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## OFFICE OF THE MUNICIPAL CLERK

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August 17, 2011

TO: Mayor and Assembly  
FROM: Colleen Ingman, Municipal Clerk   
SUBJECT: Liquor license Change of Location

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

**Transfer Location**

Baranof Island Brewery

FROM: 212 Smith Street

TO: 212 Smith Street, Suite A & B

A memo was circulated to the various departments who may have had any reason to protest and no objections were received.

All municipal accounts are current and there are no liens against the license holder.

**Should this item be pulled from the Consent Agenda the following motion would be in order:**

### **POSSIBLE MOTION**

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**I MOVE** to approve forwarding Baranof Island Brewery change of location application to the Alcoholic Beverage Control Board without protest.

State of Alaska  
Alcoholic Beverage Control Board

Date of Notice: August 1, 2011

Application Type: NEW \_\_\_\_\_

  X   **TRANSFER**  
\_\_\_\_ Ownership  
  X   **Location**  
\_\_\_\_ Name Change

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

License #: 4912  
License Type: Brewery  
D.B.A.\*: Baranof Island Brewing Company  
Licensee/Applicant: Baranof Island Brewing Company LLC  
Physical Location: 215 Smith Street, Unit A & B, Sitka

Mail Address: PO Box 1647, Sitka, AK 99835  
Telephone #: 907-747-2739  
EIN: 26-4313648

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Rick Armstrong	PO Box 1647 Sitka, AK 99835	907 747-2739	02/23/09 AK	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 (%)
Rick Armstrong	10/18/70	PO Box 1647 Sitka, AK 99835	907 747-2739	50%
Suzan Hess	12/29/71	PO Box 1647 Sitka, AK 99835	907 747-2739	50%

If transfer application, current license information:

License #: 4912  
Current D.B.A.: No change – Baranof Island Brewing Company  
Current Licensee: No change - Baranof Island Brewing Company, LLC  
Current Location: 212 Smith Street, Sitka AK

Additional comments:

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/ Christine C. Lambert*  
Christine C. Lambert  
Business Registration Examiner