



MEMORANDUM

TO: Bob Klein, Chair, and Members of the Alcoholic Beverage Control Board DATE: April 29, 2019

FROM: Erika McConnell, Director RE: 626 Kenai Joe's Taphouse, LLC

Requested Action: Transfer of ownership with security interest; DBA change

Statutory and Regulatory 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 04.11.360(4): "An application requesting approval of a transfer of a license to another person under this title shall be denied if 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 04.11.670: "A license issued under this title is not subject to foreclosure, and may not be used as collateral to secure a debt. However, if a license is transferred to another person, the transferor may secure payment for real and personal property conveyed to the transferee upon the promise of the transferee to transfer the license back to the transferor upon default in payment."

3 AAC 304.107(a): "If a former licensee seeks to compel the transfer of a license because of a promise under [AS 04.11.670](#) given as collateral by the current licensee to the former licensee in the course of an earlier transfer of the license, followed by a default in payment in connection with property conveyed or a lease made in the course of the previous transfer, the board will deny the transfer if creditors are not satisfied under [AS 04.11.360](#)(4)(A) unless it clearly appears that the former licensee, at the time of the previous transfer, complied with the following notice requirements:

- (1) a leasehold conveyance or contract of sale of property made in the course of the previous license transfer was recorded in the manner provided for recordation of real estate conveyances, and the transferor, at the time of the previous transfer, made a UCC filing statement in which a security interest in the license was claimed under AS 04.11.670 and AS 04.11.360(4)(B); the documents recorded under this paragraph must contain the following statement: "Under the terms of AS 04.11.670, AS 04.11.360(4)(B), and 3 AAC 304.107, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors."; and
- (2) all documents prepared in connection with the previous transfer of the liquor license, including all leases, contracts, and other relevant memoranda, were filed with the board at the time of the previous transfer; the documentation must include a statement of the book and page number showing where the lease or contract, and UCC filing statement, bearing the disclosure statement required in (1) of this subsection, are recorded; and
- (3) the notice of the previous transfer required by AS 04.11.310(a) was made in writing and published, as required under 3 AAC 304.125, once a week for three weeks in a newspaper of general circulation before the transfer, in addition to any other notice of the application that might have been required by the board at the time of the previous transfer; the published notice must contain the following statement: "Under the terms of AS 04.11.360(4)(B), AS 04.11.670, and 3 AAC 304.107, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors."

Staff Rec.: Approve the transfer with a security interest.

Background: A completed transfer application has been received for liquor license 626. Staff has reviewed and determined that both the transfer application and Security Interest notices and documents have been completed to meet the requirements laid out in 3 AAC 304.107(a); signed recorded copies of all Security Interest documents will be required before the transfer is effectuated.

Attachment: AB-01
Security Interest Documents

PUBLISHER'S AFFIDAVIT


UNITED STATES OF AMERICA,
STATE OF ALASKA

}
SS:

Elizabeth A. Ulricksen being first duly sworn, on oath deposes and says:

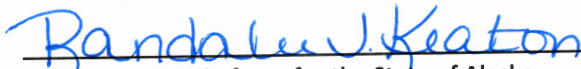
That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Liquor License Correction
3/26/2019

X 

SUBSCRIBED AND SWORN before me on this

28th day of March, 2019.


NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 07/10/22.

NOTARY PUBLIC
RANDELEE J. KEATON
STATE OF ALASKA
My Commission Expires July 10, 2022

LIQUOR LICENSE TRANSFER	
KENAI JOE'S ALASKAN ROADHOUSE COMPANY, d/b/a Kenai Joe's located at 800 Cook Avenue, Kenai, Alaska, is applying for transfer of a Beverage Dispensary License AS 04.11.090 Liquor license to Kenai Joe's Taphouse, LLC.	
The transferor/lessor retains a security interest in the liquor license which is the subject of this conveyance under the terms of AS 04.11.360(4)(B); AS 04.11.670 and 3AAC 304.107 and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors.	
Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 550 West 7th Ave. Suite 1600, Anchorage, AK 99501.	
Pub: March 26, 2019	849811

PUBLISHER'S AFFIDAVIT

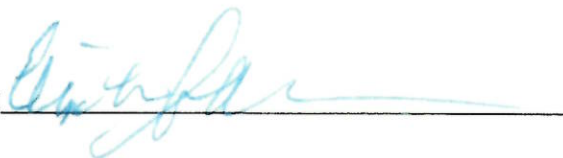
UNITED STATES OF AMERICA,
STATE OF ALASKA

}
SS:

Elizabeth A. Ulricksen being first duly sworn, on oath deposes and says:

That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Sound Publishing / Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the advertisement, a printed copy of which is hereto annexed was published in said paper on the dates listed below:

Liquor License
February 1, 8 & 15, 2019

x 

SUBSCRIBED AND SWORN before me on this

15th day of February, 2019.



