

**MEETING AGENDA
5:30 P.M. / COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
 - a. Minutes of July 25, 2019 page 3
- 4. APPROVAL OF AGENDA**
- 5. UNFINISHED BUSINESS**
 - a. Code Committee's To Do List page 5
 - Plastic bag update (MOA ban to start 9/15/2019) page 7
 - Casual / isolated sales page 11
 - Internet sales tax page 17
- 6. NEW BUSINESS**
 - a. Bristol Bay Bud Company, LLC Retail Marijuana Store License Renewal page 35
 - b. Review liquor / marijuana license review form page 51
- 7. PUBLIC COMMENT/COMMITTEE COMMENTS**
- 8. ADJOURNMENT**

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1. CALL TO ORDER

The Code Review Committee met on Thursday, July 25, 2019, in the City Council Chambers, Dillingham, AK. Council Member Chris Maines chaired the meeting and called the meeting to order at 5:30 p.m.

2. ROLL CALL

Committee Members present:

Mayor Alice Ruby	Chris Maines	Gregg Marxmiller
Lori Goodell	Tod Larson	Chris Napoli

3. APPROVAL OF MINUTES

- a. Minutes of January 31, 2019

MOTION: Alice Ruby moved and Chris Napoli seconded the motion to approve the minutes of January 31, 2019.

VOTE: The motion passed unanimously by voice vote.

4. APPROVAL OF AGENDA

MOTION: Gregg Marxmiller moved and Alice Ruby seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by voice vote.

5. UNFINISHED BUSINESS

- a. Code Committee's To Do List

There have been no updates to the list.

6. NEW BUSINESS

- a. Willow Tree Inn Liquor License Transfer

MOTION: Gregg Marxmiller moved and Chris Napoli seconded the motion to recommend council take no action regarding the Willow Tree Inn liquor license transfer.

- There is no reason to protest.
- The new owners are responsible business owners.
- There is a slight concern as the new owners would have a 'monopoly' in town.

VOTE: The motion passed unanimously by voice vote.

- b. J & R Green Farm Marijuana Cultivation Facility License Renewal

MOTION: Chris Napoli moved and Gregg Marxmiller seconded the motion to recommend that council take no action regarding J & R Green Farm marijuana cultivation facility license renewal.

- It was noted there is no reason to protest.
- The business is said to be looking to do two shipments a year and has a buyer secured.

QUESTION called, no objections.

VOTE: The motion passed unanimously by voice vote.

7. PUBLIC COMMENT/COMMITTEE COMMENTS

Alice Ruby: verified status of Windmill Grille liquor license. Noted Senator Dan Sullivan will be in Dillingham and would like the City do a tour of the harbor with him.

Gregg Marxmiller: noted BBNA is conducting a training on undoing racism. The AMCO licensing process was reviewed.

Chris Maines: thanked the committee for their attendance. It was noted a trip to the harbor ramps was insightful; they were precarious and slippery.

The next meeting was set for September 12, 2019.

8. ADJOURNMENT

The meeting adjourned at 5:53 p.m.

Chris Maines, Chair

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____

CODE REVIEW COMMITTEE'S TO DO LIST

Updated 2.1.2019

C#YR	DATE ASSIGNED	TASK	STATUS Resolved?	Finance & Code
	August 2, 2018	Retail Plastic Bag Discussion		
	Dec. 6. 2018	Review Sales Tax exemption regarding lease		
	Dec. 6. 2018	Review personal use v commercial use; fishing vessels		
	April 4, 2019	Update Sales Tax Code, language for SCOTUS Wayfair decision, internet sales		
	April 11, 2019	Sales Tax Code review for casual and isolated sales		

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DISPOSABLE PLASTIC BAG BAN FACTSHEET*



Two new ordinances (laws) passed by the Anchorage Assembly make it **unlawful for retail stores to provide any soft plastic shopping bags for a purchaser to carry away goods after September 15, 2019.**

1 PURPOSE OF THE LAWS

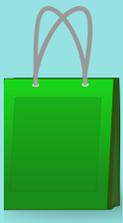
- Plastic bags are harmful to bodies of water, such as lakes and creeks in Anchorage and Cook Inlet.
- Plastic bags endanger wildlife, such as moose, bears, eagles and whales.
- Plastic bags are toxic and take hundreds of years to decompose.

2 MAIN POINTS

- Beginning September 15, 2019, retailers cannot provide any plastic shopping bags for a purchaser to carry away goods.
- Shoppers may bring and use their own bags, of any kind.
- Reusable bags made of cloth or other woven material, with handles, which are designed and manufactured to withstand repeated use over time, may be sold by retailers or provided to customers free of charge.
- Alternative bags (such as paper bags) may be made available by retailers. Retailers must charge the shopper 10¢ per bag to a maximum of 50¢ per transaction for the alternative bag, and that charge must be separately itemized on the receipt.

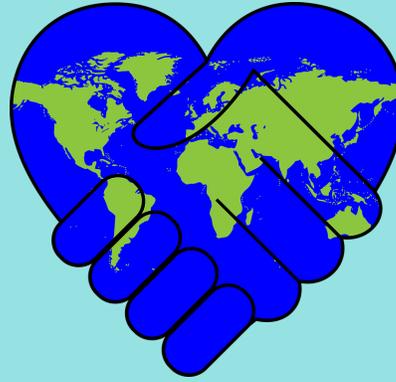
3 TERMS USED IN THE NEW LAW

- **Plastic shopping bag** is a bag made exclusively or primarily of soft plastic (including plastics marked or labeled as “biodegradable” or “compostable”) that is designed to carry customer purchases from the retail seller’s premises.
- **Reusable bag** is a bag designed and manufactured to withstand repeated use over time; OR is made from cloth, other machine washable fabric, or is made from other woven material that can be cleaned and disinfected regularly; and has handles.



*This fact sheet is provided as a courtesy to the public to highlight provisions of the law; it is not the law. For specific details of the law and the requirements or prohibitions in the law, please refer to the text of the ordinances (AO NO. 2018-63(s), As amended, and AO NO. 2018-110, As Amended), or Anchorage Municipal Code Chapter 15.95.

DISPOSABLE PLASTIC BAG BAN FACTSHEET (CONT.)



3 TERMS USED (CONT.)

- **Alternative bag** means any bag that is designed to carry customer purchases from the retail seller premises that is neither a disposable plastic shopping bag nor a reusable bag.

4 THERE ARE SOME EXCEPTIONS IN THE LAW

- This ordinance does not apply to plastic bags used for: goodie bags, non-profit giveaways, individuals bringing in their own plastic bags, bulk item bags, bags used to contain frozen foods, meat or fish, ice, newspaper, prescription drugs, wrapped flowers or potted plants, unconsumed portion of a bottle of wine, laundry or dry-cleaning, and protected goods that are not individually wrapped. It does not apply to a package of multiple bags for use off the store premises, such as for garbage, pet waste, or yard waste.
- Fees for alternative bags provided by retailers will be waived for any purchases made with federal or state supplemental nutrition assistance programs (food stamps, food coupons, WIC, etc.).

5 CONSEQUENCES FOR VIOLATIONS BY RETAILERS

- A warning for a first offense,
- A \$250 fine for a second offense, and
- A \$500 fine for a third and subsequent offenses.



Reviewed by the Municipality of Anchorage Legal Department

If you have additional questions, your Assembly Member's contact information may be found at www.Muni.org/Assembly.



Lori Goodell <cityclerk@dillinghamak.us>

Reference: GCC38706 - Plastic Bag Usage

1 message

Armstrong, Scott (NS) <Scott.Armstrong@glasgow.gov.uk>

Fri, May 31, 2019 at 3:18 AM

To: "cityclerk@dillinghamak.us" <cityclerk@dillinghamak.us>

Cc: "Matthews, Rolf (NS)" <Rolf.Matthews@glasgow.gov.uk>, "Mailroom, Land Services (NS)" <LandServices.Mailroom@glasgow.gov.uk>

Dear Ms Goodell

Thank you for your recent enquiry concerning the aforementioned and good to hear that you enjoyed your recent visit to Glasgow and Scotland.

The plastic bag levy was introduced by the Scottish Government in October 2014 and is more of a national initiative, rather than a local one. Please see link below for further information on this.

<https://www.zerowastescotland.org.uk/litter-flytipping/carrier-bag-charge-guidance>

England and Wales introduced similar legislation in October 2015.

