



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: August 18, 2020

FROM: Glen Klinkhart, Interim Director

RE: 5821 Hump Island Oyster Company

**Requested Action:** Licensee is requesting a refund of their 2019 late waiver fees.

**Statutory and** 3 AAC 304.170(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."

**Regulatory Authority:**

**Staff Rec.:** Consider the licensee's request in accordance with Alaska statutes and regulations.

**Background:**

On July 30, 2020, AMCO received an AB-29: Waiver of Operation Application and payment from the licensee for the year 2019. This is their first waiver application.

In accordance with the regulation above, to avoid paying the late fee the AB-29 should have been submitted no later than October 25, 2019.

The new 2019-2020 license was issued by staff on August 14, 2019 and the inspection report was dated August 21, 2019.

Attachment: Refund Request  
AB-29  
Receipt  
Notification Letter  
2019-2020 License  
Inspection Report



# MARBLE

## SEAFOODS

July 28<sup>th</sup>, 2020

Alcoholic Beverage Control Board

RE: Marble Seafoods 2019 Waiver fees, License # 5821

Our seasonal restaurant/eating place license was issued August 20<sup>th</sup> of 2019. However, we did not receive it until later in September (after approval of Ketchikan Gateway Borough and inspection by enforcement officer). Due to the fact our season was coming to an end, we did not operate in 2019.

We are asking that the board refund the late fee on our waiver since we got the license late in our season. We are also not operating in 2020 due to Covid-19 and have submitted waiver. Our goal is to operate in 2021 and we will want to renew license.

Sincerely,

Trevor Sande



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 1<sup>st</sup> request, an amount equal to ½ the applicable biennial license fee; or
- for a 2<sup>nd</sup> 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:	Marble Seafoods, LLC	License Number:	5821		
License Type:	Restaurant/Eating Place				
DBA:	Hump Island Oyster Company				
Premises Address:	55*31.13N 131*46.02W				
City:	Ketchikan	State:	Alaska	ZIP:	99901
Local Governing Body:	Ketchikan Gateway Borough				

**Section 2 – Request Number and Calendar Year**

1<sup>st</sup> Request     
  2<sup>nd</sup> Request     
  3<sup>rd</sup> Request     
  Other \_\_\_\_\_

Request for Calendar Year 2019

AMCO  
 JUL 30 2020



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:

License was issued in late August but we did not receive until September (after inspection). By the time we physically received the license, we had less than a month in our season. Decided it was too late in the season to use license.

**Section 4 – Certifications**

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:

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.

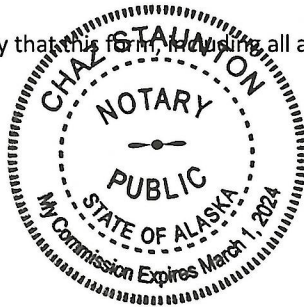
As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

*Trevor Sande*

Signature of licensee

Trevor Sande

Printed name of licensee



*Chaz Stawton*

Notary Public in and for the State of Alaska.

My commission expires: 3-1-2024

Subscribed and sworn to before me this 28 day of JULY, 2020

Office Use Only

Waiver Application Fee:		Late Fee:		Transaction #:	
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AMCO  
JUL 30 2020





Department of Commerce, Community,  
and Economic Development

Alcohol & Marijuana Control Office

550 West 7th Ave, Suite 1600, Anchorage, AK 99501  
Telephone: (907) 269-0350  
Fax:  
Website: [www.commerce.alaska.gov/web/amco](http://www.commerce.alaska.gov/web/amco)

Date

07/30/2020

## Items Purchased

Item Name	Business or Last Name	Reference ID	Item Amount
ALC- Alcohol Waiver	Marble Seafoods, LLC	5821	150.00
<b>Items Total:</b>			<b>150.00</b>

## Payments

Receipt Number	Payer Name	Payment Type	Amount	Date Received
202001285091	Marble Seafoods, LLC	Credit Card	150.00	July 30, 2020
<b>Payment Total:</b>				<b>150.00</b>

Thank you for your payment !



Department of Commerce, Community,  
and Economic Development

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Date

07/30/2020

## Items Purchased

Item Name	Business or Last Name	Reference ID	Item Amount
ALC - Alcohol Waiver Late Fee	Marble Seafoods LLC	5821	1000.00
<b>Items Total:</b>			<b>1000.00</b>

## Payments

Receipt Number	Payer Name	Payment Type	Amount	Date Received
202001285092	Marble Seafoods LLC	Credit Card	1,000.00	July 30, 2020
<b>Payment Total:</b>				<b>1000.00</b>

Thank you for your payment !



