



## MEMORANDUM

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

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: #5629 Midnite Mine

**Requested Action:** Approve new license

**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.”

AS 04.11.480(a): “A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.”

AS 04.11.480(a): “The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application...”

AS 04.11.510(b)(2): “the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);”

**Staff Rec.:** Rescind approval with delegation; uphold the protest with a 90-day abeyance

**Background:** The board approved this new beverage dispensary – duplicate license with delegation at the April 2018 board meeting. Subsequently, the City of Fairbanks submitted a timely protest pending issuance of a certificate of occupancy.

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The board is required by AS 04.11.510(b)(2) to hold a hearing to consider the protest.

Attachment: City of Fairbanks protest



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6702

Fax (907)459-6710

August 8, 2018

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

TJ:

At the regularly-scheduled meeting of August 6, 2018, the Fairbanks City Council voted to **PROTEST** the following application for a new beverage dispensary duplicate liquor license until a Certificate of Occupancy is issued:

License Type: **Beverage Dispensary Duplicate, License #5629**  
DBA: **Midnite Mine**  
Licensee/Applicant: Midnight Mine, LLC  
Physical Location: 308 Wendell Avenue, Fairbanks, Alaska

I will notify the AMCO office when a Certificate of Occupancy is issued for the premises. Should you need further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Danyielle Snider".

D. Danyielle Snider, CMC  
Fairbanks City Clerk

cc: File(s)  
Rick Mensik, Midnight Mine, LLC Agent

