



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

TROY L. CAMPBELL  
Board Chair

TRACY UFFELMAN  
Director

Arizona State Liquor Board Hearing Minutes  
June 2, 2022

Members Present: Lynn Shulman – Vice Chair acting as Chair, Jill Pernice, Matthew Roemer, Victoria Yarbrough and Paul David

Members Absent: Troy L. Campbell – Chair

Counsel Present: Roberto Pulver, Assistant Attorney General

Staff Present: Denise Bale, Board Administrator  
Arlene Moreno, Interim Board Administrator

**A. Call to Order**

The hearing of the Arizona State Liquor Board was called to order on June 2, 2022, at 9:03 a.m. with Ms. Shulman presiding. Google Meet was utilized for facilitating the meeting. Board members, staff, and all parties participated either online or telephonically.

**Roll Call**

Chair Campbell was absent. All other members were present.

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

**2. Restaurant Liquor License Application No. 175907 - Original Application**

Jeffrey Craig Miller, Agent  
Golden Margarita LLC  
Golden Margarita  
330 E. Roosevelt Street  
Phoenix, AZ 85004

This matter is set for hearing because the City of Phoenix recommended disapproval. This matter is also set because of public protest. The Applicant, Golden Margarita LLC, and its Agent, Jeffrey Craig Miller, appeared at the hearing and were represented by Peter H. Schelstraete. Assistant City Prosecutor Alexandra Lange appeared on behalf of the City of Phoenix. Prior to the hearing, the Applicant filed a request to withdraw its application. The City of Phoenix did not object to the Applicant's request to withdraw its application.

Motion to grant request for withdrawal -	Yarbrough
Seconded -	David
Yay -	Yarbrough, David, Shulman, Pernice, Roemer
Nay -	None
Abstained -	None
Disposition -	Withdrawal of Application No. 175907 granted

**1. Bar Liquor License No. 06100174, Application No. 119787 - Owner Transfer Application**

H.J. Lewkowitz, Agent  
 Lucky's LLC  
 Love Cabaret  
 5822 E. Speedway  
 Tucson, AZ 85712

This matter is set for hearing because the Board granted a rehearing of this matter. J. Michael Murray and Thomas R. Aguilera appeared on behalf of the Applicant, Lucky's LLC. Principal Assistant City Attorney Shilpa Hunter-Patel appeared on behalf of the City of Tucson. Prior to the hearing, the Applicant and the City of Tucson filed a Joint Motion for Continuance of the June 2, 2022 Hearing.

The parties are actively pursuing discussions to find an amicable resolution to this matter, including an upcoming meeting between the Applicant, the City, and residents of the community neighboring the Applicant's business. To allow sufficient time for the parties to meet and explore the possibility of a settlement, the Applicant and the City jointly request the Board continue the June 2, 2022 hearing in this matter to the August 4, 2022 Board meeting.

Motion to grant request for continuance -	David
Seconded -	Roemer
Yay -	David, Roemer, Yarbrough, Shulman, Pernice
Nay -	None
Abstained -	None
Disposition -	Hearing continued to August 4, 2022

**3. Beer and Wine Bar Liquor License No. 07070720, Application No. 163529 - Person / Location Transfer Application**

Christian Nava-Cruz, Agent  
 C.N.C.G. LLC  
 Chicas Cabaret  
 2802 N. 35th Avenue  
 Phoenix, AZ 85009

This matter is set for hearing because of public protest. The Applicant, C.N.C.G. LLC, and its Agent, Christian Nava-Cruz, appeared at the hearing and were represented by Thomas R. Aguilera. Witnesses for the Applicant included Sylvia Salas, Kimberly Keaton, Cecilia Renteria, and Christian Nava-Cruz. Public protestor Robert Wallace appeared at the hearing and was not represented by counsel. Public protestors Darrell Wallace and Regina Scott did not appear at the hearing and were not represented by counsel.

