



## MEMORANDUM

TO: Alcoholic Beverage Control Board      DATE: September 10, 2019  
FROM: Erika McConnell, Director      RE: 691 Malemute Saloon

**Requested Action:** Transfer of ownership with security interest; dba change

**Statutory and Regulatory Authority:** AS 04.11.040(a): "A license issued under this title may not be transferred to another person except with the written consent of the board."  
AS 04.11.360(4): "An application requesting approval of a transfer of a license to another person under this title shall be denied if the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title unless  
(A) the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority; or  
(B) the transfer is under a promise given as collateral by the transferor to the transferee in the course of an earlier transfer of the license under which promise the transferor is obliged to transfer the license back to the transferee in the event of default in payment for property conveyed as part of the earlier transfer of the license..."

AS 04.11.670: "A license issued under this title is not subject to foreclosure, and may not be used as collateral to secure a debt. However, if a license is transferred to another person, the transferor may secure payment for real and personal property conveyed to the transferee upon the promise of the transferee to transfer the license back to the transferor upon default in payment."

3 AAC 304.107(a): "If a former licensee seeks to compel the transfer of a license because of a promise under AS 04.11.670 given as collateral by the current licensee to the former licensee in the course of an earlier transfer of the license, followed by a default in payment in connection with property conveyed or a lease made in the course of the previous transfer, the board will deny the transfer if creditors are not satisfied under AS 04.11.360(4)(A) unless it clearly appears that the former licensee, at the time of the previous transfer, complied with the following notice requirements:

- (1) a leasehold conveyance or contract of sale of property made in the course of the previous license transfer was recorded in the manner provided for recordation of real estate conveyances, and the transferor, at the time of the previous transfer, made a UCC filing statement in which a security interest in the license was claimed under AS 04.11.670 and AS 04.11.360(4)(B); the documents recorded

under this paragraph must contain the following statement: "Under the terms of AS 04.11.670, AS 04.11.360(4)(B), and 3 AAC 304.107, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors."; and

- (2) all documents prepared in connection with the previous transfer of the liquor license, including all leases, contracts, and other relevant memoranda, were filed with the board at the time of the previous transfer; the documentation must include a statement of the book and page number showing where the lease or contract, and UCC filing statement, bearing the disclosure statement required in (1) of this subsection, are recorded; and
- (3) the notice of the previous transfer required by AS 04.11.310(a) was made in writing and published, as required under 3 AAC 304.125, once a week for three weeks in a newspaper of general circulation before the transfer, in addition to any other notice of the application that might have been required by the board at the time of the previous transfer; the published notice must contain the following statement: "Under the terms of AS 04.11.360(4)(B), AS 04.11.670, and 3 AAC 304.107, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors."

**Staff Rec.:** Approve the transfer with a security interest

**Background:** This is an application for transfer of ownership of a seasonal beverage dispensary – tourism license in Ester, from Malemute, Inc., dba Malemute Saloon/Ester Gold Camp, to Jingle LLC, dba Malemute Saloon. Staff has reviewed and determined that both the transfer applications and security interest notices and documents have been completed to meet the requirements laid out in 3 AAC 304.107(a). Signed recorded copies of all security interest documents are required to be submitted as part of the delegation, before the transfer can be effectuated.

AS 04.11.400(d)(2)(A)(ii) requires that the facility must maintain at least the minimum number of rental rooms required at original licensure. This license was first issued in 1961. Staff has determined that the license was compliant with the room number requirements when originally issued in 1961.

The applicant offers 15 rental rooms in the hotel and 8 rooms in the bunkhouse. Kitchenettes were recently added to 12 rooms. Alcohol is not stocked in the rental rooms. After the transfer is complete, there will be no restaurant at the establishment.

Attachments: Transfer application

## Malamute Saloon (know as the Ester Gold Camp on the Historic Register)

The Ester Gold Camp encourages tourism by providing a change for visitors to learn and experience the gold mining history of Ester, Alaska. Through old mining equipment and historic structures, the Gold Camp provides a window through time for guests to see how the miners lived and worked. Ester Gold Camp is on the National Register of Historic Places. We have 15 room rentals in our hotel along with 8 rooms in our bunkhouse. A majority of the rooms (12 to be exact) have kitchenettes in them. The 12 rooms kitchenettes were just added spring of 2019 to comply with the license as the restaurant will no longer be in use after this transfer is complete.

