



# State of Alaska

Department of Public Safety


## Alcoholic Beverage Control Board


Sean Parnell, Governor

Joseph A. Masters, Commissioner

Dear Prospective Licensee,

The following instructions regarding liquor license applications for submission to the ABC Board were created to assist you in completing forms and gathering necessary documents. The staff of the ABC Board have worked diligently to make these instructions easy to understand. We also acknowledge that sometimes a question can only be answered by talking to a knowledgeable person. Our staff is eager to assist you through the process, answering questions and giving information. Please feel free to call our office with questions or concerns as you progress through the licensing process. We are here to assist you in your business venture.

  
Shirley A. Gifford  
Director

  
Christine C. Lambert  
Records & Licensing Supervisor

### ABC Board Contact Information

<b>Shirley Gifford</b>	<b>Director</b>	<b>269-0351</b>	<a href="mailto:shirley.gifford@alaska.gov">shirley.gifford@alaska.gov</a>
<b>Christine Lambert</b>	<b>Records and Licensing Supervisor</b>	<b>269-0359</b>	<a href="mailto:christine.lambert@alaska.gov">christine.lambert@alaska.gov</a>
<b>Sarah Oates</b>	<b>Business Registration Examiner</b>	<b>269-0356</b>	<a href="mailto:sarah.oates@alaska.gov">sarah.oates@alaska.gov</a>
<b>Maxine Andrews</b>	<b>Business Registration Examiner</b>	<b>269-0358</b>	<a href="mailto:maxine.andrews@alaska.gov">maxine.andrews@alaska.gov</a>

## INDEX

<b>General Information</b>	.....Page 3
<b>Notification to Governing Body</b>	.....Page 3
<b>List of Attachments Required for New Application</b>	.....Page 4
<b>Transfer of License Holder or Relocation of License</b>	.....Page 4
<b>Description of Attachments</b>	.....Page 5
<b>Posting Affidavit</b>	.....Page 5
<b>Proof of Advertising</b>	.....Page 5
<b>Proof of Right, Title, or Interest</b>	.....Page 6
<b>Statement of Financial Interest</b>	.....Page 6
<b>Petition</b>	.....Page 6
<b>Organized Entity Information</b>	.....Page 7
<b>Diagram of Premises to be Licensed</b>	.....Page 7
<b>Fingerprint Card and Instruction for Use</b>	.....Page 7
<b>Menu</b>	.....Page 8
<b>Partnership Agreement</b>	.....Page 8
<b>Alcohol Server Training Certification</b>	.....Page 8
<b>Compliance Letter</b>	.....Page 8
<b>Determination/Certification of Population</b>	.....Page 8
<b>Security Documents</b>	.....Page 8
<b>Biennial License Fees</b>	.....Page 9
<b>Affidavit of Creditors</b>	.....Page 9
<b>Other Information</b>	.....Page 9
<b>Involuntary Transfer</b>	.....Page 9
<b>Bonds</b>	.....Page 9
<b>Package Store – Written Orders</b>	.....Page 10
<b>Alcohol Server Education</b>	.....Page 10
<b>Seasonal Licenses</b>	.....Page 10
<b>Common Carrier – Posting &amp; Advertising</b>	.....Page 10
<b>Instructions</b>	

## **GENERAL INSTRUCTIONS FOR APPLICATION FOR LIQUOR LICENSE**

All documents received for filing in support of a new, or the transfer of a liquor license must include the same *DBA (doing business as) and (new) licensee name*.

EXAMPLES:

### **Application:**

Owner/Licensee:                 John Smith  
DBA:                                 John's Restaurant

### **Newspaper Ad:**

John Smith, DBA John's Restaurant is making application for a new.....

### **Right, Title & Interest (Lease, Deed or other property document):**

This document must be under John Smith's name, but John's Restaurant is not required to be listed; however, the legal address or legal description of the premise location must be described in this document, as well as the term (if a lease).

### **Restaurant Designation Permit:**

Licensee:                         John Smith  
DBA:                                 John's Restaurant

If your documents are submitted to this office and the licensee and establishment name are not the same throughout your documents, they will be returned to you, or you may be required to post for additional days or publish corrections.

### **General Information**

Federal and state laws require an employer identification number before commencing business. Forms are available at the Internal Revenue Service office and Alaska Department of Labor.

