



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

## MEMORANDUM

TO: A	lcoholic Beverage Control Board	DATE: August 17, 2023		
FROM: Car	rrie Craig, RLS	RE: #5883 Baleen Brewing		
Requested Action:	Refund request and renewal for the	2023-2024 renewal period.		
Statutory and Regulatory	<b>AS 04.06.090(b)</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."			
Authority:	<b>AS 04.11.570:</b> "(a) If an application for a license is denied, the board shall refund the license fee less the application fee. (b) A license fee may not be refunded after the license has been issued unless the board determines it has erred in the issuance through no fault of the applicant. (c) If a license is revoked on grounds that statements made in the application are untrue, the license fee paid by the applicant is forfeited to the state."			
	<b>3 AAC 304.105(d)</b> "A non-refundable a license renewal."	application fee of \$300 must accompany an application for		
		ating requirement and minimum operating waiver for a calendar year must be made in writing to the on-refundable application fee of:		
	(1) an amount equal to one-half th not made for the previous year	e applicable biennial license fee if a waiver application was		
		nder (c) of this section, the applicant shall pay \$1,000 for or board consideration at its last meeting of the calendar		
Staff Rec.:	Evaluate refund request in accordance application.	with above statutes and regulation and approve the renewal		
Background:	The licensee is requesting a refund of \$ 2022 AB-29 waiver application. The lic	,500.00 associated with the ensee paid the following on April 14, 2023:		
	\$300.00 Renewal Application Fee (non- \$600.00 Renewal License Fee (refundat \$300.00 AB-29 Waiver Fee for 2022 (no \$1,000.00 AB-29 Waiver Late Fee for 2	on-refundable)		

Attachment: Refund Request 2023/2024 AB-17 AB-29 Waiver for 2021 AB-29 Waiver for 2022

#### June 29, 2023

#### Dear AMCO Board of Directors,

I'm Alex MacGillivray and I own and operate Baleen Brewing Co LLC (#5883) in Ketchikan, Alaska. I started brewing in 2018 and things were going great and I enjoyed launching my career change from nursing to brewing.

In 2020 I began the process of moving the brewery from the Ketchikan Gateway Borough into Ketchikan city center. Then the COVID mandates appeared and changed everything for me and I'm still feeling the reverberations of that to this date.

The first slow down was communications with AMCO since everyone was expected to stay home and work remotely. That hindered me but didn't stop me. I paid for my license then, believing I'd be up and running in a matter of weeks to months.

The next delay was getting a consultation with the local plumbers, electricians, and HVAC contractors. The limitations were a major lack of capable workers, again related to COVID. The HVAC company finally came to inspect and consult for the exhaust system. It took 12 months from first contacting them, to building the exhaust tubing, to final installation. They cited that the delay was qualified staff to perform the work as well as the outsourced company in Washington where the construction of the exhaust system itself was done.

The plumbers had similar complaints stating the obtaining the tubing for the glycol system and fittings was also a delay as they ordered the supplies from down south. The work was fairly timely taking only 2 months from first contact to completions.

The electrician has been fairly steady but still has not completed the work which he had started in 2020. He was delayed by lack of workers and also by the intervention of the fire marshal.

The fire marshal demanded that I perform a major overhaul of the building to bring it up to code. This was a surprise since when I started this process in 2020, the fire marshal at that time said I was in compliance and my plan needed no intervention on inspection. As of today I'm required to a large list to meet the demands of the new fire marshal. To be sure, I've never once delayed this process myself and always came up with the money I needed to get the contractors paid and paid in full.

My career is in nursing. I work for the State of Alaska and have been since 1998 at the Ketchikan Pioneers' Home. Since last October I've been working seven days a week ten hours a day. I've only recently cut my hours to fifty hours a week. Nearly all the money I've made there as gone into this project. As it is now, I've paid roughly \$130,000 just to install the brewery and bring the brewery up to code. I've paid all my State and Federal excise tax on time and I've been made aware the bond I submitted to the State will be reimbursed to me because of that.

