

POSSIBLE MOTION

I MOVE TO approve a liquor license renewal application for Pilot House and forward this to the Alaska Alcohol and Marijuana Control Office 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 McConnell and Assembly Members
From: Sara Peterson, Municipal Clerk
Date: March 1, 2016
Subject: Liquor License Renewal – Pilot House

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

License #: 4117
DBA: Pilot House
License Type: Beverage Dispensary
Licensee: Pilot House, Inc.
Premises Address: 485 Katlian Street

This license is operated by Fly In Fish Inn, Inc. which is in Chapter 11 Bankruptcy. A memo was circulated to the various departments who may have had reason to protest. The applicant is current on all post-bankruptcy obligations; pre-bankruptcy obligations will be dealt with in a Plan of Reorganization to be considered by the Bankruptcy Court. The applicant has also indicated in the presently proposed Plan that he will work to transfer the license from Pilot House, Inc. to Fly In Fish Inn if this is required with the Alaska Alcohol and Marijuana Control Office. Staff believes it is in the municipality's best interest for this entity to retain its liquor license.

Recommendation: Approve the liquor license renewal application for Pilot House, Inc.



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

January 12, 2016

City and Borough of Sitka
Attn: Sara Peterson, Municipal Clerk
VIA Email: sara.peterson@cityofsitka.org
melissa.henshaw@cityofsitka.org

Re: Notice of 2016/2017 Liquor License Renewal Applications

Dear Ms. Peterson,

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

Lic. #	Doing Business As	License Type	Licensee	Premises Address
4117	Pilot House	Beverage Dispensary	Pilot House, Inc.	485 Katlian 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 Oates", with a large, stylized loop at the end.

Sarah Daulton Oates

Records & Licensing Supervisor

sarah.oates@alaska.gov

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Alcoholic Beverage Control Board 550 W 7 th Avenue, Suite 1600 Anchorage, AK 99501	Renewal Liquor License 2016/2017	Phone: (907) 269-0350 Email: alcohol.licensing@alaska.gov http://commerce.alaska.gov/web/abc/Home.aspx
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License is: Full Year OR Seasonal If seasonal, list dates of operation: _____

SECTION A - LICENSE INFORMATION		
License Number: 4117	License Type: Beverage Dispensary	Statute Reference: Sec. 04.11.090
Local Governing Body: Sitka City & Bor Other (Anch, Sit, Jno, Com, Car, WA)		Community Council (if applicable):
Name of Licensee: Pilot House Inc		Doing Business As (DBA): Pilot House
Mailing Address: 485 Katlian St Sitka, AK 99835		Street Address or Location of Premises: 485 Katlian St Sitka, AK 99835
Phone: (907)747-7910	Fax: (907)747-7918	Email: info@flyinfishinn.com

SECTION B – OWNERSHIP INFORMATION – CORPORATION (if owner is a sole proprietor, skip to SECTION C)				
<i>Corporations, LLCs, LLPs and LPs must be registered with the Alaska Division of Corporations.</i>				
Name of Entity (Corporation/LLC/LLP/LP): Pilot House Inc.				
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 10% or more of stock)				
Name	Title	%	Mailing Address	Telephone Number
Ken Bellows	President	100	485 Katlian St, Sitka, AK 99835	(907)738-2363
Ron Bellows	V.P.	0	485 Katlian St, Sitka, AK 99835	(907)738-4660
Carla Green	Treasurer	0	485 Katlian St, Sitka, AK 99835	(907)738-0102
NOTE: If you need additional space, please attach a separate sheet.				

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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: Address: Phone:	N/A	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:	Name: Address: Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

SECTION D – SUPPLEMENTAL QUESTIONS

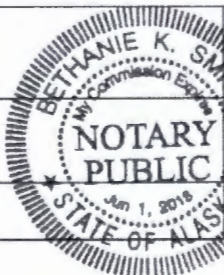
Was your business open at least 30 days for 8 hours each day in 2014?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Was your business open at least 30 days for 8 hours each day in 2015?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has any person named in this 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

- 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	\$2700.00
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	\$ 2,700.00

Licensee Signature <i>Ken Bellows</i>	Printed Name & Title: Ken Bellows, President
Notary Signature <i>[Signature]</i>	Subscribed and sworn to before me this 14 th day of December, 2015.
Notary Public in and for the State of: Alaska	My commission expires: June 1, 2018



DEC 29 '15 4:11:10