



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
800 WEST WASHINGTON, 5TH FLOOR
PHOENIX, AZ 85007
PHONE: (602) 542-9789 FAX: 602-542-5707
Website: www.azliquor.gov
Website: www.azliquor.gov/liquor_board.asp

JANICE K. BREWER
Governor

CHARLES HUELLMANTEL
Board Chair

JERRY A. OLIVER SR.
Director

Arizona State Liquor Board Hearing Minutes
November 5, 2009

Members Present: Charles Huellmantel-Chair, Alan Everett-Vice Chair, Bill DuPont, Robin Cantrell, Tim Linden, Jim Carruthers, J.D. Ghelfi

Members Absent: None

Counsel Present: Camila Alarcon, Assistant Attorney General

Staff Present: Kelly Stetson, Board Administrator

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on November 5, 2009 at 9:03 a.m. with Mr. Huellmantel presiding.

B. Roll Call

Board Member Cantrell is en route. All other Board Members are present.

C. Minutes: review, consideration and action

Minutes from the September 2009 Board Hearing were approved by a 7-0 vote of the Board.

D. Agenda: review, consideration and action

1. Restaurant Liquor License No. 12078005 – Original Application

Randy D. Nations, Agent
McFadden's Glendale, LLC
McFadden's Restaurant & Saloon
9425 W. Coyotes Boulevard, Building H
Glendale, AZ 85305

This was agenda item 3 and was taken out of order at 9:03 a.m. The agent, Randy D. Nations, did not appear at the hearing, and was not represented by counsel. Assistant Attorney General Camila Alarcon addressed the Board. Prior to hearing, the agent filed a request to continue this matter until the December 3, 2009 Board Hearings.

Motion to Continue -	DuPont
Seconded -	Carruthers
Yay -	Huellmantel, Everett, DuPont, Linden, Carruthers, Ghelfi
Nay -	None
Abstained -	None
Disposition -	Continuance granted until December 3, 2009 Board Hearings

Board Member Cantrell arrived at 9:05 a.m. All Board Members are now present.

2. Bar Liquor License No. 06070506 - Person & Location Transfer Application

From:
Mark A. Maertens, Agent
Glam, LLC
Glam
3174 E. Indian School Road
Phoenix, AZ 85016

To:
Damian J. Hartze, Agent
Shark Bite, LLC
Cabo Joe's
8190 W. Deer Valley Road, Suite 110
Peoria, AZ 85382

Harvey Yee, Esq. appeared with the agent, Damian Hartze, and addressed the Board. Assistant Attorney General Camila Alarcon appeared on behalf of the Department and addressed the Board. Assistant City Prosecutor Steve Kemp appeared on behalf of the City of Peoria and addressed the Board.

Motion to Approve Withdrawal - Everett
Seconded - Carruthers
Yay - Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay - None
Abstained - None
Disposition - Application Withdrawn

3. Restaurant Liquor License No. 12078018 – Original Application

Damian J. Hartze, Agent
Shark Bite, LLC
Cabo Joe's Sports Bar & Grill
15651 W. Roosevelt Street
Goodyear, AZ 85338

Harvey Yee, Esq. appeared with the agent, Damian Hartze, and addressed the Board. Assistant Attorney General Camila Alarcon appeared on behalf of the Department and addressed the Board. Assistant City Prosecutor Susan Rogers appeared on behalf of the City of Goodyear and addressed the Board. Officer Greg Garner appeared on behalf of the City of Goodyear, was sworn, and testified. Investigator Mary Jaramillo appeared on behalf of the Department, was sworn, and testified.

Motion to Deny - DuPont
Seconded - Carruthers
Yay - Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay - None
Abstained - None
Disposition - License Denied

The Board recessed for lunch at 10:56 a.m.
The Board reconvened from lunch at 1:32 p.m.

4. Beer and Wine Bar Liquor License No. 07070187 - Person Transfer Application

From:
Mary Ann Ruiz, Agent
Fernando's Hide Away
15014 N. Cave Creek Road
Phoenix, AZ 85032

To:
Chih-Yi Kan, Agent
Infierno II, LLC
El Infierno
15014 N. Cave Creek Road
Phoenix, AZ 85032

This was agenda item 7 and was taken out of order at 1:32 p.m. Prior to hearing, counsel for the agent requested a continuance of this matter. The agent, Chih-Yi Kan, did not appear at the hearing, and was not represented by counsel. Assistant City Prosecutor Will Gonzalez appeared on behalf of the City of Phoenix and addressed the Board. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Grant Continuance - DuPont
Seconded - Ghelfi
Yay - Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay - None
Abstained - None
Disposition - Continuance granted until the December 3, 2009 Board Hearings

5. Restaurant Liquor License No. 12077973 - Original Application

Richard Regalado Jr., Agent
Sports Center Bar & Grill, LLC
Sports Center Bar & Grill
5235 S. Kyrene Road, Suite #104
Tempe, AZ 85283

This was agenda item 9 and was taken out of order at 1:34 p.m. Prior to hearing, the Department requested a continuance of this matter. The agent, Richard Regalado Jr., did not appear at the hearing, and was not represented by counsel. Assistant Attorney General Camila Alarcon appeared on behalf of the Department and addressed the Board.

