



MEMORANDUM

TO: Chair and Members of the
Alcoholic Beverage Control Board
FROM: Glen Klinkhart, Director

DATE: March 31, 2020
RE: 5183 Black Bear Coffee House

Requested Action: Reinstatement and renewal

Statutory and Regulatory 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 04.11.540: "...If a complete application for renewal has not been filed by February 28 or the required fees and the penalty fees have not been paid by that date, the license expires at 12:00 midnight February 28."

3 AAC 304.160(f): "The board will deny a request for reinstatement submitted under (e) of this section if

- (1) the license became available in accordance with 3 AAC 304.100(2) and was issued to a different applicant, unless the limit of licenses under AS 04.11.400 has not been reached; or
- (2) the board finds that the failure to timely file or pay was caused by
 - (A) the licensee's failure to notify the board of a change of the licensee's mailing address;
 - (B) a transfer of ownership of the business for which the license was issued without written approval of the board in violation of AS 04.11.040;
 - (C) a lease of the licensed business to another person in violation of AS 04.11.450(c); or
 - (D) any other action of the licensee whether active or tacit that the board finds constitutes a failure to lawfully operate the business for which the license was issued."

Staff Rec.: Evaluate reinstatement request in accordance with 3 AAC 304.160(f)

Background: During the 2020/2021 licensing period, a renewal application was not submitted. The licensee was sent an expiration warning letter by mail on 2/10/2020. An expiration and cessation of operations letter was sent on March 9, 2019.

The licensee has submitted a request for reinstatement, request for a refund of the reinstatement fees and complete renewal application, and all required fees on 3/13/2020.

Attachments: Request for Reinstatement

Request of Refund
Renewal Application



Black Bear Coffee House
P.O. Box 237
Denali National Park, Alaska 99755

March 13, 2020

Dear Board Members,

Hello! My name is Rebecca Klauss. My husband, Adam Stout, and I own the Black Bear Coffee House in Denali Park. We missed our payment of the renewal of our liquor license and have submitted a restaurant renewal license application in an attempt to reinstate it.

Back in the winter of 2017/2018, we accidentally missed the renewal of our liquor license. It was a matter of a mail forwarding snafu, and just plain forgetting. Honest mistake. And you very graciously reinstated it for us. Thank you for that.

I mistakenly thought that since we had no use of our liquor license in 2018, due to the long process of reinstatement, and had submitted a Waiver of Operation Application for 2018, that our new license would be covering 2019 and 2020. I failed to realize that it covered 2018 and 2019. We have been traveling outside of Alaska and did not receive the renewal letters. I also was unable to reference our physical license since we are not in Alaska. It is my error that I did not contact the Alaska Alcoholic Beverage Control Board directly to check. But I felt sure that since we had not had it in 2018 and it was valid for two years, that it would be valid for 2019 and 2020. And so it slipped my mind.

In addition (going back to 2018) we were not made aware that our license had indeed *been* renewed, or of any board action that happened after the Aug 14, 2018 board meeting, until we inquired about it in the spring of 2019. The last communication we had was from Mikal Milton, after much correspondence, the evening of August 20, 2018:

**Alcohol Licensing, CED ABC (CED
sponsored) <alcohol.licensing@alaska.gov>
to me, CED**

Aug 20, 2018,
6:41PM

Hello,
The Reinstatement and Renewal of this license were considered at the August 14th board meeting. Documents and actions that occurred at this meeting are currently being processed. You will be notified of board action and any further steps in your reinstatement process once the board action for this application is processed.

Thank You

Mikal Milton

AMCO
MAR 13 2020



We thought that since we had not been notified of any board action, or been mailed a liquor license, that we were still in limbo, and closed for the season mid-September as usual.

Lastly, I am quite disappointed that we must still pay so much in fees, and not have been able to use our license in 2018 at all, been informed that it was valid, or even have received it in the mail after it was issued in 2018.

I am hereby requesting that we be issued our liquor license once again. I am also requesting that we please be waived the fees for late renewal and for reinstatement. I have already paid the \$2100 in cumulative fees.

I very much appreciate your consideration. Truly.

