



Pima County Clerk of the Board

Robin Brigode

Julie Castañeda
Deputy Clerk

Administration Division
130 W. Congress, 5th 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

January 13, 2016

Nicholas Carl Guttilla
Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills
1625 E. Northern Avenue, No. 105
Phoenix, AZ 85020

RE: Arizona Liquor License No.: 11103096
d.b.a. Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills

Dear Mr. Guttilla:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 11, Hotel/Motel, which was received in our office on December 21, 2015. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, February 2, 2016, 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 "Robin Brigode".

Robin Brigode
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

1/12

JAN 13 10 02 PM '12

AFFIDAVIT OF POSTING

Date of Posting: 12/23/15 Date of Posting Removal: 1/12/16

Applicant's Name: Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills

Applicant's Name: Guttilla Nicholas Carl
Last First Middle

Business Address: 6201 N. Oracle Road Tucson 85704
Street City Zip

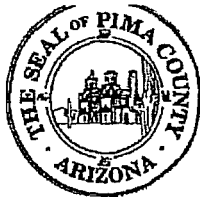
License #: 11103096

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.

R. GRENIER #6175 PCSD 351-6000
Print Name of City/County Official Title Phone Number

[Signature] 1/12/16
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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Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-8666

TO: Development Services, Zoning Division

FROM: Bernadette Russell *BL*
Administrative Support Specialist

DATE: December 22, 2015

RE: Zoning Report - Application for Liquor License

Attached is the application of:

Nicholas Carl Guttilla
d.b.a. Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills
6201 N. Oracle Road
Tucson, AZ 85704

Arizona Liquor License No. 11103096
Series 11, Hotel/Motel
New License X
Person Transfer
Location Transfer

ZONING REPORT

DATE: 12/24/15

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

Yes ☒

No ☐

If No, please explain:

[Signature]
Pima County Zoning Inspector

When complete, please return to cob_mail@pima.gov

DEC 24 15 PM 01:46 PCD/KOF/RI



Pima County Clerk of the Board

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TO: Pima County Sheriff's Department
Investigative Support Unit

FROM: Bernadette Russell *BL*
Administrative Support Specialist

DATE: December 22, 2015

RE: Sheriff's Report - Application for Liquor License

Attached is the application of:

Nicholas Carl Guttilla
d.b.a. Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills
6201 N. Oracle Road
Tucson, AZ 85704

Arizona Liquor License No. 11103096
Series 11, Hotel/Motel
New License X
Person Transfer
Location Transfer

SHERIFF'S REPORT

DATE: 01/07/16

Is there any reason this application should not be recommended for approval?

NOTHING NOTED.

[Signature] #1226
Investigative Support Unit Supervisor

When complete, please return to cob_mail@pima.gov

JAN 07 15PM 0408 PC CLK OF IN



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

15-31-9243

15 DEC 16 10:41 AM '07

Application for Liquor License
Type or Print with Black Ink

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) Limited Liability Limited Partnership

SECTION 3 Type of license

LICENSE #

1. Type of License: Series 11

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: Guttilla Nicholas Carl
Last First Middle
2. Owner Name: Tucson Hospitality Properties, LLLP
(Ownership name for type of ownership checked on section 2)
3. Business Name: Best Western InnSuites Hotel & Suites - Tucson Catalina Foothills
(Exactly as it appears on the exterior of premises)
4. Business Location Address: 6201 N Oracle Road Tucson AZ 85704 Pima
(Do not use PO Box) Street City State Zip Code County
5. Mailing Address: 1625 E Northern Ave #105 - Phoenix, AZ 85020
(All correspondence will be mailed to this address) Street City State Zip Code
6. Business Phone: (520) 297-8111 Daytime Contact Phone: (520) 297-8111 (480) 304-8300
7. Email Address: psines@gamlaw.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) \$ n/a

Fees:

100.00 Application

100.00 Interim Permit

Department Use Only

500.00 Site Inspection

250.00 Finger Prints

250.00 Total of All Fees

Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? ☐ Yes ☒ No

Accepted by: AC

Date: 12/16/15

License #

11103096

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.

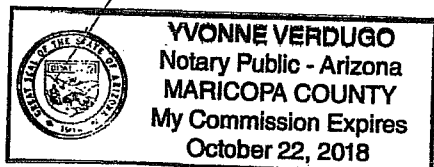
1. Enter license number currently at the location: 11103049

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

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

I, James Frank Wirth declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING
(Print Full Name) PERSON on the stated license and location.

