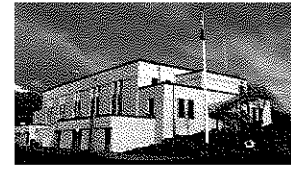




City & Borough of Sitka  
**Municipal Clerks Office**  
100 Lincoln Street, Sitka AK 99835  
Telephone: 907-747-1808 Fax: 907-747-4004



## MEMORANDUM

January 3, 2013

**TO:** Mayor and Assembly members

**FR:** Sara Peterson, Deputy Municipal Clerk *SP*

**RE:** Liquor License Renewal Applications

We have received the following liquor license renewal applications:

DBA	Lic Type	Lic #	Owner	Service Location
BPO Elks Lodge #1662	Club	363	BPO Elks Lodge #1662	412 Sawmill Creek Blvd
Ernie's Bar	Beverage Dispensary	373	Ernie's Bar Inc	130 Lincoln Street

A memo was circulated to the various departments who may have had objections; none were received.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road  
Anchorage, Alaska 99507  
Main: 907.269.0350  
Chris Lambert: 907.269.0359  
TDD: 907.465.5437  
Fax: 907.272.9412

December 21, 2012

**Renewal Application Notice**

City & Borough of Sitka  
Attn: City Clerk  
VIA EMAIL: [colleen@cityofsitka.com](mailto:colleen@cityofsitka.com)

DBA	Lic Type	Lic #	Owner	Service Location
BPO Elks Lodge #1662	Club	363	BPO Elks Lodge #1662	412 Sawmill Creek Blvd
Ernie's Bar	Beverage Dispensary	373	Ernie's Bar Inc	130 Lincoln St

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

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 13 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ  
Director

*/s/Christine C. Lambert*  
Christine C. Lambert  
Licensing & Records Supervisor  
[Christine.lambert@alaska.gov](mailto:Christine.lambert@alaska.gov)