



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: June 9, 2020

FROM: Glen Klinkhart, Interim Director

RE: 1274 The Palmer Bar

Requested Action: Transfer of ownership with security interest

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 04.11.360(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 304.106(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 304.106](#), 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 304.106](#), 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: A completed transfer application has been received for liquor license 1274. Staff has reviewed and determined that both the transfer application and Security Interest notices and documents have been completed to meet the requirements laid out in 3 AAC 304.106(a); signed recorded copies of all Security Interest documents will be required before the transfer is effectuated

Attachment: Security Interest Documents
Transfer Application

NOTICE OF SECURITY INTEREST IN BEVERAGE DISPENSARY LIQUOR LICENSE

NOTICE IS HEREBY GIVEN to the Alcoholic Beverage Control Board (hereinafter "ABC Board") and to any and all present or future creditors of Poor Boy Investments, LLC, an Alaskan Limited Liability Company, whose address for all purposes is P.O. Box 2235 Palmer, Alaska 99645; (hereinafter "Current Licensee"), which now owns and operates Beverage Dispensary Liquor License Number 1274 located in the Palmer Recording District, Third Judicial District, State of Alaska;

THAT, Lou-Jack, Inc. an Alaska Business Corporation whose address for all purposes is 828 S. Colony Way, Palmer, Alaska 99645 acquired all of the right, title and interest in and to the Beverage Dispensary Liquor License in an ABC Board approved transfer; and

THAT, Lou-Jack, Inc. an Alaska Business Corporation, after acquiring and operating the Liquor License as required by statute and regulation, became an approved Licensee owning the Beverage Dispensary Liquor License, formerly owned by the Palmer Bar; and

THAT Lou-Jack, Inc. an Alaska Business Corporation has sold the Liquor License along with the Personal property previously owned by the Palmer Bar to the Current Licensee which currently operates at 828 S. Colony Way, Palmer, Alaska 99645; and

THAT Lou-Jack, Inc. an Alaska Business Corporation has financed the sale of the License and the Personal property and, as a result, retains a Purchase Money Security Interest in the License and the personal property and other property rights as set forth in the parties February 28, 2020 purchase and sale agreement; and

THAT the transfer of the License from the Lou-Jack, Inc. to the Current Licensee was recognized and approved ABC Board on _____, 2020 as a secured transaction under the terms of AS 04.11.670, AS 04.11.360(4)(B), and 3 AAC 304.106; and

THAT, as a result of the transfer of all of the License and the personal property and improvements, under the terms of AS 04.11.670, AS 04.11.360(4)(B), and ~~3~~ AAC 304.106, the Lou-Jack, Inc. has, in the event of the Current Licensee's default in its obligations under the terms of the Transaction Documents (on file with the ABC Board), has the absolute right to retransfer the License and the personal property without satisfaction of other creditors of the licensed business.

The Transaction Documents pertinent to this transfer are on file at the Alcoholic Beverage Control Board.

DATED this 18th day of March 2020 at Anchorage, Alaska.

Prior Licensee
Lou-Jack, Inc.

By: Maree Lee Coakley
pres

Current Licensees

By: [Signature]
Sherman Leifer
(Member)

By: [Signature]
Wesley Artz
(Member)



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:	Lou-Jack, Inc.	License #:	1274		
License Type:	Beverage Dispensary	Statutory Reference:	04.11.090		
Doing Business As:	Lou-Jacks Palmer Bar				
Premises Address:	828 South Colony Way				
City:	Palmer	State:	AK	ZIP:	99645
Local Governing Body:	Mat-Su Borough				

Transfer Type:

- Regular transfer
 Transfer with security interest
 Involuntary retransfer

OFFICE USE ONLY

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



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:	Poor Boy Investments, LLC				
Doing Business As:	The Palmer Bar				
Premises Address:	828 South Colony Way				
City:	Palmer	State:	AK	ZIP:	99645
Community Council:	N/A				

Mailing Address:	P.O. Box 2235				
City:	Palmer	State:	AK	ZIP:	99645

Designated Licensee:	Wesley Artz				
Contact Phone:	907-440-7123	Business Phone:	907-440-7123		
Contact Email:	wuzzley@gmail.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 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.

0.5 Miles

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.

0.2 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:	Wesley Artz				
Title(s):	Member	Phone:	907-440-7123	% Owned:	50
Address:	6650 S Calista Dr.				
City:	Wasilla	State:	AK	ZIP:	99623



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Sherman Leifer				
Title(s):	Member	Phone:	907-232-7372	% Owned:	50
Address:	2700 N. Green Forest Dr.				
City:	Palmer	State:	AK	ZIP:	99645

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 #:	10119351	AK Formed Date:	12/10/2019	Home State:	AK
Registered Agent:	Teri Namtvedt	Agent's Phone:	907-367-3576		
Agent's Mailing Address:	P.O. Box 871625				
City:	Wasilla	State:	AK	ZIP:	99687

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):

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:



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.

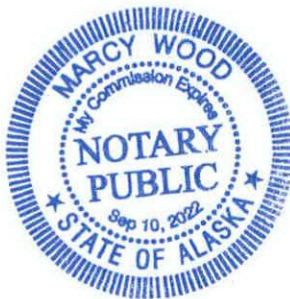
I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve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

Jack Burnett
Signature of transferor

JACK BURNETT

Printed name of transferor

Subscribed and sworn to before me this 26 day of FEBRUARY, 2020.



