



STATE OF ARIZONA  
ARIZONA STATE LIQUOR BOARD  
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DOUGLAS A. DUCEY  
Governor

MICHAEL J. TROYAN  
Board Chair

JOHN COCCA  
Director

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Arizona State Liquor Board Hearing Minutes  
January 10, 2019

Members Present: Michael J. Troyan – Chair, Troy L. Campbell – Vice Chair, Michael N. Widener (telephonically), Jeffrey K. Oravits, 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 January 10, 2019, at 10:05 a.m. with Mr. Troyan presiding.

**Roll Call**

Mr. Widener would join the meeting telephonically. All other members were present when the meeting was called to order.

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

**1. Beer and Wine Store Liquor License No. 26869 - Original Application**

Thomas R. Aguilera, Agent  
TRL Investments, LLC  
Stop Mart  
2810 Swan Rd. #150  
Tucson, AZ 85712

This matter is set for hearing because the City of Tucson recommended disapproval. The Applicant, TRL Investments, LLC, and its Agent, Thomas R. Aguilera, appeared at the hearing. Senior Assistant City Attorney Jacinta Figueroa appeared telephonically on behalf of the City of Tucson. The Applicant submitted a stipulated motion to withdraw its application and there were no objections.

Motion to accept application withdrawal -	Campbell
Seconded -	Jahn
Yay -	Campbell, Jahn, Troyan, Oravits
Nay -	None
Abstained -	None
Disposition -	Application withdrawal accepted

**2. Restaurant Liquor License No. 13595 – Original Application**

Gary L. Evans, Agent  
 Grato Ventures Inc  
 Midici – Park Place Tucson  
 5870 E. Broadway Blvd., Suite 148  
 Tucson, AZ 85266

This matter is set for hearing because the City of Tucson recommended disapproval. The Applicant, Grato Ventures Inc, and its Agent, Gary L. Evans, did not appear at the hearing and were not represented by counsel. Senior Assistant City Attorney Jacinta Figueroa appeared telephonically on behalf of the City of Tucson. The City of Tucson recommended disapproval of the application based on zoning and based on the Applicant having no contact with Development Services. Ms. Figueroa said that City staff have made multiple attempts to contact the Applicant but there has been no response. Mr. Raine explained that the certified letters sent to the Applicant were returned by the Post Office as unclaimed, however, reasonable attempts were made to contact the Applicant.

Mr. Campbell made a motion regarding Restaurant License No. 13595. Based on the fact that lack of correspondence on behalf of the Applicant and also based on the City of Tucson Planning and Development recommendation, and the local governing body through Council recommending denial, I move that we deny this liquor license.

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

**3. Restaurant Liquor License No. 31636 - Original Application**

Kathya Y. Castro, Agent  
 Delicias Mexican Grill LLC  
 Delicias Mexican Grill  
 4581 S. 12th Avenue  
 Tucson, AZ 85714

This matter is set for hearing because of public protest. The Applicant, Delicias Mexican Grill, LLC, and its Agent, Kathya Y. Castro, appeared at the hearing and were represented by Thomas R. Aguilera. Protestor RoseMarie D'Mack was not present and was not represented by counsel. There was discussion about the public protestor refusing service of the Notice of Hearing by the Post Office. Mr. Aguilera addressed the Board. He noted that there was a valid liquor license at the location when Ms. Castro applied for the license and the restaurant has been operating on an interim permit. Mr. Raine explained that there is a presumption that the location is a good location and the burden shifts to the Protestor to prove that it is not a good location. There were questions and discussion regarding the Applicant's ownership and completion of liquor training.

Mr. Campbell made a motion regarding restaurant license number 31636. Based on the local governing body, the City of Tucson, approval; and based on the agent completing Title 4 liquor law training, I move that we find the Applicant is capable, qualified and reliable as required by A.R.S. section 4-203(A); and that the Board grant the license on the condition the controlling owner completes Title 4 training within ten days to receive the license. And also, due to the public protestor submitted a statement but is not here to answer any questions that I have based on the letter submitted. There are some issues that I would have liked to talk with the public protestor about, but I can't verify any of the things submitted with the protestor letter. I have taken those things into account in my decision but I still feel we should move forward with approval.

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

**4. Beer and Wine Store Liquor License, Application No. 29630 - Original Application**

Cimo Berrada  
 T & C Convenience Store  
 4812 N. 35th Avenue  
 Phoenix, AZ 85017

This matter is set for hearing because the City of Phoenix recommended disapproval. This matter is also set for hearing because of public protest. The Applicant, Cimo Berrada, did not appear at the hearing and was not represented by counsel. Assistant City Attorney Jessica Breedlove appeared on behalf of the City of Phoenix. Lawrie Fitzhugh appeared in support of public protestor Sevilla Neighborhood Association. Mr. Raine noted that Department mail sent to the address on record was returned by the Post Office and that the building is vacant. Ms. Breedlove discussed the discovery submitted by the City of Phoenix including verbatim of the police report and the police investigation. The investigator who conducted the investigation is present to answer questions. Ms. Fitzhugh is also present and available for questions. There were no questions from the Board.

Mr. Oravits made a motion regarding Beer and Wine Store License No. 29630. Based on the following facts, the City recommended disapproval, the public protestor also presented evidence, the Applicant is not present, the location is empty, I move that the Applicant is not capable, qualified and reliable and that we deny the application. And the location, the City of Phoenix presented evidence that the public convenience does not requires and the best interest of the community will not be served by granting the liquor license.

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

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

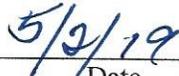
There are no matters scheduled for February. The next meeting will be March 7, 2019. Elections for Board Officers will held during the March meeting.

**D. Call to the Public**

Lawrie Fitzhugh, Sevilla Neighborhood Association, discussed the issue of hidden ownership.

The Board adjourned at 11:00 a.m.

  
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Denise M. Bale  
Administrator of the  
Arizona State Liquor Board

  
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Date