



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: August 14, 2018

FROM: Erika McConnell, Director

RE: 1161 Totem Inn
5078 The Board Room

**Requested
Action:**

Determine whether the duplicate license may operate when the primary license is not being operated

**Statutory
and
Regulatory
Authority:**

AS 04.11.090(e): "A holder of a beverage dispensary license may not maintain upon the licensed premises more than one room in which there is regularly maintained a fixed counter or service bar at which alcoholic beverages are sold or served to members of the public for consumption unless the licensee is issued by the board, after investigation, a duplicate of the original license for each of the rooms. The holder of the beverage dispensary license shall pay to the board with each application for a duplicate license an amount equal to the fee payable for the original beverage dispensary license under (b) of this section. If the licensed premises are located within a municipality, a duplicate beverage dispensary license may not be issued unless approved by the council or assembly, as appropriate."

3 AAC 304.185(a): "A license is issued for a specific place which is the licensed premises and which must be clearly designated in a line drawing accompanying an application. The licensed premises must be one area, but may include separate rooms if the rooms are adjacent to one another or if they are rooms described in AS 04.11.090(d). The address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application. If the licensed premises consist of more than one room in which a fixed counter or service bar is regularly maintained, a duplicate license is required for the additional rooms."

Staff Rec.:

Duplicate beverage dispensary licenses should not be operated if the beverage dispensary license to which the duplicate relates is not being operated

Background: At the June 2018 meeting of the ABC Board, staff asked the board if duplicate licenses may operate if the primary license is not being operated. The board determined it wished to address this issue on a case-by-case basis and asked staff to bring the situation that brought up this question to the board.

License 1161 is a beverage dispensary—tourism license issued to Totem Inn, Inc., doing business as Totem Inn at 144 E. Egan Avenue in Valdez. License 5078 is a beverage dispensary—tourism duplicate license issued to Totem Inn, Inc., doing business as The Board Room at 154 E Egan Avenue in Valdez. The duplicate is able to be issued to a separate building due to AS 04.11.090(d) which says, “The area designated as the licensed premises under a beverage dispensary license issued to a hotel, motel, resort, or similar business that caters to the traveling public as a substantial part of its business may include the dining room, banquet room, guests' rooms, and other public areas approved by the board” and 3 AAC 304.185(a) which specifically exempts rooms described in AS 04.11.090(d) from the requirement for licensed premises to be “one area.”

In September of 2016, there was a fire at the main Totem Inn building which forced the closure of the Totem Inn Restaurant, the licensed premises for license 1161. The licensee continued to operate the duplicate license 5078 at The Board Room. The Totem Inn Restaurant was scheduled to re-open in early 2018 and filed a waiver for not operating in 2017.

Keeping in mind that the issuance of duplicate licenses is not intended to raise the number of licenses above the population limits established in AS 04.11.400, if a duplicate license is operated while the primary license is not being operated, it is acting as a separate and independent license with the effect of increasing the number of licenses issued within a municipality above the limit established by AS 04.11.400.

Attachment: Aerial photo of the two licenses
Licensed premises diagram for The Board Room #5078