In addition to a state license, federal law requires you to pay a Special Occupational Tax before you begin business and each year thereafter before July 1. If you have not yet paid this tax, contact the Tax & Trade Bureau, (260) 553-1700 [www.ttb.gov](http://www.ttb.gov)

It is the responsibility of the licensee or applicant to insure compliance of the premises with public health, fire and safety codes of the state and ordinances of the municipality having jurisdiction.

Pursuant to AS 04.11.510 the Alcoholic Beverage Control Board must act on the application within 90 days of receipt of the application. **Failure to complete requirements will result in the application being presented to the board with a recommendation for denial.**

### **NOTIFICATION TO GOVERNING BODY** - AS 04.11.480, 13 AAC 104.145

Notices of all applications are sent to the local governing body (unified municipal assembly, city council or borough assembly) for their comment. The local governing body is given sixty (60) days from receipt to protest.

**THE FOLLOWING ATTACHMENTS ARE REQUIRED WITH YOUR APPLICATION**

**A - NEW APPLICATION**

- 1. ***New Liquor License Application*** (Signed and notarized)
- 2. ***Posting Affidavit*** (Signed and notarized after 10-day posting of application)
- 3. ***Proof Of Advertising*** (Publishers affidavit from newspaper or radio)
- 4. ***Proof Of Right, Title Or Interest*** (Lease, rental contract, or recorded property deed in applicant's name)
- 5. ***Statement Of Financial Interest*** (Signed & notarized)
- 6. ***Certificate Of Incorporation*** (If applicant is a corporation) **OR** ***Certificate Of Organization*** (If applicant is a limited liability company) see Division of Corporation website <http://www.dced.state.ak.us/occ/> **OR**
- 6. ***Partnership Agreement*** (If applicant is a partnership)
- 7. ***Detailed Diagram Of Premises To Be Licensed***
- 8. ***Fingerprint Cards*** (Required of all applicants, affiliates {spouse or significant other of an *Individual applicant*}; persons owning 10% or more shares/membership of an organized entity {Corporation; Limited Liability Organization}; officers/directors/managers of an organized entity)
- 9. ***License Fee***
- 10. ***Application/Filing Fee*** (\$100)
- 11. ***Alcohol Server Training Certification***
- 12. ***Menu*** [Required for all restaurant/eating place license applications; restaurant designation permit applications; and/or applications filed under AS 04.11.400(d)]

**ADDITIONAL DOCUMENTS FOR PUBLIC CONVENIENCE OR TOURISM LICENSE:**

- 1. ***Petition*** (Required for Public Convenience or when the premise is in an unorganized area)
- 2. ***Compliance Letter*** (required for applications filed under AS 04.11.400(d), (e), or (g).

**B - TRANSFER OF LICENSEE OR RELOCATION**

Licensees are responsible for all actions and operations of a license until a license transfer is approved by the ABC Board.

- 1. ***Transfer Liquor License Application*** (Signed and notarized)
- 2. ***Posting Affidavit*** (Signed and notarized after 10-day posting of application)
- 3. ***Proof Of Advertising*** (Publishers affidavit from newspaper or radio)
- 4. ***Proof Of Right, Title Or Interest*** (Lease, rental contract, or recorded property deed in applicant's name)
- 5. ***Statement Of Financial Interest*** (Signed and notarized)
- 6. ***Certificate Of Incorporation*** (If transferee is a corporation) **OR** ***Certificate Of Organization*** (If transferee is a limited liability company) see Division of Corporation website <http://www.dced.state.ak.us/occ/> **OR**
- 6. ***Partnership Agreement*** (If transferee is a partnership)

- 7. ***Diagram Of Premises To Be Licensed***
- 8. ***Fingerprint Cards*** (Transferee(s) only – includes: all applicants, affiliates {spouse or significant other of an *Individual applicant*}; persons owning 10% or more shares/membership of an organized entity {Corporation; Limited Liability Organization}; officers/directors/managers of an organized entity)
- 9. ***Affidavit Of Creditors*** (Signed & notarized by current licensee[s])
- 10. ***Application/Filing Fee*** (\$100)
- 11. ***Alcohol Server Training Certification***
- 12. ***Menu*** [Restaurant/eating place license, restaurant designation permit and/or application filed under AS 04.11.400(d)]
- 13. ***Security Documents*** (If transfer with security interest applicable, provide security interest documents)