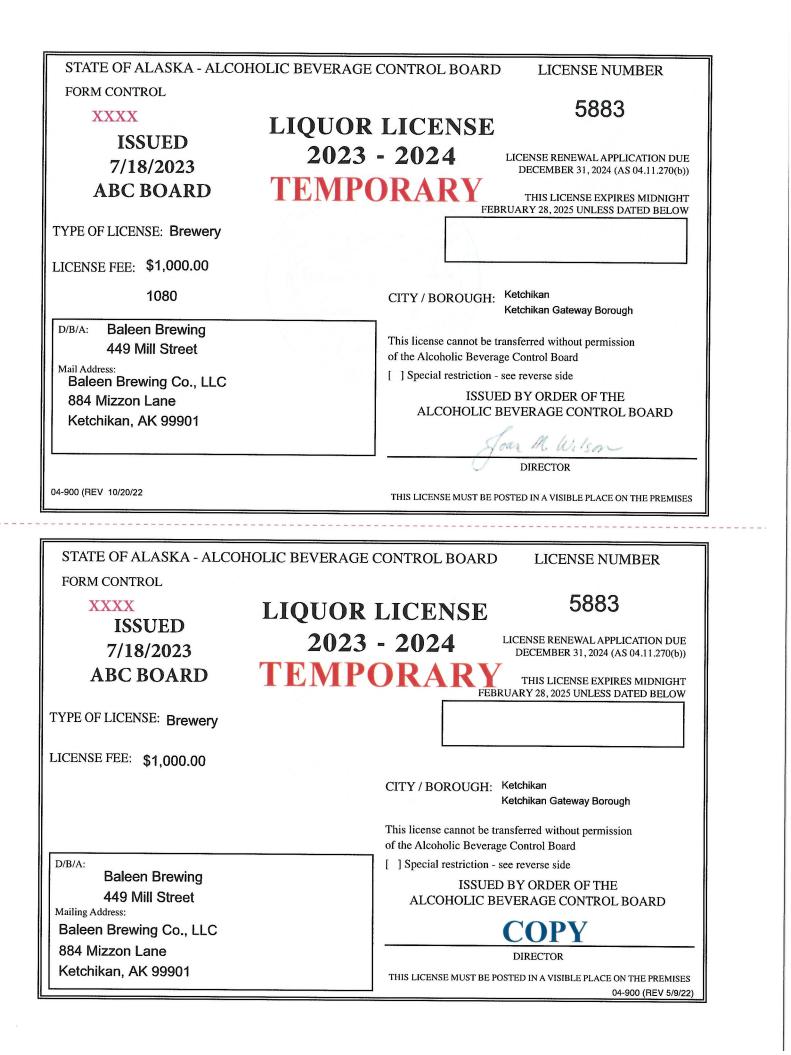
I am asking the Board to refund the \$1,500 I paid for the AB-29 form. This is a large amount of money to me, of which I'm paying with my nursing practice and not my brewing practice. The only fault of mine was to move the brewery into town naïve to the fact of the amount of time it would take to be up and running. To me it's stunning and unfortunate, but I'm also determined to make this a reality.

Please consider returning the money to me to I can use it to open my brewery back up as soon as possible.

RECEIVED DE

Thank you for your consideration, Alex MacGillivray 884 Mizzen Lane Ketchikan, Alaska 99901 907 220 7492

> 100 Sto 2022 BECEIAED



Alaska Alcoholic Beverage Control Board



1 AB-17: 2023/2024 License Renewal Application hol and Marijuana Control Office

550 W 7 Avenue, Suite 1600 Anchorage, AK 99501 alcohol licensing@alaska.gov https://www.commerce.alaska.gov/web/amco Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 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 application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540,3 AAC 304.10.00 late fee applies.
- 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.

## **Section 1 - Establishment Contact Information**

Licensee (Owner):	Baleen Brewing Co., LLC	License #:	5883
License Type:	Brewery		
Doing Business As.	Baleen Brewing		
Local Governing Body:	Ketchikan, Ketchikan Gateway Borough		
Community Council:			

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

Mailing Address:		
City:	State:	ZIP:

### Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Alex Mac Gillivray	Contact Phone:	907-220-7492
Contact Email:	biergarden@gmai	1.com	

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:	Contact Phone:
Contact Email:	

## Section 3 – for Package Stores ONLY: Written Order Information

DEC 282022

NO YES

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitatio			
calendar years 2022 and/or 2023?	AMCO		



[Form AB-17] (rev 9/27/2022)

