

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve a liquor license renewal for Bayview Restaurant, LLC dba Bayview Pub at 407 Lincoln Street and forward this approval to the Alcoholic Beverage Control Board without objection.



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly Members
From: Sara Peterson, Municipal Clerk
Date: November 3, 2015
Subject: Liquor License Renewal

This office has received notification of the following liquor license renewal:

License #: 268
Doing Business As: Bayview Restaurant & Pub
License Type: Beverage Dispensary
Licensee: The Bayview Restaurant, LLC
Premises Address: 407 Lincoln Street

A memo was circulated to the various departments who may have a reason to protest. To date, no protests have been received. The Alcoholic Beverage Control Board has indicated the renewal needs to be processed in order for the transfer to be processed, the next agenda item.

Recommendation: Approve the liquor license renewal for the Bayview Restaurant, LLC dba Bayview Restaurant & Pub.



THE STATE
of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

Sarah Daulton Oates
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
Phone: 907.269.0350
alcohol.licensing@alaska.gov

October 20, 2015

City and Borough of Sitka
Attn: Colleen Ingman, Municipal Clerk
VIA Email: colleen@cityofsitka.com
sara@cityofsitka.com

Re: Notice of 2016/2017 Liquor License Renewal Applications

Dear Ms. Ingman,

We have received a renewal application for each of the following licenses within your jurisdiction:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
268	Bayview Restaurant	Beverage Dispensary	The Bayview Restaurant, LLC	407 Lincoln Street

A local governing body as defined under AS 04.21.080(b)(18) may protest the approval of an application(s) pursuant to AS 04.11.480 by providing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is arbitrary, capricious, and unreasonable. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify our office and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind when responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application(s) referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information regarding local governing body protests, please refer to 3 AAC 304.145.

If you have any questions or concerns or require additional information, please feel free to contact our licensing unit at alcohol.licensing@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Daulton Oates", written in a cursive style.

Sarah Daulton Oates

Records & Licensing Supervisor

sarah.oates@alaska.gov

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Alcoholic Beverage Control Board 550 West 7 th Ave. Ste. 1600 Anchorage, AK 99501	Renewal Liquor License 2016/2017	(907) 269-0350 Fax: (907) 334-2285 https://www.commerce.alaska.gov/web/abc/
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License is: Full Year OR Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION		
License Number: 268	License Type: Beverage Dispensary	Statute Reference: Sec. 04.11.090
Local Governing Body: City and Borough of Sitka		Community Council (if applicable):
Name of Licensee: Bayview Restaurant, LLC		Doing Business As (DBA): Bayview Restaurant & Pub
Mailing Address: PO Box 6248, Sitka, AK 99835		Street Address or Location of Premises: 407 Lincoln, Sitka, AK 99835
Phone: 907-747-5300	Fax: None	Email: djenks26@gmail.com


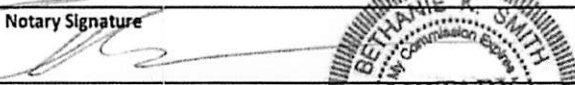
SECTION B - OWNERSHIP INFORMATION - CORPORATION				
<i>Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.</i>				
Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership): Bayview Restaurant, LLC				
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.				
Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)				
Name	Title	%	Mailing Address	Telephone Number
James Jenks	President	50%	34 Brewster Rd Plymouth MA	727-480-7749
Dave Jenks	Vice Pres	50%	200 new arch angel st, sitka, AK 99835	773-573-0626
NOTE: if you need additional space, please attach a separate sheet.				

SECTION C – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)			
Individual Licensees/Affiliates (The ABC Board defines an "affiliate" as the spouse or significant other of a licensee. Each affiliate must be listed.)			
Name: Elizabeth Jenks Address: 34 Braumacker Rd Plymouth, MA 02360 Phone:	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth: 1/2/79	Name: Address: Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS	
Was your business open at least 30 days for 8 hours each day in 2014?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was your business open at least 30 days for 8 hours each day in 2015?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has any person named in this application been convicted of a felony or Title 4 violation? If yes, attach a written explanation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the licensed premises changed from the last diagram submitted? If yes, attach a new diagram with designated premises areas outlined in red.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
For Package Stores only:	
Do you intend to sell alcoholic beverages in response to a written order?	<input type="checkbox"/> Yes <input type="checkbox"/> No
For Restaurant / Eating Places only:	
Were your gross receipts from the sale of food at least 50% of your total gross receipts for 2014 and 2015?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

DECLARATION	
<ul style="list-style-type: none"> I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued. I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application. As a licensee (sole proprietor or partner), I certify that I have received Alaska alcohol server training and my certification is currently valid. As a corporate/LLC licensee, I certify that all agents and employees who serve, sell, or are otherwise responsible for the service, sale, or storage of alcoholic beverages have received Alaska alcohol server training and their certification is currently valid. I further certify that certain shareholders, officers, directors, or members of the entity who are not directly or indirectly responsible for the service, sale, or storage of alcoholic beverages are not Alaska alcohol server training certified and will not be required to be certified. As a licensee, I certify that all of my agents and employees tasked with patron identification verification have received alcohol server training and their certification is currently valid. 	

License Fee	\$ 2500.00
Filing Fee	\$ 200.00
TOTAL	\$
Late Fee of \$500.00 – if received or postmarked after 12/31/2015	\$
Fingerprint Fee – \$49.75 per person (only for new owners/members)	\$
GRAND TOTAL	\$ 2700.00

Licensee Signature 	Printed Name & Title: Dave Jenks, Vice President
Notary Signature 	Subscribed and sworn to before me this 10 th day of October, 2015.
Notary Public in and for the State of: Alaska	My commission expires: June 1, 2018

