



STATE OF ARIZONA  
ARIZONA STATE LIQUOR BOARD  
800 WEST WASHINGTON, 5<sup>TH</sup> FLOOR  
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DOUGLAS A. DUCEY  
Governor

J. D. GHELFI  
Board Chair

JOHN COCCA  
Director

Arizona State Liquor Board Hearing Minutes  
May 7, 2015

Members Present: J.D. Ghelfi - Chairman, Cyndy Valdez - Vice Chairman, Bill Du Pont, and Vikki Scarafiotti

Members Absent: Robin Cantrell and Jim Carruthers

Counsel Present: Michael Raine, 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 May 7, 2015 at 9:04 a.m. with Mr. Ghelfi presiding.

**Roll Call**

Ms. Cantrell and Mr. Carruthers were absent. All other board members were present. Ms. Colquitt is no longer serving on the Board. Mr. Ghelfi expressed thanks for Ms. Colquitt's service and noted that she will be missed.

**B. 9:00 a.m. Agenda: Review, consideration and action**

**1. Bar Liquor License No. 06070006 - Person Transfer Application**

From:  
Tiffany Lorraine Pina, Agent  
Bad Tiffy LLC  
IcePics Video Bar  
3108 E. McDowell Road  
Phoenix, AZ 85008

To:  
Michael Delano Cummings, Jr., Agent  
TTP One LLC  
The Twisted Peacock  
3108 E. McDowell Road  
Phoenix, AZ 85008

Subsequent to this matter being scheduled for hearing, an application withdrawal has been filed with the Board. This matter is set for hearing because of Department protest. Mr. Raine stated the Department does not object to the application withdrawal.

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

**2. Beer and Wine Bar Liquor License No. 07080091 - Person and Location Transfer Application**

From:  
Randall Anthony Leonard  
Gallagher LLC  
Gallagher's Dining & Pub  
3524 McCulloch Blvd.  
Lake Havasu City, AZ 86406

To:  
Benny Joseph Lopez  
Pimpin Shrimp LLC  
Pimpin Shrimp  
2139 McCulloch Blvd. Suite A  
Lake Havasu City, AZ 86403

Subsequent to this matter being scheduled for hearing, an application withdrawal has been filed with the Board. This matter is set for hearing because of Department protest and because the City of Lake Havasu City recommended disapproval. Mr. Raine stated the Department does not object to the application withdrawal. City Attorney Kelly Garry submitted a letter to the Board stating the City of Lake Havasu does not object to the application withdrawal.

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

**3. Restaurant Liquor License No. 1207A088 - Original Application**

Kimberly Ann Sowinski  
JJ's Grill Goodyear LLC  
JJ's Grill  
13530 W. Van Buren Street, Suite A-104  
Goodyear, AZ 85338

Subsequent to this matter being scheduled for hearing, an application withdrawal has been filed with the Board. This matter is set for hearing because of Department protest. Mr. Raine stated the Department does not object to the application withdrawal.

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

**4. Restaurant Liquor License No. 1207A056 - Original Application**

Kimberly Ann Sowinski  
Smoke House BBQ Surprise LLC  
Smokey's BBQ  
13749 N. Litchfield Road, Suite G-109  
Surprise, AZ 85374

Subsequent to this matter being scheduled for hearing, an application withdrawal has been filed with the Board. This matter is set for hearing because of Department protest. Mr. Raine stated the Department does not object to the application withdrawal.

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

**5. Domestic Farm Winery Liquor License No. 13103011 - Original Application**

Bryan Allen Hannah  
 Copperhead Honeyworks, LC  
 Copperhead Honeyworks, LC  
 9056 N. Wild Eagle Avenue  
 Tucson, AZ 85742

Subsequent to this matter being scheduled for hearing, an application withdrawal has been filed with the Board. This matter is set for hearing because the Pima County Board of Supervisors recommended disapproval of the application. Chief Civil Deputy Tom Weaver of the Pima County Attorney's Office confirmed via email that the County does not object to the application withdrawal.

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

**6. Beer and Wine Bar Liquor License No. 07070351 - Person Transfer Application**

From:	To:
Margarita Maricela Madrigal, Agent	Alvaro Bolanos Neria
El Ranchero of Traditional Mexican Food & More	El Ranchero
3030 N. 68th Street	3030 N. 68th Street
Scottsdale, AZ 85251	Scottsdale, AZ 85251

This matter was continued from the April 2, 2015 meeting and is set for hearing because the Department is protesting the application. There is an interim permit in place. The Applicant, Alvaro Bolanos Neria, appeared at the hearing and was not represented by counsel. Consuelo Astete was present to interpret for the Applicant. Mr. Neria was sworn and testified. Margarita Makris appeared on behalf of the Applicant and was sworn and testified. Investigator Adam Palubeskie appeared on behalf of the Department and was sworn and testified.

