3 AAC is amended by adding a new chapter to read:

Chapter 305. Alcoholic Beverage Control Board.

Article

1. Board; Administration; Licensing; Fees (3 AAC 305.010 - 3 AAC 305.165)

2. Manufacturer Licenses; Endorsements; Permits (3 AAC 305.200 - 3 AAC 305.230)

3. Retail Licenses; Endorsements; Permits (3 AAC 305.300 - 3 AAC 305.397)

4. Wholesale Licenses (3 AAC 305.400 - 3 AAC 305.420)

5. Provisions Applicable to More Than One License Type (3 AAC 305.600 - 3 AAC 305.690)

6. Alcohol Server Education Course (3 AAC 305.700)

7. Enforcement; Civil Penalties (3 AAC 305.800 - 3 AAC 305.895)

8. General Provisions (3 AAC 305.900 - 3 AAC 305.950)

Article 1. Board; Administration; Licensing; Fees.

Section

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150. Permits and common carrier approval fees.

155. General wholesale and limited wholesale additional fees.

160. Processing fees for renewals after late payment of taxes.

165. Miscellaneous fees.

3 AAC 305.010. Conduct of board meetings. (a) The board will select a chair from current board members at the first regular board meeting of each calendar year. The chair will preside over board meetings during the ensuing year.

(b) The board will meet at the call of the chair after reasonable public notice is given.

(c) The director is responsible for preparing an informative agenda for each board meeting. A copy of the agenda will be posted on the Alcohol and Marijuana Control Office's Internet website. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.060 AS 04.06.100

AS 04.06.050

Editor's note: Board meeting agendas posted to the Alcohol and Marijuana Control Office's website may be found at https://www.commerce.alaska.gov/web/amco/.

3 AAC 305.015. Submissions to the board. Except as otherwise specifically provided in this chapter, applications and communications of a formal nature must be submitted in writing, upon prescribed forms, as applicable to the board through its online licensing system or at its main office and are not considered timely filed until received by the board's main office. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.020. Public comment at board meetings. (a) At its regular public meetings held in each judicial district in compliance with AS 04.06.050, the board will receive public comment upon items of agenda business and other issues of the public interest related to alcoholic beverages, including the conduct of business by licensees and others with the statutes and regulations related to alcoholic beverages. Public comment may also be submitted to the board in writing by any person at any time.

(b) The right to be heard provided for in this section does not constitute intervention in a proceeding or exhaustion of an administrative remedy. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.050 AS 04.06.100

3 AAC 305.025. Conduct of office. (a) The director of the board is responsible for the management of the board's offices, the administration of the board's functions, and the enforcement of AS 04 and this chapter.

(b) The director will employ and supervise necessary administrative, professional, paraprofessional, and investigative personnel and will prescribe that person's duties and authority.

(c) The director will prescribe forms for application for a new license, endorsement, transfer, renewal and for a permit, petition, and other necessary documents as approved by the board.

(d) The director shall prepare and submit an annual, fiscal year budget to the board that includes funding for administration, enforcement, education, training, and prevention activities under this title.

(e) The director shall post information on the Alcohol and Marijuana Control Office's Internet website about fetal alcohol spectrum disorder and fetal alcohol effects resulting from a woman consuming alcohol during pregnancy. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.080 AS 04.06.100

3 AAC 305.030. Issuance of license and endorsement. The director will issue an appropriate license or endorsement on

(1) approval of an application for a new license, a new license with one or more endorsements, a renewal or transfer of an existing license, a renewal or transfer of an existing license with one or more endorsements, or an application for an endorsement;

(2) receipt by the board of necessary public health and public safety approvals; and

(3) completion of any inspection considered necessary by the director. (Eff.

____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.035. Additional delegation of authority. The board shall review delegations of authority to the director made pursuant to AS 04.06.080 or 04.11.395 on an annual basis and upon change of director. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.395
AS 04.06.080

3 AAC 305.040. When licenses become available. Except as provided in 3 AAC 305.100, if the board receives an application at a time when there are no available licenses of the type specified in the application, the board will deny the application. In this chapter, a license becomes available

(1) on the date the director determines the relevant population under 3 AAC 305.900 where the license becomes available because of an increase in the population during the preceding year;

(2) 30 days after a notice of expiration has been sent to a licensee due to non-renewal of the license and not later than April 15 where the license becomes available based upon the count of the relevant population;

(3) on the conclusion of all appeals of the denial of renewal, revocation, or on waiver of appeal by the licensee, whichever is later, where the license becomes available because of the denial or revocation of another license and the license is available based upon the count of the relevant population; or

(4) on the date determined by the board or the director in any other case. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.340
AS 04.06.080 AS 04.11.320 AS 04.11.400
AS 04.06.090

3 AAC 305.045. Application for license and endorsement. (a) Except for an applicant for a manufacturer direct shipment license issued under AS 04.09.370, an applicant for a new alcoholic beverage license, an alcoholic beverage license with one or more endorsements, or an endorsement must file an application. The application may be initiated and completed electronically. An application must be on a form prescribed by the board and include the information and documentation set out in this section, the application fee, license fee, and applicable endorsement fees set out under 3 AAC 305.145. For an applicant applying for a new license, the application must include fingerprint cards required under AS 04.11.295 and fees required under 3 AAC 305.145.

(b) An application for a new alcoholic beverage license, an alcoholic beverage license with one or more endorsements, or an endorsement must contain the information required by AS 04.11.260 and the information required under AS 04.11.295(a) and 04.11.310, if applicable.

