



STATE OF ARIZONA  
 ARIZONA STATE LIQUOR BOARD  
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 Website: [www.azliquor.gov/liquor\\_board.asp](http://www.azliquor.gov/liquor_board.asp)

JANICE K. BREWER  
 Governor

J. D. GHELFI  
 Board Chair

ALAN EVERETT  
 Director

Arizona State Liquor Board Hearing Minutes  
 October 6, 2011

Members Present: J.D. Ghelfi -Chair, Bill DuPont -Vice-Chair, Robin Cantrell, Tim Linden, Jim Carruthers, Mike Farley, Vikki Scarafiotti

Members Absent: None

Counsel Present: Keely Vestergan, Assistant Attorney General

Staff Present: Stefanie Murphy, Board Administrator

**A. Call to Order**

The hearing of the Arizona State Liquor Board was called to order on October 6, 2011 at 9:00 a.m. with Mr. Ghelfi presiding.

**Roll Call**

All board members were present.

**B. Agenda: review, consideration and action**

**1. Liquor Store Liquor License No. 09075003– Request for Rehearing**

From:	To:
Kim K. Kwiatkowski, Agent Circle K Stores, Inc. Circle K Store #3374 1103 S. 99 <sup>th</sup> Avenue Tolleson, AZ 85353	Kim K. Kwiatkowski, Agent Circle K Stores, Inc. Circle K Store #3404 2410 W. Indian School Road Phoenix, AZ 85015

This matter was set to consider the applicant’s request for rehearing filed with the Board. This application was denied as to location at the August 4, 2011 board hearings. The applicant did not appear at the hearing. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board. Chairman Ghelfi noted that a request to withdraw the request for rehearing was filed by the applicant. There was no objection.

Motion to Withdrawal -	Farley
Seconded -	Carruthers
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Withdrawal of request for rehearing granted

**2. Liquor Store Liquor License No. 09100020– Person Transfer Application**

From:	To:
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Daniel Lee Rodarte Sr.  
Lee-Quor Inc.  
Lee's Liquor Drive In  
1202 N. Stone Avenue  
Tucson, AZ 85705

Michael C. Montano, Agent  
J&M Liquors Inc.  
Wildcat Drive Thru Liquors  
1202 N. Stone Avenue  
Tucson, AZ 85705

This matter was set for hearing due to public protest. The applicant, Michael Montano, was present at the hearing and was represented by counsel, Ricardo Bracamonte. Eddie Rodriguez and Jesus Verdugo were also present on behalf of the applicant. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board. Chairman Ghelfi noted that a request to continue was filed by the applicant. Mr. Bracamonte stated that the request for continuance was no longer needed as the applicant was present and ready to proceed with the hearing.

Motion to convene in executive session -	Ghelfi
Seconded -	Linden
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 9:07 a.m. and reconvened in open session at 9:11 a.m.

Chairman Ghelfi called to the audience for public protestors. There being none present, Chairman Ghelfi moved the hearing to later in the day to allow public protestors to arrive.

The Board proceeded to item #3.

The Board continued the hearing and there being no public protestors in the audience it was recommended the item be continued.

Motion to Continue -	Farley
Seconded -	Carruthers
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continued to the November 3, 2011 hearings

The Board proceeded to item #6.

**3. Beer & Wine Store Liquor License No. 10073832- Agent Change/Acquisition of Control Application**

Sukwi Kim, Agent  
Amigo's Market LLC  
Amigo's Market  
9204 N. 7<sup>th</sup> Street #8-10  
Phoenix, AZ 85020

This matter was continued from the September 1, 2011 board hearings and was set for hearing because the City of Phoenix recommended disapproval of the application. The applicant was not present at the hearing and was not represented by legal counsel. Assistant City Prosecutor Barbara Parascandola appeared on behalf of the City of Phoenix. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board.

Ms. Parascandola noted that William Black is representing the applicant and is unable to attend the hearing at this time due to a scheduling conflict but may be able to attend after 11 a.m. It was also noted that the applicant may be withdrawing their application. Chairman Ghelfi recommended the item be moved to later in the day to allow Mr. Black to attend. There was no opposition from the City of Phoenix.

The Board proceeded to item #4.

Mr. Linden returned and the Board continued the hearing. Mr. Black and Ms. Parascandola were not present. It was recommended that the matter be continued to the next hearings to allow the applicant to file the required withdrawal of application paperwork with the Department.

Motion to continue -	Farley
Seconded -	Cantrell
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continued to the November 3, 2011 hearings

The board proceeded to item C on the agenda.

**4. Bar Liquor License No. 06040030- Person & Location Transfer Application**

From:	To:
Kelly Roberta Haydon, Agent Aurora Property & Management, LLC Kelly's Broad Street Brewery 190 N. Broad Street Globe, AZ 85501	Elliott Jon Glasser, Agent CCLX, LLC CCLX 4305 E. State Highway 260, Ste 2 Star Valley, AZ 85547

This matter was set for hearing because the Town of Star Valley failed to provide a recommendation. The applicant was not present at the hearing and was represented by counsel, Donna McDaniel. The Town of Star Valley did not appear at the hearing. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board. Ms. McDaniel discussed the applicant's background and capability and qualifications to hold a liquor license. The Board recommended a continuance to allow the applicant to be present to answer questions regarding building code and occupancy.

