



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A. Masters, Commissioner

December 3, 2009

Renewal Application Notice

City of Sitka
Attn: Colleen, City Clerk's Office
VIA EMAIL: colleen@cityof sitka.com

DBA	Lic Type	Lic #	Owner	Premise Address
American Legion Post #13	Club	56	American Legion Post 13	205 Lincoln Street
House of Liquor	Package Store	1366	House of Liquors Inc	705 HPR
19th Hole	R/Eating Place Public Conv	4389	Sitka Golf Association Inc	301 Granite Creek Road

We have received a renewal application for the above listed licenses (see attached applications) 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).

Alcoholic Beverage Control Board
5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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,

/s/ Christine C. Lambert

Christine C. Lambert

Business Licensing Examiner

269-0356

Christine.lambert@alaska.gov

Colleen Ingman

From: Jaramillo, Henreeda (DPS) [reedajaramillo@alaska.gov]
Sent: Friday, November 27, 2009 1:01 PM
To: colleen@cityofsitka.com
Subject: 2010-2011 - Renewal Notification - Sitka

Dear Local Governing Body:

We have received the following application(s) for renewal of liquor license(s) within your jurisdiction. You are being notified as required by AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included below.

2010-2011

Type: Restaurant Eating Place
License: Agave Mexican Restaurant – Lic#4854
Location: 236 Lincoln St
Owner: Juan Carlos Macias
Agent: Juan Carlos Macias
Phone: 907-966-3333
Mailing Address: PO Box 693 Sitka AK 99835

We have received application (see attached notice) for a liquor license(s) 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.

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