The Applicant timely filed Motion to Disqualify all Three Protestors (Newco Land Management, LLC, Dalton Corporation, and Jordan Scott Properties, LLC). Mr. Aguilera argued that each of the three protestors are not qualified protestors because they did not comply with A.R.S. § 4-201(B):

If the written arguments are filed by a person on behalf of a corporation or other legal entity or association, the written arguments must be accompanied by a copy of the entity's organizing document, a designation of the office or position that the person holds within the organization and a copy of the written appointment of the person to speak on behalf of the organization.

In addition, a corporation or limited liability company must appear only through the representation of a licensed attorney. For these reasons, Mr. Aguilera argued, the protestors should be disqualified.

Robert Wallace was sworn, and testified on Applicant's Motion to Disqualify Protestors as the agent of Dalton Corporation.

Motion to convene in executive session for the purpose of receiving legal advice -	David
Seconded -	Roemer
Yay -	David, Roemer, Shulman, Yarbrough, Pernice
Nay -	None
Abstained -	None
Disposition -	Board convened in executive session

The Board convened in executive session at 9:33 a.m. The Board adjourned executive session at 10:06 a.m. and reconvened in open session.

Ms. Yarbrough made a motion.

I move that we request clarification from our protestors showing who is truly authorized to be the spokesperson or agent for each entity. I move that each brief is no longer than ten pages in total, that each brief is filed no later than thirty days from today. I request that each brief is not a rehash of what has already been submitted by each protestor.

Motion to request clarification from protestors -	Yarbrough
Seconded -	Pernice

Mr. Pulver asked the Chair if the motion would include Mr. Aguilera to have an opportunity to submit a brief simultaneously at the same time as the protestors. Ms. Yarbrough added that she wanted to include that neither party has the opportunity to rebut submittals by the other parties. Mr. Pulver asked if Ms. Yarbrough's motion is that both parties are allowed to submit simultaneously briefs of ten pages within thirty days; not to rehash the same material; the protesting party's brief is to explain why they have the ability to be the agents to speak on behalf of the entity and then Mr. Aguilera on behalf of his client, why they should not be allowed to speak in front of the Board. Ms. Yarbrough confirmed that it is her motion.

Mr. Pulver asked the Board administrator to recite the motion so that it is crystal clear on what is being voted on. Ms. Bale stated that both sides will state their position in a brief of ten pages, the brief will be filed within thirty days, there is no rebuttal, the protesting party will state why they should be allowed to speak on behalf of their organizations, and the Applicant will state why the protestors should not be allowed to speak on behalf of their organizations. Ms. Yarbrough confirmed that is her motion with the addition of no rehash of what has already been submitted.

New motion requesting briefing by parties - Yarbrough  
Seconded - Pernice  
Yay - Yarbrough, Pernice, David, Roemer, Shulman  
Nay - None  
Abstained - None  
Disposition - Applicants and protestors will file briefs to verify their standing on the matter

Motion to continue this matter to a future meeting, most likely in September - David  
Seconded - Roemer  
Yay - Yarbrough, Pernice, David, Roemer, Shulman  
Nay - None  
Abstained - None  
Disposition - Hearing on this matter is continued to a future agenda after the paperwork is submitted

**C. Minutes: Review, Consideration and Action**

Minutes will be continued to the July Board meeting.


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

The next Board meeting is scheduled for June 9, 2022 to vote on a Motion for Rehearing or Review.

**E. Call to the Public**

Barry Brodsky discussed his support of Sushi Brokers in Scottsdale, which had its liquor license revoked. The Board will consider a Request for Rehearing or Review filed by Sushi Brokers at its June 9, 2022 meeting.

Motion to adjourn meeting - David  
Seconded - Yarbrough  
Yay - David, Yarbrough, Pernice, Roemer, Shulman  
Nay - None  
Abstained - None  
Disposition - Meeting adjourned at 10:31 a.m.

  
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Denise M. Bale  
Administrator of the  
Arizona State Liquor Board

  
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Date