



? please call 907-378-1954 for Credit Card #

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

Alaska Alcoholic Beverage Control Board

### Form AB-29: Waiver of Operation Application

#### What is this form?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 240 hours in a calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of:

- for a 1<sup>st</sup> request, an amount equal to 1/2 the applicable biennial license fee; or
- for a 2<sup>nd</sup> or subsequent request, double the amount of the fee paid for the previous waiver application.

The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for each license and for each calendar year during which a license was not operated in compliance with AS 04.11.330.

#### Section 1 - Establishment Information

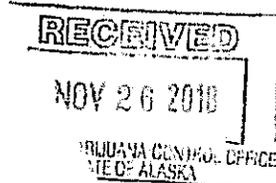
Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	Cafe de Paris Catering Co.	License Number:	4170
License Type:	Beverage Dispensary		
DBA:	Lavelle's Bistro		
Premises Address:	603 Lacey Street		
City:	Fairbanks	State:	Alaska
		ZIP:	99701
Local Governing Body:	City of Fairbanks		

#### Section 2 - Request Number and Calendar Year

1<sup>st</sup> Request     
  2<sup>nd</sup> Request     
  3<sup>rd</sup> Request     
  Other \_\_\_\_\_

Request for Calendar Year 2018





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**Form AB-29: Waiver of Operation Application**

**Section 3 – Reason for Non-operation**

Provide an explanation as to why the licensed premises were not operated:

Edstrom Construction has not sufficiently completed enough of the renovation to get a certificate of occupancy issued from the City of Fairbanks which would have allowed us to at least open the 240 hours needed to fulfill the requirements of the title. This project has been delayed several times because of an inability to secure an able contractor. In 2016 by the time the design was complete in July all the contractors were tied up for the summer. By the end of the year when a contractor was hired, the ABC Board arbitrarily denied the relocation of the license because the initial protests hadn't been lifted. The transfer of the license couldn't be reheard by the Board until July of 2017 and by the time they reconsidered and approved the transfer, again all the contractors were tied up with summer construction. By the end of 2017 when Edstrom was hired the project needed to change the design and rework the plumbing which required major concrete cutting and demolition. Now it appears that the 12 months of 2018 will not be sufficient for them to complete the project no matter how much the owners have pushed. I requested a waiver of the waiver fee in 2017 because of the delay that was caused specifically by the ABC Board's action of denying the relocation and I am now again requesting a waiver of the fee for this third waiver because the delay happened and no action by the applicant could have prevented it. Thank you for your consideration.

**Section 4 – Certifications**

The following must be completed for establishments located within the boundaries of a local governing body:

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

Initials

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

Signature of licensee  
Franklin Eggle  
 Printed name of licensee

*State of Alaska*  
**NOTARY PUBLIC**  
 Laura Gudschinsky  
 My Commission Expires July 11, 2021  
 Notary Public in and for the State of Alaska.  
 My commission expires: July 11, 2021

Subscribed and sworn to before me this 21<sup>st</sup> day of November, 2018

Office Use Only			
Waiver Application Fee:	Late Fee:	Transaction #:	

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575 First Avenue  
Fairbanks, Alaska 99701  
907-450-0555 reservations  
907-456-1669 Office, Catering  
907-450-0444 Fax  
www.lavellesbistro.com

*Lavelle's* BISTRO  
Fairbanks, Alaska

November 30, 2018

ABC Board

Dear Sir or Madam:

I thought I'd send down a little more information for you to consider regarding my application for a third waiver and waiver of the fee rather than just the blurb on the application itself.

Enclosed are some pictures of the construction on the project which has been plagued with problems right from the beginning. The pictures at least show that this is really a work in progress and not someone who is just warehousing a license. There is no one who wants this place operating more than I but due to circumstances beyond my control, I haven't been able to get it going.

A brief Timeline:

2015: Purchased license from outside the borough and tried to move it to the building which I wanted to remodel into a cocktail lounge/restaurant

Was informed by Director Franklin that the license could only be transferred to an existing restaurant, not one that didn't exist yet.

I then transferred the license to my existing restaurant, Lavelle's Bistro, and then applied to have the Lavelle's license transferred to the new location.

Unfortunately, I believe this strategy, although it worked, didn't put me in a good light with Director Franklin.

2016: I engaged Design Alaska to design a rooftop dining restaurant which took months before it was determined that it was not economically feasible to have customers on the roof. They then had to redesign the entire project reconfiguring everything to accommodate a lower occupancy. I hired Tilly and Associates to begin demolition work and replace windows and remove structural walls to open up the space. At the final Board meeting of the year, which I unfortunately didn't attend, my application for a waiver was approved but the Director arbitrarily recommended that the transfer be denied because I hadn't removed the objections of DEC and hadn't gotten a certificate of occupancy. It would have been great if I could have completed the project that fast but it was impossible.

2017: All construction put on hold until the Board could reconsider the transfer which they did in July by which time it was difficult to engage any contractor because they had all their summer projects going. I finally was able to hire Edstrom Construction towards the end of 2017 to finish the project. Applied and received another waiver with the Board not wishing to hear testimony about the fee waiver.

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4170

November 30, 2018  
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2018: Edstrom Construction hasn't lived up to its assurances that I'd be open in 2018. With the expansion of Eielson AFB and a rushed Costco construction, skilled carpenters and workmen were a scarce commodity and sometimes my priorities didn't line up with the contractor. All of these factors were totally out of my control but I can say with 99% certainty that if I hadn't been delayed a year by the action of Director Franklin that I would be fully operational now and a third waiver and a fee of \$5000.00 could have been avoided.

I humbly ask the Board to help this small business get started and to approve the third waiver and the waiver of the fee. Thank you.

Sincerely,



Franklin Eagle  
Co-Owner Lavelle's Bistro/Café de Paris Catering

*"You've waited one hundred years for food this good!"*





