

Notice of Violation

Date: 2/15/19

AMCO Case # : AM19-0296

AMCO

NOV 14 2019

Notice of Violation

(3AAC 304.525)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: License #/Type:
Licensee: Address:
DBA: AMCO Case #:

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator:

Received by:

SIGNATURE:

J.R. Hamilton

SIGNATURE:

Delivered VIA:

Date:

From: [Laile Fairbairn](#)
To: [CED AMCO Enforcement \(CED sponsored\)](#)
Cc: [Katherine Cooper](#)
Subject: South Restaurant + Coffeehouse #4923 -- Response to NOV
Date: Monday, February 25, 2019 3:29:09 PM
Attachments: [South Restaurant AMCO Letter.pdf](#)
[AMCO Notice of Violation Response STH 022119.pdf](#)

Hello -- Please find attached the response to Notice of Violation, AM19-0296, for South Restaurant + Coffeehouse. Also please find a letter from Anchorage Daily News, the promoter for the event that we participated in.

We apologize for our failure to do due diligence on the proper permit for this type of event and we better understand what we would do differently.

Please let me know if any further follow up is needed.

--

LAILE FAIRBAIRN

President | Locally Grown Restaurants

General Manager | South Restaurant + Coffeehouse

907.770.9222 | laile@snowcitycafe.com

340 G Street Suite 200, Anchorage AK 99501





February 21, 2019

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

Re: Notice of Violation, AM19-0296, license # 4923

Dear Investigator Hamilton,

On January 26, 2019, we participated in *Anchorage Daily News* event, The Best of Alaska, at the Dena'ina Center. As the winner of Best Cocktail Menu, we were invited to serve samples of our cocktails. We served 2 oz. portions of our Ginger Pear Punch, which features vodka.

ADN asked for our staff TAM card numbers and seemed to have the event details thought out and we assumed that they had obtained the proper permit for the event.

After the event, we were notified by you that we, in fact, violated our license because the type of permit obtained was a special event caterers' permit for a non-profit. Only beer and wine can be served with this type of permit and the product needed to be donated to the non-profit for service at the event.

Now we understand that we should have obtained our own caterer's permit for this type of event.

We take full responsibility for not doing our due diligence before participating and will make sure that we have the correct permit in place for any future events.

If you or Director Erika McConnell would like to discuss in person, I would be happy to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "Laile Fairbairn", with a long, sweeping horizontal line extending to the right.

Laile Fairbairn
Managing Member
907.632.4343 cell

ANCHORAGE DAILY NEWS

Anchorage Daily News
300 W. 31st Ave
Anchorage, AK 99503

South Restaurant + Coffee House
11124 Old Seward Highway
Anchorage, AK 99515

RE: Best of Alaska

February 22nd, 2019

To Whom It May Concern:

It was brought to our attention that your establishment was issued a Notice of Violation for your participation in the Best of Alaska event. We do understand the seriousness of the situation and I apologize for putting your license at risk. We understand that this honest mistake carries massive implications for our vendors. This was in no way our intention and I hope you know that we do understand the severity of the situation and that we are working on processes so that this does *NOT* happen in the future.

Here is what happened, and the plan we have put into motion to prevent this from happening in the future:

ADN obtained a special event permit with our charity partner. When the permit was approved, we filed it and continued planning the event. It wasn't until after the event, that we realized the oversight on our part, that it was a 'beer/wine' only event permit.

After conversations with AMCO we have a better understanding on how this permit works, and which type of permit we need to use for events when serving spirits in addition to beer/wine. We know who to contact for questions and plan on having a meeting with an AMCO representative, our licensee partner with all vendors (either collectively or individually, if needed) prior to the event. In future years, we will share the permit with all vendors, and in the event they need something additional, we can work together to assure everyone is operating within the correct regulations.

On behalf of the Best of Alaska Event and ADN, I would like to apologize that this mistake happened. Please let us know if there is anything that we can do to assist in this process.

Best, Sarah Boice
Director of Events, ADN



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	South Restaurant & Coffeehouse	License Number:	4923
License Type:	Beverage Dispensary		
Examiner:	<i>Cam</i>	Transaction #:	1179068

Document	Received	Completed	Notes
AB-17: Renewal Application	11/14	12/14	
App and License Fees	11/14	11/14	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
* <i>Nov</i>		
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response: *Muni* LGB 2 Response: *Bayshore / Klatt*

Waive Protest Lapsed
 Waive Protest Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that are is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	South Restaurant + Coffeehouse, LLC	License #:	4923
License Type:	Beverage Dispensary		
Doing Business As:	South Restaurant and Coffee House		
Premises Address:	11124 Old Seward Hwy. Ste. A		
Local Governing Body:	Municipality of Anchorage		
Community Council:	Bayshore/Klatt		

Mailing Address:	340 G St, Ste 200		
City:	Anchorage	State:	AK
		ZIP:	99501

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Laila Fairbairn	Contact Phone:	907-770-9222
Contact Email:	laila@snowcitycafe.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:	Cindy Lyons	Contact Phone:	907-334-9700
Contact Email:	cindy@locallygrownak.com		



