



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019
FROM: Erika McConnell, Director RE: 3123 Hangar Lounge

Requested Action: Reinstatement and renewal; refund of late renewal fee

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 04.11.540: "...If a complete application for renewal has not been filed by February 28 or the required fees and the penalty fees have not been paid by that date, the license expires at 12:00 midnight February 28."

3 AAC 304.160(f): "The board will deny a request for reinstatement submitted under (e) of this section if

- (1) the license became available in accordance with 3 AAC 304.100(2) and was issued to a different applicant, unless the limit of licenses under AS 04.11.400 has not been reached; or
- (2) the board finds that the failure to timely file or pay was caused by
 - (A) the licensee's failure to notify the board of a change of the licensee's mailing address;
 - (B) a transfer of ownership of the business for which the license was issued without written approval of the board in violation of AS 04.11.040;
 - (C) a lease of the licensed business to another person in violation of AS 04.11.450(c); or
 - (D) any other action of the licensee whether active or tacit that the board finds constitutes a failure to lawfully operate the business for which the license was issued."

Staff Rec.: Evaluate reinstatement request in accordance with 3 AAC 304.160(f); deny refund of late renewal fees.

Background: A renewal application for a 2019/2020 license was submitted on October 23, 2018. The licensee was informed by mail (sent November 1, 2018) of necessary corrections required to his application. The expiration warning letter required by AS 04.11.550 was mailed on February 8, 2019.

The incomplete letter was resent on February 26, 2019. The licensee submitted corrections on March 8, 2019, after the February 28, 2019 deadline. An expiration and cessation of operations letter was sent on March 13, 2019.

The licensee has submitted a request for reinstatement and refund of the late fee, a complete renewal application, and all required fees.

Attachments: Request for Reinstatement and Refund
November 1, 2018 incomplete letter
Renewal Application

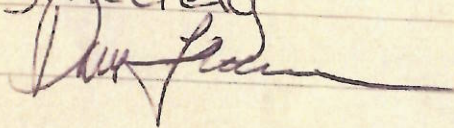
Feb. 27, 2019

To whom it may concern

I have no excuse for the application that I sent in Oct. or excuse for the letter that you sent that I thought was a thank you note. If I would have known about the deadline in Feb. I would have done something sooner. Mikah said with good reason I could be waived the 500. late fee, because of some health issues I was not able to go in person to get cashier's check and notarized. My daughter will get application as soon as it arrives via mail and will be completed and notarized by hospital notary. I don't read.

Thank you

Sincerely



P.S. Unfortunately my bar has been vandalized many times and had to fence in and lock my business so what proof I had is nowhere to be found? I did place my last order in Dec.

for alcohol with K+L. Any questions you may also contact my daughter Pam 631-8711





THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

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

November 1, 2018

David K Freeman
Via Mail:
4404 S Big Lake Road
Wasilla, AK 99623-4878

Re: Incomplete Renewal Application for License # 3123 DBA Hangar Lounge

Dear Applicant:

I have received and reviewed your application for renewal of your liquor license. At this time, your application is considered incomplete. Please make the following necessary changes and/or submit the required documents in order for your application to be deemed complete:

- **Fee-Seasonal- It appears that you would like to transition this license back to a seasonal operation.**
 - IF this is correct, please amend the seasonal dates on page 4 to say December 1-June 1.
 - If you are looking to operate from December 1-June 2nd or later, please amend page 4 to reflect that you are not going to be operating in a six month period and submit the remainder of your license fee.
 - If you are operating in a manner where the location is closed for a specific period during the year but not as a seasonal (6 month) license you will be required to surrender your license during the non-operational period and request re-issuance before re-opening.
- **Page 3- License Operation**
 - You have indicated that your license was not operated in the 2018 calendar year. It is required you submit an AB-29 waiver of operations application and the appropriate fees. *Please note that when the board approved your 3rd waiver of operations, they stated that no 4th waiver would be granted.
 - Waivers are available on our website at
 - <https://www.commerce.alaska.gov/web/Portals/9/pub/ABC/AlcoholLicenseApplicationForms/WaiverApp.pdf>
- **Page 4-Printed name of Licensee-** You are required to include this information.

To make corrections, use the attached application and make your changes to the copy. You may then scan and email it back to the address below, or mail or drop it off to our office.

Please submit all documents to complete your application within seven (7) days from the date of this notice. Any application that is still incomplete after December 31, 2018 will be assessed an additional \$500.00 late fee, per AS 04.11.270. Any application that is still incomplete at midnight on February 28, 2019 will be expired, per AS 04.11.540.

Please submit your application documents as soon as possible, so that AMCO staff has adequate time to review them, and so you will have adequate time to submit additional corrections, if necessary, without having to pay late fees.

Completed documents may be scanned and emailed, and any questions or concerns may be sent to alcohol.licensing@alaska.gov.

Thank you for your diligence toward completing your application.

Respectfully,

A handwritten signature in black ink, appearing to read "Mikal Milton", with a large, sweeping flourish extending to the right.