You will be able to find further information on-line, on the impacts of introducing the plastic bag levy, but there has been an approximate 80% reduction in single use plastic bags since the introduction of legislation.

<https://www.bbc.co.uk/news/uk-scotland-34575364>

<https://www.keepsotlandbeautiful.org/support-us/scotlands-bag-charge/>

Glasgow City Council is assessing and developing a plastics reduction strategy for the city. Please see link below to a report made to the Environment, Sustainability and Carbon Reduction City Policy Committee on April 30 2019 which provides further information

<https://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDN0G2UNTNTT1>

Trust this helps and hope you enjoy future visits to the city and Scotland.

Regards

Scott Armstrong

Recycling Manager

Neighbourhoods & Sustainability

231 George Street

Glasgow

G1 1RX

Phone 0141 287 2075

E-Mail Scott.armstrong@glasgow.gov.uk

www.glasgow.gov.uk

Glasgow - UK Council of the Year 2015

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www.glasgow.gov.uk/privacy

Chapter 4.16

BUSINESS LICENSE

4.16.010 General.

In order to operate a business within the city, it is necessary to obtain a Dillingham business license. This chapter shall be known as the Dillingham Business License Ordinance. (Ord. 92-13 § 1 (part), 1992.)

4.16.020 Definitions.

When not otherwise indicated by context, the following words and phrases have the following meanings:

“Business” means:

A. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing goods or services within the city for a profit, unless the goods or services consist entirely of casual or isolated sales (as defined in Section 4.20.050);

B. A person (as defined in Section 4.20.020), partnership, corporation or company of any sort providing the service of operating a taxicab or vehicle-for-hire and required to have a business license and remit sales tax regardless of amount of sales.

“Nonprofit sponsored event” means an event by a nonprofit organization meeting all requirements of state and federal law.

“Regularly scheduled nonprofit event” means an event scheduled daily, weekly or monthly and permanently staffed by paid or volunteer but keeping scheduled hours. Example: thrift store, gift shop owned by nonprofit businesses, bingo or other games of skill and chance.

“Taxicab” or “vehicle-for-hire” means a motor vehicle regularly employing a seating capacity of fifteen persons or less, including the driver, used to transport passengers for a fee whether furnished pursuant to a lease agreement, rental agreement or any other kind of agreement, however communicated. The seating capacity of a taxicab or vehicle-for-hire is limited to the number of manufacturer’s installed seat belts. Notwithstanding the foregoing, the term “taxicab” or “vehicle-for-hire” shall not include motor vehicles used to provide passengers a sightseeing experience or used incident to an organized tourist excursion. (Ord. 92-13 § 1 (part), 1992; Ord. 13-08 § 2, 2013; Ord. 17-08 § 3, 2017; Ord. 18-05 § 2, 2018.)

4.16.030 Application for license.

A. All applicants for a Dillingham business license shall supply the following facts on a form provided by the finance department:

1. Name under which the business is to be conducted;
2. Name of applicant, including the president and chief executive officer of corporations, or partners and owners when applicable;
3. Mailing and street address;
4. Nature of business (short description, and attach a copy of state license or the number and type of business license issued by the state).

B. The applicant shall also certify that the business has or has applied for an Alaska business license if required by state law, has all necessary permits and licenses required by state and federal law, that all of the statements made in the application are true and made as an inducement for the issuance of the license, and that the business agrees to comply with all applicable city ordinances.

C. The city may cause such investigation to be made as it deems necessary. (Ord. 92-13 § 1 (part), 1992; Ord. 09-06 § 2 (part), 2009; Ord. 13-08 § 3, 2013; Ord. 17-08 § 4, 2017.)

Chapter 4.20

SALES TAX

4.20.050 Exemptions.

The tax levied by this chapter shall not apply to the following:

- A. Air Travel. Sale of air transportation services;
- B. Banking. Fees for banking services charged by banks and credit unions;
- C. Casual and Isolated Sales. Casual or isolated sales not made in the regular course of business of the seller.
For purposes of administering this regulation, the term “casual” means occurring, encountered, acting or performed without regularity or at random. The term “occasional” and the term “isolated” mean occurring alone or once, an incident not likely to recur, sporadic;
- D. Child Care Services. Child care, pre-elementary, and baby-sitting services;
- E. City Sales. Landfill and boat harbor fees, and wharfage and handling services when sold by the city;
- F. Dues and Fees. Dues, fees, or tuition paid to clubs, labor unions and fraternal or religious organizations;
- G. Electricity, Internet and Telephone. Sales of electricity, internet, and telephone if the customer’s physical location of service is not within the city; charges for long distance telephone conversations;
- H. Federal and State Prohibitions.
 - 1. Sales the city is prohibited from taxing under the Constitution and laws of the United States or the Constitution and the laws of the state of Alaska are exempt;
 - 2. Sales to an employee of the state, its political subdivisions, or the federal government are only exempt when the governmental employee provides proof that the sale is for government business by paying for the sale with a government voucher, purchase order, check or warrant, or providing verifiable documentation to the seller to allow the seller to readily determine that the sale is for government business;
 - 3. Sales to the extent paid for with food coupons, food stamps or other types of certificates issued under the Food Stamp Act;
- I. Fish. Sales of fish subject to tax under Chapter 4.21;
- J. Funeral. Sales of cemetery plots, caskets, burial items, and funeral services sold by a funeral home;
- K. Government and Tribal Entities. Sales to the United States government, the state and its political subdivisions, a federally recognized Indian tribe, the city or any department thereof; provided, however, that the exemption shall not be applicable to the sales of materials and supplies to contractors for the construction or manufacture of property for government agencies or tribal entities on a contract bid award, in which the contractor shall be deemed the buyer or consumer or user subject to payment of the tax;
- L. Health and Medical.

1. Professional services provided a person licensed or certified by the state of Alaska as a doctor of medicine, surgery, osteopathy, or veterinary medicine, a chiropractor, a dentist, a naturopath, an optometrist, an audiologist, a hospital, an occupational therapist, a physical therapist, a massage therapist or nurse, psychologist or psychological associate, a clinical social worker, an alcohol and drug counselor, or a marital and family therapist when the services provided require such license or certificate;
 2. Assisted living services provided in accordance with an assisted living plan and in an assisted living home licensed as such by the state;
 3. Fees for supplies, equipment and services provided by a hospital, medical, or dental clinic for patient treatment, including laboratory and x-ray services; sales of prescription drugs;
- M. Insurance. Sales of insurance policies, guaranty and fidelity bonds;
- N. Newspapers. Carrier sales made directly to consumers or users of newspapers;
- O. Nonlicensed Business. Sales of goods and services made by persons not required to obtain a business license under Chapter 4.16;
- P. Nonprofit Organizations. Sales, services, and rentals to organizations that have obtained a 501(c)(3) or 501(c)(4) exemption certificate from the Internal Revenue Service, and which are made in the normal conduct of activity, but not to individual members or employees thereof for their own personal consumption, use or accommodation; the exemption does not apply where such organizations are engaged in business for profit or savings, or competing with other persons engaged in similar business;
- Q. Professional Services. Professional services provided to a customer or client whose principal residence or place of business is not within the city of Dillingham if the services are provided or performed primarily or entirely outside the city;
- R. Public Food.
1. Sales of food in school and college cafeterias and lunchrooms that are operated primarily for teachers or students and are not operated for profit;
 2. Sales in dining rooms or cafeterias of food furnished by nonprofit organizations under programs wholly or partially supported by government funds;
- S. Resale. Sales of goods to a wholesaler, retailer, or other purchaser if such purchaser resells the same goods, in the same or altered form, and the resold goods will not be exempt from the tax levied under this chapter. To obtain the exemption provided for in this subsection, the purchaser shall display or provide to the seller at the time of the sale a copy of the purchaser's resale certificate. If the purchaser buys goods for resale and for personal or other use at the same time, only the goods that are sold for resale are exempt. Supplies, services, tools, repair services, equipment or other goods or services purchased to support a business but not for resale are not exempt;
- T. Tax Cap. The selling price amount of any sale (other than the rental or lease of real or personal property or any provision of services) in excess of three thousand five hundred dollars. For purposes of this exemption the following rules apply:
1. The sales price of multiple items purchased by the same buyer from the same seller at the same time, and which are delivered on one date, shall be combined and treated as a single sale or transaction. If the buyer is purchasing a number of items for a construction, improvement, or renovation package, the sales price of the multiple items purchased at the same time as a package shall be combined even though delivery or payment for some of the items may be made at different times. A "package" is defined as an arrangement where the buyer or seller has obtained all required permits (i.e., city land use permit or other building permit), and there is a written agreement with seller identifying the total price being paid.
 2. Each payment for a single item paid for on an installment basis shall be considered a separate sale with the exception that installment payments for snow machines, ATVs, boats, boat motors, and vehicles that are

seller financed by a business operating within the city or by a financial institution are subject to the sales tax cap on the total amount of the sale.

