



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: March 31, 2020

FROM: Glen Klinkhart, Interim Director

RE: 3460 Long Creek Trading
Post

Requested Action: Refund the AB-29 late fees totaling \$2,000.00.

Statutory And Regulatory Authority: 3 AAC 304.170(e): “(a) Except as provided in this section, the board will deny an application for renewal of a license if the licensed premises were not operated for the time required by AS 04.11.330(a)(3) or (d).

(b) A licensee may apply to the board, requesting that the board waive the operating requirement of AS 04.11.330 (a)(3) or (d). Under AS 04.11.330(a)(3), the board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the preceding calendar year.

(c) An application for waiver for a calendar year must be made in writing to the board and must be accompanied by a non-refundable application fee of:

- (1) an amount equal to one-half the applicable biennial license fee if a waiver application was not made for the previous year; or
- (2) double the amount of the fee paid for the previous year's waiver application;

(d) In an application for waiver, the licensee must explain why the licensed premises were not operated. Additionally, the licensee must provide a copy of the application to the local governing body, if any, having jurisdiction over the license and licensed premises.

(e) The board will, in its discretion, deny a third or subsequent consecutive application for waiver unless the licensee clearly shows that the licensed premises were not operated because the premises were condemned or substantially destroyed by any cause. If the premises identified on an applicant's license are not leased or owned by the licensee, the third or subsequent application will, in the board's discretion, be denied. Additionally, a third or subsequent consecutive application for waiver that does not identify a licensed premises location will, in the board's discretion, be denied.

(f) The board will, in its discretion, impose conditions along with the approval of an application for waiver.

(g) If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the board under AS 04.11.330(a)(3).

(h) In addition to the application fee under (c) of this section, the applicant shall pay \$1,000 for an application that is received too late for board consideration at its last meeting of the calendar year for which waiver is requested.

(i) In circumstances of death of a licensee, destruction of the premises, or comparable circumstances showing extraordinary hardship, the board will, in its discretion, waive the fees under (c) and (h) of this section.

Staff Rec.: Deny the refund.

Background:

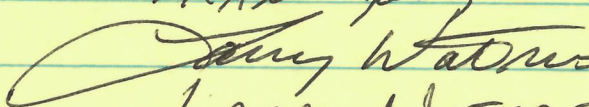
On 1/13/2020, our office received two AB-29 Waiver of Operation Applications for 2018 and 2019 and all required fees. In addition to the waiver application fees, the applicant must pay a late fee of \$1,000.00 for each application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested.

Attachment: Written Request
2018 AB-29
2019 AB-29

12/31/2019

LARRY W WATERS
LONG CREEK TRADING POST
P O Box 1581
Homer, AK 99603
907 399 6900

RANDI OR TO WHOM IT MAY CONCERN,
FOR THE LAST TWO YEARS, BECAUSE
OF UNAVOIDABLE HARDSHIPS WE WERE
NOT ABLE TO OPERATE MY PACKAGE STORE
FOR THE REQUIRED TIME. IT ALONG WITH
OTHER THINGS COST US DEARLY AND NOW WE
MUST GET OUR CUSTOMERS BACK FROM BEING
CLOSED. ON THE RENEWAL APPLICATION UNDER
SECTION 5 IT STATES THE WAIVER OF
OPERATION "MUST BE SUBMITTED WITH THE
APPLICATION". IT DOES NOT REFER TO
ANY DATES OTHER THAN THE DEADLINE FOR
APPLICATION OR LATE FEES. I DID NOT
KNOW ABOUT THE DEADLINE FOR THE WAIVERS
UNTIL I STARTED DOING THE RENEWAL
WHICH WAS AFTER THE DUE DATE. I AM
THEREFORE REQUESTING THE REFUND OF
THE \$1000.⁰⁰ LATE FEE FOR THE WAIVER.

THANK YOU,

LARRY WATERS

AMCO

JAN 13 2020



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,
and Economic Development**

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 21, 2020

Larry W Waters
PO Box 1581
Homer, AK 99603

Re: Long Creek Trading Post, License #3460

Dear Larry W Waters:

On November 13, 2017 the Alcoholic Beverage Control Board delegated the authority to approve first and second requests to waive the statutory minimum operating requirements to the Director.

Please consider this notice that I have approved your 1st waiver of operation for the 2018 calendar year and the 2nd waiver of operation for the 2019 calendar year.

The appeal to the ABC Board to refund the \$1000.00 late fee for each year will be scheduled for the March 31, 2020 board meeting to be held in Anchorage, Alaska. The address and phone information can be found on our website at the following link: <https://www.commerce.alaska.gov/web/amco>.

Please ensure that if you are operating solely to meet minimum operating requirements in the future, you address the items required in 3 AAC 304.170(j) in order to prove your operations to the board.

Please contact alcohol.licensing@alaska.gov with any questions.

Sincerely,

A stylized, blue and white signature of Carrie Craig.