NOTARY PUBLIC in favor for the State of Alaska.

My commission expires 07/10/22.

NOTARY PUBLIC
RANDELEE J. KEATON
STATE OF ALASKA
My Commission Expires July 10, 2022

LIQUOR LICENSE TRANSFER	
KENAI JOE'S ALASKAN ROADHOUSE COMPANY, d/b/a Kenai Joe's located at 800 Cook Avenue, Kenai, Alaska, is applying for transfer of a Beverage Dispensary License AS 04.11.090 Liquor license to Kenai Joe's Taphouse.	
The transferor/lessor retains a security interest in the liquor license which is the subject of this conveyance under the terms of AS 04.11.360(4)(B); AS 04.11.670 and 3AAC 304.107 and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors.	
Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 550 West 7th Ave. Suite 1600, Anchorage, AK 99501.	
Pub: Feb 1, 8 & 15, 2019	843527





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 – Transferor Information

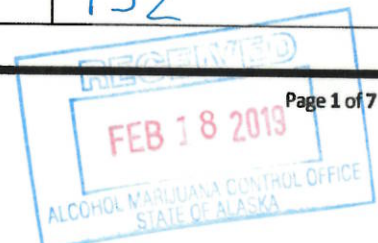
Enter information for the *current* licensee and licensed establishment.

Licensee:	Kenai Joe's Alaskan Roadhouse Company	License #:	626
License Type:	Beverage Dispensary	Statutory Reference:	AS 04.11.090
Doing Business As:	Kenai Joe's		
Premises Address:	800 Cook Avenue		
City:	Kenai	State:	AK
		ZIP:	99611
Local Governing Body:	City of Kenai		

Transfer Type:

- Regular transfer
- Transfer with security interest
- Involuntary retransfer

OFFICE USE ONLY			
Complete Date:		Transaction #:	1036986
Board Meeting Date:		License Years:	
Issue Date:		BRE:	TJZ





Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 2 - Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Kenai Joe's Taphouse, LLC				
Doing Business As:	Kenai Joe's Taphouse, LLC				
Premises Address:	800 Cook Avenue				
City:	Kenai	State:	AK	ZIP:	99611
Community Council:	None				

Mailing Address:	Post Office Box 1401				
City:	Kenai	State:	AK	ZIP:	99611

Designated Licensee:	Joseph Gilman				
Contact Phone:	907 953-7004	Business Phone:	Same		
Contact Email:	jegilman@gmail.com				

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

Section 3 - Premises Information

Premises to be licensed is:

an existing facility a new building a proposed building

The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.
 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:					
Address:					
City:		State:		ZIP:	

This individual is an: applicant affiliate

Name:					
Address:					
City:		State:		ZIP:	

Section 5 – Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.
 If more space is needed, please attach a separate sheet with the required information.

- 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:	Joseph Gilman				
Title(s):	Member	Phone:	907 9953-7004	% Owned:	50
Address:	P.O. Box 918				
City:	Kasilof	State:	AK	ZIP:	99610





Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	Kara McCormick				
Title(s):	Member	Phone:	907 599-0329	% Owned:	25
Address:	375 West Riverview Avenue				
City:	Soldotna	State:	AK	ZIP:	99611

Entity Official:	Colton Herzog				
Title(s):	Member	Phone:	570 765-3221	% Owned:	25
Address:	375 West Riverview Avenue				
City:	Kenai	State:	AK	ZIP:	99611

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10099338	AK Formed Date:	02/04/2019	Home State:	AK
Registered Agent:	Joseph Gilman	Agent's Phone:	907 953-7004		
Agent's Mailing Address:	P.O. Box 918				
City:	Kasilof	State:	AK	ZIP:	99610

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?





Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

[Empty box for disclosure]

Section 7 – Authorization

Communication with AMCO staff:

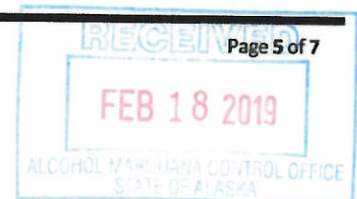
Yes No

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:

Julie Latta. Julie Latta works at the business and has knowledge of and access to any and all pertinent information should AMCO have any questions.

[Empty box for disclosure]





Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 8 - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

Julie Latta
Signature of transferor
Julie Latta
Printed name of transferor

Subscribed and sworn to before me this 5 day of February, 2019.

Megan Brown
Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 5/15/2022

Signature of transferor

Printed name of transferor

Subscribed and sworn to before me this ____ day of _____, 20____.

Signature of Notary Public

Notary Public in and for the State of _____

My commission expires: _____





Alaska Alcoholic Beverage Control Board Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

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

JG

I certify that all proposed licensees have been listed with the Division of Corporations.

JG

I certify 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.

JG

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

JG

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

JG

As an applicant for a liquor license, 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.

Joseph Gilman

Signature of transferee

Joseph Gilman

Printed name

Subscribed and sworn to before me this 5 day of February, 2019.



Megan Brown

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5/15/2022





Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

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

KB

I certify that all proposed licensees have been listed with the Division of Corporations.

KB

I certify 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.

KB

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

KB

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

KB

As an applicant for a liquor license, 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.

Kara McCormick

Signature of transferee

Kara McCormick

Printed name

Subscribed and sworn to before me this 5 day of February, 2019.

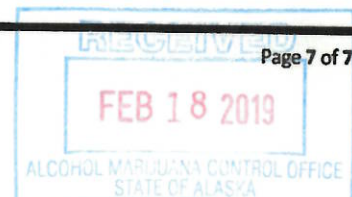


Megan Brown

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5/15/2022





Alaska Alcoholic Beverage Control Board
Form AB-01: Transfer License Application

Section 9 – Transferee Certifications

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

Initials

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

cl

I certify that all proposed licensees have been listed with the Division of Corporations.

cl

I certify 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.

cl

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

cl

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

cl

As an applicant for a liquor license, 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.

Colton Herzog

Signature of transferee

Colton Herzog

Printed name

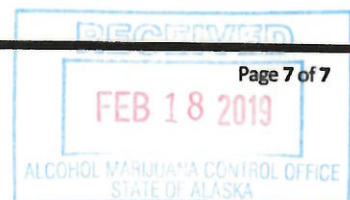
Subscribed and sworn to before me this 5 day of February, 2019.