Kind Regards,

Rebecca Klauss
Owner
Black Bear Coffee House

AMCO

MAR 13 2020



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Black Bear Coffee House	License Number:	5183
License Type:	Restaurant/Eating Place - Seasonal		
Examiner:	<i>Joyce</i>	Transaction #:	1265458

Document	Received	Completed	Notes
AB-17: Renewal Application	3/13	3/13	
App and License Fees	3/13	3/13	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit	3/13	3/13	
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
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	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NOV received for this license in previous licensing period? (if yes, separate consideration required)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response: Denali Borough

LGB 2 Response: None

Waive
 Protest
 Lapsed
 ~~Waive
 Protest
 Lapsed~~



Alaska Alcoholic Beverage Control Board
 Restaurant or Eating Place License
Form AB-17a: 2020/2021 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 is due to renew by December 31, 2019. 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 and submitted to AMCO's main office before any license renewal application will be reviewed. 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:	Black Bear Coffee House, LLC	License #:	5183
License Type:	Restaurant/Eating Place-Seasonal		
Doing Business As:	Black Bear Coffee House		
Premises Address:	Mile 238.5 Parks Highway		
Local Governing Body:	Denali Borough		
Community Council:	None		

Mailing Address:	PO Box 237		
City:	Denali Nat'l Park	State:	Alaska
		ZIP:	99755

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:	Rebecca L Klaus	Contact Phone:	580.399.9682
Contact Email:	blackbearcoffeehouse@gmail.com		

Optional: If you wish for AMCO staff to communicate with an 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:	Adam Stout	Contact Phone:	580.399.9060
Contact Email:	blackbearcoffeehouse@gmail.com		



Form AB-17a: 2020/2021 Restaurant Renewal License Application

Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are corporations or LLCs must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below 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>

Alaska CBPL Entity #:	135120
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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.



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 *shareholder 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. You must list **ALL** of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official:	Rebecca LKlauss				
Title(s):	Member	Phone:	580 399 9682	% Owned:	50
Mailing Address:	PO Box 237				
City:	Denali National Park	State:	Alaska	ZIP:	99755

Name of Official:	Adam Stout				
Title(s):	Member	Phone:	580 399 9060	% Owned:	50
Mailing Address:	PO Box 237				
City:	Denali National Park	State:	Alaska	ZIP:	99755

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



Form AB-17a: 2020/2021 Restaurant Renewal License Application

Section 3 - Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. 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.

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

This individual is an: applicant affiliate

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

This individual is an: applicant affiliate

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:

2018 2019

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 240 total hours each calendar year.

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.

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: 2020/2021 Restaurant Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

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 2018 or 2019?

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 will result in this application being returned to me as incomplete.

Rebecca Lynn Klaus
Signature of licensee



Tracy Vanderford
Signature of Notary Public

Rebecca Lynn Klaus
Printed name of licensee

Notary Public in and for the State of Oklahoma

My commission expires: 10/10/21

Subscribed and sworn to before me this 13 day of March, 2020.

Seasonal License? Yes No

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

License Fee:	\$ 300.00	Application Fee:	\$ 300.00	TOTAL:	\$ 600.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$ 2100.00

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Black Bear Coffee House, LLC

Entity Type: Limited Liability Company

Entity #: 135120

Status: Good Standing

AK Formed Date: 5/10/2011

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: PO BOX 237, DENALI NATIONAL PARK, AK 99755

Entity Physical Address: 238.5 PARKS HWY, DENALI NATIONAL PARK, AK 99755

Registered Agent

Agent Name: Adam Ray Stout

Registered Mailing Address: P.O. BOX 237, DENALI NATIONAL PARK, AK 99755

Registered Physical Address: MILE 238.5 PARKS HIGHWAY, DENALI NATIONAL PARK, AK 99755

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Adam R Stout	Member	50.00
	Rebecca L Klauss	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
5/10/2011	Creation Filing	Click to View	
6/15/2012	Initial Report	Click to View	
11/28/2012	Biennial Report	Click to View	
5/29/2015	Biennial Report	Click to View	
8/18/2017	Admin Dissolution		Click to View
9/18/2017	Biennial Report	Click to View	
9/18/2017	Reinstatement		Click to View
7/29/2019	Biennial Report	Click to View	