Mr. Neria testified that he left the store for one hour and during that time his son sold liquor to an underage person. After the incident, Mr. Neria, his son, his wife, and two other staff completed Title 4 training. Mr. Neria stated that after the Department's investigation, he ceased making retail purchases for beer and wine. He testified that he did not know he was required to purchase from a wholesaler until he took the Title 4 training. Mr. Neria submitted copies of his basic and management training certificates. Ms. Makris spoke in favor of Mr. Neria. Investigator Palubeskie answered Board questions.

There was Board discussion. Ms. Valdez made a motion regarding Liquor License No. 07070351. Based upon the following factors: After an IP permit was issued, the applicant received two violations in Title 4 including failure to request ID, furnishing liquor to an underage person, and purchasing from other than the primary source. I also find the applicant's reasons for purchasing from other than a primary source as incredible, calling into question his overall credibility. Therefore, I move that we find the applicant is not capable, qualified and reliable as required by Section 4-203(A) and that the Board deny this application.

Motion to deny application - Valdez  
Seconded - Scarafiotti  
Yay - Valdez, Scarafiotti, Du Pont, Ghelfi  
Nay - None  
Abstained - None  
Disposition - Application denied

Motion to revoke interim permit - Valdez  
Seconded - Scarafiotti  
Yay - Valdez, Scarafiotti, Du Pont, Ghelfi  
Nay - None  
Abstained - None  
Disposition - Interim permit revoked

The Board recessed from 10:10 a.m. to 10:20 a.m.

**7. Beer and Wine Bar Liquor License No. 07100043 - Person and Location Transfer Application**

From:  
Wendy Kristina Cross, Agent  
Macco, LLC  
49er Country Club  
12000 E. Tanque Verde Road  
Tucson, AZ 85749

To:  
Thomas Robert Aguilera, Agent  
Whistlestop Productions, LLC  
Whistle Stop Depot  
127 W. 5th Street  
Tucson, AZ 85705

This matter is set for hearing because of public protest. The Applicant, Whistlestop Productions, LLC, and its Agent, Thomas Aguilera, appeared at the hearing. Nancy Bender appeared on behalf of the Applicant and was sworn and testified. Public protestors Lorinda Paca, Natasha Winnik, Sue Kay Johnson-Hannon, and Michael Hannon did not appear at the hearing.

Ms. Valdez disclosed that this account will be in the distribution territory of her employer, Golden Eagle Distributors, Inc. Ms. Valdez stated that she is an employee of Golden Eagle Distributors. She is not an owner and her compensation is not dependent on the revenue of the company. In terms of the company's bottom line, this account makes little difference. She believes she can participate and not be swayed by her relationship with Golden Eagle Distributors. She is not inclined to recuse herself unless there are objections from the parties. There were no objections.

Ms. Bender described her background and discussed the issues raised by the public protestors. Ms. Bender noted that proper notice was given to the neighborhood. She exhibited a decibel reader and described the measures she has taken to control noise at the location. Ms. Bender discussed the parking agreement between Whistle Stop Depot and the City of Tucson. She described development taking place in the vicinity and the various uses of the location.

There no questions from the Board. Mr. Du Pont made a motion regarding Liquor License No. 07100043: Our applicant has been trained in both basic and management; has actively sought a manager that been trained and has trained in basic; has been proactive with the neighborhood, had regular meetings with the neighborhood, addressed all the concerns of the neighbors; has worked with the City of Tucson in addressing all the code requirements, parking and noise issues, and worked very closely with the Development Services. I move that we find the applicant is capable, qualified and reliable as required by A.R.S. § 4-203(A). And that based upon this location, it is properly zoned, parking requirements have been met and that she has addressed the noise issues, we find the public convenience requires that the best interest of the community will be served as required by A.R.S. § 4-203 by granting the liquor license and the Board grant the application. Ms. Valdez requested an amendment to the location that the City of Tucson recommended approval.

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

**8. Restaurant Liquor License No. 1207A095 - Original Application**

Randy D. Nations, Agent  
 PIK LLC  
 Phoenix Indoor Karting  
 3401 W. Greenway Road  
 Phoenix, AZ 85053

This matter was continued from the April 2, 2015 meeting and is set for hearing because the City of Phoenix has recommended disapproval of this application. The Applicant, PIK LLC, and its Agent, Randy Nations, appeared at the hearing and were represented by counsel, Thomas Aguilera. Adam Wayne Crippen appeared on behalf of the Applicant and was sworn and testified. The City of Phoenix was represented by Assistant City Prosecutor Elizabeth Sugges.