Marcy Wood
Signature of Notary Public

Notary Public in and for the State of ALASKA

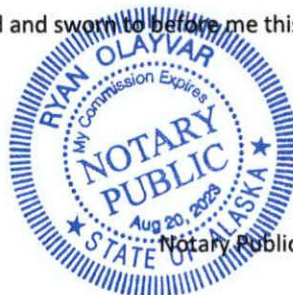
My commission expires: 9/10/22

Marylou Coddington
Signature of transferor

MARYLOU CODDINGTON

Printed name of transferor

Subscribed and sworn to before me this 26th day of FEBRUARY, 2020



Ryan Olayvar
Signature of Notary Public

Notary Public in and for the State of ALASKA

My commission expires: 8/20/23



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.

WJA

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

WJA

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.

WJA

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.

WJA

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

WJA

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.

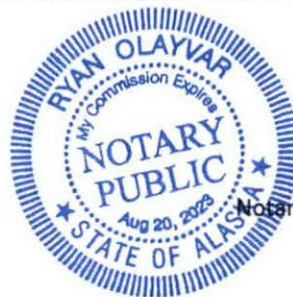
Wesley Artz

Signature of transferee

Wesley Artz

Printed name

Subscribed and sworn to before me this 25 day of FEBRUARY, 2020.



Ryan Olayvar

Signature of Notary Public

Notary Public in and for the State of ALASKA
My commission expires: 8/20/23

AMCO
MAR 19 2020



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

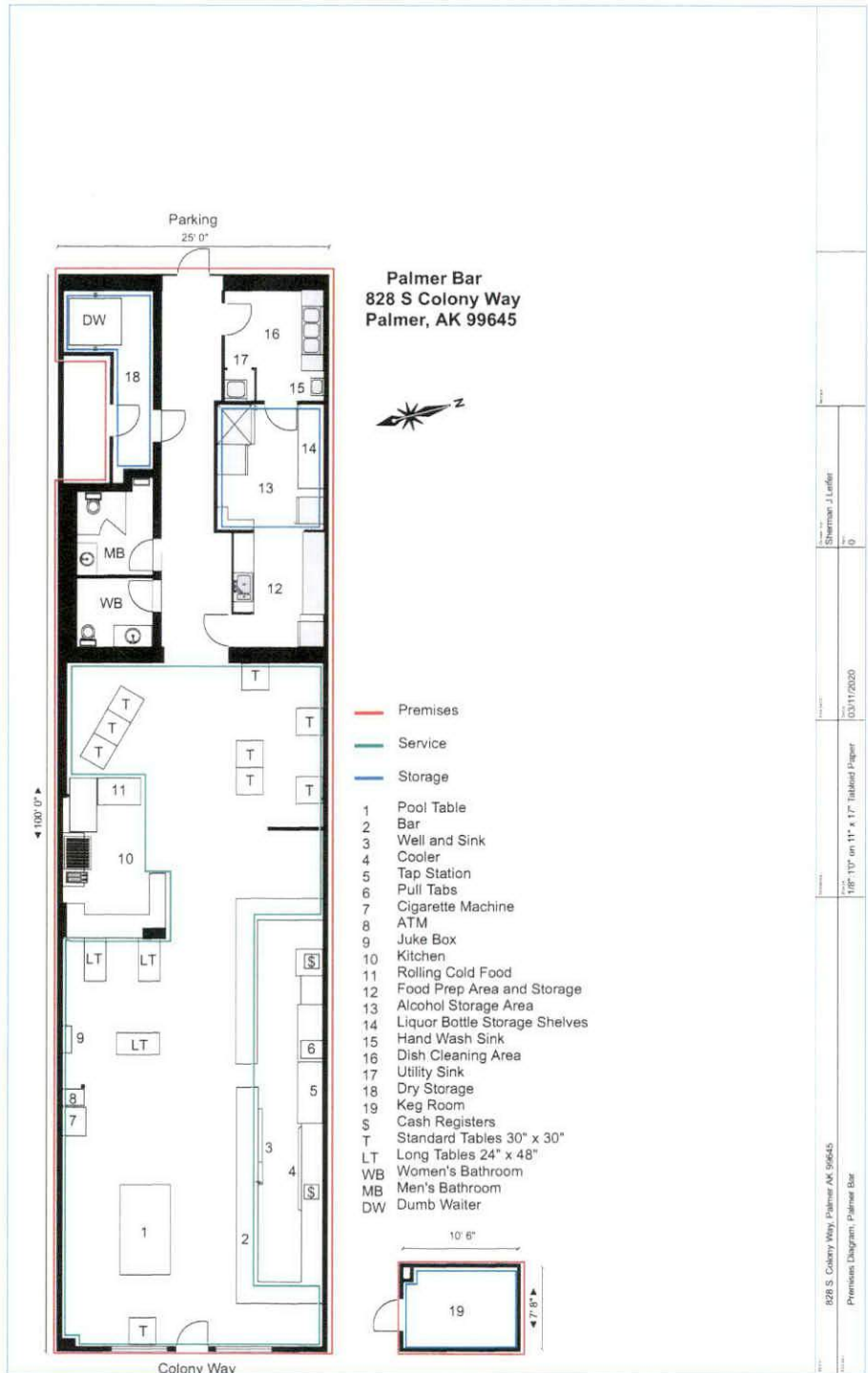
Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Poor Boy Investments, LLC	License Number:	1274
License Type:	Beverage Dispensary		
Doing Business As:	The Palmer Bar		
Premises Address:	828 South Colony Way		
City:	Palmer	State:	AK
		ZIP:	99645

AMCO
MAR 19 2020

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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-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.