



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 West 7th Ave, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

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

DATE: August 14, 2018

FROM: Erika McConnell, Director

RE: 4850 Arctic Valley Ski Area

Requested Action: License renewal

Statutory Authority: AS 04.06.090(b): "The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title."

Staff Rec.: Deny the renewal

Background: This recreational site license does not appear to meet the statutory requirements of the license type:

Sec. 04.11.210. Recreational site license.

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

With the exception of operating during a season, Arctic Valley Ski Area does not appear to fit the statutory requirements:

- There is no "event." Legislative Audit called out, among other things, bowling alleys and pool halls as ineligible businesses. Bowling and playing pool and skiing are all recreational activities. But there is no event associated with these businesses (although they may hold events from time to time as part of their businesses). The activities begin and end at arbitrary opening and closing times set by the business owners which are not related to any event.

- Skiing/snowboarding as activities do not share the attributes of the list of examples provided in statute. There are no starting and ending times associated with an event, and if there are competitive events such as ski races, they happen infrequently. This is very different from, for example, a recreational site such as Mulcahy Stadium which only serves alcohol one hour before and during Alaska Baseball League games.

This license was first issued in 2010.

The improper issuance of recreational site licenses was identified in both the 2014 and 2018 legislative audits:

2014 Audit

Recommendation #4: The board should issue recreational site licenses in accordance with statutory requirements.

Recreational site licenses may be issued to businesses that host non-school-related recreational events held during a season.

Of the 32 recreational licensees active during the audit period, the audit found 15 businesses (47 percent) did not meet the criteria for a recreational license. Ineligible businesses include bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls. These business types did not meet the definition of a recreational site nor were operations limited to a season. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.

According to AS 04.11.210(a), the holder of a recreational site license may sell beer and wine at a recreational event during and one hour before and after recreational events. AS 04.11.210(c) defines recreational events as baseball games, car races, hockey games, or curling matches regularly held during a season.

Inquiries with board members revealed that the improper issuance of recreational site licenses was caused by an historic misunderstanding of what qualifies as a recreational event.

We recommend that the board issue recreational site licenses in accordance with statutory requirements.

2018 Audit

Recommendation #2: The board should issue recreational site licenses in accordance with statutory requirements.

Ten of 29 recreational site licenses active during the audit period were judgmentally selected for testing. All 10 did not meet the statutory definition of a recreational site. Six of the 10 licensees were informed by the board that their license would not be renewed during the next renewal period since the business did not meet the statutory definition of a recreational site. This same finding was reported in the prior 2014 sunset audit.

According to AS 04.11.210(a), the holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event. Alaska Statute 04.11.210(c) defines recreational sites as locations where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season. The 10 noncompliant licensees noted above included travel tour companies, bowling alleys, an art council, a pool hall, a movie theater, and a spa.

4850 Arctic Valley Ski Area

ABC Board August 14, 2018

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Review of board meeting minutes revealed that board members understood these businesses did not meet the definition of a recreational site license, yet believed it to be in the public interest to issue them. Furthermore, board members anticipated the criteria for recreational site licenses would be addressed in a future rewrite of AS 04.06. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.

We again recommend that the board issue recreational site licenses in accordance with statutory requirements.

Attachment: Licensee responses
 Letters and petition of support
 Adopted board decision on The Summit
 Renewal application



Anchorage Ski Club
PO Box 200546
Anchorage, Alaska 99520-0546
www.arcticvalley.org



June 11, 2018

Director Erika McConnell
Alcohol & Marijuana Control Office
550 W. Seventh Ave., Suite 1600
Anchorage, AK 99501

Re: Anchorage Ski Club License Renewal

Dear Ms. McConnell:

The Anchorage Ski Club (ASC) Board responds to your June 4, 2018 notice of intent (by email) to recommend denial of ASC's recreational site license. Please provide a copy of this letter to Alcohol Beverage Control (ABC) Board for review as part of its June 12, 2018 meeting materials. ASC believes your interpretation of the recreational site statute—while well-intentioned—is inconsistent with Alaska Statute, the underlying 2014 and 2017 Legislative audit concerns, and ABC's longstanding interpretation of Alaska Statute 04.11.210. Your interpretation and any subsequent license denial would have harsh consequences for the public and would harm responsible recreational site license holders like ASC.

1. The Anchorage Ski Club's History at Arctic Valley

Founded in 1937, the nonprofit ASC has a long history as a social and winter sports recreation club in Southcentral Alaska. In 1941, ASC partnered with the US Military to create the Arctic Valley Ski Bowl. Over the past 80 years of operating a ski area at Arctic Valley, ASC has established itself as an institution within Southcentral Alaska with deep community ties. Since its formation, the Arctic Valley area was incorporated into Chugach State Park. ASC offers the public access to this part of the park where access would not otherwise exist. Countless numbers of Alaskans have learned to ski and snowboard at Arctic Valley and even those that have left the State retain ties to Arctic Valley and ASC.

2. ASC's Recreational Site License

ASC operates the Alpenglow Lodge at Arctic Valley as part of its ski and lodge-rental operations. In 2010, ASC obtained a recreational site license pursuant to A.S. 04.11.210 from the ABC Board. Soon thereafter, ASC introduced the "Afterglow," the portion of the Alpenglow Lodge where beer and wine is served under its recreational site license. Most important, the Afterglow rapidly became a

place where customers congregate after skiing, snowboarding, and tubing to commune. ASC builds relationships with the public at the Afterglow in order to turn patrons into ASC members, donors, volunteers, board members, and stewards of Arctic Valley. It also helps prevents unlawful consumption in the parking lot.

ASC's recreational site license coincided with ASC's reorganization and progression out of financial hardships. Although a relatively recent addition to Arctic Valley, ASC's Afterglow beer and wine sales have been a critical revenue boost for ASC's operations. The Afterglow has been enormously popular thus improving the overall social atmosphere and increasing public exposure to ASC and our mission. It has also sparked ongoing interest from local musicians who regularly play at the Afterglow. The Afterglow has also attracted additional participants for special events like ASC's springtime Merry Marmot Festival and the ski races hosted at Arctic Valley (which may be viewed from the Afterglow). It has proven to be extremely important in making ASC's recent success possible.

ASC's license was renewed in 2016 and was set for renewal at ABC's April 3, 2018 meeting. Consideration of ASC's license was postponed (due to time constraints) to consideration at the June 12, 2018 meeting. Until June 4, 2018, ASC understood your recommendation was to recommend renewal of ASC's license. You state this is due to the Legislative Sunset Audit which is dated November 17, 2017. This audit was in place for both of the previous meetings where your recommendation was to renew ASC's license. And the 2017 audit referenced that the 2014 audit had similar advice about issuing recreational site licenses in accordance with statutory requirements. ASC's license was renewed in 2016 (after the 2014 Legislative audit).

After receiving your June 4, 2018 correspondence, ASC communicated with several State Senators and Representatives in the areas surrounding Arctic Valley. All expressed support of renewal of ASC's license and stated they believe ASC qualifies for a recreational site license. Furthermore, ASC has been in contact with other State leaders concerned about the position you are taking on this issue.

3. ASC meets the Statutory Requirements

Prior to June 4, 2018, ASC understood that you intended to recommend to the ABC Board that ASC's recreational license be renewed. On June 4, 2018, ASC received an email from you stating that you no longer intended to recommend renewal because ASC does not host competitive events. This requirement is not embedded in either the relevant statute or the interpreting regulations.

Alaska Statute 04.11.210 allows for recreational site licenses to be issued to a holder who hosts recreational events, allowing for sales of beer and wine during one hour before and after a recreational event. ASC's license is only effective during the ski season (seasonally) and only during the time (and the one hour window after) the public is recreating at Arctic Valley: skiing, snowboarding, and tubing. The Statute does not include, anywhere, a requirement that the recreational event be a competitive sporting event.

Indeed, in 2013 the ABC Board contemplated adopting a regulation [at 3 AAC 304] to make hosting a competitive sporting event a requirement under a recreational site license. The ABC Board's proposed regulation contemplated clarifying the definition of the types of qualifying events covered under recreational site licenses authorized under AS 04.11.210 by introducing a requirement—not contained in the statute—that the recreational site license must be based on a “competitive spectator sporting event.” But the Board did not adopt that regulation and there remains no requirement that a recreational site license holder conduct competitive events when it serves alcoholic beverages under its license.

Examining the specific language of AS 04.11.210 reveals the fundamental inconsistency with your proposed recommendation of limiting recreational site licenses to “competitive events”: Subsection (c) is nonexclusive and only includes several locations that qualify as recreation sites, including the locations where hockey games and curling matching are regularly held. But in practice, under those examples, the recreational site license will be utilized to serve alcoholic beverages regardless of whether there is a “competitive event.” In other words, the bar or pub will be open during times when participants are practicing or simply engaging in the recreational activity. And that's entirely consistent with the statute: nowhere does it require a competitive event as a prerequisite to issuance or use of a recreational site license. ASC must also note that although it does hosts competitive events like ski and winter bike races, it does not conduct those events everyday it operates the ski area.

Interpreting the statute to require a competitive sporting event, with a week's notice to the license holder is fundamentally unfair and contrary to the Legislative intent and the plain language of the Statute.

4. ASC is not one of the licenses of concern to the Legislature.

ASC operates Arctic Valley, a recreational site. The license is seasonal. Last season (winter 2017-2018) ASC was open for winter recreation 46 days. With the exception of a few days during winter and spring breaks, Arctic Valley is only open 2 days a week. ASC is a 501(c)(3) nonprofit, and all revenues derived from the

Afterglow go back into the Club to enhance the public's access to the recreational area. In short, ASC is operating within the very realm the recreational site statute (and Legislature) intended.

The 2017 Legislative audit identified 10 noncompliant recreational site licensees of concern. Those licensees were wholly unlike ASC. They were: travel tour companies, bowling alleys, an art council, a pool hall, a movie theatre, and a spa.¹ None operate recreational areas. None host ski races, mountain bike races, or other recreational events like ASC does. The audit noted concern because the Board "understood these businesses did not meet the definition of a recreational site license."² ASC is distinguishable because, unlike the 10 noncompliant licenses, ASC does meet the statutory definition of a recreational site and the requirements in AS 04.11.210.

The 2014 Legislative audit focused concern on whether the recreational site licenses were issued to seasonal licensees (which ASC is) and whether the license holder held recreational events (which ASC does).³ As with the 2017 audit, ASC is not among the license holders that were the concern of the Legislature. Those concerning licensees were: bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls.

Nowhere in either the 2014 or 2017 audit does the Legislature state that a recreational event must or should be defined as a "competitive event." The audits only state that the license should be tied to recreational events. Skiing, snowboarding, and tubing are recreational events. Nonetheless, you state in your June 4, 2018 correspondence that it is your opinion that ASC does not qualify as a recreational site because the examples of permitted recreational sites all have a "common thread" of "a competitive event." The statutory language includes only a few examples of permitted activities: "'recreational site' includes a location where basketball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season." (AS 04.11.210(c) (emphasis added)) The definition is neither limiting nor exhaustive. And the Legislative audit did not identify the need for a

¹ See Alaska State Legislature, Division of Legislative Audit, 2017 Alcoholic Beverage Control Board Audit, Audit Control Number 08-20099-17, pp. 12-13.

² Audit, p. 13.

³ Alaska State Legislature, Division of Legislative Audit, 2014 Alcoholic Beverage Control Board Audit, Audit Control Number 08-20088-14, pp. 11-12.

recreational site to exclusively operate to host “competitive events” as you suggest. Indeed, the Statute and regulations are completely void of any such requirement.⁴

Unlike the licensees that drew the concern of the Legislature, ASC does not use its recreational site license to, in effect, operate a bar 7 days a week. ASC could not qualify for any other type of beer and wine license exactly because of its character as a nonprofit operating a recreational site. Denying ASC a recreational site license would be to punish it for doing the exact sort of things AS 04.11.210 contemplates. ASC’s activities wholly fall within the statutory definition and are entirely distinguishable from the offending licenses identified in the 2014 and 2017 Legislative audits.

5. License denial circumvents the public process.

If AMCO believes the language of AS 04.11.210 should be changed to include a requirement that isn’t currently memorialized in statute (that recreational sites also host competitive sporting events), then the remedy is to legislate through either passing regulations or to encourage the Legislature to amend the statute. It is improper to instead deny ASC’s license because AMCO believes there should be a requirement that a recreational site host competitive sporting events when no requirement exists in the law.

If AMCO undertook such a legislative change, or if the Legislature entertained an amendment to statute, the public would have notice and a right to comment. As it is, the only notice given by you is a June 4, 2018 email to ASC’s General Manager. The public has a right to weigh in on AMCO’s decision to alter the application of statutory language to the public’s license holders.

6. Summary

ASC is a nonprofit organization and the ski area and Alpenglow Lodge are largely operated and maintained by volunteers. But even with this significant contribution of volunteer labor, the facilities’ rental and ski area fees do not provide enough income to cover the substantial overhead costs such as capital improvements, major repairs, maintenance, inspections, electricity, and insurance. Even with diligent efforts to support Arctic Valley’s high operating costs with donations, membership

⁴ As an aside, Arctic Valley does host competitive events. Last season we hosted youth ski races, bike races, adult ski races, snowshoe races, tubing races, and other assorted competitive events.

Erika McConnell

June 11, 2018

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fees, grants, and other fundraising activities, ASC's recreational site license generates critical revenue that helps make continued Arctic Valley operations possible. It also helps bolster overall use and attendance.

ASC meets the statutory requirements to hold a recreational site license. ASC was not of the type of licenses that were the concern of the Legislative audit. Denial of ASC's recreational site license on such short notice, and for reasons that are not consistent with the language of the statute or the guidance of the Legislative audit, would be fundamentally unfair.

Thank you for your consideration.

ANCHORAGE SKI CLUB

John Robinson-Wilson,
General Manager



Anchorage Ski Club
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July 27, 2018

Director Erika McConnell
Alcohol & Marijuana Control Office
550 W. Seventh Ave., Suite 1600
Anchorage, AK 99501

Re: Anchorage Ski Club License Renewal

Dear Ms. McConnell:

The Anchorage Ski Club (ASC) Board responds to your June 4, 2018 notice of intent (by email) to recommend denial of ASC's recreational site license. Please provide a copy of this letter to Alcohol Beverage Control (ABC) Board for review as part of its August 14, 2018 meeting materials. ASC believes your interpretation of the recreational site license statute—while well-intentioned—is inconsistent with Alaska Statute, the underlying 2014 and 2017 Legislative audit concerns, and ABC's longstanding interpretation of Alaska Statute 04.11.210. Your interpretation and any subsequent license denial would have harsh consequences for the public and would harm responsible recreational site license holders like ASC.

1. The Anchorage Ski Club's History at Arctic Valley

Founded in 1937, the nonprofit ASC has a long history as a social and winter sports recreation club in Southcentral Alaska. In 1941, ASC partnered with the US Military to create the Arctic Valley Ski Bowl. Over the past 80 years of operating a ski area at Arctic Valley, ASC has established itself as an institution within Southcentral Alaska with deep community ties. Since its formation, the Arctic Valley area was incorporated into Chugach State Park. ASC offers the public access to this part of the park where access would not otherwise exist. Countless numbers of Alaskans have learned to ski and snowboard at Arctic Valley and even those that have left the State retain ties to Arctic Valley and ASC.

2. ASC's Recreational Site License

ASC operates the Alpenglow Lodge at Arctic Valley as part of its ski and snowboard operations. In 2010, ASC obtained a recreational site license pursuant to A.S. 04.11.210 from the ABC Board. Soon thereafter, ASC introduced the "Afterglow," the portion of the Alpenglow Lodge where beer and wine is served under its recreational site license. Most important, the Afterglow rapidly became a place where customers congregate after skiing, snowboarding, and tubing to commune. ASC builds relationships with the public at the Afterglow in order to turn patrons into ASC members, donors, volunteers, board members, and stewards of Arctic Valley. The Afterglow also helps prevent unlawful consumption in the parking lot.

ASC's recreational site license coincided with ASC's reorganization and progression out of financial hardship. Although a relatively recent addition to Arctic Valley, ASC's Afterglow beer and wine sales have been a critical revenue boost for ASC's operations. The Afterglow has been enormously popular thus improving the overall social atmosphere and increasing public exposure to ASC and our mission. It has also sparked ongoing interest from local musicians who regularly play at the Afterglow. The Afterglow has also attracted additional participants for special events like ASC's springtime Merry Marmot Festival and the ski races hosted at Arctic Valley (which may be viewed from the large slope-facing windows in the Afterglow). It has proven to be extremely important in making ASC's recent success possible.

ASC's license was renewed in 2016 and was set for renewal at ABC's April 3, 2018 meeting. Consideration of ASC's license was postponed (due to time constraints) to consideration at the June 12, 2018, and postponed again until the August 14, 2018 meeting. Until June 4, 2018, ASC understood your recommendation was to recommend renewal of ASC's license. You state this change is due to the Legislative Sunset Audit which is dated November 17, 2017 and a non-binding 2016 opinion from the Office of Administrative Hearings relating to the Alaska Club's Summit Club license.¹

¹ OAH No. 16-0200-ABC, 29 Sept. 2016.

Both the referenced Legislative audit and the 2016 administrative opinion were in place for the previous meeting where your recommendation was to renew ASC's license. And the 2017 audit referenced that the 2014 audit had similar advice about issuing recreational site licenses in accordance with statutory requirements. ASC's license was renewed in 2016 (after the 2014 Legislative audit).

After receiving your June 4, 2018 correspondence, ASC communicated with several State Senators and Representatives from the areas surrounding Arctic Valley as well as other public officials. All expressed support of renewal of ASC's license and stated they believe ASC qualifies for a recreational site license under the statute. Letters of support have been submitted to the ABC Board for review and consideration. Furthermore, ASC has received support from the Anchorage Assembly (which unanimously passed a Resolution in support of the renewal of ASC's license). The Anchorage Assembly previously filed its non-objection to ASC's license renewal with the ABC Board. A copy of the Anchorage Assembly's Resolution (AR No. 2018-217) has been submitted to the ABC Board for review and consideration. In particular, the Resolution notes the Assembly's concern that your recommendation will result in inconsistent application of licensing requirements for local businesses and denial of licenses that meet the statutory requirements found in the plain language of the statute.

In addition to the support of public officials, following the June 12, 2018 ABC Board meeting, ASC has seen a flood of public support for renewal of its license. Over 1,200 members of the public have signed petitions in support of ASC's license renewal.

3. ASC meets the Statutory Requirements

On June 4, 2018, ASC received an email from you stating that you no longer intended to recommend renewal because ASC does not host competitive sporting events. This requirement is not embedded in either the relevant statute or the interpreting regulations.

Alaska Statute 04.11.210 allows for recreational site licenses to be issued to a holder who hosts recreational events, allowing for sales of beer and wine during one hour before and after a recreational event. ASC's license is only effective during the ski season (seasonally) and only during the time (and the one-hour window after) the public is recreating at Arctic Valley: skiing, snowboarding, and tubing. This meets the requirements explicit in the statute. ASC operates the Afterglow in conformity with the statute's requirement regarding hours of operation because it serves beer and wine related to the operations of its lifts - based around the events of skiing, tubing, and snowboarding. Lift operation times are published (in advance) to the public. This distinguishes ASC from other license holders of concern (including the Alaska Summit Club's license) who operate facilities tied to when they open and close their doors to the public, as opposed to when recreational events occur.

In addition to the restrictions on hours of operation, the other statutory requirement expressed in AS 04.11.210 is that the recreational event be seasonal. ASC's operations clearly are seasonal, whereas other licenses you continue to recommend for renewal are explicitly not seasonal. It would be improper to overlook this explicit statutory requirement for some licenses while recommending denial of ASC's license based on beliefs developed in reliance on language not in statute.

The statute does not include, anywhere, a requirement that the recreational event be a competitive sporting event nor a spectator event. You have stated this perceived requirement is derived from a combination of your reading of the 2014 and 2017 Legislative audits and a non-binding 2016 administrative opinion regarding a different recreational site license. Reliance on the audits and the opinion is misguided.

In 2013 the ABC Board contemplated adopting a regulation [at 3 AAC 304] to make hosting a competitive sporting event a requirement under a recreational site license. The ABC Board's proposed regulation contemplated clarifying the definition of the types of qualifying events covered under

recreational site licenses authorized under AS 04.11.210 by introducing a requirement—not contained in the statute—that the recreational site license must be based on a “competitive spectator sporting event.” But the Board did not adopt that regulation, neither did the Legislature amend the statute, and there remains no requirement that a recreational site license holder conduct competitive events when it serves alcoholic beverages under its license.

Examining the specific language of AS 04.11.210 reveals the fundamental inconsistency with your proposed recommendation of limiting recreational site licenses to “competitive events”: subsection (c) is nonexclusive and only includes several locations that qualify as recreation sites, including the locations where hockey games and curling matching are regularly held. But in practice, under those examples, the recreational site license will be utilized to serve alcoholic beverages regardless of whether there is a “competitive event.” In other words, the bar or pub will be open during times when participants are practicing or simply engaging in the recreational activity. Recognizing this practical reality also blends the unfounded distinction between “activity-based” and “event-based” licenses. And that’s entirely consistent with the statute: nowhere does it require a competitive event as a prerequisite to issuance or use of a recreational site license. Any policy departure by the ABC Board must be by regulation or statute. Legislators who have written letters of support for ASC note that reading a requirement for “competitive events” into the statute is improper. Lastly, ASC must also note that although it does hosts competitive events like ski and winter bike races, it does not conduct those events everyday it operates the ski area.

Your reliance on the 2014 and 2017 Legislative audits for recommending denial of ASC’s license confuses the distinction between legislative intent and a legislative audit. Legislative auditors do not speak for the Legislature. They are not qualified to speak on legislative intent. Representative Matt Claman also makes this point in his letter of support for ASC. And other Legislators who have written the ABC Board in support of renewal of ASC’s license make clear that they believe the intention of the Legislature is to approve licenses for organizations like ASC. Furthermore, if the Legislature, after receiving the 2014 and 2017 audits, wished to change the statutory requirements, in

particular by clarifying what qualifies as a recreational event, it would have done so. Its election to leave the statute as written is instructive. Similarly, the cited 2016 administrative opinion is not legislative intent and is not binding on future license decisions.

Interpreting the statute to require a competitive sporting event without implementing either a statutory change or change to the regulations is fundamentally unfair and contrary to the public process, the Legislative intent, and the plain language of the statute. If the ABC Board wishes to add a requirement or definition, it must implement regulations and include the public in the process.

4. ASC is not one of the licenses of concern to the Legislature.

ASC operates Arctic Valley, a recreational site. The license is seasonal. Last season (winter 2017–2018) ASC was open for winter recreation 46 days. With the exception of a few days during winter and spring breaks, Arctic Valley is only open 2 days a week. ASC is a 501(c)(3) nonprofit, and all revenues derived from the Afterglow go back into the Club to enhance the public's access to the recreational area. In short, ASC is operating within the very realm the recreational site statute (and Legislature) intended.

The 2017 Legislative audit identified 10 noncompliant recreational site licensees of concern. Those licensees were wholly unlike ASC. They were: travel tour companies, bowling alleys, an art council, a pool hall, a movie theatre, and a spa.² None operate recreational areas. None host ski races, mountain bike races, or other recreational events like ASC does. The audit noted concern because the Board “understood these businesses did not meet the definition of a recreational site license.”³ ASC is distinguishable because, unlike the 10 noncompliant licenses, ASC does meet the statutory definition of a recreational site and the requirements in AS 04.11.210.

² See Alaska State Legislature, Division of Legislative Audit, 2017 Alcoholic Beverage Control Board Audit, Audit Control Number 08-20099-17, pp. 12-13.

³ Audit, p. 13.

The 2014 Legislative audit focused concern on whether the recreational site licenses were issued to seasonal licensees (which ASC is) and whether the license holder held recreational events (which ASC does).⁴ As with the 2017 audit, ASC is not among the license holders that were of concern. Those concerning licensees were: bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls.

Nowhere in either the 2014 or 2017 audit does it state that a recreational event must or should be defined as a “competitive event.” The audits only state that the license should be tied to recreational events. Skiing, snowboarding, and tubing are recreational events. Nonetheless, you state in your June 4, 2018 correspondence that it is your opinion that ASC does not qualify as a recreational site because the examples of permitted recreational sites all have a “common thread” of “a competitive event.” The statutory language includes only a few examples of permitted activities: “‘recreational site’ includes a location where basketball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.” (AS 04.11.210(c) (emphasis added)) The definition is neither limiting nor exhaustive. And the Legislative audit did not identify the need for a recreational site to exclusively operate to host “competitive events” or “spectator events” as you suggest. Indeed, the statute and regulations are completely void of any such requirement.⁵

Unlike the licensees that drew the concern of the Legislature, ASC does not use its recreational site license to, in effect, operate a bar 7 days a week. As you acknowledged, ASC could not qualify for any other type of beer and wine license exactly because of its character as a nonprofit operating a recreational site. Denying ASC a recreational site license would be to punish it

⁴ Alaska State Legislature, Division of Legislative Audit, 2014 Alcoholic Beverage Control Board Audit, Audit Control Number 08-20088-14, pp. 11-12.

⁵ As an aside, Arctic Valley does host competitive events. Last season we hosted youth ski races, bike races, adult ski races, snowshoe races, tubing races, and other assorted competitive events.

for doing the exact sort of things AS 04.11.210 contemplates. ASC's activities wholly fall within the statutory definition and are entirely distinguishable from the offending licenses identified in the 2014 and 2017 Legislative audits.

5. License denial circumvents the public process.

If AMCO believes the language of AS 04.11.210 should be changed to include a requirement that isn't currently memorialized in statute (that recreational sites also host competitive sporting events), then the remedy is to legislate through either passing regulations or to encourage the Legislature to amend the statute. It is improper to instead deny ASC's license because AMCO believes there should be a requirement that a recreational site host competitive sporting events when no requirement exists in the law. It is improper to legislate through license denials or special conditions.

If AMCO undertook such a legislative or regulatory change, or if the Legislature entertained an amendment to statute, the public would have notice and a right to comment. As it is, the only notice given by you is a June 4, 2018 email to ASC's General Manager. The public has a right to formally participate in AMCO's decision to alter the application of statutory language to the public's license holders.

6. Summary

ASC is a nonprofit organization and the ski area and Alpenglow Lodge are largely operated and maintained by volunteers. But even with this significant contribution of volunteer labor, the facilities' rental and ski area fees do not provide enough income to cover the substantial overhead costs such as capital improvements, major repairs, maintenance, inspections, electricity, and insurance. Even with diligent efforts to support Arctic Valley's high operating costs with donations, membership fees, grants, and other fundraising activities, ASC's recreational site license generates critical revenue that helps make continued Arctic Valley operations possible. It also helps bolster overall use and attendance. ASC has overwhelming support of the public and public officials for the renewal of its license.

Erika McConnell

July 27, 2018

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ASC meets the statutory requirements to hold a recreational site license. ASC was not of the type of licenses that were the concern of the Legislative audit. Denial of ASC's recreational site license on such short notice, and for reasons that are not consistent with the language of the statute or the guidance of the Legislative audit, would be fundamentally unfair.

Thank you for your consideration.

ANCHORAGE SKI CLUB

John Robinson-Wilson

John Robinson-Wilson,
General Manager

ALASKA STATE LEGISLATURE

Session:
State Capitol
Juneau, AK 99801-1182
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Toll Free: (877) 460-3783



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Eagle River, AK 99577
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Toll Free: (877) 460-3783

REPRESENTATIVE DAN SADDLER

June 26, 2018 # 4850

Alcohol & Marijuana Control Office
Members of the Alcohol Beverage Control Board
550 W. 7th Ave. #1600
Anchorage, AK 99501

RE: Arctic Valley Liquor License

Dear Members of the Alcohol Beverage Control Board,

This letter is to provide my support for renewal of the Arctic Valley Liquor License. This license provides essential income to the ski area's overall operation and its continued success as a vital winter recreation area near Eagle River and Anchorage.

- * The permit has been renewed every two years since being granted in 2010 without issue
- * The facility serving under the permit is only open during the winter season, operating limited days and hours in conjunction with skiing and tubing activities
- * Having the license has led to a larger, more involved community at Arctic Valley, that supports the club's activities and helps to fund improvements and increased recreational opportunities

I must emphasize how important a resource the Arctic Valley ski area and it's continued financial success is to the town of Eagle River. You can drive up to its ski slopes in about one-half an hour from downtown Eagle River and ski at reasonable cost, which you cannot do going by highway from Eagle River to any other downhill ski operation. I consider the renewal of the license under your jurisdiction as vital to the continued accessibility of down-hill skiing for Eagle River residents. Please continue to approve this license.

Thank you for consideration of the above support for the renewal of the Arctic Valley Liquor License.

Yours sincerely,

A handwritten signature in blue ink that reads "Dan Saddler".

Representative Dan Saddler
House District 13



Alaska State Legislature

House of Representatives

Session address:
Alaska State Capitol
Juneau, Alaska 99801-1182
1-888-465-2647 (toll free)
1-907-465-3518 (fax)

Interim address:
1500 W. Benson Blvd.
Anchorage, Alaska 99503-3656
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1-907-269-0109 (fax)



Representative Les Gara

July 17, 2018

*Sent via email: erika.mcconnell@alaska.gov &
sara.oates@alaska.gov*

Bob Klein, Board Chair
Alcohol Beverage Control Board
Alcohol & Marijuana Control Office
550 W. Seventh Ave., Suite 1600
Anchorage, AK 99501

Re: Anchorage Ski Club License Renewal

Dear Chairman Klein:

I was recently contacted by a constituent who is a member of the Anchorage Ski Club (ASC) concerning ASC's renewal of its recreational site license. I understand that ASC has held a recreational site license in good standing since 2010 and has previously had its license renewed without issue. Despite this history of compliance and renewal, Alcohol & Marijuana Control Office Director Erika McConnell is recommending that the ABC Board deny ASC's license renewal because she believes ASC does not meet the requirements for the license and because she believes ASC was one of the licenses of concern identified in the 2014 and 2017 Legislative Audits.

