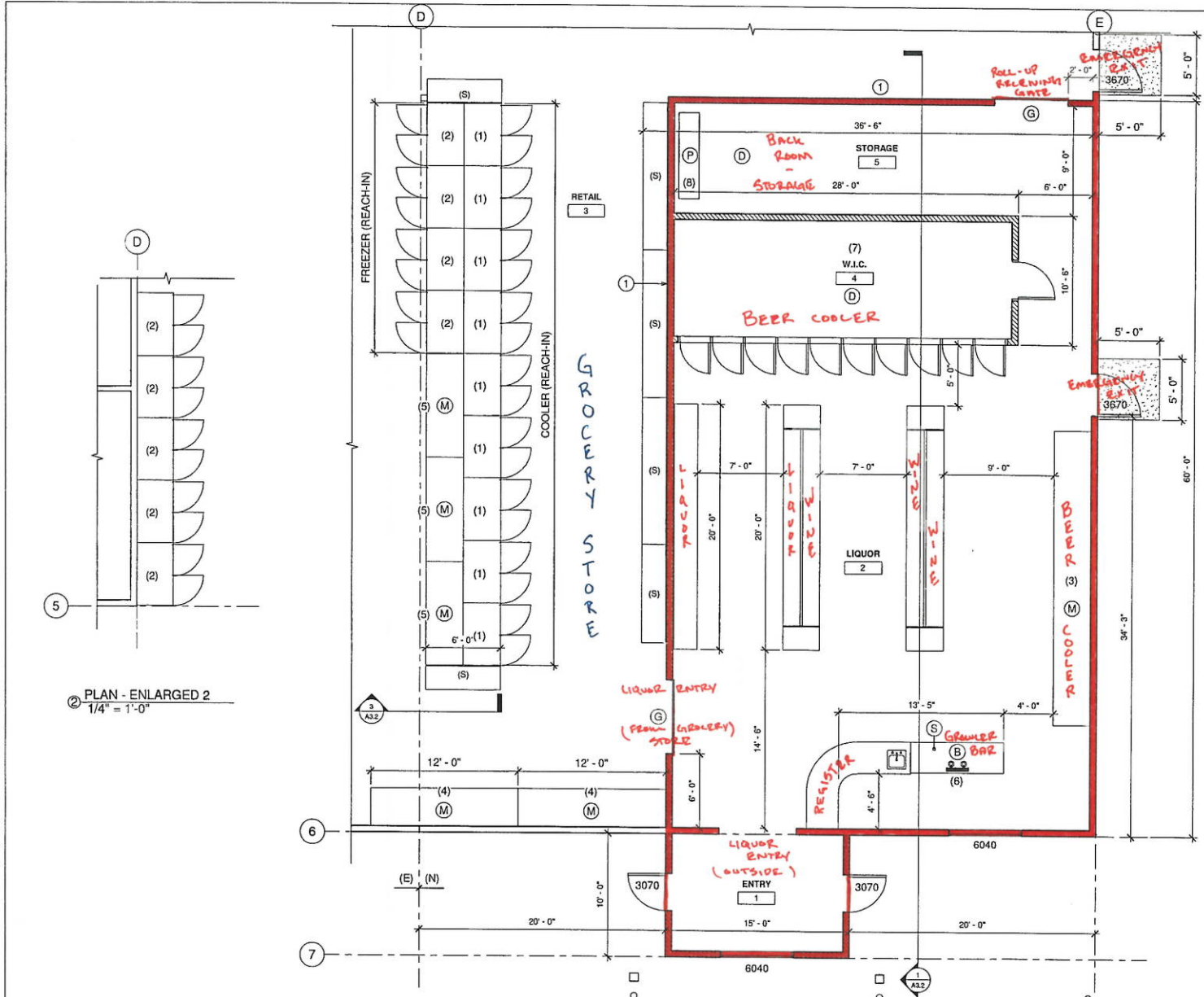
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.



Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Three Bears Alaska, Inc.	License Number:	1270		
License Type:	Package Store				
Doing Business As:	Bear's Den Liquor				
Premises Address:	Mile 1314 Alaska Highway				
City:	Tok	State:	Alaska	ZIP:	99780



SHEET NOTES

- ① 10' - 0" AFF WALL
- ② GROWLER STATION - BEER DISPENSER
- ③ COOLER
- ④ DRAIN - FLOOR
- ⑤ FREEZER
- ⑥ GATE 6' x 8'
- ⑦ MERCHANDISER (OPEN)
- ⑧ FLOOR SINK
- ⑨ PROTOCOL
- ⑩ SHELVES
- ⑪ EXISTING
- ⑫ NEW

EQUIPMENT LIST:

1. (9) 5'-0" REACH IN COOLER
2. (9) 5'-0" REACH IN FREEZER
3. (1) 24'-0" OPEN FACE MERCHANDISER
4. (2) 12'-0" OPEN FACE MERCHANDISER (PRODUCE)
5. (3) 8'-6" OPEN FACE MERCHANDISER
6. (1) BEER DISPENSER - GROWLER STATION
7. (1) WALK IN COOLER
8. (1) PROTOCOL

[FOR REFERENCE ONLY:]

- (2) 18'-0" GONDOLA SHELVING (2 SIDED)
 - (1) 20'-0" GONDOLA SHELVING (1 SIDED)
 - (3) 12'-0" GONDOLA SHELVING (1 SIDED)
 - (1) 8'-0" GONDOLA SHELVING (1 SIDED)
 - (2) 8'-0" GONDOLA SHELVING END CAP
 - (4) 3'-0" GONDOLA SHELVING END CAP
- GONDOLA SHELVING - B.O.
ATM - B.O.

① PLAN - ENLARGED
1/4" = 1'-0"

"IIX17 DRAWINGS ARE HALF THE INDICATED SCALE"

