1338, effective July 6, 2013 (Supp. 13-2).

R19-1-604. Closure Due to Violence

A. If the Director determines that an act of violence is apt to occur at a licensed premises and that action is needed to protect the public health, safety, or welfare, the Director shall order that:
   1. The licensee closes the doors of the licensed premises to the public;
   2. No spirituous liquor be sold or served to any individual on the licensed premises; and
   3. Only the licensee, employees of the licensee, and peace officers are allowed on the licensed premises.

B. This Section is authorized by A.R.S. § 4-210.

Historical Note

New Section made by final rulemaking at 19 A.A.R. 1338, effective July 6, 2013 (Supp. 13-2).

ARTICLE 7. STATE LIQUOR BOARD

R19-1-701. Election of Officers

A. The Board shall elect a chairperson and vice chairperson in February of each year.

B. If a vacancy occurs in the chairperson or vice chairperson office, the Board shall hold an election for the vacant office at its next scheduled meeting.

C. This Section is authorized by A.R.S. § 4-111(C).

Historical Note

New Section made by final rulemaking at 19 A.A.R. 1338, effective July 6, 2013 (Supp. 13-2).

R19-1-702. Determining Whether to Grant a License for a Certain Location

A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
   1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
   2. Number and types of licenses within one mile of the proposed premises;
   3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
   4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
   5. Residential and commercial population density within one mile of the proposed premises;
   6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
   7. Effect on vehicular traffic within one mile of the proposed premises;
   8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
   9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
   10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
   11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
   12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.

B. This Section is authorized by A.R.S. § 4-201(I).

Historical Note

New Section made by final rulemaking at 19 A.A.R. 1338, effective July 6, 2013 (Supp. 13-2).

R19-1-703. Rehearing or Review of a Decision

A. As permitted under A.R.S. § 41-1092.09, a party may file with the Board a motion for rehearing or review of a decision issued by the Board.

B. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

C. The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
   1. Irregularity in the proceedings or any order or abuse of discretion that deprived the moving party of a fair hearing;
   2. Misconduct of the Director or Board, Department staff, or an administrative law judge;
   3. Accident or surprise that could not have been prevented by ordinary prudence;
   4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
   5. Excessive or insufficient penalty;
   6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings; and
   7. The findings of fact or decision is not justified by the evidence or is contrary to law.

D. The Board may affirm or modify a decision or grant a rehearing or review to all or some of the parties on all or some of the issues for any of the reasons listed in subsection (C). The Board shall specify with particularity the grounds for an order modifying a decision or granting a rehearing or review. If a rehearing or review is granted, the rehearing or review shall cover only the matters specified in the order.

E. Not later than 30 days after the date of a decision and after giving the parties notice and an opportunity to be heard, the Board may, on its own initiative, order a rehearing or review of the decision for any reason it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in a motion. The Board shall specify with particularity the grounds on which a rehearing or review is granted under this subsection.

F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Board for five additional days for good cause or by written stipulation of the parties. Reply affidavits may be permitted.

G. If, in a particular decision, the Board makes a specific finding that the immediate effectiveness of the decision is necessary for preservation of the public health, safety, or welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review.

H. This Section is authorized by A.R.S. §§ 4-210.02 and 41-1092.09.