I urge you to renew ASC's license because ASC meets the requirements for a recreational site license and ASC's license helps foster ASC's 80-year history of providing alpine recreation opportunities in Southcentral Alaska. It's important to note that ASC was not one of the licenses of concern in the legislative audits and has not effectively bypassed a traditional liquor license like some other permittees of concern.

Alaska Statute 04.11.210 allows for recreational site licenses to be issued to a organization who hosts recreational events, allowing for sales of beer and wine during one hour before and after a recreational event. ASC's license is only effective during the ski season (usually December or January through mid-April) and only during the time (and the one-hour window after) the public is recreating at Arctic Valley: skiing, snowboarding, and tubing. Skiing, snowboarding, and tubing

E-mail: Rep.Les.Gara@akleg.gov



comparable to those events included in the non-exhaustive definition in AS 04.11.210(c). Moreover, Alaskans certainly include skiing, snowboarding, and tubing in their common definition of the recreational activities they engage in during the winter.

Director McConnell has suggested that recreational events must be competitive to comply with the Statute. This is incorrect. The statute and accompanying regulations do not include, anywhere, a requirement that the recreational event be a competitive sporting event. ASC explicitly meets the requirements for a recreational site license as laid out in statute.

Furthermore, ASC was not one of the licenses of concern in the Legislative Audits. The 2017 Legislative audit identified 10 noncompliant recreational site licensees of concern. Those licensees were travel tour companies, bowling alleys, an art council, a pool hall, a movie theatre, and a spa. The audit noted concern because the Board “understood these businesses did not meet the definition of a recreational site license.” ASC is distinguishable because, unlike the 10 noncompliant licenses, ASC does meet the statutory definition of a recreational site and the requirements in AS 04.11.210. The 2014 Legislative audit focused concern on whether the recreational site licenses were issued to seasonal licensees (which ASC is) and whether the license holder held recreational events (which ASC does). The concerning licensees in the 2014 audit were bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls. Again, ASC is not among the license holders that were the concern of the Legislature.

Nowhere in either the 2014 or 2017 audit did the Legislature state that a recreational event must or should be defined as a “competitive event.” The audits only state that the license should be tied to recreational events, which skiing, snowboarding, and tubing certainly are.

I spend considerable time drafting and interpreting legislation. It is clear that ASC meets the requirements for a recreational site license. I urge you to approve ASC’s recreational site license.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Gara".

Representative Les Gara
CC: Dept of Commerce Commissioner Mike Navarre

Session:
Alaska State Capitol
Juneau, Alaska 99801
(907) 465-4919 Office
(888) 465-4919 Toll Free

Alaska House of Representatives

Matt Claman



Interim:
1500 W. Benson Blvd.
Anchorage, AK 99503
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Serving District 21: Sand Lake, Spenard, and Turnagain

July 18, 2018

Director Erika McConnell
Alcohol & Marijuana Control Office
550 W. Seventh Avenue, Suite 1600
Anchorage, AK 99501

Re: Anchorage Ski Club's *Recreational Site* License Renewal

Dear Ms. McConnell:

We recently learned that the Alcoholic Beverage Control (ABC) Board has issued a notice of intent to recommend denial of the renewal of Anchorage Ski Club's recreational site liquor license. I respectfully request that you and the Board reconsider the recommended denial for the reasons set forth below. The ABC Board should approve the renewal request.

The Anchorage Ski Club (ASC) is a non-profit group that has seasonally operated the Afterglow Lounge at Alpenglow Lodge since first being issued a recreational site license in 2010. During this time, ASC has had no known violations or complaints. ASC operates approximately 50 days a season and is only open two days a week.

Sunset reviews of the ABC Board were conducted in 2014 and 2017. Both audits recommended that the ABC Board "should issue beverage dispensary licenses in accordance with statutory requirements." As you know, however, legislative auditors do not speak for the legislature and are not qualified to speak to legislative intent. Numerous federal and state court opinions recognize an administrative agency's authority to implement laws passed by the legislature. See, e.g., *Chevron USA, Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). When an agency interprets a law in a certain way, courts routinely defer to the administrative interpretation because the legislature, knowing about the administrative interpretation, has the authority to change the law if it believes the administrative agency is improperly applying the law.

I also read Administrative Law Judge Cheryl Mandala's opinion in the *Alaska Club* matter (OAH No. 16-0200-ABC, 29 Sept. 2016). The opinion provides a history of different proposed actions by the ABC Board that all ended in non-action. Some of the proposed prior actions, however,

Representative.Matt.Claman@akleg.gov

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appear to ignore the language of the statute that provides for a recreational site license “*during and one hour before and after a recreational event*” For example, memorandum to (former) Director Gifford (11 April 2011—see p. 6 of the opinion) suggests a license to sell beer and wine “one hour before and one hour after an event,” but does not all such sale *during* an event. Such an interpretation is inconsistent with the statutory language.

With regard to recreational site licenses, recognizing the legislature’s knowledge of past ABC practices related to the Anchorage Ski Club, the only reasonable conclusion for the legislature’s decision to make no changes to the existing statute is to enforce the law in a manner consistent with past practices. Sadly, the recommended denial of the license to ASC is an unwarranted departure from past practices.

Interestingly, in a January 3, 2017 letter to the legislative auditor, ABC Chairman Robert Klein stated that “[f]ollowing the 2014 sunset audit, the Board no longer issued new recreational site licenses that did not strictly adhere to the statute.” In 2016, as you know, the Board renewed ASC’s license. This 2016 renewal confirms that ASC was “strictly” adhering to the statute because the ABC Board approved the renewal. Now, in 2018, the legislature has not made any changes to the statute and ASC remains in compliance with the statute.

In your June 12, 2018 memorandum, you recommend the denial of ASC’s renewal, suggesting that the license doesn’t meet the statutory obligation under AS 04.11.210 (a) that the “holder of a recreational site license may sell beer and wine at a recreation site during and one hour before and after a recreational event” because there are not regular “competitive events” at the ski area. This analysis ignores reality: a day skiing at Arctic Valley Ski Area is a “recreational event” for all who participate.

The recommended denial also appears to rely on an improperly narrow interpretation of AS 04.11.210(c), which provides that “recreational site” *includes* a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.” (Emphasis added.) By suggesting that a “recreational event” is limited to a “competitive event” is inconsistent with the statutory language that only refers to “recreational” events. The word “competitive” does not appear in the AS 04.11.210. Thus, there is no basis to restrict “recreational events” to “competitive recreational events.”

While the ABC Board has engaged in considerable debate about the meaning of AS 04.11.210, the Board has never approved a regulation that limits “recreation sites” to the five sports listed by the Legislature. Instead, the ABC Board has issued recreational site licenses related to a variety of recreational activities—and the Legislature has not amended a statute that has been applied broadly. The Legislature’s refusal to modify the law confirms that the Legislature does not support a narrow interpretation of AS 0411.210.

Courts interpret the word “includes” to incorporate the phrase “includes, but not limited to.” A narrow construction of “recreational site” would require a different word in AS 04.11.210(c) that specifically limits what constitutes a “recreational site.” In summary, I do not believe there



is any legal or factual basis to find that the Arctic Valley Ski Area is not a "recreational site" for purposes of AS 04.11.210.

Finally, the suggestion in your memorandum (18 July 2018) that Arctic Valley does not have an "event" is not true. The "event" at Arctic Valley, like all downhill ski areas, is the opening and closing of the lifts. The recreational activity begins and ends with the opening and closing of the lifts. The days and hours of operation are published, and participants rely on those published schedules to make decisions about participating in the event.

Arctic Valley Ski Area has long been a staple in our community and it provides healthy winter sports recreation options. The addition of a liquor license in 2010 has helped to inspire new generations of Alaskans to discover the joy of skiing in the Chugach. It is good common-sense practice and in the public's interest to allow ASC to continue to operate its recreational site license.

I hope you will reconsider renewing Anchorage Ski Club's recreational site license and join me in supporting small Alaska non-profits that have positive impacts in our communities.

Sincerely,



Matt Claman

Cc: John Robinson-Wilson
General Manager, Arctic Valley Ski Area
Phone: (907) 351-3256
Email: gm@skiarctic.com



ALASKA STATE LEGISLATURE

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Rep.Jason.Grenn@akleg.gov



House Finance Committee

Dept. of Law
Finance Subcommittee
Chairman

Dept. of Administration
Finance Subcommittee
Chairman

REPRESENTATIVE JASON GRENN

July 20, 2018

Bob Klein, Board Chair
Alcohol Beverage Control Board
Alcohol & Marijuana Control Office
550 W. 7th Ave., Suite 1600
Anchorage, AK 99501

Re: Anchorage Ski Club License Renewal

Dear Chairman Klein:



I was recently contacted by several constituents who are members of the Anchorage Ski Club (ASC) concerning ASC's renewal of its recreational site license. It is my understanding ASC has held their license in good standing since 2010 and has, since that time, had its license renewed without issue. Despite this, Alcohol & Marijuana Control Office (AMCO) Director Erika McConnell is now recommending that the Alcoholic Beverage Control (ABC) Board deny ASC's license renewal, as there is apparently concern ASC does not meet necessary requirements. It is in this letter I would like to address these concerns, as I understand them.

As you likely are aware, the activities regularly held during a season at Arctic Valley Ski Area, the site for ASC's license, include skiing, snowboarding, and tubing. Most Alaskans, including myself, would consider these to be recreational activities, much like the events listed in the non-exhaustive definition for "recreational site" in Alaska Statute 04.11.210(c). Given that ASC's license is only effective during the ski season at Arctic Valley Ski Area while the public is recreating (up to one hour after), on its face the law does not appear to conflict with ASC's request for license renewal.

However, it appears a new interpretation of the statute by AMCO suggests that recreational events must be competitive in order to comply with the statute. While I respect AMCO's authority, I take concern with this position. Nowhere in AS 04.11.210 or accompanying statutes is there an explicit requirement that a "recreational site" host "competitive" sporting events.

Furthermore, legislative audits of recreational site licenses were conducted in both 2014 and 2017, neither of which identified ASC's license (or category of license) of concern. While the 2017 legislative audit identified 10 noncompliant recreational site licensees, ASC was not included in this list. In addition, nowhere in either the 2014 or 2017 audit did the Legislative Budget and Audit find

that a recreational event must be defined as a “competitive event.” The absence of concern over ASC’s recreational license in these documents only further supports the interpretation that Arctic Valley Ski Area does meet the statutory definition of a recreational site and the requirements in AS 04.11.210.

Given this information, along with the site’s good standing and service to Alaskans, I strongly urge the ABC Board to approve renewal of the Anchorage Ski Club’s recreational license. ASC’s license and the income it generates are important factors in ensuring ASC’s 80-year history of providing alpine recreation opportunities to Southcentral Alaska continues.

If you have any questions or would like to further discuss the legal intent of AS 04.11.210, please do not hesitate to contact my office. I look forward to following the outcome of this case, and thank you for your consideration of this matter.

Sincerely,



Representative Jason Grenn

House District 22

Proudly serving Sand Lake, Jewel Lake, West Dimond & Kincaid

CC: Erika McConnell, Director, AMCO
Sarah Oates, Program Coordinator- Licensing and Education Supervisor, AMCO



Representative Gary Knopp

District 30

SESSION:

State Capitol, Room 424
Juneau, AK 99801 - 1183
Phone: 907-465-2693



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145 Main Street Loop, Room 221
Kenai, Alaska 99611
907-283-2690

Ms. Erika McConnell, Director
Alcohol & Marijuana Control Office
550 W. 7th Ave. #1600
Anchorage, AK 99501

Ms. McConnell,

After hearing concerns from the Anchorage Ski Club regarding the non-renewal of their Recreational Site License I have reviewed the current statutes, regulations and the recent changes regarding consideration of precedent in the passage of HB 299.

I am writing to lend my support for the renewal of this license, without dispute. As it has been since 2010 when the license in question was first issued. I believe the points being made by the Club, concerned constituents and my colleagues are valid and should be taken into consideration.

Anchorage Ski Club is a non-profit group that is very community oriented. They offer countless beneficial activities to the surrounding communities. It would be a real shame to see the Club lose the assets of the Afterglow Lounge due to regulation mis-interpretation.

I urge you to reconsider your recommendation for denial to renew ASC Recreational Site License. If you have any questions, please feel free to contact my office at 907-283-2690.

Best regards,

Representative Gary Knopp
House District 30



Alaska State Legislature

Senator Anna MacKinnon – Senate District G

July 27, 2018

Alcohol & Marijuana Control Office
Members of the Alcohol Beverage Control Board
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Arctic Valley/Anchorage Ski Club Recreational Site License Renewal

Dear ABC Board Members,

Please accept this letter as my full support for the renewal of the Anchorage Ski Club's recreational site liquor license. I have received many emails from constituents and I am sure you have received many letters expressing the importance of the Anchorage Ski Club and the service it provides to our community, so I will keep my comments short and to the point.

Anchorage Ski Club is a beloved non-profit group providing a unique recreational experience within our community with their operation at the Arctic Valley ski area. As you are keenly aware, they have held a recreational site liquor license since 2010 and have been good stewards of that license and the responsibilities associated with being a licensee. After review of current state statute, along with the Division's history in defining recreational site licenses, I share many of the concerns outlined in Representative Claman's letter to you dated July 18, 2018. Specifically, I am concerned with Director McConnell's narrow interpretation of the statute along with the arbitrary decision that a recreational event must be a "competitive" event. In my professional opinion, the reasoning given by the Division in their intent to non-renew this license goes against legislative intent.

My colleagues and I stand ready to work with the Board if you believe there is an issue or ambiguity in the statute that needs to be addressed or clarified. Denying the club a license that they have lawfully adhered to since receiving it is simply wrong and not in line with the intent of the Legislature. Thank you for your attention to my full support of the Anchorage Ski Club's recreational license renewal. Your favorable decision would be appreciated.

Sincerely,

Anna L. MacKinnon

Senator Anna MacKinnon
Senate District G - Eagle River

Cc: Director Erika McConnell – Erika.McConnell@alaska.gov
John-Robinson-Wilson, General Manager, Arctic Valley Ski Area – sm@skiarctic.com

ALASKA STATE LEGISLATURE

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SENATOR KEVIN MEYER SENATE RULES COMMITTEE CHAIRMAN

July 18, 2018

Ms. Erika McConnell, Director
Alcohol & Marijuana Control Office
550 W 7th Ave #1600,
Anchorage, AK 99501

Ms. McConnell:

I write to offer my support for the renewal of the Anchorage Ski Club's recreational site license. It has recently come to my attention that AMCO will be recommending to not renew the license at the August 14th Alcoholic Beverage Control board's meeting. I believe this action would be misguided and will have a negative impact on our community, the Anchorage Ski Club (ASC), and those who enjoy recreation in the Arctic Valley Ski Area.

As I'm sure you are aware, in 2010, the club was granted a Recreational Site License that allows them to serve beer and wine during the operating hours of the ski area. Over the subsequent years, the small venue has become a gathering place for skiers, hikers, snowshoers, sledders, and other winter visitors to Arctic Valley. It provides an atmosphere where club members can engage with the public and recruit members, donors, and volunteers as well as promote their mission of providing a venue for outdoor recreation and education. Importantly, it has also provided a much-needed income stream to their non-profit operations.

On June 4, 2018, ASC received an email from you stating that AMCO no longer intends to recommend renewal because ASC does not host competitive events – a requirement that is not embedded in either the relevant statute or the interpreting regulations. In particular, 04.11.210(c) specifically states:

(c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

It is my understanding that the legislature did not intend to exclude particular sports or activities, but rather listed examples of activities that would be considered recreational in nature. Just like baseball, hockey, dog sledding, and curling – skiing, snowboarding, sledding and tubing are also important recreational activities that our community members enjoy.

On behalf of the Anchorage Ski Club, the Afterglow, the Arctic Valley Ski Area, and my many constituents that have reached out to me for advocacy, I request AMCO to recommend, and the ABC Board to approval renewal of, the Anchorage Ski Club's recreational site license.

Best Regards,



Senator Kevin Meyer
Senate District M



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, AK 99811-0800
Main: 907.465.2500
Fax: 907.465.5442

August 7, 2018

Bob Klein, Chair, Alcohol Beverage Control Board
Members of the Alcohol Beverage Control Board

Re: 4850 Arctic Valley Ski Area Recreational Site License Renewal

Dear Members of the Alcohol Beverage Control Board:

I have read Director Erika McConnell's June 12, 2018 memorandum, which includes the AMCO staff recommendation to deny renewal of the Arctic Valley Ski Area Recreational Site License. I respectfully disagree with the AMCO staff recommendation and write this letter to offer another perspective for your consideration during your deliberations on this renewal application.

It is my opinion that the staff recommendation erroneously interprets AS 04.11.210 and I offer a different interpretation to the Board for their consideration. Here are my observations on the AMCO Director's memorandum to the Board, which includes the staff recommendation to deny the renewal:

1. I don't think there's any doubt that Arctic Valley Ski Area is a "recreational site". Skiing is clearly a recreational event and is seasonal in nature.
2. The staff recommendation seems to rely entirely on a narrow interpretation of the term "recreational event" in AS 04.11.210 (a). The recommendation applies a narrow interpretation of the inclusionary definition of a "recreational site" in AS 04.11.210 (c). The staff interpretation of "recreational site" implies that **competitive** "events" are required to qualify as a "recreational site". I disagree.
3. The memorandum references language from legislative audits in 2014 and 2018, which identified improper issuance of recreational site licenses, in a manner that could prejudice the Board's deliberations on the renewal application because the legislative audit recommendation – in both audits – did not accurately reflect the statutory definition of "recreational sites". The definition in both audits left out an important qualifier contained in AS 04.11.210(c). The language from the audits erroneously defines recreational sites. Here is the language from the audits: "*Alaska Statute 04.11.210(c) defines recreational sites as locations where baseball games, car races, hockey games, dogsled racing events, or curling matches are regularly held during a season.*"

Alaska Statute 04.11.210(c) actually reads as follows (emphasis added):

AS 04.11.210 (c) *In this section, "recreational site" **includes** a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.*

August 7, 2018

Page 2

Leaving out the word “includes” changes the definition from an inclusionary interpretation to a narrow and exclusionary interpretation.

Additionally, the 2014 legislative audit included the following language (emphasis added):

“Of the 32 recreational licensees active during the audit period, the audit found 15 businesses (47 percent) did not meet the criteria for a recreational license. Ineligible businesses include bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls. These business types did not meet the definition of a recreational site nor were operations limited to a season. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.”

The 2018 legislative audit included the following language:

“The 10 noncompliant licensees noted above included travel tour companies, bowling alleys, an art council, a pool hall, a movie theater, and a spa.”

The examples given in both audits are not comparable, in my opinion, to the Arctic Valley Ski Area, which is clearly a “recreational site” and seasonal in nature. Arctic Valley Ski Area was an active licensee in 2014 and 2018 and was not called out as an example in either audit.

I recommend the Board approve renewing the recreational license for Arctic Valley Ski Area.

Thank you for considering my input on this issue.

Sincerely,



Mike Navarre
Commissioner

Municipal Clerk's Office

Approved

Date: July 17, 2018

Submitted by:

Prepared by:

Assembly Member Constant

Department of Law and

Member Constant

Municipal Attorney

July 17, 2018

Reviewed by:

For reading:

ANCHORAGE, ALASKA
AR No. 2018-217

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY IN SUPPORT OF THE**
2 **ANCHORAGE SKI CLUB AND THE RENEWAL OF ITS RECREATIONAL SITE LICENSE.**

5 **WHEREAS**, the Anchorage Ski Club (ASC) is the nonprofit that owns and operates Arctic Valley
6 Ski Area; and

8 **WHEREAS**, ASC has operated Arctic Valley for over 80 years, since 1937, in the Anchorage
9 area; and

11 **WHEREAS**, over the last 80 years of operating the ski area, ASC has established itself as an
12 alpine recreation institution within Southcentral Alaska with deep community ties; and

14 **WHEREAS**, since ASC's formation, the Arctic Valley Ski Area was incorporated into Chugach
15 State Park; and

17 **WHEREAS**, ASC offers the public access to skiing, snowboarding, hiking, and berry picking
18 opportunities in Chugach State Park where access would not otherwise exist; and

20 **WHEREAS**, ASC has wide community support with over 400 members and thousands more
21 patrons using the area to ski, snowboard, tube, hike, and berry pick; and

23 **WHEREAS**, ASC operates the Alpenglow Lodge at Arctic Valley as part of its ski and lodge-rental
24 operations; and

26 **WHEREAS**, in 2010, ASC, d/b/a Arctic Valley Ski Area, obtained recreational site license-
27 seasonal #4850 pursuant to A.S. 04.11.210 from the State Alcoholic Beverage Control (ABC)
28 Board; and

30 **WHEREAS**, soon thereafter, ASC introduced the "Afterglow," a portion of the Alpenglow Lodge
31 where beer and wine is served pursuant to recreational site license-seasonal #4850; and

33 **WHEREAS**, the Afterglow rapidly became a place where patrons congregate after skiing,
34 snowboarding, and tubing to commune and foster relationships with ASC and fellow outdoor
35 enthusiasts; and

37 **WHEREAS**, as a result of the community cultivated at the Afterglow, ASC has seen an increase
38 in membership, donations, volunteers, board members, and stewards of ASC, Arctic Valley, and
39 the Chugach State Park; and

41 **WHEREAS**, ASC also derives income from recreational site license-seasonal #4850 which it
42 relies upon for critical operational costs; and

44 **WHEREAS**, since obtaining recreational site license-seasonal #4850 in 2010, ASC's license has
45 been renewed without issue or concern with license compliance by the ABC; and

1
2 **WHEREAS**, ASC's recreational site license-seasonal #4850 is up for renewal and will be
3 considered at the ABC Board's August 14, 2018 meeting; and

4
5 **WHEREAS**, on February 27, 2018, the Assembly approved AM 121-2018, submitting its non-
6 objection to the renewal to the ABC Board; and

7
8 **WHEREAS**, the Municipality's records indicate that since 2010 ASC has had no known violations
9 of Municipal Code or ABC Board violations and/or incidents that would lead to an ABC Board
10 violation; and

11
12 **WHEREAS**, despite ASC's history of license compliance and consistency with the statutory
13 requirements for a recreational site license-seasonal, the Director of the Alcohol & Marijuana
14 Control Office (AMCO) is recommending that the ABC Board deny renewal of ASC's license; and

15
16 **WHEREAS**, in light of the Municipality of Anchorage's non-objection to the renewal of the
17 recreational site license, and in acknowledgement of the importance of the ASC to the Anchorage
18 community, and the importance of consistency in the application of licensing requirements for
19 local businesses, now, therefore,

20
21 **THE ANCHORAGE ASSEMBLY RESOLVES:**

22
23 **Section 1.** The Assembly acknowledges and supports ASC as a valuable community partner
24 that has served the Anchorage and Southcentral Alaska Community since 1937. In light of ASC's
25 record of compliance with Municipal Code and State licensing requirements, the Assembly re-
26 affirms its non-objection to the renewal of ASC's recreational site license-seasonal # 4850.
27 Moreover, the Assembly hereby expresses its affirmative support for consistent application of
28 liquor licensing standards and, thus, for the renewal of ASC's recreational site license-seasonal
29 #4850.

30
31 **Section 2.** A copy of this Assembly Resolution shall be presented to AMCO and to the ABC
32 Board as proof that the Anchorage Assembly, as the local governing body, has stated its non-
33 objection and its affirmative support for renewal of recreational site license-seasonal #4850.

34
35 **Section 3.** This resolution shall be effective immediately upon passage and approval by the
36 Anchorage Assembly.

37
38 PASSED AND APPROVED by the Anchorage Assembly this 17th day of July, 2018.

39
40
41
42 
43 _____
44 Chair

45 ATTEST:

46 
47 _____
48 Municipal Clerk
49



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907-243-5555 / 907-243-1111 (fax)
beirae@gci.net

Cell Phone: 509-670-5299
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July 27, 2018

Alcoholic Beverage Control Board
Attention: Erika McConnell, Director

Dear Board Members:

The reason for this letter is two-fold:

(1) Why did Director McConnell arbitrarily change her position re the ASC liquor license renewal from one of support in April to one of denial by the June ABC meeting. I would also like to know why the ASC's Letter was not included in the June Meeting BOD Packet?

(2) I wish to extol the virtues of the Anchorage Ski Club. As a lifelong Alaskan I was raised in Anchorage and grew up skiing at Arctic Valley in the early 1950s. My husband and I have been Life Members of the Anchorage Ski Club for nearly 60 years; we both served on the Board of Directors. I was Treasurer and Accountant for four years during the early 2000s when ASC and the area were having financial problems and continue to serve as a Voluntary BOD Advisor for matters related to accounting.

ASC an 80-year history of serving the local recreational community in the Greater Anchorage Area. Our ski area was in existence before the creation of the State Park. During the last ten years, ASC, under the direction of an extremely active and involved Board and a large, unbelievably dedicated group of volunteers, has become a very viable organization with a healthy financial picture. The area and its excellent facilities are now run and maintained primarily by volunteers under the direction of a salaried General Manager. The area offers social and recreational activities to the general public which include summer hiking and berry-picking, winter skiing (downhill and cross-country), snowboarding, tubing in a lighted tube park, and year around lodge rentals for all types of events. We also host other types of sporting events and concerts. Beginning in the fall of 2018, ASC will once again sponsor a Youth Ski-Racing and Training Program.

Obtaining the recreational site liquor license in 2010 allowed ASC to create an area in our lodge where individuals can meet and mingle. On ski afternoons there is live music. This has provided a fabulous opportunity for individuals new to the area to meet our ski and sporting population, to become familiar with our organization and has helped us greatly expand our critical volunteer base.

I encourage you to approve and renew the recreational site liquor license for the Anchorage Ski Club. This organization meets the parameters of this type of license and has been operating peacefully and successfully under its current license since 2010.

Respectfully,

Rae B. Kozlowski



John Robinson-Wilson <john.robinsonwilson@gmail.com>

License renewal comments

1 message

Sage Cohen <sageabroad@gmail.com>

To: gm@skiarctic.com

Tue, Jun 12, 2018 at 11:29 PM

As a long time member of the Arctic Ski Club, I urge the ABC to renew our license. This ski area is an amazing community venue. It is affordable and family friendly. The opportunity to enjoy a local craft beer and free snacks there keeps skiers and their families around for an extra hour after the lifts close, encouraging social connection and enjoyment. The revenue is important to the maintenance, improvement and expansion of recreational opportunities. There have been no problems since the license was first granted. And in the end, the bar is open only a couple dozen days a year.

Sage Cohen



P.O. Box 924 Palmer, AK 99645 (907) 746-7277

June 25, 2018

To Whom it May Concern:

Arctic Valley Ski Area

Re: Recreation Site License

Hatcher Alpine Xperience (HAX) is a non-profit community alpine ski group developing Skeetawk, an alpine ski area located at mile 10.6 Palmer Fishhook Road within the Hatcher Pass Area. The HAX Board of Directors supports the Anchorage Ski Club in maintaining their recreational site license pursuant to A.S. 04.11.210 from the ABC Board.

Anchorage Ski Club has a long history of responsible management under its recreational site license; its operation of the Alpenglow Lodge at Arctic Valley serves as a stellar example of outdoor recreation, community activity and responsible alcohol management. Plans for a lodge and community facility are in our organization's development plans for Skeetawk, and our ability to apply and acquire a recreation site license under the same statute is in jeopardy with these proposed changes. A safe, managed location where mountain patrons can gather after skiing, snowboarding, sledding, snowshoeing or other winter snow sports greatly helps increase the overall safety of the area by reducing unlawful alcohol consumption in parking lots, roadways and by minors. Arctic Valley is not a license of concern by the ABC Board and a non-renewal of their recreation site license would be a financial and community detriment to the ski area.

Hatcher Alpine Xperience fully supports the Anchorage Ski Club in their renewal of the recreational site license under A.S. 04.11.210 for the lodge at Arctic Valley.

Sincerely,

Amy O'Connor - Executive Director

www.skeetawk.com

Hatcher Alpine Xperience

amy@skeetawk.com



John Robinson-Wilson <john.robinsonwilson@gmail.com>

Written comment to ABC Board

1 message

Maria Benner <mariabenner@outlook.com>
To: "gm@skiarctic.com" <gm@skiarctic.com>

Wed, Jun 13, 2018 at 11:24 AM

To the ABC Board,

I'd like to submit a written comment in support of renewal of Arctic Valley's beer and wine license.

I have been skiing at Arctic Valley for 23 years. It is a great community of Anchorage's alpine sport enthusiasts, and the bar is a place to exchange stories about the day on the mountain. I have never witnessed bartenders being irresponsible servers, or anyone ever being out of control due to alcohol consumption. I know of no reason not to renew the license which has been renewed since 2010 with no issues, and I will be extremely disappointed if it does not get renewed. The bar provides much needed income to the ski area, and is an important part of the experience on the mountain.

Thank you,
Maria Benner

Business & Marketing Manager

www.RealArtIsBetter.com



Rae B. Kozlowski Professional Services
4620 Emerald Circle Anchorage, AK 99502-5120
907-243-5555 / 907-243-1111 (fax)
beirae@gci.net

Cell Phone: 509-670-5299
E-Mail: raebkoz@gmail.com

July 27, 2018

Alcoholic Beverage Control Board
Attention: Erika McConnell, Director

Dear Board Members:

The reason for this letter is two-fold:

(1) Why did Director McConnell arbitrarily change her position re the ASC liquor license renewal from one of support in April to one of denial by the June ABC meeting. I would also like to know why the ASC's Letter was not included in the June Meeting BOD Packet?

