

RESOLUTION 2015-077

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY BY RECOMMENDING APPROVAL FOR AN INTERIM PERMIT, PERSON TRANSFER, LIMITED LIABILITY CO.-TYPE OF OWNERSHIP FOR A SERIES 6 LIQUOR LICENSE FOR LEE ARTHUR MILLER ON BEHALF OF LM ENTERPRISES OF ARIZONA, LLC DBA JR'S BAR; TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, an application for an interim permit, person transfer, limited liability Co.-type of ownership for a Series 6 Liquor License for Lee Arthur Miller on behalf of LM Enterprises of Arizona, LLC dba JR's Bar, has been filed with the Arizona Department of Liquor Licenses and Control; and

WHEREAS, Arizona Revised Statutes §4-112 requires local municipalities to grant approval or disapproval of all liquor licenses being applied for within their jurisdiction; and

WHEREAS, the application has been posted on the premises of the business for twenty (20) days as required by State law; and

WHEREAS, it is the settled policy of the City Council that liquor licenses be recommended for approval if no objections are raised.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The City Council reaffirms its settled policy on liquor licenses within City limits.

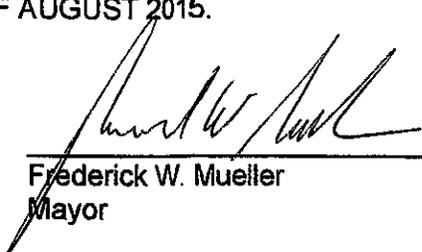
SECTION 2

The City Council of the City of Sierra Vista recommends approval of the application for an interim permit, person transfer, limited liability Co.-type of ownership for a Series 6 Liquor License for Lee Arthur Miller on behalf of LM Enterprises of Arizona, LLC dba JR's Bar, to the State Department of Liquor Licenses and Control.

**SECTION 3**

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 13<sup>th</sup> DAY OF AUGUST 2015.

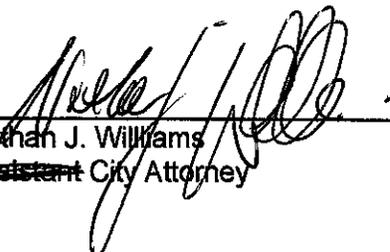


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Frederick W. Mueller  
Mayor

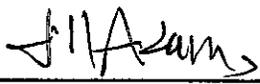
Approved as to Form:

Attest:



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Nathan J. Williams  
~~Assistant~~ City Attorney



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Jill Adams  
City Clerk

Prepared By:  
Jill Adams, City Clerk



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

**Application for Liquor License**  
 Type or Print with Black Ink

15 JUN 2014 14:14:06

**SECTION 1** This application is for a:

- Interim Permit (Complete Section 5)
- New License (Complete Sections 2, 3, 4, 13, 14, 15, 16)
- Person Transfer (Complete Section 2, 3, 4, 12, 13, 14, 16)
- Location Transfer (Bars and Liquor Stores Only)  
(Complete Section 2, 3, 4, 11, 13, 14, 16)
- Probate/ Will Assignment/ Divorce Decree  
(Complete Sections 2, 3, 4, 9, 13, 14, 16)  
(Fee not required)
- Government (Complete Sections 2, 3, 4, 10, 13, 16)
- Seasonal

**SECTION 2** Type of Ownership:

- J.T.W.R.O.S. (Complete Section 6)
- Individual (Complete Section 6)
- Partnership (Complete Section 6)
- Corporation (Complete Section 7)
- Limited Liability Co (Complete Section 7)
- Club (Complete Section 8)
- Government (Complete Section 10)
- Trust (Complete Section 6)
- Tribe (Complete Section 6)
- Other (Explain) \_\_\_\_\_

**SECTION 3** Type of license

LICENSE # 06020034

1. Type of License: Bar 6

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE**

A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

**SECTION 4** Applicants

1. Individual Owner/Agent's Name: Miller Lee Arthur  
Last First Middle

2. Owner Name: LM Enterprises of Arizona, L.L.C.  
(Ownership name for type of ownership checked on section 2)

3. Business Name: JR'S Bar  
(Exactly as it appears on the exterior of premises)

4. Business Location Address: 4225 Avenida Cochise Sierra Vista AZ 85635 Cochise  
(Do not use PO Box) Street City State Zip Code County

5. Mailing Address: 5422 South Shawnee Dr. Sierra Vista AZ 85650  
(All correspondence will be mailed to this address) Street City State Zip Code