3. For purposes of computing the amount of any sale or transaction, items purchased on account or on credit on different days shall not be combined and treated as a single sale or transaction. (Ord. 17-08 § 2, 2017; Ord. 18-03 § 2, 2018.)



Lori Goodell <cityclerk@dillinghamak.us>

City of Bethel's definition of casual and isolated sales

1 message

Alice Ruby <alice@bbedc.com>
To: Lori Goodell <cityclerk@dillinghamak.us>

Sun, Feb 10, 2019 at 12:18 PM

I'm scanning documents and reading the news while doing that. 😊 Happened to read an article about the City of Bethel. Made me curious so I looked at their code. Not interested in revisiting ours again. Just thought theirs was interesting.

D. Casual and Isolated Sales, Services or Rentals. Proceeds from casual, occasional or isolated sales which are easily identified as the sale of personal goods or property at such private functions as moving, garage, yard, food and bake sales, sale of private vehicles when the seller is not a dealer in used vehicles, or services such as babysitting or house-sitting provided the seller does not regularly engage in the business of selling such goods or services or rentals but only if:

1. The sales of goods and services do not occur for more than five (5) days in a calendar year, and are not made through a dealer, broker, agent or consignee; or
2. The rental of personal tangible property does not exceed sixty (60) days in a calendar year, whether or not consecutive. The rental of real estate is not exempt.
3. Sales or rentals made pursuant to a business license or by sellers representing themselves to be in the business of making sure sales, rentals or services are not exempt.

Alice Ruby

Economic Development & Brokerage Director

Bristol Bay Economic Development Corporation

P.O. Box 1464

Dillingham, AK 99576

(907) 842-4370

www.bbedc.com

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Local Intergovernmental Agreement on Online Sales Tax Implementation

The Alaska Municipal League will:

- Share all research and documents - <https://www.dropbox.com/sh/jrwg52i1txr8zwt/AACTihzHNEMBuu2Z9Jay11nQa?dl=0>
- Maintain communication with Amazon during their current implementation phase and share the information with participating municipalities
- Produce a directory of additional retailer contact information, as it becomes available
- Produce a tax code revision template
- Strengthen communication with the SSTGB – Annual meeting October 1-3, 2019, Charleston
- Revise current drafts of the memos produced in May by AML consultant as public-facing document
- Develop a memo reviewing benefits, messaging and business case for municipal collection of sales taxes on online orders
- Organize the drafting committee to review definitions consistent with the SSUTA to the extent possible; provide interpretive guidance where necessary; intended to assist municipalities in potential changes to their tax code for effective administration of the local tax on online sales
- Organize an incorporating committee to develop articles of incorporation, bylaws, and board composition for a statewide online sales tax administrator for participating municipalities
- Issue a request for expressions of interest for developing software for the online sales tax administrator
- Research and solicit potential contractors to create the system software that would allow online sellers to determine the applicable tax rate and rules for sales delivered to addresses within participating Alaska municipalities

Participants agreed that Alaska's approach will be most feasible if:

- Coordination focus on streamlining the sales tax language first, before adding "use tax" to codes
- Taxability nexus or threshold for online sellers is set at \$100,000 in annual sales in the state or 100 annual transactions statewide
- Centralized registration with the new municipal authority for online sales to include
 - Collection of sales tax receipts from online merchants or their third-party contractors
 - Distribution of tax payments to the applicable municipalities
 - Reporting of sales and exemptions by the online sellers, with the information shared with municipalities
 - Registration/business license – single or multiple to be determined
 - Compliance and enforcement
 - Audit
- Centralization focus on legally defensible and collaborative process, which holds consumer and tax return data confidential
- Delivery address is adopted as the point of taxation

Drafting Committee

Cynna Gubatayao, Ketchikan Gateway Borough
Nate Wallace, City of Palmer
Aleisha Mollen, City and Borough of Wrangell
Christine Blake, City of Bethel
Maureen Graham, City of Wasilla
Jordan Keeler, City of Sand Point
Jeff Rogers, City and Borough of Juneau
Sean Kelley, Kenai Peninsula Borough

cynnag@kgbak.us
nwallace@palmerak.org
amollen@wrangell.com
cblake@cityofbethel.net
mgraham@ci.wasilla.ak.us
jkeeler@sandpointak.org
jeff.rogers@juneau.org
skelley@kpb.us

Incorporating Committee

Mike Twenge, City of Kodiak
Joe Evans, City of Kotzebue
Aleisha Mollen, City and Borough of Wrangell
Julie Liew, City of Nome
Stephanie Queen, City of Soldotna
Brandi Harbaugh, Kenai Peninsula Borough
Jeff Rogers, City and Borough of Juneau
Layton Lockett, City of Adak
Erin Reinders, City of Unalaska
Cynna Gubatayao, Ketchikan Gateway Borough
Troy Tankersley, City of Wasilla

mtvenge@city.kodiak.ak.us
joe@jwevanslaw.com
amollen@wrangell.com
jliew@nomealaska.org
squeen@soldotna.org
BHarbaugh@kpb.us
jeff.rogers@juneau.org
llockett@adak-ak.gov
ereinders@ci.unalaska.ak.us
cynnag@kgbak.us
ttankersley@ci.wasilla.ak.us

TERM	Working Definition	SSUTA
Alcoholic beverages	Beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.	Same
Booking Commissions	Monies received from contracted or subcontracted guides, and lodging or other services sold as components of a recreational package are considered intermediate sales for resale, taxable at the final sale of the package to the buyer.	
Buyer	A person to whom a sale of personal property is made or to whom a service is furnished (see purchaser).	
Certified Automated System (CAS)	Software certified under the SSUTA to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.	Same
Certified Service Provider (CSP)	An agent certified under the SSUTA to perform all the seller's sales tax functions, other than the seller's obligation to remit tax on its own purchases.	Same
Common carrier	An individual or a company, which is in the regular business of transporting freight for hire. This is distinguished from a private carrier which transports its own goods and equipment, and makes deliveries of goods sold to its customers.	
Computer	An electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions	Same
Computer Software	A set of coded instructions designed to cause a "computer" or automatic data processing equipment to perform a task.	Same
Construction materials	Materials, goods, components, fixtures or other items that are incorporated into the construction of real property and become a permanent component of that real property.	
Delivered electronically	Delivered to the purchaser by means other than tangible storage media.	Same
Delivery charges	Charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing.	
Digital Product	See Specified Digital Product.	Same
Drug	<p>A compound, substance or preparation, and any component of a compound, substance or preparation, other than "food and food ingredients," "dietary supplements" or "alcoholic beverages:"</p> <p>A. Recognized in the official United State Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or</p> <p>B. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or</p> <p>C. Intended to affect the structure or any function of the body.</p>	
Dues, Membership and Subscription	Monies paid for the purpose of membership, or qualifying or becoming eligible for goods or services, or discounts to goods or services.	Same.

