



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 5, 2013

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

Members Absent: Vikki Scarafiotti

Counsel Present: Sarah Selzer, Assistant Attorney General
Christopher Munns, Assistant Attorney General

Staff Present: Denise Bale, Board Administrator

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on December 5, 2013 at 9:02 a.m. with Mr. Ghelfi presiding.

Roll Call

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

B. Agenda: review, consideration and action

1. Beer and Wine Store Liquor License No. 10103700 - Original Application

Marco A. Lopez
Beef Master Meat Market LLC
Beef Master Meat Market
527 W. 29th Street
Tucson, AZ 85713

This matter was set for hearing because the Department is protesting the application based on the fact that the location violates the 300 foot rule (A.R.S. § 4-207.A) and the applicant's intentional failure to disclose this information in violation of A.R.S. § 4-210.A.3. The matter is also set because the City of South Tucson recommended disapproval of this application based on the applicant's failure to demonstrate that the license was in the best interest of the community. City Manager Luis Gonzales appeared on behalf of the City of South Tucson. Assistant Attorney General Sarah Selzer appeared on behalf of the Department. Assistant Attorney General Christopher Munns was present to provide legal advice to the Board. Mr. Ghelfi noted a withdrawal of the application was filed with the Department. There was no objection.

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

2. Restaurant Liquor License No. 12079592 - Original Application

Walter Salazar Lopez
Villa Peru Restaurant
1857 N. Scottsdale Road
Tempe, AZ 85281

This matter was set for hearing due to Department protest based on the applicant selling alcohol without a current liquor license, allowing an underage employee to sell alcohol and based on concerns regarding the applicant's capability, qualifications and reliability. The applicant, Walter Salazar Lopez, appeared at the hearing and was not represented by counsel. Assistant Attorney General Sarah Selzer appeared on behalf of the Department. Assistant Attorney General Christopher Munns was present to provide legal advice to the Board. Francisco Velasquez appeared on behalf of the applicant. Investigator Adam Palubeskie appeared on behalf of the Department.

Mr. Ghelfi asked Mr. Velasquez to explain the applicant's request for an interpreter. Mr. Ghelfi made a motion to convene in executive session to receive legal advice.

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

The Board convened in executive session at 9:08 a.m. and reconvened in open session at 9:13 a.m.

Mr. Ghelfi explained rights and responsibilities of applicants as it relates to understanding the proceedings, which are spoken in English. Mr. Velasquez translated for Mr. Salazar Lopez. Ms. Selzer was not opposed to a continuance; however, she reiterated the burden of providing a translator is on the applicant. Mr. Ghelfi added the translator must be certified and Mr. Salazar Lopez would receive notice of the date and time in February. Mr. Salazar Lopez was willing to continue the hearing to February 2014.

Motion to continue to the February 2013 hearings -	Carruthers
Seconded -	DuPont
Yay -	Carruthers, DuPont, Ghelfi, Cantrell, Linden
Nay -	None
Abstained -	None
Disposition -	Continued to the February 2014 hearings

3. Beer and Wine Store Liquor License No. 10076410 - Original Application

Andrea D. Lewkowitz, Agent
Phoenix Market, LLC
Mike's Smoke Shop
8021 N. 43rd Avenue, #1A
Phoenix, AZ 85051

This matter was set for hearing due to public protest. The applicant, Andrea D. Lewkowitz, was represented by counsel, H.J. Lewkowitz. Ramey Sweis was also present at the hearing. Mr. Sweis was sworn and testified. There were no public protestors present at the hearing.

Mr. Ghelfi said the Board had reviewed the Memorandum in Support of Application for Liquor License, which was submitted by Mr. Lewkowitz, along with the training certificate, applicant's history and other questionnaires. He noted that the location issue was addressed by memo submitted by Mr. Lewkowitz. Mr. DuPont asked if the

protestors had been served. Ms. Bale replied that three of the seven protestors were not served. Their envelopes were returned as unclaimed. Mr. Lewkowitz added that his firm wrote a letter to each protestor.

