



MEMORANDUM

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

DATE: August 14, 2018

FROM: Erika McConnell, Director

RE: 4379 The Station Bar & Grill
5372 Happy Endings Saloon

Requested Action: Refund of late fee assessed under AS 04.11.270(b)(3)

Statutory Authority: There is no statutory authority for the board to refund a late fee. The board may conclude that the late fee was assessed in error, which would then require a refund.

Staff Rec.: Deny the request for late fee refund

Background: AMCO first received the renewal applications for these beverage dispensary – tourism and beverage dispensary – tourism duplicate licenses in Skagway on January 2, 2018. An incomplete letter was emailed to the email address provided by the licensee on January 24, 2018, informing the licensee that corrections were needed to the applications and that if the applications were still incomplete after seven days, the \$500 late fee (per license) would be assessed.

The only correction needed was an answer to the question of whether alcoholic beverages are stocked in guest rooms, but this is a mandatory question because AS 04.11.090(g) requires a permit and a permit fee for this activity, which is laid out in 3 AAC 304.650.

AS 04.11.270(b)(2) states, “the licensee shall submit the completed renewal application and the biennial license fee to the director before January 1” and (b)(3) states, “a renewal application filed after December 31 is delinquent and must be accompanied by a \$500 penalty fee.”

Corrections to the renewal applications for these licenses were received on February 8, 2018.

Attachment: Refund request
Incomplete letter

The Station Bar & Grill & Happy Endings Saloon
Elizabeth F. Smith
P.O. Box 280
Skagway, AK 99840

Alaska Alcohol Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

June 5, 2018

Dear Board of Directors,

On the April 3, 2018 ABC Board meeting, I was on the agenda under Tab 31 & Tab 32, to renew my licenses. The applications had been filed on time, but the tourism letter required to accompany the renewal applications, left out one piece of information. The sentence, stating that we did not stock alcohol in the hotel rooms, had been left out of the original letters.

I had been away most of January and did not receive the email stating that the application was incomplete until after I returned in late January. I called the ABC office immediately and asked them to explain what was missing and if I was going to be charged the late fee due to the application not being complete. I was told: No, that I just needed to resend the letter and include the information of whether we stocked the hotel rooms with alcohol. There was no mention of a deadline in this conversation. Trying to catch up from being away, in addition to being sick, and out of work with sick kids as well, the new tourism letter that included the statement that we do NOT stock alcohol in the rooms did not get emailed back to the ABC until Feb 8, 2018.

When I was told I had to pay the late fees because the letter was not emailed by the January 31, 2018 deadline, I asked the staff to reconsider and explained my situation, I was told it was out of their hands and paid the late fee. I was not told I could appeal to the board. I discovered on the April 3, 2018 ABC Board meeting that I could appeal to the Board. During that meeting, under Tab 21, you voted to refund License #'s: 4768 & 4769, St. Elias Brewing Company's late penalty fees. I believe that the licensee's situation, was very similar to mine. I am asking now, that you give me the same considerations as the St. Elias Brewing Company and consider refunding me my late fees too.

I have included the letter I submitted for the April 3, 2018 ABC Board meeting, requesting renewal of my licenses. I apologize for not making this request at the same time, but I did not realize it was an option. Thank you for taking the time to consider my request. It is greatly appreciated! Kind Regards!

Sincerely,

Elizabeth F. Smith/Owner
The Station Bar & Grill
Happy Endings Saloon

The Station Bar & Grill & Happy Endings Saloon
Elizabeth F. Smith
P.O. Box 280
Skagway, AK 99840

Alaska Alcohol Control Board
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

March 16, 2018

Dear Board of Directors,

I apologize for all the miscommunication. I filled my applications out for both liquor licenses, #'s 4379 and # 5372, and had them mailed by the original deadline of December 31, 2017. However, I did not include the fact that we do NOT stock alcohol in the hotel rooms in my tourism letter that accompanied my application, so it was determined incomplete. I had been away most of January and was sick and out of work with sick kids as well, when I returned, so the new tourism letter that included the statement that we do NOT stock alcohol in the rooms did not get faxed back to the ABC until Feb 8, 2018.

I was then told that because the letter was not in by Jan 31, 2018 I then needed to pay the \$500 fine, which I requested twice to be reconsidered, since my original application was in on time. This request was denied and the fine (I assumed) was paid via credit card. It was not till today, when I received a letter, that I was informed that the payment had not been processed. I called immediately to sort through what had gone wrong and the \$500 fine was paid on both licenses.

I ask now that you renew both licenses. Thank you for your time and again, I apologize for any misunderstandings. I am a very conscientious liquor license holder and have never had a problem with either of these licenses. We are a year-round, local business who does our best to support local commerce. Thanks for your consideration in renewing my application.

Kind Regards,

Elizabeth F. Smith
The Station Bar & Grill and
Happy Endings Saloon Owner



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 24, 2018

Elizabeth F Smith

Via Email: skagpie@yahoo.com

Re: Incomplete Renewal Application for:
License #4379 DBA The Station Bar & Grill
License #5372 DBA Happy Endings Saloon

Dear Applicant:

I have received and reviewed your applications for renewal of your liquor licenses. At this time, your applications are considered incomplete. Please make the following necessary changes and/or submit the required documents in order for your applications to be deemed complete:

- **Tourism Statements:**

- An answer has not been provided for Mandatory Point 4(a): Do you stock alcoholic beverages in guest rooms?

To make corrections, use the attached applications and make your changes to the copies. You may then scan and email them back to the address below, or mail or drop them off to our office.

Please submit all documents to complete your applications within seven (7) days from the date of this notice. If, after seven days, your applications are still incomplete due to any of the above listed reasons, your applications will be returned to you in the manner in which they were received, per 3 AAC 304.105(e).

Any application that is still incomplete after seven days will be assessed an additional \$500.00 late fee, per AS 04.11.270. Any application that is still incomplete at midnight on February 28, 2018 will be expired, per AS 04.11.540.

Completed documents may be scanned and emailed, and any questions or concerns may be sent to alcohol.licensing@alaska.gov.

Thank you for your diligence toward completing your applications.

Respectfully,

A handwritten signature in blue ink, appearing to read "TJ Zielinski".

TJ Zielinski
Occupational Licensing Examiner