



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: October 16, 2023

FROM: Audrey Saylor OLE

RE: 4742 Thibodeaus Liquor

Requested Action: Consideration of 3rd waiver.

**Statutory
And
Regulatory
Authority:**

3 AAC 304.170(e): "The board will, in its discretion, deny a third or subsequent consecutive application for waiver unless the licensee clearly shows that the licensed premises were not operated because the premises were condemned or substantially destroyed by any cause...Additionally, a third or subsequent consecutive application for waiver that does not identify a licensed premises location will, in the board's discretion, be denied."

Staff Rec.: Board's discretion

Background: This is the third waiver requested by this licensee without including the Covid waivers. Licensee states they have a potential buyer and wish to transfer this license.

Attachment: Memo
3rd Waiver Application for 2023
2nd Waiver Application for 2022
1st Waiver Application for 2019



AMCO
OCT 10 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

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:

\$ 3000

- 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:	Thibodeaus Market Inc		License Number:	4742		
License Type:	Package store					
DBA:	Thibodeaus LIQUOR					
Premises Address:	no premises					
City:	Juneau	State:	Alaska	ZIP:	99801	
Local Governing Body:	Juneau City and Borough					

Section 2 - Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2023



AMCO
OCT 10 2023

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Section 3 - Reason for Non-operation

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

We are in the process of possibly selling license #4742 which might take a few months to finalize. We have a potential buyer we have been meeting with. We would like to get a 3rd waiver approved, if possible by the Board until we can get things finalized and figured out.
Thank you for your consideration

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.

PT

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.

PT

Pete Thibodeau

Printed name of licensee

Pete Thibodeau

Signature of licensee

Office Use Only

Waiver Application Fee:	3000-	Late Fee:	0	Transaction #:	100670683
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\$ 1500.00

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.

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License Type:	Package Store				
DBA:	Thibodeaus LIQUOR				
Premises Address:	no Premises				
City:	Juneau	State:	Alaska	ZIP:	99801
Local Governing Body:	Juneau City and Borough				

Section 2 – Request Number and Calendar Year

1st Request
 2nd Request
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Request for Calendar Year 2022



Alaska Alcoholic Beverage Control Board

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Section 3 – Reason for Non-operation

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

Not knowing how Covid 19 was going to go this year, we have not found a location. We are still looking. Also, we have had trouble finding and keeping employees for our existing stores let alone our new store that we are trying to open. Employees are getting sick and not coming to work and quitting. It is a real crisis nationwide not being able to find employees. Thank you for your consideration for this waiver.

Section 4 – Certifications

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

Initials

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P.T

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P.T

Pete Thibodeau

Printed name of licensee

Signature of licensee

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



Alaska Alcoholic Beverage Control Board

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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 1/2 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 could 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.

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Section 2 - Request Number and Calendar Year

1st Request
 2nd Request
 3rd Request
 Other _____

Request for Calendar Year 2019



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Section 3 - Reason for Non-operation

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

We are in the process of finding a location to operate the license. When we initially purchased the license we had a place in mind but it didn't work out. We are needing more time to find a good location that works for our corporation.

Thank you

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.



As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

Signature of licensee

Pete Thibodeau

Printed name of licensee



Notary Public in and for the State of Alaska.

My commission expires: April 1, 2021

Subscribed and sworn to before me this 21st day of September, 2019.

Office Use Only			
Waiver Application Fee:	\$ 750	Late Fee:	
		Transaction #:	1147632