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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Debbie Morgan  
Department of Commerce Community and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081 

**DATE:** October 29, 2019

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board  
Alcoholic Beverage Control Board Regulation re: Moral Turpitude (3 AAC 304.180)

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Attorney General File:	2019200180
Regulation Filed:	10/29/2019
Effective Date:	11/28/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The attached two pages of regulations, dealing with the denial, suspension, revocation or refusal to renew or transfer, in the public interest (“moral turpitude”), are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its July 29, 2019, meeting, under the authority of AS 04.06.090 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 8/9/19

Erika McConnell

Erika McConnell, Director  
Alcoholic Beverage Control Board

FILING CERTIFICATION

April Simpson for

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

October 29, 2019 at 10:24 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson  
for Lieutenant Governor Kevin Meyer

Effective: November 28, 2019.

Register: 232, January 2020.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.**



*K-Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

3 AAC 304.180 is repealed and readopted to read:

**3 AAC 304.180. Denial, suspension, revocation, or refusal to renew or transfer, in the public interest.** (a) The ~~factors~~ <sup>the following factors</sup> the board may consider in determining whether it is in the public interest to deny, revoke, suspend, or refuse to renew or transfer a license ~~include~~ <sup>include</sup>

(1) the applicant's, the applicant's affiliates', the transferee's, or the transferee's affiliates' histories of conviction of a felony in this state, the United States, or another state or territory during the 15 years immediately preceding the date of application;

(2) the applicant's, the applicant's affiliates', the transferee's, or the transferee's affiliates' histories of commission of

(A) a violation of AS 04 or regulations adopted by the board; or

(B) a violation of the alcoholic beverage control laws of another state, as a licensee of that state;

(3) whether the applicant, the applicant's affiliates, the transferee, or the transferee's affiliates are untrustworthy, unfit to conduct a licensed business, or a potential source of harm to the public;

(4) whether the applicant, the applicant's affiliates, the transferee, or the transferee's affiliates have permitted, on licensed premises belonging to that person, the occurrence of sexual contact between persons; for the purpose of this paragraph, "sexual contact" means the touching of genitals, anus, or female breast or the intrusion of any object into the genital or anal opening regardless of whether the act was consensual; and

(5) all other factors the board in its discretion determines relevant to the public interest.

(b) ~~The grounds on which~~ a local governing body may properly protest an application under AS 04.11.480 <sup>using the factors =</sup> ~~include the grounds~~ set out in (a) of this section. (Eff. 4/28/84, Register 90; am 5/1/94, Register 130; am 5/11/96, Register 138; am 11 / 28 / 2019, Register 232)

**Authority:** AS 04.06.090 AS 04.11.330 AS 04.11.370  
AS 04.06.100 AS 04.11.340 AS 04.11.480  
AS 04.11.320 AS 04.11.360