



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
November 6, 2014

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

Members Absent: Vikki Scarafiotti

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 6, 2014 at 10:04 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. Restaurant Liquor License No. 12079887 - Original Application

Clare Hollie Abel
American Multi-Cinema Inc.
AMC Theatres Westgate 20
9400 West Hanna Lane
Glendale, AZ 85305

Subsequent to this matter being scheduled for hearing, a motion to withdraw application has been filed with the Board. This matter is set for hearing because the Department is protesting the application. Ms. Selzer said the Department does not object to the withdrawal.

Motion to accept
application withdrawal - Valdez
Seconded - Du Pont
Yay - Valdez, Du Pont, Ghelfi, Colquitt, Carruthers, Cantrell
Nay - None
Abstained - None
Disposition - Application withdrawal accepted

2. Restaurant Liquor License No. 12079888 - Original Application

Clare Hollie Abel
American Multi-Cinema Inc.
AMC Theatres Arrowhead Towne Center 14
7700 West Arrowhead Towne Center, Suite 1079
Glendale, AZ 85308

Subsequent to this matter being scheduled for hearing, a motion to withdraw application has been filed with the Board. This matter is set for hearing because the Department is protesting the application. Ms. Selzer said the Department does not object to the withdrawal.

Motion to accept
application withdrawal - Valdez
Seconded - Du Pont
Yay - Valdez, Du Pont, Ghelfi, Colquitt, Carruthers, Cantrell
Nay - None
Abstained - None
Disposition - Application withdrawal accepted

The Board proceeded to agenda item #5.

5. Restaurant Liquor License No. 12079883 - Original Application

Balasubramanian Sadasivam
Annapoorna, LLC
Aachi South Indian Kitchen
325 W. Elliot Road #101
Tempe, AZ 85284

Subsequent to this matter being scheduled for hearing, a motion to withdraw application has been filed with the Board. This matter is set for hearing because the City of Tempe recommended disapproval.

Motion to accept
application withdrawal - Du Pont
Seconded - Carruthers
Yay - Du Pont, Carruthers, Ghelfi, Valdez, Colquitt, Cantrell
Nay - None
Abstained - None
Disposition - Application withdrawal accepted

The Board proceeded to agenda item #3.

3. Beer and Wine Store Liquor License No. 10023144 - Original Application

Clare Hollie Abel
Dollar General Store #11133
1100 N. San Antonio Avenue
Douglas, AZ 85607

This matter is set for hearing because the City of Douglas recommended disapproval. The Agent, Clare Hollie Abel, appeared at the hearing. Deborah Cheek appeared on behalf of the Applicant and was sworn and testified. City Attorney Juan Pablo Flores and Luis Pedroza, Finance Director/City Treasurer, appeared telephonically on behalf of the City of Douglas. Carlos De La Torre, City Manager, appeared on behalf of the City of Douglas. Mr. Pedroza and Mr. De La Torre were sworn and testified.

Ms. Abel presented her opening statement. Dollar General Stores have 72 active liquor licenses in Arizona. The stores have a point of sale procedure that prevents underage sales. The location is not within 300 feet of a church or school. There was no public protest at the City Council's meeting on this license application. Ms. Abel introduced her first witness, Deborah Cheek, who is the District Manager for part of Tucson and southeast Arizona for Dollar

General Corporation. Ms. Cheek discussed the name of store manager and the training that would take place should the liquor license be granted. In response to Board questions, Ms. Abel stated that Dollar General has not had any liquor violations in the last year. Ms. Cheek named the stores in her district and testified that there have been no liquor related violations in the district. Ms. Valdez disclosed that the store in Tucson likely receives product from her employer, Golden Eagle Distributors. Ms. Valdez stated she could remain impartial in making a decision because Douglas is outside of the area. There was no objection from Mr. Flores or Ms. Abel about Ms. Valdez's participation in the hearing.

Mr. Flores called his first witness, Mr. De La Torre, the City Manager. Mr. De La Torre described the other liquor licenses within 300 feet of Dollar General. Dollar General is located on a main thoroughfare. There were Board questions. Mr. De La Torre testified that the Police Department did not report on this application at the City Council meeting. Ms. Abel and Mr. Flores presented their final arguments. There was Board discussion.

Mr. Du Pont made a motion regarding Liquor License No. 10023144: Based on the number of licenses from the southwest of Arizona with no violations, that a manager's questionnaire will be put on file, that the manager will receive Title 4 training, that in-store employees will receive a district type training which has provided sufficient training that apparently has provided the corporation with no violations, I move that we find the applicant is capable, qualified and reliable as required by A.R.S. 4-203; and that based upon the location being in an appropriate place, not within 300 feet of a school or a church, there is no police objection to this, there is no neighborhood protest, and that it is on a main thoroughfare, we find that the public convenience does require that the best interest of the community will be served as required by A.R.S. 4-203(A), that granting a liquor license and the Board grant the application.

