



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: October 21, 2020

FROM: Glen Klinkhart, Interim Director

RE: #5877 & # 5878 Lat 65 Brewing Company  
and Ciderhouse

**Requested Action:** Appeal the Board's denial.

**Statutory Authority:**

### **Sec. 04.11.480. Protest.**

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application. The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

### **3 AAC 304.145. Local Governing Body Protest.**

(h) The board may uphold a protest of an application or continued operation with a single abeyance period not to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation is approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that it has removed the protest, the application or continued operation is denied. The period of abeyance may not be extended or renewed.

### **Sec. 04.11.560. Appeals.**

(a) An action of an officer, employee, or agent of the board relating to the administration or enforcement of this title may be appealed to the board by

the aggrieved party.

- (b) A decision by the board relating to the issuance, renewal, transfer, relocation, suspension, or revocation of a license under this title may be appealed to the superior court under AS 44.62.560.

**Background:** At the March 31, 2020 meeting the Board upheld the protest filed by the City of Fairbanks and denied the new license applications with a 180-day abeyance. The deadline for the City to lift the protest was close of business October 19, 2020.

During a follow up email conversation with a representative of the City of Fairbanks and with the applicant, it was made clear the applicant, through no fault of their own, has faced construction setbacks and has been unable to complete the building, therefore the City of Fairbanks cannot issue a Certificate of Occupancy and the protest is still valid.

Attachments: Denial Letter  
Board Action Letter  
City of Fairbanks protest  
Email thread with the City of Fairbanks  
Email thread with the applicant regarding the appeal



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

October 21, 2020

Latitude 65 Brewing Company LLC  
DBA: Lat 65 Brewing Company and Ciderhouse  
VIA email: [zebmabieak@gmail.com](mailto:zebmabieak@gmail.com)

Re: New Brewery and Winery Application #5877 and #5878 dba: Lat 65 Brewing Company and Ciderhouse

Dear Applicant:

On April 22, 2020 you received a Board Action Letter with the following information:

“At the April 1, 2020, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board upheld the protest of the new license applications by the City of Fairbanks and denied the applications with a 180-day abeyance. This means that the City of Fairbanks must withdraw its protest of your license application by October 19, 2020; otherwise the application is denied. The city protested due to pending completion of the building and issuance of a Certificate of Occupancy by city building officials.”

To date, the City of Fairbanks has not withdrawn their protest and therefore your applications are denied under 3 AAC 304.145(h). If you wish to reapply, you must file all required application documents and pay the necessary fees.

Completed documents (with the exception of fingerprint cards or payments) may be scanned and emailed, and questions or concerns may be sent to [alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov).

You have requested to appeal this denial at the next meeting of the Alcoholic Beverage Control Board on October 27, 2020. The call-in and Zoom meeting information will be posted on our homepage here: <https://www.commerce.alaska.gov/web/amco/>

Respectfully,

A stylized signature of Carrie Craig in blue ink.

Carrie Craig  
Records and Licensing Supervisor



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

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

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

April 22, 2020

Latitude 65 Brewing Company, LLC  
PO Box 81952  
Fairbanks, AK 99708

Re: Lat 65 Brewing Company and Ciderhouse #5877 & #5878

Dear Licensee:

At the April 1, 2020, meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board upheld the protest of the new license application by the City of Fairbanks and denied the application with a 180-day abeyance. This means that the City of Fairbanks must withdraw its protest of your license application by October 19, 2020; otherwise the application is denied. The city protested due to pending completion of the building and issuance of a Certificate of Occupancy by city building officials.

If the protest is lifted by the deadline, your license application is approved with delegation, meaning the it can be effectuated as soon as all outstanding approvals are received.

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

Sincerely,

A stylized signature of Carrie Craig in blue ink.