Durable medical equipment	Equipment including repair and replacement parts for same, but does not include "mobility enhancing equipment," which: A. Can withstand repeated use; and B. Is primarily and customarily used to serve a medical purpose; and C. Generally is not useful to a person in the absence of illness or injury; and D. Is not worn in or on the body.	Same.
Electronic	Relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.	Same.
Entity-Based Exemption	An exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.	Same.
Farming supplies	Animal food, seed, plants, fertilizers and other consumables used in an agriculture or mariculture business that sells its harvested grains, produce, meats, animal products or other farm production.	
Feminine hygiene products	Tampons, panty liners, menstrual cups, sanitary napkins and other similar tangible personal property designed for feminine hygiene in connection with the human menstrual cycle.	Same
Food	Any food or food product for home consumption except alcoholic beverages, tobacco, and prepared food. Food or food products includes, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.	Included.
Gasoline, heating fuels and other consumable fuels	Refined petroleum and petroleum-based products used for internal combustion engines and as the primary source for residential heating or domestic hot water. This may also include other types of fossil fuels as well as fuel sources that are renewable.	
Goods for resale	The sale of goods by a manufacturer, wholesaler or distributor to a retail vendor; Sales to a wholesale or retail dealer who deals in the property sold, for the purpose of resale by the dealer. B. Sales of personal property as raw material to a person engaged in manufacturing for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of a product manufactured for sale by the manufacturer. C. Sale of personal property as raw material to a licensed building contractor where the property sold becomes part of the permanent structure.	
Intangible personal property	Anything that is not physical in nature (i.e.; intellectual property, brand recognition, goodwill, trade, copyright and patents).	
Lease or Rental	Any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.	Same
Load and leave	Delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.	Same.

Long-term vehicle lease	Means a lease of a motor vehicle, as defined below, for a period of 24 months or longer. As used herein a "motor vehicle" is a motor vehicle, as defined in AS 28.40.100(12), that is either required to be registered under AS 28.10.011, or is exempted from registration under AS 28.10.011(6) and (11). However, "motor vehicle" does not include either an "off-highway vehicle" as defined in 13 AAC 40.010(30) or a "snowmobile" as defined in 13 AAC 40.010(49).
Manufacturing components	Sales of personal property as raw material to a person engaged in manufacturing for sale, where the property sold is consumed in the manufacturing process of, or becomes an ingredient or component part of a product manufactured for sale by the manufacturer.
Marijuana accessories	Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body;
Marijuana and marijuana products	Per AS 17.38.900 all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products, or industrial hemp as defined in AS 03.05.100;

	<p>A person that contracts with sellers to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller's products through a physical or electronic marketplace operated by the person, and engages:</p> <p>(a) Directly or indirectly, through one or more affiliated persons in any of the following:</p> <ul style="list-style-type: none"> (i) Transmitting or otherwise communicating the offer or acceptance between the buyer and seller; (ii) Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together; (iii) Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; <p>or</p> <p>(iv) Software development or research and development activities related to any of the activities described in (b) of this subsection (3), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person; and</p> <p>(b) In any of the following activities with respect to the seller's products:</p> <ul style="list-style-type: none"> (i) Payment processing services; (ii) Fulfillment or storage services; (iii) Listing products for sale; (iv) Setting prices; (v) Branding sales as those of the marketplace facilitator; (vi) Order taking; (vii) Advertising or promotion; or (viii) Providing customer service or accepting or assisting with returns or exchanges.
Medical equipment and supplies, and prescriptions	<p>All medicines, medical goods or equipment prescribed by a health care provider licensed to practice in the United States.</p>
Mobility enhancing equipment	<p>Equipment including repair and replacement parts to same, but does not include "durable medical equipment," which:</p> <ul style="list-style-type: none"> A. Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; and B. Is not generally used by persons with normal mobility; and C. Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. <p style="text-align: right;">Same</p>
Newspaper	<p>A publication of general circulation bearing a title, issued regularly at stated intervals at a minimum of at least two weeks, and formed of printed paper sheets without substantial binding. It must be of general interest, containing information of current events. The word does not include publications devoted solely to a specialized field. It shall include school newspapers, regardless of the frequency of the publication, where such newspapers are distributed regularly to a paid subscription list.</p>
Nexus	<p>The seller has established a taxable connection within Alaska of \$100,000 in sales or 100 transaction.</p>

Nonprofit organization	A business that has been granted tax-exempt status by the Internal Revenue Service (IRS); means an association, corporation, or other organization where no part of the net earnings of the organization inures to the benefit of any member, shareholder, or other individual.	
Over the counter drug	A drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. A member state may exclude “grooming and hygiene products” from this definition. The “over-the-counter-drug” label includes: A. A “Drug Facts” panel; or B. A statement of the “active ingredient(s)” with a list of those ingredients contained in the compound, substance or preparation.	Same
Periodical	Any bound publication other than a newspaper that appears at stated intervals, each issue of which contains news or information of general interest to the public, or to some particular organization or group of persons. Each issue must bear a relationship to prior or subsequent issues with respect to continuity of literary character or similarity of subject matter, and sufficiently similar in style and format to make it evident that it is one of a series.	
Person	An individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation, or any other legal entity	Same
Point of Delivery	See “Sourcing”.	
Precious metals	Any precious metal, including but not limited to gold, silver, platinum and palladium, that has been put through a process of refining and is in such a state or condition that its value depends upon its precious metal content (such as an ingot or bar) and not its form (such as jewelry or artwork)	
Prepared food	A. Food sold in a heated state or heated by the seller; B. Two or more food ingredients mixed or combined by the seller for sale as a single item; or C. Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food. “Prepared food” in B. does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in chapter 3, part 401.11 of its Food Code so as to prevent food borne illnesses.	same
Prescription	An order, formula or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of the member state.	Same.

	<p>Prewritten computer software</p> <p>“computer software,” including rewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more “rewritten computer software” programs or rewritten portions thereof does not cause the combination to be other than “rewritten computer software.” “Prewritten computer software” includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the specific purchaser. Where a person modifies or enhances “computer software” of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person’s modifications or enhancements. “Prewritten computer software” or a rewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains “rewritten computer software;” provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute “rewritten computer software.”</p>	Same
Product-Based Exemptions	An exemption based on the description of the product and not based on who purchases the product or how the purchaser intends to use the product.	Same
Prosthetic Device	<p>Replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body to:</p> <p>A. Artificially replace a missing portion of the body;</p> <p>B. Prevent or correct physical deformity or malfunction; or</p> <p>C. Support a weak or deformed portion of the body.</p>	Same
Purchaser Quarter	<p>A person to whom a sale of personal property is made or to whom a service is furnished.</p> <p>Trimonthly periods of calendar year; January-March, April-June, July-September, and October-December.</p>	Same
Receive or Receipt	<p>A. Taking possession of tangible personal property,</p> <p>B. Making first use of services, or</p> <p>C. Taking possession or making first use of digital goods, whichever comes first.</p> <p>The terms "receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.</p>	
Resale of Services	Sales of intermediate services to a business the charge for which will be passed directly by that business to a specific buyer	
Sale or retail sale	Any sale, lease, or rental for any purpose other than for resale, sublease, or subrent	Same

<p>Sales or purchase price</p>	<p>The total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:</p> <ul style="list-style-type: none"> A. The seller's cost of the property sold; B. The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; C. Charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; D. Delivery charges; E. Installation charges; and F. Credit for any trade-in, as determined by state law. 	<p>Same</p>
<p>Sales-Type Lease</p>	<p>At lease commencement, (1) the lease transfers ownership of the underlying property, goods, or services to the lessee by the end of the lease term; (2) the lease grants the lessee an option to purchase the underlying property, goods, or services that the lessee is reasonably certain to exercise; (3) the lease term is for the major part of the remaining economic life of the underlying property, goods, or services. However, if the commencement date falls at or near the end of the economic life of the underlying property, goods, or services, this criterion shall not be used for purposes of classifying the lease; (4) the present value of the sum of the lease payments and any residual value guaranteed by the lessee that is not already reflected in the lease payments equals or exceeds substantially all of the fair value of the underlying property, goods, or services; (5) the underlying property, goods, or services is of such a specialized nature that it is expected to have no alternative use to the lessor at the end of the lease term.</p>	<p>Same</p>
<p>Seller</p>	<p>A person making sales, leases, or rentals of personal property or services.</p>	<p>Same</p>
<p>Senior citizen</p>	<p>Any individual defined by a taxing jurisdiction as qualifying for an age-based exemption.</p>	