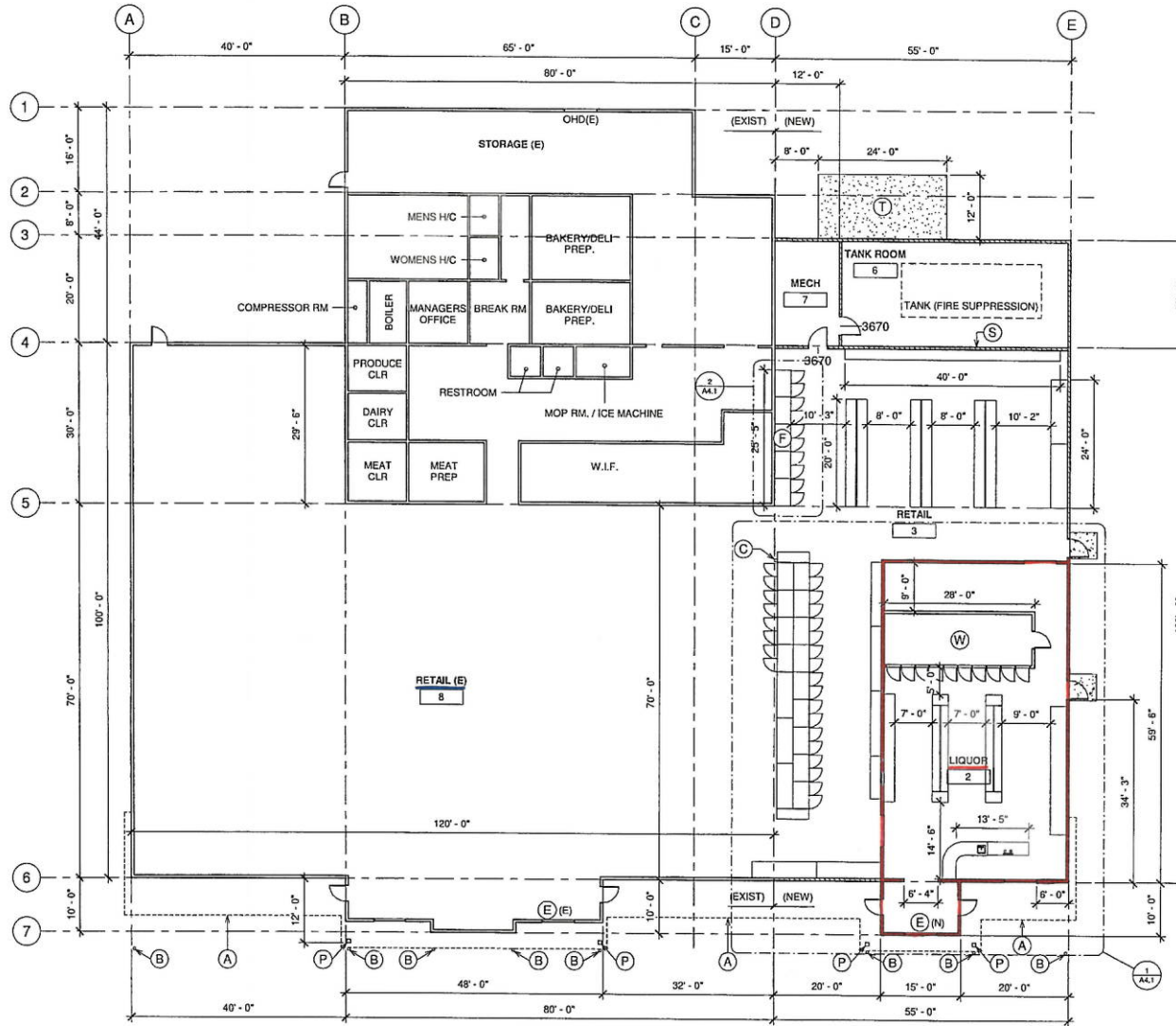
REV NO: DATE

SAJJ ARCHITECTURE, LLC
SCOTT A. JONES SCOTT@SAJJARCHITECTURE.COM #MCORP/BAE, TX 9592

3 BEARS-TOK-ADDITION
TOK, AK

DR: KK
CK: SAJ
DT: 24 JANUARY 2019
JB: FRISM
DWG: ENLARGED

A4.1



SHEET NOTES

- (A) LINE OF ROOF (ABOVE)
- (B) BOLLARDS (6" DIA. STEEL w/ CONC.)
- (C) COLUMN (SEE STRUCT)
- (E) ENTRY
- (F) FREEZER
- (P) POST (8 x 8 (MIN.))
- (S) BEARING WALL (PROPOSED)
- (T) FUEL TANK PAD (CONC (S.O.G.))
- (W) WALK IN COOLER
- (E) EXISTING
- (N) NEW / PROPOSED
- ▬ WALL (E)
- ▬ WALL (N)

RETAIL (E)	10,032 SF (FOR REF.)
STORAGE (E)	5,632 SF (FOR REF.)
RETAIL (N)	5,850 SF (N)
MECH (N)	1,100 SF (N)
TOTAL (N)	6,750 SF (N)

① PLAN - MAIN FLOOR
3/32" = 1'-0"

