City of Benson
City Council Communication

Regular Meeting **October 12, 2015**

To: Mayor and Council Agenda Item # 2

From: Vicki L. Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Resolution 27-2015 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at G&F Pizza Palace, 114 E. 5th Street, Benson, Arizona

Discussion:

G&F Pizza Palace, located at 114 E. 5th Street, has applied for acquisition of control of the liquor license. Procedures have been followed according to ARS §4-201 and §4-203(F), with no written arguments in favor of or opposed to the issuance of the license being received. We are now at the step where the "governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application".

Once Council makes a recommendation, the City Clerk will forward the proper documents to the Arizona Department of Liquor Licenses & Control.

Staff Recommendation:

Council pleasure

RESOLUTION 27-2015

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, RECOMMENDING APPROVAL OF THE ACQUISITION OF CONTROL OF THE LIQUOR LICENSE AT G&F PIZZA PALACE, 114 E. 5TH STREET, BENSON, ARIZONA

WHEREAS, the owner of G&F Pizza Palace has applied for acquisition of control of the liquor license at said business located in the City of Benson; and

WHEREAS, one copy of the application has been filed with the City Clerk; and

WHEREAS, one copy of the application has been posted in a conspicuous place on the front of the applicant's business, along with the notice required by A.R.S. §4-201; and

WHEREAS, pursuant to A.R.S. §4-201, the Mayor and Council of the City of Benson considered the acquisition of control of the liquor license, and considered any arguments in favor of or against the same, at the regular City Council Meeting on October 12, 2015; and

WHEREAS, the Mayor and Council of the City of Benson have determined that approval of the requested acquisition of control of the liquor license is acceptable and in the best interests of the City and its residents; and

WHEREAS, pursuant to A.R.S. §4-201, the Council is required to enter an order recommending either approval or disapproval of the acquisition of control application, and to file a certified copy of the order with the Department of Liquor Licenses and Control, and if disapproved, to include specific reasons for that recommendation and a summary of the evidence supporting that recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona, that the City of Benson hereby recommends approval of the acquisition of control of the liquor license at G&F Pizza Palace, located in Benson, Arizona.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Benson, Arizona, that the City Clerk is hereby directed to file a certified copy of this Resolution with the director of the Department of Liquor Licenses and Control, and to transmit therewith all petitions submitted to the Council within the twenty-day period for filing protests.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 12th day of October, 2015.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH, CLARK AND ROTHSCHILD, P.C.
By Gary J. Cohen
City's Attorney

'15 AUG 20 Liq. Dept PM1:50

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

'15 AUG 5 Liq. Dept PM 5:40

APPLICATION FOR AGENT CHANGE - ACQUISITION OF CONTROL - RESTRUCTURE

Check Appropriate Box

- ☐ Agent Change — Complete Sections 1,2,3,4,6 (See Note 1 on back)
- ☒ Acquisition of Control — Complete Sections 1,2, (3,4 if changing Agent), 6
- ☐ Restructure — Complete Sections 1,2,(3,4 if changing Agent) ,5,6 (See Note 2 on back)

SECTION 1 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

1. Name (INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER)

ADAMS, THOMAS LEE P1045533 07020020
Last First Middle Liquor License #

2. ☒ Corporation ☐ L.L.C. ☐ N/A: G&F PIZZA PALACE INC. B1003918 Corp. File #: 00959445
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: G&F PIZZA PALACE ~~INC~~ JRA B1003917
(Exactly as it appears on license)

4. Business Address: 114 E. 5TH STREET BENSON COCHISE 85602
(Do not use P.O. Box Number) City COUNTY Zip

5. Is the business located within the incorporated limits of the above city or town? ☒Yes ☐No

6. Mailing Address: 114 E. 5TH ST. BENSON AZ. 85602
City State Zip

7. Business Phone: (520) 586-9449 Residence Phone: (520) 586-3757

8. Does this transaction involve the sale of any portion of the corporate stock? ☒YES ☐ NO ☐ N/A If yes, submit a certified copy of minutes.

9. Has there been any change of officers? ☒YES ☐NO ☐N/A If yes, submit a certified copy of minutes.

SECTION 2 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

Each person listed in Section II must submit a personal questionnaire (Form LIC0101) and a Department approved fingerprint card which may be obtained at the Dept. A person appearing in both lists need only submit one questionnaire and fingerprint card.

