MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: June 10, 2021

FROM: Kristina Serezhenkov, OLE

RE: #3891 Skagway Fish Company

Requested Action: Reinstatement and renewal application

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).

Background: During the 2021/2022 licensing period, a renewal application was not submitted by the February 28, 2021 deadline. A warning letter was mailed and emailed to the licensee on February 2, 2021 and the expiration and cessation of operations letter was mailed and emailed on March 5, 2021.

The licensee has submitted a request for reinstatement, paid all required fees and the renewal application was deemed complete on May 7, 2021.
Attachments:  Request for Reinstatement
             AB-17
             Warning Letter
             Expiration Letter
From: Linkedin !
Sent: Wednesday, March 3, 2021 3:11 PM
To: Alcohol Licensing, CED ABC (CED sponsored)
Subject: Renewal for tardy license and fees - Attn: Jen 907-754-3411

To Whom It May Concern, I am 3 days late due in part to myself and my manager, both of whom thought we took care of this, but upon double checking found paperwork for state licensing being taken care of, but not AMCO renewal. A very expensive oversight on our part. Our humblest apologies for not being timely.

Sincerely and best regards

Henry---
Owner

Sent from Mail for Windows 10
February 2, 2021

Daniel J & Eileen M Henry
PO Box 279
Skagway, AK 99840

Email: sfcalaska@hotmail.com

Re: Late Renewal Application for #3891 DBA Skagway Fish Company

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2021

Dear Daniel J & Eileen M Henry:

Your liquor license will expire at midnight, February 28, 2021, per AS 04.11.540 and AS 04.11.550.

An application for renewal of your liquor license has not been received by the Alcohol & Marijuana Control Office as of this date. If you have already submitted a renewal application for the 2021/2022 operating years and believe that you have received this notice in error, please contact the Alcohol & Marijuana Control Office immediately.

In order to avoid expiration of your license and mandatory cessation of alcohol sale, service, manufacture, and/or storage at your establishment, the following must be submitted to our office by February 28, 2021:

- Completed, signed, and notarized liquor license renewal application (including any necessary supplemental documents); and
- License fee, application fee, and $500.00 late fee (payable by VISA, MasterCard, or check made out to State of Alaska).

The completed application and all fees must be postmarked by February 28, 2021. They may also be scanned and emailed or hand-delivered to our office by 4:00 pm on February 28, 2021. Any questions or concerns may be sent to alcohol.licensing@alaska.gov.

Sincerely,

Carrie Craig
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
# Master Checklist: Renewal Liquor License Application

**Doing Business As:** Skagway Fish Company  
**License Type:** Restaurant/Eating Place – Seasonal  
**License Number:** 3891  
**Examiner:** Kristina S.  
**Transaction #:** 100055134

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<th>Notes</th>
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<tr>
<td>AB-17: Renewal Application</td>
<td>3/3</td>
<td>5-7-2021</td>
<td>Reinstatement Explanation</td>
</tr>
<tr>
<td>App and License Fees</td>
<td>3/3</td>
<td>5-7-2021</td>
<td>letter &amp; all fees received</td>
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<tr>
<td>Tourism/Rec Site Statement</td>
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<tr>
<td>AB-25: Supplier Cert (WS)</td>
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<tr>
<td>AB-29: Waiver of Operation</td>
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<tr>
<td>AB-30: Minimum Operation</td>
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<td></td>
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<tr>
<td>AB-33: Restaurant Affidavit</td>
<td>3/3</td>
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<td>Reinstatement fee paid as well</td>
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**Names on FP Cards:**

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
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<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Business License Copy included?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Background(s) Completed &amp; Date:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Special Consideration:** __________________________  
**Board Meeting Date:** __________________________

**LGB Sent Date:** __________________________  
**LGB Deadline Date:** __________________________

**LGB 1 Name:** Skagway  
**LGB 2 Name:** N/A  
□ Waive  □ Protest  □ Lapsed  □ Waive  □ Protest  □ Lapsed

---

[Master Checklist: Renewal] (rev 09/21/2020)
Alaska Alcoholic Beverage Control Board

**Form AB-17: 2021/2022 License Renewal Application**

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2020 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable $500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2021 will be expired per AS 04.11.540/3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

### Establishment Contact Information

<table>
<thead>
<tr>
<th>Licensee (Owner):</th>
<th><strong>DANIEL J. &amp; EILEEN M. HENRY</strong></th>
<th>License #:</th>
<th>3891</th>
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</thead>
<tbody>
<tr>
<td>License Type:</td>
<td><strong>RESTAURANT EATING PLACE - SEASONAL</strong></td>
<td></td>
<td></td>
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<tr>
<td>Doing Business As:</td>
<td><strong>SKAGWAY FISH COMPANY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises Address:</td>
<td><strong>145 CONGRESS WAY SKAGWAY AK 99840</strong></td>
<td></td>
<td></td>
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<tr>
<td>Local Governing Body:</td>
<td><strong>MUNICIPALITY OF SKAGWAY</strong></td>
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<tr>
<td>Community Council:</td>
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</tr>
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</table>