X _____
(Signature)



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

14th day of December, 2015
Day Month Year

My Commission Expires on: October 22, 2018
Date

Yvonne Verdugo
(Signature of Notary Public)

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: Tucson Hospitalities Properties, LLLP (AzSOS file #6002646)

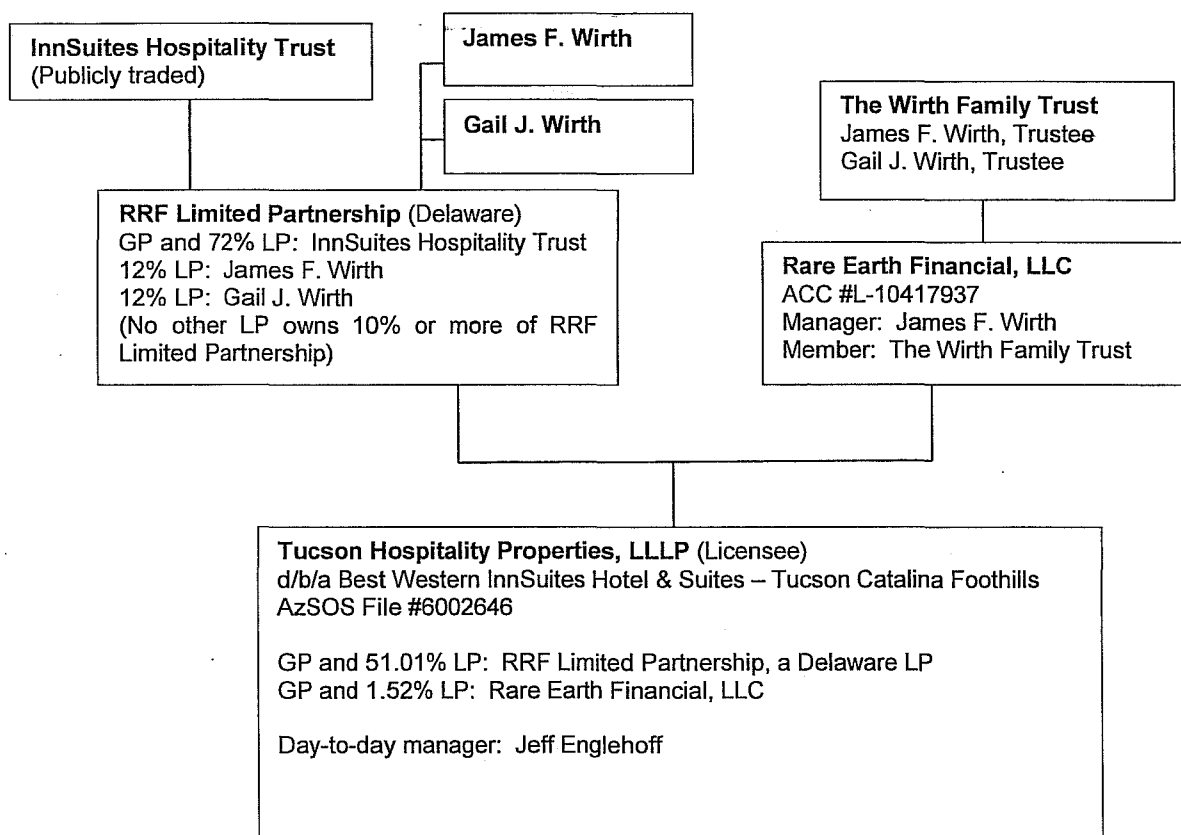
General-Limited	Last	First	Middle	%Owned	Mailing Address	City	State	Zip Code
<input checked="" type="checkbox"/> <input type="checkbox"/>	Rare Earth Financial, LLC			51.01%	1625 E Northern Ave #105 - Phoenix, AZ 85020			
<input checked="" type="checkbox"/> <input type="checkbox"/>	RRF Limited Partnership			1.52%	1625 E Northern Ave #105 - Phoenix, AZ 85020			
<input type="checkbox"/> <input type="checkbox"/>	(No LPs own 10% or greater)							
<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

Tucson Hospitality Properties, LLLP



After filing return to:

Christopher Wirth
Tucson Hospitality Properties, LLLP
1625 E. Northern Ave. #105
Phoenix, Arizona 85020
(602) 944-1500

AMENDMENT TO CERTIFICATE OF LIMITED PARTNERSHIP
A.R.S. §29-309

1. The name of the limited liability limited partnership is Tucson Hospitality Properties, Limited Liability Limited Partnership (the "Partnership").
2. The Secretary of State File number is 6002646.
3. The Certificate of Limited Partnership was filed on April 8, 2011.
4. The amendment to the Certificate of Limited Partnership dated February 7, 2014 is as follows:

The names, addresses, units, percentages interests and contributions of all of the Limited Partners of the Partnership are:

<u>Member</u>	<u>Units</u>	<u>Total Subscription</u>
---------------	--------------	-------------------------------

Class A:

1310-005(225808)

Class A Subtotal	376	47.47%
<u>Class B:</u>		
RRF LP	404	
Class B Subtotal	404	51.01%
<u>Class C:</u>		
Rare Earth Financial, LLC	12	
Class C Subtotal	12	1.52%
Grand Total	792	100.00%

The address for all of the above is:
c/o InnSuites Hotels Centre
1625 E. Northern Avenue, Suite 105
Phoenix, AZ 85020

The following are the names, addresses, units, percentage interests and contributions of the General Partners:

Rare Earth Financial, L.L.C.,
an Arizona limited liability
company
c/o InnSuites Hotels Centre
1625 E. Northern Avenue
Suite 105
Phoenix, AZ 85020

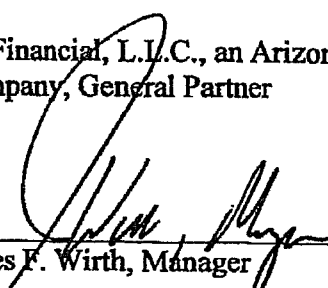
12 1.52%

RRF Limited Partnership
c/o InnSuites Hotels Centre
1625 E. Northern Avenue
Suite 105
Phoenix, AZ 85020

404 51.01%

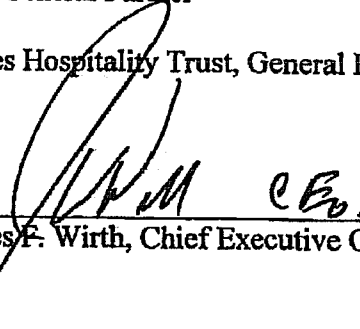
Signatures of General Partners:

Rare Earth Financial, L.L.C., an Arizona limited
liability company, General Partner

By: 
James F. Wirth, Manager

RRF Limited Partnership, a Delaware limited
partnership, General Partner

By: InnSuites Hospitality Trust, General Partner

By:  C.E.O.
James F. Wirth, Chief Executive Officer

SECTION 6 - continued

TRUST

Name of Trust: _____

Last	First	Middle	Mailing Address	City	State	Zip Code

TRIBE

Name of Tribal Ownership: _____

Last	First	Middle	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.: _____

2. Date Incorporated/Organized: _____ State where Incorporated/Organized: _____

3. AZ Corporation or AZ L.L.C File No: _____ Date authorized to do Business in AZ: _____

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

(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

(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.

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

- | Last | First | Middle | Mailing Address | City | State | Zip Code |
|------|-------|--------|-----------------|------|-------|----------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

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: _____ Entity: _____
Last First Middle (Individual, Agent, Etc)
2. Ownership Name: _____
(Exactly as it appears on license)
3. Business Name: _____
(Exactly as it appears on license)
4. Business Location Address: _____
Street City State Zip
5. License Type: _____ License Number: _____
6. Current Mailing Address: _____
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) _____ 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) _____, 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 _____
(Signature of CURRENT Individual Owner/Agent)

NOTARY

State of _____ County of _____
State County

The foregoing instrument was acknowledged before me this _____ day of _____, _____.
Day Month Year

My commission expires on _____
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: exempt per 4-205.01 above Name of School: _____
(if less than one (1) mile note footage) Address: _____
2. Distance to nearest Church: exempt per 4-205.01 above Name of Church: _____
(if less than one (1) mile note footage) Address: _____

SECTION 14 Business Financials

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

2. If the premise is leased give lessors: Name: _____
Address: _____
Street City State Zip

3. Monthly Rent/ Lease Rate: \$ n/a

4. What is the remaining length of the lease? _____ yrs _____ months

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

6. 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

(Attach additional sheet if necessary)

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

Hotel

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 #: 11103049 Individual Owner /Agent Name: John David Cousins
(Exactly as it appears on license)

~~John Cousins, Agent (agent long pending to Jeffrey Eglemon)~~
~~Best Western Inn Suites Hotel & Suites Tucson Catalina~~
~~Footfalls~~

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 | Patio: <input checked="" type="checkbox"/> Contiguous |
| <input type="checkbox"/> Walk-up windows | <input type="checkbox"/> Drive-through 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.