Totem Inn Restaurant

The Board Room

Totem Hotel and Suites

144 Egan Avenue

Alaska Snowboard Guides

Northern Treats

Latte Dah

Fu Kung Chinese

RadioShack

Kobuk Dr

The Nat Shack

Kobuk Dr

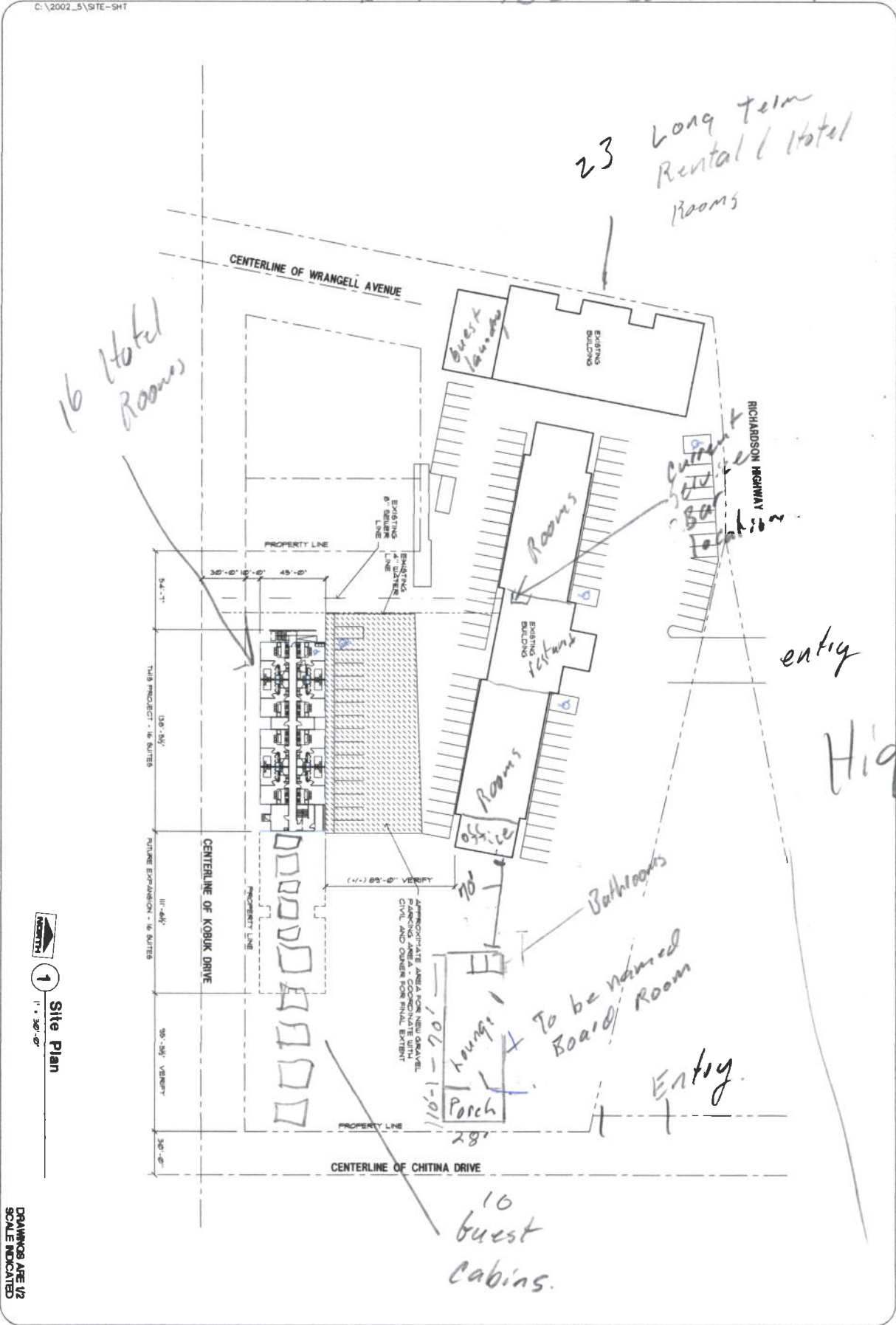
Meals Ave

Meals Ave

China

FAX to ABC Board 1-24 m.w

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1 Site Plan 1" = 30'-0"

DRAWINGS ARE 1/2 SCALE INDICATED

<p>Sheet A1.1</p>	<p>TOTEM INN SUITES Kobuk Drive Valdez, Alaska</p>	<p>FAULKENBERRY & ASSOCIATES, INC. ARCHITECTS P.O. Box 230883 • Anchorage, Alaska 99523-0883 (907) 522-9193</p>		<p>Job No. 2002.5 Drawn by: TDP Checked by: TDP Date: 3/29/02 Reviewed for: ALASKA PERMITS</p>
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STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: The Board Room

PREMISES LOCATION: 154 E. Egan Dr. Valdez, AK 99686

Indicate scale by x after appropriate statement or show length and width of premises. 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