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

July 30, 2020

Marble Seafoods, LLC  
7180 Revilla Road, Suite 300  
Ketchikan, AK 99901

Re: Hump Island Oyster Company, License #5821

Dear Marble Seafoods, LLC:

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 1<sup>st</sup> waiver of operation for the 2019 calendar year as well as the waiver of operation for the 2020 calendar year.

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](mailto:alcohol.licensing@alaska.gov) with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Carrie Craig".

Carrie Craig  
Records and Licensing Supervisor

cc: License File



STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

0975

# LIQUOR LICENSE

5821

ISSUED

2019 - 2020

LICENSE RENEWAL APPLICATION DUE  
DECEMBER 31, 2020 (AS 04.11.270(b))

8/14/2019

ABC BOARD

THIS LICENSE EXPIRES MIDNIGHT  
FEBRUARY 28, 2021 UNLESS DATED BELOW

TYPE OF LICENSE:

Restaurant/Eating Place

4/15 - 10/15

LICENSE FEE:

\$600.00

1130

CITY / BOROUGH:

Outside City Limits

Ketchikan Gateway Borough

This license cannot be transferred without permission  
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

DIRECTOR

D/B/A:

Hump Island Oyster Company

Mail Address:

55\*31.13N 131\*46.02W

Marble Seafoods, LLC

7180 Revilla Road, Suite 300

Ketchikan, AK 99901

04-900 (REV 9/09)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

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ISSUED BY ORDER OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

**COPY**

DIRECTOR

D/B/A:

Hump Island Oyster Company

55\*31.13N 131\*46.02W

Mail Address:

Marble Seafoods, LLC

7180 Revilla Road, Suite 300

Ketchikan, AK 99901

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04-900 (REV 9/09)





Department of Commerce, Community, and Economic Development  
 Alcoholic Beverage Control Board  
 550 W. 7<sup>th</sup> Ave, Suite 1600, Anchorage, AK 99501  
 Tel. (907) 269-0350

**LICENSED PREMISES INSPECTION REPORT**

Case No. AM191311

Premises, DBA Hump Island Oyster Company		Date: 8/21/19	Time:
Address (Street No. RR No. etc., City, Zip code) 55*31.13N 131*46.02W, Ketchikan, AK 99901		Type of License Restaurant/Eating Place	
License or Permit Number 5821	Type of Inspection: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Routine <input type="checkbox"/> Requested <input type="checkbox"/> Follow-Up		
<b>Important Notice</b>			
Any item determined to be unsatisfactory must be corrected or the Alcoholic Beverage Control Board may take action to suspend or revoke the license in accordance with AS 04.11.370(3)			

**GENERAL ITEMS**

	See		Comments
	Yes	No	
1. Is the DBA the same as what is indicated in the ABC master file? 3 AAC 304.185	✓		
2. License posted correctly? 3 AAC 304.185, pg. 101 / AS 04.11.630	✓		
3. Does the premises have a restaurant designation permit? 3 AAC 304.745	✓		
4. Does the licensee employ persons under 21 years of age? AS 23.10.355	✓		
5. Warning signs posted? AS 04.21.065		✓	
6. Do employees/supervisors have proof of current alcohol server training? AS 04.21.025(c), 3AAC304.465	✓		
7. Do you expect to be closed more than 30 days in the near future? 3AAC304.170 AAC 304.195		✓	
8. Do premises appear safe / neat? AS 04.21.030(2)	✓		
9. Is any off-premises storage area approved by the board? AS 04.21.060(1)	✓		
10. Have there been any physical changes to the licensed premises? 3 AAC 304.185(c)	✓		
11. Is a duplicate license required/appropriately displayed? AS 04.11.090(e)		✓	
12. If new license inspection, will they meet the 240 hour operation requirements by the end of the calendar year? AS 04.11.330 (3) AAC 304.170 (j) (1-7)			
13. Is the license premise in a Rural area? (50 miles from a statewide road system)	✓		

**MISCELLANEOUS**

14. Does the facility have the number of rooms required by Statute? AS 04.11.400			
15. Is there an operating restaurant or are there kitchens in the majority of the rooms? AS 04.11.400			

**COMMENTS:**

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Owner/Manager/Agent Name: Michael Troina	Contact #	Investigator Name: Steven Johnson
Driver's License Number / Date of Birth: AKDL [REDACTED]		Investigators Signature: 
Alcohol Server Education Card Number / Expiration Date: TAP [REDACTED] 10/12/21		Rank or Title: Special Investigator I