



STATE OF ARIZONA  
ARIZONA STATE LIQUOR BOARD  
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KATIE HOBBS  
Governor

TROY L. CAMPBELL  
Board Chair

BEN HENRY  
Director

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Arizona State Liquor Board Hearing Minutes  
September 14, 2023

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

Members Absent: None

Counsel Present: Deanie Reh, Assistant Attorney General

Staff Present: Denise Bale, Board Administrator  
Christina Saget, Interim Board Administrator

**A. Call to Order**

The hearing of the Arizona State Liquor Board was called to order on September 14, 2023 at 9:00 a.m. with Chair Campbell presiding. Google Meet was utilized for facilitating the meeting. Board members, staff, and all parties participated either online or telephonically. Board members were asked if they have, or a relative who has, a substantial interest or a remote interest with any of the matters on the agenda. Each member declared that he/she did not have a conflict of interest with any matters on the agenda.

**Roll Call**

All members were present.

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

Chair Campbell called the second matter on the agenda.

**2. Beer and Wine Store Liquor License, Application No. 241539 - Original Application**

Suresh Kumar Thathi, Agent  
Thathi Gas LLC  
Speedy Mart  
1204 N. Alvernon Way  
Tucson, AZ 85718

This matter is set for hearing because the City of Tucson recommended disapproval based on the Applicant's unwillingness to have a productive conversation with the neighbors regarding repair and

maintenance of the building exterior and surrounding property. Subsequent to this matter being set for hearing, the City of Tucson filed a Stipulated Motion to Continue to the November meeting. Jake D. Curtis appeared on behalf of the Applicant, Thathi Gas LLC doing business as Speedy Mart. Principal Assistant City Attorney Shilpa Hunter-Patel appeared on behalf of the City of Tucson. Counsel for the City and counsel for the Applicant have met and conferred and agreed on a two-month continuance of the hearing date to the November meeting. Additionally, the City has consulted with counsel for the Department, and the Department takes no position on this request.

Mr. David made a motion to postpone today's hearing to a November date.

Motion to continue hearing -	David
Seconded -	Shulman
Yay -	David, Shulman, Campbell, Yarbrough, Pernice
Nay -	None
Abstained -	None
Disposition -	Hearing continued to November meeting

### **1. Beer and Wine Store Liquor License, Application No. 241539 - Original Application**

Jeffrey Craig Miller, Agent  
MP Enterprise Avondale LLC  
Awesome Convenience & More  
10585 W. Indian School Road #102  
Avondale, AZ 85392

This matter is set for hearing because the Avondale City Council unanimously recommended disapproval based on public protest, and the Applicant does not have a certificate of occupancy and business license. Peter H. Schelstraete appeared on behalf of MP Enterprise Avondale LLC doing business as Awesome Convenience & More. Mr. Schelstraete called four witnesses: Manish Pushye, Joshua Oehler, Raymundo Diaz, and Craig Miller. Deputy City Attorney Lisa Maxie-Mullins and Attorney II Stephen Kemp appeared on behalf of the City of Avondale. The City of Avondale did not call witnesses, and stipulated that the certificate of occupancy has not been issued. Mr. Schelstraete also stipulated that the certificate of occupancy has not been issued. Witnesses for the Applicant were sworn in.

Ms. Maxie-Mullins presented the City's case. On June 26, 2023, the Applicant appeared before the Avondale City Council in a public hearing. During the hearing, members of the public addressed the Avondale City Council about citizen concerns concerning the location of the business. Avondale City Staff also presented information to the Council concerning the Applicant's failure to comply with Avondale City Code provisions. Specifically, the Avondale City Clerk advised that the Applicant had failed to obtain a business license and a certificate of occupancy. The Avondale City Council voted unanimously to recommend denial of the Applicant's application to the Department of Liquor License and Control. As of September 7, 2023, the Applicant has acquired his business license, but the applicant has not obtained a certificate of occupancy. The recommendation for denial of the liquor license by Avondale City Council was due to the Applicant not complying with City of Avondale requirements for the operation of a business within the city limits. The Applicant had not acquired the necessary "licenses and permits" (Arizona Administrative Code R19-1-702(A)(3)).

