



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: November 2, 2023
FROM: Trishia Gilliland, Licensing Examiner RE: 4261; SubZero Bistro & Microlounge

Requested Action: Reinstatement and renewal

Statutory and Regulatory Authority: AS 04.06.090(b): “The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title.”

AS 04.11.540: “...If a complete application for renewal has not been filed by February 28 or the required fees and the penalty fees have not been paid by that date, the license expires at 12:00 midnight February 28.”

3 AAC 304.160(f): “The board will deny a request for reinstatement submitted under (e) of this section if
(1) the license became available in accordance with 3 AAC 304.100(2) and 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 failure to timely file or pay was caused by
(A) the licensee's failure to notify the board of a change of the licensee's mailing 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 licensee whether active or tacit that the board finds constitutes a failure to lawfully operate the business for which the license was issued.”

Staff Rec.: Evaluate reinstatement request in accordance with 3 AAC 304.160(e).

Background: Licensee did not apply for renewal in the 21-22 renewal season and an expiration and cessation of operations letter was sent on March 16, 2023.

Licensee submitted a renewal application in October 2023 for the 21-22 renewal season as well as AB-29: Waiver of Operation forms for the 2021, 2022, and 2023 years. These waivers include an explanation for the nonoperation as well as the associated fees.

Attachments: Request for Reinstatement / Explanation for Nonoperation
Renewal Application
AB-29 2021 - COVID
AB-29 2022 - 1st
AB-29 2023 - 2nd

AMCO
OCT 13 2023

PROVIDE AN EXPLANATION AS TO WHY THE LICENSED PREMISE WERE NOT OPERATED.

We stopped using SubZero as a bar during the global pandemic; due to its small size and social distancing regulations, it was not viable as a bar space. To stay afloat and be able to stay current on our lease for the shuttered SubZero space (which hoped to one day re-open), we participated in an innovative program called "Ease Hunger /Keep Restaurants Afloat," which was a partnership between the Municipality of Anchorage, the Alaska Hospitality Retailers Association, and the United Way Meal, which helped put the hospitality industry to work helping provide meals to low-income families, children, youth and seniors who did not have a secure food source. We converted the SubZero space to accommodate the food preparation and packing required for this program. We did that from January 2021 through March 2022. We were grateful for the opportunity to be part of this innovative program. We had planned to apply to reinstate SubZero's license at the conclusion of that program, in the Spring of 2022, but one of the founders and majority owners, and his wife, suffered major health problems that led to a delay in that plan. While still facing health challenges, the owners have new management and succession planning in place. The company greatly appreciates the Assembly considering its request to renew its SubZero liquor license at this time. It has been a long road to get here!

RESPONDING TO COVID-19



EASE HUNGER / KEEP RESTAURANTS AFLOAT

Impact Report: November 2, 2020 - January 2, 2022

The coronavirus pandemic continues to deliver economic challenges to thousands of Alaskans.

- Alaska's leisure and hospitality industry experienced the biggest labor hit in 2020. By the end of 2021 the industry still lagged pre-pandemic 2019 jobs by nearly 4,000.
- In 2021 nearly 1 in 5 Alaska children faced food insecurity.

■ A win-win-win partnership

The Alaska Hospitality Retailers Association, the Municipality of Anchorage, and United Way of Anchorage created an innovative partnership to bring desperately needed revenue to Anchorage restaurants, keep restaurant workers – cooks, dishwashers, and delivery staff – on the job, purchase food and supplies, and provide welcome meals to low-income families, children, youth and seniors who are underserved and food insecure.

■ Who's being helped



"Life Saver. We wouldn't be open without this program."
Brandi Rathbun
Tiki Pete's Dogs

"The help and support this program has supplied our families during these challenging and unsure times has been such a relief."

Donna Reisinger
RurAL CAP Child Development

Breakfast • Lunch • Dinner • 7 Days a Week and Holidays

Funding provided by the Municipality of Anchorage, the Alaska Community Foundation in partnership with the Alaska Department of Health and Social Services, Rasmuson Foundation, AK Can Do, First National Bank Alaska, together with dozens of individual donors from across our community.

■ The difference reported by meal recipients

"Children are always excited to see what the meals are. Dinners are very appreciated by families. LOTS of food and great food quality.

Selina
Kids' Corps

"Just a note of thanks for the chow. Not only was it good but it was delivered to my door. My food budget was \$150-200 a month, but with your help I averaged around \$50. That covered weekends and left enough in the budget for medicines and other essentials."

Brul J., resident
Chugach Manor Senior Housing



■ The difference reported by participating restaurants

**Approximately 748
Employees
hired, rehired, or maintained that may
not have had jobs otherwise**

**Approximately 410
Existing Employees
received extra hours**

"Our staff was excited for the opportunity to serve our meals and know the meals were going to non-profits that could benefit from our product. We had a great repour with all our non-profits and if needed we would tweak our menu on an as needed request. We at Subway have been very fortunate to part of this program and would love to see it continued whether we are part of it or not.

No one can thrive on an empty stomach; this program has not only helped the restaurant industry but exceeded in responding to the needs of individuals struggling with food insecurity in our community. Thanks to MOA, United Way of Anchorage and Alaska Hospitality Retailers Association for giving our industry a boost when we needed it most.

Chris Wilson, Vice President
Subway of Alaska, Inc.



