



## MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: September 8, 2025

FROM: Anna White, Licensing Examiner II

RE: 4057 Cape Fox Lodge, LLC,  
3<sup>rd</sup> 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 lodge Tram is still under construction and that there is no public access to the intended premises location. The intention was to have the Tram be open by April 2025 for the summer season.**

**Attachment:** Memo, 2025-2026 Renewal, 3<sup>rd</sup> Waiver Application for 2024, 2<sup>nd</sup> Waiver Application for 2023 (approved administratively), and 1<sup>st</sup> Waiver Application for 2022 (approved administratively).



Document reference ID : 4819

## Renewal Application Summary

<b>Application ID:</b>	4819
<b>License No:</b>	4057
<b>License Type applied for Renewal:</b>	Package Store License(PSL)
<b>Licensee Name:</b>	Cape Fox Lodge, Llc
<b>Application Status:</b>	In Review
<b>Application Submitted On:</b>	12/23/2024 01:13 PM AKST

## Entity Information

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<b>Business Structure:</b>	Limited liability company
<b>FEIN/SSN Number:</b>	
<b>Alaska Entity number (CBPL):</b>	44877D
<b>Alaska Entity Formed Date:</b>	
<b>Home State:</b>	

## Entity Contact Information

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<b>Entity Address:</b>	620 Dock Street, Ketchikan, AK, 99901
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# Renewal Information

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**Are there any changes to your ownership structure that have not been reported to AMCO prior to this application?:**

No

**Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in the next two years?:**

No

**As set forth in AS 04.11.330, how many hours did you operate during the first calendar year for this renewal period?:**

The license was not operated at all or was operated for less than the minimum of 240 hours in the first calendar year of the renewal period.

I have completed a Waiver of Operations self-service transaction.

**As set forth in AS 04.11.330, how many hours did you operate during the second calendar year for this renewal period?:**

The license was not operated at all or was operated for less than the minimum of 240 hours in the second calendar year of the renewal period.

I have completed a Waiver of Operations self-service transaction.

**Please select the seasonality:**

Seasonal

**Please Provide your six-month operating period:**

05/01 - 09/31

**Operation Period Details:**

operated for summer tourist season.

**Has any person or entity in this application been convicted or disciplined for a violation of Title 04, 3 AAC 304 or 305, or a local ordinance adopted under AS 04.21.010 in the preceding two calendar years?:**

No

**Have any notices of violation or citations been issued for this license during the preceding two years?:**

No

## Attestations

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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.

## Signature

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This application was digitally signed by : Christopher Luchtefeld on 12/23/2024 01:15 PM AKST

# Payment Info

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Payment Type : CC

Payment Id: d77dea43-b06b-4249-b18c-72b8d99b0ac8

Receipt Number: 100997028

Payment Date: 12/23/2024 01:15 PM AKST



Document reference ID : 4819

# Licensing Application Summary

**Application ID:** 4819

**Applicant Name:** Cape Fox Lodge, Llc

**License Type applied for:** Package Store License(PSL) (AS 04.09.230)

**Application Status:** In Review

**Application Submitted On:** 12/23/2024 01:13 PM AKST

## Entity Information

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**Business Structure:** Limited liability company

**Alaska Entity Number (CBPL):** 44877D

## Entity Contact Information

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Name	Phone	Email	Relation
Tiger Johnson	907-331-4324	tiger@capefoxlodge.com	Executive Management
Cody Freeze	703-686-2403	cfreeze@capefoxss.com	Executive Management
Shane Muncy	252-259-6539	smuncy@capefoxss.com	Executive Management
Chris Luchtefeld	301-956-0216	cluchtefeld@capefoxss.com	Designated Licensee

**Entity Address:** 620 Dock Street, Ketchikan, AK, 99901, USA

## Ownership / Principal Party Details

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Principal Parent Entity	Principal Party	Role	%Ownership
Cape Fox Lodge, Llc	Cape Fox Commercial Services Llc	Member	100
Cape Fox Lodge, Llc	Chris Luchtefeld	Manager and/or Officer	

## Premises Address

**Address:** No Premises, Ketchikan, AK, 99901, USA

## Basic Business information

**Business/Trade Name:** No DBA

## Local Government and Community Council Details

**City/Municipality** Ketchikan (City of)

**Borough** Ketchikan Gateway Borough

## Attestations

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 305.700.

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.



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

I certify that all proposed licensees have been listed with Division of Corporation, Business, and Professional Licensing.

I certify that I and any individual identified in the business entity ownership section of this application, has or will read AS 04 and its implementing regulations.

