

# Staff Summary Report



**Council Meeting Date:** 10/16/08

**Agenda Item Number:** \_\_\_\_\_

**SUBJECT:** This is a public hearing to recommend the approval of a Series 12 restaurant continuation liquor license for Casey Moore's LTD, dba Casey Moore's Oyster House, 850 South Ash Avenue.

**DOCUMENT NAME:** 20081016LIQ03 LIQ LIC (0210-02)

**SUPPORTING DOCS:** NO

**COMMENTS:** A restaurant continuation liquor license allows the applicant to continue to sell liquor during the application review process. Gavin Rutledge is the Agent for this application.

**PREPARED BY:** Kay Savard, Specialty License Coordinator (x8650)

**REVIEWED BY:** Jerry Hart, Financial Services Manager (x8505)  
Bruce L. Smith, License & Collection Supervisor (x8509)

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff recommends that Council approve this application because the applicant and location have met all city and county liquor licensing criteria.

**ADDITIONAL INFO:** The Arizona Department of Liquor Licenses and Control (ADOL) conducted an audit of this business and determined that the establishment failed to meet the restaurant liquor licensing requirement that at least 40% of gross sales be derived from food. Based on the audit findings, the ADOL agreed to issue the business a restaurant continuation liquor license (which sets the minimum food sales at 30%). There are only fifteen continuation liquor licenses issued each fiscal year. Applicants granted a continuation liquor license pay a \$30,000 fee to ADOL.

All Tempe city code requirements related to liquor license applicants have been met including: a Tempe Police Department background investigation on the applicant and an inspection of the location by Fire Prevention, Building Safety and the County Health Department to ensure the establishment meets minimum city and county code licensing criteria. The Development Services Department has determined that a use permit is currently not required. The premise has been posted for a 20-day period, per Arizona Revised Statutes. No public opposition has been received regarding this liquor license application, however sixty-five letters of support were filed with the Tax and License Division.

State statute requires municipalities to make one of three recommendations to the ADOL:

1. Approval
2. Denial (this results in a public hearing set by the AZ DOL)
3. No recommendation (this results in a public hearing set by the AZ DOL)