



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
800 WEST WASHINGTON, 5TH FLOOR
PHOENIX, AZ 85007
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Website: www.azliquor.gov/liquor_board.asp

JANICE K. BREWER
Governor

CHARLES HUELLMANTEL
Board Chair

ALAN EVERETT
Director

Arizona State Liquor Board Hearing Minutes
December 9, 2010

Members Present: Charles Huellmantel-Chair, J.D. Ghelfi-Vice-Chair, Bill DuPont, Robin Cantrell, Michael Farley, Tim Linden

Members Absent: Jim Carruthers

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 December 9, 2010 at 9:04 a.m. with Mr. Huellmantel presiding.

Roll Call

Mr. Carruthers is absent from the hearing, all other board members are present.

B. Minutes: review, consideration and action-October 2010 & November 2010 minutes
Tabled.

C. 2011 Hearing Schedule

Motion to Approve -	Ghelfi
Seconded -	Farley
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Linden, Farley
Nay -	None
Abstained -	None
Disposition -	2011 Hearing Schedule approved

D. Agenda: review, consideration and action

1. Liquor Store Sampling License No. 09100107-S - Original Application

Michael J. Basha, Agent
Bashas', Inc.
Bashas' #46
23760 S. Power Road
Queen Creek, AZ 85142

The applicant did not appear at the hearing and was not represented by counsel. The Town of Queen Creek was not present. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board. Chairman Huellmantel recommended the item be continued as there was no one present at the hearing.

Motion to Continue - DuPont
Seconded - Ghelfi
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Linden, Farley
Nay - None
Abstained - None
Disposition - Continued to the January 13, 2011 Hearings

2. Restaurant Liquor License No. 12078422 - Original Application

Marcia K. Fisher, Agent
Ma Knew Her, Inc.
Marcia's Long Wongs
5 W. Baseline Road
Phoenix, AZ 85041

Assistant Attorney General Camila Alarcon appeared on behalf of the Department of Liquor Licenses and Control and addressed the Board. She noted that the applicant filed a letter requesting the application be withdrawn. It was recommended that the item be continued to allow the applicant to file a proper withdrawal form with the Department.

Motion to Continue - DuPont
Seconded - Farley
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay - None
Abstained - None
Disposition - Continued to the January 13, 2011 Hearings

3. Liquor Store License No. 09110008- Location Transfer Application

From:	To:
Dat V. Le, Agent	Dat V. Le, Agent
Coolidge Market	Coolidge Market
375 W. Coolidge Avenue	489 W. Coolidge Avenue
Coolidge, AZ 85128	Coolidge, AZ 85228

The applicant was represented by counsel, Peter Schelstraete, who addressed the Board. Assistant Attorney General Camila Alarcon appeared on behalf of the Department of Liquor Licenses and Control.

Motion to Continue - DuPont
Seconded - Farley
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay - None
Abstained - None
Disposition - Continued to the February 2011 Hearings

At the request of Mr. Schelstraete and Chairman Huellmantel item #6 was heard next. After discussion between the Board and counsel for the applicant, Chairman Huellmantel allowed a short recess for the applicant and counsel to discuss their request to withdraw the application or continue with the hearing.

The Board recessed at 9:26 a.m.
The Board reconvened at 9:35 a.m.

At the request of the applicant and Ms. Alarcon, the hearing would proceed at a later point in the agenda to allow additional time to prepare for the hearing. The Board proceeded to item #4.

4. Bar Liquor License No. 06100192 - Person Transfer Application

From:
Steven M. Carringer, Agent
Tucson Entertainment Associates, LLC
The Candy Store
1104 S. Craycroft Road
Tucson, AZ 85711

To:
Corey D. Owens, Agent
Whitefeather Ventures, LLC
The Candy Store
1104 S. Craycroft Road
Tucson, AZ 85711

The applicant was represented by counsel, Thomas Aguilera who addressed the Board. Nicholas Guttilla represented the licensee/transferor. Principal City Attorney 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. There was a request from the applicant to continue the item for 60 days due to a pending lawsuit.

Motion to convene in executive session - DuPont

Seconded -	Farley
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 9:45 a.m.

The Board reconvened in open session at 9:51 a.m.

The City of Tucson did not object to the continuance. After discussion it was found that the landlord did not have standing in the hearing.

The Board recessed at 10:09 a.m.

The Board reconvened at 10:17 a.m.

Motion to convene in executive session - Ghelfi

Seconded -	Cantrell
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 10:18 a.m.

The Board reconvened in open session at 10:25 a.m.