Motion to continue -	DuPont
Seconded -	Carruthers
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continued to the November 3, 2011 hearings

**5. Liquor Store Liquor License No. 09100276- Person & Location Transfer Application**

From:	To:
James C. Nutini, Agent 7-11 #21813K 3710 E. Grant Road Tucson, AZ 85716	Kevin Arnold Kramber, Agent J&N Market, LLC Santa Rita Market 1632 S. 4 <sup>th</sup> Avenue South Tucson, AZ 85713

This matter was set for hearing because the City of South Tucson recommended disapproval of the application. The applicant's agent, Kevin Kramber was present at the hearing and was represented by counsel, Thomas Aguilera. The City of South Tucson did not appear at the hearing. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board.

Mr. Aguilera requested the city be disqualified from participating in the hearing due to an untimely filing and it was granted by Chairman Ghelfi. Kevin Kramber was sworn in and testified. There was discussion regarding the applicant's questionnaire and training. Linda Baraki was sworn and testified. There was discussion regarding the management and daily operation of the business. Due to a language barrier, Chairman Ghelfi recommended a

continuance to hire an interpreter and request the presence of the manager to further discuss concerns regarding violations and management.

Motion to continue -	Carruthers
Seconded -	Farley
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continued to the November 3, 2011 hearings

**6. Bar Liquor License No. 06020029- Person & Location Transfer Application**

From:	To:
Emilio Cornejo La Cabana Bar 8198 S. Kansas Settlement Road Wilcox, AZ 85643	Douglas William Biggers, Agent BZB Venue Operating, LLC Old Bisbee Theatre 94 Main Street Bisbee, AZ 85603

This matter was set for hearing due to public protest. The applicant, Douglas William Biggers was present at the hearing and was represented by counsel, Thomas Aguilera. Public protestors Kiyomie Foxe and Tom Wheeler were present and represented by counsel, Yvonne Ayers. It was noted Bill and Valerie Thomas withdrew their protest. Assistant Attorney General Keely Vestergan was present to provide legal advice to the Board. Mr. Linden noted a potential conflict of interest as a distributor in southern Arizona and asked to recuse himself from the hearing. Douglas William Biggers, Robert Page, Cedric Koloseus, C, Kiyomie Foxe and Tom Wheeler were sworn.

Mr. Aguilera noted additional protests letters that were filed untimely and Chairman Ghelfi stated they would not be considered. Ms. Ayers addressed the signed petitions included in the filings and asked that these be part of the evidence as they would be addressed in Ms. Foxe's testimony. Chairman Ghelfi noted the petitions would be considered in testimony. Ms. Ayers presented maps and photographs and there was no objection. Mr. Aguilera and Ms. Ayers presented opening arguments.

The Board recessed at 10:22 a.m. and reconvened at 10:34 a.m.

Mr. Biggers was called as witness and testified. He discussed his professional background as Executive Director of the Rialto Theatre in Tucson, the proposed business plan, renovation plans, parking, noise mitigation, liquor law training and police reports.

The Board recessed at 12:07 p.m. and reconvened at 12:18 p.m.

Mr. Biggers continued testimony and discussed ADA compliance, customer base, and efforts to communicate with protestors.

The Board went back to item #2 to continue the hearing and take a vote.

Robert Page was called as witness and testified. Cedric Koloseus, Business Manager, was called as witness and testified. He further discussed the business plan and demographics. Sean Hicks, General Manager, was called as witness and testified. He discussed the business floor plan and layout, scheduling and sound mitigation plans.

The Board recessed at 1:28 p.m. and reconvened at 1:56 p.m.

Kiyomie Foxe was called as witness and testified. She discussed petitions of protests, photos of the area, concerns regarding noise, violence, public safety and lack of parking. Tom Wheeler was called as witness and testified. He described his property in relation to the proposed business and noted his concerns with noise, property values, parking and traffic. Dale Fountaine, Andrew Laws and Scott Edelen noted their opposition for the record.

The Board recessed at 3:44 p.m. and reconvened at 3:53 p.m.

Ms. Ayers read findings into the record. There was Board discussion regarding a possible 30-60 day continuance to allow both parties to work together and address issues presented.

Motion to convene in executive session -	DuPont
Seconded -	Farley
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Farley, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 4:59 p.m. and reconvened in open session at 5:08 p.m.

There was further discussion regarding a continuance. Ms. Ayers recommended a 60 day continuance.

The Board recessed at 5:17 p.m. and reconvened at 5:26 p.m.

Motion was made by Mr. Farley to grant the liquor license based on the applicant having the required zoning, the parking issue has been approved by the City of Bisbee, and the applicant is making the necessary changes to reduce interior noise and has completed the appropriate liquor training program.

Motion to grant -	Farley
Seconded -	DuPont
Yay -	Ghelfi, DuPont, Cantrell, Farley
Nay -	Carruthers, Scarafiotti
Abstained -	None
Disposition -	License granted

The Board proceeded to item #3.

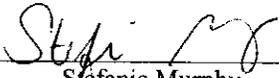
**C. Minutes**

Motion to approve -	DuPont
Seconded -	Scarafiotti
Yay -	Ghelfi, DuPont, Carruthers, Cantrell, Linden, Farley, Scarafiotti
Nay -	None
Abstained -	Carruthers
Disposition -	May 2011 minutes approved

**D. Call to the Public**

None.

The Board adjourned at 5:43 p.m.

  
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 Stefanie Murphy  
 Administrator of the  
 Arizona State Liquor Board

12/1/2011  
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 Date