-Jingle LLC operates the facility for this liquor license.

-Alcoholic beverages are NOT stocked in the guest rooms.

-No additional amenities are currently available to the guests at this time.





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.

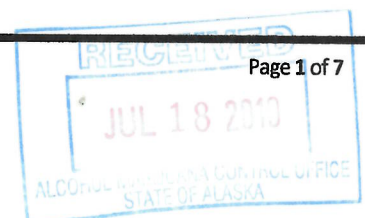
Licensee:	Malemute, Inc.		License #:	691	
License Type:	Beverage Dispensary - Tourism		Statutory Reference:	AS - 04-11-400 d	
Doing Business As:	Malemute Saloon/Ester Gold Camp				
Premises Address:	3660 Main Street				
City:	Ester	State:	AK	ZIP:	99725
Local Governing Body:	Fairbanks North Star Borough				

**Transfer Type:**

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

**OFFICE USE ONLY**

Complete Date:	8/6	Transaction #:	1076908
Board Meeting Date:	9/10	License Years:	19/20
Issue Date:		BRE:	CDE





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:	Jingle LLC.				
Doing Business As:	Malemute Saloon				
Premises Address:	3660 Main Street				
City:	Ester	State:	AK	ZIP:	99725
Community Council:					

Mailing Address:	5160 Cherokee Ave				
City:	Fairbanks	State:	AK	ZIP:	99709

Designated Licensee:	Scott Swingle				
Contact Phone:	907-388-0473	Business Phone:	907-388-0473		
Contact Email:	jackfrostlogworks@hotmail.com				

Seasonal License?  Yes  No      If "Yes", write your six-month operating period: April 15- Oct 15

## Section 3 – Premises Information

Premises to be licensed is:

an existing facility       a new building       a proposed building

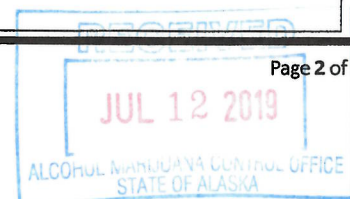
The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

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.

(+/-) 6.5 Miiles

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.

(+/-) 6.5 Miles





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:	Scott Swingle				
Title(s):	Manager/Member	Phone:	9073880473	% Owned:	100
Address:	5160 Cherokee Ave.				
City:	Fairbanks	State:	AK	ZIP:	99709





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 #:	10104627	AK Formed Date:	4/23/19	Home State:	AK
Registered Agent:	Scott T. Swingle		Agent's Phone:	907-388-0473	
Agent's Mailing Address:	5160 Cherokee Ave.				
City:	Fairbanks	State:	AK	ZIP:	99709

Residency of Agent: Yes No

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



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):

[Empty text box for disclosure]

**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:

Robert P. Fox (Alaskan Realty), the realtor in this transaction.  
  
(907) 388-3020  
robertfox845@yahoo.com





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.

\_\_\_\_\_  
Signature of transferor

\_\_\_\_\_  
Printed name of transferor

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

Notary Public in and for the State of \_\_\_\_\_.

My commission expires: \_\_\_\_\_

*Richard S. Winter*

Signature of transferor

*Richard Winter*

Printed name of transferor

Subscribed and sworn to before me this 28<sup>th</sup> day of May, 2019.



*[Signature]*

Signature of Notary Public

Notary Public in and for the State of Alaska.

My commission expires: 3/11/20



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.

SS

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

SS

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.

SS

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.

SS

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

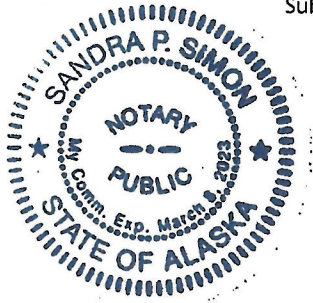
SS

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.

Scott Swingle  
Signature of transferee

Scott Swingle  
Printed name

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 2019.



