CHARLES HUELLMANTEL
Chairman

ALAN EVERETT
Vice-Chair
J. D. GHELFI
Member
ROBIN CANTRELL
Member

BILL DuPONT
Member
JIM CARRUTHERS
Member
TIM LINDEN
Member

BEFORE THE
ARIZONA STATE LIQUOR BOARD
800 West Washington, Fifth Floor
Phoenix, Arizona 85007
(602) 542-5141

In the matter of the Person & Location Transfer application for Bar Liquor License No. 06070506, From: Mark A. Maertens, Agent GLAM, LLC GLAM 3174 W. Indian School Road Phoenix, AZ 85016 To: Damian J. Hartze, Agent Shark Bite, LLC Cabo Joe's 8190 W. Deer Valley Road, Suite #110 Peoria, AZ 85382	**NOTICE OF HEARING**

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Notice is hereby given that a hearing to consider the Person & Location Transfer application in the above-entitled captioned matter will be held on the **5th day of November, 2009** at **9:00 A.M.,** before the Arizona State Liquor Board in the Department's Hearing Room at **800 West Washington, Fifth Floor, Phoenix, Arizona**.

Notice is also given that should the application be denied, the Director may consider that action to be good cause pursuant to A.R.S. § 4-203.01(E) to cancel an Interim Permit.

The applicant and any other parties to the above-captioned proceedings are hereby notified that they have the right to appear on the date and time specified in this Notice of Hearing and have a right to be represented by legal counsel or accompanied by a court interpreter. **A listing of court interpreters recognized by the State of Arizona can be obtained through the local telephone directory or by contacting Professional Court Interpreters at (623) 873-6154.**

Pursuant to Arizona Supreme Court Rule 31, a natural person may appear at an Administrative Proceeding with or without the assistance of counsel. However, any legal entity (Corporation, LLC, Partnership), must appear only through the representation of a licensed attorney.

If the applicant or any other party fails to appear at the hearing, the Arizona State Liquor Board may proceed in their absence and a decision may be issued based upon the evidence of record.

This matter is set for hearing because the City of Peoria has recommended disapproval, due to the Public Protest, and the Department of Liquor Licenses and Control has issued a protest in regard to this application.

Notice is given that all written documents or briefs to be considered by the Board must be filed with the Department's Board Section **no later than two weeks prior to the date of the hearing with an original and ten copies.** Items received thereafter will be available to the Board on the date of the hearing and **may or may not be considered.**

Further notice is given that any request for a continuance or withdrawal of this application must be filed with the Department's Board Section **no later than two weeks prior to the date of the hearing.** Except when stipulated to by the Assistant Attorney General assigned to the Board, requests made thereafter must be presented orally to the Board at the time scheduled for the hearing and **may or may not be granted.**

Further notice is given that the Board has adopted the attached Order of Hearings that shall apply to this matter.

Note: Persons with a disability may request a reasonable accommodation such as sign language interpreter, by contacting the Department of Liquor Licenses and Control at (602) 542-5141. Request should be made as early as possible to allow time to arrange the accommodation.

DATED this 28 day of October, 2009.

FOR THE ARIZONA STATE LIQUOR BOARD

By: KELLY STETSON,
ADMINISTRATOR OF THE
ARIZONA STATE LIQUOR BOARD

For: CHARLES HUELLMANTEL,
CHAIRMAN OF THE ARIZONA STATE
LIQUOR BOARD

Copy of the foregoing mailed,
certified, return receipt requested,
this 28 day of October, 2009, to:

Mark A. Maertens, Agent
GLAM, LLC
GLAM
5827 W. Indian School Road
Phoenix, AZ 85018
Cert. No. 7009 0960 0000 2386 0462

Damian J. Hartze, Agent
Shark Bite, LLC
Cabo Joe's
8190 W. Deer Valley Road, Suite #110
Peoria, AZ 85382
Cert. No. 7009 0960 0000 2386 0479

Deer Valley Marketplace, LLC
Kinsale Realty Group
P.O. Box 14567
Scottsdale, AZ 85267
Cert. No. 7009 0960 0000 2386 0486

Greg & Debbie Moore, Protestors

Cert. No. 7009 0960 0000 2386 0493

Dr. Bruce A. Ford, Protestor

Cert. No. 7009 0960 0000 2386 0509

Mr. & Mrs. Eric Juengel, Protestors

Cert. No. 7009 0960 0000 2386 0516

Teresa A. Wiest, Protestor

Cert. No. 7009 0960 0000 2386 0523

Laurie Wilson, Protestor

Cert. No. 7009 0960 0000 2386 0530

Mary K. Smith, Protestor

Cert. No. 7009 0960 0000 2386 0547

Florence Coleman, Protestor

Cert. No. 7009 0960 0000 2386 0554

Vicki Sebade, Protestor

Cert. No. 7009 0960 0000 2386 0561

Mr. & Mrs. John Palermo, Protestors

Cert. No. 7009 0960 0000 2386 0578

Clerk, City of Peoria
8401 W. Monroe Street
Peoria, AZ 85345
Cert. No. 7009 0960 0000 2386 0585

Office of the City Attorney
City of Peoria
8401 W. Monroe Street, Room 280
Peoria, AZ 85345
Cert. No. 7009 0960 0000 2386 0592

By: _____
KS

Copy of the foregoing also electronically delivered this 6TH day of October, 2009, to:

Camila Alarcon
Assistant Attorney General
1275 West Washington
Phoenix, AZ 85007

Investigator Mary Jaramillo #57
Dept. of Liquor Licenses & Control
800 W. Washington Street, 5th floor
Phoenix, AZ 85007

Deputy Director Tim Black
Dept. of Liquor Licenses & Control
800 W. Washington, 5th Floor
Phoenix, AZ 85007

Christopher A. Munns
Assistant Attorney General
Solicitor General's Office
1275 West Washington
Phoenix, AZ 85007

By: _____
KS

ORDER OF HEARINGS

1. The Party with the burden of proof or with the burden of going forward with evidence may make a statement of the case to the Board, not exceeding five minutes in length.

2. The responding party may make a statement of the case to the Board, not exceeding five minutes in length but may defer from making such statement until after the close of the evidence on behalf of the party with the burden of proof or burden of going forward with the evidence.

3. Other parties to the hearing (or their representative or counsel) may make a statement of the case to the Board, not exceeding five minutes in length but may defer making such statement until after the close of the evidence on behalf of the party with the burden of proof or burden of going forward and the responding party.

4. The party with the burden shall introduce evidence, limited to ten minutes. Five minutes of cross examination by other parties will be permitted.

5. The responding party shall introduce evidence, limited to ten minutes. Five minutes of cross examination by other parties will be permitted.

6. The other parties, if any, shall then introduce evidence, limited to ten minutes. Five minutes of cross examination by other parties will be permitted.

7. In the same order as evidence was presented, closing statements may be made to the Board limited to five minutes per party. The statement shall be confined to a brief, concise summary of the case.

NOTE: Upon showing of good cause, the Chairperson may extend any time limit.

NOTE: The party with the burden of proof or burden of going forward is the person who must convince the Board by substantial evidence to grant his or her request. The Applicant for a License or License Transfer, the person appealing a previous decision and the party requesting a rehearing have the burden of proof or burden of going forward. Normally, the responding parties are protesters and the Department of Liquor Licenses and Control.