(c) An application for a new license must contain the following:

(1) written authorization for release of an applicant's conviction and arrest records, as well as the conviction and arrest records of the applicant's affiliates as defined at 3 AAC 305.950 to the director and the board; the release must include a list of the applicant's and

the applicant's affiliates' convictions in any state or territory for a crime or for a violation of alcoholic beverage control laws;

(2) a statement that no person other than the applicant has a financial interest in the business to be licensed;

(3) a copy of the following business entity documents, as applicable:

(A) partnership or joint venture agreement if the applicant is a partnership or joint venture;

(B) certificate of incorporation if the applicant is a corporation;

(C) articles of organization, certificate of organization, or operating agreement if the applicant is a limited liability company; under this paragraph, the applicant must also submit a statement that the limited liability organization is in good standing; or

(D) statement of qualification if the applicant is a limited liability partnership;

(4) a statement that the applicant and the applicant's affiliates as defined at 3 AAC 305.950 have read and are familiar with AS 04 and with this chapter;

(5) copies of any deed, lease agreement, or other documentation that shows the applicant's right or title to, or interest in, the land and buildings at the location of the business to be licensed;

(6) required biennial license fees and applicable endorsement fees as set out under 3 AAC 305.145, if the application is for a new license or endorsement; and

(7) a non-refundable application fee as set out under 3 AAC 305.145. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.050. Application for renewal of a license and endorsement. (a) Except for an applicant for renewal of a manufacturer direct shipment license issued under AS 04.09.370, an applicant for renewal of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements must file a completed application. The application may be initiated and completed electronically. A complete application must be on a form prescribed by the board and include the information and documentation set out in this section, the application fee, and fees for renewal of licenses and endorsements as set out under 3 AAC 305.145.

(b) An application for renewal of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements must contain the information required under AS 04.11.270.

(c) An application for renewal of an alcoholic beverage license or renewal of an alcoholic beverage license with one or more endorsements must contain the following:

(1) a list of the applicant's convictions for violations of AS 04 and this chapter, or an ordinance adopted under AS 04.21.010, that occurred in the preceding two calendar years;

(2) a written authorization for release of conviction and arrest records to the director and the board, as required by the board;

(3) a statement that no person other than the applicant has a financial interest in the business to be licensed;

(4) any change in business entity documents in the preceding two calendar years;

(5) any change to proof of possession in the preceding two calendar years;

(6) required biennial license fees and applicable endorsement fees as set out under

3 AAC 305.145; and

(7) a non-refundable application fee as set out under 3 AAC 305.145.

(d) For the purposes of AS 04.11.270(b), an application for renewal of an alcoholic beverage license or for renewal of an alcoholic beverage license with one or more endorsements is timely if received along with the payment of application and license fees through the board's online licensing system or at the board's main office not later than December 31, or if postmarked not later than December 31.

(e) For the purposes of AS 04.11.540, an application for renewal of an alcoholic beverage license or for renewal of an alcoholic beverage license with one or more endorsements as set out in that section is considered submitted by February 28 if the applicant files the renewal application through the board's online licensing system or at the board's main office not later than February 28, or if postmarked not later than February 28.

(f) If a mailed renewal application has an illegible postmark or an undated postmark, the postmark date is rebuttably presumed to be five calendar days before the board's office received the application.

(g) In this section, "postmark" means the official cancellation stamp used by the United States Postal Service that records the date and place of mailing. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.055. Reinstatement of license. (a) For the purposes of AS 04.11.540, if a license expires because an applicant fails to file a complete application for renewal or fails to pay

the required renewal fees and penalty fees by February 28, the board will consider a written request to reinstate the license. A request to reinstate a license must include

(1) the complete renewal application;

(2) a license reinstatement fee of $1,000;

(3) all other required fees and penalty fees; and

(4) proof of good cause for the applicant's failure to file the renewal application by February 28.

(b) The board will deny a request for reinstatement of a license submitted under (a) of this section if

(1) the license became available in accordance with 3 AAC 305.040 and the license 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 applicant's failure to timely file or pay was caused by

(A) the applicant's failure to notify the board of a change of the applicant's electronic mail 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 applicant, whether active or tacit, that the board finds constitutes a failure to lawfully operate the business for which the license was issued. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.540

AS 04.06.090 AS 04.11.270 AS 04.11.680

3 AAC 305.060. Application for transfer of a license to another person. (a) Except for an applicant for a manufacturer direct shipment license issued under AS 04.09.370, an application for transfer of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements to another person under AS 04.11.280 may be initiated and completed electronically. The application must contain the same information about the transferee as is required of an applicant for a new license or endorsement under AS 04.11.260 and 3 AAC 305.045 and the information required under AS 04.11.295(a) and 04.11.310.

(b) In addition to including the information, statements, documentation, and fees required in (a) of this section, an application for transfer of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements under this section must include a statement under oath, executed by the transferor, listing all debts of and taxes due by the business. The office of the board will promptly notify each identified creditor of the application and the amount the transferor shows as owing to the creditor.

(c) If a license is automatically transferred under AS 04.11.280(c) and the office of the board subsequently receives criminal justice information and records obtained under AS 04.11.295 that potentially disqualifies a transferee, the director will file an accusation to suspend or revoke the license under 3 AAC 305.875 so the board may determine if the licensee meets the qualifications for transfer of a license or license with one or more endorsements. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.065. Application for return of a license to a person with a retained security interest. (a) A licensee who wishes to establish a security interest in an alcoholic beverage license before the license is transferred to another person under 3 AAC 305.060 shall submit the following additional documents with the transfer application:

(1) a leasehold conveyance or contract of sale of real property made in the course of the license transfer;

(2) a list of personal property being conveyed from the transferor to the transferee, including

(A) the value of the property; and

(B) a draft Uniform Commercial Code financing statement in which a security interest in the license is claimed under AS 04.11.670 and 04.11.360(4)(B), containing the following statement: "Under the terms of AS 04.11.670, AS 04.11.360(4)(B), and 3 AAC 305.065, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license without satisfaction of other creditors."; the value of the personal property must be sufficient for the board to determine that the license is not being used as collateral except as provided under AS 04.11.670; and

(3) all transaction and security documents relating to the lease or sale of real property and sale of personal property in conjunction with the license transfer.

(b) The transferor must include the following statement in the published notice of transfer required by AS 04.11.310(a): "Under the terms of AS 04.11.360(4)(B), AS 04.11.670, and 3 AAC 305.065, the transferor/lessor retains a security interest in the liquor license that is the subject of this conveyance, and may, as a result, be able to obtain a retransfer of the license

without satisfaction of other creditors."

