



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
December 6, 2012

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

Members Absent: None

Counsel Present: Sarah Selzer, Assistant Attorney General
Christopher Munns, 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 December 6, 2012 at 9:07 a.m. with Mr. Ghelfi presiding.

Roll Call

All board members were present.

B. Agenda: review, consideration and action

1. Restaurant Liquor License No. 12078956 - Original Application

Michael D. Vachon, Agent
Sun Valley Bistros, LLC
Mama's House
2394 N. Alma School Road
Chandler, AZ 85224

This matter was continued from the August 2, 2012, October 4, 2012, and November 1, 2012 hearings and was set for hearing due to Department protest. The Applicant was not present and was represented by counsel, H.J. Lewkowitz. The hearing was continued to the end of the agenda to allow Mr. Lewkowitz time to file an application withdrawal.

2. Restaurant Liquor License No. 12079153 - Original Application

Steven Robert Jones, Agent
Peoria Thai, LLC
Satara Thai Cuisine Boutique Wine
8350 W. Paradise Lane
Peoria, AZ 85382

This matter is set for hearing because the City of Peoria recommended disapproval of this application. The Applicant, Steven Robert Jones, did not appear at the hearing and was not represented by counsel. City Attorney

Steve Kemp appeared on behalf of the City of Peoria. Ms. Murphy stated the Applicant had contacted her and said that he was going to file a withdrawal; however, the application withdrawal has not been filed with the Department. This matter was continued to the end of the agenda to allow time for contacting the Applicant and confirming his intention to withdraw the application.

3. Beer and Wine Store Liquor License No. 10076137 - Agent Change/Acquisition of Control

Silvana Moussa, Agent
Henry & Company Market LLC
Henry Co Market
1346 W. Roosevelt Street
Phoenix, AZ 85007

This matter was continued from the November 1, 2012 hearings and is set for hearing because the City of Phoenix recommended disapproval of this application. The Applicant, Silvana Moussa, did not appear at the hearing and was represented by counsel, Harvey Yee. The current owner, Bassam Mohammed Abdull-Fattah was present at the hearing. Assistant City Prosecutor Robert Smith appeared on behalf of the City of Phoenix.

Mr. Ghelfi noted the final vote at the November 1, 2012 hearing was tied, three in favor and three against a motion to grant the license. Subsequent to the vote, the Board concluded to continue the hearing to allow Ms. Scarafiotti the opportunity to review the transcript in its entirety, to present a seven panel Board and to allow a non-tie vote. Ms. Scarafiotti affirmed that she had reviewed the transcript and discussed it briefly. There was no further Board discussion.

Mr. DuPont made a motion concerning Liquor License 10076137: I move that we find the Applicant is not capable, qualified and reliable as required by A.R.S. § 4-203; based on the Applicant's testimony did not prevail in proving that she was capable in handling this location based on the special needs and issues that have been addressed by the City and the protestors, and concerns from those neighborhood and business representatives that testified at our last meeting in November. The Board finds that the Applicant's personal qualifications are contested, that the Applicant is not capable, qualified and reliable as required by A.R.S. § 4-203 and that we do not grant the license.

Motion to deny application -	DuPont
Seconded -	Linden
Yay -	DuPont, Linden, Cantrell, Scarafiotti
Nay -	Ghelfi, Farley, Carruthers
Abstained -	None
Disposition -	Agent Change/Acquisition of Control Application denied

4. Beer and Wine Store Liquor License No. 10076291 - Original Application

Michael Ladale Jackson, Agent
Universal Design, LLC
K&M Mart and Gifts
50 N. 2nd Street
Phoenix, AZ 85004

This matter was set for hearing because the City of Phoenix recommended disapproval of this application. The Applicant, Michael Ladale Jackson, did not appear at the hearing and was not represented by counsel. Assistant City Prosecutor Robert Smith and Assistant City Attorney Michael Schaffert appeared on behalf of the City of Phoenix. Kathryn Wenger, Deputy Director, Phoenix Convention Center, was sworn and testified on behalf of the City. Notice of hearing was sent to the Applicant via certified mail to the address of record.

Mr. Smith confirmed that the lease with the City had been terminated and that the landlord, convention center and police have not had any contact with the Applicant. Mr. Smith remarked about the location and asked that the Board deny the application based on location. Mr. Schaffert discussed the Phoenix Convention Center having no interest in selling packaged liquor at that location. Mr. Smith stated the City was comfortable with the Board denying the application on location as well as qualifications.

Mr. Smith called his witness, Kathryn Wenger, Deputy Director of the Phoenix Convention Center. Ms. Wenger stated the Applicant was locked out in early October for nonpayment of rent. The Applicant contacted the Phoenix Convention Center at that time and expressed interest in renegotiating his lease. He knew at that time his liquor license application was not supported by the City. The City has had no further contact with the Applicant. Ms. Wenger stated the Applicant did not indicate that he had interest in moving his liquor license to another location.

There was Board discussion. Mr. Linden made a motion to convene in executive session to receive legal advice.

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

The Board convened in executive session at 9:35 a.m. and reconvened in open session at 9:37 a.m.