Participating Restaurants

49th State Brewery, Acai Alaska, AK Alchemist, Anchorage Ale House, Anchorage Cider House, Anchorage re:MADE, Bear Tooth, Blue Line, Bridge Seafood, BurgerFi, Burrito King, Cafe Amsterdam, Cassie's Place, Crush Bistro, Eagle River Ale House, El Rodeo, Fancy Moose, Firehouse, Firetap, Flattop, Gallo's, Gumbo House, Harley's Old Thyme, Hong Kong Spirit Food, Hula Hands, Humpy's, Jalapenos, Kincaid Grill, Kindred Spirit, Little Miss Cafe, Lucky Wishbone, Main Event, Matanuska Brewery, Middle Way Cafe, Mo's Deli, Moose ala Mode, Moose's Tooth, Mr. Darryl's Southern BBQ, Muffin Man, Oriental Garden, Peppercini's, Ray's Place, Roscoe's, Ryuu Bowl, Saint Coyote, Sal's NY Grill, Snow City, South Restaurant and Coffeehouse, Spenard Roadhouse, Steam Dot, **Sub Zero**, Subway of Girdwood, Subway of Alaska, Sullivan's, Taco King, Tatilani, Tent City Tap, Tequila 61, Tiki Pete's Dogs, Top Bop, Uncle Joe's, Waffles and Whatnot, Wild Fork, Writers Block Bookstore & Cafe

Feeding children, youth, families, seniors at the following organizations:

AK Child and Family, Alaska Behavioral Health - Power program, Alex Hotel, Anchorage Senior Center, Aviator Hotel, AWAIC, Boys and Girls Clubs, Camp Fire Learning Pods, Chugach View Senior Housing, Clare House, Covenant House Alaska, Creekwood Hotel, Downtown Hope Center, Fairview Recreation Center, Gospel Rescue Mission, Karluk Manor, Kids' Corps, Hope Community Resources, RurAL CAP Safe Harbor, RurAL CAP Child Development, Sitka Place, Sockeye Hotel, Step Up, 325 E. 3rd.



AMCO
OCT 13 2023

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-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- 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

Licensee (Owner):	HookLINE & SINKER	License #:	4261
License Type:	Beverage Dispensary		
Doing Business As:	Subzero Bistro + Micro lounge		
Local Governing Body:	MOA		
Community Council:	Downtown		

If your mailing address has changed, write the NEW address below:

Mailing Address:	610 W. 6 th Ave				
City:	Anch	State:	AK	ZIP:	99501

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:	Bill Opinskiy	Contact Phone:	860 918 3695
Contact Email:			

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:	Tom Banks	Contact Phone:	(860) 918-3695
Contact Email:	TomPaulbanks@gmail.com		

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 2022 and/or 2023?

YES NO



Section 4 – Ownership Structure Certification

YES NO
[] [X]

Did the ownership structure of the licensed business change in 2021/2022?

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 2021 or 2022.

[X] TB

Section 5 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

- 1. The license was operated for more than 240 hours throughout each year. (Year-round)
2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year...

Section 6 - Violations and Convictions

YES NO
[] [X]

Have ANY Notices of Violation been issued for this license?

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 2021 or 2022?

[] [X]

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 304, 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...
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...



OCT 13 2023

- 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 304.465.

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]
 Signature of licensee
Bill OPINSKY
 Printed name of licensee



[Signature]
 Signature of Notary Public
 Notary Public and for the State of Washington
 My commission expires: 11-8-2023

Subscribed and sworn to before me this 10 day of October, 2023.

- 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:	\$ <u>2500</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$ <u>500+ \$1,000</u>
				Total Fees Due:	\$ <u>4,300</u>

late reinstatement



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:	Hook Line & Sinker, Inc	License Number:	4261		
License Type:	Beverage Dispensary - Duplicate				
DBA:	SubZero Bistro & Microlounge				
Premises Address:	612 F Steet				
City:	Anchorage	State:	Alaska	ZIP:	99501
Local Governing Body:	Municipality of Anchorage				

Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other COVID

Request for Calendar Year 2021



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:

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:

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.

JM

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.

JM

James Maurer

Printed name of licensee

James Maurer

Signature of licensee

Office Use Only

Waiver Application Fee:	COVID	Late Fee:	COVID	Transaction #:	COVID
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AMCO
OCT 13 2023

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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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
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Section 1 – Establishment Information

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

Licensee:	Hack Line + Sink	License Number:	4241		
License Type:	Beverage Dispensary				
DBA:	Subzero Bisto + Micolange				
Premises Address:	612 Fstreet				
City:	Anch	State:	Alaska	ZIP:	99501
Local Governing Body:	MOA				

Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2022



AMCO
OCT 13 2023

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

Section 3 – Reason for Non-operation

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

SEE ATTACHED.

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.

WJ

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.

WJ

WILLIAM B DRINSKY
Printed name of licensee

Signature of licensee

Office Use Only			
Waiver Application Fee:	1250-	Late Fee:	1000
		Transaction #:	100684773



Alaska Alcoholic Beverage Control Board

Form AB-29: Waiver of Operation Application

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License Type:	Beverage Dispensary - Duplicate				
DBA:	SubZero Bistro & Microlounge				
Premises Address:	612 F Steet				
City:	Anchorage	State:	Alaska	ZIP:	99501
Local Governing Body:	Municipality of Anchorage				

Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2023

AMCO
 NOV 02 2023



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:

Section 4 – Certifications

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Initials

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JM

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.

JM

James Maurer

Printed name of licensee

James Maurer

Signature of licensee

<i>Office Use Only</i>				100607912	
Waiver Application Fee:	2,500	Late Fee:	2,000	Transaction #:	4,500