Mr. Lewkowitz began his remarks by stating that this location was licensed by the Board in January 2013 and has been in operation since that time. He reported that all employees are trained, there have been no citations, and the business has operated per state law. Mr. Lewkowitz explained that the owners are four cousins with 25% ownership of multiple operations. They decided to begin with a new license, rather than submit a change in acquisition and control. Questions from the Board concerned sales to minors and public protests.

Mr. DuPont made a motion to grant Liquor License No. 100764101: Based on the training that has occurred and that will occur for future employees; there are no citations at issue with the current liquor license; there are no issues with the police department; and the City of Phoenix approved the license, I move that we find the applicant is capable, qualified and reliable as required by A.R.S. § 4-203 and by granting the liquor license, we grant the application.

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

4. Beer and Wine Store Liquor License No. 10093071 - Original Application

Clare Hollie Abel, Agent
DG Retail, LLC
Dollar General Store #6864
705 Mike's Pike Street
Winslow, AZ 86047

This matter was set for hearing because the City of Winslow recommended disapproval of this application. The Agent, Clare Hollie Abel, appeared at the hearing. There was no representation from the City of Winslow at the hearing.

Ms. Abel discussed the capability, qualification and reliability of Dollar General. Dollar General operates stores in 44 states and sells liquor in 22 of those states. The company has about 4,000 liquor licenses throughout the country and has 50 licenses in Arizona. Dollar General has an exemplary record with respect to alcohol sales. The stores have a point of sale system where the cashiers cannot complete the sale of alcohol without swiping the customers' ID. All the cashiers in Arizona are trained in Arizona liquor law and managers are required to complete liquor management training. There is a security camera system inside and outside the store. The liquor is stored in the coolers near the cash registers.

Mr. Linden made a motion to grant Liquor License No. 10093071: Based on the applicant has had training; there are security systems in place; there is an ID scanning system where they must swipe an ID before making a sale of alcoholic beverages; the applicant has a good track record; and the location is not an issue, I move that we find the applicant is capable, qualified and reliable as required by A.R.S. § 4-203, that the location is not an issue, and that we grant the liquor license.

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

C. Minutes

Motion to approved the
July 11, 2013 minutes - Linden
Seconded - Cantrell
Yay - Linden, Cantrell, Ghelfi
Nay - None
Abstained - DuPont, Carruthers
Disposition - July 11, 2013 minutes approved

Motion to amend the
July 11, 2013
Executive Session minutes - Linden
Seconded - Cantrell
Yay - Linden, Cantrell, Ghelfi
Nay - None
Abstained - DuPont, Carruthers
Disposition - July 11, 2013 Executive Session minutes amended

Motion to approve the
July 11, 2013
Executive Session minutes - Linden
Seconded - Cantrell
Yay - Linden, Cantrell, Ghelfi
Nay - None
Abstained - DuPont, Carruthers
Disposition - July 11, 2013 Executive Session minutes approved

Motion to approve the
November 7, 2013 minutes - Carruthers
Seconded - Linden
Yay - Carruthers, Linden, Cantrell, Ghelfi, DuPont
Nay - None
Abstained - None
Disposition - November 7, 2013 minutes approved

Motion to approve the
November 7, 2013
Executive Session minutes - DuPont
Seconded - Linden
Yay - DuPont, Linden, Ghelfi, Carruthers, Cantrell
Nay - None
Abstained - None
Disposition - November 7, 2013 Executive Session minutes approved

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

Mr. Ghelfi requested an item for the May 2014 agenda to discuss scheduling the July or August meeting in Flagstaff.

Mr. Ghelfi stated there was a proposal to set the 2014 meeting dates on January 9, February 6, March 6, April 3, May 1, June 5, July 10, August 7, September 4, October 2, November 6, and December 4.

Motion to approve the
2014 hearing schedule - Carruthers
Seconded - DuPont
Yay - Carruthers, DuPont, Ghelfi, Linden, Cantrell
Nay - None
Abstained - None

Disposition -

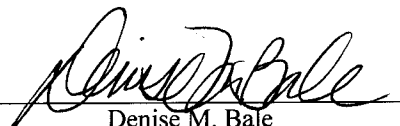
2014 hearing schedule approved

The Board expressed appreciation for Mr. Linden's five years of service on the Board. Mr. Linden's term expires in January 2014.

E. Call to the Public

None.

The Board adjourned at 9:50 a.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board


Date