



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
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DOUGLAS A. DUCEY
Governor

J. D. GHELFI
Board Chair

JOHN COCCA
Director

Arizona State Liquor Board Hearing Minutes
February 5, 2015

Members Present: J.D. Ghelfi - Chairman, Cyndy Valdez - Vice Chairman, Bill Du Pont, Robin Cantrell, Jim Carruthers, Pud Colquitt, and Vikki Scarafiotti

Members Absent: None

Counsel Present: Michael Raine, 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 February 5, 2015 at 10:02 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. 10076590 - Original Application

Alma Angelica Ramos
LJH, LLC
Carniceria LJH
3525 W. Southern Ave., Suite 144
Phoenix, AZ 85041

This matter is set for hearing because the City of Phoenix has recommended disapproval of this application based on a Police Department recommendation for disapproval. The Applicant, Alma Ramos, appeared at the hearing and was represented by counsel, Laurie A. Herman on behalf of Cameron A. Morgan. Assistant City Prosecutor Nathan J. Watts appeared on behalf of the City of Phoenix. Subsequent to this matter being scheduled for hearing, the Applicant, through its counsel, Cameron A. Morgan, filed a Motion to Continue and Supplemental Motion to Continue. There was no objection by the City of Phoenix.

Motion to continue to
the March 5 Board meeting - Valdez
Seconded - Du Pont
Yay - Valdez, Du Pont, Carruthers, Colquitt, Ghelfi, Cantrell, Scarafiotti
Nay - None
Abstained - None
Disposition - Continued to the March 5, 2015 Board meeting

2. Beer and Wine Store Liquor License No. 10076593 - Original Application

Clare Hollie Abel, Agent
Dollar General Store #11185
951 East Pima Street
Gila Bend, AZ 85337

This matter is set for hearing due to public protest. The Agent, Clare Hollie Abel, appeared telephonically at the hearing. Bill Conley, District Manager for Dollar General, appeared telephonically on behalf of the Applicant. Public protestor Fred Hull appeared telephonically.

Ms. Valdez disclosed that her employer, Golden Eagle Distributors, Inc., does business with Dollar General Stores that hold liquor licenses. Ms. Valdez stated that she is not an owner or shareholder of Golden Eagle Distributors and that her compensation is not tied to the revenue of the company. She does not believe that her participation will be swayed by the business relationship of Golden Eagle Distributors with other Dollar General Stores. Unless there are objections, she does not feel the need to recuse herself. There were no objections.

Motion to convene in executive session for legal advice -	Ghelfi
Seconded -	Colquitt
Yay -	Du Pont, Cantrell, Ghelfi, Valdez, Scarafiotti, Carruthers, Colquitt
Nay -	None
Abstained -	None
Disposition -	Convene in executive session

The Board convened in executive session at 10:11 a.m. and reconvened in open session at 10:15 a.m.

Mr. Ghelfi expressed the Board's concern of having a witness testify without the attorney being present. Ms. Abel was given the option of submitting on the record or continuing the hearing to March Board meeting. Ms. Abel decided to proceed with the hearing. She discussed the number of liquor licenses Dollar General holds in Arizona, and that there have been no liquor violations.

Ms. Bale stated that she has had telephone conversations with Mr. Hull and that she recognizes his voice. Mr. Hull confirmed that his home is less than one mile from the Dollar General Store. Due to the difficulty of telephonic communication, Ms. Valdez moved to continue the hearing to the March Board meeting.

Motion to continue to the March 5 Board meeting -	Valdez
Seconded -	Colquitt
Yay -	Valdez, Colquitt, Du Pont, Carruthers, Ghelfi, Cantrell, Scarafiotti
Nay -	None
Abstained -	None
Disposition -	Continued to the March 5, 2015 Board meeting

C. Minutes: Review, consideration and action

Motion to approve the January 8, 2015 minutes -	Du Pont
Seconded -	Cantrell
Yay -	Du Pont, Valdez, Ghelfi, Colquitt, Carruthers, Cantrell
Nay -	None
Abstained -	Scarafiotti
Disposition -	January 8, 2015 minutes approved

Motion to approve the	
January 8, 2015 Executive	
Session minutes -	Valdez
Seconded -	Du Pont
Yay -	Du Pont, Valdez, Ghelfi, Colquitt, Carruthers, Cantrell
Nay -	None
Abstained -	Scarafiotti
Disposition -	January 8, 2015 Executive Session minutes approved

D. Board Discussion: Review of the rules related to receiving Board materials

The Board discussed R19-1-704 and the need for enforcing the rule.

R19-1-704. Submitting Documents to the Board

- A. To facilitate the Board's review of documents submitted to it, a party shall submit documents to the Board in printed form and:
 - 1. In an electronic format directed by the Board, or
 - 2. By means of a removable data-storage device such as a compact disc or flash drive.
- B. To provide the Board with time to consider adequately documents requiring its action, the following deadlines apply:
 - 1. An applicant, local governing body, or aggrieved party that wishes to submit information regarding an application shall submit the information at least 15 calendar days before the meeting at which the Board will consider the application;
 - 2. An applicant, local governing body, or aggrieved party that wishes to rebut information submitted under subsection (B)(1) shall submit the rebuttal information within five calendar days before the meeting at which the Board will consider the application; and
 - 3. An appellant shall submit a brief at least 21 calendar days before the meeting at which the Board will consider the appeal.
- C. A party who is unable to submit documents in an electronic format or by means of a removable data storage device may ask the Board for an exemption from the requirement in subsection (A).
- D. This Section is authorized by A.R.S. §§ 4-112(A)(2) and 4-201(E).

Historical Note

New Section made by final rulemaking at 19 A.A.R. 1338, effective July 6, 2013 (Supp. 13-2).

Mr. Raine offered to work with Ms. Bale on methods of staff implementation. The Board will receive a report next month.

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

The Board discussed HB2359. There was a request to place HB2359 on the March agenda for review, consideration and action. The Board also discussed teleconferencing and accommodation for parties in matters that come before the Board. There was discussion about holding a future meeting in Sedona or Flagstaff when the Board hears a matter from Northern Arizona.

F. Election of Officers: Chairman and Vice Chairman

Ms. Valdez made a motion for Mr. Ghelfi to remain as Chairman until his replacement has been identified.

Motion to elect	
J.D. Ghelfi as Chairman -	Valdez
Seconded -	Du Pont, Cantrell
Yay -	Valdez, Du Pont, Cantrell, Scarafiotti, Colquitt, Carruthers
Nay -	Ghelfi
Abstained -	None
Disposition -	J.D. Ghelfi elected Chairman

Motion to elect

Cyndy Valdez as Vice Chairman - Du Pont

Seconded - Cantrell, Carruthers

Yay - Du Pont, Cantrell, Carruthers, Ghelfi, Scarafiotti, Colquitt, Valdez

Nay - None

Abstained - None

Disposition - Cyndy Valdez elected Vice Chairman

G. Call to the Public

Nicholas Guttilla, Guttilla Murphy Anderson, P.C., addressed the Board.

The Board adjourned at 11:10 a.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board



Date