



## MEMORANDUM

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

DATE: December 17, 2018

FROM: Erika McConnell, Director

RE: 2847 Goldie's AK

**Requested Action:** Transfer license application

**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 ... 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...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 04.11.510(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.:** Approve a 60 day extension of the abeyance period

**Background:** The board upheld the City of Fairbanks protest of the license transfer with a 120 day abeyance at the July 11, 2018, board meeting. The abeyance period ends January 2, 2019. The applicant has submitted a request for a 60-day extension of the abeyance period.

At the October 15, 2018, meeting, the board adopted a new regulation that limits the abeyance period for local government protests to 180 days and does not allow any extensions of that period.

While this regulation is not yet in effect, it reflects how the board intends to address abeyance periods. Thus this licensee's abeyance period should be no more than 180 days and the extension should be limited to 60 days as requested.

Attachment: Request for extension of abeyance  
City of Fairbanks Protest

Request for Extension of Abeyance  
BDL 2847 Transfer

Alcohol and Marijuana Control Office  
550 W 7th Ave, Suite 1600  
Anchorage, AK, 99501  
[alcohol.licensing@alaska.gov](mailto:alcohol.licensing@alaska.gov)

Ryan Holland  
Nash Holland, LLC DBA Goldie's AK  
ryan@goldiesak.com

At the August 2017 ABC board meeting, the protest of the transfer of license 2847 was upheld with a 120 day abeyance pending issuance of certificate of occupancy by the city of Fairbanks. While we still intend to meet the Jan 2, 2019 deadline, we have experienced significant setbacks and are concerned any further problems could result in a denial of transfer.

We have made significant progress in bringing our premises up to code; however, this is an involved project often filled with unforeseen problems. Due to the advance of our hearing with the ABC board from June and receiving this abeyance in August, contractors were at the end of their work season, not taking on new work. Our code analysis was delayed with an exit plan change for the current tenant, resulting in an expansion of the project scope for the architect. Limited resources in Fairbanks has us at the mercy of shipping delays for custom fittings, furniture and refrigeration systems. Holiday hours could delay inspections and final approval of our project.

This transfer has involved a great deal of work and cooperation from the AMCO staff and the board, including multiple board meetings as well as Fairbanks city council and FNSB assembly meetings. Any small delay in our timeline would cause a denial of transfer resulting in a resubmission of the transfer and a duplication of effort for all involved.

We are requesting the abeyance be extended for an additional 60 days to prevent denial, resubmission and duplication of effort due to an unforeseen problem.

Thank you for your time and consideration.

Sincerely,

Ryan Holland



# City of Fairbanks

Office of the City Clerk

800 Cushman Street

Fairbanks, AK 99701

(907)459-6702

Fax (907)459-6710

July 10, 2018

Mikal Milton, Occupational Licensing Examiner  
Alcohol and Marijuana Control Office  
550 W. 7th Avenue, Ste. 1600  
Anchorage, Alaska 99501

Mikal,

At the regularly-scheduled meeting of July 9, 2018, the Fairbanks City Council voted to **PROTEST** the application for transfer of location and name change for the following Beverage Dispensary License **until a Certificate of Occupancy is issued by the City of Fairbanks:**

Type: Beverage Dispensary, License #2847  
To: Goldie's AK / Nash Holland, LLC  
659 5th Avenue, Fairbanks, Alaska

From: No DBA / Nash Holland, LLC  
No Premises

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

Sincerely,

D. Danyielle Snider, CMC  
Fairbanks City Clerk

cc: File(s)  
Nash Holland, LLC (Kara Nash, Agent)  
Fire Department  
Building Department