City of Benson
City Council Communication

Regular Meeting **September 12, 2016**

To: Mayor and Council Agenda Item # 2

From: Vicki L. Vivian, CMC, City Clerk

Subject:

Discussion and possible action regarding Resolution 29-2016 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at Junction Express, 1090 S. Highway 80, Benson, Arizona

Discussion:

Junction Express, located at 1090 S. Highway 80, 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 29-2016

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 JUNCTION EXPRESS, 1090 S. HIGHWAY 80, BENSON, ARIZONA

WHEREAS, the owner of Junction Express 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 September 12, 2016; 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 Junction Express, 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 September, 2016.

_____
TONEY D. KING, SR., Mayor

ATTEST:

_____
VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:

_____
MESCH CLARK ROTHSCHILD
By Gary J. Cohen
City's Attorney

'16 JUL 1 Liqr. Dept AM10:48

'16 JUL 7 Liqr. Lic. AM11:21

State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY
Date Processed: July 7, 2016
CSR: MS.
60th Day: September 5, 2016

APPLICATION FOR AGENT CHANGE – ACQUISITION OF CONTROL – RESTRUCTURE

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)

SECTION 1

Check the appropriate boxes	☑ Agent Change Complete Sections 1,2,3,4,5 & 7	☑ Acquisition of Control Complete Sections 1,2, 3 & 7	☐ Restructure Complete Sections 1,2,3,6 & 7

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

1. Name: Holly Elizabeth Marie (EXISTING AGENT OR NEW AGENT) Last / First / Middle — 10023064 Liquor License #
2. Owner Name: Bennett INC (Exactly as it appears on Liquor License) B1025914 Corp File #: 0957376-4 (If applicable)
3. Business Name: Junction Express (Exactly as it appears on Liquor License) Email: elizholly10@gmail.com
4. Business Location Address: 1090 s Hwy 80 (Do not use P.O. Box Number) Benson (City) Cochise (COUNTY) 85602 (Zip)
5. Is the Business located within the incorporated limits of the above City or Town? ☑ Yes ☐ No
6. Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation? ☐ Yes ☑ No If Yes, what City, Town or Tribal Reservation is this Business located in: _____
7. Mailing Address: 1090 S Hwy 80 Benson (City) Az (State) 85602 (Zip)
8. Business Phone: 520-586-4303 Daytime Contact Phone 520-586-4303
9. Does this transaction involve the sale of any portion of the percentage of ownership or corporate stock? ☑ Yes ☐ No If yes, submit a certified copy of minutes.
10. Has there been any change of Controlling Persons? ☑ Yes ☐ No if yes, submit a copy of the minutes, amended articles of organization and/or amended operating agreement showing change

SECTION 3 **(COMPLETE THIS SECTION FOR AGENT CHANGE, ACQUISITION OF CONTROL OR RESTRUCTURE)**

Each new person listed in section III must submit a questionnaire (form LIC0101) and a Department approved fingerprint card which may be obtained at the Department of Liquor. A Controlling Person already disclosed to the Department is not required to submit a questionnaire.

1. List all Controlling Persons to be disclosed, current and new.

New	Last	First	Middle	Title	Address	City	State	Zip
☐	Holly	Elizabeth	Marie	Dir/Officer	1250 N. Dog Ranch Tr.	Saint David	AZ	85630
☐	Bennett	Theresa	Lavonne	Director	723 N. Manzanita	Saint David	AZ	85630
☑	Holly	Philip	Edward	Vice President	1250 N. Dog Ranch Tr.	Saint David	AZ	85630
☐								

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

2. List stockholders, percentage owners and/or Controlling Members owning 10% or more

New	Last	First	Middle	% Owned	Address	City	State	Zip
☐	Holly	Elizabeth	Marie	50	1250 N. Dog Ranch Tr.	Saint David	AZ	85630
☑	Holly	Philip	Edward	50	1250 N. Dog Ranch Tr.	Saint David	AZ	85630
☐								
☐								

(ATTACH ADDITIONAL SHEET(S) IF NECESSARY)

If the ownership is owned by another entity, ATTACH AN OWNERSHIP FLOWCHART SHOWING THE OFFICERS, MEMBERS, CONTROLLING PERSON AND 10% OR MORE OWNERS FOR THE ENTITIES. Attach additional sheets as necessary in order to disclose all persons.

Individuals requiring ADA accommodations please call (602)542-9027

SECTION 3 (COMPLETE THIS SECTION FOR AGENT CHANGE)

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

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: 10023064 Date of last renewal: 6-29-2015

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

I, THERESA LaVONNE BENNETT, 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 Theresa LaVonne Bennett
(Signature of INDIVIDUAL/ CORPORATE/CLUB OFFICER/MEMBER)

State of Arizona County of Cochise
The foregoing instrument was acknowledged before me this 13 day of June, 2016
Day Month Year

Tommie J Butler
Notary Public – ARIZONA
COCHISE COUNTY
My Commission Expires
March 15, 2019

My commission expires on March 15, 2019

Tommie J Butler
(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:

I, Elizabeth Marie Holly, 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.

x Elizabeth Holly
(Signature of INDIVIDUAL OR AGENT)

State of Arizona County of Cochise
The foregoing instrument was acknowledged before me this 13 day of June, 2016
Day Month Year

Tommie J Butler
Notary Public – ARIZONA
COCHISE COUNTY
My Commission Expires
March 15, 2019

My commission expires on March 15 2019

Tommie J Butler
(Signature of NOTARY PUBLIC)

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