Rick Mensik
Manager/Member
Humble Roots LLC
314 Wendell Avenue
Fairbanks, Alaska 99701
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May 17th, 2023

AMCO Board
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

To Whom It May Concern,

My name is Rick Mensik and I am writing to you today in regards to recent AMCO correspondence to me about **#6004 dba Humble Roots Beer Project**.

According to this correspondence, *"The 'Brewpub' license type is going away with the rewrite of Title 4. The new Title 4 is scheduled to be implemented on 1/1/2024. Active Brewpub licenses will be converted to a new license type called "Brewery Manufacturer License". In order to go through this conversion process our Brewpub license needs to be effectuated (issued) by the AMCO office before 12/31/2023. Those applicants whose Brewpub applications still have pending delegations by 1/1/2024, will lose out on the possibility of converting the Brewpub license to a Brewery Manufacturer License. Pending Brewpub applications will simply not move forward."*

When we began this project and applied for this license, SB9 and the Title 4 rewrite had not even been discussed in the State Government yet. We made financial commitments to start this business, upwards of $950,000 to date, and operational decisions that were supported by current state law. We feel as though it is unfair to licensees currently undergoing the application approval process to be denied license structure that was legal at the time of application due to Title 4 rewrite. To our knowledge, our BDL and brewpub designation were approved by the City of Fairbanks and AMCO, pending a certificate of occupancy. Our interpretation of this verbiage led us to believe that once we provided the necessary documents, our license would be effectuated, but not that our ability to gain licensing that allows us to manufacture beer would go away. This approval was granted to us before the Title 4 rewrite prescribed the January 1, 2024 date that would delete the potential to produce beer in conjunction with our BDL, we interpreted the license approval as granting us the ability to have that brewpub designation converted regardless of the January 1, 2024 deadline.

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We are currently in the construction phase of our building, the location of our building sits on a former Dry-Cleaning facility which was previously property of the state and classified as a Brownfield Site and Nuisance Property. We took on a substantial financial and liability burden from the state and city by investing time and money into mitigating the old facility, and preparing it for construction of a new building.

In conversations during Title 4 rewrite presentations with Joan Wilson, AMCO Director, as well as Lee Ellis, Brewers Guild of Alaska President, it was expressed to us that licensees with currently pending applications could potentially be granted special consideration, exempting us from having our brewpub license “simply not move forward,” and to be converted to a Beverage Manufacturer License, since we had begun that process and our license was approved, just not effectuated, before the SB9 Title 4 rewrite was even approved.

We currently have submitted an application with TTB for our Brewer’s Notice. Applications can take up to 120 days to approve, but a stipulation from TTB is that we must also be open within roughly 90 days from approval date. These strict time restraints on being open within a certain window is why we did not receive a TTB Brewer’s Notice earlier in the process. ADEC approval is granted once our building is operational, which at the time, we cannot have due to still being in the construction phase.

We are hopeful that AMCO can work with us to come up with a solution that does not result in our inability to open this business due to not being granted a Brewery Manufacturer License if we do not meet the December 31, 2023 deadline for effectuating our license.

Sincerely,

Rick Mensik
Manager/Member
Humble Roots LLC.

AMCO Received 5/19/2023

From:	Rick Mensik
To:	Serezhenkov, Kristina R (CED)
Cc:	Wilson, Joan M (CED); Sawyer, Jane Preston (CED); CED ABC Alcohol Licensing (CED sponsored); Ibele, Janyce L (CED)
Subject:	Re: #6004 dba Humble Roots Beer Project- Status and Title 4 Rewrite- Pending Brewpub applications and Title 4
Date:	Friday, May 19, 2023 9:51:10 AM
Attachments:	Response_AMCO.pdf

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, please see our attached response. We are hopeful that AMCO can work with us to come up with a solution regarding the January 1, 2024 deadline for effectuating this license that doesn't result in us losing the ability to open.

Thanks,

Rick Mensik

On Mon, May 15, 2023 at 1:04 PM Serezhenkov, Kristina R (CED) <kristina.serezhenkov@alaska.gov> wrote:

> Good afternoon,
>
> I am reaching out to give you information on the Brewpub license type you applied for. The 'Brewpub' license type is going away with the rewrite of Title 4. The new Title 4 is scheduled to be implemented on 1/1/2024. Active Brewpub licenses will be converted to a new license type called "Brewery Manufacturer License". In order to go through this conversion process your Brewpub license needs to be effectuated (issued) by our office before 12/31/2023. Those applicants whose Brewpub applications still have pending delegations by 1/1/2024, will lose out on the possibility of converting the Brewpub license to a Brewery Manufacturer License. Pending Brewpub applications will simply not move forward.
>
> Therefore, it is imperative that you complete your Brewpub application and that our office effectuate (issue) the license by 12/31/2023.
>
> Please let me know if you have any questions.
>
> Thank you,

Kristina Serezhenkov

Regulations Specialist 2

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600

Anchorage, Alaska 99501

907-269-0359

From: Serezhenkov, Kristina R (CED)
Sent: Tuesday, April 18, 2023 1:23 PM
To: Rick Mensik <rickmensik@gmail.com>
Cc: Ibele, Janyce L (CED) <janyce.ibele@alaska.gov>; CED ABC Alcohol Licensing (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: #6004 dba Humble Roots Beer Project- Status and Title 4 Rewrite

Good afternoon,

Thank you for the update regarding the unfinished construction. AMCO is preparing for the upcoming implementation of the Title 4 Rewrite or SB9 which will go into effect starting January 1st, 2024. We are going through our unfinished applications with pending delegations and attempting to get those completed. Should your TTB permit and DEC Compliance be ready prior to 5/17/23, our office can effectuate your new license. Should the those items take more time, we will add your application to the upcoming 5/30-5/31/2023 ABC meeting as an action item. Our office is just preparing this information for the Board to review at the upcoming meeting.

If you have any questions on the Title 4 Rewrite or wish to make public comments on open regulations projects related to the rewrite you may access more information on our website on our **Title 4 Rewrite Page**: https://www.commerce.alaska.gov/web/amco/Title4Rewrite.aspx

You are also welcome to attend the upcoming May 2nd meeting to discuss the adoption a new chapter (305) under Title 3 of the Alaska Administrative Code to implement Title 4 rewrite regulations. The Articles affected by this notice are 1 and 2. The Board will discuss the development of these regulations, written comments received, and hear oral comments. Comments and questions can be submitted to amco.regs@alaska.gov

Thank you,

Kristina Serezhenkov

Regulations Specialist 2

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600

Anchorage, Alaska 99501

907-269-0359