



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

DATE: April 15, 2016

FROM: Cynthia Franklin
Director, ABC Board

RE: Terry's Fish and Chips #5007

This is an application for a new restaurant/eating place license in the City of Seward. Objections were received pursuant to AS 04.11.470. The board is required to consider the objections and testimony received at a hearing conducted under AS 04.11.510(b)(2) upon receipt of objection to ascertain the reaction of the public and local governing body to the application. AS 04.11.510(b)(2) requires that the board give 20 day advance notice of such hearing.

Objection received: 1) Kenai Peninsula Borough, February 26, 2016
2) City of Seward, March 15, 2016

Basis for objection: Delinquent taxes owed: \$17,036.92

Notice given for hearing? Yes, 20 days notice in public notice for meeting

Statutes/Regulations Applicable AS 04.11.330(b); AS 04.11.470; AS 04.11.510(b)(2); AS 04.11.330(a)(1)

Objection v. Protest: KPB protested within the appropriate time frame but was not the local governing body with jurisdiction over the license. City of Seward protested outside the 60 day protest period which requires the board to consider letter as an AS 04.11.470 objection.

Questions before the board 1) Is the applicant delinquent in the payment of taxes if the tax liability arises in whole or in part out of the licensed business per AS 04.11.330(b)?
2) Is the issuance of the license in the best interest of the public per AS 04.11.320(a)(1). The board may use any objection and the reaction of the public and local governing body to the application, as ascertained after holding the hearing under AS 04.11.510(b)(2), to assist in



its determination of the answer to question number 1 above.

Recommendation:

Deny renewal of license with an abeyance period of 30 days (if requested by the licensee) to get delinquent taxes paid if board determines taxes are owed per AS 04.11.330(b)

CITY OF SEWARD
P.O. BOX 167
SEWARD, ALASKA 99664-0167



- Main Office (907) 224-4050
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- City Clerk (907) 224-4046
- Engineering (907) 224-4049
- Utilities (907) 224-4050
- Fax (907) 224-4038

March 15, 2016

Ms. Sarah Oates
Records and Licensing Supervisor
Alcoholic Beverage Control Board
550 W 7th Avenue, Suite 1600
Anchorage, Alaska 99501

RE: Supporting the Kenai Peninsula Borough's Protest of Liquor License Continuance

Business Name : Terry's Fish and Chips
License Type : Restaurant/Eating Place – Public Convenience
License Location : 1403 Fourth Avenue, Seward
License Number : 5007


Dear Sarah,

You recently received an objection from the Kenai Peninsula Borough Assembly protesting the continuance of the referenced liquor license due to delinquent and unpaid taxes.

Because the Kenai Peninsula Borough collects sales tax on behalf of the City of Seward, the City Council hereby supports this protest of the liquor license continuance for Terry's Fish and Chips.

Please let us know if you have any questions or need any additional information from the City of Seward.

Sincerely,


Johanna Kinney, CMC
City Clerk
City of Seward, Alaska

(907) 224-4050



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

February 25, 2016

Ms. Sarah Daulton Oates
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Protest of Liquor License Continuance

Business Name	:	Terry's Fish and Chips
License Type	:	Restaurant/Eating Place – Public Convenience
License Location	:	1403 Fourth Ave., Seward
License No.	:	5007

Dear Sarah,

At its regularly scheduled meeting of February 23, 2016, the Kenai Peninsula Borough Assembly protested the continuance of the referenced liquor license due to delinquent and unpaid taxes.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/bmh

cc: Applicant
KPB Finance Department
File

HAR 1 '16 on 11:13

Memorandum

To: Johni Blankenship, Borough Clerk
Thru: Craig Chapman, Finance Director *BA for CCC*
From: *JR* Joanne Rodgers, Delinquent Accounts Specialist
Date: February 11, 2016
Subject: Liquor License Renewal

The Finance Department has reviewed all relevant tax accounts related to the following businesses and found the licensees to be delinquent as follows:

License Location—Kenai Peninsula Borough

License #126 – Package Store

James I. Bass dba Bing Brown's

PO Box 1039, Sterling, AK 99672 (Location: 32686 Sterling Hwy, Sterling)

Sales Tax #031321

Total Due \$3,219.61

License Location—Seward

License #5007- Restaurant Eating Place – Public Convenience

Terrance F. Lee dba Terry's Fish & Chips

PO Box 1987, Seward, AK 99664 (Location: 1403 Fourth Ave, Seward)

Sales Tax #038470

\$4,158.61

Real Property Tax #14407308

\$5,194.46

Judgment Payment Plan #3KN-98-212 CI

\$7,683.85

Total Due \$17,036.92

Please be advised that the Finance Department recommends that the assembly cause a protest to be filed with the Renewal of the liquor license listed due to unpaid taxes.

Please forward a copy of the assembly approval/objection letter for our records. Thank you for your consideration in this matter.