(c) After board approval, a copy of the recorded leasehold conveyance or contract of sale of real property and the recorded Uniform Commercial Code financing statement must be provided to the director before the transferred license may be operated.

(d) A security interest in a license may not be established when the license transfer contemplates a transfer of less than 100 percent of the interest in the license.

(e) A license with an established security interest may not be transferred to another person, unless all obligations under the security interest are satisfied before or as part of the transfer, except that the board may make an exception in the case of the death of a licensee. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.005	AS 04.11.260	AS 04.11.290
	AS 04.06.080	AS 04.11.270	AS 04.11.450
	AS 04.06.090	AS 04.11.280	AS 04.11.670
	AS 04.11.050		

3 AAC 305.070. Application for transfer of location. (a) An applicant to transfer an alcoholic beverage license or an alcoholic beverage license with one or more endorsements to a new location must file an application on a form prescribed by the board. The application must include the information and documentation described in this section. The application may be initiated and completed electronically.

(b) An application to transfer an alcoholic beverage license or an alcoholic beverage license with one or more endorsements to a new location must contain the information required by AS 04.11.260 for the new location and be executed as described under AS 04.11.260(a). The

application must also contain proof of public notice under AS 04.11.310 and 3 AAC 305.075 for the new location and any petitions required under AS 04.11.460.

(c) In addition to the requirements set out in (b) of this section, an application for a transfer of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements to a new location must contain the following:

(1) a copy of a deed, lease agreement, or other documentation that shows right or title to, or interest in, the land and buildings at the location of the business to be licensed;

(2) a statement identifying whether the transfer to a new location is subject to AS 04.11.400(k) and identifying the involved borough and incorporated city; and

(3) a non-refundable application fee under 3 AAC 305.145

(d) If a transfer of an alcoholic beverage license or an alcoholic beverage license with one or more endorsements to another location is subject to AS 04.11.400(k), before the application is submitted to the board:

(1) not more than 10 business days after the board office determines that the application is complete and the prerequisites of AS 04.11.400(k) are satisfied, the office of the board will notify the affected borough and incorporated city of the transfer of location application, and, if applicable, an accompanying transfer of license to another person; the notice will include

(A) the date the board office received the complete application;

(B) the license number;

(C) the present or previous business name of the license to be transferred;

(D) the names of the transferee and the transferor, if the application includes a request to transfer a license or a license with one or more endorsements to another person; and

(E) the proposed new location of the license;

(2) the borough and incorporated city affected by the transfer request under AS 04.11.400(k) may respond to the notice under (a) of this section not later than 60 days after receipt of the notice; the borough and incorporated city may request an extension of time to respond. The board may grant a request for an extension of up to 120 additional days;

(3) within the notification period, the borough and the municipality must provide written notification that they agree to the transfer under AS 04.11.400(k) to be approved by the office of the board; the board will not approve a transfer of location if the notification required by this paragraph is not received within the time allowed under (d)(2) of this section; if the borough and municipality timely respond, the board may consider whether to approve the relocation under 3 AAC 305.130. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.11.050 AS 04.11.290
AS 04.06.090 AS 04.11.260 AS 04.11.450
AS 04.06.100 AS 04.11.270 AS 04.11.670
AS 04.11.045 AS 04.11.280

3 AAC 305.075. Public notice. (a) After initiating an application for a new license or transfer of a license, the applicant must give notice of the application to the public by

(1) posting a copy of the application for 10 days at

(A) the location of the proposed licensed premises; and

(B) one other conspicuous location in the area of the proposed premises accessible to the general public;

(2) publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation as defined in (c) of this section, or arrange for broadcast announcements twice a week for three consecutive weeks on a radio station serving the local area where the proposed licensee seeks to operate during triple A advertising time; the newspaper or radio notice must include

(A) the name of the applicant;

(B) the name and location of the proposed premises;

(C) the type of license specified in the application and a citation to a provision of this chapter authorizing that type of license; and

(D) a statement that any comment or objection may be submitted to the board.

(b) In addition to English, the director will require the announcement set out in (a) of this section to be given in the predominant languages in the area of the proposed premises if

(1) the board determines that an announcement in multiple languages is necessary to provide adequate public notice; or

(2) a local governing body or village council requests that announcement be given in multiple languages.

(c) The public notice under this section must be given within the 90 days immediately preceding the filing of the application.

(d) In this section, "newspaper of general circulation" means a publication that

(1) is published in print or electronic newspaper format;

(2) is distributed at least bi-weekly each year within the judicial district where the proposed licensed premises is located, excluding a period when publication is interrupted by a casualty that the publisher cannot control;

(3) is not published primarily to distribute advertising; and

(4) is not intended primarily for a particular professional or occupational group.

(Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.310

AS 04.06.090 AS 04.11.260

3 AAC 305.080. Petition for licenses. (a) If required by AS 04.11.460, a petition is a necessary part of an application. All petitions must be on forms prescribed by the board. Petition signatures must be obtained within the 90-day period immediately preceding the submission of the application. However, signatures may be added to the petition before an application has been deemed complete.

(b) A person signing a petition relating to a license must be 21 years of age or older and a permanent resident of the geographical area relevant to the petition. A person may have only one permanent residence. Municipal boundaries shall be disregarded when gathering petition signatures.

(c) When submitting a petition under AS 04.11.460, an applicant shall assist in the determination of population by submitting the following information with the application:

(1) a graphic designation on a United States Geodetic Survey map with a scale of at least one inch to the mile showing the population within a circle of the applicable radius, and showing where petition signatures were obtained; and

(2) the population within the applicable area and narrative of how the population was determined. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.460

3 AAC 305.085. Local governing body protest. (a) A local governing body may protest an application filed under this chapter. The protest must be in writing, filed with the board, and copied to the applicant, and must include the governing body's reason for the protest. The reasons stated by a local governing body must be logical grounds for opposing the application or continued operation of the license and have a reasonable basis in fact. Under this section, a protest may be filed for

(1) an application to

(A) issue a new license, a license with one or more endorsements, or endorsement;

(B) renew an existing license, a license with one or more endorsements, or endorsement;

(C) transfer the location of an existing license, a license with one or more endorsements, or endorsement;

(D) transfer an existing license, a license with one or more endorsements, or endorsement to another person; or

(2) the continued operation of a license or endorsement issued under this chapter; under this paragraph, a local governing body may only protest the continued operation of a license or endorsement during the second year of the biennial license period if the local

governing body files the protest and the reasons for the protest with the board and copies the licensee not later than January 31 of the second year of the license.