Sandra P. Simon  
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: March 08<sup>th</sup> 2019





Alcohol and Marijuana Control Office  
 550 W 7<sup>th</sup> Avenue, Suite 1600  
 Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
 Phone: 907.269.0350

## 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.

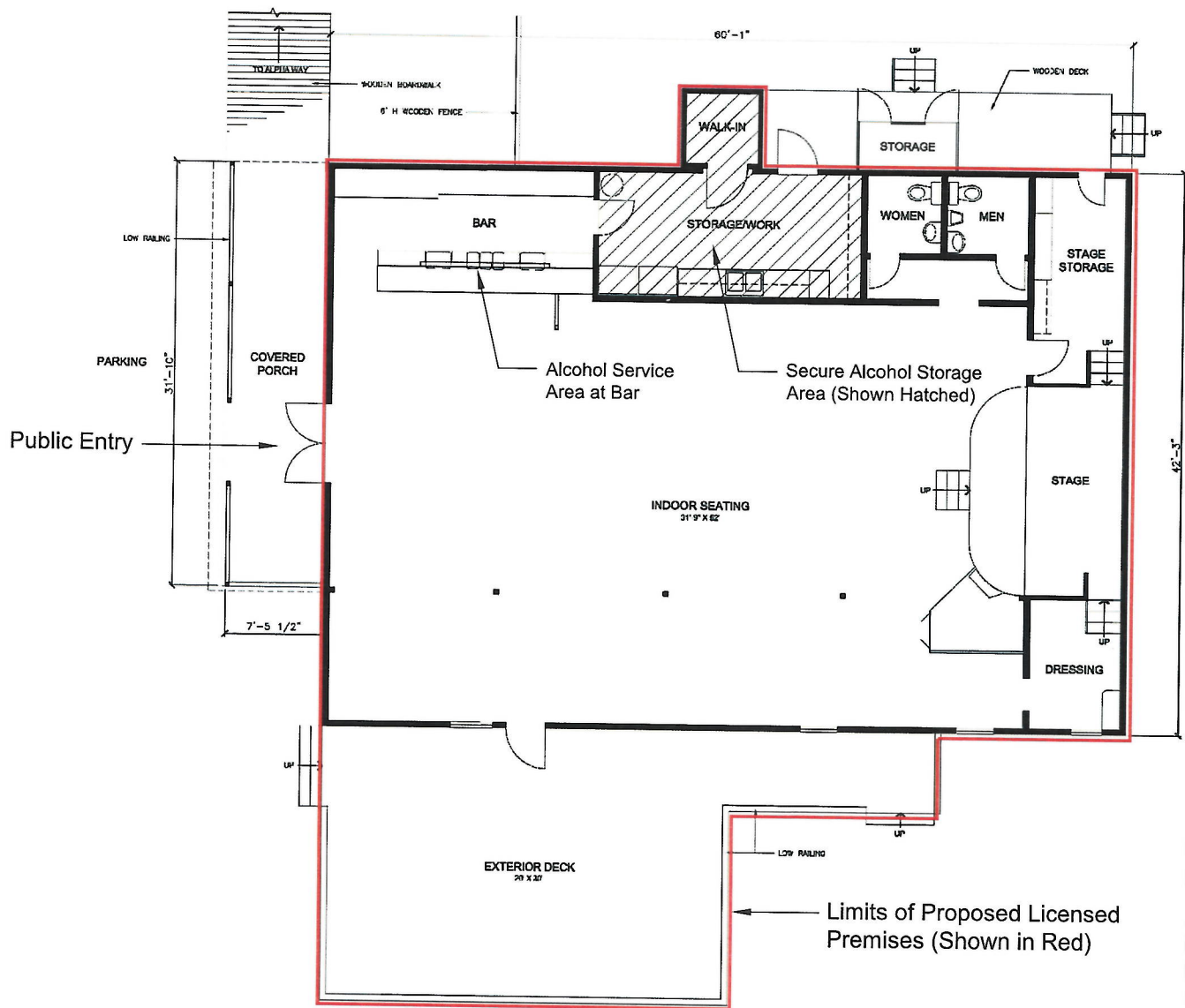


### Section 1 – Establishment Information

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

Licensee:	Jingle LLC	License Number:	691
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Malemute Saloon		
Premises Address:	3660 Main Street		
City:	Ester	State:	AK
		ZIP:	99725