If your mailing address has changed, write the NEW address below:

**Mailing Address:**

**City:**

**State:**

**ZIP:**

### Section 1 – Licensee Contact Information

**Contact Licensee:** The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

**Contact Licensee:** **DANIEL J. HENRY**

**Contact Email:** **SFCALASKA@HOTMAIL.COM**

**Contact Phone:** **9078309537**

**Optional:** If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

<table>
<thead>
<tr>
<th>Name of Contact:</th>
<th>Contact Phone:</th>
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</table>

**[Form AB-17] (rev09/23/2020)**

**AMCO Received 5/7/2021**
Section 2 – Entity or Community Ownership Information

**Sole Proprietors should skip this Section.**

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

[https://www.commerce.alaska.gov/cbp/main/search/entities](https://www.commerce.alaska.gov/cbp/main/search/entities)

Alaska CBPL Entity #: 

**READ BEFORE PROCEEDING:** Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a’s, payment of $48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The **only exception** to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

**DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.**

- **Corporations of any type including non-profit** must list ONLY the following:
  - All shareholders who own 10% or more stock in the corporation
  - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned

- **Limited Liability Corporations, of any type** must list ONLY the following:
  - All Members with an ownership interest of 10% or more
  - All Managers (of the LLC, not the DBA) regardless of percentage owned

- **Partnerships of any type, including Limited Partnerships** must list ONLY the following:
  - Each Partner with an interest of 10% or more
  - All General Partners regardless of percentage owned

**Important Note:** All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. **If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.**

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<tr>
<td>State:</td>
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<tr>
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<td></td>
<td>ZIP:</td>
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</table>

[Form AB-17] (rev09/23/2020)
Section 3 – Sole Proprietor Ownership Information

Corporations, LLC’s and Partnerships of ALL kinds should skip this section.

READ BEFORE PROCEEDING: Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a’s, payment of $48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require. If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.

This individual is an: ☑ Applicant   Affiliate

Name: DANIEL J. HENRY  Contact Phone: 9078309537
Mailing Address: P.O. BOX 279
City: SKAGWAY  State: AK  ZIP: 99840
Email: SCALASKA@HOTMAIL.COM

This individual is an: ☑ Applicant   Affiliate

Name: EILEEN M. HENRY  Contact Phone: 9076121834
Mailing Address: P.O. BOX 279
City: SKAGWAY  State: AK  ZIP: 99840
Email: SCALASKA@HOTMAIL.COM

Section 4 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

1. The license was regularly operated continuously throughout each year. (Year-round)  ☐  ☑  ☐  ☑  

2. The license was only operated during a specific season each year. (Seasonal)
   If your operation dates have changed, list them below: ☑
   APRIL 15 to OCTOBER 15

3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year. A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.
   ☐  ☑  ☐  ☑  

4. 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 calendar years. A complete 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.
   ☐  ☑  ☐  ☑  

If you have not met the minimum number of hours of operation in 2020, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked “OTHER” and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2019 or 2020? ☑ No  ☐  ☐

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.
Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

Section 6 – Certifications

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, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by 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 and potentially expired if I do not comply with statutory or regulatory requirements.
- 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 this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons 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, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.
- 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 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.

Kerry Adams
Notary Public
State of Florida

Signature of licensee

DANIEL J. HENRY

My Commission Expires
April 13, 2021

Commission No.: AP 018-088

Signature of Notary Public

My commission expires: April 13, 2021

Printed name of licensee

Subscribed and sworn to before me this 3rd day of March 2021.

Restaurant/Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit
Recreational Site applications must include a completed Recreational Site Statement
Tourism applications must include a completed Tourism Statement
Wholesale applications must include a completed AB-25: Supplier Certification

All renewal and supplemental forms are available online

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

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<th>License Fee:</th>
<th>$ 300.00</th>
<th>Application Fee:</th>
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<th>Misc. Fee:</th>
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[Form AB-17] (rev09/23/2020)
AB-33 - Section 1 - Establishment Information:

- Correct the Licensee. Our records show the licensee/owner is “Daniel J & Eileen M Henry”.

- Our records show the premises address for this license is “201 Congress Way” in Skagway, Alaska. Please verify and correct the application as necessary.

**NEW ADDRESS** 145 CONGRESS WAY

Please make the necessary corrections on the attached documents and return to this email no later than close of business May 16, 2021. Completed documents (with the exception of fingerprint cards or payments) may be scanned and emailed, and questions or concerns may be sent to alcohol.licensing@alaska.gov.

Thank you for your immediate diligence toward completing your application.