Mr. Linden made a motion regarding Liquor License 10076291: I move that we deny this application due to location and personal qualifications. The location is not in the best interest of the community, the City is not in favor of the location, and the City has made efforts to clean up the area. The Applicant failed to appear at the hearing and establish that they are capable, qualified and reliable to hold a liquor license as required by A.R.S. § 4-203.

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

5. Beer and Wine Store Liquor License No. 10076319 - Original Application

Mohammed Sadeddin, Agent
Mini Market & Smoke Shop
1915 E. McDowell Road
Phoenix, AZ 85006

This matter was set for hearing because the City of Phoenix recommended disapproval of this application. The Applicant, Mohammed Sadeddin, did not appear at the hearing and was not represented by counsel. Assistant City Prosecutor Barbara Parascandola appeared on behalf of the City of Phoenix. Notice of hearing was sent to the Applicant via certified mail to the address of record. Ms. Murphy confirmed that Mr. Sadeddin signed for the certified Notice of Hearing.

Ms. Parascandola stated the City has not had any contact with the Applicant. Ms. Parascandola discussed the protest letters and emails. There was Board discussion about the location and the Applicant's personal qualifications.

Mr. DuPont made a motion regarding Liquor License 10076319, pertaining to person only: I move that the Applicant has not completed liquor training; the Applicant was not present at the hearing and did not testify before us regarding his qualifications; and the Applicant has chosen to add "smoke shop" in the name of the business and only "smoke shop"; I move that we find the Applicant is not capable, qualified and reliable as required by A.R.S. § 4-203(A) and that we deny this application.

Motion to deny license -	DuPont
Seconded -	Farley
Yay -	DuPont, Farley, Linden, Ghelfi, Carruthers, Cantrell
Nay -	Scarafiotti
Abstained -	None
Disposition -	License denied - person

Board recessed from 9:55 to 10:10 a.m.

The Board proceeded to item #2.

2. Restaurant Liquor License No. 12079153 - Original Application

Steven Robert Jones, Agent
Peoria Thai, LLC
Satara Thai Cuisine Boutique Wine
8350 W. Paradise Lane
Peoria, AZ 85382

This matter is set for hearing because the City of Peoria recommended disapproval of this application. The Applicant, Steven Robert Jones, did not appear at the hearing and was not represented by counsel. City Attorney Steve Kemp appeared on behalf of the City of Peoria. Ms. Murphy stated that she has had no contact with the Applicant. Mr. Kemp stated that the City has had no contact with the Applicant since the October 23, 2012 City Council meeting. When Mr. Kemp filed his Motion to Vacate, copies were mailed to Mr. Jones, his limited partner and the prior agent. The City has not heard from any of these individuals since the motion was filed.

There was Board discussion concerning moving forward. Ms. Murphy received an email from Mr. Jones stating that he would resend his application withdrawal. Mr. Farley made a motion to continue the matter to the January agenda to allow the Applicant an opportunity to withdraw his application.

Motion to continue to January - Farley
Seconded - Carruthers
Yay - Farley, Carruthers, Linden, Ghelfi, DuPont, Cantrell, Scarafiotti
Nay - None
Abstained - None
Disposition - Continued to the January 2013 hearings

The Board proceeded to item #1.

1. Restaurant Liquor License No. 12078956 - Original Application

Michael D. Vachon, Agent
Mama's House
Sun Valley Bistros, LLC
2394 N. Alma School Road
Chandler, AZ 85224

This matter was set for hearing due to Department protest. Assistant Attorney General Sarah Selzer appeared on behalf of the Department of Liquor Licenses and Control. H.J. Lewkowitz appeared on behalf of the Applicant. Assistant Attorney General Christopher Munns, from the Solicitor General's Office, was present and provided independent legal advice to the Board. Mr. Ghelfi announced his receipt of Motion to Withdraw, which was stamped by the Department.

Motion to accept withdrawal - DuPont
Seconded - Linden
Yay - DuPont, Linden, Ghelfi, Farley, Carruthers, Cantrell, Scarafiotti
Nay - None
Abstained - None
Disposition - Withdrawal of application granted

The Board proceeded to item #2.

2. Restaurant Liquor License No. 12079153 - Original Application

Steven Robert Jones, Agent
Peoria Thai, LLC
Satara Thai Cuisine Boutique Wine
8350 W. Paradise Lane
Peoria, AZ 85382

Mr. Ghelfi announced his receipt of Motion to Withdraw via facsimile.

Motion to rescind the previous continuance -	Carruthers
Seconded -	Farley
Yay -	Farley, Carruthers, Linden, Ghelfi, DuPont, Cantrell, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continuance is rescinded

Motion to accept withdrawal -	DuPont
Seconded -	Linden
Yay -	DuPont, Linden, Ghelfi, Farley, Carruthers, Cantrell, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Withdrawal of application granted

The Board proceeded to item C.

C. Reports on Current Events, Matters of Board Procedure, Requests and Items for Future Agenda

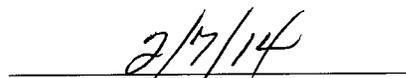
Mr. Ghelfi asked Ms. Murphy to make a future agenda item to amend the September 2013 hearing date from September 5 to September 12.

D. Call to the Public

None.

The Board adjourned at 10:15 a.m.


Denise M. Bale
Administrator of the
Arizona State Liquor Board


Date