(b) The board will not take final action upon an application until at least

(1) 60 days after a local governing body receives the notice issued by the board required by AS 04.11.520, unless the local governing body waives the right to protest the application in writing to the director; and

(2) 15 days after completion of public notice of the application.

(c) A protest received after the 60-day period may not be accepted by the board. A protest may not cause the board to reconsider an approved renewal, transfer of location, or transfer to another person.

(d) A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body.

(e) A local governing body protest may be based upon facts that render the particular application objectionable to the local body or may be based upon a general public policy. If based on a general public policy, the policy must have a reasonable basis in fact, may not be contrary to law, and may not be patently inapplicable to the particular application being protested. The board will not substitute the board's judgment for that of the local governing body on a matter of public policy that has reasonable factual support.

(f) If the application is denied because of a protest by the local governing body and the applicant requests a hearing, the local governing body must, at the board's request, appear or otherwise meaningfully participate in the hearing and must assist in or undertake the defense of the local governing body's protest.

(g) In addition to the other grounds for protest set out in this section, a local governing body may protest the

(1) renewal or transfer of a license based on nonpayment of delinquent taxes or fees, whether single or in combination, of at least $1,000 arising in whole or in part from the conduct of the licensed business; and

(2) transfer of a license if the local governing body has adopted an ordinance under which the local governing body may estimate the amount of taxes due in the tax year of the proposed transfer and arising in whole or in part from the conduct of the licensed business, and requires the licensee to pay the estimated amount; and

(3) the licensee fails to pay that amount or give security under AS 04.11.360.

(h) The board may uphold a protest of an application or continued operation with an initial abeyance period of not more than 180 days if the local governing body indicates that the protest is subject to rescission and that it will be withdrawn if the applicant meets conditions set by the local governing body. If the local governing body notifies the board within the period of the abeyance that the protest has been removed, the application or continued operation will be approved when all other applicable requirements have been met. If the local governing body has not notified the board within the period of the abeyance that the local governing body has removed the protest, the application or continued operation is denied. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.005	AS 04.11.330	AS 04.11.510
	AS 04.06.090	AS 04.11.360	AS 04.11.520
	AS 04.06.100	AS 04.11.480	

3 AAC 305.090. Procedure for action on a license or endorsement application. (a) The board will decide whether to grant or deny an application not later than 90 days after receiving the complete application. The board will not grant or deny the application before the time allowed for a local governing body to file a protest as set out under 3 AAC 305.085(b) unless the local governing body waives its right to protest.

(b) Not later than seven days before a scheduled meeting that includes board action on applications, the director shall post a meeting agenda that includes a list of matters scheduled for action at that meeting on the office of the board's Internet website. The director shall also send written notification to each applicant with an application scheduled for action at that meeting through the board's online licensing system or to the electronic mail address identified in the application. The board may review an application without additional notice to the applicant.

(c) The board will consider any written objection, protest, suggested condition, or petition, and any testimony received at a hearing on public protest held under 3 AAC 305.095 when considering an application. The director shall retain any written objection, protest, suggested condition, or petition and the hearing record as part of the permanent record of the board's application review. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.005	AS 04.11.320	AS 04.11.360
	AS 04.06.090	AS 04.11.330	AS 04.11.370
	AS 04.06.100	AS 04.11.340	AS 04.11.480

3 AAC 305.095. Procedure on objection or protest; appeals. (a) If the board receives an objection described in AS 04.11.470, a protest described in AS 04.11.480(a) and 3 AAC

305.085, or a protest described in AS 04.11.480(b), the board will follow the following procedures:

(1) in the case of an objection described in AS 04.11.470, the board will consider the objection at its first regular meeting at which it considers the application after the objection is received and determine whether it is appropriate to hold a public hearing under AS 04.11.510(b)(2) to ascertain the reaction of the public or a local governing body to the application; if the board determines that it is appropriate to hold a public hearing, the board will follow the procedures in (b) of this section;

(2) if the board receives a protest of an application from a local governing body described in AS 04.11.480(a), the board will review the protest at its first regular meeting at which it considers the application after the protest is received and, if the board has any indication that the protest might be arbitrary, capricious, or unreasonable, the board will first determine whether the protest is based on a question of law; if the protest is found to be based in whole or in part on a question of law, the board will schedule the matter for a public hearing under (b) of this section and AS 04.11.510(b)(4); unless a hearing is required by another provision of law, if the protest is found not to be based on a question of law the board may conduct a public hearing under (b) of this section to ascertain the reaction of the public or a local governing body to the application in question; if the board has no indication that the protest is arbitrary, capricious, or unreasonable, it may vote to uphold the protest, and the applicant and the board will follow the procedure set in AS 04.11.510(b)(1); if the board decides to overrule the protest, the local governing body may appeal the board's decision under AS 44.62.

(3) if the board receives a protest described in AS 04.11.480(b), the board will conduct a public hearing as required by AS 04.11.510(b)(3).

(b) A public hearing under this section will, be conducted after proper notice to interested parties and members of the public. The board shall exercise all other powers relating to the conduct of the hearing.

(c) A public hearing conducted under this section will be recorded by a qualified court reporter or the board's staff.

(d) A hearing required to be held under AS 44.62 is delegated to a hearing officer alone, unless the board decides to sit along with a hearing officer for a specific matter. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.100. Procedure for mutually exclusive and competing applications. (a) If the board receives an application for a license that requires denial because it would exceed the amount of licenses available for that license type under AS 04.11.400(a), the application will be considered "mutually exclusive."

(b) The board will consider, and grant or deny, mutually exclusive applications in the order in which they are received. However, all "competing applications," as defined under (c) of this section, will be treated as if they were received at the same time, and will be considered together.

