



# Pima County Clerk of the Board

Julie Castañeda

**Melissa Manriquez**  
Deputy Clerk

Administration Division  
130 W. Congress, 5<sup>th</sup> Floor  
Tucson, AZ 85701  
Phone: (520)724-8449 • Fax: (520)222-0448

Document and Micrographics Mgt. Division  
1640 East Benson Highway  
Tucson, Arizona 85714  
Phone: (520) 351-8454 • Fax: (520) 791-6666

November 2, 2017

Philip A. Fatato  
Bella Luna Beverages, L.L.C.  
9079 E. Berkshire Place  
Tucson, AZ 85710

RE: Arizona Liquor License No.: 04103040  
d.b.a. Bella Luna Beverages, L.L.C.

Dear Mr. Fatato:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 4, Wholesale, which was received in our office on October 5, 2017. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, November 21, 2017, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building  
Board of Supervisors Hearing Room  
130 W. Congress, 1st Floor  
Tucson, AZ 85701

Should you have any questions pertaining to this matter, please contact this office at (520)724-8449.

Sincerely,

A handwritten signature in cursive script that reads "Julie Castañeda, Deputy".

Julie Castañeda  
Clerk of the Board

Enclosure



Arizona Department of Liquor Licenses and Control  
 800 W Washington 5th Floor  
 Phoenix, AZ 85007-2934  
 www.azliquor.gov  
 (602) 542-5141

DCT 3017PH0357PC CLK OF RD  
 113

**AFFIDAVIT OF POSTING**

Date of Posting: 10/9/17                      Date of Posting Removal: 10/30/17

Applicant's Name: **Bella Luna Beverages, L.L.C.**  
Fatato Philip A.  
Last First Middle

Business Address: 3601 East 44th Street, Unit No. 106 Tucson 85713  
Street City Zip

License #: 04103040

I hereby certify that pursuant to A.R.S. 4-201, I posted notice in a conspicuous place on the premises proposed to be licensed by the above applicant and said notice was posted for at least twenty (20) days.

STEVEN MONTANO                      PROCESS SERVER                      520-351-6000  
Print Name of City/County Official Title Phone Number

Steven Montano                      10/30/17  
Signature Date Signed

Return this affidavit with your recommendations (i.e., Minutes of Meeting, Verbatim, etc.) or any other related documents. If you have any questions please call (602) 542-5141 and ask for the Licensing Division.



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TO: Development Services, Zoning Division  
FROM: Alina Bárcenas *AFB*  
Administrative Support Specialist Senior  
DATE: 10/5/2017  
RE: Zoning Report - Application for Liquor License

Attached is the application of:

Philip A. Fatato  
d.b.a. Bella Luna Beverages, L.L.C.  
3601 East 44th Street, Unit No. 106  
Tucson, AZ 85713

Arizona Liquor License No. 04103040  
Series 4, Wholesale  
New License   
Person Transfer  
Location Transfer

ZONING REPORT

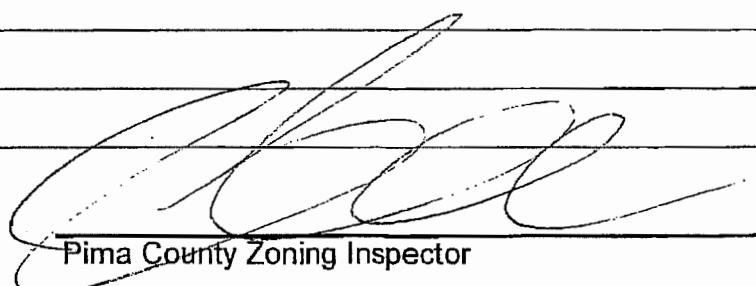
DATE: 10/2/17

Will current zoning regulations permit the issuance of the license at this location?

