THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

February 17, 2023

Transmitted via email

Mechille South
SIP LLC
d/b/a The Sip
510 W. Tudor, Suite 7
Anchorage, Alaska 99503

Re: Request to Board to Reduce Licensed Premises
REPL License No. 5940

Dear Ms. South:

I am writing to alert you to a request I will bring to the Alcoholic Beverage Control Board at its meeting on March 6, 2023, to reduce the size of the designated license premises in your restaurant eating place to exclude those portions of your premises serving as a hair salon, under different ownership, and not as a bona fide restaurant.

As you are aware, AS 04.11.100, requires that a restaurant or eating place license may be issued only if "the board determines that the premises to be licensed are a bona fide restaurant or eating place' and only if "the sale and service of food and alcoholic beverages and any other business conducted on the licensed premises of the restaurant or eating place is under the sole control of the licensee." To qualify as a bona fide restaurant, a patron's principal activity must be the "consumption of food" 3 AAC 304.305(a)(1).

The extended licensed premises for SIP fails these requirements in two ways. First, the area serving as a hair salon is leased to Style By Design, Inc., and is not under the sole control of SIP, LLC. Second, the principal activity of the salon is cutting, treating, and styling hair, not the consumption of food.

Under AS 04.06.090(c), the Board has the authority to "reduce the area to be designated the licensed premises below the area applied for when, in the judgment of the board, a reduction in area is necessary to ensure control over the sale and consumption of alcoholic beverages on the premises or is otherwise in the best interests of the public."

To achieve both aims of AS 04.06.090(c), I will be requesting the Board to reduce the size of the licensed premises as depicted in the attached drawing. Under *Rollins v. State, Dep't of Pub. Safety*, 312 P.3d 1091, 1095 (Alaska 2013), the burden is on you as the applicant to demonstrate your exclusive control and your operation as a bona fide restaurant. Therefore, you will be provided an opportunity to state your case to the Board.

The Alcoholic Beverage Control Board will meet in Fairbanks at the Hampton Inn, 433 Bentley Avenue. However, you may also attend by Zoom at this link. On the day of the meeting, please check AMCO's website for any potential changes to this Zoom link.

Thank you.

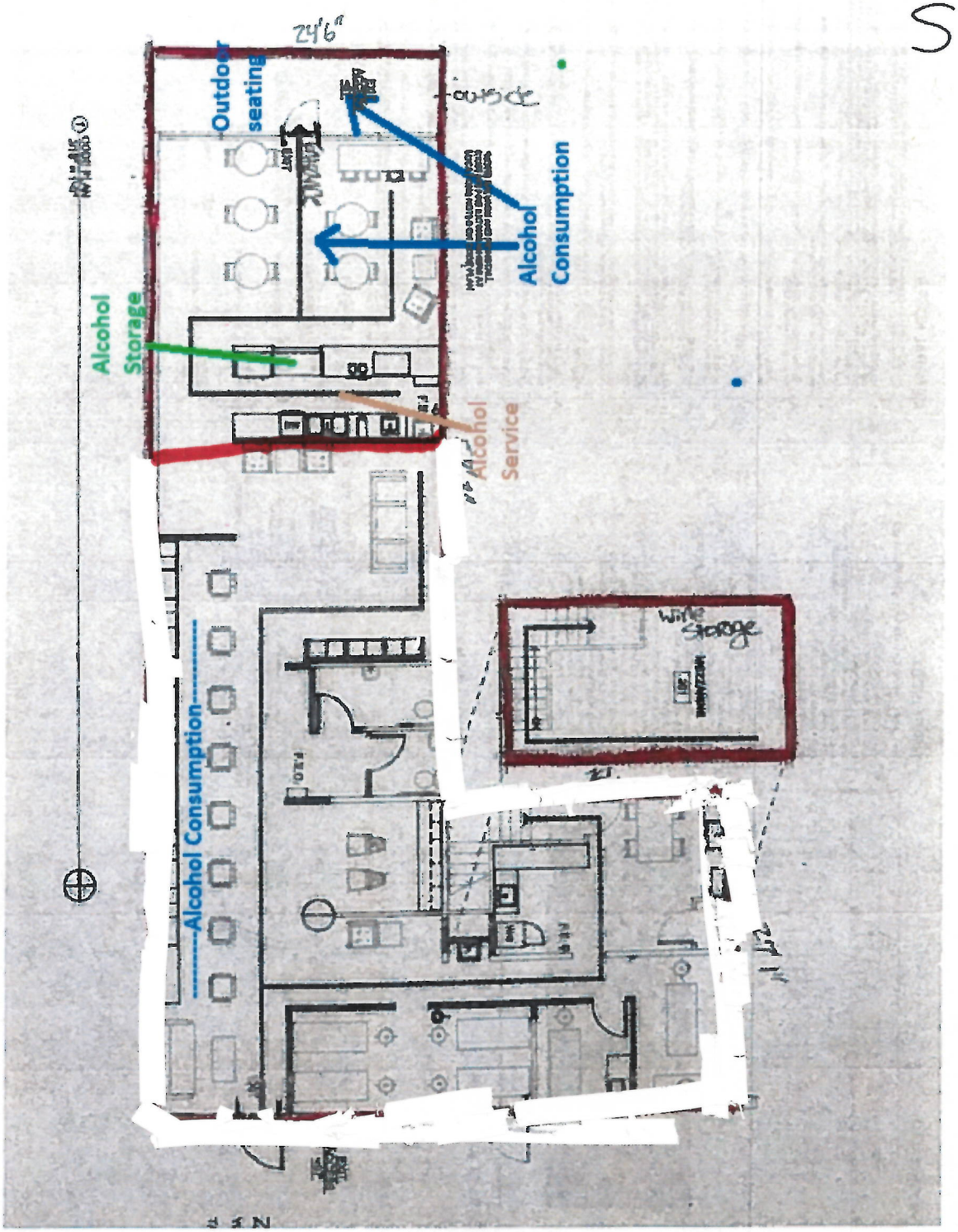
Sincerely,

Joan M. Wilson

Joan M. Wilson
AMCO Director

cc: Kevin A. Higgins, Senior Asst. Attorney General

AMCO Received 11/10/20

→ W Tudor Rd →

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