(c) For the purpose of this section, competing applications are those mutually exclusive applications for licenses, with or without an endorsement, that

(1) inside a unified municipality, organized borough, or incorporated city;

(A) are for one or more licenses which have become available because of a change of local option or a change in population and are received during the 30-day

period beginning on the date the license or licenses first become available; or

(B) are for the last available license other than a license described in (A) of this paragraph and are received during the 30-day period beginning on the date the board received the first application for the license; and

(2) outside a unified municipality, organized borough, or incorporated city, are received not more than 30 days after the immediately preceding application for the license.

(d) Nothing in this section may be interpreted to allow the 90-day time limit for a decision on an application set by AS 04.11.510 to be exceeded. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.340
AS 04.06.080 AS 04.11.320 AS 04.11.400
AS 04.06.090

3 AAC 305.105. Selection among mutually exclusive and competing applications. (a) Within an incorporated city, organized borough, or unified municipality, all competing applications, as defined in 3 AAC 305.100(c) will be considered together by the board under this section.

(b) If affiliates, or persons who are related by birth or marriage, have filed competing applications for premises at a single location, the board will deny all but one of those applications.

(c) The board will deny any competing applications which are required to be denied under AS 04.11.320, 04.11.340, 04.11.480, or 3 AAC 305.110.

(d) If the denial of one or more competing applications under (b) or (c) of this section

makes any other competing applications no longer mutually exclusive, the board will approve the applications that are no longer mutually exclusive.

(e) If competing applications remain after the board takes action under (b), (c), or (d) of this section, the board may grant any applications the board considers to be most in the public interest. In determining the public interest, the board may consider factors including

(1) the safety, suitability, and proximity of the proposed premises to other licensed premises;

(2) the size of the proposed premises;

(3) community amenities associated with the premises including entertainment, dining facilities, and tourist accommodations; and

(4) preferences or priorities expressed by the local governing body.

(f) If competing applications remain after the board takes action under (b), (c), (d), or (e) of this section, the board may conduct a drawing to determine which remaining competing applications to approve.

(g) A competing application not granted under this section will be denied without prejudice to future application.

(h) A license, with or without an endorsement, granted under this section will be issued after the time within which unsuccessful competing applicants may appeal the denial of their applications, and after all statutory requirements are met by the successful applicant. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.005	AS 04.11.260	AS 04.11.400
	AS 04.06.090	AS 04.11.320	AS 04.11.480
	AS 04.06.100	AS 04.11.340	AS 04.11.560

3 AAC 305.110. Factors for consideration; denial of application. (a) In determining whether to grant an application for an alcoholic beverage license, alcoholic beverage license with one or more endorsements, or an endorsement, the board may consider the following factors:

(1) the applicant's and the applicant's affiliates' histories of felony conviction in this state, the United States, or another state or territory of the United States during the 15 years immediately preceding the date of application;

(2) the applicant's or the applicant's affiliates'

(A) violation of AS 04 or regulations adopted by the board; or

(B) violation of the alcoholic beverage control laws of another state, as a licensee of that state;

(3) whether the applicant or the applicant's affiliates are untrustworthy, unfit to conduct a licensed business, or a potential source of harm to the public;

(4) whether the applicant or the applicant's affiliates have permitted, on licensed premises belonging to the applicant, the occurrence of sexual contact between persons; for the purpose of this paragraph, "sexual contact" has the meaning given in AS 11.81.900(b);

(5) whether the application is not complete as required by an applicable provision of AS 04 and 3 AAC 305.101 - 3 AAC 305.165 or contains a false or misleading statement;

(6) whether the license or endorsement would violate any requirement of the license or endorsement under AS 04 or this chapter;

(7) whether the license or endorsement would violate any particular restriction applicable to the particular license or endorsement authorized under AS 04 or this chapter;

(8) whether the license or endorsement is prohibited under this chapter as a result of an ordinance or election conducted under AS 04.11.491;

(9) whether a protest by the local governing body is not arbitrary, capricious, or unreasonable;

(10) all other factors identified in AS 04.11.320 that are present and of concern; and

(11) all other factors the board determines relevant to the public interest.

(b) For an application for renewal of a license or for consideration of continued operation of a license, in addition to applicable factors identified in (a) of this section, the board may consider whether

(1) the license or endorsement has been operated in violation of a condition or restriction the board previously imposed;

(2) the applicant has lost the right to possession of the licensed premises;

(3) the applicant has satisfied the minimum operating requirements;

(4) the applicant is delinquent in the payment of taxes due in whole or in part from operation of the licensed business; and

(5) other factors identified at AS 04.11.330are present.

(c) For an application for transfer of a license to another person, in addition to applicable factors identified in (a) of this section, the board may consider whether

(1) the transferor has not paid all debts or taxes arising from the operation of the business licensed under this chapter, unless the transferor gives security for the payment of the debts or taxes satisfactory to the creditor or taxing authority;

(2) the transfer of the license to another person would result in violation of the provisions of AS 04 and this chapter relating to identity of licensees and financing of licensees;

(3) the prospective transferee does not have the qualifications of an original applicant required under AS 04 or this chapter; and

(4) other factors identified at AS 04.11.360 are present.

(d) For an application for transfer of location of an alcoholic beverage license, in addition to applicable factors identified in (a) of this section, the board may consider whether

(1) the new location would violate any requirement of the license under AS 04 or this chapter;

(2) the license would violate any particular restriction applicable to the particular license authorized under AS 04 or this chapter;

(3) the license is prohibited under this chapter as a result of an ordinance or election conducted under AS 04.11.491; and

(4) other factors identified at AS 04.11.340 are present.

(e) A local governing body may use the factors set out in (a) of this section to properly protest an alcoholic beverage application under AS 04.11.480 and 3 AAC 305.085.

