



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

TROY L. CAMPBELL
Board Chair

JOHN COCCA
Director

Arizona State Liquor Board Hearing Minutes
October 3, 2019

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

Members Absent: None

Counsel Present: Michael Raine, Assistant Attorney General
John R. Tellier, Licensing & Enforcement Section Chief Counsel, Independent Advisor to the Board

Staff Present: Denise Bale, Board Administrator

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on October 3, 2019, at 10:00 a.m. with Mr. Campbell presiding.

Roll Call

All members were present (Mr. Oravits and Mr. Widener telephonically).

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

1. Bar Liquor License No. 06073609 – Review of Director’s Decision

Vartan Nazareth Seferian, Agent
Ambassador Fine Cigars, Inc.
Ambassador Fine Cigars
10810 N. Tatum Boulevard, Suite 140
Phoenix, AZ 85028

This matter is set for hearing because the Licensee requests that the Board review the Director’s decision regarding A.R.S. § 4-203(G). The Licensee, Ambassador Fine Cigars, Inc., and its Agent, Vartan Nazareth Seferian, appeared at the hearing and were not represented by counsel. Assistant Attorney General Michael Raine appeared on behalf of the Department of Liquor Licenses and Control (Department). Licensing & Enforcement Section Chief Counsel John R. Tellier was present and provided independent legal advice to the Board.

Mr. Seferian addressed the Board. He purchased a liquor license for his location on Tatum and Shea three years ago. During the review period, Mr. Seferian was informed that he would not be allowed to use the liquor license at that location because of zoning. The liquor license remained inactive until, on

September 4, 2019, the Phoenix City Council approved the zoning. On that same day, Mr. Seferian attempted to activate his liquor license at the Department. He learned that his license had reverted to the state four days earlier, on August 31, 2019. He indicated that he did not know about the reversion of a liquor license after 36 months of inactivity.

Mr. Raine argued that the Board should dismiss the appeal because it is outside of the Board's appellate jurisdiction. He added, the Director made no decision in this case. Under A.R.S. § 4-210, the Director makes final decisions in disciplinary cases where he has issued findings of fact and conclusions of law and a disciplinary or non-disciplinary order. What occurred in this case is unlike the normal processes that produce final administrative decisions that are normally subject to judicial review. As Ambassador notes in its appeal, there is no dispute that it did not use its liquor license for over three years and never received an extension.

Mr. Seferian requested a continuance of the Board hearing to allow time for him to obtain legal counsel. Mr. Raine stated the Department does not object to continuing the hearing.

Mr. Jahn made a motion to grant the Licensee's request for a continuance.

Motion to grant continuance -	Jahn
Seconded -	Oravits
Yay -	Jahn, Oravits, Campbell
Nay -	Widener
Abstained -	None
Disposition -	Hearing continued to November 7, 2019

C. Minutes: Review, consideration and action

Motion to accept minutes of August 15, 2019 -	Widener
Seconded -	Jahn
Yay -	Widener, Jahn, Oravits, Campbell
Nay -	None
Abstained -	None
Disposition -	Minutes approved

Motion to accept minutes of September 5, 2019 Executive Session -	Jahn
Seconded -	Oravits
Yay -	Jahn, Oravits, Campbell
Nay -	None
Abstained -	Widener
Disposition -	Minutes approved

Motion to accept minutes of September 5, 2019 General Session -	Oravits
Seconded -	Jahn
Yay -	Oravits, Jahn, Campbell
Nay -	None
Abstained -	Widener
Disposition -	Minutes approved

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

The next meeting is scheduled for November 7, 2019. There are two matters set for hearing. Mr. Campbell has designated a panel of himself, Mr. Jahn, and Mr. Oravits to hear the matters. The Board will also vote on its 2020 Hearing Schedule.

Motion to adjourn -	Jahn
Seconded -	Widener
Yay -	Jahn, Widener, Oravits, Campbell
Nay -	None
Abstained -	None
Disposition -	Board adjourned at 10:15 a.m.


Denise M. Bale
Administrator of the
Arizona State Liquor Board


Date