



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board      DATE: December 17, 2018

FROM: Erika McConnell, Director      RE: 1244 Woodshed

**Requested Action:** Transfer of ownership and DBA change

**Statutory Authority:** AS 04.11.040(c): "A person may not receive or transfer controlling interest in a liquor license issued to a partnership, including a limited partnership, a limited liability organization, or a corporation under this title, except with the written consent of the board."

AS 04.11.360: "An application requesting approval of a transfer of a license to another person under this title shall be denied if... (4) the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title unless (A) the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority; or (B) the transfer is under a promise given as collateral by the transferor to the transferee in the course of an earlier transfer of the license under which promise the transferor is obliged to transfer the license back to the transferee in the event of default in payment for property conveyed as part of the earlier transfer of the license;"

AS 04.11.470: "A person may object to an application for issuance, renewal, transfer of location, or transfer to another person of a license, or for issuance of a permit, by serving upon the applicant and the board the reasons for the objection. The board shall consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) 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.:** Absent compelling public testimony suggesting a different course of action, deny the transfer with a 30-day abeyance; note for the record that other pending approvals must be received before the transfer can be effectuated

**Background:** Objections to the transfer have been served by the Department of Labor – Employment Security, and by K&L Distributors due to an unsatisfied debt.

Attachment: Department of Labor – Employment Security objection  
K&L Distributors objection



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

October 29, 2018

Department of Revenue  
Department of Labor, Employment Security  
Department of Labor, Workers' Compensation

Via email: [theresa.mitchell@alaska.gov](mailto:theresa.mitchell@alaska.gov)  
[elizabeth.glooschenko@alaska.gov](mailto:elizabeth.glooschenko@alaska.gov)  
[rizalina.olde@alaska.gov](mailto:rizalina.olde@alaska.gov)  
[velma.thomas@alaska.gov](mailto:velma.thomas@alaska.gov)  
[andrea.mogil@alaska.gov](mailto:andrea.mogil@alaska.gov)  
[dor.tax.collections@alaska.gov](mailto:dor.tax.collections@alaska.gov)

<b>License Number:</b>	1244
<b>License Type:</b>	Beverage Dispensary
<b>Applicant:</b>	Woodshed LLC
<b>Doing Business As:</b>	Woodshed
<b>Transferee EIN:</b>	46-5722995
<b>Transferor EIN:</b>	45-4816236

**Transfer of Ownership Application**

**Transfer of Controlling Interest**

AS 04.11.330(b) and AS 04.11.370(a)(6) require that an applicant for a liquor license operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of the state and the local governing body in which the applicant's proposed licensed premises are located.

This letter serves to provide written notice and request for compliance status from the above referenced entities regarding the above application (see attached application documents for more information). **Please complete and return this form to the AMCO office at the email below.**

REVIEWER: 

- DOR  
 Employment Security  
 Workers' Compensation

DATE: 10/30/18 PHONE: (907) 269-4836

Compliant  Non-compliant

COMMENTS: \_\_\_\_\_

If you have any questions, please send them to the email address below.

Sincerely,



Erika McConnell  
Director, ABC Board  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE  
550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

November 5, 2018

K&L Distributors  
Via email: [dianeguintu@kldistributor.com](mailto:dianeguintu@kldistributor.com)

License Number:	1244
License Type:	Beverage Dispensary
Transferor:	Brown Bag Sandwich Co. LLC
Transferor Doing Business As:	Brown Bag Sandwich Company

Transfer of Ownership Application       Transfer of Controlling Interest

AS 04.11.360(4) requires that the board deny an application for transfer of a license to another person if the transferor has not paid all debts or taxes arising from the conduct of the business licensed under this title unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority. Our records indicate that you are listed as a creditor or taxing authority for the above license.

We have received an application for transfer of ownership for the above liquor license. For the purposes of AS 04.11.360(4) and in compliance with AS 04.11.280(b), this letter serves to provide written notice and request for status from the above referenced entity regarding the above application (see attached application documents for more information).

Please complete and return this form to the AMCO office at the email below.

NAME: DIANE GUINTU - CR. Mgr      PHONE: 907-706-0202

Do you have an objection to the transfer of this license?       Yes       No

AMOUNT OWED: \$7914.14      # 18644-ACCT      DATE: 11/5/18

COMMENTS: Looking for pmt in full - PRIOR TO TRANSFER

If you have any questions, please send them to the email address below.

Sincerely,

*Erika McConnell*

Erika McConnell  
Director, ABC Board  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)



## **Alcohol Licensing, CED ABC (CED sponsored)**

---

**From:** Diane Guintu <dianeguintu@kldistributor.com>  
**Sent:** Monday, November 05, 2018 11:17 AM  
**To:** Alcohol Licensing, CED ABC (CED sponsored)  
**Subject:** Transfer of Ownership on Lic # 1244 - Declined by KL Distributors - Document attached  
**Attachments:** SKM\_C759\_8318110511130.pdf

**Importance:** High

**Categories:** Carrie

Ms. McConnell,

We are declining the transfer until the amount recognized is paid in full and there will be no room for negotiation.

Thank you for servicing our request as a distributor, to put a hold in file.

Appreciated,

Diane Guintu  
Credit Manager  
KL Distributors of Alaska  
907-786-0202

**From:** KLD Services  
**Sent:** Monday, November 05, 2018 11:13 AM  
**To:** Diane Guintu  
**Subject:** KLD Anchorage Sales Scan