Mr. Crippen described his background and experience. Mr. Crippen is a licensed contractor and racing enthusiast who converted a former Kmart into the current location. PIK owns remote controlled racing businesses in Tucson and Mesa. Mr. Crippen described the alcohol control procedures. Legal age customers who are interested in purchasing alcohol are given a wristband when they check in. ID is checked a second time when a drink is served. Customers who drink are required to wait a minimum of 90 minutes and pass a breathalyzer test before they are permitted to drive a go-cart. There were questions from the Board.

There was Board discussion. Ms. Valdez made a motion regarding Liquor License No. 1207A095. Based upon the following factors: No Department protest. The Applicant is an experienced business owner who has employed and managed staff of 45 to 50 people. He is experienced in a regulated industry currently licensed as a contractor. The Applicant and two of his managers have gone through the Title 4 basic and management training. His employees are required to go through training on responsible liquor service and go through regular training throughout the employment to ensure compliance. He has implemented several processes and procedures to control proper service of alcohol including training the management and the employees, checking IDs twice, and the use of a breathalyzer. I move that we find the applicant is capable, qualified and reliable as required by A.R.S. § 4-203(A). And based upon the following factors: He is offering a convenience to patrons by offering legal age patrons a drink with their meals and entertainment. He has reached out to and worked with neighborhood residents, conducting 70 to 100 mailings. There are no protests or petitions against the applicant. The service of alcohol is confined to a particular area. No alcohol is offered on the track and if you are over 21, you get a wristband. The service of alcohol is well controlled and patrons are prohibited from using the go-carts if alcohol is consumed. I move that we find the public convenience does require and that the best interest of the community will be served as required by A.R.S. § 4-203(A) and that the liquor license application be granted. Mr. Ghelfi asked for an amendment on the location portion to strike that if patrons have had alcohol they cannot drive, to include that if patrons have had alcohol there is a system in place to ensure safety. The motion and second were amended.

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

The Board recessed at 11:57 a.m.

**C. 1:00 p.m. Agenda: Review, consideration and action**

The hearing of the Arizona State Liquor Board was called to order at 1:03 p.m. with Mr. Ghelfi presiding. Ms. Cantrell and Mr. Carruthers were absent. All other board members were present.

**9. Beer and Wine Store Liquor License No. 10113260 - Original Application**

Stefanie Alvidrez  
Stanfield Ranch Market LLC  
Stanfield Ranch Market  
36820 W. Arizona Hwy 84  
Stanfield, AZ 85172

This matter is set for hearing because of public protest. The Applicant, Stefanie Alvidrez, appeared at the hearing and was not represented by counsel. The Owner, Marco Delgadillo Lozano, appeared on behalf of the Applicant. Protestor Phil Crabbe appeared at the hearing. Mr. Lozano stated that Ms. Alvidrez does not speak English.

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

The Board convened in executive session at 1:10 p.m. and reconvened in open session at 1:14 p.m.

Mr. Ghelfi stated the Board would make a motion to continue the hearing to the June 4, 2015 meeting. Ms. Alvidrez is required to bring a court certified interpreter with her to the hearing. Mr. Crabbe may appear telephonically. The hearing will be the first agenda item. Mr. Du Pont seconded the motion with the stipulation that the Applicant bring a court certified interpreter and possibly an attorney.

Motion to continue to the June 4 Board meeting - Ghelfi  
Seconded - Du Pont  
Yay - Ghelfi, Du Pont, Valdez, Scarafiotti  
Nay - None  
Abstained - None  
Disposition - Continued to the June 4, 2015 Board meeting

**10. Bar Liquor License No. 06070122 - Person and Location Transfer Application**

From: Annabelle Cooper, Agent  
A B Cooper Inc.  
Last Chance Trading Post  
26427 S. Arizona Avenue  
Chandler, AZ 85248  
To: Elliott Glasser  
All Balls  
2040 North Scottsdale Road  
Scottsdale, AZ 85257

This matter is set for hearing because the City of Scottsdale recommended disapproval of this application. The Applicant, Elliott Glasser, appeared at the hearing and was not represented by counsel. Mr. Glasser was sworn and testified. The City of Scottsdale was represented by Senior Assistant City Attorney Luis Santaella. Planning Director Tim Curtis appeared on behalf of the City of Scottsdale.

Mr. Glasser described the liquor licenses that he has held over the past several years and disclosed the minor violations. There was no cross-examine from the City of Scottsdale and no questions from the Board. Mr. Santaella stated the City of Scottsdale is not protesting the personal qualifications, reliability and capability of the Applicant. The City protest is based upon Mr. Glasser not having secured a conditional use permit. Mr. Glasser

testified that he intends to obtain a conditional use permit, but did not want to go through the expense prior to having a license issued. There were questions from the Board.

