

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS
BUSINESS REGULATIONS

Sec. 11-140. Licenses; permits, revocation; judicial review.

(a) If the Finance Director determines that grounds exist for denial, suspension, or revocation of a license or permit issued under this chapter, they shall notify the applicant, licensee or permittee (respondent) as provided for in this code of the intent to revoke or revocation as provided in this code, including a summary of the grounds therefor. Within ten (10) working days of receipt of such notice, the respondent shall provide to the Finance Director or his designee in writing a response which shall include a statement of reasons why the license or permit should not be denied, suspended, or revoked or if the code provides for revocation, why the revocation of such license or permit shall be set aside and may include a request for a hearing. If:

(1) A response is not received by the Finance Director in the time stated, the Finance Director or designee within five (5) business days after the expiration of the time stated shall issue a final order denying, suspending or revoking the license or permit.

(2) Within five (5) business days after receipt of a response, the Finance Director shall transmit the Notice of Revocation, the summary of grounds and the response to the City's sales tax hearing officer or other duly appointed hearing officer who shall hear the matter as a licensing hearing officer. The hearing officer shall:

a. Set a hearing within twenty (20) business days after receipt of the matter.

b. Send notification to the Finance Director and respondent in writing by certified mail or any other means under the Arizona Rules of Civil Procedure, Rule 4, calculated to provide adequate notice of the date, time and place of the hearing.

(3) The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The technical rules of evidence shall not apply and any evidence deemed relevant and probative may be admitted. The hearing officer shall render a written decision within ten (10) working days after completion of the hearing and shall mail a copy of the decision in the manner provided in subsection (2)b. to the Finance Director and to the address of the respondent on file with the City.

(b) In the event that more than forty-five (45) days elapse between receipt by the City of a request for a hearing and issuing by the hearing officer of a final decision to the respondent and city without a stipulated extension of time approved by the hearing officer, a decision in favor of the respondent shall be deemed to have been rendered.

(c) The Finance Director may at any time withdraw the denial or notice of revocation or suspension of permit or license, in which case an appeal shall be deemed to be dismissed and the matter moot.

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(d) When the decision to deny, suspend or revoke a license or permit becomes final, the respondent shall have the right to seek judicial review of the decision by way of special action or other available procedure in the superior court. Upon filing of such a special action, the decision of the hearing officer in those cases pertaining to a sexually oriented business license only shall be deemed to be stayed until final disposition by the superior court.

(Ord No. 99-111, 12/14/99, Enacted) SUPP 1999-4

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2

(Ord. No. 05-31, 6/21/05, Amended) SUPP 2005-2