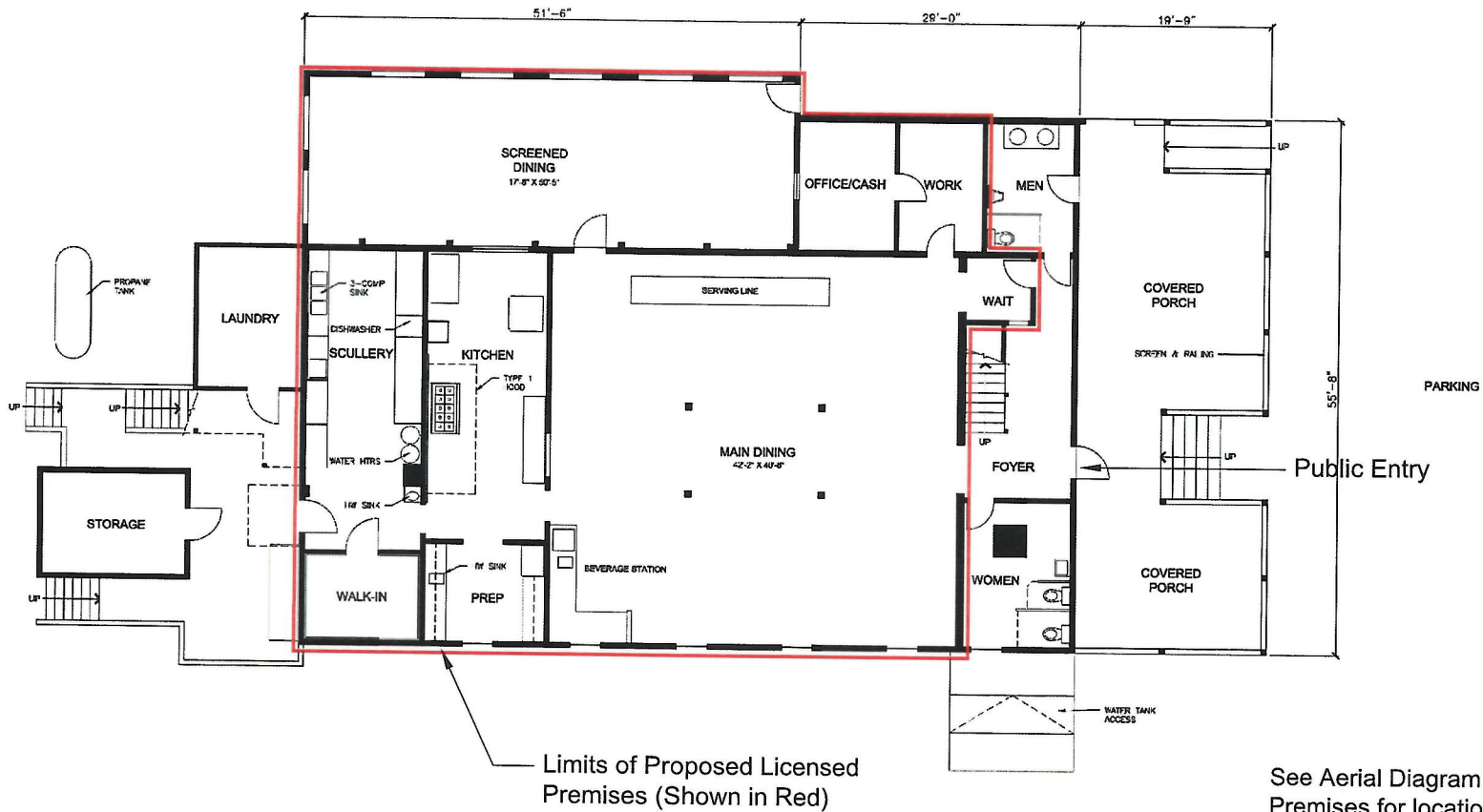


**Notes:**  
 See Aerial Diagram of Premises for location on property and cross streets.  
 Alcohol consumption areas include Indoor Seating and Exterior Deck. See written Security Plan.

