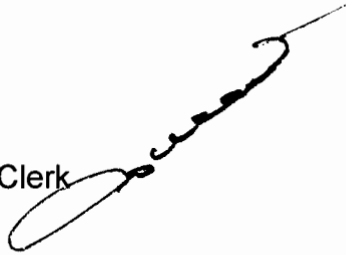

OFFICE OF THE MUNICIPAL CLERK

March 16, 2011

TO: Mayor and Assembly
FROM: Colleen Ingman, Municipal Clerk
SUBJECT: Liquor license Transfer



This office is in receipt of the following liquor license transfer application:

From:
Kelly Kirby Owner/Agent
Kelly's Sports Pub – Lic#606

To:
Sitka Golf Association Inc.
DBA: Sea Mountain Restaurant & 19th Hole

A memo regarding any reason to protest the transfer of this liquor license was circulated. Through that circulation it was found that a lien or liens have been filed against Kelly Kirby.

POSSIBLE MOTIONS

I move to forward the liquor license transfer from Kelly's Sports Pub to the Sitka Golf Association Inc. DBA Sea Mountain Restaurant & 19th Hole to the Alcoholic Beverage Control Board with no objection.

NOTE: Motions should be in the affirmative whenever possible, if it is your intent to vote to protest this transfer then you would want to vote No on the suggested motion.

State of Alaska
Alcoholic Beverage Control Board

RECEIVED
JAN 24 2011
Clerk's Office
City & Borough of Sitka

Date of Notice: January 12, 2011

Application Type: NEW_____

 X TRANSFER
 X Ownership
 X Location
 X Name Change

Governing Body: City & Borough of Sitka
Community Councils: None

License #: 606
License Type: Beverage Dispensary
D.B.A.*: Sea Mountain Restaurant & 19th Hole
Licensee/Applicant: Sitka Golf Association Inc
Physical Location: 301 Granite Creek Rd

Mail Address: PO Box 11693 Sitka AK 99835
Telephone #: 907-747-5663 907-747-7965 Fax
EIN: 92-0163418

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Judith Sudnikovich	PO Box 1171 Sitka AK 99835	907-747- 7955	April 30, 1998 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Lowell Frank	3/20/63	116 Harvest Way Sitka AK 99835	907-747-3339	President 0%
John R Sudnikovich	4/6/42	PO Box 1171 Sitka AK 99835	907-738-3027	Vice President 0%
Judith K Sudnikovich	2/1/44	PO Box 1171 Sitka AK 99835	907-738-2189	Treasurer 0%
Jonathan Lowrance	4/23/57	PO Box 1713 Sitka AK 99835	907-747-1040	Secretary 0%

If **transfer** application, current license information:

License #: 606
Current D.B.A.: Kelly's Sports Pub
Current Licensee: Kelly Kirby
Current Location: 1617 Sawmill Rd

Additional comments: Restaurant Designation Permit Application enclosed.

****Date of Birth**

*** Doing Business As**

Cc:

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing 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 us 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 in 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 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 please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

/s/ Reeda Jaramillo
Reeda Jaramillo
Lead Business Registration Examiner