Carrie Craig  
Records and Licensing Supervisor

For  
Glen Klinkhart,  
Interim Director

cc: License File  
City of Fairbanks



# City of Fairbanks

*Office of the City Clerk*

800 Cushman Street

Fairbanks, AK 99701

(907)459-6702

Fax (907)459-6710

January 28, 2020

John Church, Occupational Licensing Examiner  
Alcohol & Marijuana Control Office  
550 W 7th Avenue, Suite 1600  
Anchorage, Alaska 99501

Mr. Church:

At the regularly scheduled meeting of January 27, 2020, the Fairbanks City Council voted to **PROTEST** the following new brewery and winery liquor licenses until construction is complete and a Certificate of Occupancy has been issued by the City Building Official:

License Type: Brewery, License #**5877**  
DBA: **Lat 65 Brewing Company**  
Licensee/Applicant: Latitude 65 Brewing Company, LLC  
Physical Location: 150 Eagle Avenue, Fairbanks, Alaska

License Type: Winery, License #**5878**  
DBA: **Lat 65 Ciderhouse**  
Licensee/Applicant: Latitude 65 Brewing Company, LLC  
Physical Location: 150 Eagle Avenue, Fairbanks, Alaska

I will notify AMCO when the City protest has been lifted. Should you need further information, please do not hesitate to contact me.

Sincerely,

D. Danyielle Snider, CMC  
Fairbanks City Clerk

cc: File  
Zeb Mabie, Lat 65 Brewing Company LLC

**From:** [Craig, Carrie D \(CED\)](#)  
**To:** [Dani Snider](#)  
**Cc:** [AMCO Local Government Only \(CED sponsored\)](#); [Clemens M. Clooten](#)  
**Subject:** RE: #5877 & 5878 Protests for Lat 65 Brewing Company and Ciderhouse  
**Date:** Thursday, September 24, 2020 7:27:05 AM  
**Attachments:** [image003.png](#)

---

Thank you for the information, Dani. I really appreciate it!

*Carrie Craig*

Records and Licensing Supervisor  
Alcohol and Marijuana Control Office  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
907-269-0350

---

**From:** Dani Snider [mailto:DSnider@fairbanks.us]  
**Sent:** Wednesday, September 23, 2020 1:09 PM  
**To:** Craig, Carrie D (CED) <carrie.craig@alaska.gov>  
**Cc:** AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>; Clemens M. Clooten <CClooten@fairbanks.us>  
**Subject:** RE: #5877 & 5878 Protests for Lat 65 Brewing Company and Ciderhouse

Carrie,

The applicant has remained in contact with me since his application earlier this year. My understanding of the situation from speaking with the Building Official and the applicant is that there have been setbacks to construction due to the pandemic.

*Dani*

---

**From:** Craig, Carrie D (CED) <[carrie.craig@alaska.gov](mailto:carrie.craig@alaska.gov)>  
**Sent:** Wednesday, September 23, 2020 10:57 AM  
**To:** Dani Snider <[DSnider@fairbanks.us](mailto:DSnider@fairbanks.us)>  
**Cc:** AMCO Local Government Only (CED sponsored) <[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)>; Clemens M. Clooten <[CClooten@fairbanks.us](mailto:CClooten@fairbanks.us)>  
**Subject:** RE: #5877 & 5878 Protests for Lat 65 Brewing Company and Ciderhouse

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, that is appreciated! This may be a silly follow-up question, but is that timeframe due to the applicant's actions or non-action?

## Carrie Craig

Records and Licensing Supervisor  
Alcohol and Marijuana Control Office  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
907-269-0350

---

**From:** Dani Snider [<mailto:DSnider@fairbanks.us>]  
**Sent:** Wednesday, September 23, 2020 10:39 AM  
**To:** Craig, Carrie D (CED) <[carrie.craig@alaska.gov](mailto:carrie.craig@alaska.gov)>  
**Cc:** AMCO Local Government Only (CED sponsored) <[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)>; Clemens M. Clooten <[CClooten@fairbanks.us](mailto:CClooten@fairbanks.us)>  
**Subject:** RE: #5877 & 5878 Protests for Lat 65 Brewing Company and Ciderhouse

Hi, Carrie,

It is my understanding from having spoken with the City Building Official that they are not near obtaining a Certificate of Occupancy. He guessed that it may take 8 months to a year longer.

