



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: April 15, 2025

FROM: Kyle Helie, Licensing Examiner II

RE: 4531 Tri Grill, Robert
Alexander, 3rd Waiver of
Operations

Applicable statute: AS 04.11.330(a)(3). An application requesting renewal of a license or endorsement shall be denied if the applicant has not operated the licensed premises for at least 240 hours during each of the two preceding calendar years, unless the board determines that the licensed premises are under construction or cannot be operated through no fault of the applicant;

Applicable regulation: [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 brewed 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.

Background: This is the third waiver requested for this license. Licensee states that the denial of the transfer of location application from local government and lengthy appeal process lead to an inability to operate.

Attachment: Memo, 3rd Waiver Application for 2024, 2nd Waiver Application for 2023 (approved administratively), 1st Waiver Application for 2022 (approved administratively), 2024-2025 renewal application and refund request for waiver fee.



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 1st request, an amount equal to ½ the applicable biennial license fee; or
- for a 2nd 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 each license and for each calendar year 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:	Robert Alexander	License Number:	4531		
License Type:	alcohol beverage dispensary				
DBA:	Tri Grill				
Premises Address:	901 W 6th Ave				
City:	Anchorage	State:	Alaska	ZIP:	99501
Local Governing Body:					

Section 2 – Request Number and Calendar Year

☐ 1st Request ☐ 2nd Request ☒ 3rd Request ☐ Other _____

Request for Calendar Year 2024

rec# 101050406



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:

Applied for a transfer. It was protested by the MOA due to a nearby school. The MOA decided to postpone the special land use permit vote several times waiting for AMCO'S decision to approve to the separation distance of the proposed location and the school. July 2023 The MOA still did not received decision regarding the school issue, so the MOA postponed the SLUP vote indefinitely. At which time I appealed to the office of the administrative judge and later the Superior Court.

THE DECISIONS FROM THE BOTH OAJ AND THE SUPERIOR COURT BOTH DENIED THE TRANSFER ONE AFTER THE OTHER ENDING IN MID TO LATE 2024.

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:

Initials

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.

ra

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.

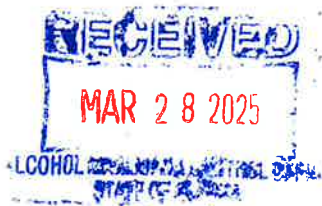
ra

Robert Alexander

Printed name of licensee


Signature of licensee

Office Use Only			
Waiver Application Fee:		Late Fee:	
Transaction #:			



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

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Section 1 – Establishment Information

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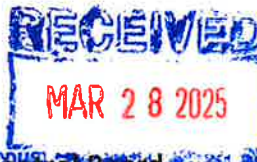
Licensee:	Robert Alexander	License Number:	4531		
License Type:	alcohol beverage dispensary				
DBA:	Tri Grill				
Premises Address:	901 W 6th Ave				
City:	Anchorage	State:	Alaska	ZIP:	99501
Local Governing Body:					

Section 2 – Request Number and Calendar Year

☐ 1st Request ☒ 2nd Request ☐ 3rd Request ☐ Other _____

Request for Calendar Year 2023

REC#101050962



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

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ra

Robert Alexander

Printed name of licensee


Signature of licensee

Office Use Only				
Waiver Application Fee:		Late Fee:		Transaction #:



Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

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

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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 each license and for each calendar year 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:	Robert Alexander	License Number:	4531
License Type:	alcohol beverage dispensary		
DBA:	LED Ultra Lounge & Grill		
Premises Address:	n/a		
City:		State:	Alaska
		ZIP:	
Local Governing Body:	Anchorage		

Section 2 – Request Number and Calendar Year

☒ 1st Request ☐ 2nd Request ☐ 3rd Request ☐ Other _____

Request for Calendar Year 20 22

Received AMCO 11-30-23





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:

The previous location was sold, forcing the license to be moved to another location. The transfer to the proposed location at 420 West 3rd Ave Anchorage AK was denied by the ABC. LED's request for transfer is still in the process and now lies with Superior court.

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:

Initials

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.


