



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
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JANICE K. BREWER
Governor

J. D. GHELFI
Board Chair

ALAN EVERETT
Director

Arizona State Liquor Board Hearing Minutes
November 17, 2011

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

Members Absent: Robin Cantrell

Counsel Present: Mary Williams, Assistant Attorney General (telephonically)
Christopher Munns, Assistant Attorney General (telephonically)

Staff Present: Stefanie Murphy, Board Administrator

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on November 17, 2011 at 10:12 a.m. with Mr. Ghelfi presiding.

Roll Call

Ms. Cantrell was absent. All other board members were present.

B. Agenda: review, consideration and action

1. Beer & Wine Store Liquor License No. 10083258– Original Application

William Allen Adas, Agent
Adas Bros. Horticultural Management LLC
Desert Garden Center
10832 Double R Drive
Yucca, AZ 86438

This matter was continued from the November 3, 2011 hearings and was set for hearing due to public protest. The applicant, William Adas, was present and was not represented by counsel. The public protestor, Patricia Grady, was also present at the hearing. Assistant Attorney General Mary Williams was present to provide legal advice to the Board. Mr. Adas and Ms. Grady were sworn and testified.

Mr. Adas referenced the letter submitted to the Board at the previous hearing and noted that the County recommended approval of the application. He further stated his business is not solely a nursery and that the protestor is located 5 miles away. He confirmed that he had completed liquor law training. He also stated that over 50% of sales at his business come from groceries.

Ms. Grady clarified the location of her business and her residence in relation to the proposed licensed location. She described the business as a nursery with 6,000 landscaping plants and not a convenience store. She stated that selling alcohol is incidental to the primary purpose of the establishment. There was reference to an email between the Ms. Grady and the Department's Investigation Division. Ms. Grady discussed her concerns with traffic and patrons of the proposed liquor licensed location.

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

2. Restaurant Liquor License No. 12143174- Original Application

Alberto Castorena, Agent
 LPTG3 LLC
 Las Palapas Taco Grill
 10747 S. Fortuna Road, Suite B
 Yuma, AZ 85365

This matter was continued from the November 3, 2011 hearing and was set for hearing due to Department protest. The applicant, Alberto Castorena, and Guillermo Castorena were present at the hearing and were not represented by counsel. Assistant Attorney General Mary Williams appeared on behalf of the Department of Liquor Licenses and Control. Alberto Castorena and Guillermo Castorena were sworn and testified.

The board members confirmed receipt of the payment agreement documents from the Department of Revenue. Mr. Castorena stated that he has paid approximately thirteen thousand (\$13,000) dollars of the initial forty-three thousand (\$43,000) total leaving a balance of approximately thirty thousand (\$30,000) dollars. There were questions regarding back taxes or fines owed to the IRS. Mr. Castorena stated that if there were any they would be minimal as they are current on the payment of payroll taxes and previous payment errors have been adjusted.

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

Ms. Scarafiotti left the hearings.

3. Bar Liquor License No. 06070620- Person & Location Transfer Application

From:	To:
Lynda Renee Losee, Agent Renee's Grand Avenue Tavern LLC Renee's Grand Avenue Tavern 2448 Grand Avenue Phoenix, AZ 85009	Jesus Manuel Altamirano, Agent Antars Sports Bistro I, LLC Antars Sports Bistro 699 S. Mill Avenue #201 Tempe, AZ 85281

This matter was set for hearing due to Department protest. Issues related to the protest have been resolved and the Department has withdrawn its protest. Pursuant to A.R.S. § 4-201(E), the Director requests the Board cancel the hearing. The applicant was not present at the hearing and was represented by counsel, William Lally. Alan Everett, Director, and Assistant Attorney General Mary Williams appeared on behalf of the Department of Liquor Licenses and Control. Assistant Attorney General Christopher Munns was available to provide legal advice to the Board. Mr. Everett was sworn and testified.

Ms. Williams called Mr. Everett as witness to discuss how the Department's concerns were satisfied and why the protest was dropped after meetings with the applicant and counsel. Mr. Everett explained that the issues were related to the lease agreement, ownership and operation were resolved and the resolution included the withdrawal of the liquor license application at the Camelback Road location.

Chairman Ghelfi referred to ownership issues at the Camelback Road location. Mr. DuPont noted concerns with the location of the proposed licensed establishment due to the area being populated by underage and college students. Mr. Farley stated that the troublesome Camelback Road location has been withdrawn. Chairman Ghelfi recommended a hearing be held based on the history of the case.

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

The Board convened in executive session at 11:17 a.m. and reconvened in open session at 11:32 a.m.

Motion to deny the Director's request to cancel the hearing - DuPont
Seconded - Farley
Yay - Ghelfi, DuPont, Carruthers, Linden, Farley
Nay - None
Abstained - None
Disposition - Director's request to cancel the hearing denied

There was a motion to continue the hearing to the December 1, 2011 as initially scheduled.

Motion to continue - Farley
Seconded - Carruthers
Yay - Ghelfi, DuPont, Carruthers, Linden, Farley
Nay - None
Abstained - None
Disposition - Continued to the December 1, 2011 hearings

Chairman Ghelfi noted for the record that the Board did not grant the license in use at this location and that the license is not valid and as the Board is not authorized to suspend licenses they recommend the Department consider the action.

C. Call to the Public

None.

The Board adjourned at 11:37 p.m.

Stefanie Murphy
Administrator of the
Arizona State Liquor Board

Date