(f) The board may deny an alcoholic beverage license application if the board finds that any of the applicable discretionary factors set out in (a) - (d) of this section do not support the application's approval. The board will deny an application if

(1) approving the application would violate any mandatory provision of or restriction under AS 04 or this chapter;

(2) if denial is required under AS 04.11.320, 04.11.330, 04.11.340, or 04.11.360;

(3) if denial is required under 3 AAC 305.090, 3 AAC 305.100, 3 AAC 305.120 - .130, or 3 AAC 305.160; or

(4) if the board concludes a protest of a local governing body is not arbitrary, capricious, or unreasonable. I

(g) The board has discretion to approve a license application but deny an endorsement application for the approved license. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.11.320 AS 04.11.360
AS 04.06.090 AS 04.11.330 AS 04.11.370
AS 04.06.100 AS 04.11.340 AS 04.11.480

3 AAC 305.115. Consideration of endorsement. (a) An endorsement is valid only in conjunction with a license. An endorsement may be transferred to another person only if the license for which the endorsement was issued is also transferred to that person. An endorsement expires if the licensed premises are relocated, the license expires, or the license is revoked.

(b) An endorsement is valid for the duration of the license and renews concurrently with the license.

(c) The board will consider the factors identified in 3 AAC 305.105 when determining whether to grant or deny an application for an endorsement.

. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.120. Waiver of annual operating requirement and minimum operating requirements. (a) Except as provided in this section, the board will deny an application for renewal of a license or a license with one or more endorsements if the licensed premises were not operated for the time required under AS 04.11.330(a)(3) or (d).

(b) A licensee may submit a waiver application to the board to request a waiver of the operating requirement in AS 04.11.330 (a)(3) or (d). Under AS 04.11.330(a)(3), the board will

determine whether, through no fault of the licensee or because the premises are under construction, the licensed premises could not be operated for the required time during the preceding calendar year.

(c) A waiver application for a calendar year must be made in writing to the board and must be accompanied by the non-refundable application fee of

(1) an amount equal to one-half the applicable biennial license fee if a waiver application was not made for the previous year; or

(2) double the amount of the fee paid for the previous waiver application.

(d) A waiver application must include a statement from the licensee explaining why the licensed premises was not in compliance with AS 04.11.330(a)(3) or (d). The licensee must provide a copy of the waiver application to any local governing body with jurisdiction over the license and licensed premises.

(e) The board may deny a third or subsequent, consecutive application for waiver

(1) unless the licensee clearly shows that the licensed premises were not operated, because the premises were condemned or substantially destroyed by any cause; or

(2) the licensee holds a common carrier dispensary license and is a boat weighing over 1,000 tons;

(f) Absent circumstances to the contrary, the board will deny a third or subsequent, consecutive application for waiver in the event of condemnation or destruction of the premises if the premises identified on an applicant's license are not leased or owned by the licensee Additionally, a third or subsequent consecutive application for waiver that does not identify a licensed premises location will be denied.

(g) The board may impose conditions along with the approval of a waiver application.

(h) If a waiver application is denied, an application for license renewal for the succeeding license period will be denied by the board under AS 04.11.330(a)(3).

(i) In addition to the application fee under (c) of this section, the applicant shall pay $1,000 for an application that is received too late for board consideration at its last meeting of the calendar year for which the waiver is requested.

(j) In the event of the death of a licensee, destruction of the premises, or comparable circumstances showing extraordinary hardship, the board may waive the fees required under (c) and (i) of this section.

(k) If a license is exercised only to satisfy the minimum operating requirement under AS 04.11.330(a)(3) or 3 AAC 305.110, a licensee shall operate in a similar fashion to other licensed premises of the same type by meeting the following operating requirements as appropriate for the license type:

(1) provide signage of sufficient size and visibility to show that the premises is open for business, including the business name and hours of operation;

(2) offer a variety of malt beverages, wines, and distilled spirits for sale at the licensed premises, as appropriate to the type of license,

(3) for a licensed package store premises, visibly display the alcoholic beverages stock;

(4) for a beverage dispensary licensed premises, provide seating for at least one-half of the maximum number allowed by the occupancy permit;

(5) comply with all state or municipal health, fire, and zoning laws or ordinances required for the operation of business;

(6) maintain a record of all purchases of alcoholic beverages for resale on the

licensed premises; and

(7) record sales with a cash register or point of sale system that retains a record of transactions.

(*l*) The licensee has the burden of proof to show that the licensed premises were operated for the minimum required period of time and met the operating requirements under (k) of this section. The licensee may provide receipts, invoices, photographs, permits, timecards, and other records to meet the burden of proof. If the licensee fails to provide proof that one or more of the operating requirements was met, the board may consider additional documentation provided by the licensee to determine whether the licensee has met the burden of proof.

(m) If a new license is issued between November 20 and December 31, the licensee is exempt from filing a waiver of annual operating requirement for that year. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.330
AS 04.06.090

3 AAC 305.125. Compelled transfer of a license to the prior licensee with a security interest in the license. (a) If a former licensee seeks to compel the transfer of a license because of a promise given as collateral by the current licensee under AS 04.11.670 to the former licensee during an earlier transfer of the license, followed by a default in payment related to property conveyed or a lease made as part of the previous transfer, the board will deny the transfer if the creditors are not satisfied under AS 04.11.360(4)(A). The board may approve the transfer if circumstances clearly show that

(1) the security interest was established in the previous transfer in accordance with 3 AAC 305.065.

(2) the former licensee operated the license that was transferred for at least 240 hours; and

(3) the term of a security interest in a license to secure payment for personal property did not exceed 10 years.

(b) The director may identify applications for transfer of ownership that are secured as described in this section in board meeting agendas.