(2) I wish to extol the virtues of the Anchorage Ski Club. As a lifelong Alaskan I was raised in Anchorage and grew up skiing at Arctic Valley in the early 1950s. My husband and I have been Life Members of the Anchorage Ski Club for nearly 60 years; we both served on the Board of Directors. I was Treasurer and Accountant for four years during the early 2000s when ASC and the area were having financial problems and continue to serve as a Voluntary BOD Advisor for matters related to accounting.

ASC an 80-year history of serving the local recreational community in the Greater Anchorage Area. Our ski area was in existence before the creation of the State Park. During the last ten years, ASC, under the direction of an extremely active and involved Board and a large, unbelievably dedicated group of volunteers, has become a very viable organization with a healthy financial picture. The area and its excellent facilities are now run and maintained primarily by volunteers under the direction of a salaried General Manager. The area offers social and recreational activities to the general public which include summer hiking and berry-picking, winter skiing (downhill and cross-country), snowboarding, tubing in a lighted tube park, and year around lodge rentals for all types of events. We also host other types of sporting events and concerts. Beginning in the fall of 2018, ASC will once again sponsor a Youth Ski-Racing and Training Program.

Obtaining the recreational site liquor license in 2010 allowed ASC to create an area in our lodge where individuals can meet and mingle. On ski afternoons there is live music. This has provided a fabulous opportunity for individuals new to the area to meet our ski and sporting population, to become familiar with our organization and has helped us greatly expand our critical volunteer base.

I encourage you to approve and renew the recreational site liquor license for the Anchorage Ski Club. This organization meets the parameters of this type of license and has been operating peacefully and successfully under its current license since 2010.

Respectfully,

Rae B. Kozlowski



John Robinson-Wilson <john.robinsonwilson@gmail.com>

Support for Renewal of Arctic Valley Liquor License

Cleve Cowles <ceejaycee5@yahoo.com>
To: gm@skiarctic.com

Wed, Jun 13, 2018 at 12:48 PM

Attn: ABC Board

This letter is to provide my support for renewal of the Arctic Valley Liquor License. This license provides essential income to the ski area's overall operation and its continued success as a vital winter recreation area near Eagle River and Anchorage.

- * The permit has been renewed every two years since being granted in 2010 without issue
- * The facility serving under the permit is only open during the winter season, operating limited days and hours in conjunction with skiing and tubing activities
- * Having the license has led to a larger, more involved community at Arctic Valley, that supports the club's activities and helps to fund improvements and increased recreational opportunities

I must emphasize how important a resource the Arctic Valley ski area and it's continued financial success is to the town of Eagle River. You can drive up to its ski slopes in about one-half an hour from downtown Eagle River and ski at reasonable cost, which you cannot do going by highway from Eagle River to any other downhill ski operation. I consider the renewal of the license under your jurisdiction as vital to the continued accessibility of down-hill skiing for Eagle River residents. Please continue to approve this license.

Thank you for consideration of the above support for the renewal of the Arctic Valley Liquor License.

Sincerely,

Cleve Cowles
17433 Kantishna Drive
Eagle River, Alaska 99577



John Robinson-Wilson <john.robinsonwilson@gmail.com>

Recreational Site License

1 message

Carl Olson <carl.f.olson@gmail.com>

Tue, Jun 12, 2018 at 9:22 PM

To: gm@skiarctic.com

I support Arctic Valley's renewal of its recreational site license because it meets the definition of a recreational site. Skiing and tubing is clearly a recreational event of the type listed in AS 04.11.210. In addition, the license has been renewed every two years since being granted in 2010 without issue and is open during the winter season, operating limited days and hours in conjunction with our skiing and tubing activities.

Carl Olson

From: sage cohen
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Arctic Valley beer License
Date: Monday, August 06, 2018 7:34:18 PM

As a long-time Anchorage resident, and volunteer and skier at Arctic Valley, i urge the Board to continue to allow the apes ski bar to continue to sell beer and wine. Arctic Valley is near to Anchorage, and completely affordable. Especially compared to Alyeska. Volunteers can ski free. Members get to ski free once a month. There are fun events held there, in October and in April. There are family events and weddings and funeral services there. The area often has skiers with disabilities such as Down's Syndrome or Deafness sharing the hill.

All of this is possible in part because of the beer sales revenue. Without these funds, the area could not continue to improve it's offerings to the ruble. I can't understand why the Board would consider revoking the license-especially when there is so much support for things to continue.

Maybe the rules need modifying if you feel there is a technicality that is not satisfied. Maybe you should just leave well enough alone.

Sincerely,
Sage Cohen
1236 Nelchina
Anchorage, AK 99501

Ski club member since 1989.



Arctic Valley and Anchorage Ski Club Supporters: Tell the ABC Board skiing, snowboarding, and tubing *are* recreational events!

Sign the petition here!

Anchorage Ski Club's beer and wine license is up for renewal. The Alcohol and Marijuana Control Office's executive director is recommending denial of our recreational site alcohol license because she does not think skiing, snowboarding, and tubing are recreational events. **No permit = no beer and wine at the lodge.** Tell ABC that just like baseball, hockey, or curling, skiing, snowboarding, and tubing are important recreational events too! And equally important, that the Alpenglow Bar creates community and turns ski area patrons into supporters of our beautiful Arctic Valley!

Want to do more? Jot down your email address and we'll help you write your state legislators and call in to the ABC Board meeting in August. Follow updates on Facebook at Arctic Valley Ski Area.



ARCTIC VALLEY

Name

Email Address

1. Greg Durocher
2. Thomas Henry
3. Kyle Thacker
4. Thomas Day
5. Drew von Lindern
6. Ryan G. Webb
7. Carroll Jams
8. Rachael Scutner
9. Casey Caenith-Hinchey
10. Colleen M Kirkpatrick
11. Bryan M. Kirkpatrick
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____

A large rectangular area of the page is completely redacted with a solid gray color, obscuring all names listed below it.

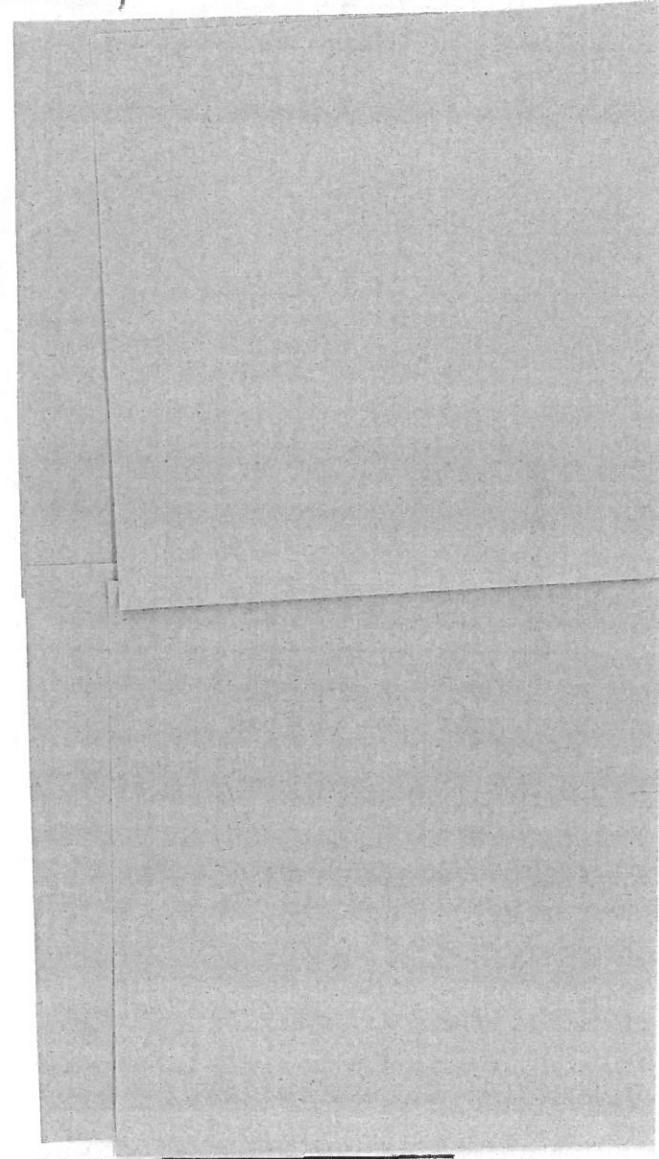


Sign

e mail
↓

ARCTIC VALLEY

20. Patricia Webster
21. Pat Ulm
22. Ron Wold
23. Taylor Sitter
24. Luke, Dugay,
25. Frank Laff
26. Craig
27. ...
28. Marilyn
29. Adrienne Palmer
30. Jay Bennett
31. _____
32. _____
33. _____
34. _____
35. _____
36. _____
37. _____
38. _____
39. _____
40. _____



PLEASE
READ



SIGN THIS.



ARCTIC VALLEY

Name _____

Email Address

1. Linette Cook
 2. Tim Cook
 3. TAPIA Stover
 4. Tina Lynch
 5. Marc Stover
 6. Amy Rupp
 7. Travis Rupp
 8. Avery Williams
 9. Andrew BENNETT
 10. TRAVIS BENNETT
 11. Bethany Centofanti
 12. JADE RICKARD
 13. JESS McCabe
 14. NICK NACIASZEK
 15. Daniel Pyne
 16. Kayla Carlson
 17. Katie Caswell
 18. Shanna Davidson
 19. NYC

PLEASE
READ



SIGN
HERE
↓

ARCTIC VALLEY Email

20. Emme & deneskie
21. Deni & Violet
22. Nicole Chickito
23. Megan Williams
24. Note Williams
25. JOHN YOUNG
26. Elizabeth Martley
27. Jeanne Gonzall
28. Kelly Ryan
29. Timothy Hillier
30. Rob Hillier
31. SALEM KEE
32. Paul Laverty
33. James Knudsen
34. Mir Czerw
35. Lynn Mayberry But
36. Michael Boeniu
37. Dick Tolman
38. Sandra Halsheid
39. John Ferguson
40. Kelly Brown



ARCTIC VALLEY email

41. H. Lee
42. Kimie Eggermen
43. Rumber Hiller
44. Patrick Marchant
45. Manuel Buzollo
46. Ham. Need
47. Tina Rivera
48. Alyanna Lind
49. Maggie Helden
50. Christopher McKey
51. Vincent Fisher
52. Linda Shepard
53. Marshall
54. Cynthia Williams
55. Ray Uhlots
56. J. G.
57. J. Dell
58. Beth Clephanir
59. Erica
60. Ken (Sara Perman)
61. Jane Franklin



ARCTIC VALLEY

62. Kerstin GaHendam
63. Naomi Ducharme
64. Brian Gorick
65. Robin Valentine
66. Viola Armitstead
67. Nealle Simpson
68. Anna Goldsmith
69. Bruce Reim
70. Patrick Lumsden
71. Rebecca Van Wyk
(Christine)
72. Tom Land
73. Mike Schweser
75. Abby Lunn
76. Brad Shepherd
77. Will Taylor
78. Lita Merrill
79. Michelle Moore
80. Craig Hodges
81. Michael Ann Cashman
82. Todd Santangelo



Sign ARCTIC VALLEY small

83. Robert E. Cox
84. Archelle Juckland
85. Gina Lindsey
86. Bartley Nash
87. Bryan Tipping
88. Chelsey Deans-Pelt
89. AMM
90. Alyce
91. Julie Carlson
92. John Smith
93. Angie Hamill
94. Alan Wiley
95. Anna Oj
96. Chelsay Ford
97. David Lord
98. Frank Lomuscio
99. Angelina McMichael
100. Krista Schaefer
101. Laura
102. Veronica Orozco
103. A. H.

Recipient: Alaska Alcoholic Beverage Control Board

Letter: Greetings,

Anchorage Ski Club's beer and wine license is up for renewal. The Alcohol and Marijuana Control Office's executive director is recommending denial of our recreational site alcohol license because she does not think skiing, snowboarding, and tubing are recreational events. No permit = no beer and wine at the lodge. Fortunately, AMCO's executive director does not have the final say on our license.

The Alcoholic Beverage Control Board will make a decision on our license at their August 14th meeting. Tell the ABC Board that just like baseball, hockey, or curling, skiing, snowboarding, and tubing are important recreational events too! And equally important, that the Afterglow Pub creates community and turns ski area patrons into supporters of our beautiful Arctic Valley!

Signatures

| Name | Location | Date |
|----------------------|---------------|------------|
| John Robinson-Wilson | US | 2018-07-10 |
| Daniel Jensen | Anchorage, AK | 2018-07-11 |
| Tanya Hutchison | Fairbanks, AK | 2018-07-11 |
| Maria Benner | Anchorage, AK | 2018-07-11 |
| William Zollinger | Anchorage, AK | 2018-07-11 |
| Doug White | Anchorage, AK | 2018-07-11 |
| Gianna Foltz | New York, NY | 2018-07-11 |
| Carl Olson | Anchorage, AK | 2018-07-11 |
| Ryan Astalos | Anchorage, AK | 2018-07-11 |
| Stephanie Millane | Seward, AK | 2018-07-11 |
| Thomas Woods | Anchorage, AK | 2018-07-11 |
| karen loeffler | Anchorage, AK | 2018-07-11 |
| Tucker Coleman | wasilla, AK | 2018-07-11 |
| Shayla Glore | Anchorage, AK | 2018-07-11 |
| Laird McBride JR | Anchorage, AK | 2018-07-11 |
| john fowler | Homer, AK | 2018-07-11 |
| Johnna Minemyer | Anchorage, AK | 2018-07-11 |
| Vaughn Kelly | Palmer, AK | 2018-07-11 |
| Kristen Stadtmiller | Anchorage, AK | 2018-07-11 |
| Haylea Sreeton | Wasilla, AK | 2018-07-11 |

| Name | Location | Date |
|-------------------|-------------------|------------|
| Cheryl Myers | Anchorage, AK | 2018-07-11 |
| Erin Lidgard | Anchorage, AK | 2018-07-11 |
| Lesa Zimnawoda | Anchorage, AK | 2018-07-11 |
| Eric McCallum | Anchorage, AK | 2018-07-11 |
| Chris Marrano | Anchorage, AK | 2018-07-11 |
| Benjamin Crawford | Anchorage, AK | 2018-07-11 |
| Shanna Zuspan | Anchorage, AK | 2018-07-11 |
| Jennifer Schober | Chugiak, AK | 2018-07-11 |
| Kelly Chang | Anchorage, AK | 2018-07-11 |
| Jeanette Legenza | Eagle River, AK | 2018-07-11 |
| Peter Henderson | Anchorage, AK | 2018-07-11 |
| George Hoelzel | Anchorage, AK | 2018-07-11 |
| Jessica Hogan | Hope, AK | 2018-07-11 |
| Charlene Walker | Anchorage, AK | 2018-07-11 |
| Elizabeth Sharp | Indian, AK | 2018-07-11 |
| Jennifer Smith | Anchorage, AK | 2018-07-11 |
| Paula Archer | Anchorage, AK | 2018-07-11 |
| Brett Krenzelok | Anchorage, AK | 2018-07-11 |
| Laurie Wood | Auburn, WA | 2018-07-11 |
| Joe Kurtak | Anchorage, AK | 2018-07-11 |
| John Wirth | Elmendorf Afb, AK | 2018-07-11 |
| Russel Dudley | Anchorage, AK | 2018-07-11 |

| Name | Location | Date |
|-------------------------|-----------------|------------|
| Brian Zematis | Seattle, WA | 2018-07-11 |
| Dora Krenzelok | Anchorage, AK | 2018-07-11 |
| Sara Kamahale | Anchorage, AK | 2018-07-11 |
| George Hoden | Palmer, AK | 2018-07-11 |
| Kate O'Brien | Anchorage, AK | 2018-07-11 |
| Wendy Weber | Anchorage, AK | 2018-07-11 |
| Peter hook | Anchorage, AK | 2018-07-11 |
| Jeremy Beheler | Anchorage, AK | 2018-07-11 |
| Connor Keesecker | Anchorage, AK | 2018-07-11 |
| Prairie Hady | Anchorage, AK | 2018-07-11 |
| Alicia Ramirez | US | 2018-07-11 |
| Sean Teeter | Anhorage, AK | 2018-07-11 |
| Ximena Williams Olivera | Anchorage, AK | 2018-07-11 |
| Aileen Cole | Anchorage, AK | 2018-07-11 |
| Tom Merritt | Anchorage, AK | 2018-07-11 |
| Gillian ODoherty | Anchorage, AK | 2018-07-11 |
| John Andrews | Eagle River, AK | 2018-07-11 |
| Jonathan Mick | Anchorage, AK | 2018-07-11 |
| Brian Uher-Koch | Anchorage, AK | 2018-07-11 |
| Jeremy Vancil | Anchorage, AK | 2018-07-11 |
| Mark Heysell | Anchorage, AK | 2018-07-11 |
| Stephen Stone | Denali Park, AK | 2018-07-11 |

| Name | Location | Date |
|-------------------|-----------------|------------|
| Michael Vechter | Anchorage, AK | 2018-07-11 |
| Travis Neff | Anchorage, AK | 2018-07-11 |
| Molly Lanphier | Anchorage, AK | 2018-07-11 |
| Richard Piraino | Anchorage, AZ | 2018-07-11 |
| Jessica Cederberg | Anchorage, AK | 2018-07-11 |
| Megan White | Jber, AK | 2018-07-11 |
| Storm Carl | Eagle River, AK | 2018-07-11 |
| Ileana Olmedo | US | 2018-07-11 |
| Zack Fields | Anchorage, AK | 2018-07-11 |
| Brian Huling | Anchorage, AK | 2018-07-11 |
| Bill Byl | Anchorage, AK | 2018-07-11 |
| Debra McAllester | Anchorage, AK | 2018-07-11 |
| Wendy Baumeister | Anchorage, AK | 2018-07-11 |
| Tanya Cullens | Anchorage, AK | 2018-07-11 |
| Delmore Kinney | Anchorage, AK | 2018-07-11 |
| Gary Bailey | Anchorage, AK | 2018-07-11 |
| Clayton Beethe | Anchorage, AK | 2018-07-11 |
| Tracie Pierce | Anchorage, AK | 2018-07-11 |
| Richard Todd | Eagle River, AK | 2018-07-11 |
| Amber Johnson | Anchorage, AK | 2018-07-11 |
| Emily McDonald | Anchorage, AK | 2018-07-11 |
| Laurie Fagnani | Anchorage, AK | 2018-07-11 |

| Name | Location | Date |
|-------------------|-----------------|------------|
| Christopher Scott | Girdwood, AK | 2018-07-11 |
| Martha Rosenstein | Anchorage, AK | 2018-07-11 |
| Adam Brownfield | Anchorage, AK | 2018-07-11 |
| John Wanek | Eagle River, AK | 2018-07-11 |
| Neil Waggoner | Anchorage, AK | 2018-07-11 |
| Brittney Booton | Anchorage, AK | 2018-07-11 |
| Jessica Graziano | Anchorage, AK | 2018-07-11 |
| Callie Lanphier | ANCHORAGE, AK | 2018-07-11 |
| Rebecca Love | ANchorage, AK | 2018-07-11 |
| Suzanne Todd | Anchorage, AK | 2018-07-11 |
| Leslie Patton | Chugiak, AK | 2018-07-11 |
| george rhyneer | Wasilla, AK | 2018-07-11 |
| Darcy Kriefel | Anchorage, AK | 2018-07-11 |
| Wanda Ehmann | Anchorage, AK | 2018-07-11 |
| Chris Block | Anchorage, AK | 2018-07-11 |
| Carolee Scripture | Palmer, AK | 2018-07-11 |
| Peter Hall | Anchorage, AK | 2018-07-11 |
| Derek Kleehammer | Anchorage, AK | 2018-07-11 |
| Christine Taylor | Eagle River, AK | 2018-07-11 |
| Neff Anastasio | Eagle River, AK | 2018-07-11 |
| Marnie Kaler | Anchorage, AK | 2018-07-11 |
| Richard Dembroski | Wasilla, AK | 2018-07-11 |

| Name | Location | Date |
|--------------------|------------------|------------|
| Cassandra Barsalou | Anchorage, AK | 2018-07-11 |
| Lauree BERTRAND | Anchorage, AK | 2018-07-11 |
| Ben Mohr | Anchorage, AK | 2018-07-11 |
| Patricia Christian | Eagle River, AK | 2018-07-11 |
| John Lauterbach | Anchorage, AK | 2018-07-11 |
| Corinne Cogger | Anchorage, AK | 2018-07-11 |
| Cord Dufford | Anchorage, AK | 2018-07-11 |
| Ashton Ramos | US | 2018-07-11 |
| Nataniel Fazilov | US | 2018-07-11 |
| John Oldford | US | 2018-07-11 |
| Mara Severin | Anchorage, AK | 2018-07-11 |
| Shannon Niessink | Anchorage, AK | 2018-07-11 |
| jonathan Taylor | Clarksburg, MD | 2018-07-11 |
| John Evingson | Anchorage, AK | 2018-07-11 |
| Caryn Hafer | Anchorage, AK | 2018-07-11 |
| Krystal Blair | Anchorage, AK | 2018-07-11 |
| Grada Groen | Grand Rapids, MI | 2018-07-11 |
| Jamie Miller | Anchorage, AK | 2018-07-11 |
| Jessica Marabate | Anchorage, AK | 2018-07-11 |
| Sean Ruddy | Parsippany, NJ | 2018-07-11 |
| Troy Aumann | Anchorage, AK | 2018-07-11 |
| Bill Howell | Sterling, AK | 2018-07-11 |

| Name | Location | Date |
|---------------------|--------------------------|------------|
| Alice Sullivan | Chugiak, AK | 2018-07-11 |
| Kamala Stiner | Anchorage, AK | 2018-07-11 |
| Mark Nelson | Chugiak, AK | 2018-07-11 |
| Matthew cook | Anchorage, AK | 2018-07-11 |
| Clarence Harding | Wasilla, AK | 2018-07-11 |
| andrew meltzer | Anchorage, AK | 2018-07-11 |
| Zack Lanphier | Wasilla, AK | 2018-07-11 |
| Neil Barnack | Eagle River, AK | 2018-07-11 |
| Heather Helgeson | Anchorage, AK | 2018-07-11 |
| Shannon Vivian | Anchorage, AK | 2018-07-11 |
| Mike Parmenter | Anchorage, AK | 2018-07-11 |
| lynn boots | Anchorage, AK | 2018-07-11 |
| Jobi Stiers | Aberdeen, WA | 2018-07-11 |
| Tyler Buckingham | Anchorage, AK | 2018-07-11 |
| Pamela Edwards | Anchorage, AK | 2018-07-11 |
| DawnRae Dufford | Anchorage, AK | 2018-07-11 |
| Noah Sell | Anchorage, AK | 2018-07-11 |
| Tamara Shumaker | US | 2018-07-11 |
| Heather Jarvela | Auburn Hills, MI | 2018-07-11 |
| Danielle Santillana | Alaska Peninsula Nwr, AK | 2018-07-11 |
| craig zematis | Anchorage, AK | 2018-07-11 |
| Jessica Galli | Wasilla, AK | 2018-07-11 |

| Name | Location | Date |
|-------------------|------------------|------------|
| Melanie Rush | Anchorage, AK | 2018-07-11 |
| Michelle Taylor | Anchorage, AK | 2018-07-11 |
| Andrea Swanson | US | 2018-07-11 |
| John Hess | Anchorage, AK | 2018-07-11 |
| Nicholas Conrad | Anchorage, AK | 2018-07-11 |
| Tulio Perez | Anchorage, AK | 2018-07-11 |
| Alena Jones | Santa Monica, CA | 2018-07-11 |
| Greg Matyas | Anchorage, AK | 2018-07-11 |
| Bryan Kirkpatrick | Anchorage, AK | 2018-07-11 |
| Chrystle Tebo | Anchorage, AK | 2018-07-11 |
| Serena Coons | Anchorage, AK | 2018-07-11 |
| Shandon Palmer | Anchorage, AK | 2018-07-11 |
| Katie Sherwood | Anchorage, AK | 2018-07-11 |
| Joseph Tranquilla | Palmer, AK | 2018-07-11 |
| Jorge Garcia | Anchorage, AK | 2018-07-11 |
| Eryn Boone | Anchorage, AK | 2018-07-11 |
| Frank Flavin | Anchorage, AK | 2018-07-11 |
| Sierra Millington | Anchorage, AK | 2018-07-11 |
| Michael Mraz | Anchorage, AK | 2018-07-11 |
| Ronald Winkelmann | Chugiak, AK | 2018-07-11 |
| Andrew Cooley | Providence, RI | 2018-07-11 |
| Greg Stafford | Anchorage, AK | 2018-07-11 |

| Name | Location | Date |
|------------------|-----------------|------------|
| Alfredo Lastra | US | 2018-07-11 |
| Lee Henry | Juneau, AK | 2018-07-11 |
| Ray Perkins | Anchorage, AK | 2018-07-11 |
| Beth Steele | Anchorage, AK | 2018-07-11 |
| Tom Brand | Palmer, AK | 2018-07-11 |
| Jeff Tucker | Kenai, AK | 2018-07-11 |
| andrew curtin | Anchorage, AK | 2018-07-11 |
| Kristina Mattle | Anchorage, AK | 2018-07-11 |
| Lanny Mommsen | Anchorage, AK | 2018-07-11 |
| Jennifer Gordon | Anchorage, AK | 2018-07-11 |
| Stephanie Hala | Chugiak, AK | 2018-07-12 |
| jeb wells | US | 2018-07-12 |
| Enrique Sanchez | US | 2018-07-12 |
| Alberto Castillo | US | 2018-07-12 |
| Autumn Meloy | Anchorage, AK | 2018-07-12 |
| Pete Lyford | Wasilla, AK | 2018-07-12 |
| Anmei Goldsmith | Anchorage, AK | 2018-07-12 |
| Robyn Langlie | Anchorage, AK | 2018-07-12 |
| Jack O'Brien | Eagle River, AK | 2018-07-12 |
| Wade Kleven | Anchorage, AK | 2018-07-12 |
| Kennis Brady | Anchorage, AK | 2018-07-12 |
| Dave Thiede | Wasilla, AK | 2018-07-12 |

| Name | Location | Date |
|-----------------|-------------------|------------|
| Haley Durham | US | 2018-07-12 |
| Donna Bach | Anchorage, AK | 2018-07-12 |
| Olivia Sims | Anchorage, AK | 2018-07-12 |
| william vick | US | 2018-07-12 |
| Zyler Naito | US | 2018-07-12 |
| Emily Poray | Eagle River, AK | 2018-07-12 |
| Joan Antonson | Anchorage, AK | 2018-07-12 |
| C W | Wasilla, AK | 2018-07-12 |
| Dru Tucker | Annapolis, MD | 2018-07-12 |
| Brian Bivinetto | US | 2018-07-12 |
| Sage Cohen | Anchorage, AK | 2018-07-12 |
| Shari Daugherty | Anchor Point, AK | 2018-07-12 |
| Dana Nunn | Anchorage, AK | 2018-07-12 |
| Hammad Rustam | US | 2018-07-12 |
| Blough Alanna | Anchorage, AK | 2018-07-12 |
| Justin Brubaker | Anchorage, AK | 2018-07-12 |
| Regina Rovira | Elmendorf Afb, AK | 2018-07-12 |
| Hayley Bowden | Malden, MA | 2018-07-12 |
| Elliot Riling | Anchorage, AK | 2018-07-12 |
| Thomas Poray | Eagle river, AK | 2018-07-12 |
| Tony Restivo | Taholah, WA | 2018-07-12 |
| Wesley Minton | Anchorage, AK | 2018-07-12 |

| Name | Location | Date |
|-------------------------|----------------|------------|
| wendi deschamps | Girdwood, AK | 2018-07-12 |
| Daniel Watters | US | 2018-07-12 |
| John Koltun | Anchorage, AK | 2018-07-12 |
| Jeffrey Colangelo | US | 2018-07-12 |
| Kevin Froelich | Middletown, DE | 2018-07-12 |
| Abby Tiedemann | Anchorage, AK | 2018-07-12 |
| Brian Olson | Soldotna, AK | 2018-07-12 |
| Michael Just | Anchorage, AK | 2018-07-12 |
| aaron meyer | Kenai, AK | 2018-07-12 |
| Daniel Schrader | Seattle, WA | 2018-07-12 |
| Matthew Cullens | Anchorage, AK | 2018-07-12 |
| Nathaniel DeMars | Salcha, AK | 2018-07-12 |
| Maria del Carmen Zepeda | US | 2018-07-12 |
| Jason Stewart | Anchorage, AK | 2018-07-12 |
| Devon Juarez | US | 2018-07-12 |
| Luke Clement | Anchorage, AK | 2018-07-12 |
| Kim Kinney | Santa Cruz, CA | 2018-07-12 |
| Dawn Waladkewics | Anchorage, AK | 2018-07-12 |
| Jimi McAllen | Anchorage, AK | 2018-07-12 |
| Jennifer Stenberg | Anchorage, AK | 2018-07-12 |
| Brittany Vancil | Auburn, WA | 2018-07-12 |
| Kim Schnell | Olympia, WA | 2018-07-12 |

| Name | Location | Date |
|-----------------------|-------------------|------------|
| Amber Kollm | Soldotna, AK | 2018-07-12 |
| Beverly Luedke-Chan | Anchorage, AK | 2018-07-12 |
| Jamie Cookson | Eagle River, AK | 2018-07-12 |
| Matthew Sheehan | Anchorage, AK | 2018-07-12 |
| BARBARA CHALENDER | PALMER, AK | 2018-07-12 |
| Emily Jones | Wasilla, AK | 2018-07-12 |
| Cam Knight | US | 2018-07-12 |
| Johnny Bruh | US | 2018-07-12 |
| Adam Johnson | Mercer Island, WA | 2018-07-12 |
| Klavdia Benner | Anchorage, AK | 2018-07-12 |
| Mardelle McEntire | Anchorage, AK | 2018-07-12 |
| Chris Castaneda | Anchorage, AK | 2018-07-12 |
| Ian Zwink | Anchorage, AK | 2018-07-12 |
| Laurie Lokovsek Tryck | Anchorage, AK | 2018-07-12 |
| Don Hutcheson | Wasilla, AK | 2018-07-12 |
| Michele Mattson | Anchorage, AK | 2018-07-12 |
| John Hemmeter | Anchorage, AK | 2018-07-12 |
| Ingrid Eng | Anchorage, AK | 2018-07-12 |
| Jodi Barnett | Anchorage, AK | 2018-07-12 |
| Mike Beiergrohslein | Eagle river, AK | 2018-07-12 |
| Katlin Thompson | Anchorage, AK | 2018-07-12 |
| Marko Hrgovic | Anchorage, AK | 2018-07-12 |

