



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board
FROM: Cynthia Franklin
Director, ABC Board

DATE: January 31, 2016
RE: Coho's Bar and Grill #586

The City and Borough of Juneau (CBJ) has protested continued operation of the above license per AS 04.11.480(a) and 3 AAC 304.145(g)(1). Details are as follows:

Date Protest received: January 14, 2016

Basis for Protest: Unfiled sales tax returns for the fourth quarter of 2014 and the first, second and third quarters of 2015 and the associated taxes, penalties and interest owing for those returns

Recommendation: Uphold protest and order licensee to cease operations with an abeyance period of 30 days (if requested by the licensee)



OFFICE OF THE MUNICIPAL CLERK

Ph: (907)586-0203 Fax: (907)586-4552

e-mail: Beth.McEwen@juneau.org

January 14, 2016

Sent via e-mail & USPS

Sarah Daulton Oates, Records & Licensing Supervisor
State of AK Alcohol Beverage Control
The Atwood Building
550 West 7th Ave., Suite 1600
Anchorage, AK 99501

Re: CBJ Assembly Action on Liquor Licenses

Dear Sarah:

At its meeting on Monday, January 11, 2016 the City and Borough of Juneau Assembly took action on liquor license transfers, renewals and protest of the continued operation of a license.

Transfers & Applications

The Assembly waived its right to protest the following liquor license transfers and premises extension as listed under items (a) - (c) below. They also approved the Restaurant Designation Permits for items (a) and (b) and signed copies of the permits are enclosed for your records.

- a. **Liquor License Transfer of Ownership and Name Change and Application for Restaurant Designation Permit for Beverage Dispensary License #648 From YC Baranoff, LLC d/b/a Bubble Room-Westmark Hotel to YC Juneau Hotel d/b/a Westmark Hotel**
- b. **Liquor License Transfer of Ownership and Name Change and Application for Restaurant Designation Permit for Restaurant Eating Place License #5278 From Joan Deering d/b/a Paradise Cafe and Bakery to Abby Roha d/b/a Zereldas Bistro**
- c. **Liquor License #2534 Premises Extension - Alaskan Brewing, LLC**

2016-2017 Renewals

The Assembly waived its right to protest the following Liquor License Renewals for 2016-2017:

Package Store Licenses:

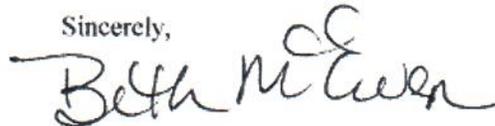
License #271 Alaska Cache Liquor, Inc. d/b/a Alaska Cache Liquor; 156 S. Franklin St.

Mid-Cycle Protest

In accordance with AS 04.11.480¹, the Assembly is protesting the continued operation of the Beverage Dispensary Tourism License # 586 issued to Coho's Bar & Grill LLC d/b/a Coho's Bar and Grill based on unfiled sales tax returns for the 4th quarter of 2014 and the 1st, 2nd, and 3rd quarters of 2015 and the associated taxes, penalties and interest owing for those returns. A copy of the letter dated December 31, 2015 informing them of this action and their right to an informal hearing before the Assembly is attached for your records. This letter was sent via regular USPS mail and USPS certified mail. The certified letter was returned as "rejected" and as of today's date, no filings or payments have been made to satisfy the outstanding tax filings and amounts due.

Thank you for the opportunity to comment. If you have any questions, please send an e-mail or call me at 907-586-0203.

Sincerely,

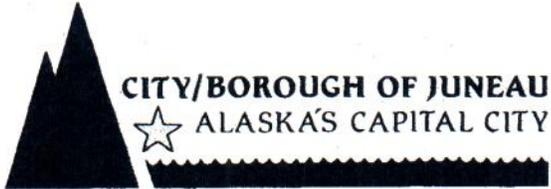


Beth McEwen, MMC
Deputy Clerk

Attachments
cc: Licensees

¹ Sec. 04.11.480. Protest

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. ***The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application.*** The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable. (*emphasis added*)



OFFICE OF THE MUNICIPAL CLERK
Ph: (907)586-5278 Fax: (907)586-4552
e-mail: Beth.McEwen@juneau.org

December 31, 2015

Via certified & regular mail

Randy Kaer
Coho's Bar & Grill, LLC d/b/a Coho's Bar & Grill
101 Christensen Drive
Anchorage, AK 99501

Re: Beverage Dispensary Tourism Liquor License #586 Mid-Cycle Protest

Dear Mr. Kaer,

The City and Borough of Juneau is in the process of our annual review of liquor license businesses within the community for compliance with CBJ Code and continued operations of the licenses. Alaska Statute section 04.11.480 provides the following with respect to protesting the continued operation of a liquor license during the second year of the biennial license period (*emphasis added*):

Sec. 04.11.480. Protest.

(a) A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application. A protest received after the 60-day period may not be accepted by the board, and in no event may a protest cause the board to reconsider an approved renewal, relocation, or transfer. ***The local governing body may protest the continued operation of a license during the second year of the biennial license period by sending the board and the licensee a protest and the reasons for the protest by January 31 of the second year of the license. The procedures for action on a protest of continued operation of a license are the same as the procedures for action on a protest of a renewal application.*** The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application or continued operation, and the protest and the record of the hearing conducted under AS 04.11.510(b)(2) or (4) shall be kept as part of the board's permanent record of its review. If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.

As is our practice in these matters, the staff from the Fire, Finance, Police, Public Works, and Community Development Departments reviewed each establishment to insure compliance with city code. Our Sales Tax Office will be recommending protest of the continuation of this license due to unfiled sales tax returns for the 4th quarter of 2014, and the 1st, 2nd, and 3rd quarters of 2015 as well as any associated taxes, penalties and interest.

December 31, 2015

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Letter to Coho's Bar & Grill LLC re: Mid-Cycle Liquor License Protest

Please note that while payment plans are available and encouraged if you are unable to pay the full amount due, entering into a payment plan, ie: Confession of Judgment and Stipulation, will not put the business in good standing with the CBJ Finance department for purposes of liquor license protest. Only when the all returns are filed and full payment of the outstanding balance, interest, and penalties are received, will the Finance Department withdraw its recommendation to protest the license.

CBJ Code 20.25.025 provides you with the right to an informal hearing before the Assembly to address this issue. This matter will initially be considered at the Monday, January 11, 2016 Assembly Human Resources Committee (HRC) meeting at 6:00 p.m. in the Assembly Chambers and the HRC will then forward a recommendation to the Assembly for action at its regular meeting that same evening at 7:00 p.m. in the Assembly Chambers. At that meeting will be your opportunity to participate in an informal hearing before the Assembly if you wish to do so.

Copies of the CBJ Code and Alaska Statutes pertaining to the protest process are enclosed for your reference.

In the meantime, I would urge you to work with CBJ Sales Tax staff to try to resolve the outstanding balances owing on your account. Sales Tax Administrator Clinton Singletary can be reached at 586-5265.

Sincerely,

A handwritten signature in black ink that reads "Beth McEwen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Beth McEwen
Deputy Clerk

Enclosures

cc via email:

Assembly Human Resources Committee & Assembly
Liquor License Staff Reviewers