## **DESCRIPTION OF ATTACHMENTS**

### **1. POSTING AFFIDAVIT**

Complete the Affidavit of Posting form after the posting period. The person who performs the posting must sign the affidavit in the presence of a Notary Public or a U.S. Postmaster. (see *Posting of Application*)

### **POSTING OF APPLICATION**

- a. The application must be completed, signed and notarized **PRIOR** to posting. Make two (2) copies of the completed application, and post each copy as stated in section “b”.
- b. One set of signed, notarized forms must be posted as follows: (1) If the structure is not built, place a true copy at a conspicuous location at the proposed location (on a noticable sign). (2) Second true copy of the application in the nearest post office, city or assembly hall. Alternative: if option two (2) is not available, place a true copy in a prominent place nearby, such as a gas station, grocery store or any area where the public congregates or frequents. Each copy of the application must remain posted for ten (10) full days. You must file the original applicaiton with the board after all requirements are met.

### **2. PROOF OF ADVERTISING** (Format forms are available)

Applicants must advertise three (3) times, once each week for three consecutive weeks by newspaper of general circulation in the area of the license before filing application forms. The newspaper notice must be by display advertisement measuring a minimum of one column inch by three inches. **Under 13 AAC 104.125(e), within the Municipality of Anchorage, the City and Borough of Juneau and the Fairbanks North Star Borough notice must be in a newspaper of general circulation in the area. Notice by radio may not substitute for newspaper notice in these areas.** If broadcast by radio station serving the area, advertising must be broadcast twice (2) a week for three (3) consecutive weeks [13 AAC 104.125(2)]. Notice must be broadcast during triple A advertising time. For all license holders with multiple licenses, the transfer advertisement may include all of the licenses being transferred, unless d/b/a or location are different. Ad should include licensee name(s), name of business, license type, statute reference and location. The public notice must be given within the sixty (60) days immediately preceding the filing of the application

[13 AAC 104.125(2)(d)]. No final action may be taken upon an application until at least fifteen (15) days after completion of the public notice (13 AAC 104.145). In rural areas (outside municipalities) the same notice requirements apply with the exception that in areas having impact on a substantial number of non-English speaking persons, the director may require that at least one (1) of the three ads be in the native language of the area.

A copy of the ad signed by the appropriate media representative must be filed with the application. The ten (10) full day posting period may run concurrently with the three week advertising requirement prior to submission of the application.

3. **PROOF OF RIGHT, TITLE OR INTEREST**

A legal description of the proposed business location and proof that the applicant has a lease, rental contract or recorded property deed to the land and real property wherein and whereon the business will be conducted must accompany the application. The applicant must furnish specific information for premises location. The actual physical location is to include directions, street address and if no actual address, a detailed location map.

4. **STATEMENT OF FINANCIAL INTEREST**

A Statement of Financial Interest form must be completed, signed, notarized and submitted with new applications and transfer of ownership applications. Each applicant must complete a Statement of Financial Interest.

5. **PETITION** (See Also #12 Compliance Letter)

A petition is required for restaurant eating place applications filed under public convenience provision, AS 04.11.400(g); *and* for all new applications in an unorganized area, AS 04.11.460(a) or (b). Signatures must be obtained within the ninety (90) day period immediately preceding the submission of the application. (13 AAC 104.115 & AS 04.11.460)

**AS 04.11.400(e)** Restaurant Eating Place – Public Convenience license application must include:

- a.) If the establishment is more than 18 miles from the corporate limits of a city or unified municipality a USGS map ([www.usgs.gov](http://www.usgs.gov)) of the five (5) mile radius around the premise is required, as well as a letter defining the population total of the five mile radius as follows: 1) What is the total population of the five mile radius; and 2) How many persons in that population are at least 21 years of age and permanent residents? (<http://live.laborstats.alaska.gov/cen/dparea.cfm>) The petition must have over 50% of the signatures within the five mile radius of the permanent residents at least 21 years of age.
- b.) A narrative and mathematical computation of how population totals were determined.
- c.) An explanation of how signatures were obtained (door to door, premise solicitation, etc.)