	<p>includes all services of every manner and description, which are performed or furnished for compensation, including but not limited to:</p> <ol style="list-style-type: none"> 1. Professional services; 2. Services in which a product or sale or property may be involved, including personal property made to order; 3. Utilities and utility services not constituting a sale of personal property, including but not limited to sewer, water, solid waste collection or disposal, electrical, telephone services and repair, natural gas, cable or satellite television, and Internet services; 4. The sale of transportation services; 5. Services rendered for compensation by any person who furnishes any such services in the course of his trade, business, or occupation, including all services rendered for commission; 6. Any other services, including advertising, maintenance, recreation, amusement, and craftsman services
<p>Short term rental</p>	<p>Provision of room or unit for lodging less than 30 days.</p>
<p>Software downloads</p>	<p>Software, applications, services and other digital programming for computers, tablets, smartphones and other electronic devices shall be subject to sales and use taxes. This includes online subscriptions or purchases of news services, publications, audio books and other similar electronic versions of printed materials.</p>
<p>Software maintenance contracts</p>	<p>A “computer software maintenance contract” is a contract that obligates a vendor of computer software to provide a customer with future updates or upgrades to computer software, support services with respect to computer software or both. A “mandatory computer software maintenance contract” is a computer software maintenance contract that the customer is obligated by contract to purchase as a condition to the retail sale of computer software. An “optional computer maintenance contract” is a computer software maintenance contract that a customer is not obligated to purchase as a condition to the retail sale of computer software.</p>

	<p>The retail sale, excluding lease or rental, of a product shall be sourced as follows:</p> <ol style="list-style-type: none"> 1. When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location. 2. When the product is not received (or paid for) by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser (or the purchaser's recipient, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery as supplied by the purchaser (or recipient) and as known to the seller. 3. For products transferred electronically, or other sales where the remote merchant lacks a delivery address for the purchaser, the merchant shall source the sale to the billing address of the buyer. 	
<p>Sourcing</p>		Same.
<p>Specified digital product</p>	<p>A product sold to a purchaser who is an end user or with less than the right of permanent use granted by the seller or use which is conditioned upon continued payment from the purchaser. "Specified digital products" means electronically transferred:</p> <p>"Digital Audio-Visual Works" which means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any,</p> <p>"Digital Audio Works" which means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones, and</p> <p>"Digital Books" which means works that are generally recognized in the ordinary and usual sense as "books".</p>	
<p>Streaming services</p>	<p>Digital content provided online for on-demand consumption rather than downloadable consumption. This typically includes, but is not limited to, video and audio files.</p>	
<p>Tangible personal property</p>	<p>Personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. "Tangible personal property" includes electricity, water, gas, steam, and prewritten computer software.</p>	Same
<p>Telecommunications</p>		
<p>Tobacco</p>	<p>Cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.</p>	Same.
<p>Transferred electronically</p>	<p>Obtained by the purchaser by means other than tangible storage media.</p>	Same.
<p>Unit</p>	<p>A room or single space that is customarily advertised and rented at a flat rate regardless of the number of occupants.</p>	

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**Requests for Expression of Interest:
Software Development for Multi-Jurisdictional Online Sales Tax Collection and
Remittance**

Issued by the Alaska Municipal League

August 1, 2019

The Alaska Municipal League – a voluntary, nonprofit, nonpartisan statewide organization of 165 cities, boroughs (county-equivalent) and unified municipalities – is establishing a single-level, statewide coordination of online sales tax collection and remittance in Alaska. While the State of Alaska does not currently have a sales tax, more than 100 local governments do, and the Alaska Municipal League will sponsor a Commission to replicate the role of a centralized, one-stop shop for online sales tax administration.

AML expects to establish a governing body for this Commission, agreed to by signatory governments through an intergovernmental compact. Individual cities and boroughs that have a sales tax are anticipated to join over time, agreeing to common definitions and centralized administration. This model is consistent with the outcomes of the Supreme Court’s *Wayfair* decision and the framework provided by the Streamlined Sales and Use Tax Agreement (SSUTA).

As noted in a March 2018 report by the Institute on Taxation and Economic Policy, Alaska municipalities lack “a coordinated effort, or a negotiator, working to see that sales taxes are collected by e-retailers selling into the state.” AML seeks to remedy that by providing remote sellers with a single point of contact and eliminating the need for a seller to file multiple returns, which would simplify and streamline Alaska municipal taxes for remote merchants. The new coordinating, statewide entity also would allow for a single registration by remote sellers doing business in Alaska, rather than requiring every online merchant to register with every municipality in the state one at a time.

This AML-sponsored entity will be responsible for maintaining rate and boundary information, accepting registrations, tax returns and tax payments (which would include all the information necessary to distribute the tax proceeds to the correct local jurisdiction), distributing those tax receipts to local jurisdictions, and coordinating audits and other activities. Individual municipalities would continue to administer and enforce sales tax collections for businesses in their local jurisdiction.

AML is issuing this Request for Expressions of Interest (RFEI) in order to contract with a credible sales tax software developer capable of establishing a system responsive to our needs. This RFEI is intended to gauge the interest, capacity and capability of potential third-party contractors to assist with designing the software necessary for this centralized statewide effort for Alaska municipalities.

AML expects that its centralized service will need to handle registration, administration and enforcement, tax returns, distribution of tax receipts and maintaining an accurate database of tax codes, definitions and tax rates for all of the participating Alaska municipalities. This would include an electronic system to accept and set up a centralized registration for remote merchants for all municipalities, and centralized acceptance and distribution of tax remittances.

The Alaska Municipal League is asking contractors interested in being considered for this project to respond with:

- A summary of their capacity and capability to design the system software, including history of successfully implemented projects elsewhere.
- A potential timeline for developing the system software (understanding, of course, that any contractual timeline would depend on the AML's instructions and scope of work).

- Specific questions they may have about AML's plans and intentions.
- A cost-estimate range, providing an explanation of the variables that would, or could, affect the costs within that range.

AML intends to negotiate the scope of work, terms of the contract and cost structure after selecting a preferred contractor to proceed with this project.

Please find included in this RFEI:

- Cover Memo
- Background
- Scope of Services
- Required components of response

Though this project will require a GIS-based “tax look-up map,” providing sellers with online access (and direct linkage through the seller’s online order form) to a purchaser’s tax rate and requirements at the determined point of taxation, AML understands the data to exist and anticipates access, working with either a separate party or this respondent to include as part of the software system. Responses to this request are due by 5 p.m. Alaska Time in August 28, 2019, and should be delivered (either hard copy or electronically) to:

Nils Andreassen Executive Director Alaska Municipal League
 1 Sealaska Plaza, Suite 200
 Juneau, AK 99801 nils@akml.org

Questions can be directed to Mr. Andreassen at the email address above, or by calling 907-586-1325.

Background

The State of Alaska does not currently have a sales tax. However, more than 100 local government in the state do. All 100 local governments are members of the Alaska Municipal League, which is organizing the development of single-level, statewide administration for the collection and remittance of online sales tax. AML is confident that together we will be able to implement a streamlined and simplified system consistent with the outcomes of the Supreme Court’s *Wayfair* case, and the Streamlined Sales and Use Tax Agreement (SSUTA).

Since *Wayfair*, AML has:

- Collected the vast majority of the 105 tax codes from taxing authorities in the state
- Collaborated with taxing jurisdictions on the fundamental components necessary for success of this administration
- Negotiated the agreement of a centralized administration and common definitions
- Convened a drafting committee, to work toward common definition and a model tax code
- Convened a governance committee, to work toward the development of an intergovernmental compact, bylaws and governance structure of a Commission
- Drafted and issued this Request for Expression of Interest

As part of these negotiations, we have been clear that each taxing jurisdiction will retain its current tax rate, exemptions and transaction caps (maximum transaction size subject to tax), and that these will be built into a tax variability matrix. In order to participate, members will sign an intergovernmental agreement committing them to agreed-upon common definitions (for each category of exemption), and to changes within their local tax codes to reflect those definitions and centralized administration.

Because this effort is voluntary and negotiated between a variety of governing bodies, we expect adoption to occur over time, with the majority of those 100+ jurisdictions becoming signatories within the first three years. Implementation, therefore – and the software developed – will need to be responsive to additional signatories, and to expand in scope and scale over time, and even able to respond to the adoption of a sales tax by those local governments that don't currently have one. To that end, it is also worth considering the potential for local governments to identify this new Commission as one able to take over all sales tax administration, including that of physical sales.

The State maintains GIS coordinates for all local governments, which should serve for the development of sales tax boundaries within the software, but AML will look to the respondent to identify the best path toward full development of this component. The potential exists for the respondent to handle this directly or AML to contract with a separate entity, to be coordinated with the respondent.

Finally, AML would like to emphasize the diversity of the taxing authorities in the state. There is great variability to account for, even as we work toward simplification. Software development will need to take this into account – and in reality it may prove less complex than the variability suggests – with toggles for these variables in place for each taxing jurisdiction.