Motion to Grant Continuance - Carruthers
Seconded - Linden
Yay - Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay - None
Abstained - None
Disposition - Continuance granted until the December 3, 2009 Board Hearings

6. Beer & Wine Store Liquor License No. 10023116 – Original Application

Dawn S. Wilson, Agent
American Museum of Natural History
Southwestern Research Station
2003 W. Cave Creek Road
Portal, AZ 85632

The agent, Dawn S. Wilson, appeared at the hearing and was represented by counsel, Peter Schelstraete, Esq., who addressed the Board. The County of Cochise was not represented at the hearing. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Approve License - Everett
Seconded - Cantrell
Yay - Huellmantel, Everett, DuPont, Cantrell, Carruthers, Ghelfi
Nay - None
Recused - Linden
Disposition - License Granted

7. Restaurant Liquor License No. 12103964 - Original Application

Charles R. Martinez, Agent
Los Palominos Restaurant, LLC
Los Palominos Restaurant
840 E. Ft. Lowell Road
Tucson, AZ 85719

The agent, Charles R. Martinez, did not appear at the hearing, and was not represented by counsel. Assistant City Prosecutor Gioia Sanderson appeared on behalf of the City of Tucson and addressed the Board. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Deny License -	Everett
Seconded -	DuPont
Yay -	Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay -	None
Abstained -	None
Disposition -	License Denied

8. Beer and Wine Bar Liquor License No. 07146002 – Original Application

Jon Giesler, Agent
 Sodexo America, LLC
 Arizona Western College
 2020 S. Avenue 8E
 Yuma, AZ 85365

The agent, Jon Giesler, appeared at the hearing and was represented by counsel, Peter Schelstraete, Esq., who addressed the Board. Dan Hann, Vice-President of Administrative Services appeared on behalf of the applicant, was sworn, and testified. The City of Yuma was not represented at the hearing. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Approve License -	Everett
Seconded -	Linden
Yay -	Huellmantel, Everett, DuPont, Cantrell, Linden, Ghelfi
Nay -	None
Recused -	Carruthers
Disposition -	License Granted

9. Bar Liquor License No. 06070103 - Person Transfer Application

From:	To:
Alfonso A. Larriva, Agent	Phillip B. Marcus, Agent
Ed & Al, Inc.	Bruce, LLC
Boomerang Bar & Billards	Boomerang Bar & Billards
6601 W. Thomas Road, Suites 8-11	6601 W. Thomas Road, Suites 8-11
Phoenix, AZ 85035	Phoenix, AZ 85035

The agent, Phillip B. Marcus, appeared at the hearing, and was not represented by counsel. Assistant City Prosecutor Fred Bibeau appeared on behalf of the City of Phoenix and addressed the Board. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Grant Continuance -	DuPont
Seconded -	Carruthers
Yay -	Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay -	None
Abstained -	None
Disposition -	Continuance granted until the January 14, 2010 Board Hearings to allow applicant additional time to retain counsel

10. Beer and Wine Store License No. 10075708 - Request for Rehearing - Denial of Application

Efren Gutierrez Rodriguez, Agent
 Las Milpas Super Market, LLC
 Las Milpas Super Mercado
 8210 W. Indian School Road
 Phoenix, AZ 85033

Peter Schelstraete, Esq., appeared on behalf of the applicant and addressed the Board. Assistant City Prosecutor Will Gonzalez appeared on behalf of the City of Phoenix and addressed the Board. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

The Board recessed at 2:46 p.m.
The Board returned from recess at 2:52 p.m.
The Board recessed at 2:58 p.m.
The Board returned from recess at 3:06 p.m.

Motion to Deny Request for Rehearing -	Linden
Seconded -	Cantrell
Yay -	Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers
Nay -	Ghelfi
Abstained -	None
Disposition -	Request for Rehearing Denied

11. Beer & Wine Bar Liquor License No. 07070367 - Person & Location Transfer

From:	To:
Rudy R. Johnson, Agent	Jose Lopez Sanchez, Agent
Bill Johnson's Restaurants, Inc.	El Dos De Oros
Bill Johnson's Big Apple West	16816 N. Cave Creek Road
3101 W. Indian School Road	Phoenix, AZ 85032
Phoenix, AZ 85017	

This item was initially briefed at 1:36 p.m., but was presented in its original place on the agenda. The agent, Jose Lopez Sanchez, did not appear at the hearing, and was not represented by counsel. Assistant City Prosecutor Will Gonzalez appeared on behalf of the City of Phoenix and addressed the Board. Detective Karen Hughes appeared on behalf of the City of Phoenix, was sworn, and testified. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Deny License -	Ghelfi
Seconded -	Carruthers
Yay -	Huellmantel, Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay -	None
Abstained -	None
Disposition -	License Denied

12. Liquor Store License No. 09070020 – Person & Location Transfer Application

From:	To:
Nicholas C. Guttilla, Agent	Clare H. Abel, Agent
Albertson's, LLC	Wal-Mart Stores, Inc.
Albertson's #976	Wal-Mart Supercenter #5768
409 N. Litchfield Road	800 E. Southern Avenue
Goodyear, AZ 85338	Tempe, AZ 85282

The agent, Clare H. Abel, Esq., appeared at the hearing and addressed the Board. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board.

Motion to Granted License -	Everett
Seconded -	Ghelfi
Yay -	Everett, DuPont, Cantrell, Linden, Carruthers, Ghelfi
Nay -	Huellmantel
Abstained -	None
Disposition -	License Granted

E. Call to the Public

None.

F. Future Board Date

The next meeting of the Arizona State Liquor Board is scheduled for December 3, 2009 at 9:00 a.m.

G. Adjournment

The Board adjourned at 4:04 p.m.



Kelly Stetson
Administrator of the
Arizona State Liquor Board

1.15.10

Date