**AS 04.11.400(g)** Restaurant Eating Place – Public Convenience license application must include:

- d.) If establishment is within a municipality or organized borough a map of the one (1) mile radius around the premise is required, as well as a letter defining the population total of the one mile radius as follows: 1) What is the total population of the one mile radius; and 2) How many persons in that population are at least 21 years of age and permanent residents? The petition must have over 50% of the signatures within the one mile radius of the permanent residents at least 21 years of age.
- e.) A narrative and mathematical computation of how population totals were determined.
- f.) An explanation of how signatures were obtained (door to door, premise solicitation, etc.)

6. **ORGANIZED ENTITY INFORMATION**

When a license applicant is a corporation or a limited liability organization, any authorized corporate officer or manager is acceptable as signatory on all forms. A copy of the Certificate of Incorporation or Certificate of Organization is required to be filed. Please visit the Division of Corporations website <http://www.dced.state.ak.us/occ/> to affirm that all officers and shareholder information is same as listed on the liquor license application. Corporation status must show “Good Standing” (see below).

Type	Entity or License #	Name of Entity	Status
Limited Liability Company	80000D	ABC INVESTMENTS LLC	Good Standing

7. **DIAGRAM OF PREMISES TO BE LICENSED**

All applicants for relocation or a new license must submit to the board a detailed diagram of the premises interior (including any deck or outside area) to be licensed, on forms provided by the board. This should be a true and correct description of entrances and boundaries of the premise to be licensed, and the only area where alcoholic beverages will be sold, served, consumed, possessed or stored. All areas where alcoholic beverages will be sold, served, consumed, possessed or stored must be **outlined in red**.

All areas used for the storage of alcoholic beverages require approval of the ABC Board prior to storage of the beverages. Alcoholic beverages stored in areas not previously approved by the board are subject to forfeiture.

8. **FINGERPRINT CARD(S)**

All applicants, individuals, corporate officers and/or directors and affiliates, as defined by 13 AAC 104.990 (i.e. spouses or significant others) must submit fingerprint cards to provide criminal history/record information. See additional instructions attached to the fingerprint cards.

9. **MENU**

A menu must accompany an application for a restaurant or eating place license, a restaurant designation permit and/or an application filed under AS 04.11.400(d).

10. **PARTNERSHIP AGREEMENT**

Required if applicant is a partnership. Show how responsibilities, profits and losses are shared.

11. **ALCOHOL SERVER TRAINING CERTIFICATION**

As required under AS 04.21.025 – A licensee who sells or serves alcoholic beverages and a licensee’s agents and employees who sell or serve alcoholic beverages or check the identification of a patron to complete an alcohol server education course approved by the board.

12. **COMPLIANCE LETTER**

**AS 04.11.400(d)** Tourism License must include the number of rental rooms available to public, include any other tourism activities offered by your establishment and other amenities that you offer to encourage the tourist trade.

If an application is for an exception license under AS 04.11.400(d) a letter stating the following is required:

1. See the population table listed in AS 04.11.400(d) (1) (A) – (G). State how many rooms your establishment provides to tourists.
2. List all other activities your establishment offers to encourage the tourist trade.
3. Provide a menu of meals offered to the traveling public.

If the application is for exception licenses AS 04.11.400(e) or AS 04.11.400(g) please provide the ABC Board a letter described above, listing answers for only questions #2 and #3.

13. **DETERMINATION/CERTIFICATION OF POPULATION**

AS 04.11.400, 13 AAC 104.905

- a. In an unorganized area, a U.S.G.S. map showing the population and current licenses of the same type within the five (5) mile radius with the proposed premises as center. (See petition instructions.)
- b. A narrative and mathematical computation of how population totals were determined is required for unorganized areas.

14. **SECURITY DOCUMENTS** - 13 AAC 104.107

If a security interest is intended, a licensee/transferor shall file with the application for transfer of ownership any instrument executed under AS 04.11.670 to include a promise to retransfer from the transferee in the event of default for payment of real or personal property. (Pertains to transfer of ownership applications only.)

15. **BIENNIAL LICENSE FEES** (Licenses are renewed every two years) Seasonal licenses are one-half the fees listed below for each type of license.

