



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 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."

AS 04.11.210(d): "The board may not deny an application for renewal of a license issued under this section or an application to transfer a license issued under this section to another person solely because the board determines that the licensed premises is not a "recreational site" as defined under (c) of this section if the applicant

- (1) held a license under this section or received a transferred license under this section that was valid at any time between January 1, 2018, and March 31, 2019 or holds a license that was initially issued under (e) of this section; and
- (2) operates the license under the same conditions required at the time of initial licensure."

Staff Rec.: Uphold the protest with a 30-day abeyance; if protest is lifted, indicate delegation pending repayment of license fee

Background: In July of 2017, the board indicated to this licensee that the 2017/2018 renewal would be the final renewal because the licensee did not meet the requirements to have a recreational site license under AS 04.11.210. The board denied the 2019/2020 renewal in February of 2019. The licensee was refunded their \$800 license fee in March of 2019.

With the passage of Senate Bill 16, the licensee is requesting reconsideration of the renewal of their recreational site license. License 4897 was valid between January 1, 2018 and February 19, 2019, when renewal was denied.

The Matanuska-Susitna Borough has protested the renewal of this license due to a \$100 license review fee owed by the licensee.

Attachment: Matanuska-Susitna Borough protest
Renewal application



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Development Services Division

350 E. Dahlia Avenue, Palmer, AK 99645
Phone (907) 861-7822 | Fax (907) 861-8158
E-mail: permitcenter@matsugov.us

March 29, 2019

Alcohol & Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

SUBJECT: Denali Arts Council # 4897
22249 S D St
Renewal – Recreational Site

A review of the files relating to the subject business and license application, as they relate to Matanuska-Susitna Borough Code, has been completed. Based on that review, the Matanuska-Susitna Borough hereby takes the following action:

- WAIVE THE RIGHT TO PROTEST
- PROTEST the issuance of the license for the following reason(s):
 - Delinquent Real Property Taxes owed:
 - Other debts owed: \$100 MSB License Review Fee
 - The required Conditional Use Permit has not been issued:
 - There is a violation of the Conditional Use Permit:
 - There is a resident objection to the facility on file:
 - Other:

Upon curing all of the above referenced deficiencies the Matanuska-Susitna Borough will rescind any protest. It is the applicant's responsibility to notify the Development Services Division that any debts or taxes owed have been paid in full.

The applicant(s) has been sent a copy of this letter by certified mail or via email, only if a protest has been issued. Should you have any questions, please feel free to contact my office.

Sincerely,

Adam Bradway, Planner I
Development Services Division
Matanuska-Susitna Borough

Received by AMCO 3.29.19

PERSONS TO BE HEARD

Date Received: _____
Meeting Date Approved: _____
Clerk Approval: _____

PRINTED NAME OF SPEAKER: _____

MEETING DATE REQUESTED: _____ DAY PHONE NO.: _____

ORGANIZATION REPRESENTED: _____ FAX: _____

MAILING ADDRESS: _____

Your address and telephone number are requested so that we are able to contact you when the request is approved or in the event that a cancellation or postponement of the meeting should occur.

SUBJECT: _____

PLEASE DESCRIBE THE ACTION THAT YOU ARE REQUESTING: _____

MSB 2.12.081

- (A) A person wishing to speak before the assembly under the agenda item "persons to be heard" shall file an appearance request with the clerk specifying the topic on which the person intends to speak.
- (B) If the appearance request has administrative channels of resolution, the clerk shall forward the request to the administration for research. The person wishing to address the assembly should exercise due diligence to resolve this matter with the borough administration.
- (C) If there are no administrative channels through which the applicant can pursue the item of concern, the clerk shall place the appearance request on the agenda for assembly consideration.
- (D) In any event, an appearance request shall be placed before the assembly on the next regular meeting agenda.
- (E) Appearance requests shall be heard by the assembly when placed on the agenda.
- (F) The clerk shall not accept appearance requests involving:
 - (1) items that have other clearly defined channels of resolution, such as board of adjustment or assembly appeal matters, personnel grievances, discrimination complaints, board and commission appeals, or similar matters;
 - (2) items that are being scheduled for a public hearing on an upcoming meeting agenda;
 - (3) subjects currently under labor negotiations;
 - (4) items upon which litigation involving the applicant or the applicant's representative is currently pending;
 - (5) items in which will be before the assembly in the future and the person will have the opportunity to testify; or
 - (6) the requestor has appeared before the assembly under persons to be heard previously and wishes to speak to the same topic.
- (G) In lieu of appearance requests, the assembly shall accept brief written communications on any subject. These shall be reproduced and distributed to the assembly by the clerk when they are received.
- (H) Persons who do not wish to speak before the assembly under persons to be heard and who do not wish to submit written communications may be heard under "audience participation," which is scheduled for each regular meeting.

NOTE TO SPEAKER:

- If you have prepared a statement or other documents, please provide at least twenty-five (25) copies to the Borough Clerk's Office by noon on the day of the meeting for distribution.
- Please go to the front of the room when your name is called, clearly state your name, and speak into the microphone to ensure an accurate record of your testimony. Your time limit under "Persons to be Heard" is three (3) minutes.

OFFICIAL USE:
Assembly Action/Comments: _____



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. Amundson	Contact Phone:	907 521 8342
Contact Email:	director@denalartsconcil.org		

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



AMCO
 DEC 31 2018

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 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.

Initials box with handwritten initials 'EA' and 'MS' and an 'X' mark.

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.

Form for Diane Holl-Rambo: 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

Form for Mary Faring: Name of Official: Mary Faring, Title(s): Board Vice Pres, Phone: 907 733 2673, % Owned: 0, Mailing Address: [blank], City: Talkeetna, State: AK, ZIP: 99676

Form for Mariah Smith: Name of Official: Mariah Smith, Title(s): Board Secretary, Phone: 560 489 7058, % Owned: 0, Mailing Address: [blank], 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
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: [] No: [x]

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

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

December 27, 2018

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

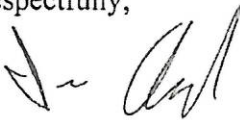
Dear Ms. McConnell,

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

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