Scope of Services

The respondent shall reference in their expression of interest the following considerations:

- A software solution for the online collection of sales, use and other taxes by licensed accounts with the ability for Sales Tax staff to manually enter any paper returns and payments submitted directly to the Commission.
- Professional services to manage and successfully complete the implementation of the proposed solution
- Professional training services for staff involved in processing and auditing of returns
- Annual maintenance and support of the proposed solution
- The contractor will provide all labor, tools, equipment, and materials to perform the services.
- Development, in coordination with the AML committees, of the detailed list of fields / data types that will be needed.
- The taxpayer interface, by which vendors can report their information and pay their taxes. This also has to include a good registration (enrollment) function.
- The administration / audit interface, by which AML staff can review the data. Staff must also be able to audit returns, make adjustments, and issue a request for payment.
- Robust tracking of delinquent accounts. A collections function where AML can set / program the terms of a settlement (for example a payment plan) that will generate the invoices and reminders automatically.
- An appeals function, in the event that AML audits someone, makes an assessment, and they dispute the decision.
- The central accounting software to keep track of the jurisdictions associated with all sales transactions, with the functionality to pass-through and transfer taxes to the local jurisdictions.
- A fee structure by which AML will collect some sort of percentage of each taxpayer's payment.
- Strong reporting / data export features.
- Process to submit an amended return and apply for a refund. Process to pay refunds.
- A variety of permission levels
- The ability to receive uploaded support documents from vendors

- The ability to scan and upload documents
- Letter writing / mail merge management. System should be able to send both custom and standard-form letters to individual taxpayers or groups that meet various sort criteria. The letter functionality should be able to import databases of names that aren't yet registered taxpayers
- Secure database with many years of embedded backup. Ensure secure servers to prevent breaches of legally protected confidential taxpayer data.
- The initial contract should include the programming / uploading of the various rates, taxabilities, and other features of each participating municipality, with the ability to access and modify these features as they change or are added over time.
- Options describing ownership or leasing of software.
- Options describing the ability to add functionality to interface with the State of Alaska's Gentax system, should the State ever add a sales tax.
- Many of the features described herein need to be scalable

Proposal Requirements

Interested Respondents shall submit Proposals that clearly demonstrate their ability to provide the services. The Proposal should be a complete and detailed approach to providing all Services and any Additional Services that the Respondent proposes. Only one Proposal should be submitted.

The Proposals shall include the following information in the order listed below to facilitate fair and equal evaluation of Proposals.

COVER LETTER. Briefly introduce the Respondent, explain the Respondent's interest in providing the Services, and articulate why the Respondent is qualified to provide the Services. Include the name, address, email address and phone number of the person who will serve as the Respondent's principle contact with AML. Identify individual(s) who will be working on the project.

METHOD. Describe the Respondent's approach to the Services, including: how Respondent will work collaboratively with AML to complete deliverables; Respondent's approach to completing deliverables; and priority and scheduling. Provide information on the Respondent's current workload and ability to deliver the desired Services.

QUALIFICATIONS OF CONTRACTOR & KEY PERSONNEL. Respondent should demonstrate relevant experience in providing similar services as those requested in this RFP and an understanding of municipal sales tax collection in Alaska. Provide information about the individuals that will be assigned to the Services, including their proposed role, expertise and capabilities. Any proposed subcontractors must be identified. Full resumes can be included in an appendix.

PAST PERFORMANCE. Provide two (2) client references within the past five (5) years, including contact name, firm or agency, phone number, email and brief summary of services provided. AML is especially interested in references that can attest to the Respondent's ability and performance in similar work with similar organizations and similar scope of services.

EXCLUSIONS & ADDITIONAL SERVICES. The Respondent must include any proposed exclusions to the Services or draft contract, providing specific details and the reasoning behind the exclusion, and any proposed Additional Services. The Respondent shall include without limitation any proposed intellectual property terms and limitations of liability or warranties.

ADDITIONAL INFORMATION. The Respondent may list any additional information or data

not requested as part of this RFEI that Respondent believes should be considered in the evaluation of the Proposal provided the entire Proposal is no more than the identified page limit.

EXPECTATIONS OF AML. Please include any expectations of the role or responsibilities of AML, areas where staff support will be necessary or helpful, and/or will bring down overall costs.

LOCATION. AML offices are located in Juneau, Alaska. The Respondent should provide an estimate for how much work can be done off-site, and what will need to be done on-site. Any expectations of workspace or other needs should be included in the response.

FEE PROPOSAL. A fee proposal consisting of:

- Cost of proposed software solution, including initial cost, annual maintenance (consisting of the annual cost, which will be applied in each year approved by the AML), and any other fees such as processing fees, per-transaction fees, or any other fees assessed for use of system.
- Cost of professional services for implementation of the proposed solution.
- Cost of training for staff (daily users, auditors, and system administrators) using the proposed software solution.
- The proposed rate for any Additional Services that may be proposed.

The fee proposal should be constructed in such a way as to provide a cost-estimate range, providing an explanation of the variables that would, or could, affect the cost within that range.

Rates should include all costs of performing the Services (including without limitation, mileage, equipment, supplies, permits, licenses, overhead, profit, etc.) Although AML does not anticipate compensating Respondent for any additional items or expenses, any such additional amounts to be charged to AML should be identified in the fee proposal.

TIMELINE

The proposal is due to AML by August 28th. Provide a timeline for when services may begin, after selection, and potential project status at 90 and 180 days. Essentially, describe how soon a draft product may be ready for review and testing.

SELECTION

AML will use a qualitative-based selection process using the following criteria:

- Respondent qualifications - past experience, representative work, and references
- Proposed method and approach to fulfill AML's needs
- Ability to meet the Scope of Services
- Price

Interviews may be requested once Proposals have been reviewed. AML may contact references provided with the Proposal. AML reserves the right to request clarification or additional information from Respondents and to consider independently obtained information.

AML will select the Respondent determined to be the best value by AML in its sole discretion.

In addition to the criteria stated above, AML's determination may consider, without limitation, the Bidder's financial resources, ability to comply with all legal and regulatory requirements, ability to perform the Work and complete the Project on time, history of performance, reputation, ability to obtain necessary equipment, data, and facilities, and any other factor deemed important by AML.

AML reserves the right to negotiate further with one or more Respondent. AML's decision is final and without recourse to any Respondent.

MISCELLANEOUS

The issuance of this RFEI and the receipt and evaluation of Proposals do not obligate AML to select a Respondent, to enter into any agreement, or to pay any costs incurred in responding to this RFEI or negotiating an agreement. No Proposal shall constitute business terms of any eventual agreement except as expressly agreed by AML. AML reserves the right to modify this RFEI or the selection process, to cancel this RFEI, to reject or accept any Proposal, and to waive any informalities or irregularities in any Proposal, without liability, at any time.

Respondents may request parts of their Proposals to remain confidential by indicating such in the Proposal. Appropriate proprietary elements or pages must be clearly marked. AML will take reasonable steps to keep confidential only documents actually protected from disclosure under the Alaska Open Records Act (the "Act"), including notifying the Respondent of a request and allowing the Respondent to take steps to prevent disclosure. Under no circumstances may an entire Proposal be marked or identified as proprietary. By submitting a Proposal, each Respondent agrees to hold AML harmless from any claims arising from the release of proprietary information not clearly designated as such by the Respondent or where AML has notified the Bidder of a request and from any claims arising from the release of documents not protected from disclosure under the Act.

Respondents are cautioned not to undertake any activities or actions to promote or advertise their submittals, other than discussions with AML staff as described in this RFEI. After the release of this RFEI, Respondents are not permitted to make any direct or indirect contact with members of the Selection Committee, AML's board of directors or media on the subject of this RFEI, except in the course of AML-sponsored presentations. Violation of these rules is grounds for disqualification of the Respondent.



Received
8/16/2019

License Renewal	License Transfer	New License	Other
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address
Bristol Bay Bud Company	Retail Marijuana Store	Bristol Bay Bud Company, LLC	233 Airport Road

This review covers the period 01/01/2019 to 08/26/2019.

