



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

TROY L. CAMPBELL  
Board Chair

TRACY UFFELMAN  
Director

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Arizona State Liquor Board Hearing Minutes  
June 9, 2022

Members Present: Troy L. Campbell – Chair, Lynn Shulman – Vice Chair, Jill Pernice, Victoria Yarbrough and Paul David

Members Absent: Matthew Roemer

Counsel Present: Mary DeLaat Williams, Assistant Attorney General  
Sunita Krishna Cairo, 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 9, 2022, at 9:02 a.m. with Mr. Campbell presiding. Google Meet was utilized for facilitating the meeting. Board members, staff, and all parties participated either online or telephonically.

**Roll Call**

Mr. Roemer was absent. All other members were present.

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

**1. Restaurant Liquor License No. 12074609 - Appeal of Director's Final Decision**

Jared M. Repinski, Agent  
Sushi Brokers, LLC  
DBA Sushi Brokers  
17025 N. Scottsdale Road, #190  
Scottsdale, AZ 85255

This matter is set for hearing because the Appellant requests a Rehearing or Review of the Board's February 3, 2022 decision to affirm the Director's Decision and deny the Appeal. The Arizona State Liquor Board voted to deny Respondent's Appeal and Affirm the Director's Decision and Order in Complaint No. 20A-0011-LIQ, after a hearing at its Board meeting on February 3, 2022. The Respondent's agent timely filed a Request for Rehearing or Review.

Timothy A. La Sota appeared on behalf of the Respondent, Sushi Brokers, LLC, and its Agent, Jared M. Repinski. Assistant Attorney General Mary D. Williams appeared on behalf of the Department of Liquor Licenses and Control. Assistant Attorney General Sunita Krishna Cairo was available to provide independent legal advice to the Board.

Mr. La Sota presented a summary of encounters between R.L. Miller and Scottsdale Police Department beginning in 2013, which resulted in a \$3,000 fine and two years probation. The current events associated with the liquor license revocation began in March 28, 2020 with Mr. Miller's disorderly conduct. Mr. La Sota argued that Mr. Miller engaged in constitutionally protected free speech during his encounters with Scottsdale Police Department. He also argued that revoking the liquor license of Sushi Brokers is extreme and that it will put the restaurant out of business.

Ms. Williams argued that Sushi Brokers has not demonstrated any basis for rehearing or review. The actions and conduct of Mr. Miller do support a violation of A.R.S. 4-210(A)(9) as it relates to 4-244(A)(12), which is the statute that says it is unlawful for a licensee or an employee to be on or about the licensed premise while in an intoxicated or disorderly condition. The Respondent is arguing that Mr. Miller is not the licensee. Mr. Miller is a controlling person as defined in Title 4 as a person directly or indirectly possessing control of an applicant or licensee. Mr. Miller is the person who the Department vetted initially to determine if Respondent qualified for a license. To now argue that his conduct cannot be attributed to Respondent is an absurd result. If you interpret the term "licensee" to exclude the controlling person, then that would mean while it is unlawful for an employee to be on a licensed premises in a disorderly condition, it is not unlawful for a controlling person. To accept Respondent's interpretation and exclude controlling persons from being part of the licensee, that will result in licensed entities being shielded from the Department's regulation.

The ALJ found that Mr. Miller's conduct could be grounds for revocation in Conclusions of Law 24, "the Department has established grounds to revoke, suspend, or otherwise penalize Sushi Brokers' license under A.R.S. 4-210(A)(2)." A.R.S. 4-210(A)(2) is grounds for revocation if the licensee fails to maintain the capability, qualification, and reliability requirements for licensure. The ALJ found through Mr. Miller's conduct, Respondent Sushi Brokers has failed to maintain the capability, qualification and reliability requirements.

In Ms. Williams' Response to Respondent's Motion, she provided the Board with the standard of review for a petition for rehearing or review. Part of that standard of review, includes a basic question Board members need to ask themselves. Does it appear likely that an injustice has been done and upon rehearing, a different result would be reached? The answer in this case is no, a different result would not be reached. The State has presented the Board with the relevant case law on protected speech in the context of the regulation of the liquor industry. That case law provides that that speech is less protected in this realm. Mr. Miller's conduct cannot be taken out of the realm of the liquor industry regulation. Revocation is not excessive for Respondent's violations of A.R.S. 4-210(A)(2), failed to maintain the threshold requirements for licensure; A.R.S. 4-210(A)(9), violated any of the Department's statutes or rules; and A.R.S. 4-244(A)(12), Mr. Miller was on the premises in a disorderly condition.

Mr. La Sota replied to Ms. Williams' argument. There was Board discussion and questions for Ms. Krishna. Mr. David made a motion:

I move that the Board deny Sushi Brokers' Motion for Rehearing or Review and that we affirm the Director's Decision.

Motion to deny Sushi Brokers' Motion -	David
Seconded -	Shulman
Yay -	David, Shulman, Yarbrough, Pernice, Campbell
Nay -	None
Abstained -	None
Disposition -	Rehearing or review denied; Director's Decision affirmed


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

The next Board meeting is scheduled for July 14, 2022. There are four matters scheduled for hearing.

**E. Call to the Public**

None

Motion to adjourn meeting -	Shulman
Seconded -	Yarbrough
Yay -	Shulman, Yarbrough, David, Pernice, Campbell
Nay -	None
Abstained -	None
Disposition -	Meeting adjourned at 10:23 a.m.

  
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 Denise M. Bale  
 Administrator of the  
 Arizona State Liquor Board

  
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 Date