From:	Christy Fowler
To:	Alcohol, CED AMCO (CED sponsored); CED ABCB AMCO (CED sponsored); Gonzales, Gabriel (CED)
Subject:	Letter to ABC Board re Haines Borough"s New Resolution petitioning ABC Board for SIX REPL"s
Date:	Sunday, September 8, 2024 9:23:35 PM
Attachments:	Haines Borough minutes Deputy Mayor Debra Schnabel 8.27.24.pdf

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September 8, 2024

Alcoholic Beverage Control Board

Dear Board Members:

My husband, Bob Fowler, and I own the Pioneer Bar and Bamboo Room Restaurant in Haines, which have been in my family for 70 years.

This letter is regarding Alaska Statute 04.11.405 and the Haines Borough Assembly's recent Resolution #24-05-1111 to petition the ABC Board for an additional 6 Restaurant & Eating Place Licenses immediately following a denial of their petition for 10.

The resolution was once again hurried through, with the only committee addressing the issue prior to assembly vote, being a Tourism Board meeting which took place at NOON on a day with three cruise ships. Stakeholders were hard pressed to attend. The new resolution was next scheduled to go before the Commerce Committee, but the meeting was canceled. When I inquired whether it would be rescheduled, I was told by a borough official that it would not, as they "needed to get the resolution through the assembly on August 27th in order to make it into the ABC Board meeting on September 10th." This goes against the ABC Board's instructions to take more time for public input.

From what I understand, this statute was intended to address the needs of towns such as Soldotna and Wasilla, with an expansive outlying residential population regularly driving in to use the town's services. It is being misinterpreted by coastal communities to include cruise ship tourists, already addressed by Seasonal Tourism licenses. In Haines' new application, our borough used the same tourism numbers that were found suspect by the ABC Board at their previous meeting. In addition, our assembly members erroneously think they can sit on these licenses, then debate the issues, make their own guidelines, and award them as they see fit (see attachment with Deputy Mayor quotes).

This statute needs clarification. It is harming those of us with current licenses, who are being forced to defend their value. The fact that the new REPLs are FREE (except filing fee) is unfair, giving a competitive advantage to new businesses over those with a considerable investment in their license. That the statute is being wholly misinterpreted to include tourism numbers is wreaking havoc on those of us who have been playing by the rules all these years. Now we have been pitted neighbor against neighbor, as everyone is jumping on the bandwagon, feeling entitled to a free license just because they want one. Furthermore, it appears that these licenses, once granted, can be sold.

Few are considering the social impact of this. We, who have paid real money for our licenses, have good reason to be responsible purveyors. Why would someone with a free license be concerned about losing it, if they have no financial skin in the game?

We are hoping you will open a regulation project to clarify and define the new legislation. Here are some issues that need to be addressed:

1. Cities should not be able to double-count tourist population.
2. Define Visitor Population (aka *not* tourists), or take “Visitor population” off list of qualifying population numbers in language of new statute. Replace with "residents," as the statute was designed for towns with an expanded population of residents living in the area surrounding the town who utilize the town's services.
3. Clarify existence of seasonal tourism option.
4. Require stakeholder notification and involvement at the local level.
5. It’s not fair that these REPLs could exist, let alone are FREE, and furthermore, could be SOLD – they should go away at sale/close of business.
6. Before making a decision to increase REPLs, in each case the ABC Board needs to know how many licenses are unused, for sale, etc. Don't allow new REPLs to be made available if the town has ANY for sale. Protect the current, law-abiding licensees from losing the value of their investments.
7. Require a certain and specific level of municipal discussion before a resolution can be passed to the State.
8. Consider capping the number of times a municipality can request, once denied. Protect the ABC Board from having to continuously reconsider and current licensees from having to continuously defend against a barrage of frivolous applications. Require a reasonable amount of time to pass before a municipality is allowed to reapply.

FIRST DO NO HARM. Please protect current licensees from having our livelihood affected by those who have no knowledge or understanding of our business.

Thank you for considering this request.

Christy Tengs Fowler
Pioneer Bar
Bamboo Room Restaurant
PO Box 190
Haines, AK 99827

851
01:31:33.860 --> 01:31:40.269
Haines Borough: and speaking to Sarah J's concerns and desires for more conversation.

852
01:31:40.500 --> 01:31:51.940
Haines Borough: As I see this happening. If we are approved for 6 additional licenses, it will be the Assembly's prerogative of how those

853
01:31:52.010 --> 01:31:53.940
Haines Borough: are distributed or not.

854
01:31:53.970 --> 01:31:57.639
Haines Borough: And so, if we are allowed the 6

855
01:31:57.950 --> 01:31:59.730
Haines Borough: additional

856
01:32:00.135 --> 01:32:17.214
Haines Borough: beer and wine licenses that we've requested there, I think, will be a time for us to develop a policy that will guide us in how we want to distribute those those licenses, and we have time for that to settle the issues within our own community.

857
01:32:17.880 --> 01:32:32.340
Haines Borough: remember, we don't necessarily even have to distribute them. But I think it's important for us to know why we would be wanting to, and what the criteria would be. So I think that we have time for that. So I support this, and I would then move

858
01:32:32.420 --> 01:32:38.249
Haines Borough: to adopt the draft. Substitute resolution 24, 0, 5, 1. 1.

859
01:32:38.860 --> 01:32:40.549
Haines Borough: Is there a second? Okay.

860
01:32:41.410 --> 01:32:49.620
Haines Borough: Motion by Schnabel, second by Loomis to adopt resolution 24, 0, 5, 1. 1 other assembly discussion at this time. Yeah.

861
01:32:50.278 --> 01:32:52.590
Haines Borough: Just a couple comments

862