(c) After the foreclosure of real property that secures payment of debt that is also secured by a promise under AS 04.11.670, a license may not be retransferred without satisfaction of creditors under AS 04.11.360(4)(A) unless

(1) the board approved an application for retransfer before the foreclosure; or

(2) the amount owed to the former licensee for the real property at the time of foreclosure exceeds the fair market value of the property; the former licensee carries the burden of proof to show that the fair market value is less than the amount owed. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.11.260 AS 04.11.290
AS 04.06.090 AS 04.11.270 AS 04.11.450
AS 04.06.100 AS 04.11.280 AS 04.11.670
AS 04.11.050

3 AAC 305.130. Consideration of transfer of location of a license under AS 04.11.400(k). (a) An application to transfer a license under AS 04.11.400(k) in a borough

with a population of 50,000 or more into or within an incorporated city in the borough must comply with the notice requirements set out in AS 04.11.280, 04.11.290, and 3 AAC 305.070(d), as applicable. The criteria for denial of an application to transfer an alcoholic beverage license to another location as set out in AS 04.11.340 and denial of an application to transfer an alcoholic beverage license to another person as set out in AS 04.11.360 also apply to an application to transfer a license under AS 04.11.400(k). The notice requirements set out in this section apply to an application to transfer

(1) an alcoholic beverage dispensary license issued under AS 04.09.200 to a restaurant, eating place, hotel, motel, resort, or similar business that contains a restaurant or eating place,

(2) a package store license issued under AS 04.09.230;

(3) a brewery retail license issued under AS 04.09.320;

(4) a winery retail license issued under AS 04.09.330; or

(5) a distillery retail license issued under AS 04.09.340.

(b) If the board approves an application to transfer a license issued under AS 04.11.400(k), the license becomes a license of the municipality in the new location. The license may be transferred to a new location and new person within the receiving municipality. If a license is transferred with a security interest under AS 04.11.360(4)(B) and 04.11.670, the retransfer back to the previous owner may not be made to the location of the former municipality.

(c) A license located in a municipality as a result of annexation is not counted as a new license for the purposes of AS 04.11.400(k).

(d) When the board receives multiple applications to relocate a license under AS 04.11.400(k) and the board has not allowed three relocations in that decade, the board will

approve the completed application that the board received first, if the application meets other applicable requirements of AS 04 and this chapter. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.400
AS 04.06.090

3 AAC 305.135. Permits. (a) With the exception of a conditional contractor's permit issued under AS 04.09.690, an applicant must submit the proper permit application form and the permit fee to the office of the board to apply for a permit. The applicant must submit the application and fee not fewer than three business days before the first day of the event. The application must include

(1) a description of the proposed premises;

(2) a drawing that designates which areas are for storage, service, and consumption;

(3) a statement of the specific hours of intended operation;

(4) a copy of the approval from the proper local authority

(5) a statement that every person who will serve or sell alcohol or check patron identification during the event will have successfully completed an approved alcohol server education course before the first day of the event; and

(6) other information required by the application form.

(b) To apply for a conditional contractor's permit, an applicant must submit the proper application form, written permission from the commanding officer of the military or naval reservation and the prime contractor of the remotely situated site, and the application and permit fees to the office of the board. The application must include

(1) a description of the proposed premises;

(2) a drawing that designates which areas are for storage, service, and consumption; and

(3) a statement of the specific hours of intended operation.

(c) All other conditions for approval, removal, and expiration for a permit under this section are set out in AS 04.09.690.

(d) The director will approve or deny all applications for permits. If an application is denied, the applicant may appeal the denial to the board.

(e) A permit is not transferable. However, the holder of an approved permit subject to (a) of this section may submit a written amendment not fewer than three business days before the first date of the event to change the event date, site, designated area, or designated time. Any submission must include approval of the law enforcement agency with jurisdiction over the site. Except for a conditional contractor's permit issued under AS 04.09.690, a permit may not be renewed.

(f) The holder of a permit shall comply with all statutes, ordinances, and regulations pertaining to the possession and sale of alcoholic beverages as it applies to the permit or the licensed premises of the alcoholic beverage licensee to which the permit attaches. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.320
AS 04.06.080 AS 04.11.260

3 AAC 305.140. Application for and board consideration of common carrier approval. (a) An applicant for a common carrier approval to transport and deliver alcoholic

beverages to a person in the state must file an application on a form prescribed by the board. The application must include the information and documentation set out in this section, along with the approval fee. A common carrier described under this section must certify it will meet the requirements of AS 04.09.750(c) and (d).

(b) The board will approve a common carrier who meets the definition of common carrier under AS 04.09.750(g) and who provides the certifications required under AS 04.09.750(c) and (d).

(c) The board may remove a previously approved common carrier under this section from the list maintained by the board as required in AS 04.09.750(e) if the common carrier transports or delivers alcoholic beverages in violation of AS 04.09.750(c) or (d). (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.145. License and endorsement application and biennial fees. (a) A non-refundable application fee of $500 must accompany an application for a

(1) new license;

(2) new license with one or more endorsements;

(3) transfer of an existing license to another location or to another person; or

(4) a transfer of an existing license with one or more endorsements to another location or to another person.

(b) A non-refundable application fee of $300 must accompany an application to renew a license or a license with one or more endorsements.

(c) Except for an application for a multiple fixed counter endorsement, a non-refundable application fee of $25 must accompany an application for a new endorsement when the endorsement application is not submitted as part of a new, renewal, or transfer application. The initial non-refundable application fee for a multiple fixed counter endorsement is set out in AS 04.09.420(c).

(d) The biennial license fees are as follows:

(1) for a brewery manufacturer license, the amount set out in AS 04.09.020(b);

(2) for a winery manufacturer license, the amount set out in AS 04.09.030(b);

(3) for a distillery manufacturer license, the amount set out in AS 04.09.040(b);

(4) for a general wholesale license, the amount set out in AS 04.09.100(b);

(5) for a limited wholesale brewed beverage and wine license, the amount set out in AS 04.09.110(b);

(6) for a brewery retail license, the amount set out in AS 04.09.320(b);

(7) for a winery retail license, the amount set out in AS 04.09.330(b);

(8) for a distillery retail license, the amount set out in AS 04.09.340(b);

(9) for a brewery dispensary tourism license, the amount set out in AS 04.09.350(b);

(10) for a beverage dispensary license, the amount set out in AS 04.09.200(b);

(11) for a restaurant or eating place license, the amount set out in AS 04.09.210(b);

(12) for a club license, the amount set out in AS 04.09.220(b);

(13) for a package store license, the amount set out in AS 04.09.230(b);

(14) for a pub license, the amount set out in AS 04.09.240(b);

(15) for a theater license, the amount set out in AS 04.09.250(b);

(16) for a common carrier dispensary license, the amount set out in AS 04.09.260(b) or AS 04.09. 260(c);

(17) for a sporting activity or event license, the amount set out in AS 04.09.270(b);

(18) for an outdoor recreation lodge license, the amount set out in AS 04.09.280(b);

(19) for a fair license, the amount set out in AS 04.09.290(b);

(20) for a golf course license, the amount set out in AS 04.09.300(b);

(21) for a destination resort license, the amount set out in AS 04.09.310(b);

(22) for a seasonal restaurant or eating place tourism license, the amount set out in AS 04.09.360(b);

(23) for a manufacturer direct shipment license, the amount set out in AS 04.09.370(b).