Yes  No

If No, please explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Pima County Zoning Inspector

When complete, please return to [cob\\_mail@pima.gov](mailto:cob_mail@pima.gov)

NOV 02 17 AM 11:00 PC CLK OF BD  
AFB



17-34-9310

17 OCT 2 Lic. Lic PM 3 42

17 SEP 21 Lic. Dept PM 4 19

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

DLIC USE ONLY

License # 04103040
Date Accepted: 10/2/17
CSR: [Signature]

Application for Liquor License
Type or Print with Black Ink

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 1 Type of License

- Interim Permit
New License
Person Transfer
Location Transfer (series 6, 7 and 9)
Probate/ Will Assignment/ Divorce Decree (No Fees)
Seasonal

SECTION 2 Type of Ownership

- J.T.W.R.O.S.
Individual
Partnership
Corporation
Limited Liability Co
Club
Government
Trust
Tribe
Other (Explain)

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SECTION 3 Type of license

- Add Sampling Privilege for Series 9 and 10 only
Add Growler privileges (restaurant, series 12, license only)

1. Type of License (restaurant, bar etc.): Wholesale (Series 4)
2. LICENSE # (if issued): 04103040

SECTION 4 Applicants

1. Agent's Name: Fatato Philip A P1067507
2. Applicant/Licensee Name: Bella Luna Beverages, LLC B1048513
3. Business Name: Bella Luna Beverages, LLC B1059683
4. Business Location Address: 3601 East 44th Street Unit #106 Tucson Arizona 85713 Pima
5. Mailing Address: 9079 E Berkshire Place Tucson Arizona 85710
6. Business Phone: 520-975-6232 Daytime Contact Phone: 520-954-5990
7. Email Address: pfatato@bellalunabeverages.com
8. Is the Business located within the incorporated limits of the above city or town? No
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? Pima County

Fees: \$100 Application, Department Use Only, \$44 Finger Prints, \$144.00 Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? Yes

**SECTION 5 Background Check**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. If the applicant is an entity, not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 1/13/2012 State where Incorporated/Organized: Arizona

b) AZ Corporation or AZ L.L.C. File No: L17320811 Date authorized to do business in AZ 1/18/2012

2. List any individual or entity that own a beneficial interest of 10 % or more and/or controls the license. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed to disclose any controlling person, member, shareholder or general partner who owns a beneficial interest of 10 % or more of the license.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
Fatato	Philip	A	Member	50	9079 E Berkshire Place	Tucson, Arizona	85710	
Payne	Rebecca	A	Member	50	9079 E Berkshire Place	Tucson, Arizona	85710	

(Attach additional sheet if necessary)

**SECTION 6 Interim Permit**

If you intend to operate business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01 For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01 (A)

1. Enter license number currently at the location: \_\_\_\_\_

2. Is the license currently in use?  Yes  No If no, how long has it been out of use? \_\_\_\_\_

I, (Signature) \_\_\_\_\_ declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING PERSON on the stated license and location.

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

<b>NOTARY</b>	
State of Arizona	)
County of _____	)
On this _____ Day of _____, 20____ before me personally appeared _____	
Day	Month
Year	(Print Name of Document Signer)
Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.	
_____ Signature of NOTARY PUBLIC	
(Affix Seal Above)	

**SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license ARS § 4-204**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH \$22. PROCESSING FEE PER CARD.

1. Current Licensee's Name: \_\_\_\_\_

(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: \_\_\_\_\_

Last First Middle

License Number: \_\_\_\_\_

**ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.**

**SECTION 8 Government (for Cities, Towns or Counties only)**

1. Government Entity: \_\_\_\_\_  
2. Person/Designee: \_\_\_\_\_  
Last First Middle Daytime Contact Phone #

**A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.**

**SECTION 9**  Person to Person – Current Licensee Information ARS§4-203(C), (D), (G)  
(Bar and Liquor Stores only – Series 06, 07 and 09)

1. License #: \_\_\_\_\_  
2. Current Agent Name: \_\_\_\_\_  
Last First Middle  
3. Current Licensee Name: \_\_\_\_\_  
(Exactly as it appears on the license)  
4. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on the license)  
5. Current Daytime Phone: \_\_\_\_\_ Primary Email Address: \_\_\_\_\_  
6. Does current licensee intend to operate the business while this application is pending?  Yes  No  
7. I authorize the transfer of this license to the applicant: \_\_\_\_\_  
Signature or Agent or Individual controlling person

**NOTARY**

State of Arizona )  
County of \_\_\_\_\_ )  
On this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_ before me personally appeared \_\_\_\_\_  
Day Month Year (Print Name of Document Signer)  
Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and  
acknowledged that he or she signed the above/attached document.  
\_\_\_\_\_  
Signature of NOTARY PUBLIC  
(Affix Seal Above)