6. Business Phone: ( ) pending Daytime Contact Phone: (520) 227-1778

7. Email Address: LMEnterprisesAZ@gmail.com

8. Is the Business located within the incorporated limits of the above city or town?  Yes  No

9. 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: \_\_\_\_\_

10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store ( license only) \$ 10,000

Fees:	<u>100-</u> Application	<u>100-</u> Interim Permit	<u>22.00</u> Site Inspection	<u>22.00</u> Finger Prints	<u>\$ 222.00</u> Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Accepted by:	<u>JB</u>	Date:	<u>06-30-15</u>	License #	<u>06020034</u>

**SECTION 5 Interim Permit**

- If you intend to operate business when your application is pending you will need an interim permit pursuant to ARS § 4-203.01
- There **MUST** be a valid license of the same type you are applying for currently issued to the location or for the replacement of a Hotel/Motel license with a Restaurant license pursuant to A.R.S. § 4-203.01.

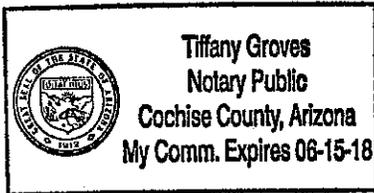
1. Enter license number currently at the location: 06020034

2. Is the license currently in use?  Yes  No If no, how long has it been out of use? \_\_\_\_\_  
(If over six (6) months, attach a letter requesting Interim Permit)

**Attach a copy of the license currently issued at this location to this application.**

I, Edward Martin Fee declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING  
(Print Full Name) PERSON on the stated license and location.

Edward M Fee  
(Signature)



State Arizona County of Cochise  
 The foregoing instrument was acknowledged before me this

29 day of June, 2015  
Day Month Year

[Signature]  
(Signature of Notary Public)

My Commission Expires on: 06/15/2018  
Date

**SECTION 6 Individual, Partnership, J.T.W.R.O.S, Trust, Tribe Ownerships**

**EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE, AN "APPLICANT" TYPE FINGERPRINT CARD AND \$22 PROCESSING FEE FOR EACH CARD.**

**Individual**

Last	First	Middle	%Owned	Mailing Address	City	State	Zip Code

Is any person other than above, going to share in profit/losses of the business?  Yes  No

If Yes, give name, current address, and telephone number of person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City	State	Zip Code	Phone #

**Partnership**

Name of Partnership: \_\_\_\_\_

General-Limited	Last	First	Middle	%Owned	Mailing Address	City	State	Zip Code
<input type="checkbox"/> <input type="checkbox"/>								
<input type="checkbox"/> <input type="checkbox"/>								
<input type="checkbox"/> <input type="checkbox"/>								
<input type="checkbox"/> <input type="checkbox"/>								

**J.T.W.R.O.S (Joint Tenant with Rights of Survivorship)**

Name of J.T.W.R.O.S: \_\_\_\_\_

Last	First	Middle	Mailing Address	City	State	Zip Code

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES  
AND CONTROL  
ALCOHOLIC BEVERAGE LICENSE

License 06020034

Issue Date: 10/14/2010

Expiration Date: 6/30/2015

Issued To:

EDWARD MARTIN FEE, Agent  
FEE 3 LLC, Owner

Location:

JR'S FOOD & SPIRITS  
4225 AVENIDA COCHISE  
SIERRA VISTA, AZ 85635

Bar

Mailing Address:

EDWARD MARTIN FEE  
FEE 3 LLC  
JR'S FOOD & SPIRITS  
4986 BURRO DR  
SIERRA VISTA, AZ 85650



BXP

06020034

POST THIS LICENSE IN A CONSPICUOUS PLACE

**SECTION 6 - continued**

**TRUST**

Name of Trust: \_\_\_\_\_

Last	First	Middle	Mailing Address	City	State	Zip Code

**TRIBE**

Name of Tribal Ownership: \_\_\_\_\_

Last	First	Middle	% Owned	Mailing Address	City	State	Zip Code

**SECTION 7 Corporations/ Limited Liability Co**

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE AN "APPLICANT" TYPE FINGERPRINT CARD AND \$22 PROCESSING FEE FOR EACH CARD.