Motion to Continue -

Seconded -	Ghelfi
Yay -	Cantrell
Nay -	Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Abstained -	None
Disposition -	None

Continued to the February 3, 2011 Hearings

5. Liquor Store License No. 09100107 - Person & Location Transfer Application

From:
Michael J. Basha, Agent
Bashas', Inc.
Bashas' #167
12100 N. Dove Mountain Boulevard
Marana, AZ 85658

To:
Maen F. Mdanat, Agent
Michael M. Food Mart, LLC
Axis Food Mart
1540 E. Broadway Boulevard
Tucson, AZ 85718

The applicant, Maen Mdanat, was present and was represented by counsel, Thomas Aguilera, who addressed the Board. Peter Norback appeared on behalf of the applicant and was sworn and testified. Assistant Attorney General Camila Alarcon and Investigator Craig Miller appeared on behalf of the Department of Liquor Licenses and Control.

Motion to Deny -	Ghelfi
Seconded -	DuPont
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Linden
Nay -	Farley
Abstained -	None
Disposition -	License denied

The Board recessed at 1:00 p.m.
The Board reconvened at 1:56 p.m.

6. Restaurant Liquor License No. 12083430 - Original Application

Freddy Hwang, Agent
Samurai Restaurant Management, Inc.
Samurai Japanese Steak House & Sushi
2019 Highway 95
Bullhead City, AZ 86442

The applicant, Freddy Hwang was present and was represented by counsel, Peter Schelstraete, who addressed the Board. Assistant Attorney General Camila Alarcon appeared on behalf of the Department of Liquor Licenses and Control. The applicant requested the application be withdrawn and the Department did not object.

Motion to Withdraw -	DuPont
Seconded -	Farley
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay -	None
Abstained -	None
Disposition -	Withdrawal of application granted

7. Restaurant Liquor License No. 12077518 – Appeal of Director’s Decision & Order

Ryan M. Prentiss, Agent
Pestka Prentiss Barbeque Pit, LLC
Dickey’s BBQ Pit
2470 W. Happy Valley Road #1195
Phoenix, AZ 85085

Complaint No. 10A-0013-LIQ

The applicant was not present and was not represented by counsel. Assistant Attorney General Camila Alarcon appeared on behalf of the Department of Liquor Licenses and Control.

Motion to Affirm -	Farley
Seconded -	Ghelfi
Yay -	Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay -	None
Abstained -	None
Disposition -	Director’s Decisions & Order affirmed

8. Restaurant Liquor License No. 12104058 - Original Application

Robert Ramos, Agent
R & R Bar-B-Que Co.
8270 S. Houghton Road
Tucson, AZ 85747

The applicant was not present at the hearing and was not represented by counsel. Principal City Attorney 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 - Farley
Seconded - Cantrell
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay - None
Abstained - None
Disposition - License Denied-Person and interim permit cancelled

9. Beer & Wine Store Liquor License No. 10103594 - Original Application

Jason J. Baca, Agent
Arizona Beer Express, LLC
Arizona Beer Express
730 E. 46th Street
Tucson, AZ 85713

The applicant, Jason Baca, was present at the hearing and was not represented by counsel. Principal City Attorney Gioia Sanderson appeared on behalf of the City of Tucson and addressed the Board. Jesus Duran, Angel Delgado, Maggie Gerring and Sandra Fimbres were present as protestors. Assistant Attorney General Camila Alarcon was present to provide legal advice to the Board. The applicant requested a continuance to retain counsel.

Motion to Continue - DuPont
Seconded - Farley
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay - None
Abstained - None
Disposition - Continued to the January 2011 hearings

E. Executive Session

Pursuant to A.R.S. ARS 38-431.03A(4), the Arizona State Liquor Board will go into Executive Session with a representative of the Attorney General's Office for the purpose of updating the status of litigation regarding the following case and take action, **if necessary**, in open session.

James F. Herold, Owner and Agent for Bar Liquor License 06080034 dba B.J.'s Tavern, v. Arizona Department of Liquor Licenses and Control and its Board, Court of Appeals, Case No. LC2010-000869.

Motion to Convene in Executive Session -DuPont
Seconded - Cantrell
Yay - Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
Nay - None
Abstained - None
Disposition - Convened in executive session

The Board convened in Executive Session at 2:16 p.m.
The Board reconvened in open session at 2:39 p.m.

F. Call to the Public

None.

2011 Hearing Schedule

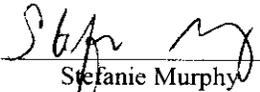
Motion to Approve - Farley

Seconded -
Yay -
Nay -
Abstained -
Disposition -
AZ.

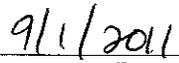
Cantrell
Huellmantel, Ghelfi, DuPont, Cantrell, Farley, Linden
None
None
Approved an additional hearing date of January 20, 2011, 10 a.m. in Tucson,

G. Adjournment

The Board adjourned at 2:44 p.m.



Stefanie Murphy
Administrator of the
Arizona State Liquor Board



Date