Mr. Schelstraete called his first witness, Manish Pushye. Mr. Pushye has sixteen years of educational experience in Electronics, Engineering and a Master of Business Administration. He has over twenty years' experience of running gas stations and convenience stores. Mr. Pushye also has a series 10 liquor license in Mesa. He has no liquor violations on his record. Mr. Pushye and his wife are owners of MP Enterprise Avondale LLC. Mrs. Pushye is a fulltime teacher, and Mr. Pushye will be managing and operating the store along with his employees. Both Mr. and Mrs. Pushye have completed Basic and

Management liquor training. All managers of the store are required to complete Basic and Management liquor training. All other employees are required to complete Basic liquor training. An ID scanner has been installed to ensure that there are no sales to underage persons. Even though the store is not operational, twenty-four security cameras have been installed onsite.

Mr. Pushye has obtained a business license from the City of Avondale. In May 2023, he hired an architect to assist him with obtaining a certificate of occupancy. Mr. Pushye currently has a lease-to-own agreement on the property, and is in the process of finding a lender. The two protestors who spoke at the City Council meeting have withdrawn their protests. Mr. Pushye tried to reach out to the protestors to communicate and address their concerns. There were questions from the Board.

Mr. Schelstraete called his next witness, Joshua Oehler. Mr. Oehler is an architect with Arch One Associates. He holds a Master's degree, and has worked in the architectural field for 20 years. He has been a registered architect in the state of Arizona for seven years, and is registered in seven other states. Mr. Oehler was a planning commissioner for the Town of Gilbert for six years. He described the process for obtaining a certificate of occupancy from cities in Arizona. It begins with the design set, which the architect develops with the client. Next, the architect submits construction documents that include architectural design, mechanical, electrical, plumbing, and sometimes structural elements. The architectural firm combines the documents and submits the package through a portal to the city. The city reviews the documents and sends back redlines. The architectural firm answers those documents, and returns the documents to the city. Traditionally, a building permit is issued at that time. Certificate of occupancy is issued after construction is completed and inspected. The turnaround for a certificate of occupancy from the City of Avondale has been four to five weeks, whereas other cities in the county take two to three weeks.

Ms. Maxie-Mullins questioned Mr. Oehler. Mr. Oehler was hired by the Applicant in April, and submitted documents to the City of Avondale on April 25, 2023. Mr. Oehler received comments from the April submittal on June 14. The City Council met on June 26 and issued a recommendation for disapproval. Mr. Oehler acknowledged that it took some time to understand what to do in the future. Mr. Oehler resubmitted updated comments on August 10. The City returned a comment on September 11 that was not part of the original comments from the City. Mr. Oehler submitted the updated comment on September 13.

Mr. Schelstraete called his next witness, Raymundo Diaz. Mr. Diaz is the manager for this location. Mr. Diaz has lived in the area for over eleven years. He has completed Management and Basic liquor training. He was responsible for installing the security cameras. With respect to the complaint about homeless individuals in the vicinity, Mr. Diaz reached out to the Avondale Police Department and was given a phone number to call. Mr. Diaz called the number several times and the officer has not returned his calls. Mr. Diaz intends to execute the trespass letter that Avondale Police Department offers. Mr. Diaz described his methods for preventing trash accumulation on the premises. Mr. Diaz explained how the POS system operates when a liquor product is sold. The POS system promptly flashes a red screen that says "SCAN ID" to the clerk. The clerk asks for the customer's ID and checks it for accuracy. The POS system requires the clerk to scan the back of the ID, and then it will display either "OK" or "Denial".

