



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: June 15, 2021

FROM: Nathanael Hall, Occupational Licensing
Examiner

RE: #899 & #900 Point Baker Trading Post
License Transfer Application Extension Request

Requested Action: Request for death-related time extension.

Statutory Authority: AS 04.11.030(b): "If an application for the transfer of ownership of a license from a deceased licensee is not made within 90 days of the death of the licensee or within an additional 90 days if an application for transfer of ownership made by the executor is denied, or no petition is made to the board for an extension of time under (c) of this section within the time, the license is forfeited."

AS 04.11.030(c): "The board may extend the time limits in (b) of this section on petition of the executor or administrator."

Background: On November 20, 2020 AMCO received written notice from Judith Wright, secretary/treasurer of Point Baker Trading Post, Inc. that her husband and business partner Herbert Hoyt, 50% shareholder and President had passed away back on 9/16/2019. Point Baker Trading Post, Inc. is requesting a 259-day time extension to file a controlling interest transfer application and to continue operations.

Attachments: Licensee request

To: Alaska Alcohol Beverage Control Board

From: Judith Wright

RE: Herbert Hoyt/Licenses 899, 900/Point Baker Trading Post Inc.

DATE: June 10, 2021

My husband Herbert Hoyt passed away on 9/16/2019. The written notice of Mr. Hoyt's death was sent to AMCO via email 11/2/2020. Certified death documentation (death certificate) was received by AMCO 5/24/2021.

I apologize for not reporting my husband's death in writing within the allotted 10-day deadline in AS 04.11.050(b) Reports required of corporations; I did not think that AS 04.11.050 applied to the death of a shareholder and officer.

At the time of his death, Herbert Hoyt was 50% shareholder, a director, and President of Point Baker Trading Post Inc, and I was a director and Secretary/Treasurer. I own the other 50% of the shares of stock in Point Baker Trading Post, Inc. Point Baker Trading Post Inc. retained two alcohol licenses: 899 Beverage Dispensary – Seasonal and 900 Package Store. Both valid licenses have dba Point Baker Trading Post.

The premises for both licenses, in the Point Baker area, is not within a city or borough. Both licenses are up for renewal, with renewal applications received by AMCO after written notice submitted for Mr. Hoyt's death. Your board voted renewal applications for both licenses be approved with delegation at your last meeting back on 4/28/2021. Point Baker Trading Post Inc. currently operates its businesses with the temporary license it was issued by AMCO staff back on 4/19/2021.

I was appointed as personal representative of the Estate of Herbert S. Hoyt in Alaska Superior Court in Case No. 1KE-20-00048PR. The estate should be closed on or before 11/30/2021. While I do not necessarily concede that AS 04.11.030 applies to a corporation holding a license, if the "90-day deadline clock" is applied to the licenses held by Point Baker Trading Post, Inc., I respectfully and politely ask you, the ABC Board, grant an extension so that the 90-day period does not start until 12/1/2021.

Although the regulation is not effective until 7/4/2021, I believe this death related extension request meets the clarified criteria approved by the board for 3 AAC 304.216 regarding death of an individual with a controlling interest in a license.

This extension will allow sufficient time for my surviving family and our corporation to get our affairs in order. Thank you in advance for your consideration of this death-related extension request.

Respectfully,



Judith Wright

On behalf of Point Baker Trading Point Inc.