Mikal Milton
Records and Licensing Supervisor



Alaska Alcoholic Beverage Control Board

Form AB-17: 2019/2020 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2018. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

| | | | |
|-----------------------|---------------------------|-------------|--------------|
| Licensee: | David K Freeman | License #: | 3123 |
| License Type: | Beverage Dispensary | Legal Ref.: | AS 04.11.090 |
| Doing Business As: | Hangar Lounge | | |
| Premises Address: | Mile 1.5 S Big Lake Road | | |
| Local Governing Body: | Matanuska-Susitna Borough | | |
| Community Council: | Big Lake | | |

| | | | |
|------------------|---------------------|--------|----|
| Mailing Address: | 4404 S Big Lake Rd. | | |
| City: | Wasilla | State: | AK |
| ZIP: | 99623-4878 | | |

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

| | | | |
|-------------------|---------------|----------------|----------|
| Contact Licensee: | David Freeman | Contact Phone: | 242-8879 |
| Contact Email: | | | |

Optional: If you wish for AMCO staff to communicate with individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

| | | | |
|------------------|--|----------------|--|
| Name of Contact: | | Contact Phone: | |
| Contact Email: | | | |





Form AB-17: 2019/2020 Renewal License Application

Section 2 – Entity or Community Ownership Information

This top subsection must be completed by any licensee that is a **corporation** or **LLC**. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). This number is neither your EIN/tax ID number, nor your business license number. **You may view your entity's status or find your CBPL entity number by using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

General partnerships and local governments should skip to the second half of this page. Licensees who directly hold a license as an individual or individuals should skip to Section 3.

| | |
|-----------------------|--|
| Alaska CBPL Entity #: | |
|-----------------------|--|

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

| |
|--|
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|--|

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- 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**.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application.

| | | | | |
|-------------------|--------|----------|--|--|
| Name of Official: | | | | |
| Title(s): | Phone: | % Owned: | | |
| Mailing Address: | | | | |
| City: | State: | ZIP: | | |

| | | | | |
|-------------------|--------|----------|--|--|
| Name of Official: | | | | |
| Title(s): | Phone: | % Owned: | | |
| Mailing Address: | | | | |
| City: | State: | ZIP: | | |

| | | | | |
|-------------------|--------|----------|--|--|
| Name of Official: | | | | |
| Title(s): | Phone: | % Owned: | | |
| Mailing Address: | | | | |
| City: | State: | ZIP: | | |



John
2690350



Alaska Alcoholic Beverage Control Board

Form AB-17: 2019/2020 Renewal License Application

Section 3 - Sole Proprietor Ownership Information

This section must be completed by any licensee who directly holds the license as an individual or multiple individuals and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information. Entities should skip to Section 4. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate (spouse)

| | | | |
|------------------|--------------------|----------------|-----------|
| Name: | David K Freeman | Contact Phone: | 242-8878 |
| Mailing Address: | 4404 S Big Lake Rd | | |
| City: | Wasilla | State: | AK |
| Email: | | ZIP: | 99623-487 |

This individual is an: applicant affiliate (spouse)

| | | | |
|------------------|--|----------------|--|
| Name: | | Contact Phone: | |
| Mailing Address: | | | |
| City: | | State: | |
| Email: | | ZIP: | |

Section 4 - Alcohol Server Education

This section must be completed only by the holder of a beverage dispensary, club, or pub license or conditional contractor's permit. The holders of all other license types should skip to Section 5.

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

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Initials
 [Signature]

Section 5 - License Operation

Check a single box for each calendar year that best describes how this liquor license was operated:

The license was regularly operated continuously throughout each year.

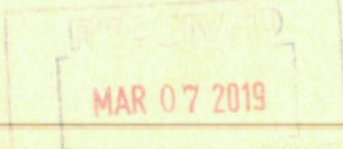
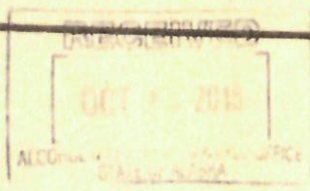
The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.

2017 2018

| | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |





Alaska Alcoholic Beverage Control Board
Form AB-17: 2019/2020 Renewal License Application

Section 6 - Violations and Convictions

Applicant violations and convictions in calendar years 2017 and 2018:

Yes No

Have any notices of violation (NOVs) been issued to this licensee in the calendar years 2017 or 2018?

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2017 or 2018?

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 - Certifications

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

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

I certify on behalf of myself or of the organized entity 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.

As an applicant for a liquor license renewal, 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. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

David Freeman
 Signature of licensee
DAVID FREEMAN
 Printed name of licensee

M. A. McCoy
 Signature of Notary Public
 Notary Public in and for the State of Alaska



My commission expires: 12/14/19

Subscribed and sworn to before me this 22nd day of October, 2018.

Dec. 1 - June 1

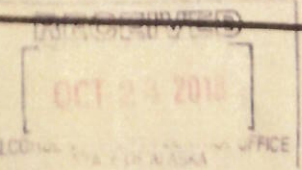
Seasonal License? Yes No

If "Yes", write your six-month operating period: ~~Dec 2018 - June 2019~~

16250

| | | | | | |
|--|------------|------------------|-----------|--------|------------|
| License Fee: | \$ 2500.00 | Application Fee: | \$ 300.00 | TOTAL: | \$ 2800.00 |
| Miscellaneous Fees: | | | | | 1550 |
| GRAND TOTAL (if different than TOTAL): | | | | | |

[Form AB-17] (rev 09/17/2018)
 License #3123 DBA Hanger Lounge



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JUN 12 2019