NORTH  
 1  
 A1.0  
 SCALE: 1/4" = 1'-0"  
**MALEMUTE SALOON FLOOR PLAN - EXISTING**

Date Stamped:	
Gary H. Pohl, AIA Architect P.O. Box 346, Ester, AK 99725 (907) 395-8385 garpohl@accdialaska.net	
Consultants:	
General Notes: 1. 11 x 17 printed documents are 1/4" size unless otherwise noted. 2. Drawing prepared from field verification and reflects the layout and contents of the structure, July 2018.	
Revisions:	
Date	Description
No.	
Project / Owner: Malemute Saloon & Ester Gold Camp  Jingle LLC Fairbanks, AK	
Date	7-17-2019
Drawn By	G. Pohl
Checked By	
Drawing Contents: Malemute Saloon Overall Floor Plan - Existing	
Drawing No.	<b>A1.0</b>
GHP Project No.	2018-02

7/11/2019 7:03 AM Gary Ester\_Gold\_Camp.dwg



Limits of Proposed Licensed Premises (Shown in Red)

See Aerial Diagram of Premises for location on property and cross streets.

NORTH  
  
**ESTER GOLD CAMP FIRST FLOOR PLAN - EXISTING**  
 A1.0 SCALE: 3/16" = 1'-0"

RECEIVED

JUL 12 2019

ALCOHOL MARIJUANA CONTROL OFFICE  
STATE OF ALASKA

Date Stamped:	
<b>Gary H. Pohl, AIA</b> <b>Architect</b> P.O. Box 346, Chitina, AK 99725 (907) 338-4493 garyh@h2bconsultants.net	
Consultants:	
<b>General Notes:</b> 1. 11 of 17 printed documents are half size unless otherwise noted. 2. Drawing prepared has field verification and reflects the layout and contents of the siteplans, July 2018.	
Revisions:	
No.	Description
Project / Owner: <b>Malemute Saloon &amp; Ester Gold Camp</b> Jingle LLC Fairbanks, AK	
Date	7-11-2019
Drawn By	G. Pohl
Checked By	
Drawing Contents: <b>Ester Gold Camp</b> <b>Overall First Floor Plan - Existing</b>	
Drawing No.	<b>A1.0</b>
GHP Project No.	2018-02

Form AB-02 Attachment

Aerial Diagram of Premises: Ester Gold Camp and Malemute Saloon



Aerial photograph taken from Fairbanks North Star Borough GIS website July 10, 2019



AB -02 Additional Information per request

Ref: Jingle LL License 691 Transfer

Ester Gold Camp and Malemute Saloon Deck & Patio security plan.

-Ester Gold Camp has one enclosed screen porch deck area per the diagram submitted. There is one entry from inside serving area and one exit to the exterior. The exterior exit from this porch will be unlocked during business hours due to fire code however we will install a sign saying emergency exit only alarm will sound. We will also install an alarm that will alert us of the door is opened. A 21-year-old or older server will always be present when alcohol is being served and consumed. The consumption area, including the enclosed porch will be monitored and controlled by the server to ensure no minor gets access to alcohol.

-Malemute Saloon has one open exterior deck in the red serving area per the diagram submitted. There is one entry door to the saloon from the deck. The deck will have fencing all around the perimeter with signs stating no alcohol beyond this fence. There is one exit off the porch, this is a one-way exit gate marked no alcohol beyond this point and exit only. There will always be at least one server 21 years old or older to watch over the bar and deck to ensure no minors get access to alcohol. There will be signs posted 21 years or older only on entry doors.

Scott Swingle

7-17-19



AB -02 Additional Information per request

Ref: Jingle LL License 691 Transfer

Ester Gold Camp: Until further notice the kitchen will not be used as the rooms will have kitchenettes in them. The Kitchen area will not be open to the public. The dining area will be open for customers to consume food they bring in or prepare in their rooms. All alcohol will be locked in the room marked on the diagram as liquor storage. The sale of Alcohol at the Ester Gold Camp will only be by a 21+ employee that has TAMS card. This employee will be on site during any times alcohol is being sold and consumed in the designated areas marked in red on the diagram.

Scott Swingle

7-17-19