- Corporation Complete Questions 1, 2, 3, 4, 5, 6, and 7  
 L.L.C. Complete Questions 1, 2, 3, 4, 5, 6, and 7

1. Name of Corporation/ L.L.C: LM Enterprises of Arizona, LLC  
 2. Date Incorporated/Organized: 05/11/2015 State where Incorporated/Organized: Arizona  
 3. AZ Corporation or AZ L.L.C File No: L-20050872 Date authorized to do Business in AZ: 05/21/2015  
 4. Is Corp/L.L.C. Non Profit?  Yes  No  
 5. List Directors, Officers, Members in Corporation/L.L.C:

Last	First	Middle	Title	Mailing Address	City	State	Zip Code
Miller	Lee	Arthur	member	5422 South Shawnee Dr.	Sierra Vista	AZ	85650

(Attach additional sheet if necessary)

6. List all Stockholders / percentage owners who own 10% or more:

Last	First	Middle	%Owned	Mailing Address	City	State	Zip Code
Miller	Lee	Arthur	100	5422 South Shawnee Dr.	Sierra Vista	AZ	85650

(Attach additional sheet if necessary)

7. If the corporation/ L.L.C are owned by another entity, attach an Organizational **FLOWCHART** showing the structure of the ownership. Attach additional sheets as needed in order to disclose the Officers, Directors, Members, Managers, Partners, Stockholders and percentage owners of those entities.



**SECTION 12 Person to Person Transfer**

**Questions to be completed by Current Licensee (Bar and Liquor Stores Only- Series, 06, 07, and 09)**

- 1. Individual Owner / Agent Name: Fee Edward Martin Entity: Agent  
Last First Middle (Individual, Agent, Etc)
- 2. Ownership Name: Fee 3 LLC DBA JR'S Food & Spirits  
(Exactly as it appears on license)
- 3. Business Name: JR'S Food & Spirits  
(Exactly as it appears on license)
- 4. Business Location Address: 4225 Avenida Cochise Sierra Vista, Arizona 85635  
Street City State Zip
- 5. License Type: 6 License Number: 06020034
- 6. Current Mailing Address: 4986 Burro Dr Sierra Vista Arizona 85635  
Street City State Zip

- 7. Have all creditors, lien holders, interest holders, etc. been notified?  Yes  No
- 8. Does the applicant intend to operate the business while this application is pending?  Yes  No

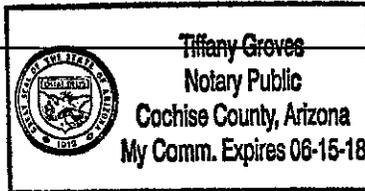
If yes, complete Section 5 (**Interim Permit**) of this application; attach fee, and current license to this application.

9. I, (Print Full Name) Edward Martin Fee hereby authorize the department to process this Application to transfer the privilege of the license to the applicant provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, (Print Full Name) Edward Martin Fee, declare that I am the **CURRENT OWNER, MEMBER, PARTNER STOCKHOLDER or LICENSEE** of the stated license. I have read the above Section 12 and confirm that all statements are true, correct, and complete.

x Edward Martin Fee  
(Signature of CURRENT Individual Owner/Agent)

NOTARY



State of Arizona County of Cochise  
State County

The foregoing instrument was acknowledged before me this 29 day of June, 2015.  
Day Month Year

My commission expires on 06/15/2018 Tiffany Groves  
Day/ Month/Year Signature of NOTARY PUBLIC

**SECTION 13 Proximity to Church or School**

Questions to be completed by all in-state applicants EXCLUDING those applying for a Series 5 Government, Series 11 Hotel/Motel, and Series 12 Restaurant licenses.

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest School: 700 FT  
(if less than one (1) mile note footage)

Address: 4116 Avenida Cochise Univ F Sierra Vista AZ  
Name of School: PPEP TEC High School 85635

2. Distance to nearest Church: 1600 FT  
(if less than one (1) mile note footage)

Address: 4422 Snyder Blvd Sierra Vista, AZ 85635  
Name of Church: Trinity Lutheran Church

**SECTION 14 Business Financials**

1. I am the:  Lessee  Sub-lessee  Owner  Purchaser  Management Company

2. If the premise is leased give lessors: Name: CRC and JR'S Inc  
Address: 4225 Avenida Cochise Sierra Vista AZ 85635  
Street City State Zip

3. Monthly Rent/ Lease Rate: \$ 3950

4. What is the remaining length of the lease? 3 yrs \_\_\_\_\_ months

5. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other: remaining balance  
(Give details-attach additional sheet if necessary)

6. Total money borrowed for the Business not including lease? \$ 48,680  
Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
Carter	Grace		25,000	3608 Miller St	Sierra Vista	AZ	85650
Miller	Marilyn		23,680	5422 S. Shawnee Dr.	Sierra Vista	AZ	85650
Fee	Edward		40,000	4986 Burro Dr.	Sierra Vista, AZ		85650

(Attach additional sheet if necessary)

7. What type of business will this license be used for (be specific)?

Bar and nightclub

8. Has a license or a transfer license for the premises on this application been denied by the state with in the past (1) year?  Yes  No If yes, attach explanation.

9. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?  Yes  No

10. Is the premises currently license with a liquor license?  Yes  No

If yes, give license number and licensee's name:

License #: 06020034 Individual Owner /Agent Name: Edward Martin Fee  
(Exactly as it appears on license)

**SECTION 15 Restaurant or hotel/motel license applicants**

- 1. Is there an existing Restaurant or Hotel/Motel Liquor License at the proposed location?  Yes  No
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All Restaurant and Hotel/Motel applicants must complete a Restaurant Operation Plan form provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02. (H)(2), a Restaurant is an establishment which derives at least forty (40) percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from sales of food and spirituous liquor on the licensed premises. By applying for this  Restaurant  Hotel/Motel, I certify that I understand that I must maintain a minimum of forty (40) percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit form with this application.

\_\_\_\_\_  
(Applicant's Signature)

5. I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing; specify why the extension is necessary; and the new inspection date you are requesting.

\_\_\_\_\_  
(Applicant's Initials)

**SECTION 16 Diagram of Premises**

Check ALL boxes that apply to your business:

- |   |  |               |  |
|---|--|---------------|--|
| <input checked="" type="checkbox"/> Entrances/Exits | <input checked="" type="checkbox"/> Liquor storage areas | <b>Patio:</b> | <input checked="" type="checkbox"/> Contiguous |
| <input type="checkbox"/> Service windows            | <input type="checkbox"/> Drive-in windows                |               | <input type="checkbox"/> Non Contiguous        |

1. Is your licensed premises currently closed due to construction, renovation or redesign?  Yes  No  
If yes, what is your estimated completion date? \_\_\_\_\_

Month/Day/Year

- 2. **Restaurants and Hotel/Motel** applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Place for diagram is on section 16 number 6.
- 3. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored on the premises unless it is a restaurant (see # 3 above).
- 4. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises such as parking lots, living quarters, etc.

**As stated in A.R.S. § 4-207.01 (B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to the boundaries, entrances, exits, added or deleted doors, windows, service windows or increase or decrease to the square footage after submitting this initial diagram.**

LAM  
(Applicant's initials)

**SECTION 16 Diagram of Premises – continued**

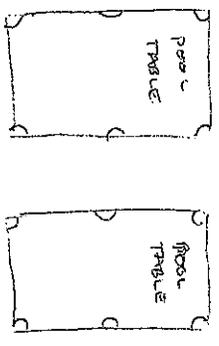
**6. On the diagram please show only the areas where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, hi-top tables, dining tables, dining chairs, dance floor, stage, game room, and the kitchen. DO NOT include parking lots, living quarters, etc. When completing diagram, North is up ↑.**

If a legible copy of a rendering or drawing of your diagram of the premises is attached to this application, please write the words "DIAGRAM ATTACHED" in the box provided for the diagram on the application.

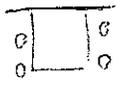
**DIAGRAM OF PREMISES**

Diagram Attached  
Total square footage 3,170 ft<sup>2</sup>

15 JAN 30 11P. 844 PM1005



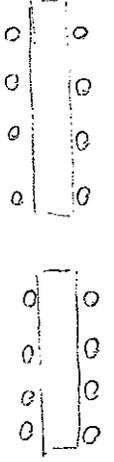
POOL ROOM



CRG  
ENTRANCE  
EXIT

LIQUOR  
STORAGE

BAR



EXIT

ENTRANCE/  
EXIT

DANCE  
FLOOR

LIQUOR  
STORAGE

W

M

Storage

PATIO

EXIT

EXIT

GATE

ENTREN



017A R-2

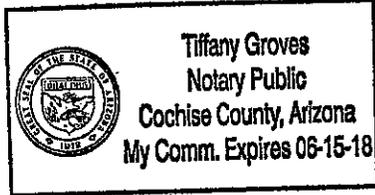
**SECTION 17 SIGNATURE BLOCK**

I Lee Arthur Miller, hereby declare that I am the Owner/Agent filing this application as stated in Section 4 # 1.  
(Print Full Name)

I have read this application and verify all statements to be true, correct and complete.

X LA Miller  
(Signature)

State of Arizona County of Cochise



The foregoing instrument was acknowledged before me this

29 of June, 2015

Day Month Year

[Signature]  
Signature of NOTARY PUBLIC

My commission expires on: 06/15/2018

**A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice**

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.