Route to FINANCE 08/20/2019 **Respond by:** 08/30/2019 Info. Available as of 08/26/2019
Date Date Date

ACTIVITY	STATUS
Sales Tax Reports Filed and Payments Submitted	Bal. Due <u>0</u> Date/Amt. of Last Payment <u>08/13/2019</u> No. late payments <u>0</u> Comment:
Real Property Tax Owns the property? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Bal. Due <u>0</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments <u>0</u> Comment:
Personal Property Tax (Inventory, Supplies, Office Equipment)	Bal. Due <u>0</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments <u>0</u> Comment:
Utility Bill Responsible for utilities? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Bal. Due <u>0</u> Date/Amt. of Last Payment <u>N/A</u> No. late payments <u>0</u> Comment:
Most Current DLG Business License	<u>2019</u> <u>01/03/2019</u> License Year Date Applied Comment:
Most Current AK State Bus. License	<u>2019-2020</u> <u>12/31/2019</u> Will be good for 12/31/2018 through License Year Date Applied 12/31/2020 Comment:



Received

License Renewal	License Transfer	New License	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address

This review covers the period store opening to 8/28/2019.

Route to Public Safety 8/20/2019 **Respond by:** 8/28/2019 Info. Available as of 8/28/2019
Date Date Date

Have there been any adverse reports filed in the past two years? YES NO

If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

- Serving to minors (under 21 years of age).
- Intoxicated person on licenses premises.
- Serving alcoholic beverages after hours.
- Pattern of disturbances or fights on the licenses premises.
- Open sale of prohibited drugs on the licenses premises.

Additional comments:



Received

License Renewal	License Transfer	New License	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to PLANNING _____ **Respond by:** _____ Info. Available as of _____
Date Date Date

1) Does the structure, or use of land or a structure, including parking requirements at the proposed license location conform to Title 18. Explain.

2) License Transfer and New Licenses require a public hearing DMC 8.18.020, B. Provide a detail of the Public Notice Requirements.



Received

License Renewal	License Transfer	New License	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Doing Business As	License Type	Licensee	Physical Address

Reviewed by: _____
Date

Recommendation:

No Action

Deny

Explain the reason(s) for a denial of the application:

OTHER:

During the two year period that the license is in effect, state statute allows the local governing body to protest the continued operation of a license during the second year of the biennial license period. This may be done by sending both the Alcohol Marijuana and Control Board and the licensee a protest and the reason for the protest by January 31 of the second year of the license.

OTHER Comment:



August 16, 2019

Dillingham
Attn: City Clerk
Via Email: cityclerk@dillinghamak.us; CCacciola@bcfaklaw.com; lrasmussen@bcfaklaw.com

License Number:	16915
License Type:	Retail Marijuana Store
Licensee:	Bristol Bay Bud Company, LLC
Doing Business As:	BRISTOL BAY BUD COMPANY
Physical Address:	233 Airport Road Dillingham, AK 99576
Designated Licensee:	Heather Allen
Phone Number:	907-357-2518
Email Address:	hrgsenterprises.ak@gmail.com

License Renewal Application Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

Erika McConnell

Erika McConnell
Director



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Bristol Bay Bud Company, LLC	License Number:	16915		
License Type:	Retail Marijuana Store				
Doing Business As:	Bristol Bay Bud Company				
Premises Address:	233 Airport Rd				
City:	Dillingham	State:	AK	ZIP:	99576

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Richard Allen
Title:	Partner of HRGS Enterprises, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).





Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

RLA

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

RLA

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

RLA

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

RLA

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

RLA

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

RLA

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

RLA

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

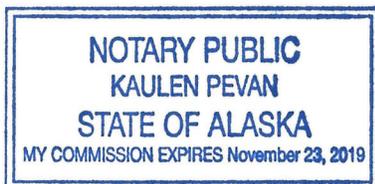

Signature of licensee


Notary Public in and for the State of Alaska

Richard Allen
Printed name of licensee

My commission expires: 11/23/2019

Subscribed and sworn to before me this 28 day of June, 2014.





Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Bristol Bay Bud Company, LLC	License Number:	16915		
License Type:	Retail Marijuana Store				
Doing Business As:	Bristol Bay Bud Company				
Premises Address:	233 Airport Rd				
City:	Dillingham	State:	AK	ZIP:	99576

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Susan Isaacs
Title:	Partner of HRGS Enterprises, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

AMCO



Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

SO

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

SO

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

SO

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

SO

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

SO

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

SO

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

SO

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Susan Isaacs

Signature of licensee

[Handwritten Signature]

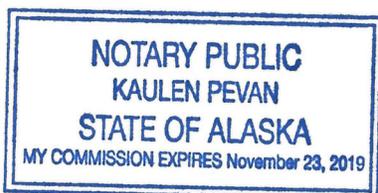
Notary Public in and for the State of Alaska

Susan Isaacs

Printed name of licensee

My commission expires: 11/23/2019

Subscribed and sworn to before me this 28 day of June, 2019.



AMCO



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Bristol Bay Bud Company, LLC	License Number:	16915		
License Type:	Retail Marijuana Store				
Doing Business As:	Bristol Bay Bud Company				
Premises Address:	233 Airport Rd				
City:	Dillingham	State:	AK	ZIP:	99576

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Gorden Isaacs
Title:	Partner of HRGS Enterprises, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Alaska Marijuana Control Board
Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

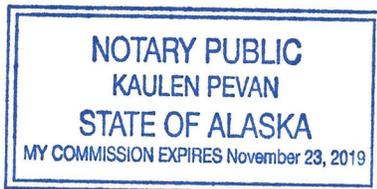
Notary Public in and for the State of Alaska

Gorden Isaacs

Printed name of licensee

My commission expires: 11/23/2019

Subscribed and sworn to before me this 28 day of June, 2019.





Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Bristol Bay Bud Company, LLC	License Number:	16915		
License Type:	Retail Marijuana Store				
Doing Business As:	Bristol Bay Bud Company				
Premises Address:	233 Airport Rd				
City:	Dillingham	State:	AK	ZIP:	99576

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Heather Allen
Title:	Managing Partner of HRGS Enterprises, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

HA

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

HA

I certify that a notice of violation has **not** been issued for this license.

HA

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).





Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

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

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

HA

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

HA

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

HA

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

HA

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

HA

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

HA

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

HA

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Heather Allen
Signature of licensee

Lori Goodell
Notary Public in and for the State of Alaska

Heather Allen
Printed name of licensee

My commission expires: 12/18/2021



Subscribed and sworn to before me this 28 day of June, 2019.



Alcohol & Marijuana Control Office

License Number: 16915

License Status: Active-Operating

License Type: Retail Marijuana Store

Doing Business As: BRISTOL BAY BUD COMPANY

Business License Number: 1066517

Designated Licensee: Heather Allen

Email Address: heather@bristolbaybudcompany.com

Local Government: Dillingham

Community Council:

Latitude, Longitude: 59.040488, -158.524143

Physical Address: 233 Airport Road
Dillingham, AK 99576
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10077501

Alaska Entity Name: Bristol Bay Bud Company, LLC

Phone Number: 907-843-2518

Email Address: heather@bristolbaybudcompany.com

Mailing Address: PO BOX 1437
Dillingham, AK 99576
UNITED STATES

Entity Official #1

Type: Entity

Alaska Entity Number: 10077205

Alaska Entity Name: HRGS Enterprises, LLC

Phone Number: 907-843-2518

Email Address: hrgsenterprises.ak@gmail.com

Mailing Address: PO BOX 1437
DILLINGHAM, AK 99576
UNITED STATES

Entity Official #2

Type: Individual

Name: Heather Allen

Phone Number: 907-357-2518

Email Address: hrgsenterprises.ak@gmail.com

Mailing Address: PO BOX 1437
DILLINGHAM, AK 99576
UNITED STATES

Entity Official #3

Type: Individual

Name: Gorden Isaacs

Phone Number: 907-843-0474

Email Address: gorden.isaacs@gmail.com

Mailing Address: PO Box 563
Dillingham, AK 99576
UNITED STATES

Entity Official #4

Type: Individual

Name: Susan Isaacs

Phone Number: 907-843-0473

Email Address: susan@bristolbaybudcompany.com

Mailing Address: PO Box 563
Dillingham, AK 99576
UNITED STATES

Entity Official #5

Type: Individual

Name: Richard Allen

Phone Number: 907-357-2518

Email Address: richard@bristolbaybudcompany.com

Mailing Address: PO BOX 1437
DILLINGHAM, AK 99576
UNITED STATES

Note: No affiliates entered for this license.

