



STATE OF ARIZONA  
ARIZONA STATE LIQUOR BOARD  
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JANICE K. BREWER  
Governor

J. D. GHELFI  
Board Chair

ALAN EVERETT  
Director

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Arizona State Liquor Board Hearing Minutes  
November 7, 2013

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

Members Absent: None

Counsel Present: Sarah Selzer, 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 November 7, 2013 at 10:00 a.m. with Mr. Ghelfi presiding.

**Roll Call**

All board members were present.

**B. Agenda: review, consideration and action**

**1. Beer and Wine Store Liquor License No. 10076414 - Original Application**

Randy D. Nations, Agent  
99 Cents Only Store #163  
4433 E. Main Street  
Mesa, AZ 85205

This matter was set for hearing due to public protest. The agent, Randy D. Nations, appeared at the hearing. Manuel Becerra appeared on behalf of the applicant. Mr. Nations and Mr. Becerra were sworn and testified. Public protestors Amarjit Singh and Harpreet Kaur, on behalf of her father Sarbit Sodhi, were sworn and testified.

Mr. Ghelfi reminded Mr. Nations that corporations must be represented by counsel before the Board. Mr. Nations, who is the agent for 99 Cents Only Store #163, explained that he would speak for the applicant and that he did not have any evidence to present. Mr. Nations waived his right to counsel and began his presentation. This 99 Cents Only Store has been operating 12 of the 13 years the franchise has been in business in Arizona. This store has been a good neighbor in the community. Any police calls for service in the area were not for the 99 Cents Only Store. All cashiers are required to complete certified liquor law training before they are permitted to handle alcohol. Mr. Nations discussed the three public protests, two of which were competitors. The third protest related to alcohol sales attracting crime. Mr. Nations described the capability, qualification and reliability of 99 Cents Only Stores of California, Inc., which has multiple liquor licenses in California and Arizona. Board questions concerned the number and ages of liquor licenses in Arizona. There are five liquor licenses in Arizona; the first was issued six months ago.

Manuel Becerra has been with 99 Cents Only Stores of California, Inc. for 23 years. He is the Regional Manager of 99 Cents Only Stores in Southern California and Arizona. The stores in California have had liquor licenses for over 20 years. The Board questioned Mr. Becerra about the company's competition, selling food including produce and dairy, quality control, selling discontinued items, selling discounted brands of beer and wine, whether the store will be selling 22 ounce singles or packaged beer, the size of wine bottles, the store's clientele, the company's business strategy for obtaining liquor licenses in Arizona, the location of beer and wine in the store, shoplifting, security personnel, closed circuit cameras and monitors, the store's policies for checking ID, the hours of operation, saturation of liquor licenses in the area, and why a manager is not on file with the Department.

Mr. Nations added that stores selling beer and wine have security guards and there have been no problems. The 99 Cents Only Store #163 has been a good neighbor for 12 years and it has agreed to conduct CUB details. The company policy is to card anyone who looks under 30. He also added, no brand name beers or wines will be sold at this store.

Protestor Amarjit Singh, who operates Super Plus Chevron, addressed the Board. He argued that there is too much competition in the neighborhood. Harpreet Kaur, appearing on behalf of her father Sarbit Sodhi, described competition with her family's business, U-Stop Convenience. Protestor Raymond Ewing was not present. The Board did not question the protestors.

Board discussion concerned the applicant's capability, qualification and reliability and the information that was not provided the Board. Mr. DuPont made a motion to grant Liquor License No. 10076414: Based upon the applicant has provided a diagram of the store, the company provides training for all management personnel and will continue to provide training for all employees who work at the registers, there are a set security cameras in the store, the applicant has agreed to have CUB operations at this location, and the applicant has worked with the police department, we find the applicant is capable, qualified and reliable to hold a liquor license as required by A.R.S. § 4-203(A). As to location, the location has been there twelve years and has been supported by the community, the police department has not filed any complaints about this location, there are other locations that have had a liquor license for six months and have not had any violations, we find that the public convenience does require and the best interest of the community will be served as required by A.R.S. § 4-203(A) by granting a liquor license to this location.

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

The Board recessed from 11:15 a.m. to 11:26 a.m.

## **2. Beer and Wine Store Liquor License No. 10076428 - Original Application**

Baljeet Joshi  
ABC Food Store  
816 E. University Drive  
Mesa, AZ 85203

This matter was set for hearing due to public protest. The applicant, Baljeet Joshi, appeared at the hearing and was not represented by counsel. Neeraj Joshi, Travis Hansen, Vijay Joshi, Jeffrey Pickett and Harjinder Singh appeared on behalf of the applicant and were sworn and testified. Public protestor Trevor Stadler was sworn and testified. Mr. Ghelfi read the names of protestors who were not present: Paul Egnaw, Karson Thomason, Sheryl Richardson, Anna Rebecca Leavitt, Peggy S. Jackson, Seth Jackson, and Stephanie Jackson.

Ms. Joshi confirmed that ABC Food Store is not a corporation, limited liability company or partnership, that she is the sole owner, and that she was comfortable moving forward with the hearing. Ms. Joshi delivered a statement about her new business. The store hours will be 6:00 a.m. to 11:00 p.m. She has managed a store with a Series 10 liquor license for ten years and there have not been any violations. The Board questioned Ms. Joshi about security

cameras, her ID policy, number of employees and whether the employees have completed training, check cashing, items sold in the store, and proximity to similar stores.