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ra

Robert Alexander

Printed name of licensee


Signature of licensee

Office Use Only

Waiver Application Fee:		Late Fee:		Transaction #:	
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Alaska Alcoholic Beverage Control Board

Form AB-17: 2024/2025 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than January 2, 2024 per AS 04.11.270, 3 AAC 305.050, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by February 28, 2024 will be expired per AS 04.11.540, 3 AAC 305.050(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the mandatory fees and all documents required, or the application will be returned without being processed, per AS 04.11.270.
- 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

Doing Business As:	TRI GRILL	License #:	4531
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If your mailing address has changed, write the NEW address below:

Mailing Address:	8100 SKY MOUNTAIN LANE		
City:	ANCHORAGE	State:	AK
		ZIP:	999502

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:	ROBERT ALEXANDER	Contact Phone:	907-229-2053
Contact Email:	ROBA0809@HOTMAIL.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:	SAME	Contact Phone:	
Contact Email:			

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2024 and/or 2025? If so, you will need to apply for a Shipping Endorsement here:

<https://accis.elicense365.com/#>

YES

NO

☐☒**Section 4 - Ownership Structure Certification**

YES

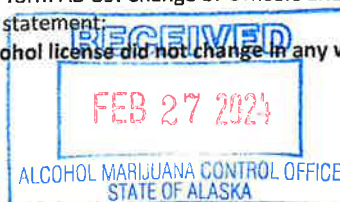
NO

☐☒

Did the ownership structure of the licensed business change in 2022/2023?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application. If No, certify the statement below by initialing the box to the right of the statement:

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2022 or 2023.



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Alaska Alcoholic Beverage Control Board

Form AB-17: 2024/2025 License Renewal Application

Section 5 – License Operation

Unless you operated more than 240 hours in 2022 or 2023, check ONE BOX for EACH CALENDAR YEAR that best describes how this alcoholic beverage license was operated as set forth in AS 04.11.330:

- | | 2022 | 2023 |
|---|-------------------------------------|-------------------------------------|
| 1. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
<i>If your operation dates have changed, list them below:</i>
PENDING LOCATION TRANSFER to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

Section 6 - Violations and Convictions

- | | YES | NO |
|---|--------------------------|-------------------------------------|
| Have any Notices of Violation been issued for this license in 2022 or 2023? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Has any person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2022 or 2023? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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 305, 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.
- 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 305.700.
- 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.



#100778036



Alaska Alcoholic Beverage Control Board

Form AB-17: 2024/2025 License Renewal Application

ROBERT ALEXANDER

Printed name of licensee


Signature of licensee

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

License Fee:	\$	Application Fee:	\$ 300.00	Misc. Fee:	\$ <input checked="" type="checkbox"/>
Total Fees Due:					\$ 2800

Robert Alexander
8100 Sky Mountain Lane
Anchorage, AK 99502
(907) 229-2053

March 27, 2025

Alcohol and Marijuana Control Office
ATTN: Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501



Re: Liquor License Fees Waiver Refund Request-2023 and 2024

I am requesting a refund of liquor license waiver fees for LED 2023 and 2024. I am making my request based on the following:

1. I applied for the liquor license transfer in Sept 2021 and the Municipality protested the liquor license transfer to the new location. I paid the MOA \$4,720 for a Special Land Use Permit (SLUP) that was forwarded to the Assembly with recommendations for approval by the Mayor's office and the staff from public works office for the license transfer. While the MOA waited for AMCO to approve the separation distance of a nearby school, the MOA continued to postpone the vote for SLUP over and over. Due to the length of time it took AMCO to approve the issue regarding the school, the MOA had postponed the SLUP vote indefinitely. At this time with the request of both AMCO Director's Ms. Joan Wilson and myself requested a vote for the SLUP. The MOA refused to bring back the SLUP to vote. In November of 2023, at the ABC Board meeting in Juneau I was present at the meeting to request the Board to overturn The MOA protest. After the discussion a motion was made to overturn the protest. However, there was no second to the motion. At that time I appealed to the Office of the Administrative Judge and then later the Superior Court. Both decisions were to uphold the protest. I believe this decision came much late in 2024.
2. I invested a substantial amount of money preparing for the new location that was denied, leaving no funds for an additional location.
3. After paying for a special land use permit that was never voted on, attorney fees, lease payments, renovating fees for the new location, loss of revenue stream, etc., I was unable to fund other options to continue with all of this not in my favor.
4. I understand the waiver fee process, but these circumstances are not typical and due to the protest and the time it took AMCO to approve the distance between the school and the proposed location and my strong efforts to open I was denied. I believe that I should not be subjected to these fees.

5. My efforts to continue my 8 year business at the new location has cost me hundreds of thousands of dollars with no returns.
6. In order to renew my license, AMCO has charged me these fees.

Resolution:

- I am requesting to the board that these waiver fees that was paid on March 28th, 2024 be refunded based on the circumstances outlined above.

Sincerely,



Robert Alexander
Licensee

