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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski, Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** June 4, 2021

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcoholic Beverage Control Board regulations re: death of a licensee (3 AAC 304.215 – 3 AAC 304.217)

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Attorney General File:	2019200733
Regulation Filed:	6/4/2021
Effective Date:	7/4/2021
Print:	239, October 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Jane P. Sawyer, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF ALCOHOLIC BEVERAGE CONTROL BOARD

The attached three pages of regulations, dealing with death of a licensee are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its March 30, 2021, meeting, under the authority of AS 04.06.090 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: APRIL 15, 2021

  
Glen Klunkhart, Director

FILING CERTIFICATION

*April Simpson for*  
I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

June 4, 2021 at 3:23 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*April Simpson*  
*for* Lieutenant Governor *Kevin Meyer*

Effective: July 4, 2021.

Register: 239, October 2021.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

<sup>2</sup> (Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 304.215 is repealed and readopted to read:

**3 AAC 304.215. Death of a sole licensee.** (a) Upon the death of an individual who is the

sole owner of a license or the sole owner of the licensed entity, the business operating the license

shall cease operation unless <sup>and</sup> until an administrator or executor of the estate files <sup>with the director</sup> written proof

<sup>7(1)</sup> of the administrator or executor's authority to act on behalf of the licensee or the estate of the

deceased <sup>(b)</sup> along with a written request to continue operations <sup>the director's validation</sup> with the director. Upon receipt of

<sup>2</sup> written proof of the administrator or executor's authority and validation of the authority and as

conclusion that the director has not filed or will not file an accusation seeking as long as the license is not subject to any other action permitting suspension or revocation of the

license, the director will grant permission <sup>to the administrator or executor</sup> to operate the business

upon the licensed premises as permitted under AS 04.11.030. That permission expires upon legal

appointment of a different administrator or executor of the estate <sup>upon</sup> approval of an

application for transfer of the license submitted in accordance with 3 AAC 304.175 <sup>or upon</sup>

<sup>7(3) license</sup> forfeiture in accordance with AS 04.11.030(b). ~~A notice of violation or inspection report should~~

~~not prevent the director for providing permission.~~

<sup>(c)</sup> (b) An application for transfer of the license from the deceased licensee must be made in

compliance with the time limitations set out <sup>in</sup> at AS 04.11.030(b). Failure to do so forfeits the

license, unless the board approves ~~an extension of the time limits upon the filing of a written~~

request from <sup>A</sup> the administrator or executor to extend the applicable deadline. <sup>request</sup> All written petitions

to extend the applicable deadline must be submitted before the expiration of applicable deadline,

unless the board approves a <sup>request</sup> petition submitted after the deadline for good cause and the license is

still available for transfer.

Register 239, October 2020, <sup>(1)</sup> COMMERCE, COMMUNITY AND EC. DEV. <sup>5</sup>

(d) In

<sup>2</sup> (e) For purposes of this section and 3 AAC 304.216, "administrator or executor" includes within the meaning given in an administrator, executor, agent, or personal representative as defined at AS 13.06.050. (Eff.

11/29/81, Register 80; am 7 / 4 / 2021, Register 239)

Authority: AS 04.06.090 AS 04.06.100 AS 04.11.030

3 AAC 304 is amended by adding <sup>(C)</sup> a new section <sup>1</sup> to read:

**3 AAC 304.216. Death of an individual with a controlling interest in a license issued**

**to a business entity.** (a) Upon the death of an individual who owns a controlling interest in a partnership, including a limited partnership, a limited liability company, or a corporation that

AS 04 and chapter, holds a license under this title, the business entity may continue to operate the licensed business C, not later than 90 days after the individual's death, but shall file a transfer application as required under AS 04.11.040 and 3 AAC 304.175 or a time extension request under (b) of this section. within 90 days of the death of ~~the individual.~~ If a transfer application or time extension request is not filed by the 90-day

deadline, the business shall cease operation until <sup>(a)</sup> the transfer application is filed.

(b) Upon receipt of <sup>a time</sup> an extension request, the board may grant an extension not to exceed one year. <sup>(A)</sup> <sup>request</sup> All written petitions to extend the applicable deadline must be submitted before the expiration of the applicable deadline, unless the board approves a <sup>request</sup> petition submitted after the deadline for good cause and the license is still available for transfer. Additional extensions may be granted by the board only for good cause. (Eff. 7 / 4 / 2021, Register 239)

Authority: AS 04.06.090 AS 04.06.100 AS 04.11.030 <sup>(4)</sup>

3 AAC 304 is amended by adding a new section to read:



**3 AAC 304.217. Death of an individual with less than a controlling interest in a license issued to a business entity.** (a) Upon the death of an individual who owns less than a controlling interest in a partnership, including a limited partnership, a limited liability company, or a corporation that holds a license under this title, the business entity may continue to operate AS 04 and chapter, not later than 90 days after the individual's death, (1) report, as applicable, the licensed business but shall report a change of ownership under AS 04.11.045, 04.11.050, or 04.11.055, (2) and 3 AAC 304.175 or a time extension or shall file a transfer application if required by AS 04.11.040, within 90 days of the request under (b) of this section. death of the individual. a time

(b) Upon receipt of an extension request, the board may grant an extension not to exceed one year. A request All written petitions to extend the applicable deadline must be submitted before the expiration of applicable deadline, unless the board approves a request petition submitted after the deadline for good cause. Additional extensions may be granted by the board only for good cause.

(Eff. 7 / 4 / 2021, Register 239)

**Authority:** AS 04.06.090

AS 04.06.100

AS 04.11.030