MCC	Alaska Alcoholic Beverage Control Board		
Sea or I	Form AB-17: 2023/2024 License Renewal Application		
	Section 4 – Ownership Structure Certification		
E	Pid the ownership structure of the licensed business change in 2021/2022?		
H	f Yes, and you have NOT notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your re	enewal ap	plication.
If	No, certify the statement below by initialing the box to the right of the statement.		
	certify that the ownership structure of the business who owns this alcohol license did not change in any way during ne calendar years 2021 or 2022.		
	Section 5 – License Operation		
Ch	neck ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:	2021	2022
1.	The license was operated for more than 240 hours throughout each year. (Year-round)		
2.	The license was only operated during a specified time each year. (Not to exceed 6 months per year)  If your operation dates have changed, list them below: to		
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.	hours each year, during one or both calendar years. <u>A complete Form AB-29: Waiver of Operation Application</u> 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 2021, 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 6 - Violations and Convictions	a de el	
		YES	NO
Ha	ave ANY Notices of Violation been issued for this license?		0
Ha ad	is ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance opted under AS 04.21.010 in 2021 or 2022?		V
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.		

## Section 7 - 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 the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, 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 I have provided AMCO with all required changes of the ownership structure of the
  business license, and have provided all required documents for any new or changes of officers.

DEC 2 8 2022

## Alaska Alcoholic Beverage Control Board 433CO Form AB-17: 2023/2024 License Renewal Application 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. Phereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification. Signature of Notary Signature of licensee Notary Public in and for the State of Aluska Printed name of licensee My commission expires: January 25, 2026 Notery Public-State of Aleska My Communications My Communications 251270 MANAMAMAMAMAMAMA Restaurant and Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit Recreational Site applications must include a completed AB-36: Recreational Site Statement Tourism applications must include a completed AB-37: Tourism Statement Wholesale applications must include a completed AB-25: Supplier Certification Common Carrier applications must include a current safety inspection certificate All renewal and supplemental forms are available online: https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx

FOR OFFICE USE ONLY

#100522551

cense Fee: \$	Application Fee:	\$ 300.00	Misc. Fee: \$	
			Total Fees Due: \$	
			AMCO	
			EC 2 8 2022	



Alcohol and Marijuana Control Office 550 W 7<sup>th</sup> Avenue, Suite 1600 Anchorage, AK 99501 <u>alcohol.licensing@alaska.gov</u> <u>https://www.commerce.alaska.gov/web/amco</u> Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

#### Why is this form needed?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 240 hours in each calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of:

- for a 1<sup>st</sup> request, an amount equal to ½ the applicable biennial license fee; or
- for a 2<sup>nd</sup> or subsequent request, double the amount of the fee paid for the previous waiver application.

The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises count not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for <u>each license</u> and for <u>each calendar year</u> during which a license was not operated in compliance with AS 04.11.330.

#### **Section 1 – Establishment Information**

Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	BALEEN BREWING CO LLC License Number: 58			5883	5883	
License Type:	BREWERY					
DBA:	BALEEN BREWING					
Premises Address:	449 MILL STREET					
City:	KETCHIKAN State: Alaska ZIP: 99901					
Local Governing Body:	KETCHIKAN GATEWAY BOROUGH					

#### Section 2 - Request Number and Calendar Year

1 <sup>st</sup> Request	2 <sup>nd</sup> Request	3 <sup>rd</sup> Request	Other	
Request for Calendar	Year <u>2021</u>			
[Form AB-29] (rev 3/1/2022	2)	REGE		Page 1 of 2
		JUN 2	2 2023	
		ALCOHOL MARIJUA STATE 0	NA CONTROL OFFIC	



Alcohol and Marijuana Control Office 550 W 7th Avenue, Suite 1600 Anchorage, AK 99501 alcohol.licensing@alaska.gov https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

#### Section 3 – Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

Other - COVID

### **Section 4 – Certifications**

The following must be completed for establishments located within the boundaries of a local governing body:

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

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

_/	Initials	
/	×	
/	× A	1
	$\smile$	

Alex MacGillivray

Printed name of licensee

Signature of license

Office Use Only						
Waiver Application Fee:		Late Fee:		Transaction #:	Ð	
[Form AB-29] (rev 3/1/2022)				RECEIVED	Page 2 of 2	
fles where i due to ci	vaived	ber 2	021	JUN 2 2 2023	c .	