Mr. Schelstraete called his next witness, Craig Miller. Mr. Miller is the Agent for the license and a partner of Arizona Liquor Industry Consultants (ALIC). ALIC is a consulting company that provides Basic and Management liquor training to licensees and applicants. The company offers licensing, brokering liquor licenses, assisting with applications, and serving as agents for licenses working with local governments and the Department. Prior to joining ALIC, Mr. Miller retired from the Department in 2016 as a Sergeant in Investigations.

Mr. Miller attended the City Council meeting, and both the police department and fire department recommended approval of this application. Mr. Miller and his partner have experience with 2,000 liquor licenses in Arizona. He testified that very often liquor licenses are issued before a business opens. Often loan requirements require that the business owner apply for licensing before business loans are approved.

Many times businesses apply for the liquor license prior to opening. Mr. Miller explained the difference between a business applying for an interim permit versus a business applying for a new license. If there has been an active license at the location within three years, a new business owner applying for the same series license may apply for an interim permit and continue operations at the location. If the location did not have the same series license that the applicant is applying for, it would not qualify for an interim permit. A business must have a business license in order to apply for an interim permit. With most cities, it is required for business owners to have obtained all licenses and permits prior to opening for business. The only outstanding issue for the city of Avondale, and the Applicant agrees, is the certificate of occupancy. The Applicant submitted the required narrative to the City yesterday.

Mr. Schelstraete presented a closing statement. Ms. Maxie-Mullins presented a closing statement. There was Board discussion regarding a stipulation in granting the liquor license.

Mr. David made a motion. In the case of the beer and wine store application number 241539 for MP Enterprise Avondale LLC, I would move that we approve based on the character qualifications of the applicant, as well as the location; and that we approve the issuance of a liquor license with the stipulation that it be based on Avondale's issuance of the certificate of occupancy.

Motion to approve license with stipulation that the certificate of occupancy be issued by the City of Avondale -	David
Seconded -	Yarbrough
Yay -	David, Yarbrough, Pernice, Shulman, Campbell
Nay -	None
Abstained -	None
Disposition -	License granted with the stipulation that the certificate of occupancy be issued by the City of Avondale

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

Motion to approve Minutes of May 11, 2023 -	Yarbrough
Seconded -	Shulman
Yay -	Yarbrough, Shulman, David, Campbell, Pernice
Nay -	None
Abstained -	None
Disposition -	Minutes of May 11, 2023 approved

Motion to approve Minutes of May 31, 2023 -	Shulman
Seconded -	David
Yay -	Shulman, David, Yarbrough, Campbell
Nay -	None
Abstained -	Pernice
Disposition -	Minutes of May 31, 2023 approved


Motion to approve Minutes of August 3, 2023 -	Pernice
Seconded -	Yarbrough
Yay -	Pernice, Yarbrough, Shulman, David, Campbell
Nay -	None
Abstained -	None
Disposition -	Minutes of August 3, 2023 approved

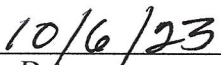
**D. Reports on Current Events, Matters of Board Procedure, Requests and Items for Future Agenda**

The next meeting is scheduled for October 5, 2023. There is one matter set for hearing. The 2023 Title 4 Books are in production and will be mailed to Members as soon as they are delivered to the Department. The Board will receive training on new changes to Title 4 at a later meeting.

Chair Campbell opened a discussion on agenda item Call to the Public. He explained that it was removed from the agenda to save time and efficiency. During his time on the Board, he can recall only one person who requested time to speak during Call to the Public. Ms. Reh advised that it is an option to have Call to the Public, and it is not required by law. Each Board Member expressed their opinion to keep Call to the Public. After thanking the Members for expressing their opinions, he announced that Call to the Public will remain on the agenda for future meetings.

Motion to adjourn meeting -	Shulman
Seconded -	David
Yay -	Yarbrough, David, Campbell, Shulman, Pernice
Nay -	None
Disposition -	Meeting adjourned at 10:35 a.m.

  
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Denise M. Bale  
Administrator of the  
Arizona State Liquor Board

  
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Date