| Name | Location | Date |
|-----------------------|-----------------|------------|
| Earl Whitt | Anchorage, AK | 2018-07-12 |
| Alycia Beiergrohslein | Eagle river, AK | 2018-07-12 |
| Laurel Outterson | Illinois | 2018-07-12 |
| Lisa Koeneman | Anchorage, AK | 2018-07-12 |
| Whitney Whitman | Anchorage, AK | 2018-07-12 |
| Deborah Rutherford | Palmer, AK | 2018-07-12 |
| Raul Rovira | JBER, AK | 2018-07-12 |
| Ruby Acord | Anchorage, AK | 2018-07-12 |
| Dom van der Goore | Anchorage, AK | 2018-07-12 |
| Wendy Loya | Anchorage, AK | 2018-07-12 |
| Forrest Wolfe | Juneau, AK | 2018-07-12 |
| Renee Whitesell | Anchorage, AK | 2018-07-12 |
| Brittany Hrgovic | Anchorage, AK | 2018-07-12 |
| April Park | Eagle River, AK | 2018-07-12 |
| Melissa Bell | Girdwood, AK | 2018-07-12 |
| Jonathon Wagner | Anchorage, AK | 2018-07-12 |
| John Riblett | Chugiak, AK | 2018-07-12 |
| Erin Alexander Ingle | Anchorage, AK | 2018-07-12 |
| William Schmid | Anchorage, AK | 2018-07-12 |
| Katarina Leavitt | Anchorage, AK | 2018-07-12 |
| Liza Sanden | Anchorage, AK | 2018-07-12 |
| Melanie Clark | Anchorage, AK | 2018-07-12 |

| Name | Location | Date |
|-----------------|----------------------|------------|
| Kerry Carl | Anchorage, AK | 2018-07-12 |
| Tim Johnson | Girdwood, AK | 2018-07-12 |
| J. Nathan Boltz | Anchorage, AK | 2018-07-12 |
| Shannon Drasky | Wasilla, AK | 2018-07-12 |
| Carissa Hodson | Anchorage, AK | 2018-07-12 |
| Chuck Slamka | Middletown, OH | 2018-07-12 |
| Grant Kriefel | Anchorage, AK | 2018-07-12 |
| Jeremy Ptak | Singapore, Singapore | 2018-07-12 |
| Jolie Mckay | Eagle River, AK | 2018-07-12 |
| Keri Gronewald | Wasilla, AK | 2018-07-12 |
| Justin Brown | Oregon City, OR | 2018-07-12 |
| Ryan Smuz | Washington DC, DC | 2018-07-12 |
| Monty Rogers | Anchorage, AK | 2018-07-12 |
| Pat Carter | Anchorage, AK | 2018-07-12 |
| Kim Tuttle | Palmer, AK | 2018-07-12 |
| jackie gentile | Inverness, FL | 2018-07-12 |
| Sheri McIntire | Eagle River, AK | 2018-07-12 |
| Kate Abbott | Anchorage, AK | 2018-07-12 |
| Beth Fullmer | Aurora, CO | 2018-07-12 |
| Kelly McDonald | Palmer, AK | 2018-07-12 |
| Teresa Mattson | anchorage, AK | 2018-07-12 |
| Ronda Young | Bozeman, MT | 2018-07-12 |

| Name | Location | Date |
|--------------------|-----------------------|------------|
| Laura Scofield | Anchorage, AK | 2018-07-12 |
| Aychilhum Tessema | US | 2018-07-12 |
| Floyd Holloway | US | 2018-07-12 |
| Luke Reese | US | 2018-07-12 |
| Hunter Hamilton | Eagle River, AK | 2018-07-12 |
| Getenet Gebreyesus | Addis Ababa, Ethiopia | 2018-07-12 |
| Sharon Zellar | Anchorage, AK | 2018-07-12 |
| Jane Pierson | Juneau, AK | 2018-07-12 |
| Nelz Barnett | Cooper Landing, AK | 2018-07-12 |
| Mary McElroy | Cypress, TX | 2018-07-12 |
| John Cookson | Eagle River, AK | 2018-07-12 |
| Nathan Luke | Wasilla, AK | 2018-07-12 |
| Susana Spelock | Spring, TX | 2018-07-12 |
| Andrew Kastning | Anchorage, AK | 2018-07-12 |
| Desmond Lynsey | US | 2018-07-12 |
| Jen Feucht | Fond du lac, WI | 2018-07-12 |
| Emily Cohn | Anchorage, AK | 2018-07-12 |
| constance royal | US | 2018-07-12 |
| Anna Juarez | US | 2018-07-12 |
| Logan Fortier | Newton, MA | 2018-07-12 |
| Shlomo Sokolinski | US | 2018-07-12 |
| Dennis Gum | Palmer, AK | 2018-07-12 |

| Name | Location | Date |
|--------------------|---------------|------------|
| Patton Stephanie | Anchorage, AK | 2018-07-12 |
| Mike Pefferman | Anchorage, AK | 2018-07-12 |
| Tracy Doue | Tehachapi, CA | 2018-07-12 |
| Theodore Trinidad | US | 2018-07-12 |
| Hilkka Bold | Anchorage, AK | 2018-07-12 |
| Jasmine Sánchez | US | 2018-07-12 |
| Tony Shearer-davis | US | 2018-07-12 |
| Cordell Majors | US | 2018-07-12 |
| Rachel Brown | US | 2018-07-12 |
| Andrea Lantz | Anchorage, AK | 2018-07-12 |
| William Hubbell | Anchorage, AK | 2018-07-12 |
| Kyle Millington | Soldotna, AK | 2018-07-12 |
| Dana Tang | US | 2018-07-12 |
| Anne Dollard | Palmer, AK | 2018-07-12 |
| Chet Fehrman | Anchorage, AK | 2018-07-12 |
| Amy Beck | Anchorage, AK | 2018-07-12 |
| Russell Sell | Anchorage, AK | 2018-07-12 |
| Amy Guse | Anchorage, AK | 2018-07-12 |
| Michelle Rigdon | Wasilla, AK | 2018-07-12 |
| Ashley Lally | Anchorage, OR | 2018-07-12 |
| Terry Nidiffer | Anchorage, AK | 2018-07-12 |
| Cheyenne Marshall | Anchorage, AK | 2018-07-12 |

| Name | Location | Date |
|-------------------|--------------------|------------|
| Kris Levesque | Portland, OR | 2018-07-12 |
| Geneva Turrini | Anchorage, AK | 2018-07-12 |
| Laura Kobelnyk | Anchorage, AK | 2018-07-12 |
| Lang Van Dommelen | Anchorage, AK | 2018-07-12 |
| Melania Contreras | US | 2018-07-12 |
| Tonya Williams | Waynesboro, VA | 2018-07-12 |
| Jason Vilcapoma | US | 2018-07-12 |
| Peter Cole | Prosser, WA | 2018-07-12 |
| Mario Mendoza | US | 2018-07-12 |
| Renee Glover | US | 2018-07-12 |
| Grayson Bacon | Palmer, AK | 2018-07-12 |
| Puanani Cravalho | US | 2018-07-13 |
| Alex Wilson | Anchorage, AK | 2018-07-13 |
| Julia Maronian | US | 2018-07-13 |
| Lynn Mellor | Memphis, TN | 2018-07-13 |
| Ryan Edwards | US | 2018-07-13 |
| Landon Billera | US | 2018-07-13 |
| Emily Fisher | US | 2018-07-13 |
| Zachary mildon | East Wenatchee, WA | 2018-07-13 |
| Jessica Spiers | US | 2018-07-13 |
| Craig Pfister | San Antonio, TX | 2018-07-13 |
| Edward Caress | Phoenix, AZ | 2018-07-13 |

| Name | Location | Date |
|---------------------|--------------------|------------|
| Briana Sullivan | Girdwood, AK | 2018-07-13 |
| Justin Wilhelm | US | 2018-07-13 |
| Scott O'Donnell | Pawtucket, RI | 2018-07-13 |
| Maria Vilma Drineas | US | 2018-07-13 |
| brandon munzon | US | 2018-07-13 |
| Lar Her | Spring, TX | 2018-07-13 |
| Jodi Estrada | Girdwood, AK | 2018-07-13 |
| Joni Chapman | US | 2018-07-13 |
| Jordan Lane | Anchorage, AK | 2018-07-13 |
| Kenn Shlaes | US | 2018-07-13 |
| Michael Fredo | US | 2018-07-13 |
| Summer Schell | Anchorage, AK | 2018-07-13 |
| Kimberley Behm | Palmer, AK | 2018-07-13 |
| laurel derksen | Wasilla, AK | 2018-07-13 |
| Leonie Bunyan | US | 2018-07-13 |
| michelle moore | Kildangan, Ireland | 2018-07-13 |
| Melis Coady | Wasilla, AK | 2018-07-13 |
| Cindy Trawicki | Anchorage, AK | 2018-07-13 |
| Lynn Murphy | Anchorage, AK | 2018-07-13 |
| Amanda Kelly | Anchorage, AK | 2018-07-13 |
| Rebecca Colwell | Anchorage, AK | 2018-07-13 |
| Jason Lucas | Girdwood, AK | 2018-07-13 |

| Name | Location | Date |
|----------------------|-----------------|------------|
| Rebecca Bodnar | Reno, NV | 2018-07-13 |
| Abeba TIRUNEH | Sugar land, TX | 2018-07-13 |
| abdub jateny | US | 2018-07-13 |
| Michael Redmond | Eagle River, AK | 2018-07-13 |
| Remy Laurent | US | 2018-07-13 |
| Kathy Canaday | US | 2018-07-13 |
| Gracie Eastman | US | 2018-07-13 |
| CAROL ROBERTS | US | 2018-07-13 |
| Misgana Woldemichael | US | 2018-07-13 |
| Jacob Klehr | US | 2018-07-13 |
| Shamiere Ross | US | 2018-07-13 |
| Vanessa Stanton | US | 2018-07-13 |
| Frank Vasquez | US | 2018-07-13 |
| Kyle Gordon | US | 2018-07-13 |
| Ingrid Furry | US | 2018-07-13 |
| Mylise Bennett | Anchorage, AK | 2018-07-13 |
| yvonne daniels | US | 2018-07-13 |
| Alexander Cleveland | US | 2018-07-13 |
| Sentayehu Zerihun | US | 2018-07-13 |
| Natalie Rodrigues | US | 2018-07-13 |
| Bette Reed | Palmer, AK | 2018-07-13 |
| Anthony Blunda | US | 2018-07-13 |

| Name | Location | Date |
|----------------------|-------------------|------------|
| Aden Rentas | US | 2018-07-13 |
| Addisu Yeshanew | US | 2018-07-13 |
| Edwin Rosario | US | 2018-07-13 |
| Joyce Johnson | Anchorage, AK | 2018-07-13 |
| Heather Gough | Chugiak, AK | 2018-07-13 |
| Richard Foland | Anchorage, AK | 2018-07-14 |
| Chris Nelson | Anchorage, AK | 2018-07-14 |
| Bryce Ehmann | Anchorage, AK | 2018-07-14 |
| Amber Luedtke Stotts | US | 2018-07-14 |
| Charlene Miles | Palmer, AK | 2018-07-14 |
| Clayton Nelson | Wasilla, AK | 2018-07-14 |
| Gideon Saunders | Anchorage, AK | 2018-07-14 |
| Bob Gengler | Eagle River, AK | 2018-07-14 |
| Adam Smith | Anchorage, AK | 2018-07-14 |
| Ivy Stotts | Richmond Hill, GA | 2018-07-14 |
| Jamie Manning | US | 2018-07-14 |
| Jeanne Fleming | San Diego, CA | 2018-07-14 |
| Jessica Thompson | US | 2018-07-14 |
| saberun saberfun | Alaska | 2018-07-14 |
| Gregory Forsyth | US | 2018-07-14 |
| Samuel Tesfaye | US | 2018-07-14 |
| Willis Yukoni | US | 2018-07-14 |

| Name | Location | Date |
|--------------------------|------------------|------------|
| Traci Sherman | Anchorage, AK | 2018-07-14 |
| Justin Dieleman | Grand Rapids, MI | 2018-07-14 |
| Paul Vocino | US | 2018-07-14 |
| Vicky Hanson | Eagle River, AK | 2018-07-14 |
| Kay Papakristo | Eagle River, AK | 2018-07-14 |
| Chad Brown | US | 2018-07-14 |
| Melanie Keenan | Wasilla, AK | 2018-07-14 |
| Lindsey Whitt | Anchorage, AK | 2018-07-14 |
| Wendy Fick | Anchorage, AK | 2018-07-14 |
| Kevin Friel | San Diego, CA | 2018-07-14 |
| Carrie Hess | Anchorage, AK | 2018-07-14 |
| Jillian Morse | Anchorage, AK | 2018-07-14 |
| Brenna Blanton | US | 2018-07-14 |
| Shyan Borden - Allen | US | 2018-07-15 |
| Rose Ball | Jackson, MS | 2018-07-15 |
| Marquen Lumpkin | US | 2018-07-15 |
| Mark Johnson | Palmer, AK | 2018-07-15 |
| Jose Mendoza | US | 2018-07-15 |
| Alex Holeman | US | 2018-07-15 |
| Mark Skrade | Anchorage, AK | 2018-07-15 |
| Kevin Michael Richardson | US | 2018-07-15 |
| Rae Kozlowski | Anchorage, AK | 2018-07-15 |

| Name | Location | Date |
|------------------|------------------|------------|
| Allison Martin | US | 2018-07-15 |
| Gordon Hammons | US | 2018-07-15 |
| Joe Riggs | Anchorage, AK | 2018-07-15 |
| Latoya Cobb | US | 2018-07-15 |
| Aniya Strickalnd | US | 2018-07-15 |
| Deena Mitchell | Anchorage, AK | 2018-07-15 |
| Melinda Martin | Anchorage, AK | 2018-07-15 |
| Lorraine Pearce | Anchorage, AK | 2018-07-15 |
| Mark Hall | Anchorage, AK | 2018-07-15 |
| sarah newman | Anchorage, AK | 2018-07-15 |
| David Farmer | Lake Charles, LA | 2018-07-15 |
| Anna Finley | Anchorage, AK | 2018-07-15 |
| Amanda Pelkola | Eagle River, AK | 2018-07-15 |
| Krisrina Willis | US | 2018-07-15 |
| Anthea Acosta | Eagle River, AK | 2018-07-15 |
| Molly Shumaker | Anchorage, AK | 2018-07-15 |
| Kyli erickson | Anchorage, AK | 2018-07-15 |
| Brandon Lester | Anchorage, AK | 2018-07-15 |
| Margaret Adamcik | Anchorage, AK | 2018-07-15 |
| Julie Johnson | Anchorage, AK | 2018-07-15 |
| Frances Dashiell | Anchorage, AK | 2018-07-15 |
| Mary Neher | Anchorage, AK | 2018-07-15 |

| Name | Location | Date |
|----------------------|-----------------|------------|
| Katharina Youngblood | Anchorage, AK | 2018-07-15 |
| Edward Kittel | Anchorage, AK | 2018-07-15 |
| Heather newman | Anchorage, AK | 2018-07-15 |
| Kendra Kloster | Anchorage, AK | 2018-07-15 |
| Emilie Johannes | Anchorage, AK | 2018-07-15 |
| David Stamp | Anchorage, AK | 2018-07-15 |
| Jeremy Anderson | Anchorage, AK | 2018-07-15 |
| Denise Brakora RN | US | 2018-07-15 |
| Yvonne Denmon | Anchorage, AK | 2018-07-15 |
| Anne Madsen | Anchorage, AK | 2018-07-15 |
| Alan Heckart | Anchorage, AK | 2018-07-15 |
| Caroline Higgins | Anchorage, OR | 2018-07-15 |
| Mike Bloechl | Anchorage, AK | 2018-07-15 |
| Dr. Wade McAfee | US | 2018-07-15 |
| Taylor Xia | US | 2018-07-15 |
| Charles Shaw | Newtown, CT | 2018-07-15 |
| Brian Buffington | US | 2018-07-15 |
| Rebecca Sagardia | Boise, ID | 2018-07-15 |
| Chris Seidl | Anchorage, AK | 2018-07-15 |
| Kelly Heavener | Eagle River, AK | 2018-07-15 |
| Marie Sundholm | Anchorage, AK | 2018-07-15 |
| Will Hord | US | 2018-07-15 |

| Name | Location | Date |
|------------------------|-----------------|------------|
| Madison Head | Anchorage, AK | 2018-07-15 |
| Patricia Hayward | Anchorage, AK | 2018-07-15 |
| Brenda Bergsrud | Anchorage, AK | 2018-07-15 |
| David Joslin | Eagle River, AK | 2018-07-15 |
| jesse lovejoy | Lakewood, CA | 2018-07-15 |
| Sean Wulf | Anchorage, AK | 2018-07-15 |
| Colby Erdos | US | 2018-07-15 |
| Amy Cowperthwaite | Aurora, CO | 2018-07-15 |
| Thad Livingston | Eagle River, AK | 2018-07-15 |
| Mark Plavan | North Pole, AK | 2018-07-15 |
| Krista Scully | Anchorage, AK | 2018-07-15 |
| John Lau | Anchorage, AK | 2018-07-15 |
| Max Damon | US | 2018-07-16 |
| yayoi sasaguri | Kailua Kona, HI | 2018-07-16 |
| Katie Archer | Anchorage, AK | 2018-07-16 |
| Will Bowman | US | 2018-07-16 |
| Forrest Wright | Anchorage, AK | 2018-07-16 |
| Tom LaBarge | US | 2018-07-16 |
| Dana Wyrick | Raymond, WA | 2018-07-16 |
| Laura Burzinski | Anchorage, AK | 2018-07-16 |
| Wilma jeanine Faulkner | US | 2018-07-16 |
| clint helander | anchorage, AK | 2018-07-16 |

| Name | Location | Date |
|---------------------|-------------------|------------|
| Lisa Jones | Eagle River, AK | 2018-07-16 |
| Anja Carr | Sand Lake, NY | 2018-07-16 |
| Hlary Emmel | Anchorage, AK | 2018-07-16 |
| greg shearer | Anchorage, AK | 2018-07-16 |
| James Colles | Eagle River, AK | 2018-07-16 |
| Robert Colles | Anchorage, AK | 2018-07-16 |
| Victoria Frehill | Anchorage, AK | 2018-07-16 |
| Leslie Need | Anchorage, AK | 2018-07-16 |
| Ben Siwiec | Anchorage, AK | 2018-07-16 |
| Mack Pennington | Anchorage, AK | 2018-07-16 |
| Michael Wild | San Pedro, CA | 2018-07-16 |
| Julia Martinez | Anchorage, AK | 2018-07-16 |
| Mary Jane Pediangco | Kodiak, AK | 2018-07-16 |
| Laura Sturdevant | San Angelo, TX | 2018-07-16 |
| Thomas Ehmann | Anchorage, AK | 2018-07-16 |
| Dennis McNally | US | 2018-07-16 |
| Matt Kropke | Santa Barbara, CA | 2018-07-16 |
| Stephanie Nichols | Anchorage, AK | 2018-07-16 |
| Jennifer Collins | Anchorage, AK | 2018-07-16 |
| Vincent Schmoyer | Czech Republic | 2018-07-16 |
| Eileen Thompson | Anchorage, AK | 2018-07-16 |
| Sarah Badten | Anchorage, AK | 2018-07-16 |

| Name | Location | Date |
|-------------------|--------------------------|------------|
| JonDavid Wright | Fairbanks, AK | 2018-07-16 |
| Meghan Kelly | Alaska Peninsula Nwr, AK | 2018-07-16 |
| Marsha Tandeske | Anchorage, AK | 2018-07-16 |
| Danica goeller | Germany | 2018-07-16 |
| Hillary Jochens | Tok, AK | 2018-07-16 |
| David Conroy | Anchorage, AK | 2018-07-16 |
| Jennifer Ward | Tyndall AFB, FL | 2018-07-16 |
| Josh Hegna | Girdwood, AK | 2018-07-16 |
| Kathy McCue, MD | Anchorage, AK | 2018-07-16 |
| Avanti williams | US | 2018-07-16 |
| Chloe Hecht | US | 2018-07-16 |
| Katy Parrish | Tacoma, WA | 2018-07-16 |
| Michael Gomez | US | 2018-07-16 |
| Brandon Tineo | US | 2018-07-16 |
| Adam Franklin | Anchorage, AK | 2018-07-16 |
| Gregory Jernstrom | Anchorage, AK | 2018-07-16 |
| Tom Drake | US | 2018-07-16 |
| Karen Polanco | Hollywood, FL | 2018-07-16 |
| J Poulsen | Anchorage, AK | 2018-07-16 |
| Carol Parris | Holiday, FL | 2018-07-16 |
| Jon Morris | Smithville, MO | 2018-07-16 |
| Barrie Bogatov | US | 2018-07-16 |

| Name | Location | Date |
|--------------------|-----------------|------------|
| Pauline Footman | US | 2018-07-16 |
| Amari Ramirez | US | 2018-07-16 |
| Adore Me | US | 2018-07-16 |
| Patricio Riddle | US | 2018-07-16 |
| Luca Tesoriero | US | 2018-07-16 |
| Henry Powell | US | 2018-07-16 |
| Lillian Weaton | US | 2018-07-16 |
| Dwayne Puentes | US | 2018-07-16 |
| Leonardo Contreras | US | 2018-07-16 |
| Tom Garcia | US | 2018-07-17 |
| Jon Dewyea | US | 2018-07-17 |
| Haben Yohannes | US | 2018-07-17 |
| Heidi Graham | US | 2018-07-17 |
| Meredith Kirby | Eagle river, AK | 2018-07-17 |
| Amanda Brown | US | 2018-07-17 |
| Autumn Hoibakk | Soldotna, AK | 2018-07-17 |
| Joe Minauro | US | 2018-07-17 |
| Paul Koning | Anchorage, AK | 2018-07-17 |
| David Roman | US | 2018-07-17 |
| Justin Bledsoe | Anchorage, AK | 2018-07-17 |
| Emily Vesper | US | 2018-07-17 |
| Patrick McCormick | Anchorage, AK | 2018-07-17 |

| Name | Location | Date |
|----------------------|----------------------|------------|
| Kurt Short | State College, PA | 2018-07-17 |
| Connor Mann | US | 2018-07-17 |
| Lois Koning | Farmington Hills, MI | 2018-07-17 |
| Abraham Schmidt | Anchorage, AK | 2018-07-17 |
| Tim Stoltz | Spokane, WA | 2018-07-17 |
| Gretchen Staft | Anchorage, AK | 2018-07-17 |
| Stacy Young | Eagle River, AK | 2018-07-17 |
| Mark Parent | Anchorage, AK | 2018-07-17 |
| Oscar Aguilar | US | 2018-07-17 |
| Eric Johnson | Anchorage, AK | 2018-07-17 |
| George Dropik | Wasilla, AK | 2018-07-17 |
| Harinath Yadav Golla | US | 2018-07-17 |
| Arsh Chahal | US | 2018-07-17 |
| Kelly Cole | US | 2018-07-17 |
| Heather O'Donnell | Hobart, IN | 2018-07-17 |
| Mandy Reigart | Newport News, VA | 2018-07-17 |
| Basit Kham | US | 2018-07-17 |
| Annie DuBois | Anchorage, AK | 2018-07-17 |
| Ian Voorhees | Ithaca, NY | 2018-07-17 |
| Meg Zaletel | Anchorage, US | 2018-07-17 |
| Colin Dean | Anchorage, AK | 2018-07-17 |
| Ray Marks | US | 2018-07-17 |

| Name | Location | Date |
|--------------------|---------------|------------|
| Mitch Laird | Anchorage, AK | 2018-07-17 |
| Mostafa Elnahass | US | 2018-07-17 |
| Denise Masters | US | 2018-07-17 |
| Mohammad Mohammadi | US | 2018-07-17 |
| Hannah Worroll | US | 2018-07-17 |
| Holly Cannon | Anchorage, AK | 2018-07-17 |
| Nadia Brnt | US | 2018-07-17 |
| Dale Radomski | US | 2018-07-17 |
| Roberto Leal | US | 2018-07-17 |
| Lola Poipoo | US | 2018-07-17 |
| Lee Fisher | Anchorage, AK | 2018-07-17 |
| Christian Harris | US | 2018-07-17 |
| Felecia Watts | US | 2018-07-17 |
| Jayden Desir | US | 2018-07-17 |
| John Edward | US | 2018-07-17 |
| Iain McPherson | Anchorage, AK | 2018-07-17 |
| Susana Pimentel | US | 2018-07-17 |
| Jose Rodriguez | US | 2018-07-17 |
| Ken Lahnar | US | 2018-07-17 |
| noah golinko | US | 2018-07-17 |
| Nadine Devlin | Levittown, PA | 2018-07-17 |
| Ruby Zender | US | 2018-07-17 |

| Name | Location | Date |
|-----------------------|--------------------|------------|
| Tracy Hartung | Anchorage, AK | 2018-07-17 |
| Jessica Rucci | US | 2018-07-17 |
| Antonio Strickland | US | 2018-07-18 |
| Brenda Choi | Los Angeles, CA | 2018-07-18 |
| JC Yoakum | US | 2018-07-18 |
| Jeffery Green | US | 2018-07-18 |
| Effie Johnston | US | 2018-07-18 |
| Jose Crowley | Austin, TX | 2018-07-18 |
| hannah mccain | US | 2018-07-18 |
| Christa Kop | Fairless Hills, PA | 2018-07-18 |
| Lynn Casmore | US | 2018-07-18 |
| James Cardenas | US | 2018-07-18 |
| jillian berliner | US | 2018-07-18 |
| Frank Kosirog | US | 2018-07-18 |
| Jaime Godoy | US | 2018-07-18 |
| parker hollon | US | 2018-07-18 |
| John-Henry Heckendorn | Anchorage, AK | 2018-07-18 |
| Jeff McQuade | US | 2018-07-18 |
| Owen Solomon | US | 2018-07-18 |
| Jason Link | US | 2018-07-18 |
| Marta Kumle | Anchorage, AK | 2018-07-18 |
| Leah Levinton | Anchorage, AK | 2018-07-18 |

| Name | Location | Date |
|------------------------------|---------------|------------|
| Amy Hinkel | US | 2018-07-18 |
| Michael Busey | Anchorage, AK | 2018-07-18 |
| Christopher Reinhart | US | 2018-07-18 |
| Melinda Lopez | US | 2018-07-18 |
| Terry Lewis | US | 2018-07-18 |
| Tina Wilder | US | 2018-07-18 |
| Craig Nichols | US | 2018-07-18 |
| dayhnaebelfry dayahnaebelfry | US | 2018-07-18 |
| Kristen Willard | US | 2018-07-18 |
| judy bellamy | US | 2018-07-18 |
| James Strano | Patchogue, NY | 2018-07-18 |
| Edra Morledge | Anchorage, AK | 2018-07-18 |
| Luis Sotero | US | 2018-07-18 |
| Steven Ortega Hughes | US | 2018-07-18 |
| Tennille Myers | US | 2018-07-18 |
| austin maxwell | US | 2018-07-18 |
| Markus Bray | US | 2018-07-18 |
| Erika Higgins | US | 2018-07-18 |
| Rae Klint | US | 2018-07-18 |
| Evan Thoms | Anchorage, AK | 2018-07-18 |
| Jenna Wamsganz | Anchorage, AK | 2018-07-18 |
| Priscilla Kryger | US | 2018-07-18 |

| Name | Location | Date |
|--------------------|---------------|------------|
| Henry Guckles | US | 2018-07-18 |
| Marvin Vendome | Elizabeth, NY | 2018-07-18 |
| Lucius Archuleta | US | 2018-07-18 |
| Yonathan Padron | US | 2018-07-18 |
| Ron Jones | US | 2018-07-18 |
| Diego Sanchez | US | 2018-07-18 |
| Pam Brey | US | 2018-07-19 |
| Adam Baxter | Anchorage, AK | 2018-07-19 |
| David De La Torre | US | 2018-07-19 |
| Allen Chan | US | 2018-07-19 |
| Drew Skrocki | Anchorage, AK | 2018-07-19 |
| Paula Keller | US | 2018-07-19 |
| William Quinlan | US | 2018-07-19 |
| Jocelyn Hemenway | Anchorage, AK | 2018-07-19 |
| Troy Kurtz | US | 2018-07-19 |
| Felix Naira | US | 2018-07-19 |
| Brandi Cush | Anchorage, AK | 2018-07-19 |
| Cynthia Clark | US | 2018-07-19 |
| Eldon Heuston | Anchorage, AK | 2018-07-19 |
| Nikolas Lynch | US | 2018-07-19 |
| Tyler Greensfelder | Anchorage, AK | 2018-07-19 |
| erjee fernandez | US | 2018-07-19 |