Megan Brown

Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5/15/2022





Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

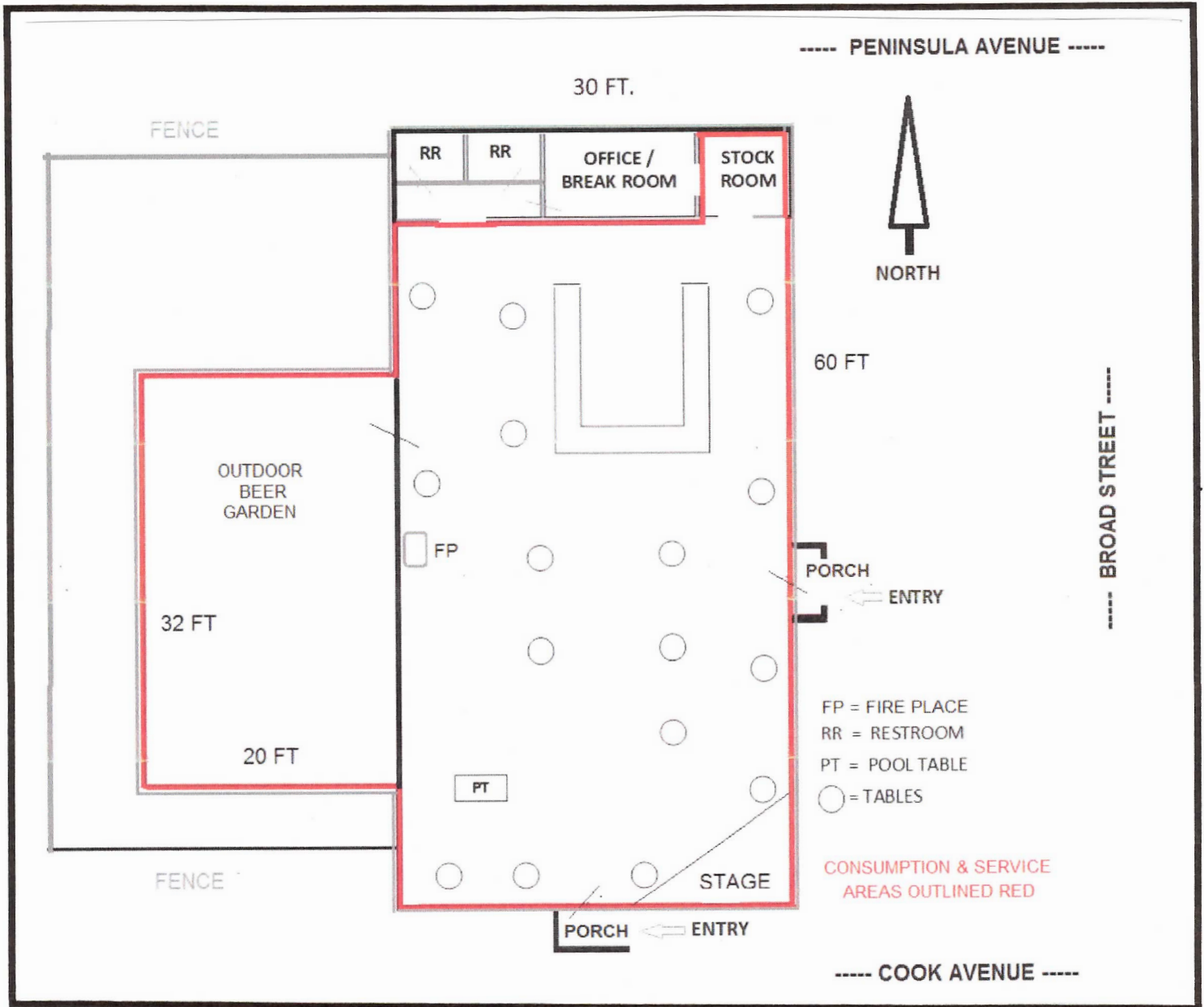
Licensee:	Kenai Joe's Taphouse, LLC	License Number:	626		
License Type:	Beverage Dispensary				
Doing Business As:	Kenai Joe's Taphouse, LLC				
Premises Address:	800 Cook Avenue				
City:	Kenai	State:	AK	ZIP:	99611



Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, consumption, and manufacturing. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.



OUTDOOR BEER GARDEN SECURITY PLAN STATEMENT

The 'Outdoor Beer Garden' shown on Form AB-02 (Premises Design) is located in an outdoor area directly adjacent and attached to the building located at 800 Cook Avenue Kenai, Alaska.

The Outdoor Beer Garden area is 20 feet x 32 feet in size. This area is surrounded by a 6 feet high permanent wood fence. Access to the Outdoor Beer Garden is from inside the bar, and in full view of wait staff and company personnel on duty.

Wait staff and company personnel will monitor customers seated in the Outdoor Beer Garden, to prevent the transfer of alcohol across the premises boundary and prevent the access of any alcohol by a minor.

The Outdoor Beer Garden will be open as weather permits, however heavier use is anticipated during the more temperate months of the year.

Kenai Joe's Taphouse, LLC will implement all necessary policies and practices to ensure public safety, and compliance with all alcohol related regulations and laws of the State of Alaska.



Joseph Gilman, Acting Member
Kenai Joe's Taphouse, LLC

(Notary Seal on Page 2.)

AMCO
MAR 26 2019

ACKNOWLEDGEMENT OF NOTARY PUBLIC

State of Alaska,

County Kenai Peninsula ss.

On this 25th day of March, 2019, before me appeared **Joseph Gilman, as Acting Member of Kenai Joe's Taphouse, LLC**, proved to me through government issued photo identification to be the above-named person, in my presence executed the foregoing Outdoor Beer Garden Security Plan Statement, and acknowledged that they executed the same as their free act and deed.

Notary of Public Signature: [Signature]

Print Name: Dan Van Vleet

My Commission Expires: 7/19/2020

(Seal)