(Applicant's Initials)

SECTION 16 Diagram of Premises – continued

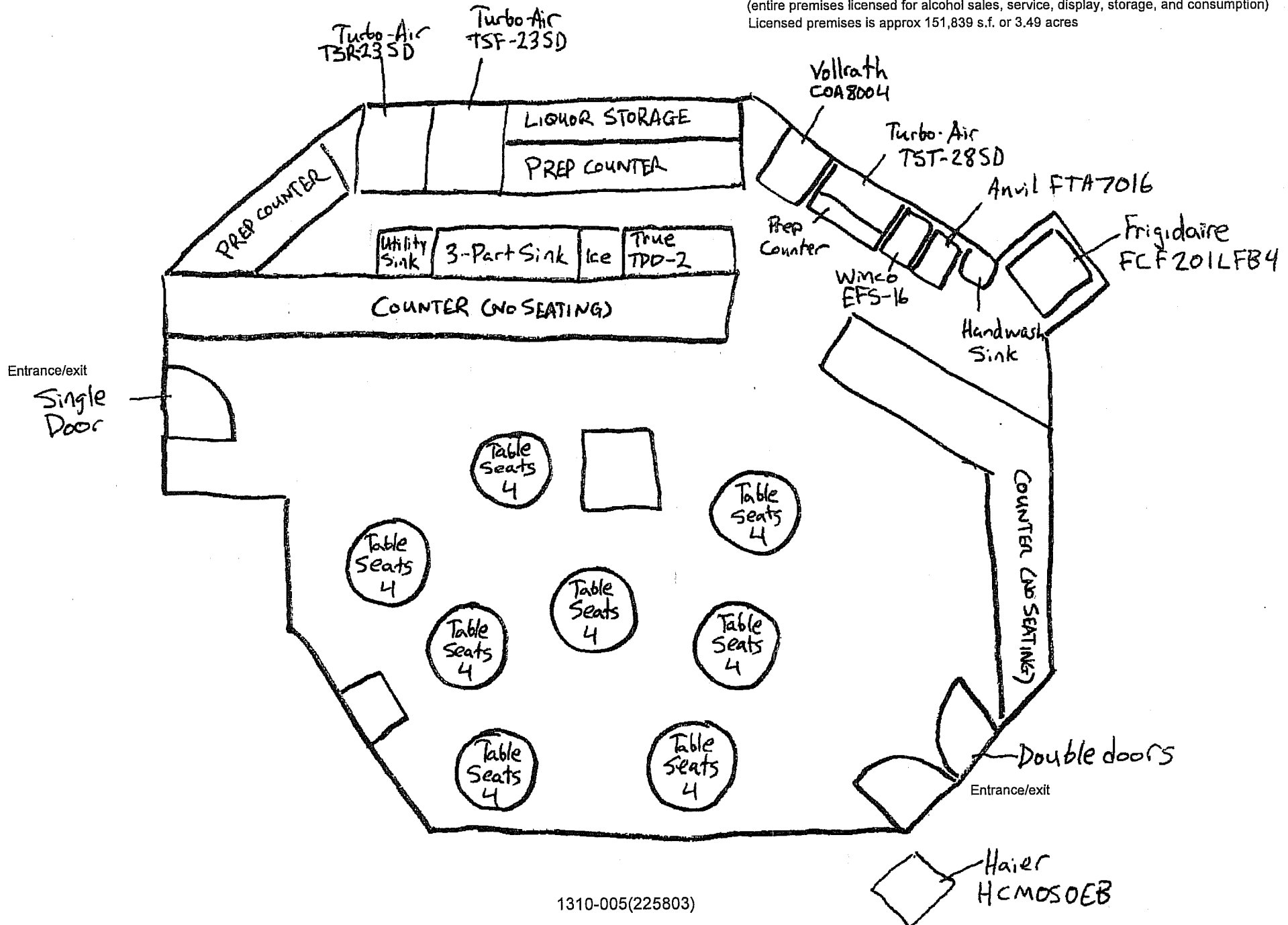
6. On the diagram please show only the areas where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, hi-top tables, dining tables, dining chairs, dance floor, stage, game room, and the kitchen. DO NOT include parking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

See attached

Best Western InnSuites Hotel & Suites-Tucson Catalina Foothills
(entire premises licensed for alcohol sales, service, display, storage, and consumption)
Licensed premises is approx 151,839 s.f. or 3.49 acres

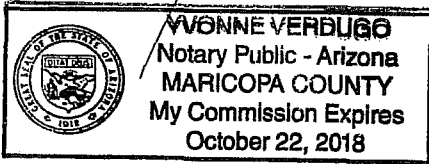


1310-005(225803)

SECTION 17 SIGNATURE BLOCK

I, (Print Full Name) James Frank Wirth, hereby declare that I am the Owner/Agent filing this application as stated in Section 4 # 1. I have read this application and verify all statements to be true, correct and complete.

X (Signature) _____



My commission expires on: October 22, 2018

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

14th of December, 2015

Day

Month

Year

Yvonne Verdugo
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.