



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
September 4, 2014

Members Present: Bill Du Pont, Vikki Scarafiotti, Robin Cantrell, Jim Carruthers, and Pud Colquitt
Members Absent: J.D. Ghelfi - Chairman, Cyndy Valdez - Vice Chairman
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 September 4, 2014 at 10:02 a.m. with Mr. Du Pont presiding.

Roll Call

Mr. Ghelfi and Ms. Valdez were absent. All other board members were present.

B. Agenda: review, consideration and action

1. Restaurant Liquor License No. 12083498 - Original Application

Jerad Edwin Pennington
The Ginger House
29 Acoma Blvd. South
Lake Havasu City, AZ 86403

This matter was continued from the August 7, 2014 meeting and is set for hearing because the Department is protesting the application. There is an interim permit in place. The applicant, Jerad Pennington, was present and was represented by counsel, Peter Schelstraete. Assistant Attorney General Sarah Selzer appeared on behalf of the Department of Liquor Licenses and Control ("Department"). Investigator Mike Sanchez appeared on behalf of the Department. Assistant Attorney General Christopher Munns, from the Solicitor General's Office, was present and available to provide independent legal advice to the Board. The applicant requested a continuance in order to complete the application process for a Series 6 Bar Liquor License for the current location. Ms. Selzer stated the Department did not object to the continuance.

Motion to continue to
the November Board meeting - Carruthers
Seconded - Cantrell
Yay - Carruthers, Cantrell, Du Pont, Colquitt, Scarafiotti
Nay - None
Abstained - None
Disposition - Continued to the November Board meeting

2. Beer and Wine Bar Liquor License No. 07090022 - Person and Location Transfer Application

Adelina Moncayo
El Torito Café
908 Central Avenue
Winslow, AZ 86047

Christopher Todd Wood
Slowtown
1001 E. 3rd Street
Winslow, AZ 86047

This matter is set for hearing because the City of Winslow recommended disapproval. The applicant, Christopher Todd Wood, did not appear at the hearing and was not represented by counsel. City Attorney Ellen M. Van Riper appeared on behalf of the City of Winslow. Chief of Police Steve Garnett appeared on behalf of the City of Winslow. The applicant had indicated that he would attend the hearing. An attempt to contact the applicant by telephone was unsuccessful.

The Board proceeded to agenda item #3.

3. 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 is set for hearing because the City of Douglas recommended disapproval. The applicant, Suzette Maria Robeson, was not present and was not represented by counsel. City Attorney Juan Pablo Flores appeared telephonically on behalf of the City of Douglas.

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

The Board convened in executive session at 10:22 a.m. and reconvened in open session at 10:28 a.m.

Luis Pedroza, Finance Director/City Treasurer, appeared telephonically on behalf of the City of Douglas and was sworn and testified. Mr. Du Pont stated the Board did not receive a statement or reason why the City of Douglas recommended denial for this application. Mr. Du Pont asked Mr. Pedroza to explain the reason for the City's recommendation. There was Board discussion about whether to move forward or to offer a continuance.

Mr. Carruthers made a motion to continue this matter to the November 6th meeting and that the City of Douglas provide further documentation as it provided to the Mayor and Council concerning the memo, tax issues, and that it be provided at least two weeks prior to the November 6th meeting.

Motion to continue to the November Board meeting -	Carruthers
Seconded -	Cantrell
Yay -	Carruthers, Cantrell, Du Pont, Scarafiotti
Nay -	Colquitt
Abstained -	None
Disposition -	Continued to the November Board meeting

The Board proceeded to agenda item #2.

2. Beer and Wine Bar Liquor License No. 07090022 - Person and Location Transfer Application

Adelina Moncayo
El Torito Café
908 Central Avenue
Winslow, AZ 86047

Christopher Todd Wood
Slowtown
1001 E. 3rd Street
Winslow, AZ 86047

Ms. Bale attempted to access her email. There was an email from the applicant sent at 8:07 a.m.; however, due to technological issues it was not available until now. Ms. Selzer summarized the substance of the applicant's message while the email was printed and distributed. The applicant wrote that he was not able to attend the hearing and that he was not requesting a continuance unless it suits the Board.