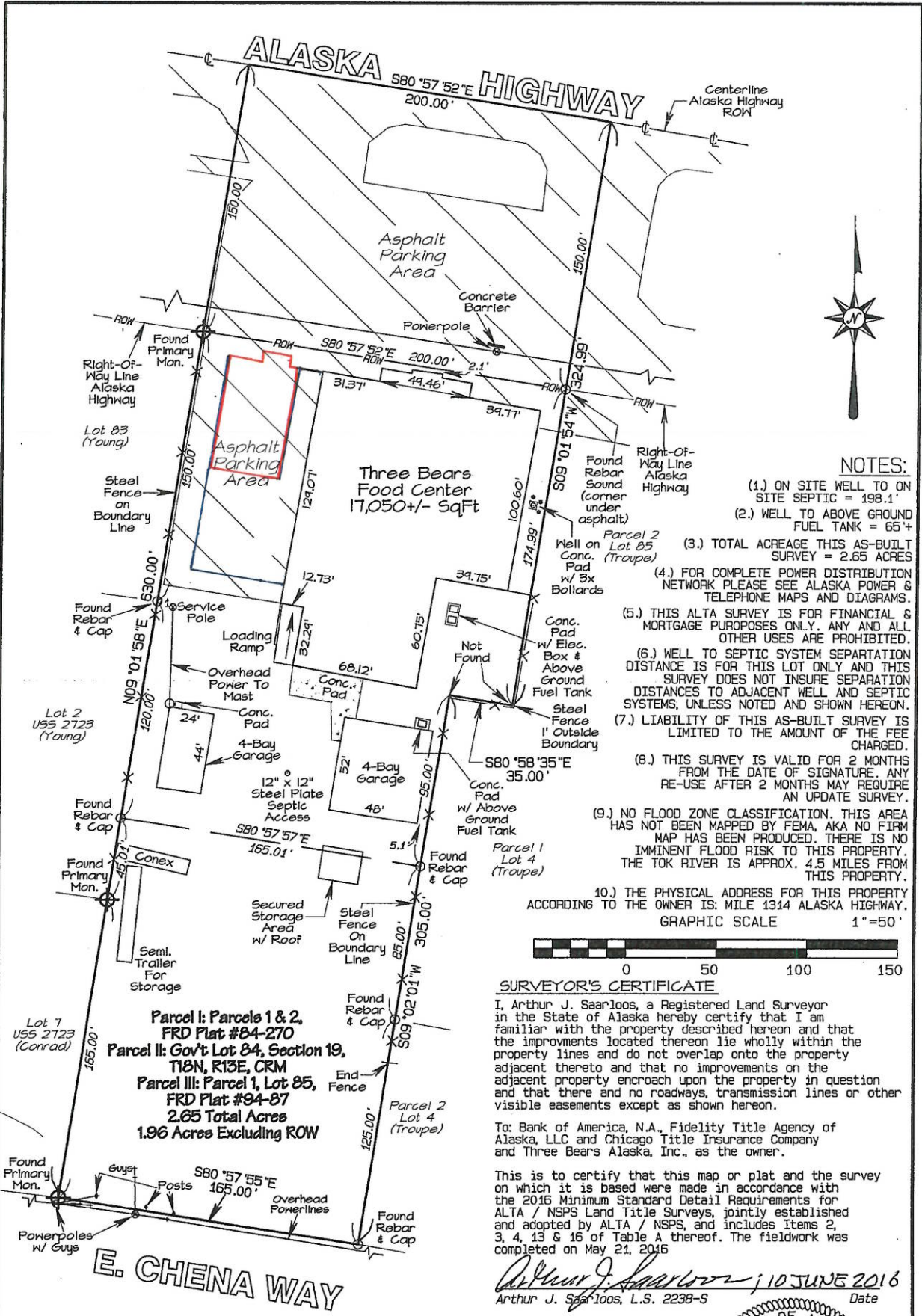
REV NO: DATE

SAJJ ARCHITECTURE, LLC
SCOTT A. JONES S.A.J.A.S.A.J.A.R.C.H.I.T.E.C.T.U.R.E.C.O.N. AUGUSTINE, LA 70502

3 BEARS-TOK-ADDITION
TOK, AK

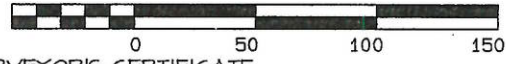
DR: KK
CR: SAJ
DT: 24 JANUARY 2019
JB: PRISM
DWG: PLAN

A2.1



NOTES:

