

Northern Justice Project, LLC  
 A Private Civil Rights Firm  
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Attorneys for Plaintiffs

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT SITKA

BARANOFF TAXI & TOURS, LLC,	)	
	)	
and	)	
	)	
THADDEUS and MELISSA A. LARA,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	1SI-23-00045CI
	)	
ROBERT M. BATY,	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT FOR CONSTITUTIONAL VIOLATIONS AND  
 INJUNCTIVE AND DECLARATORY RELIEF**

COME NOW the plaintiffs, Baranof Taxi and Tours and Thaddeus and Melissa A. Lara, by and through counsel, the Northern Justice Project, LLC, and file this complaint against Robert M. Baty (“Baty”), currently the Chief of Police for the Sitka Police Department (“SPD”). Baty is making up the law and violating the constitutional rights of the plaintiffs. They seek injunctive and declaratory relief and damages.

## JURISDICTION AND VENUE

1. This Court has jurisdiction over this case under AS 22.10.020(c) and (g).
2. Venue is proper under AS 22.10.030 and Alaska Civil Rule 3(c).

## PARTIES

3. The plaintiffs, Thaddeus and Melissa A. Lara are residents of Sitka and co-owners of Baranof Taxi and Tours.

4. Baranof Taxi and Tours is a business located in Sitka.
5. Baty is the current Chief for the SPD.

## RELEVANT BACKGROUND

6. Thaddeus and Melissa Lara are co-owners of a taxi and tourism business in Sitka, i.e., Baranof Taxi and Tours.

7. Sitka General Code, §11.56.070 relates to insurance for taxicabs. In the fall of 2022, Baty “reinterpreted” this law. Under Baty’s new “interpretation,” the plaintiffs might be forced out of business. Specifically, Baty informed the plaintiffs that, under his new interpretation of §11.56.070, the Laras’ business cannot provide taxi rides **and** tour services (although it has done so for years and although there is absolutely nothing in §11.56.070 that prohibits this). Baty has also informed the plaintiffs that, under his new interpretation of §11.56.070, the Laras’ business must change its logos or insignias, depending on whether it is offering taxi services **or** tour services (although the business has never done any such thing since it began operating in 2014 and although there is absolutely nothing in §11.56.070 that prohibits this). Baty has also informed the plaintiffs that, under his new interpretation of §11.56.070,

the Laras' business must buy separate vehicles, for its taxi services vs. its tour services (although the business has never done any such thing since it began operating in 2014 and although there is absolutely nothing in §11.56.070 that requires this).

8. This is not the only time that Baty has made up or "reinterpreted" the laws. On March 27, 2023, Ms. Lara was advised by written notice from the SPD that she needed to renew her taxi operator's license. This license is essential to the plaintiff's business. The SPD's written notice set forth seven required items for Ms. Lara's renewal application.<sup>1</sup>

9. On April 19, 2023, Ms. Lara submitted her application to the SPD and her application contained all seven of the requested items.

10. On April 25, 2023, Baty refused to issue Ms. Lara the renewal. Baty listed 14 items that Ms. Lara needed to first provide Baty in order that Baty consider issuing to Ms. Lara the needed license renewal.<sup>2</sup> Baty's letter cited the Sitka General Code, §11.56.050(c) as authority for his request. However, Sitka General Code, §11.56.050(c) says nothing about these 14 items. Instead, the relevant code simply says that a license will not be issued to "[A]n applicant who fails to supply information so required or submits false or misleading information."

11. In fact, various of Baty's new requirements find no support in **any** section of the Sitka General Code. For example, Baty is demanding that the owner/operator of a taxi company (who may not even drive any cab) provide him with a "DMV printout."

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<sup>1</sup> See Exhibit 1 attached hereto.

<sup>2</sup> See Exhibit 2 attached hereto.

There is no section of Sitka General Code that provides for this. And it is also a nonsensical requirement: why should an owner of the company, who may not even drive, need to produce to Baty a DMV printout? Other of Baty's requirements (e.g., fingerprints) are requirements that Baty is making up out of whole cloth; nothing in Sitka General Code provides that this is a requirement to obtain an operator's permit.

12. The City and its attorney are aware that Baty is making up the law. But both are too fearful to inform Baty that only in banana republics do petty officials get to make up the laws.

13. All of the above legal requirements being invented by Baty will undermine or destroy plaintiff's business and none of them are supported by the Sitka General Code or by the written notices that Baty has sent the plaintiffs. Insofar as the Sitka General Code allows Baty to simply make up the law, as he sees fit and without any prior notice to the public or to the plaintiffs, the Code is illegal because it violates due process: government agencies or government employees, like Baty and the SPD, cannot simply make up the law as they deem fit, on an ad hoc basis and without any prior notice to the public.