| Name | Location | Date |
|---------------------|-----------------|------------|
| Cameron Barrows | Anchorage, AK | 2018-07-19 |
| T Feighery | Anchorage, AK | 2018-07-19 |
| Daniel Howell | US | 2018-07-19 |
| Chevikhay Ugalde | US | 2018-07-19 |
| Milissa Knox | Eagle river, AK | 2018-07-19 |
| Stephen Murphy | US | 2018-07-19 |
| Melinda Kay | Kasilof, AK | 2018-07-19 |
| Kelsey Fagan | Juneau, AK | 2018-07-19 |
| Christy Tuomi | Homer, AK | 2018-07-19 |
| Michael Samson | US | 2018-07-19 |
| eddy bautista | US | 2018-07-19 |
| JOYCE THROM | WILMERDING, PA | 2018-07-19 |
| Dave Scanlan | Juneau, AK | 2018-07-19 |
| maria elena canupen | US | 2018-07-19 |
| Dan Rodriguez | US | 2018-07-19 |
| Cindi Squire | Anchorage, AK | 2018-07-19 |
| Skye Robergs | US | 2018-07-19 |
| Rev. Susan Halvor | Anchorage, AK | 2018-07-19 |
| AIDA SUSANA | US | 2018-07-19 |
| Karen Jordan | Anchorage, AK | 2018-07-19 |
| Shelley Hall | US | 2018-07-19 |
| myra Bruno | Eagle River, AK | 2018-07-19 |

| Name | Location | Date |
|----------------------|-----------------|------------|
| Jordan Haffener | Anchorage, AK | 2018-07-19 |
| Chris Inman | US | 2018-07-19 |
| Karla Chavez | Eagle River, AK | 2018-07-19 |
| Stephanie Greinke | US | 2018-07-19 |
| Jacob Swartz | Anchorage, AK | 2018-07-19 |
| Joe Pacheco | US | 2018-07-19 |
| Carley O'Connell | Anchorage, AK | 2018-07-19 |
| Mary Kay Swartz | Anchorage, AK | 2018-07-19 |
| Ronald Baumgartner | US | 2018-07-19 |
| Sam Guevara | US | 2018-07-19 |
| Claudia Mendoza | Houston, TX | 2018-07-19 |
| Connor Michael | Anchorage, AK | 2018-07-19 |
| Douglas Boggs | Anchorage, AK | 2018-07-19 |
| Colin Fay | Wasilla, AK | 2018-07-19 |
| noreen stanton | US | 2018-07-19 |
| Dave McAllen | Anchorage, AK | 2018-07-19 |
| Landy Peraza | US | 2018-07-19 |
| Kieffer Christianson | Anchorage, AK | 2018-07-19 |
| Andrew Carver | US | 2018-07-19 |
| Destiny Mioni | US | 2018-07-19 |
| Arianne Flaherty | US | 2018-07-19 |
| Donna Mealer | US | 2018-07-20 |

| Name | Location | Date |
|-------------------|---------------|------------|
| Susan Kyle | California | 2018-07-20 |
| Samantha Simpson | US | 2018-07-20 |
| Carmen Espinoza | US | 2018-07-20 |
| Patrick Wolverton | Anchorage, AK | 2018-07-20 |
| Emily Caetano | US | 2018-07-20 |
| Whitney Smith | US | 2018-07-20 |
| Patricia Cao | US | 2018-07-20 |
| Gray Fraley | US | 2018-07-20 |
| Judith Kepes | Anchorage, AK | 2018-07-20 |
| Gabriella Romano | US | 2018-07-20 |
| Cute. boys11 | US | 2018-07-20 |
| Evan Laube | US | 2018-07-20 |
| Julia Blanchette | US | 2018-07-20 |
| Alex Hotze | US | 2018-07-20 |
| Brittany Robinson | US | 2018-07-20 |
| hannah bowman | US | 2018-07-20 |
| ROSS WETZEL | US | 2018-07-20 |
| Someone Special | US | 2018-07-20 |
| Blessing Gholston | US | 2018-07-20 |
| Rafik Rafik | US | 2018-07-20 |
| Joey Kirichkow | US | 2018-07-20 |
| Sean Brean | Anchorage, AK | 2018-07-20 |

| Name | Location | Date |
|------------------|----------------------|------------|
| Chris Brown | US | 2018-07-20 |
| celina slate | US | 2018-07-20 |
| Ren Casal | US | 2018-07-20 |
| Billy Bock | Anchorage, AK | 2018-07-20 |
| Andrew Sanford | US | 2018-07-20 |
| Jeff Levin | Anchorage, AK | 2018-07-20 |
| Michele Brean | Anchorage, AK | 2018-07-20 |
| Keith McCormick | Anchorage, AK | 2018-07-20 |
| Adrian Dängeli | zuchwil, Switzerland | 2018-07-20 |
| todd erickson | Anchorage, AK | 2018-07-20 |
| Nicole Abeln | Anchorage, AK | 2018-07-20 |
| Tammy Head | US | 2018-07-20 |
| Jeanifer Jimenez | US | 2018-07-20 |
| Marty Kimball | Anchorage, AK | 2018-07-20 |
| Ashley Harris | US | 2018-07-20 |
| Chloe Sena | US | 2018-07-20 |
| Jennifer Newlin | Anchorage, AK | 2018-07-20 |
| Kailyn McCoy | US | 2018-07-20 |
| Scott Smith | Anchorage, AK | 2018-07-20 |
| Melanie Clark | Anchorage, AK | 2018-07-20 |
| Leigh ann Rasher | Anchorage, AK | 2018-07-20 |
| Sarah Bunker | US | 2018-07-20 |

| Name | Location | Date |
|------------------|-----------------|------------|
| Randal Smith | Wasilla, AK | 2018-07-20 |
| Thomas Berry | Anchorage, AK | 2018-07-20 |
| Ross Berry | Anchorage, AK | 2018-07-20 |
| ANNA HOFFMANN | ANCHORAGE, AK | 2018-07-20 |
| Danielle Baikey | Anchorage, AK | 2018-07-20 |
| Michaela Drehmer | US | 2018-07-20 |
| Shain Gleba | JBER, AK | 2018-07-20 |
| Jonathan Thomas | Anchorage, AK | 2018-07-20 |
| David Henderson | North Pole, AK | 2018-07-20 |
| Isaac Donnelly | US | 2018-07-20 |
| Corrine Verna | Palmer, AK | 2018-07-20 |
| Aimee Miller | Chugiak, AK | 2018-07-20 |
| Jacob Turner | Anchorage, AK | 2018-07-20 |
| eric mauro | Eagle River, AK | 2018-07-20 |
| Paula Rogers | US | 2018-07-20 |
| Lance Henderson | Eielson, AL | 2018-07-20 |
| Ryan Rogers | Anchorage, AK | 2018-07-20 |
| Kristin Obert | Anchorage, AK | 2018-07-20 |
| Sarah Gossett | US | 2018-07-20 |
| Sara Stewart | Palmer, AK | 2018-07-20 |
| Josh Boamah | US | 2018-07-20 |
| Melese Meteku | US | 2018-07-20 |

| Name | Location | Date |
|---------------------------|----------------|------------|
| Carly Moilanen | US | 2018-07-20 |
| Shawna Arend | Chugiak, AK | 2018-07-20 |
| Gretchen Welsh | Tillamook, OR | 2018-07-20 |
| Jason Miller | US | 2018-07-20 |
| Walter Abdon | US | 2018-07-20 |
| Scott Faber | Palmer, AK | 2018-07-20 |
| Michael Olive | Anchorage, AK | 2018-07-20 |
| Dana Broussard | Fannett, TX | 2018-07-20 |
| Hope Schmalz | West Fargo, ND | 2018-07-20 |
| annabelle mueller | US | 2018-07-20 |
| Mike Hendricks | Anchorage, AK | 2018-07-20 |
| Stanley Craig | US | 2018-07-20 |
| Thanksfor Callingmepretty | US | 2018-07-20 |
| Randy Langford | US | 2018-07-20 |
| Isaiah Michelitch | US | 2018-07-20 |
| Patti Smith | US | 2018-07-20 |
| Jordan Moran | US | 2018-07-20 |
| Steph Ant | US | 2018-07-20 |
| Natelie Boyd | US | 2018-07-20 |
| Vanessa Ortega | US | 2018-07-20 |
| Roberta Flores | US | 2018-07-20 |
| April Wallace | US | 2018-07-20 |

| Name | Location | Date |
|-----------------|-----------------|------------|
| Holly McGrath | US | 2018-07-20 |
| Isabelle Beaver | US | 2018-07-20 |
| Susan Brown | US | 2018-07-20 |
| Dan Abts | Wasilla, AK | 2018-07-20 |
| Walid Goon | US | 2018-07-20 |
| Pls bb | US | 2018-07-20 |
| Dave Nimke | US | 2018-07-20 |
| Bitsy Simmons | US | 2018-07-20 |
| Leif Tollefson | Anchorage, AK | 2018-07-20 |
| Joseph Akers | US | 2018-07-20 |
| mehammed daribo | US | 2018-07-20 |
| Roberta Carney | Anchorage, AK | 2018-07-20 |
| Eeva Latosuo | Anchorage, AK | 2018-07-20 |
| Jessica Croffut | Anchorage, AK | 2018-07-20 |
| Andrew Mitchell | Eagle River, AK | 2018-07-20 |
| Sally Merculief | Anchorage, AK | 2018-07-20 |
| Cary Harris | Anchorage, AK | 2018-07-20 |
| Warren Penny | Anchorage, AK | 2018-07-20 |
| joseph colella | US | 2018-07-20 |
| Eka Kidd | Talkeetna, AK | 2018-07-20 |
| Joseph Gonzales | US | 2018-07-20 |
| Anne Stephenson | US | 2018-07-20 |

| Name | Location | Date |
|--------------------|-----------------|------------|
| Lynn Swanson | Eagle river, AK | 2018-07-20 |
| Laura Norman | US | 2018-07-20 |
| Lisa Boyd | US | 2018-07-20 |
| Joel Hagasan | US | 2018-07-20 |
| Morgan Hahn | US | 2018-07-20 |
| Sharon Brown | US | 2018-07-20 |
| Michael Depasquale | US | 2018-07-20 |
| Tawnya Stonecipher | Anchorage, AK | 2018-07-20 |
| Kevin Winters | US | 2018-07-20 |
| Paul Choate | US | 2018-07-20 |
| Carson Roye | US | 2018-07-20 |
| kayla rose | US | 2018-07-20 |
| Kentrell Snow | US | 2018-07-20 |
| Thorn Leon | US | 2018-07-20 |
| Crystal Wuse | US | 2018-07-20 |
| Cynthia Thomas | US | 2018-07-20 |
| Joe Berger | US | 2018-07-20 |
| Jared Barak | Anchorage, AK | 2018-07-20 |
| Jamie Kmet | Anchorage, AK | 2018-07-20 |
| Sherry Patti | Portland, OR | 2018-07-21 |
| Caroline Ferguson | Jamestown, RI | 2018-07-21 |
| Calvin Nuke | US | 2018-07-21 |

| Name | Location | Date |
|------------------|-----------------|------------|
| Jay Beane | US | 2018-07-21 |
| Shelly Prosch | US | 2018-07-21 |
| Travis Roach | US | 2018-07-21 |
| Angella Hallgren | US | 2018-07-21 |
| Summer Barefoot | US | 2018-07-21 |
| Eliza Sullivan | US | 2018-07-21 |
| Timothy Wray | US | 2018-07-21 |
| Meredith Thomas | US | 2018-07-21 |
| Jeremy Jones | US | 2018-07-21 |
| Shannon Melcher | US | 2018-07-21 |
| Linda Gazzola | US | 2018-07-21 |
| Julia Orff | US | 2018-07-21 |
| Michael Flanagan | Eagle River, AK | 2018-07-21 |
| Marissa Barrett | US | 2018-07-21 |
| Veronica Henshaw | US | 2018-07-21 |
| Allie Adame | US | 2018-07-21 |
| Jolee Harvieux | US | 2018-07-21 |
| Chris Mixon | US | 2018-07-21 |
| Jimmy Edwards | US | 2018-07-21 |
| Emily tallent | US | 2018-07-21 |
| Cheryl Gibson | US | 2018-07-21 |
| Stephanie aubin | Oxford, MA | 2018-07-21 |

| Name | Location | Date |
|------------------|-------------|------------|
| John Reed | US | 2018-07-21 |
| Amber Garcia | US | 2018-07-21 |
| Heather Jennings | US | 2018-07-21 |
| Dalyn Kimbrough | US | 2018-07-21 |
| Mimi Villa | Munster, IN | 2018-07-21 |
| Thomas Boyd | US | 2018-07-21 |
| Sammie Cobb | US | 2018-07-21 |
| Maya Sissel | US | 2018-07-21 |
| Donna Cunningham | US | 2018-07-21 |
| keith mazone | US | 2018-07-21 |
| Tami Payne | US | 2018-07-21 |
| Alexa Miller | US | 2018-07-21 |
| Mia Adams | US | 2018-07-21 |
| Alex Smith | US | 2018-07-21 |
| Remy Reeb | US | 2018-07-21 |
| Lindsay Keller | US | 2018-07-21 |
| Imani Pierce | US | 2018-07-21 |
| Cari Hurley | US | 2018-07-21 |
| Kenneth Feldman | US | 2018-07-21 |
| Jacob Shaffer | US | 2018-07-21 |
| Eddie Balazs | US | 2018-07-21 |
| maggie buenafe | US | 2018-07-21 |

| Name | Location | Date |
|-------------------|------------------|------------|
| Gary Williams | US | 2018-07-21 |
| Misty Dobson | Spring, TX | 2018-07-21 |
| Audrey Balazs | US | 2018-07-21 |
| Renee Kelly | US | 2018-07-21 |
| Marwo Yonis | US | 2018-07-21 |
| Carlos Medina | US | 2018-07-21 |
| Barry Bruno | Eagle River, AK | 2018-07-21 |
| Jared Sarten | Eagle River, AK | 2018-07-21 |
| scott clark | Land O Lakes, FL | 2018-07-21 |
| elliot cross | US | 2018-07-21 |
| Theresa Mitchell | US | 2018-07-21 |
| Karen Breda | US | 2018-07-21 |
| Addison Van namen | US | 2018-07-21 |
| Alex Brown | US | 2018-07-21 |
| Mary Adams | US | 2018-07-21 |
| cool wiz | US | 2018-07-21 |
| Muinah Yusuff | US | 2018-07-21 |
| Crystal Phillips | US | 2018-07-21 |
| Zach Sparks | US | 2018-07-21 |
| Lamar Williams | US | 2018-07-22 |
| William Patrick | US | 2018-07-22 |
| Freeride Cobb | US | 2018-07-22 |

| Name | Location | Date |
|-----------------|----------|------------|
| Seth O'Shields | US | 2018-07-22 |
| Cheryl Mitchell | US | 2018-07-22 |
| Walter Pabon | US | 2018-07-22 |
| Diego Soto | US | 2018-07-22 |
| Claire Polites | US | 2018-07-22 |
| Parker Thompson | US | 2018-07-22 |
| cody thibault | US | 2018-07-22 |
| Karyn Andrews | US | 2018-07-22 |
| Ty Guy | US | 2018-07-22 |
| Jennifer Irons | US | 2018-07-22 |
| jeremy reynolds | US | 2018-07-22 |
| Austin Pittman | US | 2018-07-22 |
| Chloe Pan | US | 2018-07-22 |
| Spencer Lawson | US | 2018-07-22 |
| Luis Romero | US | 2018-07-22 |
| Louis Weber | US | 2018-07-22 |
| David Calderon | US | 2018-07-22 |
| Javier Rosales | US | 2018-07-22 |
| Austin Pena | US | 2018-07-22 |
| Jocelyn Swain | US | 2018-07-22 |
| Ann Belote | US | 2018-07-22 |
| Calvin Jackson | US | 2018-07-22 |

| Name | Location | Date |
|-------------------|----------------|------------|
| Kyle Morgan | US | 2018-07-22 |
| Brian Park | US | 2018-07-22 |
| Joel Symons | US | 2018-07-22 |
| Anson Walkington | US | 2018-07-22 |
| Michael Tefera | US | 2018-07-22 |
| Cynthia Ryan | Anchorage, AK | 2018-07-22 |
| Jayson Dickenson | US | 2018-07-22 |
| Jasmine Robinson | US | 2018-07-22 |
| Elliott Carley | US | 2018-07-22 |
| Allison Timmer | US | 2018-07-22 |
| William Torres | US | 2018-07-22 |
| Julie Rose | Anchorage, AK | 2018-07-22 |
| Kevin Sowers | US | 2018-07-22 |
| Barbara Childress | US | 2018-07-22 |
| Jessica Ravener | US | 2018-07-22 |
| Derrick Cleveland | US | 2018-07-22 |
| Mary Davis | US | 2018-07-22 |
| Catherine Palmer | Wasilla, AK | 2018-07-22 |
| Shawn Valcin | US | 2018-07-22 |
| Liam Prendergast | US | 2018-07-22 |
| kathy beachy | essexville, MI | 2018-07-22 |
| Susie Powell | US | 2018-07-22 |

| Name | Location | Date |
|--------------------|---------------|------------|
| Brandy Butler | US | 2018-07-22 |
| Jayde Johnson | US | 2018-07-22 |
| Alex Kim | US | 2018-07-22 |
| Chris Paserba | US | 2018-07-22 |
| Charles Parker | US | 2018-07-22 |
| Christian Medina | US | 2018-07-22 |
| Kyle Bramschreiber | US | 2018-07-22 |
| KB Bish | US | 2018-07-22 |
| Rajee Steen | US | 2018-07-22 |
| Chris L | US | 2018-07-22 |
| Anna Fitzpatrick | US | 2018-07-22 |
| Michael Sawyer | US | 2018-07-22 |
| Anthony Todar | US | 2018-07-22 |
| Maria De La Torre | Anchorage, AK | 2018-07-22 |
| Clearly Fizzysolid | US | 2018-07-22 |
| Blake Kresses | US | 2018-07-22 |
| Queen J | US | 2018-07-22 |
| Aaron Schmidt | US | 2018-07-22 |
| Adam Rothe | US | 2018-07-22 |
| McKenna Clark | US | 2018-07-22 |
| Tubby Smallz | US | 2018-07-22 |
| Jason Stein | US | 2018-07-22 |

| Name | Location | Date |
|------------------|-----------------|------------|
| Daniel Prokoshin | US | 2018-07-22 |
| Erin Cole | US | 2018-07-22 |
| Josh Hudgin | US | 2018-07-22 |
| Dasean Sherman | US | 2018-07-22 |
| Steve Benz | US | 2018-07-22 |
| kenneth gonzalez | US | 2018-07-22 |
| Chance Perry | US | 2018-07-22 |
| Joseph VanZandt | US | 2018-07-22 |
| Eric Stratton | US | 2018-07-22 |
| Travis Yang | US | 2018-07-22 |
| Михаил Денисов | US | 2018-07-22 |
| Travis Mahn | US | 2018-07-22 |
| Charles Cook | US | 2018-07-22 |
| Connor Dickie | US | 2018-07-22 |
| Scott Balch | US | 2018-07-22 |
| Ahmed Jabeldo | US | 2018-07-22 |
| Chris Sam | US | 2018-07-22 |
| Sterling Morgan | US | 2018-07-22 |
| Evan Martinez | US | 2018-07-22 |
| J Root | US | 2018-07-22 |
| Kelli LaTocha | Eagle River, AK | 2018-07-22 |
| Danis Fertick | US | 2018-07-22 |

| Name | Location | Date |
|-------------------|---------------|------------|
| Kindra Robbins | Anchorage, AK | 2018-07-22 |
| Jason Thompson | Missoula, MT | 2018-07-22 |
| Rachel Buch | US | 2018-07-22 |
| Parker VII | US | 2018-07-22 |
| Kevin Bates | US | 2018-07-22 |
| Matthew Zellmer | US | 2018-07-22 |
| Kenneth K | US | 2018-07-22 |
| Trevor Wood | US | 2018-07-22 |
| Vanessa Juarez | US | 2018-07-22 |
| Brent Sklar | US | 2018-07-22 |
| Brian Garrett | US | 2018-07-22 |
| Sandy Chand | US | 2018-07-22 |
| Steven Van winkle | US | 2018-07-22 |
| Ronald Sandstrom | US | 2018-07-22 |
| agdas aafsdadasfd | US | 2018-07-22 |
| Zack Gagnon | US | 2018-07-22 |
| Isabel Pernillo | US | 2018-07-22 |
| Yeet Yeeterson | US | 2018-07-22 |
| C Hay | US | 2018-07-22 |
| Andrea Artalejo | US | 2018-07-22 |
| Travis Scharer | US | 2018-07-22 |
| Ethan Vicente | US | 2018-07-22 |

| Name | Location | Date |
|-------------------------|---------------|------------|
| Jason Walker | US | 2018-07-22 |
| Andrew Bourbois | US | 2018-07-22 |
| Joseph Walker | US | 2018-07-22 |
| Jake Hartling | US | 2018-07-22 |
| Travis Triola | US | 2018-07-22 |
| Brady Strong | US | 2018-07-22 |
| Mahmoud Khattab Khattab | US | 2018-07-22 |
| Patrick Hoang | US | 2018-07-22 |
| Daniel Augustyniak | US | 2018-07-22 |
| Jeff Rust | Anchorage, AK | 2018-07-22 |
| Chris Woods | US | 2018-07-22 |
| Anna Partridge | US | 2018-07-22 |
| Marty Ben | Moore, OK | 2018-07-22 |
| Chris Duffy | US | 2018-07-22 |
| Clark Campbell | US | 2018-07-22 |
| Evan Kane | US | 2018-07-22 |
| Will Rhodes | US | 2018-07-22 |
| john wayne | US | 2018-07-22 |
| John Jackson | US | 2018-07-22 |
| Warner Susan | US | 2018-07-23 |
| Carlos Brumfield | US | 2018-07-23 |
| Shane Rose | US | 2018-07-23 |

| Name | Location | Date |
|-------------------|---------------|------------|
| Rylan Horak | US | 2018-07-23 |
| Matthew Redford | US | 2018-07-23 |
| Danny Irvin | US | 2018-07-23 |
| Xiomara Mostacero | US | 2018-07-23 |
| Ben Ghee | US | 2018-07-23 |
| daniel halprin | US | 2018-07-23 |
| Andrew Gallagher | US | 2018-07-23 |
| Anne Harkonen | US | 2018-07-23 |
| John Vidican | US | 2018-07-23 |
| Judy Jennings | Denver, CO | 2018-07-23 |
| Laura Montano | US | 2018-07-23 |
| Michael Patrick | US | 2018-07-23 |
| Jason MacArthur | US | 2018-07-23 |
| Blake Peacock | Van Buren, AR | 2018-07-23 |
| Ethan White | US | 2018-07-23 |
| Christopher Porto | US | 2018-07-23 |
| Laura Warren | US | 2018-07-23 |
| Jason Sage | US | 2018-07-23 |
| Sadet Elezi | US | 2018-07-23 |
| Bill Blanchard | US | 2018-07-23 |
| Los Takumatla | US | 2018-07-23 |
| Bob Scoggins | US | 2018-07-23 |

| Name | Location | Date |
|-------------------|---------------|------------|
| Matthew O'Quinn | US | 2018-07-23 |
| Robert Tighe | US | 2018-07-23 |
| John Garrick | US | 2018-07-23 |
| Lauren Hartman | Anchorage, AK | 2018-07-23 |
| Harley McCain | US | 2018-07-23 |
| Steven Tyler | US | 2018-07-23 |
| James Harris | US | 2018-07-23 |
| Alec Brown | US | 2018-07-23 |
| Bezuayehu Zeberga | US | 2018-07-23 |
| Oliver Medina | US | 2018-07-23 |
| Zahir Bass | US | 2018-07-23 |
| Robert Stanze | US | 2018-07-23 |
| Aaron Phillips | US | 2018-07-23 |
| Sophia Robinson | US | 2018-07-23 |
| sarah ponder | US | 2018-07-23 |
| Jennuel Venus | US | 2018-07-23 |
| Jake State Farm | US | 2018-07-23 |
| Heather Boston | US | 2018-07-23 |
| Keith Mach | US | 2018-07-23 |
| Kenneth Calderon | US | 2018-07-23 |
| Damian Reynoso | US | 2018-07-23 |
| Terra Castillo | US | 2018-07-23 |

| Name | Location | Date |
|---------------------|----------|------------|
| Quinn Baze | US | 2018-07-23 |
| Brandon Moreno | US | 2018-07-23 |
| Derril Burdge | US | 2018-07-23 |
| Cameron Quinn | US | 2018-07-23 |
| Janice C | US | 2018-07-23 |
| Jim Goodwine | US | 2018-07-23 |
| Reginald Remigio Jr | US | 2018-07-23 |
| Jennie Chase | US | 2018-07-23 |
| Matthew Kershaw | US | 2018-07-23 |
| Gary irving | US | 2018-07-23 |
| Karen Ward | US | 2018-07-23 |
| TJ Brown | US | 2018-07-23 |
| Paul Amo | US | 2018-07-23 |
| Alan Howard | US | 2018-07-23 |
| Tanner Miller | US | 2018-07-23 |
| alan blanchard | US | 2018-07-23 |
| Melissa McReynolds | US | 2018-07-23 |
| Michael Morales | US | 2018-07-23 |
| Clayton Girard | US | 2018-07-23 |
| Nick Chagouris | US | 2018-07-23 |
| Joseph Kelley | US | 2018-07-23 |
| gu gu | US | 2018-07-23 |

| Name | Location | Date |
|--------------------|-----------------|------------|
| Kayla Morrison | US | 2018-07-23 |
| TJ Singh | US | 2018-07-23 |
| Megan Whitehead | US | 2018-07-23 |
| Christopher Bauer | US | 2018-07-23 |
| Ramon Hernandez IV | US | 2018-07-23 |
| Orlando Torres | US | 2018-07-23 |
| Brianna Leonardo | US | 2018-07-23 |
| Jennifer Bahl | US | 2018-07-23 |
| Drake Gibson | US | 2018-07-23 |
| Martin Mendoza | US | 2018-07-23 |
| Corte Lyons | US | 2018-07-23 |
| John Paul Pieta | US | 2018-07-23 |
| Terefe Bezabeh | US | 2018-07-23 |
| Elina Mayja | US | 2018-07-23 |
| Bill Mendenhall | Eagle River, AK | 2018-07-23 |
| dat boi | US | 2018-07-23 |
| David Yanez | US | 2018-07-23 |
| Ryan Dasmarinas | US | 2018-07-23 |
| Jamiesen Cyr | US | 2018-07-23 |
| Lori Welty | US | 2018-07-23 |
| Theatre Kid | US | 2018-07-23 |
| julie cutshaw | US | 2018-07-23 |

| Name | Location | Date |
|--------------------------|----------------|------------|
| Nathan Baumgardner | US | 2018-07-23 |
| Terra Tvedt | US | 2018-07-23 |
| Jeff Foglesong Foglesong | Wasilla, AK | 2018-07-23 |
| Samantha Vogt | US | 2018-07-23 |
| nikki gwin | US | 2018-07-23 |
| Lashonda Edwards | US | 2018-07-23 |
| Ismaela Mejia | US | 2018-07-23 |
| Jordan Rosen | US | 2018-07-23 |
| Rob Hydraluski | US | 2018-07-23 |
| FD Griggs | US | 2018-07-23 |
| Charles Shaw | US | 2018-07-23 |
| Temitope Sodunke | US | 2018-07-23 |
| Sarah Stone | Mt. Morris, MI | 2018-07-23 |
| Jose Gonzalez | US | 2018-07-23 |
| ZACHARY SONNENBERG | US | 2018-07-23 |
| Ree MURDA | US | 2018-07-23 |
| Michael Carroll | US | 2018-07-23 |
| William Storz | US | 2018-07-23 |
| Velma Arano | US | 2018-07-23 |
| Noah Schmidt | US | 2018-07-23 |
| Elijah Sullivan | US | 2018-07-23 |
| Ben Wren | US | 2018-07-23 |

| Name | Location | Date |
|-----------------------|---------------|------------|
| Anna Anderson | US | 2018-07-23 |
| Travis Miller | US | 2018-07-23 |
| Sean Lobred | US | 2018-07-23 |
| Justin Wilson | US | 2018-07-23 |
| Sam Stewart | US | 2018-07-23 |
| Jordan Smith | US | 2018-07-24 |
| Justin Moss | US | 2018-07-24 |
| nicci brown | US | 2018-07-24 |
| damik00003 damik00003 | US | 2018-07-24 |
| joe machuga | US | 2018-07-24 |
| Kellie Barrett | US | 2018-07-24 |
| Kelli Boone | US | 2018-07-24 |
| Katherine Jernstrom | Anchorage, AK | 2018-07-24 |
| mark worley | US | 2018-07-24 |
| Jason Trafton | US | 2018-07-24 |
| Shauna Hoey | US | 2018-07-24 |
| Justin Horn | US | 2018-07-24 |
| Cameron Malveaux | US | 2018-07-24 |
| Brandon Benoit | US | 2018-07-24 |
| Jarrett Gump | US | 2018-07-24 |
| Satish Bajracharya | US | 2018-07-24 |
| Selam Merke | US | 2018-07-24 |

| Name | Location | Date |
|-------------------|-----------------|------------|
| Andrew Shealy | US | 2018-07-24 |
| Alicia Robinson | Ewa Beach, HI | 2018-07-24 |
| Oz Oswald | US | 2018-07-24 |
| Gary Shrigley | Bucyrus, OH | 2018-07-24 |
| Trevor Stevens | US | 2018-07-24 |
| Peter Missick | US | 2018-07-24 |
| Floyd Nickelberry | San Antonio, TX | 2018-07-24 |
| John David Ruhl | US | 2018-07-24 |
| Alex Hamilton | US | 2018-07-24 |
| James c Iezzi | US | 2018-07-24 |
| Cleveland Mosher | US | 2018-07-24 |
| David Danek | US | 2018-07-24 |
| Farrah Pandaog | US | 2018-07-24 |
| Jarrod Combs | US | 2018-07-24 |
| Solana Costa | Cedar Park, TX | 2018-07-24 |
| Madelaine Millar | US | 2018-07-24 |
| William Overby | US | 2018-07-24 |
| Steven Tibbetts | US | 2018-07-24 |
| Dave Liston | US | 2018-07-24 |
| Jeannie Smith | US | 2018-07-24 |
| Emily Kilcollins | US | 2018-07-24 |
| Claudia Morales | US | 2018-07-24 |

| Name | Location | Date |
|-------------------|----------|------------|
| Ian Shilhanek | US | 2018-07-24 |
| Matthew Johnson | US | 2018-07-24 |
| Rick Smith | US | 2018-07-24 |
| John Bernaudo | US | 2018-07-24 |
| Alex Hernandez | US | 2018-07-24 |
| Renee' Douglas | US | 2018-07-24 |
| Nathan Shrewsbury | US | 2018-07-24 |
| Rachel France | US | 2018-07-24 |
| Oswaldo Esteves | US | 2018-07-24 |
| oof poof | US | 2018-07-24 |
| Ifeoluwa Adeosun | US | 2018-07-24 |
| Brian Vergantino | US | 2018-07-24 |
| Blade Jacobsen | US | 2018-07-24 |
| Sarisa Saint Paul | US | 2018-07-24 |
| Rec Kenny | US | 2018-07-24 |
| Johnny Walker | US | 2018-07-24 |
| Carl Gilbert | US | 2018-07-24 |
| Chris U | US | 2018-07-24 |
| Nicholas Frasca | US | 2018-07-24 |
| dominic Gregory | US | 2018-07-24 |
| Scarlet Teschke | US | 2018-07-24 |
| Mike Nieman | US | 2018-07-24 |

| Name | Location | Date |
|-----------------------|-----------------|------------|
| kris From the suburbs | US | 2018-07-24 |
| Martha Ochoa | US | 2018-07-24 |
| Dakota Carver | US | 2018-07-24 |
| Dorothy Anthonu | US | 2018-07-24 |
| Rohan Kumar | US | 2018-07-24 |
| Adam Kaluba | US | 2018-07-24 |
| Michael Zarate | US | 2018-07-24 |
| Katherine Sturgis | US | 2018-07-24 |
| Barbara Dinger | US | 2018-07-24 |
| Patrick Burton | US | 2018-07-24 |
| Diondria Jones | US | 2018-07-24 |
| Alex Reyes | US | 2018-07-24 |
| Zerg . | US | 2018-07-24 |
| John Cropsey | US | 2018-07-24 |
| Victor Fernandez | US | 2018-07-24 |
| Donald Bentley | US | 2018-07-24 |
| Harry Reichert | US | 2018-07-24 |
| Markos kibret | US | 2018-07-24 |
| Mujahir Ali | US | 2018-07-24 |
| Sarah Bottoms | US | 2018-07-24 |
| Nicole Farino | US | 2018-07-24 |
| Andrew Simasko | Eagle River, AK | 2018-07-24 |

| Name | Location | Date |
|---------------------|----------------|------------|
| Quita Garth | US | 2018-07-24 |
| George Doria | US | 2018-07-24 |
| Micah Mahaffey | US | 2018-07-24 |
| dale marksberry | US | 2018-07-24 |
| Molly Simasko | Anchorage, AK | 2018-07-24 |
| Kendra Walters | US | 2018-07-24 |
| Kenny Coe | US | 2018-07-24 |
| tammy dupler | US | 2018-07-24 |
| Daksha Dhanani | US | 2018-07-24 |
| Dennis Duran-Lorch | US | 2018-07-25 |
| Edward Yarmak | Anchorage, AK | 2018-07-25 |
| Paul Rasmussen | Anchorage, AK | 2018-07-25 |
| Christopher Russell | Wasilla, AK | 2018-07-25 |
| Eric Geisler | Anchorage, AK | 2018-07-25 |
| Daniel Cole | Anchorage, AK | 2018-07-25 |
| Brenda Knoll | Somerville, TX | 2018-07-25 |
| Allison Long | Anchorage, AK | 2018-07-25 |
| Jack Rouse | Yukon, OK | 2018-07-26 |
| Jayme Jones | Anchorage, AK | 2018-07-26 |

