



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: January 25, 2024

FROM: Jane P. Sawyer,
Program Coordinator

RE: 2024-2025 License Renewal
Application: Thibodeaus Liquor
license 4742. Package Store.

At today's meeting, the ABC Board will be holding or has held an informal conference with the licensee and their legal counsel regarding the denial of a third waiver for license 4742 at the Board's meeting held on November 2023.

The 2024-2025 renewal of the license seems to be dependent on what happens with the waiver; hence it is under the same section on agenda, but it is not part of the informal conference. The renewal application has been deemed complete.

Applicable regulation and statute:

(new 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). *This is the pertinent subsection impacting the renewal. This exact language is transferred over from 3 AAC 304.170 – no need to repeat it.*

(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.

04.11.330. Denial of license or permit renewal. (a) An application requesting renewal of a license or endorsement shall be denied if

(1) the board finds, after review of all relevant information, that renewal of the license or endorsement would not be in the best interests of the public;

(2) the license or endorsement has been revoked for any cause;

(3) 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;

(4) the board finds that issuance of an existing beverage dispensary tourism license under AS 04.09.350 or seasonal restaurant or eating place tourism license under AS 04.09.360 has not encouraged tourist trade;

(5) the requirements of AS 04.11.420 - 04.11.450 relating to zoning, ownership of the license, and financing of the licensee have not been met;

(6) renewal of the license or endorsement would violate the restrictions pertaining to the particular license or endorsement under this title or the license or endorsement has been operated in violation of a condition or restriction imposed by the board;

(7) renewal of the license is prohibited under this title as a result of an election conducted under AS 04.11.507; or

(8) the application has not been completed in accordance with AS 04.09.370 or AS 04.11.270.

(b) An application for renewal of a license may be denied if the applicant is delinquent in the payment of taxes, fees, or penalties due to the state or a local government if the tax liability or fees or penalties assessed arise in whole or in part out of the licensed business.

(c) An application requesting renewal of a conditional contractor's permit shall be denied if

the board finds, after review of all relevant information, that issuance of the permit would not be in the best interests of the public;

(1) the application has not been completed in accordance with AS 04.11.270.

(d) Notwithstanding (a)(3) of this section, a theater license issued under AS 04.09.250, a common carrier dispensary license issued under AS 04.09.260, or a sporting activity or event license issued under AS 04.09.270 may be renewed if the license was exercised at least once during each of the two preceding calendar years.

(e) The requirements of (a)(3), (5), and (7) of this section do not apply to a manufacturer direct shipment license issued under AS 04.09.370.

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

4742

XXXX

LIQUOR LICENSE

ISSUED

2024 - 2025

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2025 (AS 04.11.270(b))

12/27/2023

ABC BOARD

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2026 UNLESS DATED BELOW

TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

1150

CITY / BOROUGH: Juneau
Juneau

D/B/A: Thibodeaus Liquor
No Premises

Mail Address:
Thibodeau's Market Inc.
PO Box 20290
Juneau, AK 99802

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 10/20/22)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

4742

XXXX

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ISSUED

2024 - 2025

LICENSE RENEWAL APPLICATION DUE
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ABC BOARD

TEMPORARY

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TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

CITY / BOROUGH: Juneau
Juneau

D/B/A: Thibodeaus Liquor
No Premises

Mailing Address:
Thibodeau's Market Inc.
PO Box 20290
Juneau, AK 99802

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

04-900 (REV 5/9/22)



AMCO
DEC 4 2023

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:	Thibodeaus Liquor	License #:	4742
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If your mailing address has changed, write the NEW address below:

Mailing Address:			
City:	State:	ZIP:	

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:	Pete Thibodeau	Contact Phone:	907 957-7676
Contact Email:	slob@alaska.net		

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:	Rosie Thibodeau	Contact Phone:	907 209-4409
Contact Email:	slob@alaska.net		

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

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

YES NO

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.

3rd Waiver denied @ NOV. 2023 meeting under 304.170(e). Board Action Letter + request for hearing sent 12.8.23. ← Appeal in process as of 12.15.2023
Potential action on this renewal application under 304.170(g) + AS 04.11.330 (a)(3). JPS/Amco



AMCO DEC 4 2023

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>
_____ 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"/> |

waiver filed 10/2/23 copy attached

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.



Alaska Alcoholic Beverage Control Board

Form AB-17: 2024/2025 License Renewal Application

Pepe Thibodeau

Printed name of licensee

[Handwritten Signature]

Signature of license

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>

AMCO
DEC 4 2023

FOR OFFICE USE ONLY

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 1900.00

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	THIBODEAU'S MARKET, INC.

Entity Type: Business Corporation

Entity #: 43194D

Status: Good Standing

AK Formed Date: 12/30/1988

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2026

Entity Mailing Address: PO BOX 20290, JUNEAU, AK 99802

Entity Physical Address: 5234 GLACIER HWY, JUNEAU, AK 99801

Registered Agent

Agent Name: ROSIE THIBODEAU

Registered Mailing Address: PO BOX 20290, JUNEAU, AK 99802

Registered Physical Address: 5234 GLACIER HWY, JUNEAU, AK 99801

Officials

Show Former

AK Entity #	Name	Titles	Owned
	PETER J THIBODEAU	Director, President, Shareholder	70.00
	ROSIE THIBODEAU	Secretary, Vice President, Treasurer, Shareholder	30.00

Filed Documents

Date Filed	Type	Filing	Certificate
12/30/1988	Creation Filing		
12/13/1989	Biennial Report		
1/16/1992	Biennial Report		
2/29/1992	Biennial Report		
12/16/1993	Biennial Report	Click to View	
12/14/1995	Biennial Report	Click to View	
12/19/1997	Biennial Report	Click to View	
1/04/2000	Biennial Report	Click to View	
12/31/2001	Biennial Report	Click to View	

Date Filed	Type	Filing	Certificate
1/16/2004	Biennial Report	Click to View	
11/29/2005	Biennial Report	Click to View	
10/14/2010	Biennial Report	Click to View	
10/14/2010	Biennial Report	Click to View	
12/22/2010	Agent Change	Click to View	
11/21/2011	Biennial Report	Click to View	
11/06/2013	Biennial Report	Click to View	
1/15/2014	Certificate of Compliance		Click to View
11/09/2015	Biennial Report	Click to View	
10/21/2017	Biennial Report	Click to View	
10/23/2017	Certificate of Compliance		Click to View
10/25/2019	Biennial Report	Click to View	
10/26/2021	Biennial Report	Click to View	
10/20/2023	Biennial Report	Click to View	
10/26/2023	Entity Address Change	Click to View	

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