**SECTION 10 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.**

**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) Restaurants that do not sell growlers (A.R.S. §4-205.02) Series 12
- b) Hotel/motel license (A.R.S. §4-205.01) Series 11
- c) Microbrewery (A.R.S. §4-205.08) Series 3
- d) Craft Distillery (A.R.S. §4-205.10) Series 18
- e) Government license (A.R.S. §4-205.03) Series 5
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 4
- h) Farm Winery Series 13
- i) Producer Series 1

1. Distance to nearest School: N/A Name of School: \_\_\_\_\_  
 (If less than one (1) mile note footage) Address: \_\_\_\_\_

2. Distance to nearest Church: N/A Name of Church: \_\_\_\_\_  
 (If less than one (1) mile note footage) Address: \_\_\_\_\_

**SECTION 11 Business Financials A.R.S. §4-202(F)**

1. I am the:

- Tenant: a person who holds the lease of a property; a lessee.
- Sub-tenant: a person who holds a lease which was given to another person (tenant) for all or part of a property.
- Owner
- Purchaser
- Management Company

2. If the premises is leased give lessors: Name: Dybvig Family Investments, LLC C/O O'Connor Realty Services LLC  
 Address: 405 E Wetmore Road, PMB 117-151 Tucson, Arizona 85705  
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ 2 year lease payments or Other: \_\_\_\_\_

4. Total money borrowed for the Business not including lease? \$ 0

Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
			N/A				

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?  
 Yes  No If yes, attach explanation.

6. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?  
 Yes  No If yes, attach explanation.

**SECTION 12 Diagram of Premises**

Check ALL boxes that apply to your business:

Walk-up or drive-through windows

Patio:  Contiguous  Non-Contiguous within 30 feet

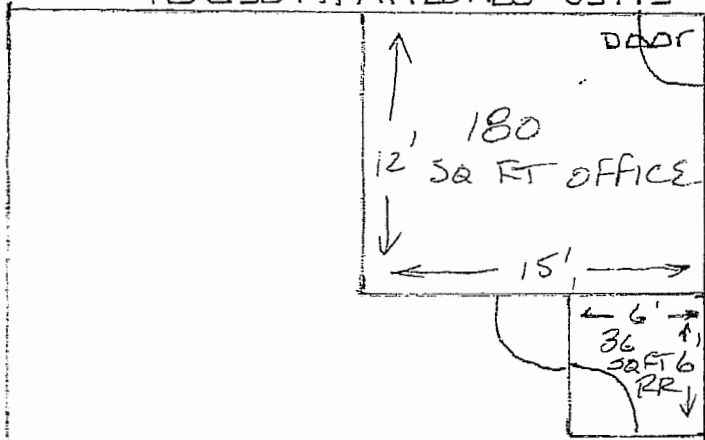
1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?  
 Yes  No If yes, what is your estimated completion date? \_\_\_\_/\_\_\_\_/\_\_\_\_

Please attach a diagram of the premises which clearly show only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include all entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and the kitchen. **DO NOT INCLUDE** parking lots, living quarters or areas where business is not conducted under this liquor license. When completing your premises diagram, please identify which orientation is North.

17 OCT 2 11:49 AM 3 142

3601 E. 44th  
# 106

TULSON, ARIZONA 85713



Entrance/Exit

North

1584  
SQ FT  
WAREHOUSE.

60'

Alcohol Stored  
throughout entire warehouse

10'  
2004 P 2006

door

Entrance/Exit

30'  
1800 SQ FT



2. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

3. 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 service areas or the square footage of the licensed premises, either by increase or decrease.

PF & RRP <sup>DK</sup> PF  
Applicants Initials

**RESTAURANTS AND HOTELS/MOTELS ONLY**

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. The fee of \$50.00 will be due and payable upon submitting this application.)

4a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture, these are required as part of the diagram. A.R.S. §4-205.02(C)

4b. Provide a restaurant operation plan.

**SECTION 13 SIGNATURE BLOCK**

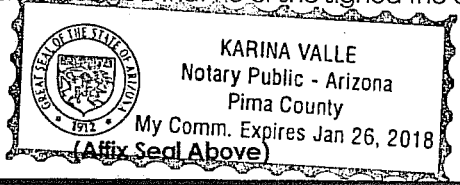
I, (Signature) Philip A. Fatato, hereby declare that I am the Owner/Agent filing this application, I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

**NOTARY**

State of Arizona }  
County of Pima }

On this 28 Day of August, 2017 before me personally appeared Philip A. Fatato  
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.



[Signature]  
Signature of NOTARY PUBLIC

**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.