1. List individual owner or partners or all directors, officers in corp., members in LLC:

Last	First	Middle	Title	Residence Address	City State Zip
ADAMS	MARK	D.	DIRECTOR ~~OWNER~~	134 E. 5TH ST.	BENSON AZ 85602
~~ADAMS~~	~~THOMAS~~	~~L.~~	~~DIRECTOR~~	~~303 W. CACTUS ST.~~	~~BENSON, AZ. 85602~~
corrections Made J.L.A.					

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

2. List stockholders or controlling members owning 10% or more of Corp/LLC:

Last	First	Middle	% Owned	Residence Address	City State Zip
ADAMS	MARK	D.	100	134 E. 5TH ST.	BENSON, AZ. 85602

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)
Disabled individuals requiring special accommodations please call the Department

12/2/2014

Date Received 8/28/15
CSR SG

SECTION 3 (COMPLETE THIS SECTION FOR AGENT CHANGE) NO AGENT CHANGE J.K.U.

1. **If the corporation/L.L.C. is owned by another entity, ATTACH AN OWNERSHIP AND DIRECTOR / OFFICER / MEMBER DISCLOSURE for the parent entity. Attach additional sheets as necessary in order to disclose real people.**

   As an Agent, will you be physically present and operating the licensed premises? ☒ YES ☐ NO N.A.

   If you answered YES, you must provide proof of attendance of a Department approved Liquor Law Training Course within the last five years before your application for Agent can be submitted. If "no" a manager with approved training must be submitted.

SECTION 4 (COMPLETE THIS SECTION FOR AGENT CHANGE)

To be completed by the INDIVIDUAL OR EXISTING AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER:

1. License Number: _____ Date of last renewal: _____

2. Current Licensee or Agent: _____
   (Exactly as it appears on license) Last First Middle

I, _____, hereby consent to the appointment of agent for this license.
(Print full name)

I agree to immediately assign a new agent in the event that I am unable to discharge the duties of agent for this license. I have not been convicted of a felony in the last five (5) years.

X_____
(Signature of INDIVIDUAL/ CORPORATE/CLUB OFFICER/MEMBER)

State of _____ County of _____
The foregoing instrument was acknowledged before me this
_____ day of _____, _____
Day Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

SECTION 5 (COMPLETE THIS SECTION FOR RESTRUCTURE)

Is there more than one licensed premises involved? ☐ YES ☐ NO If yes, **SEPARATE APPLICATIONS** must be filed and fees paid for each license/location.

Type of current ownership:

- ☐ J.T.W.R.O.S.
- ☐ INDIVIDU AL
- ☐ PARTNERSHIP
- ☐ CORPORATION
- ☐ LIMITED LIABILITY CO.
- ☐ TRUST
- ☐ OTHER Explain _____

Type of new ownership:

- ☐ J.T.W.R.O.S.
- ☐ INDIVIDUAL
- ☐ PARTNERSHIP
- ☐ CORPORATION
- ☐ LIMITED LIABILITY CO.
- ☐ TRUST
- ☐ OTHER Explain _____

SECTION 6 (COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)

To be completed by INDIVIDUAL OR EXISTING AGENT (if no agent change) OR NEW AGENT OR CORPORATE OFFICER OR L.L.C. CONTROLLING MEMBER as listed in Question 1 Section 1: THOMAS LEE ADAMS

I, THOMAS L. ADAMS, hereby declare that I am the APPLICANT filing this application.
(Print full name)

have read the application and the contents and all statements are true, correct and complete.

Thomas Lee Adams

X Thomas L. Adams
(Signature of INDIVIDUAL OR AGENT)

State of ARIZONA County of COCHISE
The foregoing instrument was acknowledged before me this
3rd day of August 2015
Day Month Year

MARY M. TREU
Notary Public - State of Arizona
COCHISE COUNTY
My Commission Expires Jan. 25, 2017

My commission expires on: 1/25/2017

Mary M. Treu
(Signature of NOTARY PUBLIC)

NOTE 1: The fee for an agent change MUST be submitted with this application: $100.00 for the first application and $50.00 for each additional application, not to exceed $1,000.00. (A.R.S. 4-209.H)

NOTE 2: The $100.00 fee for restructure/acquisition of control MUST be submitted with this application. (A.R.S. 4-209.A)