- (1.) ON SITE WELL TO ON SITE SEPTIC = 198.1'
- (2.) WELL TO ABOVE GROUND FUEL TANK = 65'+
- (3.) TOTAL ACREAGE THIS AS-BUILT SURVEY = 2.65 ACRES
- (4.) FOR COMPLETE POWER DISTRIBUTION NETWORK PLEASE SEE ALASKA POWER & TELEPHONE MAPS AND DIAGRAMS.
- (5.) THIS ALTA SURVEY IS FOR FINANCIAL & MORTGAGE PURPOSES ONLY. ANY AND ALL OTHER USES ARE PROHIBITED.
- (6.) WELL TO SEPTIC SYSTEM SEPARATION DISTANCE IS FOR THIS LOT ONLY AND THIS SURVEY DOES NOT INSURE SEPARATION DISTANCES TO ADJACENT WELL AND SEPTIC SYSTEMS, UNLESS NOTED AND SHOWN HEREON.
- (7.) LIABILITY OF THIS AS-BUILT SURVEY IS LIMITED TO THE AMOUNT OF THE FEE CHARGED.
- (8.) THIS SURVEY IS VALID FOR 2 MONTHS FROM THE DATE OF SIGNATURE. ANY RE-USE AFTER 2 MONTHS MAY REQUIRE AN UPDATE SURVEY.
- (9.) NO FLOOD ZONE CLASSIFICATION. THIS AREA HAS NOT BEEN MAPPED BY FEMA, AKA NO FIRM MAP HAS BEEN PRODUCED. THERE IS NO IMMINENT FLOOD RISK TO THIS PROPERTY. THE TOK RIVER IS APPROX. 4.5 MILES FROM THIS PROPERTY.
- (10.) THE PHYSICAL ADDRESS FOR THIS PROPERTY ACCORDING TO THE OWNER IS: MILE 1314 ALASKA HIGHWAY.



SURVEYOR'S CERTIFICATE

I, Arthur J. Saarloos, a Registered Land Surveyor in the State of Alaska hereby certify that I am familiar with the property described hereon and that the improvements located thereon lie wholly within the property lines and do not overlap onto the property adjacent thereto and that no improvements on the adjacent property encroach upon the property in question and that there are no roadways, transmission lines or other visible easements except as shown hereon.

To: Bank of America, N.A., Fidelity Title Agency of Alaska, LLC and Chicago Title Insurance Company and Three Bears Alaska, Inc., as the owner.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys, jointly established and adopted by ALTA / NSPS, and includes Items 2, 3, 4, 13 & 16 of Table A thereof. The fieldwork was completed on May 21, 2016

Arthur J. Saarloos 10 JUNE 2016
 Date
 Arthur J. Saarloos, L.S. 2238-S

Surveyed: MAY 21, 2016 AJS Drawn: JUNE 10, 2016 SP5

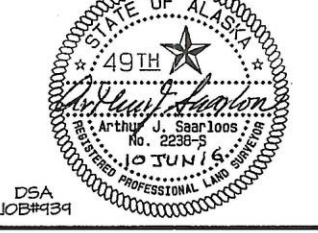
An ALTA Survey for:
THREE BEARS ALASKA, INC. of
 Parcel I: Parcels 1 & 2, FRD Plat #84-270
 Parcel II: Gov't Lot 84, Section 19, T18N, R13E, CRM
 Parcel III: Parcel 1, Lot 85, FRD Plat #94-87,
 ALL located within Township 18 North, Range 13 East, Copper River Meridian, State of Alaska.

SCALE: 1" = 50' 100% SCALE ON 11" X 17" VERSION: FINAL, 6/10/16

TITLE NOTE:
 The property described herein is the same property described in Fidelity Title Agency of Alaska, LLC's title commitment No. F-58255 with an effective date of May 10, 2016.

by:
 Delta Surveys Assoc.
 P.O. Box 197
 Delta Jct., AK 99737
 (907) 845-4280 / 4506 Fax
 deltasurveys@gmail.com

HYP2
 "BEARS"
 BOOK 60
 PG.65
 Checked: AS



AMCO
 LAPR = 3 2019

DSA
 JOB#939