*D. Danyielle Snider, MMC*  
City Clerk | City of Fairbanks  
800 Cushman Street | Fairbanks, AK 99701  
P 907.459.6774 | F 907.459.6710  
[dsnider@fairbanks.us](mailto:dsnider@fairbanks.us)



Municipal Election Day is Tuesday, October 6, 2020

---

**From:** Craig, Carrie D (CED) <[carrie.craig@alaska.gov](mailto:carrie.craig@alaska.gov)>  
**Sent:** Tuesday, September 22, 2020 2:18 PM  
**To:** Dani Snider <[DSnider@fairbanks.us](mailto:DSnider@fairbanks.us)>  
**Cc:** AMCO Local Government Only (CED sponsored) <[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)>  
**Subject:** #5877 & 5878 Protests for Lat 65 Brewing Company and Ciderhouse

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Just curious, what the status was on the protests for the above referenced licenses – the protest was received on 1/28/2020. The licensee is telling us that issuing of the Certificate of Occupancy is two years out, is that correct? Thoughts?

Our regulations, see below, only allows for a maximum of 180 days and cannot be extended or renewed. If the abeyance deadline comes and goes and the local governing body has not lifted the protest, the applications will be denied and the applicant will need to start the process all over from the beginning.

3 AAC 304.145(h) says, “The board may uphold a protest of an application or continued operation with a single abeyance period not to exceed 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation is approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that it has removed the protest, the application or continued operation is denied. The period of abeyance may not be extended or renewed.”

Thank you in advance for your help!

*Carrie Craig*

Records and Licensing Supervisor  
Alcohol and Marijuana Control Office  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
907-269-0350



**From:** [Alcohol Licensing, CED ABC \(CED sponsored\)](#)  
**To:** ["zebsrg@gmail.com"](mailto:zebsrg@gmail.com)  
**Cc:** [Alcohol Licensing, CED ABC \(CED sponsored\)](#)  
**Subject:** RE: Latitude 65 Brewing Company, license 5877 and 5878  
**Date:** Thursday, October 1, 2020 3:05:00 PM

---

Good afternoon,

Great question, Zeb! You will be under the Board Consideration heading which is typically heard in the morning. The meeting starts at 9 am so I would suggest blocking out a few hours just in case. I wish I had a better and specific time frame to give you.

Thanks for asking!

*Carrie Craig*

Records and Licensing Supervisor  
Alcohol and Marijuana Control Office  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
907-269-0350

**From:** Zeb Mabie [mailto:zebsrg@gmail.com]  
**Sent:** Wednesday, September 30, 2020 4:12 PM  
**To:** Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>; Klinkhart, Glen Edward (CED) <glen.klinkhart@alaska.gov>  
**Subject:** Latitude 65 Brewing Company, license 5877 and 5878

Carrie and Glen,

I just left Carrie a voicemail. But what I am wondering is if there is a time I could block on my calendar for the ABC board meeting that I would have to Zoom with them. Thanks!

(please excuse spelling errors as I "write" most of my emails using voice recognition software)

Sincerely,

Zeb Mabie  
Associate Broker/Owner  
Summit Realty Group  
REALTOR®, CRS, ABR, CMRS

2014 Affiliate's Realtor of the Year

**907-388-6348 Cell**

ZebSRG@gmail.com Email

zeb.fairbanksalaskahome.com

www.ZebMabie.com



411 4th Ave., Suite 200

Fairbanks, AK 99701

***ATTN: If you have a relative, friend, or anyone looking to buy or sell, please tell them about me, and let me know how I can be of assistance. I look forward to speaking with you soon!***

*Confidentiality Notice: This message is confidential and privileged communication intended only for the use of the individual or entity to whom it is addressed; it should not be read or used by anyone else. If you have received this message in error, please immediately notify us by return email or fax, delete the message from your system, and retain no hard copies.*

\_\_\_\_\_