## Signature

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This application was digitally signed by : Christopher Luchtefeld on 12/23/2024 01:15 PM AKST

## Payment Info

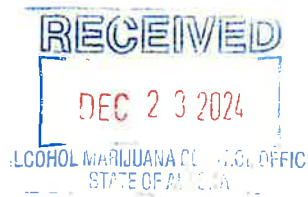
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Payment Type : CC

Payment Id: d77dea43-b06b-4249-b18c-72b8d99b0ac8

Receipt Number: 100997028

Payment Date: 12/23/2024 01:15 PM AKST



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[alcohol.licensing@alaska.gov](mailto: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

### Why is this form needed?

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

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

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

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

Please note that a licensee must submit a separate completed copy of this form and pay a separate corresponding fee for 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:	Cape Fox Lodge, LLC	License Number:	4057		
License Type:	Package Store				
DBA:	No DBA				
Premises Address:	800 Venetia Ave				
City:	Ketchikan	State:	Alaska	ZIP:	99901
Local Governing Body:	City of ketchikan				

### Section 2 – Request Number and Calendar Year

☐ 1<sup>st</sup> Request      ☐ 2<sup>nd</sup> Request      ☒ 3<sup>rd</sup> Request      ☐ Other \_\_\_\_\_

Request for Calendar Year 2024



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

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

### Section 3 – Reason for Non-operation

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

Lodge tram still under construction no public access to location. tram slotted to finish Jan 2025.  
store set to open April 2025 for summer season.

### 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.

CL

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.

CL

Christopher Luchtefeld

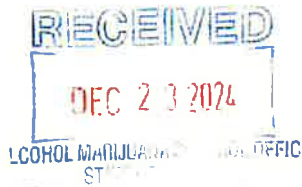
Printed name of licensee

Christopher  
Luchtefeld

Signature of licensee

Digitally signed by Christopher  
Luchtefeld  
Date: 2024.12.23 13:10:00 -09'00'

Office Use Only				
Waiver Application Fee:	\$3,000.00	Late Fee:	\$1,000.00	Transaction #: 101008968



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
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## Alaska Alcoholic Beverage Control Board

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

- for a 1<sup>st</sup> request, an amount equal to  $\frac{1}{2}$  the applicable biennial license fee; or
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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.

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

Licensee:	Cape Fox Lodge, LLC	License Number:	4057		
License Type:	Package Store				
DBA:	No DBA				
Premises Address:	800 Venetia Ave				
City:	Ketchikan	State:	Alaska	ZIP:	99901
Local Governing Body:	City of ketchikan				

## Section 2 – Request Number and Calendar Year

☐ 1<sup>st</sup> Request      ☒ 2<sup>nd</sup> Request      ☐ 3<sup>rd</sup> Request      ☐ Other \_\_\_\_\_

Request for Calendar Year 2023

52/9/1/25  
Approved [Signature]



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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

### Section 3 – Reason for Non-operation

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

Lodge tram still under construction no public access to location.

### 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.

CL

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.

CL

Christopher Luchtefeld

Printed name of licensee

Christopher  
Luchtefeld

Signature of licensee

Digitally signed by Christopher  
Luchtefeld  
Date: 2024.12.23 13:10:31 -09'00'

Office Use Only					
Waiver Application Fee:	\$1,500.00	Late Fee:	\$1,000.00	Transaction #:	101008968





Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
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This application must be accompanied by a non-refundable waiver application fee of:

- for a 1<sup>st</sup> request, an amount equal to ½ the applicable biennial license fee; or
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Licensee:	Cape Fox Lodge, LLC	License Number:	4057		
License Type:	Package Store				
DBA:	No DBA				
Premises Address:	No Premises				
City:	Ketchikan	State:	Alaska	ZIP:	99901
Local Governing Body:	Ketchikan, Ketchikan Gateway Borough				

### Section 2 – Request Number and Calendar Year

☒ 1<sup>st</sup> Request      ☐ 2<sup>nd</sup> Request      ☐ 3<sup>rd</sup> Request      ☐ Other \_\_\_\_\_

Request for Calendar Year 2022



Alcohol and Marijuana Control Office  
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<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

## Form AB-29: Waiver of Operation Application

### Section 3 – Reason for Non-operation

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

Construction supply chain issues due to COVID.

### Section 4 – Certifications

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

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

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CL

Christopher Luchtefeld

Printed name of licensee

Christopher  
Luchtefeld

Signature of licensee

Digitally signed by Christopher  
Luchtefeld  
Date: 2022.11.28 17:44:16 -05'00'

Office Use Only					
Waiver Application Fee:	\$750	Late Fee:	\$1,000	Transaction #:	100504400

AMCO  
DEC 05 2022