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL
FROM THE ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of)
)
THE ALASKA CLUB, INC.) OAH No. 16-0200-ABC
d/b/a THE SUMMIT) Agency No. 16-01
)

DECISION

I. Introduction

In 2010, the Alaska Club was granted a recreational site license to serve beer and wine at the Summit, its “platinum-level” athletic club. The Summit’s “Rec Site” license was granted at a time that the Alcoholic Beverage Control Board was very broadly construing the recreational site license statute to allow such licenses across a variety of settings. Thereafter, during a series of public meetings over the course of several years, the Board revisited its application of the recreational site license statute, eventually determining that it had been overly broad in construing the statute.

When the Alaska Club applied to renew the Summit’s recreational site license in 2016, the Board received a public objection arguing that the Summit did not fit the statutory definition for a “recreational site.” After a hearing on the objection, the Board denied the application to renew the Summit’s license on the basis that the Summit’s operations were outside the statutory definition of a recreational site.

The Summit now appeals, correctly noting that the Board has continued to renew other seemingly non-conforming Rec Site licenses despite its stated intention to narrowly construe the statute as to all licensees.

This decision concludes that the Board has appropriately decided to interpret the Rec Site statute consistent with a narrow reading of the statute’s terms. However, the Board’s actions in continuing to renew all other non-conforming Rec Site licenses, while denying non-renewal to the Alaska Club alone, are so arbitrary as to not withstand constitutional scrutiny. Accordingly, the Board’s decision to deny the Club’s 2016-2017 renewal application is reversed.

This decision does not preclude the Board from denying future renewal applications – either from the Alaska Club or from other existing Rec Site licensees – provided that the Board adjusts its renewal application process to apply equally to similarly situated applicants.

II. Factual and Procedural History

A. Context of alcoholic beverage licensing options and processes

The Alcoholic Beverage Control Board is responsible for controlling the manufacture, barter, possession, and sale of alcoholic beverages in Alaska.¹ In its exercise of that duty, the Board administers twenty-two different types of licenses and permits related to alcoholic beverages.² These include beverage dispensary licenses, restaurant or eating place licenses, pub licenses, golf course licenses, club licenses, special event permits, and caterer's permits, each of which is separately defined by statute.

The specific license type at issue in this appeal is the "recreational site license," defined in AS 04.11.210 as follows:

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, "recreational site" includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

The Board's administrative, licensing, and enforcement functions are carried out by its Director and her 16-person staff, who also bear those responsibilities for the fledgling Marijuana Control Board.³

Because this appeal specifically concerns a renewal application, the renewal application process is briefly summarized. Within the Board's four-person licensing staff, two license examiners review and process nearly 1,000 renewal applications annually.⁴ Each year, licensees whose applications are coming up for renewal are mailed application forms prior to November 1, with the completed renewal application due back by December 31.⁵ Under the Director's delegated authority, renewal licenses are issued bearing the proviso that the license renewal is "subject to Board approval within 90 days."⁶ Unless a protest or objection is received during that time, the license is deemed to be "issued" without further action by the Board.⁷

¹ AS 04.06.090(a).

² AS 04.06.080; AS 04.11.080.

³ AAC 304.015; Franklin testimony.

⁴ Oates testimony.

⁵ Oates testimony; AS 04.11.270(b)(1).

⁶ Oates testimony.

⁷ Oates testimony. This process is discussed in greater detail at page 14, below.

B. Historical application of the recreational site license statute

As noted above, the Rec Site license statute allows a licensee to sell beer or wine “at a recreational site during and one hour before and after a recreational event.” The statute then describes a “recreational site” as one that “includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.”⁸

Currently, there are 28 active Rec Site licenses, including licenses held by various baseball teams, hockey teams, and sports arenas.⁹ Almost since the statute’s inception, the Board’s issuance of recreational site licenses has extended to events outside the five sporting events identified in subsection (c) and outside the context of similar sporting events. In 1973, the Board issued a recreational site license to the Gold Creek Salmon Bake in Juneau to “provide food and beverages in conjunction with tour activities.”¹⁰ The Board issued a recreational site license to a Homer bowling alley, Kachemak Bowl, in 1984, and another to Kenai’s AlaskaLanes in 1992, both to “provide food and beverage to bowlers.”¹¹ In 2006, the Board issued a Rec Site license to a Skagway establishment, “Liarsville,” to provide food and beverage service to patrons during “gold-panning and theatre.”¹² The Board issued another Rec Site license for a bowling alley in 2007, and in 2008, issued a Rec Site license to Alaska Wild Berry Products to provide food and beverages “to theatre attendees and tour lunch groups.”¹³ In 2009, the Board issued recreational site licenses to another bowling alley, a tour company, a zipline establishment, and another theatre.¹⁴

C. The Summit Club and its 2010 application for a recreational site license

I. *The Summit*

The Alaska Club is an Anchorage-based corporation that has operated fitness centers in Alaska since 1986.¹⁵ The Club operates 14 fitness centers, nine of which are in Anchorage.¹⁶ This appeal concerns “the Summit,” a “platinum-level” club intended to serve as “a fitness-

⁸ When the statute was enacted in 1969, the language describing “recreational site” began, “in this section, ‘recreational site’ means. . . .” The statute was later amended to replace the term “means” with the broader term “includes.” The statute has otherwise remained unchanged since its enactment.

⁹ Ex. 4.

¹⁰ Ex. 3, p. 2.

¹¹ Ex. 3, pp. 1-2.

¹² Ex. 3, p. 2.

¹³ Ex. 3, pp. 1, 3.

¹⁴ Ex. 3, pp. 1-2.

¹⁵ R. 50.

¹⁶ Brewster testimony.

oriented country club.” As described by the Summit’s General Manager in support of the Summit’s initial recreational site license application:

This luxury 19,000 square foot facility . . . has provided a new level of variety in individual and group recreational and fitness activities. This 21 and over multipurpose club offers many regularly scheduled events, classes and sporting activities. It has been specifically constructed to maximize social interaction and has multiple lounges specifically designed for relaxation. These areas include a fireplace, large screen televisions, wireless internet and furniture arranged in a manner that allows convenient opportunities to relax after exercise, classes or sports activities.¹⁷

Alaska Club President and CEO Robert Brewster originally conceived of the Summit as “an athletic, recreational, and social center for those 21 and over.”¹⁸ According to Mr. Brewster, an “integral part” of the Club’s objective “was to have a social environment where people could enjoy themselves.”¹⁹ The Club thus designed and built the Summit facility with a greater emphasis on spaces for “social interaction and relaxation” than its other clubs. Its design reflected the plan to eventually be able to serve beer and wine – with a larger front desk to accommodate dispensing devices, as well as a larger lounge area.²⁰

2. *2010 submission of Rec Site applications by the Summit and Beluga Billiards*

The Summit initially applied for a recreational site license in late 2010 and the application was put on the agenda for the Board’s December 13, 2010 meeting.²¹ The Board considered the Summit’s application in tandem with another Rec Site applicant, Beluga Billiards. Prior to the December 13 meeting, Director Shirley Gifford prepared a memo to the Board that addressed both applications, describing “the question for the Board” as whether either of these operations “fit the definition of a recreational site.” The memo noted that neither “seem[ed] to fit within the examples given for a recreational site license” in AS 04.11.210, but also that other seemingly non-conforming recreational site licenses had been granted.²²

The Board first took up both applications on December 13, 2010.²³ The consideration of recreational site licenses at that meeting began with a discussion of the Beluga Billiards

¹⁷ R. 50.

¹⁸ Brewster testimony.

¹⁹ Brewster testimony.

²⁰ Brewster testimony; Ex. 10.

²¹ For unknown reasons, the application itself is not in the agency record. Also unclear is the reason for the delay in seeking a license after opening its doors in May 2006, although as a precursor to obtaining a Rec Site license, the Club applied for and was granted a conditional use permit from the Anchorage Assembly. R. 27, 47-49, 50.

²² R. 38.

²³ Ex. B.

application, and both licenses were discussed in the context of the Board's overall approach to the recreational site license. There was a general concern amongst Board members that the types of licenses being issued under the Rec Site mantle might be outside the scope of the statute, but also a recognition that – at least as to Beluga Billiards – the current request was functionally indistinguishable from other recently granted requests.²⁴ The general approach being considered by the Board was to allow the two pending applications based on their similarities to prior approvals, but then “hold the line” as to any new applications.²⁵

The Board’s counsel at the time offered his opinion that the Board “has been approving [Rec Site applications] inappropriately,” noting that the statutory language suggests an intent to limit the availability of alcoholic beverages to one hour before or after a defined event, which was different, he noted, than “any time anybody is shooting pool.”²⁶ At the same time, counsel suggested the Board had discretion to approve the licenses before it, while cautioning that future applicants could be denied.²⁷ After further discussion about whether these applications met the statutory framework, and what implications would accompany either acceptance or denial of the applications, the Board tabled both applications until the following day.²⁸

When the Board reconvened on December 14, 2010, its counsel indicated that he had found no instructive legislative history to shed light on the task of interpreting the Rec Site statute.²⁹ The Board discussed its history of having “in our collective wisdom” approved Rec Site license applications for settings including not just sporting events but also bowling alleys, a salmon bake, theatres, and a zipline tour.³⁰ The Board then unanimously approved a Rec Site license for Beluga Billiards.³¹

The Board next took up the Summit’s application. The discussion did not center on the statutory definition of Rec Site licenses, but included whether any other license type was potentially available (none was) and whether the Summit met the requirements of public access (it did).³² Having satisfied itself on these issues, but without further addressing the interpretation of

²⁴ Ex. B at 3:28, 3:37.

²⁵ See Ex. B at 3:43.

²⁶ Ex. B at 3:38.

²⁷ Ex. B at 3:50.

²⁸ Ex. B at 4:10-4:28.

²⁹ Ex. C at 9:10.

³⁰ Ex. C at 9:13-9:26.

³¹ Ex. C at 9:30.

³² Ex. C at 9:31-9:44, 10:55.

the Rec Site license statute, the Board unanimously approved the Summit's Rec Site license application, granting license No. 5004.³³

D. Origin of the April 2011 "policy memo"

Later the same day, the Board returned to a broader discussion of the Rec Site license problem.³⁴ The Board's consensus was that there was a problem that needed fixing, and that the "fix" should come from the legislature. The Board tasked then-Director Shirley Gifford with developing draft language for discussion at the next meeting.³⁵

When the Board reconvened on March 24, 2011, it returned to the Rec Site license issue, considering draft statutory language prepared by its counsel.³⁶ As had been suggested at the December 14 meeting, the draft proposal identified two separate categories of recreational site licenses – one being "event-based," and the other "activity-based."³⁷

In the discussion that followed, the Board's then-counsel advised that the Board need not necessarily go through the process of proposing and then awaiting changes to the language of the statute. Instead, counsel suggested, the Board could adopt a "policy" interpreting the statute as reflecting those changes.³⁸ The Board then unanimously approved its counsel's "policy recommendations."³⁹

An April 11, 2011 memorandum from Director Gifford summarized these events, then set forth "the policy by which [the Board] will consider recreational site license applications."

A recreational site license authorizes the licensee to sell beer and wine on licensed premises located on the recreational site. A license may be issued only if an application is approved by the local governing body and the board, and the applicant does not hold a beverage dispensary license or a restaurant or eating place license.

An event-based recreational site license will allow the licensee to sell beer and wine one hour before and one hour after an event. An event[-]based recreational site license includes the following spectator events, or other spectator sporting events having substantially similar characteristics – baseball games, softball games, football games, soccer matches, running events, skiing events, dog sled

³³ Ex. C at 10:57.

³⁴ Ex. C at 1:31-1:45.

³⁵ Ex. C at 1:40-1:45. The Board also expressed the sentiment that "in the meantime, no more" recreational site licenses should be granted. See Ex. C at 1:45.

³⁶ Ex. D at 12:04. See R. 104. The meeting recording reflects that a memorandum from the Board's then-counsel was in the Board's packet. Ex. D at 12:05. Unfortunately, however, that memorandum is not in the evidentiary record, although the later memo by Director Gifford apparently contains the language counsel had proposed. R. 104-105.

³⁷ Ex. D at 12:10; R. 104; Ex. C at 1:44.

³⁸ Ex. D at 12:13.

³⁹ Ex. D at 12:16.

races, hockey games, basketball games, curling matches, gymnastics meets, volleyball meets, car racing events, and snow machine races.

An activity-based recreational site license will allow the licensee to sell beer and wine during times the recreational activity is taking place. An activity-based recreational site license includes the following recreational activities, or other recreational activities having substantially similar characteristics – baseball, softball, football, soccer, running, skiing, dog sledding, curling, gymnastics, zip lines, volleyball, climbing, hiking, fitness activities, golf, bowling, billiards, hiking, rafting, and boating.

A recreational site license may not be issued if the licensed premise is within 200 feet of the property line for real property that is owned by, leased to, or rented to any public or private school, church, college, or university.⁴⁰

E. Fallout from the Board's adoption of the April 2011 "policy memo"

By early 2013, significant concerns had arisen about the Board's adoption of the policy articulated in the April 2011 memo. Several organizations and public officials wrote to the Board expressing displeasure with the Board's adoption of the policy. Senator Hollis French suggested that the Board was "on tenuous ground operating on a 2-year-old 'policy' rather than properly adopted regulations," but added that his "main concern is that these licenses not be issued in a way that increases the total number of full-time beer and wine licenses beyond the board's population restrictions."⁴¹

The Board of Directors of Anchorage CHARR, an industry advocacy group, submitted a letter arguing that the Board's "policy" had the effect of "opening the qualification so broadly that just about any recreational or sports facility can qualify for a license."⁴² The result, according to CHARR, was "more businesses applying for Recreational Licenses due to the changes made by [board counsel] accommodating almost every recreational facility to fit" the definition of recreational site.⁴³

By this time, there were 33 current recreational site licenses.⁴⁴ Some were tied to beverage service around the specific types of events listed in AS 04.11.210(c), including baseball games (Anchorage Bucs; Anchorage Glacier Pilots; Home Run Concessions; Mat-Su Miners; Peninsula Oilers), car races (AK Raceway Park; Mitchell Raceway; Northstar Speedway), and

⁴⁰ R. 104-105.

⁴¹ R. 173.

⁴² R. 174.

⁴³ R. 174.

⁴⁴ Ex. 3.

hockey games (Sullivan Arena; Kenai River Brown Bears).⁴⁵ Others were not as clear a fit with the statute's parameters, and included not just the Summit but also bowling alleys, billiards halls, a ski lodge, and various adventure and tour group activities.⁴⁶

F. Summer 2013 special meeting and development of draft regulation

The Board heard about and discussed Rec Site licenses – both broadly and specifically – during its May 2013 meeting. During the portion of the meeting reserved for public testimony on topics not otherwise on the agenda, Alaska Mental Health Trust Authority CEO Jeff Jessee expressed his concern that the Board was issuing Rec Site licenses “to licensees conducting activities not inferred in the statutory reference of recreational site licenses.”⁴⁷ Mr. Jessee also argued that the Board lacked authority to adopt the April 2011 policy championed by its former counsel.⁴⁸

During the May 2013 meeting, the Board took up another application for a recreational site license – this one from Minnesota Billiards, whose application was noted to be largely indistinguishable from the Beluga Billiards Rec Site license the Board had granted at the same time it granted the Summit’s license.⁴⁹ While the Board heard and discussed concerns raised by community members, the Chair queried: “did we, as a board, go too far on recreational site licenses?”⁵⁰

Amidst concerns that the April 2011 policy had indeed “gone too far,” the Board tabled the Minnesota Billiards application, as well as two other Rec Site licenses on its agenda, in order to further “sort out” the recreational site license interpretation issue.⁵¹ The Board then scheduled a special meeting specifically to discuss recreational site licenses.

At the June 11, 2013 meeting, the Board’s new counsel opined that the April 2011 policy championed by her predecessor, while “certainly well intended,” impermissibly “expands the definition of recreational site beyond what appears to have been the scope that the legislature intended when it drafted and adopted section 04.11.210.”⁵² Noting that policies which “go way beyond what’s in the statute” are effectively regulations that must be promulgated and adopted in

⁴⁵ Ex. 3.

⁴⁶ Ex. 3.

⁴⁷ Ex. E at 9:22.

⁴⁸ Ex. E at 9:22.

⁴⁹ Ex. E at 11:13, 11:54.

⁵⁰ Ex. E at 11:53. This sentiment was echoed in testimony from a CHARR spokesperson, Bob Wynn, who indicated that CHARR was “not sure how this interpretation was made by Mr. Novak,” and opined that the policy was an improper administrative modification of the statute. Ex. E at 12:04.

⁵¹ Ex. E at 12:11-12:13, 4:10.

⁵² Ex. F at 3:16.

accordance with the Administrative Procedure Act, counsel advised the Board that it should not continue following the April 2011 policy without putting those changes into a regulation.⁵³

The Board also heard testimony from various license holders, including the Alaska Club, and those opposed to the Board's expansive policy, including Jeff Jessee.⁵⁴ In response to concerns raised by the Alaska Club, the Chair indicated that the Board intended to first figure out what its Rec Site license policy should be, and would then figure out how to deal with existing licenses.⁵⁵ After further discussion, the Board decided to pursue a change to its regulations to address the proper scope of Rec Site licenses.⁵⁶

G. Development of draft regulation

In July 2013, one month after the special meeting, the Director provided the Board with a draft regulation that would substantially narrow the scope of the recreational site license from the broad approach set out in the April 2011 policy memo.⁵⁷ The draft regulation limited recreational site licenses to those "based upon a competitive spectator sporting event with a designated sport season, and with a starting time and an ending time."⁵⁸ The draft regulation provided a list of activities included in this definition; the list was more extensive than the narrower list from the 1969 statute, but was limited to competitive spectator sports.⁵⁹

The Board took up the draft regulation at its meeting on July 23, 2013, and heard testimony from multiple licensees, applicants and objectors.⁶⁰ The Board discussed that, under the regulation as drafted, a number of existing licensees would not qualify.⁶¹ The Board discussed the possibility of grandfathering, and the problems that creates, but also discussed the need to first identify the license's proper parameters before making any determinations about whether to grandfather existing "activity-based" licensees.

⁵³ Ex. F at 3:16-3:20.

⁵⁴ Ex. F at 3:26-3:55.

⁵⁵ Ex. F at 3:37.

⁵⁶ Ex. F at 4:05-4:09.

⁵⁷ R. 159-160.

⁵⁸ R. 160.

⁵⁹ R. 160. ("A competitive spectator sporting event includes baseball games, softball games, football games, soccer matches, dog sled races, hockey games, basketball games, curling matches, gymnastics meets, volleyball meets, car races, boating races, snow machine races, skiing races, and leagues or tournaments that includes golf, bowling, and billiards").

⁶⁰ Ex. G.

⁶¹ Ex. G at 1:11, 1:24.

Board members opined that “the 2011 policy went way too far.”⁶² Jeff Jessee, the objector in this case, urged the Board that its “public purpose . . . isn’t to find a way for everyone with an entrepreneurial spirit who wants a license to fit into one of the categories and get one.”⁶³

After discussing both the 2011 policy and the proposed regulation, the Board rejected two new Rec Site license applications as outside the scope of the narrower interpretation the Board had been discussing.⁶⁴

H. Continued discussions of Rec Site licenses in 2013 and into 2014

The Board continued to work on the Rec Site license regulation throughout 2013.⁶⁵ The proposed regulation was put out for public comment consistent with the Administrative Procedure Act. The Board considered public comments and testimony at its December 2013 meeting.

At that meeting, Alaska Club CEO Mark Brewster testified against the narrower construction of the statute, defending the April 2011 policy and arguing that losing the Summit’s Rec Site license would be very costly for the Alaska Club.⁶⁶ The Chair again identified the need, “once we decide about the regulation,” to figure out, “what do we do with all the existing licenses?”⁶⁷

Continuing to have threshold concerns about how to appropriately construe the statute, the Board decided that a better way to proceed might be to have the existing Title 4 task force evaluate the need for possible legislative changes.⁶⁸ That task force was an effort by Title 4 stakeholders to consider and recommend changes to the overall statutory scheme. The project, a massive undertaking that had begun in 2012 and ultimately continued for more than four years, grew out of generalized concerns amongst stakeholders about the need to update Title 4 to address, *inter alia*, the significant changes to the business landscape in the decades since it was enacted. At the December 2013 meeting, Board members expressed an interest in having “the task force” work on the Rec Site license issue, and so voted unanimously to table the Board’s discussion.⁶⁹

At its next meeting, in April 2014, the Board took up a license application for a beverage dispensary tourism license that would have allowed an airport nail salon to serve alcohol to its

⁶² Ex. G at 1:30.

⁶³ Ex. G. at 2:10.

⁶⁴ Ex. G. at 2:14, 2:36.

⁶⁵ Ex. H at 3:04; Ex. I at 10:09-11:42.

⁶⁶ Ex. I at 10:42-51.

⁶⁷ Ex. I at 11:21.

⁶⁸ Ex. I at 11:37, 11:42.

⁶⁹ Ex. I at 11:42-11:44.

customers.⁷⁰ Beverage dispensary tourism licenses are created under AS 04.11.090; they are not Rec Site licenses and entirely different standards apply. Nonetheless, the Board's discussion of the airport nail spa application continued to reflect a concern about overreaching statutory interpretation. Board members referenced their ongoing concerns about Rec Site license statutes and the problems occasioned by the April 2011 policy, to justify a narrow reading of the beverage dispensary tourism license statute.⁷¹

I. May 2014 legislative audit.

In the meantime, in May 2014, the Division of Legislative Audit completed its required sunset audit of the Board's operations.⁷² The audit "conditionally" endorsed the Board's continued operation, but identified several serious concerns, one of which related to recreational site licenses.⁷³ The audit concluded that, of 32 active recreational site licenses, 47 percent (15 businesses) "did not meet the criteria for a recreational license."⁷⁴

Ineligible businesses include bowling alleys, a sports center and pub, an exercise gym, a gift shop, theatres, and pool halls. These business types did not meet the definition of a recreational site nor were operations limited to a season. The issuance of these licenses expanded the number of establishments licensed to sell alcohol over the number allowed by statute.

The auditors reported that "[i]nquiries with [B]oard members revealed that the improper issuance of recreational site licenses was caused by an historic misunderstanding of what qualifies as a recreational event."⁷⁵ The audit recommended that "the Board should issue recreational site licenses in accordance with statutory requirements."⁷⁶

In November 2014, both the Commissioner's office and the Board submitted responses to the audit.⁷⁷ Director Franklin researched and assisted in drafting the response from the Commissioner's office. That letter, signed by Commissioner of Commerce Susan Bell, responded to the Rec Site license concern as follows:

The Department concurs with this recommendation. The ABC Board took public testimony at its July 23, 2013 board meeting regarding recreational site licenses and considered drafting regulations to clarify which types of businesses would qualify for recreational site licenses. The Board then determined that no

⁷⁰ Ex. N at 11:02-11:25.

⁷¹ Franklin testimony; Ex. N at 11:02-11:25. The airport nail spa application was denied at the April 2014 meeting, and a motion to reconsider the denial failed in July 2014. Ex. N at 11:25; Ex. O at 11:07-11:12.

⁷² Ex. L.

⁷³ Ex. L, pp. 1, 2, 11-12; Franklin testimony.

⁷⁴ Ex. L, p. 11.

⁷⁵ Ex. L, p. 12.

⁷⁶ Ex. L, pp. 2, 11.

⁷⁷ Franklin testimony. Ex. L, pp.44 - 47, 49 - 51.

regulations would be passed and the board directed the agency to return to a strict statutory interpretation of AS 4.11.210 for issuing recreational site licenses. Since July of 2013, all recreational site license applications have received strict scrutiny from the Director and the board, and the Board Chair has stated his intent that the recreational site license statute be applied as written.⁷⁸

The Board's response, signed by Board Chair Bob Klein after "conferring with members of the Board and with staff," responded to the recommendation as follows:

The Board agrees with this recommendation. The Board had been relying on advice from Attorneys General as to the latitude that could be used in granting recreational site licenses. On July 23, 2013, the Board devoted a portion of the meeting to the use and issuance of these licenses. After taking public testimony and a healthy debate, the Board decided to return to strict adherence to the Title IV definition of the Rec Site license. The Board now carefully reviews each application and issues only those licenses which adhere to the statute.⁷⁹

Both agency responses were appended to the final legislative audit report.⁸⁰

J. December 2014 presentation of the Title 4 Review

At the same time these events were unfolding, a large and diverse group of stakeholders had been working for several years on an attempt to comprehensively rewrite Title 4. In December 2014, the Title 4 review committee produced a 35-page report outlining the group's proposed legislative changes. The report set out 45 separate recommendations across four broad subjects, including 29 separate recommendations about licensing.

One of the 29 licensing recommendations concerned the recreational site license statute. The subcommittee recommended that the Board return to a strict construction of the Rec Site license statute. Concluding that "the statute itself is sufficient and must be interpreted more narrowly when reviewing recreational site License applications," the subcommittee further recommended that the April 2011 "policy memo that broadens the intent of the statute should be nullified because it does not appear to have statutory basis."⁸¹ However, in order to minimize negative effects on existing licensees, the subcommittee also advocated that the Board "should provide a sunset provision" for existing licenses.⁸²

⁷⁸ Ex. L, p. 46.

⁷⁹ Ex. L, p. 50.

⁸⁰ See Ex. L.

⁸¹ Ex. 7, pp. 13-14.