Alcohol and Marijuana Control Office 550 W 7th Avenue, Suite 1600 Anchorage, AK 99501 <u>alcohol.licensing@alaska.gov</u> https://www.commerce.alaska.gov/web/amco Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

#### Why is this form needed?

This form is the means by which a licensee may request that the Alcoholic Beverage Control (ABC) Board waive the operating requirement of AS 04.11.330(a)(3) or (d). If a recreational site license has not been operated at least once in a calendar year, or if a license of any other type has not been operated for at least 240 hours in each calendar year, then a complete copy of this form and the corresponding fees must be submitted for that calendar year, per 3 AAC 304.170.

This application must be accompanied by a non-refundable waiver application fee of:

- for a 1<sup>st</sup> request, an amount equal to ½ the applicable biennial license fee; or
- for a 2<sup>nd</sup> or subsequent request, double the amount of the fee paid for the previous waiver application.

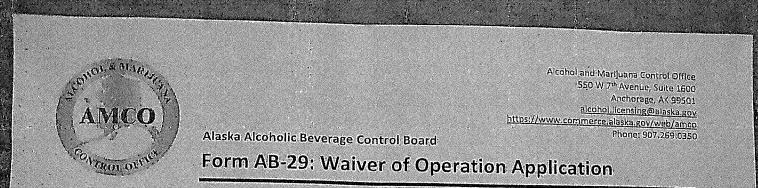
The ABC Board will determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises count not be operated for the required time during the calendar year. The ABC Board may impose conditions along with the approval of an application for waiver, and it may deny a third or subsequent application for waiver. If an application for waiver is denied, an application for license renewal for the succeeding license period will be denied by the Board. In addition to the waiver application fee, the applicant must pay a late fee of \$1,000 for an application that is received too late for Board consideration at its meeting before November 30 of the year for which the waiver is requested. Please check AMCO's website for meeting agenda deadlines.

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for <u>each license</u> and for <u>each calendar year</u> during which a license was not operated in compliance with AS 04.11.330.

## **Section 1 – Establishment Information**

Enter information for the license that has not been operated for the time required under AS 04.11.330.

Licensee:	Baleen Brewing Co LLC	LLC License Number: 5883				
License Type:	Brewery					
DBA:	Baleen Brewing					
Premises Address:	449 Mill Street					
City:	Ketchikan		State:	Alaska	ZIP:	99901
Local Governing Body:	Ketchikan, Ketchikan Gateway Borough					
Section 2 – Request Number and Calendar Year						
1 <sup>st</sup> Request	2 <sup>nd</sup> Request 3 <sup>rd</sup> F	Request		Ot	her	
Request for Calendar Year	2012					
Form AB-29] (rev 3/1/2022)		AMCO		Page 1 of 2		
		DE	EC 282	2022		



## Section 3 – Reason for Non-operation

Provide an explanation as to why the licensed premises were not operated:

I moved and installed the brewery at 449 Mill Street in August of 2021. I was placed on wait list for the heating and cooling company, the plumbers, and the electrician. It's taken me over a year for the fabrication of the exhaust system and then the installation of the same. Work has been moving very slowly with companies complaining of COVID constraints and lack of qualified workers to complete the tasks in a more timely manner. However, I am very close to completion and should be running no later than March.

	(KELDI INCOMPANY) COLUMN (COLUMN)
••••••••••••••••••••••••••••••••••••••	DEC 9 2022

#### Section 4 – Certifications

The following must be completed for establishments located within the boundaries of a local governing body:

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

I certify that I will provide a true copy of this application to the local governing body listed on Page 1 of this form prior to ABC Board consideration of this application.

Initials

I hereby certify that I am the person herein named and subscribing to this application and that I have read-the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment; or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.