Motion to grant license -	Du Pont
Seconded -	Cantrell
Yay -	Du Pont, Cantrell, Ghelfi, Valdez, Carruthers, Colquitt
Nay -	None
Abstained -	None
Disposition -	License granted

4. Restaurant Liquor License No. 12023180 - Original Application

Suzette Maria Robeson
 The Original Grand Café LLC
 The Grand Café
 1119 G Avenue
 Douglas, AZ 85607

This matter was continued from the September 4, 2014 meeting and is set for hearing because the City of Douglas recommended disapproval. The Applicant, Suzette Maria Robeson, appeared at the hearing and was not represented by counsel. The Board provided the Applicant the opportunity to postpone the hearing to obtain counsel; the Applicant chose to proceed without counsel. The Applicant was sworn and testified. City Attorney Juan Pablo Flores and Luis Pedroza, Finance Director/City Treasurer, appeared telephonically on behalf of the City of Douglas. Carlos De La Torre, City Manager, appeared on behalf of the City of Douglas. Mr. Pedroza and Mr. De La Torre were sworn and testified.

Ms. Robeson described her purchase of The Grand Café. The restaurant has been at that location 20 years and has had a liquor license. Ms. Robeson has completed the required Title 4 training. Mr. Flores questioned Ms. Robeson about business taxes that are owed to the City. There were Board questions about ownership and management of the restaurant.

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

The Board convened in executive session at 11:12 a.m., recessed at 11:15 a.m. and reconvened in open session at 11:24 a.m.

The Board questioned the Applicant. Mr. Flores called his first witness, Mr. Pedroza, Finance Director/City Treasurer. Ms. Robeson gave her consent for the City to discuss her business finances. There were questions from the Board for Mr. Pedroza. Ms. Robeson and Mr. Flores presented final statements. There was Board discussion.

Ms. Valdez made a motion regarding Liquor License 12023180: Based upon the following factors, the applicant showed a lack of knowledge and basic understanding of the liquor law despite having completed Title 4 training; that the testimony from the City's witnesses and the statements from the applicant demonstrated a lack of appreciation for the seriousness of the past due tax issues and also showed that she didn't put forth the effort to demonstrate cooperation to resolve this situation. 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 the application based on person only.

Motion to deny license -	Valdez
Seconded -	Cantrell
Yay -	Valdez, Cantrell, Ghelfi, Du Pont, Colquitt
Nay -	Carruthers
Abstained -	None
Disposition -	License denied as to person

The Board proceeded to agenda item #6.

6. Beer and Wine Bar Liquor License No. 07090022 - Request for Review

From:	To:
Adelina Moncayo	Christopher Todd Wood
El Torito Café	Slowtown
908 Central Avenue	1001 E. 3rd Street
Winslow, AZ 86047	Winslow, AZ 86047

The Arizona State Liquor Board voted to deny a Person and Location Transfer Application for Beer and Wine Bar Liquor License No. 07090022 after a hearing at its Board meeting on September 4, 2014. Mr. Ghelfi and Ms. Valdez recused themselves from this hearing. The Applicant, Christopher Todd Wood, appeared at the hearing and was not represented by counsel. The Applicant was sworn and testified. City Attorney Ellen M. Van Riper appeared on behalf of the City of Winslow.

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

The Board convened in executive session at 11:57 a.m. and reconvened in open session at 12:05 p.m.

Mr. Wood discussed the location from the time he purchased the building and his working relationship with the City. Ms. Van Riper discussed the capability, qualification and reliability of the applicant. Ms. Van Riper argued there is no basis for a rehearing. There were Board questions. Mr. Wood waived a closing statement. Ms. Van Riper made a closing statement. There was Board discussion.

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

The Board convened in executive session at 12:33 p.m. and reconvened in open session at 12:40 p.m.

There was Board discussion.

Mr. Carruthers made a motion: Mr. Chairman, I don't see that the request today meets with any of the criteria, the seven criteria listed in R19-703, rehearing or review of a decision, and I recommend that we do not grant a rehearing.

Motion to deny request
for review - Carruthers
Seconded - Cantrell
Yay - Carruthers, Cantrell, Du Pont, Colquitt
Nay - None
Abstained - Ghelfi, Valdez
Disposition - Request for review denied

C. Minutes

Motion to approve the
July 10, 2014 minutes - Du Pont
Seconded - Valdez
Yay - Du Pont, Valdez, Ghelfi, Cantrell, Colquitt
Nay - None
Abstained - Carruthers
Disposition - July 10, 2014 minutes approved

Motion to approve the
July 10, 2014
Executive Session minutes - Du Pont
Seconded - Cantrell
Yay - Du Pont, Cantrell, Ghelfi, Valdez, Colquitt
Nay - None
Abstained - Carruthers
Disposition - July 10, 2014 Executive Session minutes approved

Motion to approve the
September 4, 2014 minutes - Carruthers
Seconded - Cantrell
Yay - Carruthers, Cantrell, Du Pont, Colquitt
Nay - None
Abstained - Ghelfi, Valdez
Disposition - September 4, 2014 minutes approved

Motion to approve the
September 4, 2014
Executive Session minutes - Du Pont
Seconded - Colquitt
Yay - Du Pont, Colquitt, Cantrell, Carruthers
Nay - None
Abstained - Ghelfi, Valdez
Disposition - September 4, 2014 Executive Session minutes approved

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

The next Board meeting is scheduled for December 4, 2014. Mr. Ghelfi requested an agenda item for the next meeting to vote on the Board's 2015 hearing schedule. There was discussion about starting meetings at 10:00 a.m. whenever possible.

E. Call to the Public

None.

The Board adjourned at 12:46 p.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board



Date