⁸² Ex. 7 pp. 13-14 ("The primary implication for returning to a strict statutory interpretation is whether existing licenses granted under a stretched definition of recreational activities should be revoked, as they were issued without proper legal basis. The subcommittee weighed the existing licensees' investment against the benefits of closing a growing loophole, and recommends that the ABC Board should not renew licenses that do not fit this definition. Instead, it should provide a sunset period to allow non-conforming licensees to depreciate their investment in the license or alter their operations to comply with AS 04.11.210. In the next renewal period for each recreational site

The Title 4 Steering Committee, the governing body of the larger stakeholders' group, presented its recommendations to the Board at the Board's December 2014 meeting. The licensing-specific recommendations were presented by licensing committee chair Jeff Jessee, who summarized the Rec Site license recommendation as follows:

We looked at this pretty carefully and basically the conclusion of the committee is the board should just apply the statute as it was written. Going back to a stricter interpretation would not only fulfill the intent of the legislature in passing the recreational site license, but also bring more predictability to folks and close what had potential at one point in time to almost exponentially increase the number of licenses available.⁸³

The related "grandfathering" recommendation was not raised during this brief overview. Earlier in his presentation, however, Mr. Jessee had noted the committee's generalized desire to avoid unduly disadvantaging existing licensees, stating, "[i]n cases where we are rolling back on some licenses, we looked for ways to ameliorate or minimize impacts on existing licensees."⁸⁴

The committee's recommendation about Rec Site licenses was one of scores of recommendations in the 35-page document presented to the Board in the Title 4 review, and was introduced as part of a lengthy presentation of the committee's entire body of recommendations on how the *legislature* might improve Title 4.⁸⁵ At the close of that lengthy presentation, Chair Klein asked for a motion "that we endorse this and move it forward."⁸⁶ In discussing the motion and concerns about it, the Chair clarified that "moving it forward" meant beginning the process of drafting proposed legislation that would incorporate the committee's recommendations, with such draft legislation still subject to review by stakeholders and by the Board.⁸⁷ The Board unanimously agreed to "move [the Title 4 review recommendations] forward."⁸⁸

license, the ABC Board would issue a memo explaining that all licenses of this type will be reviewed by staff and a recommendation made whether it meets the statutory definition of a recreational site. Licensees would be given four renewal periods (eight years) to submit an appeal to the ABC Board explaining how they comply with statute or which operational changes they would make (e.g. instituting a seasonal league) to come into compliance. At the end of this period, licenses that are no longer in compliance would not be renewed.").

⁸³ Ex. P at 9:47.

⁸⁴ Ex. P at 9:17.

⁸⁵ Ex. P.

⁸⁶ Ex. P at 10:37.

⁸⁷ Ex. P at 10:39.

⁸⁸ Ex. P at 10:52.

K. July 2015: Board reaffirms policy to strictly construe Rec Site license

At its July 2015 meeting, the Board reaffirmed its policy of strictly construing the Rec Site license statute.⁸⁹ The issue arose in the context of an administrative matter – closing a Department of Law file opened in 2013 when the Board was considering adopting regulations governing its interpretation of the statute.⁹⁰ Although the Board later decided to abandon the regulation project in favor of simply deciding to strictly construe the statute as written, the Department of Law “regulation file” had remained open. After a very brief discussion of the Board having “by policy decided” to “strictly follow the way Title 4 defines” the recreational site license, the Board voted to close out the regulation file.⁹¹

L. Denial of the Summit’s 2016 application to renew its recreational site license

While all of the foregoing debate had been taking place, Board staff had quietly renewed the Summit’s recreational site license for 2012-2013 and 2014-2015.⁹² During this time, renewal applications were being processed by staff in a fairly “automated” manner.⁹³ After assuming the directorship in fall 2014, Director Cynthia Franklin had aspirations about making changes to the process. Instead, however, “marijuana happened.”⁹⁴ Specifically, in the fall of 2014, Alaska voters approved Ballot Measure No. 2, which legalized the possession and use of marijuana by adults.⁹⁵ The new law took effect on February 24, 2015. The legalization of marijuana had real and significant impacts on the day to day operations of the AMCO. The attention of the Director and her staff was significantly diverted to address – initially without any additional staff members – the varied and complex legal, administrative, and procedural implications of legalization.

As a result, the automated nature of license renewals remained the status quo. The Director likened the renewal process to a very swift river through which 1,800 applications flow every two years. Because of the volume of renewals, the small number of staff members, and the significant additional burdens associated with adding marijuana to the office’s responsibilities, renewal applications are only “dipped out of the river” when a protest or objection has been made.

⁸⁹ Ex. J at 4:31-4:33.

⁹⁰ Ex. J at 4:31.

⁹¹ Ex. J at 4:32-4:33.

⁹² R. 25, 30, 32;

⁹³ Franklin testimony; Oates testimony.

⁹⁴ Franklin testimony.

⁹⁵ See AS 17.38.

"The only renewals that are brought before the board are the ones that received a protest or objection," Director Franklin testified. "Otherwise, it's a complete back office process."⁹⁶

Against this backdrop, on December 24, 2015, the Alaska Club submitted its application to renew the license for 2016-2017.⁹⁷ On December 31, 2015, Board staff issued a temporary Rec Site license for 2016-2017, subject to approval by the Board.⁹⁸

On January 19, 2016, the Board received a public objection to the Club's renewal application from Jeff Jessee. Although Mr. Jessee frequently appears before the Board in his capacity as the CEO of the Mental Health Trust, he made his objection as a private citizen (and a member of the Summit who personally disapproves of the sale of alcohol at his gym). Mr. Jessee's objection argued that the Summit's recreational site license "clearly does not comply with the language of the statute and was erroneously granted by the Board in the first place."⁹⁹

The Board scheduled a hearing to consider the objection and make a decision about the renewal application. The Board held a 40-minute hearing on February 10, 2016, taking testimony from Director Franklin; Mr. Jessee, Alaska Club counsel Fred Odsen, Alaska Club CFO Mark Boright, and Alaska CHARR President CEO Dale Fox.

In his testimony, Mr. Jessee argued to the Board that it should "correct a prior decision which, in [his] opinion, needs to be reversed."¹⁰⁰

Mr. Odsen pointed out that there were a number of "activity-based" Rec Site licenses, including six that had submitted renewal applications at the same time as the Alaska Club, and whose licenses had been renewed without protest. He urged the Board not to single the Club out for differential treatment.¹⁰¹

The Director explained that this particular renewal application had been brought before the Board because an objection had been received.¹⁰² The Director also noted the mandatory language in AS 04.11.330(a) which provides that a renewal application "shall be denied" if its renewal would violate the statutory restrictions pertaining to the particular license.¹⁰³

⁹⁶ Director Franklin expressed dissatisfaction with this state of affairs, and noted her intent to "look hard" at the license renewal process, including determining whether the process should be less automated and whether her office should be specifically identifying license renewal issues for the Board. But she indicated that the current realities of workload, staff size, and prioritizing have thus far precluded such a "hard look" from taking place.

⁹⁷ R. 12-13, 15.

⁹⁸ R. 10; Oates testimony; Franklin testimony.

⁹⁹ Ex. 2.

¹⁰⁰ Ex. K at 12:57.

¹⁰¹ Ex. K at 1:04.

¹⁰² Ex. K at 12:53, 1:16.

¹⁰³ Ex. K at 12:54.

At the close of testimony, Board member Bobby Evans moved to deny the license renewal pursuant to AS 04.11.330(a)(6). The motion carried 3-2, with members Tom Manning and Bob Klein opposing the motion.¹⁰⁴ The Club was directed to stop selling alcoholic beverages immediately.¹⁰⁵

The Alaska Club was shocked by the nonrenewal of its license. Mr. Brewster had apparently believed that the license, once granted, would continue to be renewed as long as the Club remained a “clean operator” with no violations, as it undisputedly had been.

Since the non-renewal of its Rec Site license, the Summit has lost 22% of its membership.¹⁰⁶ Mr. Brewster believes that this loss, or at least the lion’s share of it, is attributable to the loss of the Club’s recreational site license. Given what he perceives as impacts on membership, Mr. Brewster believes that the loss of the license will cost the club \$200,000-\$300,000 in revenue over the next twelve months.¹⁰⁷

M. Procedural history of appeal

On March 4, 2016, the Alaska Club, through counsel, submitted a Notice of Defense and request for hearing. An evidentiary hearing was held on August 22, 2016.¹⁰⁸ Both parties were ably represented by counsel. Testimony was taken from Director Cindy Franklin, DCCED Records and Licensing Supervisor Sarah Oates, Alaska Club President/CEO Robert Brewster, Alaska Club Vice President Mark Boright, and CHARR President/CEO Dale Fox.

All exhibits submitted by both parties were admitted by stipulation. These included ten CDs of prior ABC Board meetings at which either the Summit’s license specifically, or the construction of the Rec Site license statute generally, were discussed. Following the hearing, the Director supplemented the record with recordings of three additional ABC Board meetings, which were also admitted.¹⁰⁹ The record closed on September 9, 2016, after the parties’ submission of post-hearing briefing.

¹⁰⁴ Ex. K, at 1:36.

¹⁰⁵ Ex. 9. Staff originally issued, and Director Franklin originally signed, a notice to this effect but describing the underlying events as a “suspension.” Ex. 9. The notice was posted at the entrance to the Summit, which Club CEO Boright found “very embarrassing.” The Alaska Club counsel and Director Franklin quickly resolved the notice posting issue and replaced the notice with a letter on Club letterhead. Boright testimony.

¹⁰⁶ Brewster testimony.

¹⁰⁷ Brewster testimony.

¹⁰⁸ The evidentiary hearing was initially scheduled for early May 2016, but was postponed at the joint request of both parties.

¹⁰⁹ The CD recordings of Board meetings dated April 29, 2014; July 8, 2014; and December 22, 2014, are admitted as Exhibits N, O, and P, respectively.

III. Discussion

A. Legal framework and standard of review

Licenses issued under Title 4 are issued for two-year periods, after which the licensee must reapply.¹¹⁰ The Director issues or renews all licenses and permits at the direction of the Board.¹¹¹ The Board may delegate to the Director “any duty” under Title 4 other than its power to propose and adopt regulations.¹¹²

Just as with an initial application, the Board must provide notice of a renewal application to the relevant community council and to any nonprofit that has requested notification.¹¹³ And just as with an initial application, any person “may object to an application for . . . renewal . . . by serving upon the applicant and the board the reasons for the objection.”¹¹⁴

The Board may hold a hearing on an application to consider any objections, or on its own initiative, in order “to ascertain the reaction of the public” to an application.¹¹⁵ Just as AS 04.11.320(a) identifies ten broad circumstances under which the Board “shall” deny a new license application, AS 04.11.330(a) sets out nine broad categories under which the Board “shall” deny a license renewal application. These include that the Board “shall” deny a renewal application where renewing the license would “violate the restrictions pertaining to the particular license under [Title 4].”¹¹⁶

The Board is permitted to review a renewal application without notice or hearing.¹¹⁷ However, if the Board votes to deny a renewal of a license, as it did here, the licensee is then entitled to an administrative hearing conducted under Alaska’s Administrative Procedure Act.¹¹⁸ Because such a hearing concerns the denial of a renewal of a license, it is treated as the equivalent of taking away a license and the Director bears the burden of proof.¹¹⁹ Following the hearing, unless there is a delegation (which has not occurred here), the matter then returns to the Board for a final decision.¹²⁰

¹¹⁰ AS 04.11.210(b); AS 04.11.270, AS 04.11.680.

¹¹¹ AS 04.06.080.

¹¹² AS 04.06.080.

¹¹³ AS 04.11.310.

¹¹⁴ AS 04.11.470. Likewise, a local governing body may protest a renewal. AS 04.11.480.

¹¹⁵ AS 04.11.470; AS 04.11.510(b)(2); 3 AAC 304.150.

¹¹⁶ AS 04.11.330(a)(6).

¹¹⁷ AS 04.05.510(b).

¹¹⁸ AS 04.11.510(b)(1).

¹¹⁹ *Alaska Alcoholic Beverage Control Board v. Malcolm, Inc.*, 391 P.2d 441, 444 (Alaska 1964).

¹²⁰ Of note, the February 12, 2016 Notice of a Right to Hearing issued by the Director informed the licensee that the Board’s decision to deny renewal would become final within 15 days of that notice unless the licensee timely

The decision at the end of the second round will be a more rigorously tested version of the first decision. If it differs from the first, the difference may not stem from any ‘errors’ in the initial round. Instead, it is simply a new decision made with a different and more complete body of evidence. The task is to make the best decision possible at the executive branch level.¹²¹

The final decisionmaker in such cases – here, the Board – may defer to judgments made by agency staff, but is not required to do so.¹²²

B. Alaska Statute 04.11.210, as currently drafted, does not encompass the type of “recreational activity” occurring at the Summit.

As a threshold matter, the Alaska Club takes issue with the Board’s interpretation of AS 04.11.210, the Rec Site statute, and urges the Board to return to the broad reading espoused in the April 2011 policy memo.¹²³ But the Board’s decision to narrowly construe the statute is reasonable, appropriate, and far more consistent with the statutory language than the April 2011 policy. To review, the statute reads:

- (a) The holder of a recreational site license may sell beer and wine at a recreational site during and one hour before and after a recreational event that is not a school event, for consumption on designated areas at the site.
- (b) The biennial fee for a recreational site license is \$800.
- (c) In this section, “recreational site” includes a location where baseball games, car races, hockey games, dog sled racing events, or curling matches are regularly held during a season.

As noted in testimony before the Board and by members of the Board itself, at least three features of this definition signal limitations on the scope of recreational activities the statute is intended to include.

The first is timing – the licensee may sell beer and wine beginning an hour before “a recreational event” and continue until an hour after the “event” ends.¹²⁴ This proviso strongly suggests that the intended purpose of the statute is to allow the sale of beer and wine during identifiable “recreational events.” It further suggests that a “recreational event” is something

requested a hearing. Because a hearing was timely requested, the Board’s decision on renewal will not become final until the conclusion of proceedings under the APA. See AS 44.62.520(a)(2).

¹²¹ *In re Palmer*, OAH No. 09-0133-INS (Director of Insurance 2009), at pp. 6-7 (describing this decision-making paradigm in the context of professional licensing cases).

¹²² *Id.* at 7, citing *In re Alaska Medical Development – Fairbanks, LLC*, OAH No. 06-0744-DHS, Decision & Order at 5-6 (issued April 18, 2007; adopted by Commissioner of Health & Social Services in relevant part, Decision After Remand, Oct. 9, 2007).

¹²³ Alaska Club post-hearing brief, pp. 11-13.

¹²⁴ AS 04.11.210(a).

more specific than, say, the operating hours of a gym.¹²⁵ A recreational event is a time-limited event that people might arrive at an hour before it begins, and stay for up to an hour after it ends – an event, subsection (c) tells us, such as “baseball games, car races, hockey games, dog sled racing events, or curling matches.”

Indeed, the commonalities between the examples listed in subsection (c) – “baseball games, car races, hockey games, dog sled racing events, or curling matches” – are the second distinguishing feature of “recreational events” under the statute. While the use of the word “includes” signals an intent to not restrict Rec Site licenses to only those five events, the similarities amongst the five examples listed necessarily informs the inquiry into the overall scope of events that are included. All five have certain characteristics in common – all are competitive sporting events, all are considered “spectator sports,” all are time-limited (e.g. to the length of the game, race, or match), and all share the statute’s final distinguishing feature – they are all events that “are regularly held during a season.” Just like the timing limitation in subsection (a), and the specific, narrow list of exemplars, subsection (c)’s reference to events “regularly held during a season” is another indicator that the “recreational events” contemplated in AS 04.11.210 is something more concrete and identifiable than the “event” of relaxing after a gym workout. None of which is to criticize the Alaska Club’s vision for the Summit. But that vision is not one that fits within a commonsense reading of the Rec Site license statute as it is currently drafted.

This commonsense reading is reinforced by the legal doctrine of *ejusdem generis*, a latin phrase meaning “of the same kind.” It is a guideline of construction holding that “where general words follow an enumeration of persons or things, . . . such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.”¹²⁶ An example of an application of *ejusdem generis* would be the interpretation of the phrase “horses, cattle, sheep, goats, or any other farm animal;” the doctrine would suggest, in the absence of contrary factors, that “any other farm animal” would encompass only similarly large mammals, and would exclude chickens.¹²⁷

As has since been discussed in some detail by the Board, the 2011 “policy memo” made several leaps beyond this commonsense interpretation, essentially creating a new type of license

¹²⁵ The Alaska Club’s prehearing brief suggests that the Legislature’s use of the word “may” suggests “that beer and wine is permitted to be served during such a period, but not required to be served during those time frames.” Alaska Club Prehearing Brief, p. 15. This is simply not a reasonable reading of the word “may” in the context of this statute.

¹²⁶ Black’s Law Dict. (5th ed. 1979) at 464.

¹²⁷ The example comes from *West v. Municipality of Anchorage*, 174 P.3d 224, 228 (Alaska 2007), quoting Black’s Law Dictionary.

outside what the statute actually allows. First, the memo identified and described the category of “event-based recreational site license” for “spectator sporting events” strongly similar to the existing content of the statute, and provided that *this* type of license “will allow the licensee to sell beer and wine one hour before and one hour after an event” – precisely the window of time provided for in the statute.¹²⁸ But the memo then went on to describe a second type of Rec Site license – the “activity-based” Rec Site license, meant to cover what it identified as non-spectator “recreational events,” including “baseball, softball, football, soccer, running, skiing, dog sledding, curling, gymnastics, zip lines, volleyball, climbing, hiking, fitness activities, golf, bowling, billiards, hiking, rafting, and boating.”¹²⁹ The policy then abandoned the statute’s one-hour-before-through-one-hour-after time restriction, providing that “an activity-based recreational site license will allow the licensee to sell beer and wine during times the recreational activity is taking place.”¹³⁰ The Board was correct in subsequently identifying that this “policy” was significantly out of step with the plain language of the actual statute.

While the Alaska Club, among other licensees whose Rec Site licenses appear at odds with the statute’s actual language, may be right that the business community and the public would benefit from a broader statutory scheme allowing the sale of beer and wine in broader contexts, that ultimately is a legislative determination. The Board has correctly determined that the statute does not currently contemplate the “activity-based” license the Board and its prior counsel previously attempted to create through “policy.” The Board’s task is to interpret and implement Title 4 as it currently exists, not as entrepreneurs may wish it existed. Towards that end, the Board has engaged in considerable, thoughtful deliberation about the meaning and scope of the Rec Site license statute over longer than five years, and its decision to strictly construe AS 04.11.210 is reasonable and appropriate.

C. Whether the Board has discretion to change its interpretation of AS 04.11.210 in a way that negatively impacts existing licensees’ future eligibility for a Rec Site license.

In addition to taking issue with the specific decision to deny the Club’s renewal application, the Alaska Club more broadly takes issue with the Board’s decision to reject its

¹²⁸ R. 104 (“An event[-]based recreational site license includes the following spectator events, or other spectator sporting events having substantially similar characteristics – baseball games, softball games, football games, soccer matches, running events, skiing events, dog sled races, hockey games, basketball games, curling matches, gymnastics meets, volleyball meets, car racing events, and snow machine races.”).

¹²⁹ R. 104.

¹³⁰ R. 105.

earlier expansive reading of the Rec Site statute in favor of the current stricter interpretation, and its failure to provide notice of this change to existing licensees.

The Director argues that the Board has discretion to change its interpretation at any time, pointing to the “no binding precedent” statute, AS 04.11.537. But that statute, AS 04.11.537, specifically relates to licensing decisions that are based on a finding about whether a license “is in the best interest of the public.”¹³¹ Here, the Board’s decision was not based on a finding under AS 04.11.330(a)(1) that renewal was contrary to the public interest, but rather was based on its conclusion under AS 04.11.330(a)(6) that the Summit did not meet the statutory requirements for a Rec Site license.¹³² Because the Board’s decision is based on AS 04.11.330(a)(6), the “no binding precedent” statute does not apply.

More fundamentally, the Alaska Club’s argument raises the question whether the Board’s earlier adoption of the April 2011 policy memo obligated the Board to provide clear notice when it later abandoned that policy. There can be no serious doubt that the Board has discretion, as a policy matter, to change its approach to issues before it. The Board is vested by statute with the “powers, duties and responsibilities necessary for the control of alcoholic beverages” in Alaska.¹³³ Those powers, duties, and responsibilities necessarily include interpreting and implementing Title 4. And the Alaska Supreme Court has acknowledged the need to afford the Board broader authority in carrying out its charge.

Where the police power of the state is so vitally involved, as it is here, it becomes imperative that those who are charged with the duty of regulating the industry have a freedom of action not restricted by limitations that may be required where other types of businesses are involved.¹³⁴

The record reflects that the Board engaged in a thoughtful, deliberative process for several years as it puzzled through the best way to deal with Rec Site licenses. Its decision to abandon an overbroad approach in favor of a strict reading of the statute was within its discretion.

But was public notice required? As the Board has since recognized, the April 2011 policy memo’s addition of the entirely new category of activity-based Rec Site licenses went far beyond and was inconsistent with the plain language of the statute. The Board, acting in good faith,

¹³¹ See AS 04.11.537 (“In determining whether issuance, renewal, transfer, relocation, suspension, or revocation of a license is in the best interests of the public, the board need not conform to or distinguish its decision from any action it has taken in the past on applications presenting similar facts, but may instead base its decision only on the particular facts before it.”).

¹³² See Ex. K. at 1:21-1:23 (motion expressly based on operation being inconsistent with the statutory definition).

¹³³ AS 04.06.090.

¹³⁴ *Boehl v. Sabre Jet Room*, 349 P.2d 585, 589 (Alaska 1960).

adopted this policy at the advice of its then-counsel – advice that has since been recognized as having been well-intentioned but fundamentally unsound. It is well established that the Board cannot escape its rulemaking-associated obligations under the APA by calling a regulation a “policy.”¹³⁵ The Board was thus appropriately advised by its new counsel in June 2013 that it could not continue to follow the “policy” without adopting it as a regulation, including following the various public participation requirements associated with such adoption.¹³⁶

The Board is required to promptly notify affected licensees of “major changes” to Title 4 and to regulations adopted by the Board.¹³⁷ The Board never adopted a Rec Site license regulation – neither before it granted the Alaska Club’s 2010 application, nor at the time it adopted the April 2011 “policy,” nor at any time since. At the same time, the policy itself was invalid precisely because it purported to regulate Rec Site licenses without having been properly promulgated as a regulation under the APA. For the policy to ever have been valid, the Board needed to have adopted it as a regulation. It never did so, and so stopped following the invalid policy on the advice of counsel. The Alaska Club has provided no legal authority to support its suggestion that the Board was required to provide explicit notice to licensees when it decided to stop following the policy it had imprudently adopted. Nor is the undersigned aware of such authority. Case law tells us that invalidly adopted regulations are *per se* invalid.¹³⁸ It would be paradoxical to conclude that an agency cannot stop following an invalid policy until it gives notice of intent to do so.

Further, under the facts of this case, the Alaska Club had ample notice that the Board had retreated from the April 2011 policy. The Board articulated its rejection of the policy in public documents (such as the response to the legislative audit) available to licensees, and at meetings attended by Club representatives. In particular, Club representatives were present at the June 2013 meeting when counsel told the Board it could not keep following the April 2011 policy without putting those changes into a regulation.¹³⁹ The Club was aware that the Board then began pursuing regulatory changes, and that the draft regulation that was produced was limited to

¹³⁵ See. *Squires v. Alaska Bd. of Architects*, 205 P.3d 326, 333 (Alaska 2009).

¹³⁶ Ex. F at 3:16-3:20.

¹³⁷ AS 04.06.090(d).

¹³⁸ *Squires v. Alaska Bd. of Architects*, 205 P.3d 326, 334 (Alaska 2009); see also *Jerrel v. State*, 999 P.2d 138, 143-44 (Alaska 2000); *Wickersham v. State Commercial Fisheries Entry Comm'n*, 680 P.2d 1135, 1140 (Alaska 1984) (“When a policy is invalidly promulgated under the APA, generally the appropriate remedy is to invalidate the offending policy until the procedures required by the APA are observed.”).

¹³⁹ Ex. F at 3:16-3:20.

competitive spectator sports.¹⁴⁰ By the time the Board abandoned the draft regulation project in lieu of having the Rec Site issue addressed as part of the Title 4 review process, the Board had already declared its intention to abandon its ill-advised April 2011 policy on the advice of counsel. The Club was present at the meetings in which these key events took place, and has not demonstrated that it was entitled to further notice of either the Board's abandonment of the wrongly-adopted April 2011 policy, or of its evolving views as to Rec Site licenses generally.

D. The Board's initial grant of the Summit's Rec Site license does not estop it from now denying the Club's renewal application.

To the extent that the Alaska Club contends that the Board is estopped from denying its renewal application, or must grandfather its license for some period of time because the Club has relied on past action by the Board, this argument fails.

Mr. Brewster testified that he had been under the impression that the Club could not lose its license for reasons beyond its control, and that, absent the Club "performing some misdeed," the Club would continue to possess the license. Mr. Brewster opined that the Club had been treated unfairly, given its good behavior and "the representations made by" the Board and its staff. When pressed, Mr. Brewster indicated his belief that the conduct by the Board and its staff in granting the license initially amounted to a "misrepresentation," if the Board did not intend to allow the Club to keep the license in perpetuity. Mr. Brewster and Mr. Fox both also suggested that the Board's endorsement of the Title 4 report amount to a "promise" to grandfather existing licensees.

A claim that one is bound by prior promises, as Mr. Brewster and Mr. Fox have suggested, sounds in promissory estoppel, requiring a showing that:

- (1) the action induced amounts to a substantial change of position;
- (2) it was either actually foreseen or reasonably foreseeable by the promisor;
- (3) an actual promise was made and itself induced the action or forbearance in reliance thereon; and
- (4) enforcement is necessary in the interest of justice.¹⁴¹

Here, neither the Board nor its staff made the Club any promises vis-à-vis some continued right to possess a Rec Site license in perpetuity.

The Alaska Supreme Court rejected a similar claim in *Ross v. Dept. of Revenue*, holding that the eligibility requirements in place at one time do not "amount to an enforceable promise"

¹⁴⁰ Ex. G, I.

¹⁴¹ *Simpson v. Murkowski*, 129 P.3d 435, 440, n. 18 (Alaska 2006); *Ross v. State, Dep't of Revenue*, 292 P.3d 906, 914-915 (Alaska 2012).

that those requirements will never change.¹⁴² The Alaska Club “cannot rely on an extant law as a promise that that law continue to have the same effect in perpetuity.”¹⁴³

Mr. Brewster also expressed his expectation that the February 2016 hearing on Mr. Jessee’s protest of the renewal application would be “pro forma” because the Club had not had any prior problems with its license. Mr. Brewster’s professed expectations are inconsistent with the most basic provisions of Title 4, including the requirement that licenses be renewed every two years. “To make out a claim for promissory estoppel, one must show that ‘an actual promise was made.’”¹⁴⁴ There is no evidence in the record of any promise that the Club would be exempted from the process of renewal application review.¹⁴⁵

To the extent the Alaska Club contends that the Board is bound by the recommendations of the Title 4 report, this argument also fails. Mr. Brewster also testified that he believed the Board would implement an 8-year sunset if it decided the license should not be renewed. Mr. Fox likewise testified that he viewed the Board as having “promised” a lengthy sunset to nonconforming Rec Site licensees. However, the evidentiary record does not bear out this view. The Title 4 report contains scores of recommendations for what a revised statutory scheme might look like. The Board’s endorsement was an agreement that these proposals should be put to the legislature for consideration and action. The Board did not, by the Chair’s single-sentence motion, adopt into policy each separate proposal set out in the 35-page report.¹⁴⁶ The Board’s aspirational endorsement of the Title 4 report and vote to move it towards legislative action cannot reasonably be interpreted to bind the Board to the contents of that report. While the Board’s roll call vote on the Title 4 report may be a learning opportunity about the benefits of clearly worded motions, the vote “approving” the report – as a set of recommendations to propose for future legislative action – did not change its policies in place vis-à-vis Rec Site licenses, nor constitute an enforceable promise to grandfather in existing licensees.

Mr. Brewster’s testimony suggested a significant degree of misunderstanding of both the licensing process specifically and the scope and extent of the Board’s authority generally. The

¹⁴² *Id.*, at 915.

¹⁴³ *Id.*, at 915.

¹⁴⁴ *Simpson v. Murkowski*, 129 P.3d at 442 (quoting *Brady v. State*, 965 P.2d 1, 10 & n. 20 (Alaska 1998)).

¹⁴⁵ Nor is there evidence of any reliance on any alleged “promises.” The testimony established that the Club’s investments related to the ability to serve beer and wine came at the front of end of the design and construction process – years before the Club even submitted its initial application for the Rec Site license. Even if there were otherwise evidence of some “promise” – which, to be clear, there is not – the estoppel claim would still fail.

¹⁴⁶ Indeed, as the Club’s post-hearing brief notes, the presentations about the report did not even cover each recommended change. It is unreasonable to construe the Board as having done anything more than agree that the recommendations should be promoted in the legislature.

Club's misunderstanding about the renewal application process does not entitle it to legal relief, however.

E. The Summit received adequate due process before and after the denial of its Rec Site license renewal application.

The Alaska Club also contends that the denial of its renewal application violated its right to both procedural and substantive due process.¹⁴⁷ Procedural due process requires that before property rights can be taken directly or infringed upon by governmental action, there must be notice and an opportunity to be heard in a meaningful, impartial hearing.¹⁴⁸ The Alaska Supreme Court has recognized that liquor licenses are property rights to which constitutional protections attach.¹⁴⁹ Accordingly, “[b]efore this property interest can be taken, due process requires that [a licensee] be provided with notice and an opportunity to be heard in a meaningful, impartial manner.”¹⁵⁰ Additionally, case law recognizes that licensees have no vested interest in renewal of a liquor license, which remains subject to Board approval.¹⁵¹

The Alaska Supreme Court has rejected procedural due process challenges where the challenger “received all the process she was due.”¹⁵² Thus, in *Gates v. City of Tenakee Springs*, a permit holder’s due process challenge failed where the permit holder “received advance notice of the city’s intent to order removal of her encroachment, and . . . had a chance to appeal the city’s decision.”¹⁵³ Here, the “process that is due” is determined by Title 4. The Alaska Club received all of the process that Title 4 requires, and more.¹⁵⁴ The Club had notice of the objection raised. The Board held a hearing to consider the objection. The Club received advance notice of that hearing, and was permitted to present testimony as well as the arguments of counsel. And the Club has now received an additional hearing under the Administrative Procedure Act, where it was permitted to call witnesses, cross-examine witnesses, present evidence, rebut opposing

¹⁴⁷ Alaska Club Pre-hearing brief, p. 20.