### **CLAIMS FOR RELIEF:**

#### **FIRST CAUSE OF ACTION – VIOLATION OF DUE PROCESS**

14. The foregoing paragraphs of this Complaint are incorporated herein as though fully set forth.

15. In acting in the aforesaid fashion, Baty has violated the plaintiffs' rights to due process.

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16. Plaintiffs are entitled to damages, an injunction and full attorney's fees.

**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiffs respectfully request that the Court enter:

- (1) An injunction compelling Baty to follow the Sitka General Code and not invent or create requirements that were at no time disclosed to the public and which are nowhere mentioned in the Code;
- (2) An injunction that holds that the Sitka General Code is unconstitutional insofar as it allows Baty to invent or create requirements that were at no time disclosed to the public and which are nowhere mentioned in the Code;
- (3) Actual and compensatory and nominal damages against the defendant;
- (4) The costs and expenses of litigation, including full attorney fees;
- (5) All other relief as the Court deems necessary.

DATED this 27<sup>th</sup> day of April 2023

NORTHERN JUSTICE PROJECT, LLC  
Attorneys for Plaintiffs

By: /s/ James J. Davis, Jr.

James J. Davis, Jr., AK Bar No. 9412140  
Nicholas Feronti, AK Bar No. 2106069



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# City and Borough of Sitka

## Police Department

304 Lake Street, Suite 102 • Sitka, Alaska 99835  
 Robert Baty Phone 747-3245  
 Chief of Police Fax 747-1075



Melissa A Lara  
 506 DeGroff St  
 Sitka, AK 99838

3/27/2023

### TAXI LICENSE/PERMIT RENEWAL NOTICE

Dear Melissa,

Our records show that your taxi owner/operator permit and license is expiring, or has expired, as of 4/27/2023. If you wish to continue operating a taxi, please submit your completed renewal application at least seven (7) days prior to your expiration date. **A \$25 late fee may be applied if submitted after expiration date.** Applications can be picked up, in person, at the Sitka Police Department. They are also available online, on the City of Sitka website, [www.cityofsitka.com](http://www.cityofsitka.com). The application is found under the forms section of the Police Department page, accessed under the "Departments" tab.

You may submit your application any time of the day or night and it will be forwarded to the Multi Service Officer for review. In order for your application to be processed and reviewed in the timeliest manner, your application must include:

- Taxi permit/license fee of \$50 + tax (cash or check only) – non-refundable processing fee
- A copy of your DMV driving history (can be obtained online or in person at the DMV)
- A copy of your criminal history (can be attained at the Department of Public Safety)
- A copy of your current Alaska State Business License
- Proof of Insurance
- Current City tax account
- You must be current on all City accounts

Once you have submitted your application for review, permits and licensing are done by appointment only. Hours of operation for the Multi Service Officer are Monday through Thursday from 9am to 3pm. Please call 747-3245 to set up your appointment.

Thank you,  
 Brian Schoenfelder  
 Multi Service Officer  
 Sitka Police Department



# SITKA POLICE DEPARTMENT

CITY AND BOROUGH OF SITKA  
A COAST GUARD CITY

304 Lake Street, Suite 102 | Sitka, Alaska 99835  
Robert Baty, Chief of Police  
www.cityofsitka.com | spdadmin@sitkapd.org  
907-747-3245 | FAX 907-747-1075



April 25, 2023

via: Email and Certified Mail

Melissa A. Lara  
11678 Colvin Rd.  
Clatskanie, OR 97016

Re: Taxicab operator application incomplete

Dear Ms. Lara,

I carefully reviewed your application packet for a taxicab operator's license submitted 4-19-2023. A new operator's license will not be issued to you as you have failed to provide proper information so required by **SGC. 11.56.050 (C). Eligibility for Operator license** (copy attached) SGC 11.56.050 (C) In part, states: No operator license shall be issued to: An applicant who fails to supply information so required.

Your application is incomplete. Additionally, you did not list a vehicle to be used or turn in a vehicle inspection.

Your application is missing substantial information, such as social security number, your addresses seem to conflict on your DMV printout and application, vehicle information, number of vehicles, make, year, color, registration, VIN, license plate number, vehicle inspection forms, your insignia is not specific, your insurance carrier does not list you as an additional driver, and you provided an insurance form for Tad Lara, not yourself, lastly, you have not provided your fingerprints.

Please submit a complete application so I can properly consider your application.

Sincerely,

Robert M. Baty  
Chief of Police  
Sitka, Alaska. 99835

Enclosure/Attachment

Cc: Brian E. Hanson, Municipal Attorney