(e) The biennial fee for an endorsement is as follows:

(1) for a manufacturer sampling endorsement, the amount set out in AS 04.09.410(b);

(2) for a multiple fixed counter endorsement: the amount set out in AS 04.09.420(b);

(3) for a hotel or motel endorsement, the amount set out in AS 04.09.430(b);

(4) for a large resort endorsement, the amount set out in AS 04.09.440(b);

(5) for a restaurant endorsement, the amount set out in AS 04.09.450(b);

(6) for a package store shipping endorsement, the amount set out in AS 04.09.460(b);

(7) for a package store delivery endorsement, the amount set out in AS 04.09.470(b);

(8) for a package store repackaging endorsement, the amount set out in AS 04.09.480(b);

(9) for a package store sampling endorsement, the amount set out in AS 04.09.490(b);

(10) for a bowling alley endorsement, the amount set out in AS 04.09.500(b);

(11) for a golf course endorsement, the amount set out in AS 04.09.510(b);

(12) for a brewery repackaging endorsement, the amount set out in AS 04.09.520(b). (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.150. Permits and common carrier approval fees. (a) Permit fees are as follows:

(1) a beverage dispensary caterer's permit issued under AS 04.09.610 is $100 for the first two days and $50 for each additional day;

(2) a restaurant caterer's dining permit issued under AS 04.09.620 is $100 for the first two days and $50 for each additional day;

(3) a club caterer's permit issued under AS 04.09.630 is $100 for the first two days and $50 for each additional day;

(4) an art exhibit event permit issued under AS 04.09.640 is $100 for the first two days and $50 for each additional day;

(5) a music festival permit issued under AS 04.09.645 is $100 for the first two days and $50 for each additional day;

(6) a nonprofit organization event permit issued under AS 04.09.650 is $100 for the first two days and $50 for each additional day;

(7) an alcoholic beverage auction permit issued under AS 04.09.660 is $50 per day;

(8) a package store tasting event permit issued under AS 04.09.670 is $100 for the first two days and $50 for each additional day;

(9) an inventory resale permit fee is set out in AS 04.09.680;

(10) a live music or entertainment permit issued under AS 04.09.685 is $100 per event;

(11) a conditional contractor's permit fee is set out in AS 04.09.690;

(12) a de-designation permit application fee under 3 AAC 305.655(b) is $50; for certification required under 3 AAC 305.655(e) the fee is $50.

(b) If an application for a permit described in (a) of this section is subject to AS 04.09.600(b) and is received less than three days before the first day of the event, the application may be approved under the director's discretion. If the application is approved, the fee is twice the amount set out in (a) of this section.

(c) The fee for a common carrier approval issued under AS 04.09.750 is a one-time fee per business entity of $1,250. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.155. General wholesale and limited wholesale additional fees. (a) In addition to the biennial license fee set out in AS 04.09.100(b) and 3 AAC 305.145, the holder of a general wholesale license shall pay the biennial declaration fee as set out in AS 04.09.130(b) and an annual fee based on total business transacted as set out in AS 04.09.100 and 04.09.120.

(b) In addition to the biennial license fee set out in AS 04.09.110(b) and 3 AAC 305.145, the holder of a limited wholesale brewed beverages and wine license shall pay the biennial declaration fee as set out in AS 04.09.130(b) and an annual fee based on the total business transacted as set out in AS 04.09.110 and 04.09.120. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.090 AS 04.06.100

3 AAC 305.160. Processing fees for renewals after late payment of taxes. (a) After a local governing body protests a license renewal under 3 AAC 305.085(g)(1), a licensee shall pay an additional license renewal fee as follows:

(1) if the delinquent taxes are paid after the local governing body files a protest with the board and before the board denies license renewal under AS 04.11.510(a), $50;

(2) if the delinquent taxes are paid after the board denies a license renewal but before a hearing officer is appointed to hear an appeal of the board's denial, $500;

(3) if the delinquent taxes are paid after a hearing officer is appointed but before an administrative hearing is held on appeal of the board's denial of license renewal, $1,000; or

(4) if the delinquent taxes are paid after an administrative hearing but before the board adopts a hearing officer's recommendation to deny license renewal, $2,000.

(b) A fee under (a) of this section will not be charged or will be refunded if the board finds that the local governing body has withdrawn the protest on the basis that the protest was

made in error.

(c) Failure to remit fees under this section within 10 days following receipt of written notice from the director is additional grounds for the board to deny an application for renewal. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.06.100 AS 04.11.480
AS 04.06.090 AS 04.11.330 AS 04.11.510

3 AAC 305.165. Miscellaneous fees. An applicant shall pay the following fees:

(1) $250 for a diagram change application under 3 AAC 305.630(d);

(2) $250 for a business name change application under 3 AAC 305.630(d);

(3) $250 for a seasonal alternating premises application under 3 AAC 305.630(f)(1);

(4) $250 for an alternating licensed premises application under 3 AAC 305.650;

(5) $250 for a change of officers application required under AS 04.11.045 - 04.11.055;

(6) $250 for an off-site warehouse storage application required under AS 04.21.060;

(7) $250 for a proof of minimum operations application required under AS 04.11.330(a)(3);

(8) $800 for a new alcohol server education course under 3 AAC 305.700(b);

(9) $250 for review of an existing alcohol server education course under 3 AAC 305.700(g). (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.005 AS 04.11.050 AS 04.11.480

AS 04.06.090 AS 04.11.055 AS 04.11.510

AS 04.06.100 AS 04.11.330 AS 04.21.060

AS 04.11.045