Kristina Serezhchenkov
Licensing Examiner
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

DEAR KRISTINA SEREZHENKOV,

UP UNTIL RECENTLY PEOPLE IN SKAGWAY PICKED THEIR OWN NUMBERS IF THEY NEEDED ONE FOR FED EX AND SUCH. THE CHIEF OF POLICE, ALONG WITH FIRE DEPT. AND A FEW COMMITTEE MEMBERS GAVE BUSINESSES AND RESIDENCES OFFICIAL PERMANENT ADDRESSES. THIS RECENT ACTION GAVE SKAGWAY FISH COMPANY THE “NEW” AND OFFICIAL ADDRESS OF 145 CONGRESS WAY. DAN HENRY
Good morning,

Thank you for your response. Your email is sufficient and we will update our records to reflect the new address.

Have a great day,

Kristina Serezhkenov
Licensing Examiner
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

907-269-0359
Good morning,

The licensee for #3891 dba Skagway Fish Company has informed our office that the City of Skagway has reassigned their premises address.

Our records show the Skagway Fish Company premises address as “201 Congress Way”.

The licensee states that the address was reassigned to “145 Congress Way” and that is their new official address.

Can you confirm or verify their premises address?

Thank you for your assistance!

Kristina Serezhnenkov
Licensing Examiner
LICENSING DETAILS

License #: 295157

Business Name: SKAGWAY FISH COMPANY

Status: Active

Issue Date: 04/30/2003

Expiration Date: 12/31/2021

Mailing Address: PO BOX 279
                 SKAGWAY, AK 99840

Physical Address: 201 CONGRESS WAY
                 SKAGWAY, AK 99840

Owners

DANIEL HENRY

Activities

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<tr>
<th>Line of Business</th>
<th>NAICS</th>
<th>Professional License #</th>
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<tbody>
<tr>
<td>72 - Accommodation and Food Services</td>
<td>722110 - FULL-SERVICE RESTAURANTS</td>
<td></td>
</tr>
</tbody>
</table>

Endorsements

No Endorsements Found

License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed period between an expiration date and renewal date.

No Lapses on record for the last 4 years.
February 2, 2021

Daniel J & Eileen M Henry
PO Box 279
Skagway, AK 99840

Email: sfcalaska@hotmail.com

Re: Late Renewal Application for #3891 DBA Skagway Fish Company

LIQUOR LICENSE EXPIRES FEBRUARY 28, 2021

Dear Daniel J & Eileen M Henry:

Your liquor license will expire at midnight, February 28, 2021, per AS 04.11.540 and AS 04.11.550.

An application for renewal of your liquor license has not been received by the Alcohol & Marijuana Control Office as of this date. If you have already submitted a renewal application for the 2021/2022 operating years and believe that you have received this notice in error, please contact the Alcohol & Marijuana Control Office immediately.

In order to avoid expiration of your license and mandatory cessation of alcohol sale, service, manufacture, and/or storage at your establishment, the following **must** be submitted to our office by February 28, 2021:

- Completed, signed, and notarized liquor license renewal application (including any necessary supplemental documents); and
- License fee, application fee, and $500.00 late fee (payable by VISA, MasterCard, or check made out to State of Alaska).

The completed application and all fees must be postmarked by February 28, 2021. They may also be scanned and emailed or hand-delivered to our office **by 4:00 pm on February 28, 2021**. Any questions or concerns may be sent to alcohol.licensing@alaska.gov.

Sincerely,

Carrie Craig
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
March 5, 2021

Daniel J & Eileen M Henry
PO Box 279
Skagway, AK 99840

sfcalaska@hotmail.com

Re: Expiration and Mandatory Cessation of Operation of License #3891 DBA Skagway Fish Company

YOUR LIQUOR LICENSE HAS EXPIRED

Dear Daniel J & Eileen M Henry:

Because an application for renewal and/or the required fees were not filed with the Alcohol & Marijuana Control Office (AMCO) by February 28, 2021, your liquor license expired at midnight, February 28, 2021, per AS 04.11.540.

THE SERVICE, SALE, CONSUMPTION, MANUFACTURE, AND/OR DISTRIBUTION OF ALCOHOL ON YOUR PREMISES MUST CEASE IMMEDIATELY.

The Alcoholic Beverage Control (ABC) Board will consider a written request to reinstate the license if the request is accompanied by a complete renewal application, all required fees (including any penalties and the $1000.00 reinstatement fee) with written proof of good cause for the failure to file and pay by February 28, 2021, per 3 AAC 304.160(e). If you wish for this request to be considered by the ABC Board at its meeting on March 30, 2021, all items must be complete and received by AMCO staff on or before March 12, 2021.

The following ABC Board meeting is scheduled for June 8, 2021 and all items must be complete and received by AMCO staff on or before May 21, 2021.

Completed documents (with the exception of fingerprint cards and checks) may be scanned and emailed, and any questions or concerns may be sent to alcohol.licensing@alaska.gov.

Sincerely,

Carrie Craig
Records and Licensing Supervisor