



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
April 4, 2013

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

Members Absent: None

Counsel Present: Sarah Selzer, Assistant Attorney General
Diana Rasner, Assistant Attorney General

Staff Present: Marlene Buffa, Interim Board Administrator

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on April 4, 2013 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. 12079267 - Original Application

Mustafa Erdem, Agent
Kaya Business Ventures, LLC
Gus's New York Pizza
2015 N. Power Road #106
Mesa, AZ 85215

This matter was continued from the March 7, 2013 hearings and was set for hearing due to Department protest. The applicant, Mustafa Erdem, appeared at the hearing and was represented by counsel, Peter Schelstraete. Assistant Attorney General Sarah Selzer appeared on behalf of the Department of Liquor Licenses and Control. Investigators Mario Trevizo and Alan Parris appeared on behalf of the Department of Liquor Licenses and Control, were sworn and testified. Assistant Attorney General Diana Rasner was present to provide legal advice to the Board.

Mr. Erdem testified that he is the Agent and 50% owner of a Gus's New York Pizza located on 91st Avenue. He stated that the business is for sale and he intends for the Power Road location to be the primary focus of his operational involvement. Ms. Selzer questioned Mr. Erdem about liquor violations that occurred at the 91st Avenue; one involving an act of violence and one involving an encounter with Investigator Trevizo.

Investigator Mario Trevizo was called as a witness and testified. He described the events of the incident involving Mr. Erdem. He also described violent acts which have occurred at the 91st Avenue location while Mr. Erdem was on the premises. Based on the history of violations and Mr. Erdem's 50% ownership of the 91st Avenue location, Investigator Trevizo stated the Department is concerned these types of problems will continue at the Mesa location.

Investigator Alan Parris was called as a witness and testified. He investigated this application and submitted a report to the Department with two violations. He stated there was incorrect information on Mr. Erdem's application including two undisclosed arrests. Investigator Parris met with Mr. Erdem and reviewed his application with him in October 2012. They discussed a 2008 DUI. Investigator Parris stated the false statements are the basis of the applicant's capability, reliability and qualification, in addition to his involvement in the incidents at the 91st Avenue location.

Mr. Schelstraete made closing statements. Mr. Linden made a motion to deny Liquor License No. 12079267 because the application does not meet the capability, reliability and qualification standard, as required by A.R.S. § 4-203; based on the list of calls for service, the liquor violations, leaving the location when an officer made it clear who he was and what he was there for, and not listing all of the misdemeanors on the application. Location is not an issue.

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

Mr. DuPont made a motion to revoke the Interim Permit.

Motion to revoke Interim Permit -	DuPont
Seconded -	Scarafiotti
Yay -	Ghelfi, Carruthers, DuPont, Cantrell, Linden, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Interim Permit revoked

2. Restaurant Liquor License No. 12079354 - Original Application

Saundra Ann King, Agent
First Watch Media, Inc.
The Original BBQ 2 U
2010 E. Broadway Road
Phoenix, AZ 85040

This matter is set for hearing because the City of Phoenix recommended disapproval of this application as to location only. The applicant, Saundra Ann King, appeared at the hearing and was not represented by counsel. The applicant waived the right to an attorney. Assistant City Attorney Robert Smith appeared on behalf of the City of Phoenix. Ed McCartney, John Flynn, Reverend Bernard Black, Reverend Kermit Brannon, and Michael Harry, Sr. appeared as witnesses for the City of Phoenix and were sworn and testified. Ms. King was sworn and testified.

Ms. King provided background information about herself and her current experience in the restaurant business. Ms. King and her husband have completed both basic and management liquor law training. The restaurant has been in operation since June 10, 2012. The location is within 25 feet of a church property.

Reverend Bernard Black was called as a witness and testified. Rev. Black is the pastor of the South Phoenix Baptist Church and owns the property on which it is located. Rev. Black is also the landlord for the applicant's restaurant. He has no issue about the capability, reliability and qualification of the applicant. His objection is the possibility of having liquor available at the restaurant which is in close proximity to the church. Rev. Black has owned the building for about 25 years. Mr. Smith clarified that state statutes do not require a 300 feet distance for a Series 12 Restaurant Liquor License.

Reverend Kermit Brannon was called as a witness and testified. Rev. Brannon is a member of the South Phoenix Baptist Church. He testified there was never a liquor license at the restaurant location in the past. His objection is with the location only.