Ms. Valdez made a motion regarding Liquor License No. 06070122. Based upon the following factors: The City of Scottsdale is not protesting the personal qualifications, reliability and capability of the applicant. The applicant is an experienced businessman, holding several different liquor licenses over the past several years with only a couple of minor isolated violations. I move that we find the applicant is capable, qualified and reliable as required by A.R.S. § 4-203(A). And based upon the following factors: there are no petitions or protests on file against this location, the Scottsdale police department did not oppose it, the testimony from the applicant is that the population is growing in that neighborhood and there is a need for this additional bar. It has been licensed in the prior years and owned by the applicant. I move that we find the public convenience does require the best interest of the community will be served as required by A.R.S. § 4-203(A) and that the liquor license application be granted. The motion was seconded by Mr. DuPont with an amendment to include in the location that there have also been street improvements in the area during the last ten years.

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

**11. Bar Liquor License No. 06070512 - Person and Location Transfer Application**

From:	To:
Don Drysdale Doral, Agent	Christian Nava Cruz
Playtime LLC	2438 LLC
Ox Sportsbar	Heat Cabaret
3209 E. Pinchot	2438 E. McDowell Road
Phoenix, AZ 85018	Phoenix, AZ 85008

This matter is set for hearing because the City of Phoenix recommended disapproval of this application. The Applicant, Christian Nava Cruz, appeared at the hearing and was represented by counsel, David Dow. Mr. Nava Cruz was sworn and testified. The City of Phoenix was represented by Assistant City Prosecutor Jessica Breedlove. Josefina Valenzuela and Maria Guadalupe Arenazas appeared on behalf of the City of Phoenix and were sworn.

The Board recessed from 1:50 p.m. to 1:55 p.m.

Mr. Dow made an opening statement regarding Mr. Nava Cruz's capability, qualification and reliability. Mr. Dow stated that Francis Zanzucchi has not been involved in the business for several months, and that he recently sold his 51% ownership of 2438 LLC to Mr. Nava Cruz. An amendment removing Mr. Zanzucchi as a member of 2438 LLC has been filed with the Corporation Commission. Mr. Nava Cruz now owns 100% of 2438 LLC. The Application before the Board indicates Mr. Zanzucchi owns 51% and Mr. Nava Cruz owns 49% of 2438 LLC. Mr. Nava Cruz testified that the Department's Licensing Division would not accept documentation of the transfer of ownership, which would amend the Application, because the matter had been set for Board hearing.

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

The Board convened in executive session at 1:58 p.m. and reconvened in open session at 2:02 p.m.

Mr. Ghelfi stated the Board is not comfortable moving forward under the terms that have been described. The Board would issue an order continuing the hearing to the June 4, 2015 meeting and ordering the Department to accept the amended application and provide a copy to the City of Phoenix.

Motion to continue to  
the June 4 Board meeting - Valdez  
Seconded - Du Pont  
Yay - Valdez, Du Pont, Ghelfi, Scarafiotti  
Nay - None  
Abstained - None  
Disposition - Continued to the June 4, 2015 Board meeting

**D. Minutes: Review, consideration and action**

Motion to approve the  
April 2, 2015 minutes - Valdez  
Seconded - Du Pont  
Yay - Valdez, Du Pont, Ghelfi, Scarafiotti  
Nay - None  
Abstained - None  
Disposition - April 2, 2015 minutes approved

Motion to approve the  
April 2, 2015 Executive  
Session minutes - Valdez  
Seconded - Du Pont  
Yay - Valdez, Du Pont, Ghelfi, Scarafiotti  
Nay - None  
Abstained - None  
Disposition - April 2, 2015 Executive Session minutes approved

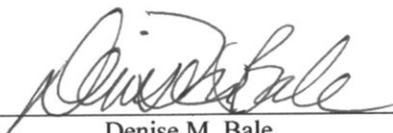
**E. Reports on Current Events, Matters of Board Procedure, Requests and Items for Future Agenda**

The next meeting is June 4, 2015. The start time will be 10:00 a.m. Mr. Ghelfi requested two future agenda items: (E) Interpretation of A.R.S. § 4-201 as it relates to documentation required of neighborhood associations; and (F) Procedural matters to increase efficiency of applicant's testimony. Board members requested other future agenda items: interpreters, and procedural issues with local governing body decisions.

**F. Call to the Public**

None.

The Board adjourned at 2:14 p.m.

  
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Denise M. Bale  
Administrator of the  
Arizona State Liquor Board

  
\_\_\_\_\_  
Date