¹⁴⁸ *Rollins v. State, Dep’t of Revenue*, 991 P.2d 202 (Alaska 1999); *Frontier Saloon, Inc. v. Alcoholic Beverage Control Bd.*, 524 P.2d 657, 659 (Alaska 1974).

¹⁴⁹ *Rollins*, 991 P.2d at 211; *Godfrey v. State, Dept. of Community and Economic Development*, 175 P.3d 1198, 1203 (Alaska 2007); *Frontier Saloon v. Alcoholic Beverage Control Board*, 524 P.2d 657 (Alaska 1974).

¹⁵⁰ *Rollins*, 991 P.2d at 211.

¹⁵¹ *Rollins v. Alcoholic Beverage Control Board*, 991 P.2d 202, 207 (Alaska 1999).

¹⁵² *Gates v. City of Tenakee Springs*, 822 P.2d 455, 462 (Alaska 1991).

¹⁵³ *Id.*, 822 P.2d at 462.

¹⁵⁴ To the extent that the Alaska Club contends that it should have received notice that the Board had changed its interpretation on recreational site licenses, Club representatives were present at Board meetings where the Board’s evolving views of the Rec Site statute were discussed. The Club cites no legal authority to support its claim that it was entitled to further notice of the Board’s evolving views, and has not established that the lack of formal notice constitutes a denial of procedural due process.

evidence, and present the oral and written arguments of counsel.¹⁵⁵ The Alaska Club has not shown it was denied procedural due process.

The Club also argues it was denied substantive due process. Substantive due process requires that governmental actions be reasonable and not arbitrary. However, “[t]he standard for establishing a substantive due process violation is rigorous. A due process claim will only stand if the state’s actions ‘are so irrational or arbitrary, or so lacking in fairness, as to shock the universal sense of justice.’”¹⁵⁶ The Alaska Club contends that the Board’s changed interpretation of the Rec Site license statute violates its right to substantive due process, arguing that “rights should not be eliminated by governmental action where to do so is unreasonable or unfair.”¹⁵⁷ The Board’s evolving interpretation of the Rec Site license statute does not amount to a due process violation. Plainly, interpreting the statutes it is charged with implementing is a legitimate purpose of the Board, as is remedying its own previous errors in the interpretation of those statutes. The Alaska Club has not shown that the Board’s evolved interpretation of the Rec Site license statute has violated its right to substantive due process.

To the extent that the Alaska Club argues against the Board’s strict interpretation of AS 04.11.210 being only applied to the Alaska Club’s renewal applications, and not to any other existing recreational site licensees’ renewal applications, this argument implicates equal protection issues, not substantive due process issues, so is addressed below.

F. Does the Board’s selective enforcement of the recreational site license statute – in such a way that only the Summit’s non-conforming license was rejected for renewal – violate the Club’s right to equal protection of the laws?

The Alaska Club also contends that the Board’s selective enforcement of the Rec-Site statute – denying the Club’s renewal application based on the decision to strictly construe the

¹⁵⁵ Not squarely at issue here, but noteworthy, is whether the Board should be confiscating a non-renewed license at the time of its initial decision under AS 04.11.510, as opposed to waiting until that non-renewal decision becomes final under the Administrative Procedure Act. The renewal procedure statute is silent on this issue. The Board’s practice has been to implement its non-renewal decision immediately – directing the licensee to immediately stop operating the license – even though the licensee then has the opportunity for a formal hearing conducted under the APA prior to the Board’s decision becoming “final.” See AS 04.11.510(b)(1) (right to a hearing conducted under the APA); AS 44.62.520(a)(2) (decision on APA matter becomes final 30 days after Board action on proposed decision, unless Board orders earlier effective date). Given the purpose of the APA hearing under the Board’s regulatory scheme – as described above – to ensure that the Board has full information before making its final decision, and given the significance of the existing licensee’s property interest (e.g. unlike that of a first-time applicant), the Board may want to consider revisiting this aspect of its procedures for non-renewals. However, this particular issue is one neither squarely raised in this case, nor for which any remedy would exist at this time. Accordingly, it is not necessary to specifically decide whether the Board’s enforcement of its February 2016 decision before that decision became final under the APA implicates procedural due process concerns.

¹⁵⁶ *Church v. State, Dep’t of Revenue*, 973 P.2d 1125, 1130 (Alaska 1999) (quoting *Application of Obermeyer*, 717 P.2d 382, 386–87 (Alaska 1986)).

¹⁵⁷ Alaska Club prehearing brief, p. 21.

statute, while continuing to grant other non-conforming license-holders' renewal applications – violates its right to equal protection of the law.

I. Equal protection overview

The Equal Protection Clause of the Alaska Constitution guarantees "that all persons are equal and entitled to equal rights, opportunities, and protection" under the law and administration of the State.¹⁵⁸ In situations involving economic rights, the constitutional guarantee of equal protection generally requires equal treatment of persons "similarly situated."¹⁵⁹ While differently situated parties may be treated differently from one another, "provided that such treatment is rationally related to legitimate [governmental] objectives," the constitutional guarantee of equal protection forbids irrational and arbitrary classification.¹⁶⁰ "In order for a classification to be valid under Alaska's equal protection test, it must be reasonable, not arbitrary, and must bear a fair and substantial relation to a legitimate governmental objective."¹⁶¹

The specific equal protection claim raised in this case is the Board's selective enforcement of the Rec Site statute. Selective enforcement of a statute or regulation runs afoul of the constitutional guarantee of equal protection where an agency purposefully discriminates based on an arbitrary or otherwise improper classification.¹⁶² The Alaska Club argues that the Board's selective enforcement of the statute to deny its renewal application based on non-conformity with the statute, while continuing to grant renewals to comparably non-conforming licensees, violates its right to equal protection. In cases alleging that the Board's nonrenewal decision violated an applicant's right to equal protection by selective enforcement, the Alaska Supreme Court has held that "in order to make a *prima facie* case that the Board selectively enforced [a statutory] requirement, [an applicant] would have to show that the Board intended to discriminate against [the applicant] based on an arbitrary or unjustifiable classification."¹⁶³ The party alleging the

¹⁵⁸ ALASKA CONST. art. I, § 1; *see also* ALASKA CONST. art. I, § 7 (due process guarantee). Likewise, the Fourteenth Amendment to the United States Constitution mandates that no state "deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. Amend. XIV, § 1. This requires that "all persons similarly circumstanced [...] be treated alike" by any state action. *F.S. Royster Guano Co. v. Va.*, 253 U.S. 412, 415 (1920).

¹⁵⁹ *State, Dep't of Nat. Res. v. Alaska Riverways, Inc.*, 232 P.3d 1203, 1219 (Alaska 2010).

¹⁶⁰ *See generally, Mathis v. Sauser*, 942 P.2d 1117, 1123-1124 (Alaska 1997); *State v. Anthony*, 810 P.2d 155 (Alaska 1991); *Wilson v. Municipality of Anchorage*, 669 P.2d 569, 572 (Alaska 1983).

¹⁶¹ *Wilson v. Municipality of Anchorage*, 669 P.2d 569, 572 (Alaska 1983).

¹⁶² *Rollins v. State, Dept. of Revenue, Alcoholic Beverage Control Board*, 991 P.2d 202, 210 (Alaska 1999); *Rollins v. State, Dept. of Public Safety*, 312 P.3d 1091, 1999 (Alaska 2013) (quoting same).

¹⁶³ *Rollins v. State, Dept. of Revenue, Alcoholic Beverage Control Board*, 991 P.2d 202, 210 (Alaska 1999); *Rollins v. State, Dept. of Public Safety*, 312 P.3d 1091, 1999 (Alaska 2013) (quoting same).

equal protection violation “has the initial burden of producing evidence demonstrating discriminatory intent.”¹⁶⁴

2. Evidence of selective enforcement

The Director’s prehearing brief argued that the Board’s action was constitutionally permissible because the Board had properly chosen to “exercise its authority to deny renewal of outstanding non-traditional recreational site licenses, including the Summit’s, based on its best interpretation of the statute and the legislative audit[.]”¹⁶⁵ Regrettably, however, the evidence at hearing clearly demonstrated that the Board – through its staff – has not been “denying renewal of outstanding non-traditional recreational site licenses . . . based on its best interpretation of the statute.” Rather, the Board’s staff has continued to renew those licenses without any analysis or review.

Even while the Board was rejecting new Rec Site licenses as inconsistent with the new stricter reading of the statute, license renewals by the Summit and other licensees continued to be granted. This was so, apparently, because the Board staff was not bringing any renewal applications to the Board’s attention unless a protest or an objection was received.¹⁶⁶ Thus, although the Board’s November 2014 audit response letter stated that “the Board now carefully reviews each [Rec Site license] application and issues only those licenses which adhere to the [Rec Site license] statute,” that was and is not the practice being followed for *renewal* applications.¹⁶⁷ Absent a protest or objection, staff do not bring renewal applications before the Board – even in the case of renewal applications for the type of activity-based Rec Site licenses the Board had decided and declared that it did not want to issue.¹⁶⁸

Of the small, well-known, easily identifiable group of licensees that fit the Director’s description – “outstanding non-traditional recreational site licensees” – the Board’s staff has made no attempt to deny renewal of these licenses. It is only in the case of the Alaska Club that staff has brought the renewal application before the Board. Once the Alaska Club’s application was before the Board, of course, the Board did “exercise its authority to deny renewal” of the Summit’s “non-traditional recreational site license . . . based on its best interpretation of the

¹⁶⁴ *Barber v. Municipality of Anchorage*, 776 P.2d 1035, 1040 (Alaska 1989); *State v. Reefer King Co.*, 559 P.2d 56, 64-65 (Alaska 1976), modified on reh’g, 562 P.2d 702 (Alaska 1977).

¹⁶⁵ Director’s prehearing brief, p. 15.

¹⁶⁶ Franklin testimony.

¹⁶⁷ Franklin testimony.

¹⁶⁸ Franklin testimony; Oates testimony.

statute.” Of all the previously-issued “non-traditional recreational site licenses,” however, *only* the Summit’s license has been subjected to this analysis.

The Summit was not the only activity-based recreational site license up for renewal in 2016. Also up for renewal were the Rec Site licenses held by Beluga Billiards, Diamond Bowl, and Arctic Valley Ski Area. The Summit was the only Rec Site license reviewed by the Board, the only Rec Site renewal application to which the strict interpretation of the statute was applied, and the only Rec Site renewal application denied by the Board. Of note, while Director Franklin observed that the Summit had been “specifically called out by the legislative audit” as an improperly-granted Rec Site license, other licensees similarly “called out” as outside the statute’s scope – such as bowling alleys and billiard halls – were renewed without review by the Board. Further complicating this analysis is that there is no evidence or suggestion that staff are selectively reviewing Rec Site license renewals at the Board’s direction, or even that the Board is specifically aware of the continued renewals by staff of other “non-traditional recreational site licenses” in a manner that appears completely contradictory to the Board’s stated intent to curtail such licenses.

3. *Equal protection analysis*

The question, then, is whether this selective enforcement of the statutory requirements violates the Alaska Club’s right to equal protection. The Alaska Supreme Court has long held that “laxity in the enforcement of [a law] in other cases . . . would not constitute a denial of equal protection” against the law’s enforcement in a particular case.¹⁶⁹ Thus, even if a City only enforces an ordinance against one resident, while failing to enforce it against similarly-situated neighbors, the Court has not found unconstitutional selective enforcement “in the absence of evidence of discriminatory intent.”¹⁷⁰ “An agency need not – indeed, often cannot – apply a statute simultaneously to all similarly situated parties to avoid violating the equal protection clause so long as it is not intentionally discriminating against any party.”¹⁷¹

The Director relies on this body of case law to defend the rejection of the Alaska Club’s renewal application for nonconformity with the narrowly construed statute while, indisputably, no other Rec Site renewal application was similarly reviewed. The Director relies in particular on

¹⁶⁹ *Nelson v. State*, 387 P.2d 933, 935 (Alaska 1964).

¹⁷⁰ *Luper v. City of Wasilla*, 215 P.3d 342, 348 (Alaska 2009) (citing *Rollins*, 991 P.2d at 210) (“[E]ven assuming Luper’s assertions that the city did not enforce the relevant ordinances against her neighbors are true, we have held that mere failure to enforce an ordinance against others similarly situated does not itself prove selective enforcement in the absence of evidence of discriminatory intent.”).

¹⁷¹ *State, Dept. of Natural Resources v. Alaska Riverways, Inc.*, 232 P.3d 1203, 1220 (Alaska 2010).

the Alaska Supreme Court's two *Rollins* decisions, both of which involved this Board. But the *Rollins* cases are distinguishable in several key respects.

Ms. Rollins held a beverage dispensary license but was unable to secure a location from which to operate it. After granting her several waivers of the operating requirement, the Board denied her request for another waiver and then revoked the license. Ms. Rollins appealed, ultimately leading to the first *Rollins* decision, in 1999. In *Rollins I*, the Supreme Court rejected Ms. Rollins' equal protection argument based on selective enforcement, finding there was no "evidence to show that Ms. Rollins was treated differently than other license holders who had violated the 30-day operating requirement."¹⁷²

Here, of course, there is precisely such evidence. The evidence is undisputed that the Alaska Club has been treated differently from other Rec Site license holders whose licenses fall outside the strict statutory interpretation espoused by the Board. This, the Club contends, makes it a "class of one" for purposes of an equal protection analysis.

Further, in *Rollins I*, the Alaska Supreme Court remanded the matter for consideration of relief from judgment in light of contradictions between the Board's averments in Superior Court (that other licensees had similarly lost their licenses after previously being granted waivers) and the Director's statement in another context (that Ms. Rollins was "the first to be affected" by the Board's decision to begin a stricter enforcement of its consecutive waiver policy). On remand to the Superior Court in *Rollins I*, Ms. Rollins appears to have ultimately prevailed in Superior Court on her selective enforcement claim.¹⁷³

The United States Supreme Court has "recognized successful equal protection claims brought by a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment."¹⁷⁴ Where a party is purposefully subjected to differential treatment of a kind that is "irrational and wholly arbitrary," the Court has held that an equal protection claim may lie, separate and apart from whether or not the differential treatment arises from some "subjective ill will."¹⁷⁵

¹⁷² *Rollins v. State, Dept. of Revenue, Alcoholic Beverage Control Board*, 991 P.2d 202, 210 (Alaska 1999).

¹⁷³ See *Rollins II*, 312 P.3d at 1093 ("On remand, the superior court granted Rollins relief from its earlier judgment and reversed the Board's denial of the waiver application.").

¹⁷⁴ *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000) (citing *Sioux City Bridge Co. v. Dakota County*, 260 U.S. 441 (1923), and *Alleghany Pittsburgh Coal Co. v. Commission of Webster Cty.*, 488 U.S. 366 (1989)).

¹⁷⁵ *Olech*, 528 U.S. at 565.

Under the selective enforcement test articulated in *Rollins I*, the Club must show that the licensing action intentionally discriminated against it based on an “arbitrary or unjustifiable classification.” What the “class of one” analysis clarifies is that the “discrimination” need not be based on a protected classification (e.g., discrimination based on race); rather, the inquiry is whether the intentional distinction singling out this licensee from others similarly situated is based on a classification that is “wholly arbitrary” or otherwise unjustifiable.

The Alaska Club argues that its right to equal protection has been violated by being treated as a “class of one,” in that there is a group of equally non-conforming licensees whose renewal applications have not been subjected to the same strict statutory interpretation the Board has applied to *only* the Alaska Club’s renewal application. The Alaska Club argues that this differential treatment is arbitrary and capricious. While not discounting the incredible pressures under which the Director and her staff have been working in the aftermath of marijuana legalization, it is hard to disagree. It is undoubtedly true that the staff has been overwhelmed by the crush of work created by the legalization of marijuana. But the approach being followed with regard to Rec Site license renewals is so wildly inconsistent with the Board’s stated intent to strictly construe the statute as to be “wholly arbitrary.”

The staff has chosen to bring to the Board’s attention only those renewal applications as to which protests or objections are received. This would be a reasonable approach to liquor license renewals generally. Broadly construed, there is a “fair and substantial relationship” between the classification – whether or not an application has been objected to – and the legitimate governmental objectives – ensuring that the Board carries out its duties under Title 4, but also streamlining the process where it is feasible to do so. As a general matter, differentiating between those renewal applications to which an objection has or has not been received bears a fair and substantial relationship to the Board’s interests.

The inquiry, however, does not end there. In the specific case of Rec Site licenses, the Board has repeatedly stated over the course of several years that it rejects its previous broad reading of the Rec Site license statute, and intends to strictly construe the statute moving forward.¹⁷⁶ In light of the Board’s stated intent to strictly construe the Rec Site statute, and particularly given the very small number of Rec Site licenses, it is irrational for Board staff not to

¹⁷⁶ Somewhat troublingly, both the Board and the Commissioner responded to legislative audit concerns by reporting that *all* Rec Site license applications were being subjected to strict scrutiny, yet the evidence presented at hearing shows this is not the case.

be pulling all activity-based Rec Site licenses out of the “renewal river” for review by the Board. Under the facts of this case, the classification being employed is irrational.

The Director contends that the Alaska Club is not a “class of one” because no other Rec Site license holder is exactly like the Alaska Club, and because only the Alaska Club license renewal application received an objection. Neither of these facts change the class of one analysis under the unique facts presented here. Federal courts have emphasized the need for “class of one” claimants to “show an extremely high degree of similarity between themselves and the persons to whom they compare themselves.”¹⁷⁷ The Seventh Circuit Court of Appeals requires a “class of one” challenger to be “identical in all relevant respects or directly comparable in all material respects” to his comparators.¹⁷⁸ The reason for this stringent similarity requirement is to avoid reading a constitutional claim into “almost every executive and administrative decision.”

Here, the stated basis for nonrenewal is that the Summit’s Rec Site license does not comply with the strict construction of the statute. On its face, this is a perfectly acceptable reason for non-renewal of a license. However, the evidence in the record suggests that the Club is directly comparable in this respect with other nonconforming licenses that not only were not denied, but that were not even reviewed. While the Club, as a “class of one” claimant, must show a very high degree of similarity with those to whom it compares itself, that burden is met here.¹⁷⁹ There is considerable evidence in the record that Board members, auditors, and objectors have all identified a group of similarly non-conforming Rec Site licenses, all of which are viewed as being outside the scope of the statute. The stated basis for the objection and for the non-renewal of the Club’s license is the Club’s nonconformity with the statute, in a way that is indistinguishable on this record from other Rec Site licensees who originally obtained their Rec Site licenses while the statute was more broadly construed.

That alleged nonconformity with the strictly construed statute is the “material respect” for purpose of evaluating the similarity between the Alaska Club and other licensees whose renewal applications were approved without review. Of all the nonconforming Rec Site licensees – identified, for example, in the legislative audit – only the Alaska Club has been singled out for nonrenewal based on that nonconformity. Under the narrow and unique facts of this case, this

¹⁷⁷ *Clubside, Inc. v. Valentin*, 468 F.3d 144, 159 (2d Cir. 2006).

¹⁷⁸ *U.S. v. Moore*, 543 F.3d 891, 896 (7th Cir. 2008).

¹⁷⁹ What is not required, as the Director suggests, is to so narrowly construe the similarity requirement as to make it meaningless – requiring, for example, that the Club show that other “fitness centers” had and were allowed to keep Rec Site licenses. It would be unfair to read the requirement so narrowly as to automatically place the Alaska Club in its own category.

differential treatment – singling out the Alaska Club while leaving untouched and unexamined all other equally non-conforming Rec Site licenses – is so arbitrary as to violate the Club’s right to equal protection.

This decision is, of course, a Board decision. In finding that the preliminary decision earlier this year to single out the Alaska Club was a violation of equal protection, the Board undoes that violation and restores the level playing field for Rec Site licensees. Going forward, the Board can apply its new, more correct interpretation of AS 04.11.210 to all future renewal applications, treating applicants the same.

IV. Conclusion

The facts of this case are troubling, in that the evidence shows that the staff is treating renewal license applications in a manner that is inconsistent with the Board’s clearly stated objectives on Rec Site licenses. At the same time, the narrow question of whether the Alaska Club would otherwise be legally entitled to renewal of its license appears to clearly favor nonrenewal. But the Board cannot so selectively enforce the statute as to create a “class of one,” which, in the narrow and unique facts of this case, it appears to have done.

While the Board is within its authority to decide it will narrowly construe the Rec Site statute, and to deny non-conforming renewal applications accordingly, it cannot apply the statute in that manner only as to this licensee, while ignoring precisely the same issue as to the remaining “activity-based” licensees. However, nothing in this decision should be read to endorse the broad view of the Rec Site license statute promoted in the April 2011 policy memo, nor the Board’s adoption of that policy in the absence of an APA rulemaking process. Nor should this decision be read to suggest that the Board erred in answering the legal question whether license No. 5004 is outside the scope of AS 04.11.210. Nonetheless, because the Board, in evaluating the Club’s renewal application, failed to afford the Club equal protection of the laws, the denial of its renewal application for 2016-2017 must be reversed.

DATED: September 29, 2016.

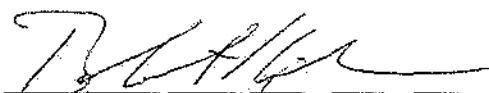
By:


Cheryl Mandala
Administrative Law Judge

Adoption

The Alcoholic Beverage Control Board adopts this decision as final under the authority of AS 44.64.060(e)(1). Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of distribution of this decision.

DATED this 12 day of December 2016.

By: 
Signature
ROBERT K. LEE
Name
OAH
Title



Alaska Alcoholic Beverage Control Board
Recreational Site License
Form AB-17c: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing recreational site liquor license that will expire on December 31, 2017. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

| | | | |
|-----------------------|------------------------------|------------|--------------|
| Licensee: | Anchorage Ski Club Inc | License #: | 4850 |
| License Type: | Recreational Site - Seasonal | Statute: | AS 04.11.210 |
| Doing Business As: | Arctic Valley Ski Area | | |
| Premises Address: | 18800 Arctic Valley Road | | |
| Local Governing Body: | Municipality of Anchorage | | |
| Community Council: | None | | |

| | | | | | |
|------------------|---------------|--------|--------|------|-------|
| Mailing Address: | Po Box 200546 | | | | |
| City: | Anchorage | State: | Alaska | ZIP: | 99520 |

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual must be a licensee who is required to be listed in and authorized to sign this application.

| | | | |
|-------------------|------------------------|-----------------|--------------|
| Point of Contact: | John Robinson - Wilson | | |
| Contact Phone: | 907-351-3256 | Business Phone: | 907-351-3256 |
| Contact Email: | gm@skiarctic.com | | |

Seasonal License? Yes No If "Yes", write your six-month operating period: November 1 - April 31



Alaska Alcoholic Beverage Control Board
Recreational Site License
Form AB-17c: 2018/2019 Renewal License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 2 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:

Bryan Kirkpatrick, Lee Fisher. Board members who assist with alcohol issues.

Section 3 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietorship who is applying for license renewal. Entities should skip to Section 4.
If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

| | | | | |
|------------------|--|--------|--|------|
| Name: | | | | |
| Mailing Address: | | | | |
| City: | | State: | | ZIP: |
| Email: | | | | |
| Contact Phone: | | | | |

This individual is an: applicant affiliate

| | | | | |
|------------------|--|--------|--|------|
| Name: | | | | |
| Mailing Address: | | | | |
| City: | | State: | | ZIP: |
| Email: | | | | |
| Contact Phone: | | | | |



Alaska Alcoholic Beverage Control Board

Recreational Site License

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Phone: 907.269.0350

Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>. Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

| | |
|-----------------------|---------|
| Alaska CBPL Entity #: | 71709 D |
|-----------------------|---------|

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

| | | | | |
|-----------------------|-----------------|--------|--------------|-------------|
| Entity Official Name: | Mark Heyzell | | | |
| Title(s): | President | Phone: | 907-440-4265 | % Owned: NA |
| Mailing Address: | 2306 Susitna Dr | | | |
| City: | Anchorage | State: | AK | ZIP: 99517 |

| | | | | |
|-----------------------|------------------|--------|--------------|-------------|
| Entity Official Name: | Leslie Need | | | |
| Title(s): | Vice President | Phone: | 907-310-3762 | % Owned: NA |
| Mailing Address: | 1315 Elkhorn Ave | | | |
| City: | Anchorage | State: | AK | ZIP: 99501 |

| | | | | |
|-----------------------|-----------------|--------|--------------|-------------|
| Entity Official Name: | Rich Todd | | | |
| Title(s): | Vice President | Phone: | 907-230-4016 | % Owned: NA |
| Mailing Address: | 4150 Elkhorn Dr | | | |
| City: | Eagle River | State: | AK | ZIP: 99571 |

| | | |
|---|-------------|-------------|
| RECEIVED | JAN 19 2018 | DEC 2 2017 |
| ALCOHOL MARIJUANA CONTROL OFFICE STATE OF ALASKA | | Page 3 of 5 |



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

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Section 4 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>. Partnerships may skip to the second half of this page. Sole proprietorships should skip to Section 5.

| | |
|-----------------------|---------|
| Alaska CBPL Entity #: | 71704 D |
|-----------------------|---------|

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

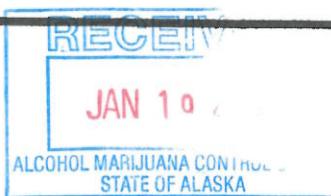
This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

| | | | | |
|-----------------------|----------------------|--------|--------------|-------------|
| Entity Official Name: | Bryan Kirkpatrick | | | |
| Title(s): | Secretary | Phone: | 907-336-2114 | % Owned: NA |
| Mailing Address: | 12940 Hillside Drive | | | |
| City: | Anchorage | State: | AK | ZIP: 99516 |

| | | | | |
|-----------------------|------------------|--------|--------------|-------------|
| Entity Official Name: | Matt Mead | | | |
| Title(s): | Asst Secretary | Phone: | 907-923-5070 | % Owned: NA |
| Mailing Address: | 8420 Heather Gtr | | | |
| City: | Anchorage | State: | AK | ZIP: 99502 |

| | | | | |
|-----------------------|----------------------|--------|--------------|-------------|
| Entity Official Name: | John Robinson-Wilson | | | |
| Title(s): | General Manager | Phone: | 907-391-3256 | % Owned: NA |
| Mailing Address: | 5701 E 104th Ave | | | |
| City: | Anchorage | State: | AK | RECEIVED |



DEC 2 1 2017

Page 3 of 5

ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Recreational Site License

Form AB-17c: 2018/2019 Renewal License Application

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Phone: 907.269.0350

Section 5 – License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

2016 2017

The license was regularly operated continuously throughout each year.

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

The license was regularly operated during a specific season each year.

| | |
|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------|-------------------------------------|

The license was only operated to meet the minimum requirement of one time during the calendar year.

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

The license was not operated at all during the calendar year.

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement.

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2016 and 2017:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2016 or 2017?

| | |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|-------------------------------------|

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2016 or 2017?

| | |
|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|-------------------------------------|

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Alcohol Server Education

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as required under AS 04.21.025 and 3 AAC 304.465.

JRW





Alaska Alcoholic Beverage Control Board

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Anchorage, AK 99501

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Phone: 907.269.0350

Section 8 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

JRW

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

JRW

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

JRW

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

JRW

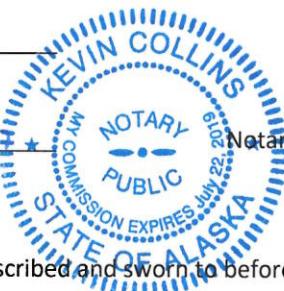
I am submitting as part of this application a written statement that meets the attached Recreational Site Statement Guidelines, for review by the Alcoholic Beverage Control Board.

JRW

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of ALASKA.

My commission expires: 07/22/2019

Subscribed and sworn to before me this 20th day of DECEMBER, 2017.

| | | | | | |
|---|-----------|------------------|-----------|--------|-----------|
| License Fee: | \$ 400.00 | Application Fee: | \$ 200.00 | TOTAL: | \$ 600.00 |
| Late Fee of \$500.00 – if received or postmarked after 01/02/2018: | | | | | |
| Miscellaneous Fees: | | | | | |
| GRAND TOTAL (if different than TOTAL): | | | | | |





Anchorage Ski Club dba Arctic Valley Ski Area
PO Box 200546, Anchorage, AK 99520
info@skiarctic.com
907-351-3256

December 20, 2017

Alcohol and Marijuana Control Office
550 W 7th Ave, Suite 1600
Anchorage, AK 99501

Re: License #4850 Anchorage Ski Club dba Arctic Valley Ski Area

The Anchorage Ski Club wishes to renew its recreational site license under AS 04.11.210 for Arctic Valley Ski Area.

To address the mandatory points to be included, we offer the following responses:

1. Arctic Valley Ski Area will serve beer and wine on days we are open for skiing and snowboarding and/or snow tubing from 12 noon (or opening time, whichever is later) until 1 hour following the end of skiing and snowboarding and/or tubing operations. Our operating hours are adjusted with the varying available daylight, and our beer and wine serving hours will be adjusted accordingly.
2. None of the listed activities are regularly held at our establishment.
 - a. Arctic Valley Ski Area offers skiing and snowboarding, as well as snow tubing. We believe this qualifies under AS 04.11.210 for a recreational site license.
3. Arctic Valley Ski Area's operating season is November 1 – April 31.

Best regards,

John Robinson-Wilson
General Manager
Arctic Valley Ski Area
gm@skiarctic.com
907-351-3256