Alex MacGIllivray

Printed name of licensee

Signature of licensee

	Office Use Only		
Walver Application Fee: 500	Late Fee: 1000	Transaction #:	100595748
1200			<u>11</u>

[Form AB-29] (rev 3/1/2022)

AMCCO DFC 2/8 2022 Division of Corporations, Business and Professional Licensing



Department of Commerce, Community, and Economic Development CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details

# ENTITY DETAILS

## Name(s)

Туре	Name
Legal Name	Baleen Brewing Co. LLC
Entity Types	Limited Liebility Company
Entity Type:	Limited Liability Company
Entity #:	10005110
Status:	Good Standing
AK Formed Date:	4/26/2012
Duration/Expiration:	Perpetual
Home State:	ALASKA
Next Biennial Report Due:	1/2/2024
Entity Mailing Address:	884 MIZZEN LN, KETCHIKAN, AK 99901
Entity Physical Address:	884 MIZZEN, 884 MIZZEN LN, KETCHIKAN, AK 99901-7492
Registered Agent	
Agent Name:	Alex MacGillivray
Registered Mailing Address:	884 MIZZEN LN, KETCHIKAN, AK 99901
<b>Registered Physical Address:</b>	884 MIZZEN LN, KETCHIKAN, AK 99901
Officials	
	Show Former (None on file)
AK Entity # Name	Titles Owned

# AK Entity #NameTitlesOwnedALEX MACGILLIVRAYMember100.00

## **Filed Documents**

Division of Corporations, Business and Professional Licensing

https://www.commerce.alaska.gov/cbp/main/Search/EntityDetail/10...

Date Filed	Туре	Filing Certificate
4/26/2012	Creation Filing	Click to View Click to View
6/11/2012	Initial Report	Click to View
10/03/2013	Biennial Report	Click to View
4/02/2016	Biennial Report	Click to View
10/03/2017	Biennial Report	Click to View
11/27/2019	Biennial Report	Click to View
12/30/2021	Biennial Report	Click to View

COPYRIGHT © STATE OF ALASKA · <u>DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT</u> · <u>CONTACT US</u>

Alaska Business License # 995223

## Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing PO Box 110806, Juneau, AK 99811-0806

This is to certify that

## BALEEN BREWING CO. LLC

#### 884 MIZZEN LN, KETCHIKAN, AK 99901

owned by

BALEEN BREWING CO. LLC

is licensed by the department to conduct business for the period

December 3, 2022 to December 31, 2024 for the following line(s) of business:

31 - Manufacturing



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Julie Sande Commissioner

# Department of Commerce, Community, and Economic Development DCCED RECEIPTING

State of Alaska / Commerce / Intranet / Receipting / Receipt / #100587481

## RECEIPT #100587481

Net Total: \$1,500.00

**Comment:** 

**Transaction #1** 

## Actions

- Edit Receipt Internal Receipt
- **Customer Receipt**
- Email Receipt

Turney Mich Credit Card	Account Item(s)		
Type: Web Credit Card Received: 6/28/2023 Amount: \$1,500.00 Payer Alex Alex MacGillivray Name: CC Last 4: 4811 Auth 05099D Code:	<b>Type</b> WEB-ALC- Alcohol Waiver WEB-ALC - Alcohol Waiver Late Fee	Amount Applicant \$500.00 Baleen Brewing \$1,000.00 Baleen Brewing	
Code: Request 68798828644067562039 Id: Created: 6/28/2023 Owner: WEBUSER Close Out #: AG #:	982	*	

## COPYRIGHT © STATE OF ALASKA · <u>DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT</u> · <u>CONTACT US</u>

# Department of Commerce, Community, and Economic Development DCCED RECEIPTING

State of Alaska / Commerce / Intranet / Receipting / Receipt / #100522551

## RECEIPT #100522551

Net Total: \$1,300.00

Comment:

## Actions

Edit Receipt Internal Receipt Customer Receipt Email Receipt

## **Transaction #1**

## Account Item(s)

	Туре	Amount Applicant	Ref #
	ALC - Renewal Application Fee	\$300.00 Baleen Brewer	<b>y</b> 5883
ery	ALC - Alcohol License Fees	\$1,000.00 Baleen Brewer	<b>y</b> 5883

Received: 12/29/2022 Amount: \$1,300.00 Payer Baleen Brewer Name: CC Last 4: 4811 Auth 09564D

Type: Credit Card

Code:

Created: 1/11/2023

Owner: soa\sfcarrell

Close Out 18904

#:

AG #: 12461

COPYRIGHT © STATE OF ALASKA · <u>DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT</u> · <u>CONTACT US</u>