



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
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Website: www.azliquor.gov/liquor_board.asp

DOUGLAS A. DUCEY
Governor

CYNDY A. VALDEZ
Board Chair

JOHN COCCA
Director

Arizona State Liquor Board Hearing Minutes
March 3, 2016

Members Present: Cyndy Valdez - Chair, Bill Du Pont - Vice Chair, Vikki Scarafiotti, and Michael Troyan
Members Absent: None
Counsel Present: Michael Raine, Assistant Attorney General
Bridget Harrington, 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 March 3, 2016 at 10:00 a.m. with Ms. Valdez presiding.

Roll Call

All members were present.

B. 10:00 a.m. Agenda: Review, consideration and action

1. Restaurant Liquor License No. 12074609 - Appeal of Director's Decision & Order

Randon L. Miller, Agent
Sushi Brokers, Inc.
Sushi Brokers
17021 N. Scottsdale Road
Scottsdale, AZ 85255

This matter is set for hearing because the Licensee requests that the Board reverse the Decision and Order of the Department Director. Co-counsel for the Agent, Dennis Wilenchik and Brian Hembd, appeared at the hearing. Randon Miller, Agent, and Rick Griffith, former Deputy Director of the Department, were sworn in as witnesses. Assistant Attorney General Michael Raine appeared on behalf of the Department of Liquor Licenses and Control ("Department"). Assistant Attorney General Bridget Harrington was present and provided independent legal advice to the Board.

Mr. Wilenchik presented an opening statement regarding the facts of incidents and the reason for the appeal. Mr. Raine objected.

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

The Board convened in executive session at 10:17 a.m. and reconvened in open session at 10:23 a.m.

Mr. Raine continued the objection and referenced A.R.S. § 4-210.02, which governs appeals to the Board. The Chair sustained the objection and reiterated that the hearing would be limited to A.R.S. § 4-210.02(A)(1). Mr. Raine presented an opening statement. Mr. Wilenchik responded. Mr. Raine argued for the Board to affirm the Director's decision. There was an outburst by Mr. Miller. Mr. Wilenchik apologized for his client, and presented a closing argument.

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

The Board convened in executive session at 11:23 a.m. and reconvened in open session at 11:34 a.m.

There was Board discussion. Mr. Du Pont made a motion regarding Liquor License No. 12074609 to affirm the decision of the ALJ as adopted by the Director in its entirety based upon the law and the facts support a finding that he was disorderly and there are no errors of law in the ALJ's decision.

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| Motion to affirm decision of ALJ as adopted by Director in its entirety - | Du Pont |
| Seconded - | Valdez |
| Yay - | Du Pont, Valdez |
| Nay - | Scarafiotti, Troyan |
| Abstained - | None |
| Disposition - | Motion failed |

There was Board discussion. Ms. Valdez renewed the motion to affirm the decision of the ALJ as adopted by the Director in its entirety based upon the law and the facts support a finding that he was disorderly and there are no errors of law in the ALJ's decision.

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| Motion to affirm decision of ALJ as adopted by Director in its entirety - | Valdez |
| Seconded - | Du Pont |
| Yay - | Valdez, Du Pont |
| Nay - | Scarafiotti, Troyan |
| Abstained - | None |
| Disposition - | Motion failed |

There was Board discussion. Ms. Valdez said she would accept an amendment for one year of probation vs. the two years of probation given by the ALJ. Mr. Du Pont supported the amendment.

Motion to affirm Director's decision
with modification of one-year probation - Valdez
Seconded - Du Pont
Yay - Valdez, Du Pont, Troyan
Nay - Scarafiotti
Abstained - None
Disposition - Director's decision is affirmed with modification

C. Minutes

Motion to approve the
February 4, 2016 minutes - Du Pont
Seconded - Valdez
Yay - Du Pont, Valdez, Scarafiotti, Troyan
Nay - None
Abstained - None
Disposition - February 4, 2016 minutes approved

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

The next scheduled meeting is April 7, 2016.

E. Call to the Public

None.

The Board adjourned at 11:55 a.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board



Date