Form AB-17: 2020/2021 Renewal License Application

Section 2 - Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are corporations or LLCs must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10015581
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each shareholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official:	Laila Fairbairn & Andrew Libo			
Title(s):	Member	Phone:	907-633-4343	% Owned: 18.03
Mailing Address:	2346 Loussac Dr.			
City:	Anchorage	State:	AK	ZIP: 99517

Name of Official:	Laila Fairbairn			
Title(s):	Manager	Phone:	907-633-4343	% Owned: 0
Mailing Address:	2346 Loussac Dr.			
City:	Anchorage	State:	AK	ZIP: 99517

Name of Official:	Joseph Dugan			
Title(s):	Member	Phone:	907-360-0589	% Owned: 11.07
Mailing Address:	1536 Coffey Ln			
City:	Anchorage	State:	AK	ZIP: 99501

RECEIVED
DEC 16 2019
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

AMCO
NOV 14 2019



Form AB-17: 2020/2021 Renewal License Application

Section 2 - Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are corporations or LLCs must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by using the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10015581
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *shareholder who owns 10% or more of the stock in the corporation*, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. You must list **ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Ethan Berkowitz and Mara Kimrod		
Title(s):	Member	Phone:	% Owned: 5.02
Mailing Address:	1957 Wildwood Dr.		
City:	Anchorage	State:	AK ZIP: 99517

ent

Name of Official:	Jennifer Wagner & Timothy Scarce		
Title(s):	member	Phone:	% Owned: 5.54
Mailing Address:	4110 Tazlina Ave		
City:	Anchorage	State:	AK ZIP: 99517

ent

Name of Official:	Joni Gordon & Paul Barndorff		
Title(s):	Member	Phone:	% Owned: 5.69
Mailing Address:	3640 Clay Products Dr.		
City:	Anchorage	State:	AK ZIP: 99517

ent





Form AB-17: 2020/2021 Renewal License Application

Section 2 - Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are corporations or LLCs must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is neither your EIN/tax ID number, nor your business license number. You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10015581
-----------------------	----------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

[Handwritten initials]

This subsection must be completed by any community or entity, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *shareholder who owns 10% or more of the stock in the corporation*, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. You must list **ALL** of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.

Name of Official:	Mark a Christine Marum			
Title(s):	Member	Phone:		% Owned: 8.8%
Mailing Address:	18450 Melain Rd			
City:	Anchorage	State:	AK	ZIP: 99516

[Handwritten initials]

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:





Form AB-17: 2020/2021 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

	2018	2019
The license was regularly operated continuously throughout each year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was regularly operated during a specific season each year.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input type="checkbox"/>	<input type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.</i>	<input type="checkbox"/>	<input type="checkbox"/>

AMCO
NOV 14 2019



Form AB-17: 2020/2021 Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:	Yes	No
Have any notices of violation (NOVs) been issued for <u>this license</u> in the calendar years 2018 or 2019?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

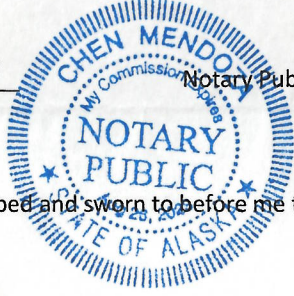
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Laile Fairbairn
Signature of licensee

Chen Mendonca
Signature of Notary Public

Printed name of licensee LAILE FAIRBAIRN Notary Public in and for the State of Alaska



My commission expires: Aug. 26, 2023

Subscribed and sworn to before me this 8th day of NOVEMBER, 2019.

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	South Restaurant + Coffeehouse, LLC
Previous Legal Name	South Restaurant and Cafe, LLC

Entity Type: Limited Liability Company

Entity #: 10015581

Status: Good Standing

AK Formed Date: 9/30/2013

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: 340 G ST STE 200, ANCHORAGE, AK 99501

Entity Physical Address: 11124 OLD SEWARD HWY UNIT A, ANCHORAGE, AK 99515

Registered Agent

Agent Name: Laile Fairbairn

Registered Mailing Address: 340 G ST STE 200, ANCHORAGE, AK 99501

Registered Physical Address: 340 G ST STE 200, ANCHORAGE, AK 99501

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Ethan Berkowitz and Mara Kimmel, TBE	Member	5.32
	Jennifer Wagner and Timothy Seaver, TBE	Member	8.54
	Joseph Dugan	Member	16.07
	Josie Garton and Paul Barendregt, TBE	Member	5.69
	Laile Fairbairn	Manager	
	Laile Fairbairn and Andrew Lebo, TBE	Member	18.03
	Mark and Christine Flanum, TBE	Member	8.86

Filed Documents

Date Filed	Type	Filing	Certificate
9/30/2013	Creation Filing	Click to View	Click to View
8/12/2014	Initial Report	Click to View	
10/22/2014	Biennial Report	Click to View	
3/23/2015	Amendment	Click to View	Click to View
12/01/2015	Entity Address Change	Click to View	
12/01/2015	Agent Change	Click to View	
1/24/2017	Biennial Report	Click to View	
1/17/2019	Biennial Report	Click to View	

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