Carrie Craig
Records and Licensing Supervisor

For:

Glen Klinkhart
Interim Director

cc: License File



Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

What is this form?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 240 hours in a calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of:

- for a 1st request, an amount equal to ½ the applicable biennial license fee; or
- for a 2nd or subsequent request, double the amount of the fee paid for the previous waiver application.

The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for each license and for each calendar year during which a license was not operated in compliance with AS 04.11.330.

Section 1 – Establishment Information

Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	LARRY W. WATERS	License Number:	3460		
License Type:	PACKAGE STORE				
DBA:	LONG CREEK TRADING POST				
Premises Address:	8721 STEESE HWY				
City:	FAIRBANKS	State:	Alaska	ZIP:	99712
Local Governing Body:	FAIRBANKS NORTH STAR BOROUGH				

Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2018 3



Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

Section 3 - Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

FOR THE YEAR 2018, I HAD SOMEONE MANAGING THE STORE WHO AFTER I HAD TO TAKE ON A PROJECT OUT OF STATE LEFT WITH NO NOTICE, BECAUSE OF FINANCIAL DIFFICULTY I COULD NOT RETURN AND OPEN NOR COULD I FIND ANYONE TRUSTWORTHY TO RUN IT. BEING SO MILES OUT THE STEESE CAN MAKE THIS VERY DIFFICULT. IN 2019 MY SPOUSE DAWN WENT WITH EVERY INTENSION OF OPENING BUT SHE IS RETIRED DISABLED VETERAN. SHE TRIED HER BEST BUT BECAUSE OF MEDICAL REASONS SHE COULD NOT KEEP IT OPEN FOR THE REQUIRED TIME, WE ARE EXTREMELY SORRY TO HAVE TO ASK FOR 2 YEARS IN A ROW AND WE PRAY YOU WILL UNDERSTAND

Section 4 - Certifications

The following must be completed for establishments located within the boundaries of a local governing body:

NOTE: IN ADDITION IN 2018 THE BUILDING HAD TO HAVE MAJOR REPAIRS & PEOPLE WHO LEFT HOT WATER FREEZE SO WE HAD NO WATER UNTIL 2019

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

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.

AW

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

Signature of licensee

LARRY W WATERS

Printed name of licensee



Signature of Notary Public in and for the State of Alaska: Georgia

My commission expires: May 3, 2020

Subscribed and sworn to before me this 31st day of December, 2019.

Office Use Only			
Waiver Application Fee:	750-	Late Fee:	1000-
Transaction #:	1248655		





Alaska Alcoholic Beverage Control Board

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This application must be accompanied by a non-refundable waiver application fee of:

- for a 1st request, an amount equal to ½ the applicable biennial license fee; or
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Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2019

AMCO
 JAN 23 2020



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

Form AB-29: Waiver of Operation Application

Section 3 - Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

IN 2019 MY SPOUSE, DAWN, WENT OUT TO OPEN FOR NECESSARY TIME. IT TOOK MOST OF THE SUMMER TO GET REPAIRS DONE TO WATER SUPPLY AND PLUMBING AND OTHER NEEDED REPAIRS. SHE IS RETIRED, DISABLED VETERAN AND UNFORTUNATELY DUE TO HER MEDICAL CONDITIONS, SHE WAS NOT ABLE TO OPEN FOR THE REQUIRED TIME. WE DIDN'T KNOW ABOUT THE LATE FILING PENALTY FOR THE WAIVER SINCE IT STATES ON THE RENEWAL APP. THEY MUST BE SUBMITTED WITH THE APP. WE ARE EXTREMELY SORRY THIS HAPPENED, FOR IT HURT US FINANCIALLY, ALSO. WE PRAY YOU WILL UNDERSTAND AND APPROVE, THANK YOU *[Signature]*

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The following must be completed for establishments located within the boundaries of a local governing body:

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

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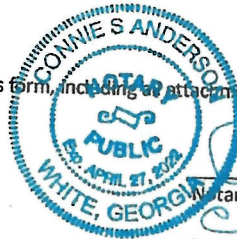
Initials

[Signature]

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

[Signature]
 Signature of licensee

LARRY WATERS
 Printed name of licensee



[Signature]
 Connie S. Anderson - GA
 My commission expires: 4-27-2022

AL DRIV. LIC 5096811
 ISS 7-17-17
 EXP 6-25-2022

Subscribed and sworn to before me this 23rd day of Jan, 2020

Office Use Only			
Waiver Application Fee:	\$ 1,500	Late Fee:	\$ 1,000
		Transaction #:	1252582

AMCO

FEB 21 2020


AMCO

JAN 23 2020

12/31/2019

LARRY W WATERS
LONG CREEK TRADING POST
P O Box 1581
HOMER, AK 99603
907 399 6900

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2000.⁰⁰

THANK YOU,

LARRY WATERS

AMCO

JAN 23 2020