City Attorney Ellen M. Van Riper appeared on behalf of the City of Winslow. Chief of Police Steve Garnett appeared on behalf of the City of Winslow and was sworn and testified. Ms. Van Riper made an opening statement regarding the City Council's unanimous recommendation of denial and the applicant's capability, qualification and reliability. Chief Garnett testified about alcohol related issues in the City of Winslow. The Board asked about liquor violations and the information presented by the applicant.

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

The Board convened in executive session at 11:19 a.m. and reconvened in open session at 11:23 a.m.

The Board asked about the surrounding neighborhood, the applicant's cooperation with the City, the gang affiliated slogan "Slowtown," and whether there were protests from neighbors within one mile. Ms. Van Riper made a closing statement. There was Board discussion.

Mr. Carruthers made a motion to deny the application for person and location transfer based on the applicant did not do his due diligence, did not cooperate with City offices and has not completed the requirements for City permits, and did not attend City Council meetings; and the City of Winslow recommended disapproval of the person and location in this application.

Motion to deny the application -	Carruthers
Seconded -	Colquitt
Yay -	Carruthers, Colquitt, Cantrell, Du Pont
Nay -	Scarafiotti
Abstained -	None
Disposition -	Application denied

The Board recessed from 11:42 to 11:49 a.m. The Board proceeded to agenda item #4.

4. Beer and Wine Store Liquor License No. 10076523 - Original Application

Cindy Michelle Meyers
El Mirage Market
12118 W. Thunderbird Road
El Mirage, AZ 85335

This matter is set for hearing because the City of El Mirage recommended disapproval. There is an interim permit in place. The applicant, Cindy Michelle Meyers, appeared at the hearing and was not represented by counsel. Counsel for the City of El Mirage was not present.

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

The Board convened in executive session at 11:52 a.m. and reconvened in open session at 11:59 a.m.

Assistant Police Chief Terry McDonald appeared on behalf of the City of El Mirage. The Board provided the applicant the opportunity to postpone the hearing to obtain counsel. The applicant chose to proceed without counsel. The applicant and Assistant Chief McDonald were sworn and testified. The applicant discussed her capability, qualification and reliability.

The Board questioned the applicant about the business, the terms of purchasing the store, store revenue, the hours of operation, the employees, the customers, and the security cameras.

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

The Board convened in executive session at 12:21 p.m. and reconvened into open session at 12:26 p.m.

The Board continued questioning the applicant. Assistant Chief McDonald was available to answer Board questions about his knowledge of what transpired at the Mayor and Council meeting where the recommendation was made to deny this application. The Board questioned Assistant Chief McDonald. There was Board discussion.

Ms. Scarafiotti made a motion regarding Liquor License 10076523: With representation by the Applicant statements regarding training that she has had online; the Applicant disclosed information regarding previous criminal charges and her view of the City's denial was discussed. Applicant represented description of the store that has previously held the license, the 13 cameras in place, four employees, and online training that she has reported she will provide for her employees should the license be granted, I move that the public convenience requires that the best interest of the community will be served by granting the liquor license to this location as required by A.R.S. § 4-203 and that the Board find the Applicant personally qualified by Section 4-203.

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

C. Minutes

Motion to approve the August 7, 2014 minutes - Carruthers
 Seconded - Cantrell
 Yay - Carruthers, Cantrell, Scarafiotti, Colquitt, Du Pont
 Nay - None
 Abstained - None
 Disposition - August 7, 2014 minutes approved

Motion to approve the
August 7, 2014

Executive Session minutes -	Cantrell
Seconded -	Carruthers
Yay -	Cantrell, Carruthers, Scarafiotti, Colquitt, Du Pont
Nay -	None
Abstained -	None
Disposition -	August 7, 2014 Executive Session minutes approved

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

The October 2, 2014 Board meeting is cancelled.

E. Call to the Public

None.

The Board adjourned at 12:54 p.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board



Date