Ms. Joshi's son, Neeraj Joshi, spoke in support of the applicant. He intends to work at this store. He has worked in stores with liquor licenses since 2001 and has never had a liquor violation. The Board questioned him about the distance from the nearest elementary school, expected percentage of alcohol sales compared with total sales, how the location was selected, and the nearest competitor, University Farmers Market. There was discussion about the owner of University Farmers Market, Patrick Uhegwu, protesting the liquor license. Ms. Bale stated that Mr. Uhegwu called her and said he could not attend the hearing. She told Mr. Uhegwu that his protest letter is on file and that it would be considered by the Board.

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, Scarafiotti, Carruthers
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 11:50 a.m. and reconvened in open session at 11:58 a.m.

Travis Hansen spoke as the landlord to the property. The owners have owned the property for 40 to 50 fifty years. This property had been leased for 25 years to a bakery and the bakery when out of business. The property was on the market for eight months with brokers. One of the brokers suggested a neighborhood grocery store was needed because large grocery stores within one mile of the property had gone out of business. That is when the Joshi family approached Mr. Hansen and a long-term lease was commenced. The City supports the store and the liquor license. Mr. Hansen said that at one time the business owned both of the properties where University Farmers Market and the ABC Food Store are located. The owners supported the liquor license for University Farmers Market. Board questions concerned the large stores that went out of business and the demographics of the neighborhood.

Ms. Joshi's husband, Vijay Joshi, spoke in support of the applicant. Mr. Joshi owns the 99 Cent Plus Wine & Beer store at 730 E. Brown, which is  $\frac{3}{4}$  mile from ABC Food Store. He has been the owner for 10 years. Mr. Joshi described customers' requests for beer at the new location and the positive feedback for this application. The Board questioned about employees at the Brown location, ownership of the two stores, and differences between the stores. Mr. Joshi and his wife worked together at the Brown location for ten years. Mr. Joshi is 100% owner of 99 Cent Plus Wine & Beer. Ms. Joshi is 100% owner of ABC Food Store.

Jeffrey Pickett is a community member who lives one block from the ABC Food Store and his daughter attends the elementary school that has been the subject of protests. Mr. Pickett described the appearance of ABC Food Store as a grocery store, not a liquor store and spoke about children passing the store. He discussed this family business and its contribution to the neighborhood.

Harjinder Singh is a friend of the Joshi family and has known them for 13 years. He spoke in support of the applicant and her family and discussed the community support of the store. Mr. Singh described the appearance of the storefront.

Protestor Trevor Stadler addressed the Board. He discussed the 14 liquor licenses that are located within a one mile radius of this location. Mr. Stadler said the neighborhood does not need another market selling alcohol next to a market that sells alcohol. He is concerned about the proximity of the elementary school. The Board questioned about the appearance of the storefront, neighborhood interaction with the owners of ABC Food Store, the distance of other full service grocery stores from the neighborhood.

Board discussion concerned convenience shopping, saturation, two markets next to each other selling very similar items, the applicant's capability, qualification and reliability, the family businesses having same policies and procedures, having a liquor license for 10 years with no violations, working with the neighbors, and support of strong independent business.

Mr. Linden made a motion as to Liquor License No. 10076428: I move that the applicant is capable, qualified and reliable as required by A.R.S. § 4-203(A) based on the fact that the applicant has been working in the liquor business for ten years and has had no violations, the applicant has completed training, and the application has had City Council support. Also, the public convenience requires and the best interest of the community will be substantially served by granting this location and license as required by A.R.S. § 4-203(A) because of community requests, the supporters who are present, the different hours of operation, and the public protests that check cashing was a big issue and testimony stated that there will be no check cashing. I move we grant this license.

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

The Board proceeded to agenda item E.

**E. Review of Time Limits of Hearings**

Mr. Ghelfi noted that this matter has been temporarily tabled.

The Board proceeded to agenda item C.

**C. Minutes**

Motion to approve the August 1, 2013

Executive Session minutes -	DuPont
Seconded -	Carruthers
Yay -	Ghelfi, DuPont, Scarafiotti, Carruthers, Linden
Nay -	None
Abstained -	Cantrell
Disposition -	August 1, 2013 Executive Session minutes approved

Motion to amend the

September 12, 2013 minutes -	Linden
Seconded -	Cantrell
Yay -	Ghelfi, DuPont, Scarafiotti, Cantrell, Carruthers, Linden
Nay -	None
Abstained -	None
Disposition -	September 12, 2013 minutes amended

Motion to approve the

September 12, 2013 minutes -	Scarafiotti
Seconded -	Carruthers
Yay -	Ghelfi, DuPont, Scarafiotti, Cantrell, Carruthers, Linden
Nay -	None
Abstained -	None
Disposition -	September 12, 2013 minutes approved

Motion to approve the  
September 12, 2013  
Executive Session minutes - Linden  
Seconded - Cantrell  
Yay - Linden, Cantrell, Ghelfi, Scarafiotti  
Nay - None  
Abstained - DuPont, Carruthers  
Disposition - September 12, 2013 Executive Session minutes approved

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

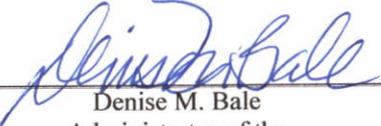
Lee Hill, DLLC Communications and Special Projects Director, described the Department's communication system and how emergency information would be communicated with staff. If Board members wish to participate, Ms. Hill explained the emergency staff contact information update procedure.

The Board proceeded to agenda item F.

**F. Call to the Public**

Lawrrie Fitzhugh, Sevilla Neighborhood Association, presented copies of a publication entitled *Canyon Corridor Connection*, which covers the works underway to renovate and revitalize the area bordered by the I-17, Indian School Road, 43<sup>rd</sup> Avenue and Dunlap Avenue. Ms. Fitzhugh asked for direction on communicating specific information to the Board.

The Board adjourned at 12:55 p.m.

  
Denise M. Bale  
Administrator of the  
Arizona State Liquor Board

  
Date