



STATE OF ARIZONA
ARIZONA STATE LIQUOR BOARD
800 WEST WASHINGTON, 5TH FLOOR
PHOENIX, AZ 85007
PHONE: (602) 542-9789 FAX: 602-542-5707
Website: www.azliquor.gov

DOUGLAS A. DUCEY
Governor

MICHAEL J. TROYAN
Board Chair

JOHN COCCA
Director

Arizona State Liquor Board Hearing Minutes
May 3, 2018

Members Present: Michael J. Troyan – Chair, Troy L. Campbell – Vice Chair (telephonically), Michael N. Widener, Jeffrey K. Oravits (telephonically), and Walter W. Jahn

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 May 3, 2018, at 10:05 a.m. with Mr. Troyan presiding.

Roll Call

All members were present.

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

1. Beer and Wine Store Liquor License No. 10076936 – Original Application

William Henry Conley, Agent
DG Retail, LLC
Dollar General Store #17377
37930 W. Salome Highway
Tonopah, AZ 85354

This matter was continued from the March 15, 2018, meeting and is set for hearing because of a public protest. The Applicant, DG Retail, LLC, and its Agent, William Henry Conley, appeared at the hearing and were not represented by counsel. Mr. Conley testified in support of the Applicant. Protestor Wintersburg General Store appeared at the hearing and was represented by counsel, Angela Duhon. Nash Adam and Dhahir Yaldo appeared in support of the Protestor. Ms. Duhon filed a motion to deny the application.

Mr. Conley is the District Manager for Dollar General. This store has been open 14 months and customers want the convenience of one-stop shopping. Mr. Conley described the merchandizing of beer and wine in Dollar General Stores. Dollar General operates several thousand liquor licenses throughout the country and several dozen in Arizona. Mr. Conley stated the company has an excellent training program, it has been compliant and responsible, and it will continue to do so.

Ms. Duhon described the position of Wintersburg General Store. Tonopah is a small town and Wintersburg General Store offers the same products as the Dollar General Store. In the square mile where Wintersburg General Store and Dollar General Store #17377 are located, the population density is less than 15 people per square mile and 20% of those people are underage for purchasing alcohol. Ms. Duhon mentioned the break-ins at Dollar General Store #17377 and noted that an elementary school is located directly across the street.

There were questions from the Board for Mr. Conley and Ms. Duhon. Mr. Raine requested clarification on the location of the school across the street. Mr. Raine offered on behalf of Ms. Bale that the Department routinely utilizes an online distance calculator, www.daftlogic.com, for these type of measurements. According to DaftLogic, the distance between Crossroads Academy, located at 38013 West Salome Highway, and Dollar General Store #17377 is 798 feet, which is outside the 300 horizontal feet restriction on licensing premises near school or church buildings (A.R.S. § 4-207).

Mr. Widener made a motion to grant the application for Liquor License No. 10076936 on the basis of “CQR” (capability, qualification, and reliability) and public convenience. I move that we find the Applicant is capable, qualified and reliable as required by A.R.S. Section 4-203(A), based on the following facts: the Applicant has stated that all of the training has been completed; chain stores tend to have experience in operating liquor operations and Dollar General is not known to be a scofflaw or folks that are typically in trouble. Second, the public convenience requires and the best interest of the community would be served by granting the liquor license as required by A.R.S. Section 4-203(A), based upon the following: Dollar General by the nature of its business is a convenience store and convenience seems to require a certain aggregation of activities. For the contingent of people who work at Palo Verde Nuclear Plant, this store will be more convenient, and while you can make the argument that the Town of Tonopah is small, the public convenience generally means everyone in Maricopa County visiting that area. In view of the fact that the County Board of Supervisors voted four to one in favor of this application, I think that the public convenience and best interest of the community tests are satisfied.

Motion to grant license -	Widener
Seconded -	Jahn
Yay -	Widener, Jahn, Campbell, Oravits, Troyan
Nay -	None
Abstained -	None
Disposition -	License granted

C. Minutes: Review, Consideration and Action

Motion to approve the minutes of March 15, 2018, General Session and Executive Sessions -	Campbell
Seconded -	Widener
Yay -	Campbell, Widener, Troyan, Oravits, Jahn
Nay -	None
Abstained -	None
Disposition -	March 15, 2018, minutes approved


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

There were questions about the hearing scheduled for June 7, 2018, on the Person and Location Transfer Application of Peoria Ave, LLC for Bar Liquor License No. 06070280 (Centerfolds Cabaret). Mr. Raine explained the general procedure for the Board. Mr. Raine also discussed Board training options for the next meeting.

E. Call to the Public

None

The Board adjourned at 10:43 a.m.



Denise M. Bale
Administrator of the
Arizona State Liquor Board



Date