○ Beverage Dispensary AS 04.11.090	\$ 2,500.00
○ Beverage Dispensary – Duplicate AS 04.11.090(e)	\$ 2,500.00
○ Beverage Dispensary – Tourism AS 04.11.400(d)	\$ 2,500.00
○ Brewery AS 04.11.130	\$ 1,000.00
○ Brewpub AS 04.11.135	\$ 500.00
○ Bottling Works AS 04.11.120	\$ 500.00
○ Club AS 04.11.110	\$ 1,200.00
○ Common Carrier AS 04.11.180	\$ 1,000.00
○ Destination Resort AS 04.11.255	\$ 1,250.00
○ Distillery AS 04.11.170	\$ 1,000.00
○ Golf Course AS 04.11.115	\$ 400.00
○ Lodge AS 04.11.225	\$ 1,250.00
○ Package Store AS 04.11.150	\$ 1,500.00
○ Pub (University) AS 04.110220	\$ 800.00
○ Recreational Site AS 04.11.210	\$ 800.00
○ Restaurant/Eating Place AS 04.11.100	\$ 600.00
○ Restaurant/Eating Place Public Convenience AS 04.11.400(g)	\$ 600.00
○ Retail Stock Sale AS 04.11.200	\$ 100.00
○ Theatre 13 AAC 104.695	\$ 600.00
○ Wholesale AS 04.11.160	\$ 2,000.00
○ Wholesale, Malt, Beverage/Wine AS 04.11.160(b)	\$ 400.00
○ Winery AS 04.11.140	\$ 500.00
○ Restaurant Designation Permit AS 04.16.049	\$ 50.00

16. **AFFIDAVIT OF CREDITORS** - AS 04.11.280(b)

An application for the transfer of a license to another entity must be accompanied by a statement, under oath, executed by the transferor, listing all debts of the business and all taxes due by the business. The Board shall inform each listed creditor of the application. *All creditors must be satisfied prior to a transfer being approved by the ABC Board.*

## **OTHER INFORMATION**

### **INVOLUNTARY TRANSFER**

If an application for retransfer is filed, documents which support default must accompany the application. Additionally, a listing of creditors required under AS 04.11.280(b) must accompany the application.

### **BONDS (SURETY) & TTB**

Bonds for wholesale, brewery, distillery, winery, and brewpub license must be in the amount of \$25,000.00 (AS 43.60.040). A **Permit In Lieu Of Bond** may be obtained from the Department of Revenue, Revenue Audit Supervisor, Income and Excise Audit, Pouch SA, Juneau, AK 99811; [dor.tax.alcohol@alaska.gov](mailto:dor.tax.alcohol@alaska.gov) Bonds may not be acquired from the Alcoholic Beverage Control Board. A copy of the Bond or Permit must be submitted with the application. Breweries, brewpubs, distilleries, wineries, and wholesalers must also apply to Trade & Tax Bureau [www.ttb.gov](http://www.ttb.gov)

**PACKAGE STORE - WRITTEN ORDERS** - 13 AAC 104.645

A package store licensee may not sell alcoholic beverages in response to a written order until the licensee has given the board written notice that the licensee sells or proposes to sell alcoholic beverages in response to such orders. Notice shall be renewed biennially with the licensee's application for license renewal.

**ALCOHOL SERVER EDUCATION** - AS 04.21.025, 13 AAC 104.465

State law requires that all employees and licensees receive alcohol server education. For further information, refer to statute and view ABC Board website <http://www.dps.state.ak.us/ABC/servertraining.aspx>

**SEASONAL LICENSES** - AS 04.11.680

A seasonal license may be issued for a time not to exceed 12 months in a two year period. The fee for a seasonal license is one-half of the biennial license fee. The filing fee is the same.

**COMMON CARRIER LICENSES – POSTING & ADVERTISING INSTRUCTIONS**

1. Posting of the application for ships is required at:
  - a. The Alaskan home port terminal.
  - b. Alaska central office **or** the post office nearest the home port terminal.
2. Posting of the application for aircraft is required at:
  - a. The Alaskan home office of the airline.
  - b. Post Office nearest the home terminal.
3. Advertising is required in the town or city where the Alaskan central office is located.

Please be prepared to include FAA or Coast Guard Certification for the vessel to be licensed.

***NOTE: Carriers may not serve alcoholic beverages within five (5) miles of a dry community when the community is a port of call.***