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Lori Goodell <cityclerk@dillinghamak.us>
To: Amanda Shawcross <ashawcross@eclawfirm.org>

Mon, Aug 5, 2019 at 7:12 AM

Yes, the payment was made on Friday.

Lori
[Quoted text hidden]

Smith, Jedediah R (CED) <jedediah.smith@alaska.gov>
To: "cityclerk@dillinghamak.us" <cityclerk@dillinghamak.us>
Cc: "AMCO Local Government Only (CED sponsored)" <amco.localgovernmentonly@alaska.gov>

Wed, Aug 14, 2019 at 4:44 PM

Lori,

We need some clarification on this correspondence. "take no action" is not the same as "waive right to protest" or "protest with conditions." If it is the intention of the council to waive the right to protest these applications, please confirm.

Please feel free to give me a call to discuss further. We do not want to make assumptions about the actions a local government takes. And while it seems like mere semantics, it can save everyone a lot of trouble down the road if we know precisely the action taken.

Thank you.

Jedediah R. Smith
Local Government Specialist
Alcohol and Marijuana Control Office
(907) 334-2195
<https://www.commerce.alaska.gov/web/amco/>

From: Lori Goodell <cityclerk@dillinghamak.us>
Sent: Friday, August 02, 2019 2:53 PM
To: AMCO Local Government Only (CED sponsored) <amco.localgovernmentonly@alaska.gov>
Cc: Amanda Shawcross <ashawcross@eclawfirm.org>
Subject: renewal / transfer

Erika,

Chapter 8.30

MARIJUANA REGULATION

Sections:

- 8.30.010 Definitions.
- 8.30.020 Local regulatory authority.
- 8.30.030 Violations and remedies.
- 8.30.040 Marijuana use in public places prohibited.
- 8.30.050 Marijuana use in or on motor vehicles prohibited.
- 8.30.060 Marijuana possession and use under the age of twenty-one prohibited.
- 8.30.080 Retail marijuana store operating hours.

8.30.010 Definitions.

“Marijuana” means all parts of the plant of the genus cannabis whether grown or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marijuana concentrate.

“Public place” means a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. “Public place” also includes any property or premises owned or controlled by the city. (Ord. 15-04 § 2 (part), 2015.)

8.30.020 Local regulatory authority.

The city council is designated as the “local regulatory authority” as that term is used in AS Chapter 17.38 and any implementing legislation or rule-making. (Ord. 15-04 § 2 (part), 2015.)

8.30.030 Violations and remedies.

A. It is unlawful for any person who operates any restaurant, eatery, bar, hotel or other lodging, or retail establishment to permit marijuana use in violation of this chapter.

B. It is unlawful for any person to consume or use marijuana in violation of this chapter.

C. Any person aggrieved by a violation of this chapter or the city may bring a civil action against a person who violates this chapter and may recover a civil penalty not to exceed three hundred dollars per violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. (Ord. 15-04 § 2 (part), 2015.)

8.30.040 Marijuana use in public places prohibited.

Use or consumption of marijuana in a public place is prohibited. This section is not intended to restrict a property owner from further restricting use of marijuana. (Ord. 15-04 § 2 (part), 2015.)

8.30.050 Marijuana use in or on motor vehicles prohibited.

Marijuana use in or on motor vehicles, on the deck or in the wheelhouse of a watercraft, or in an aircraft is prohibited. (Ord. 15-04 § 2 (part), 2015.)

8.30.060 Marijuana possession and use under the age of twenty-one prohibited.

Possession and consumption of marijuana by persons less than twenty-one years of age are prohibited. (Ord. 15-04 § 2 (part), 2015.)

8.30.080 Retail marijuana store operating hours.

Retail marijuana stores shall be closed, Sunday through Saturday, between the hours of midnight and eight a.m. the following day. (Ord. 16-08 § 2, 2016.)

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LIQUOR LICENSE APPLICATION REVIEW FORM

Received

License Renewal	License Transfer	New License	Other
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to FINANCE _____ **Respond by:** _____ Info. Available as of _____
Date Date Date

ACTIVITY	STATUS
Sales Tax Reports Filed and Payments Submitted	Bal. Due _____ Date/Amt. of Last Payment _____ No. late payments _____ Comment:
Real Property Tax Owns the property? YES NO	Bal. Due _____ Date/Amt. of Last Payment _____ No. late payments _____ Comment:
Personal Property Tax (Inventory, Supplies, Office Equipment)	Bal. Due _____ Date/Amt. of Last Payment _____ No. late payments _____ Comment:
Utility Bill Responsible for utilities? YES NO	Bal. Due _____ Date/Amt. of Last Payment _____ No. late payments _____ Comment:
Most Current DLG Business License	_____ License Year Date Applied Comment:
Most Current AK State Bus. License	_____ License Year Date Applied Comment:



Received

License Renewal	License Transfer	New License	Other
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to Public Safety _____ **Respond by:** _____ Info. Available as of _____
Date Date Date

Have there been any adverse reports filed in the past two years? YES NO

If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

Serving to minors (under 21 years of age).

Intoxicated person on licenses premises.

Serving alcoholic beverages after hours.

Pattern of disturbances or fights on the licenses premises.

Open sale of prohibited drugs on the licenses premises.

Additional comments:



Received

License Renewal	License Transfer	New License	Other
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to PLANNING _____ **Respond by:** _____ Info. Available as of _____
Date Date Date

1) Does the structure, or use of land or a structure, including parking requirements at the proposed license location conform to Title 18. Explain.

2) License Transfer and New Licenses require a public hearing DMC 8.18.020, B. Provide a detail of the Public Notice Requirements.



Received

License Renewal	License Transfer	New License	Other
Doing Business As	License Type	Licensee	Physical Address

Reviewed by: _____
Date

Recommendation:

No Action

Deny

Explain the reason(s) for a denial of the application:

OTHER:

During the two year period that the license is in effect, state statute allows the local governing body to protest the continued operation of a license during the second year of the biennial license period. This may be done by sending both the Alcohol Marijuana and Control Board and the licensee a protest and the reason for the protest by January 31 of the second year of the license.

OTHER Comment:



MARIJUANA ESTABLISHMENT LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to FINANCE _____ Information Available as of _____.
 Date _____ Date _____

ACTIVITY	STATUS	N/A
Sales Tax Filings	Over 90 days Due Amount Due _____ _____ No. of times account was over 90 days due since the license was renewed. Comment:	
Real Property Tax Owns the property? YES NO	Over 90 days Due Amount Due _____ _____ No. of times account was over 90 days due since the license was renewed. Comment:	
Personal Property Tax (Inventory, Supplies, Office Equipment)	Over 90 days Due Amount Due _____ _____ No. of times account was over 90 days due since the license was renewed. Comment:	
Utility Bill Responsible for utilities? YES NO	Over 90 days Due Amount Due _____ _____ No. of times account was over 90 days due since the license was renewed. Comment:	
Most Current DLG Business License	_____ License Year Date Applied Comment:	
Most Current State of Alaska Business License	_____ License Year Date Applied Comment:	



MARIJUANA ESTABLISHMENT LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to PUBLIC SAFETY _____ Information Available as of _____
Date Date

Have there been any adverse reports filed in the past two years? YES NO
If yes, explain in detail and include dates. Use a separate sheet of paper if necessary. :

- Selling to minors (under 21 years of age).
- Drunken person on licenses premises.
- Serving marijuana beverages after hours.
- Pattern of disturbances or fights on the licenses premises.
- Open sale of prohibited drugs on the licenses premises.

Additional comments:

Security Requirements:

Inspection of premises

Review Waste Disposal Plan (3AAC 306.020 (c)(4))



MARIJUANA ESTABLISHMENT LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
Doing Business As	License Type	Licensee	Physical Address

This review covers the period _____ to _____.

Route to PLANNING _____ Information Available as of _____
Date Date

Planning and Zoning

- 500 feet from school, recreational centers, churches, etc. (3AAC306.010(a))

Review Signage and Advertising Plan (3AAC 306.020(b))

Odor Control Plan for Cultivation (AAC 306.360(c))

Additional comments:



MARIJUANA ESTABLISHMENT LICENSE APPLICATION REVIEW

TYPE	License Renewal	New License	Transfer
Doing Business As	License Type	Licensee	Physical Address

Reviewed by: City Council – Local Regulatory Authority

Date:

Explain the reason(s) the application is being protested.