

Pima County Clerk of the Board

Julie Castañeda

Melissa Manriquez 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

March 22, 2017

John F. Hackett Tucson International Airport 525 Washington Blvd. Suite No. 2440 Jersey City, NJ 07310

RE:

Arizona Liquor License No.: 06100221

d.b.a. Tucson International Airport

Dear Mr. Hackett:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 6, Bar, which was received in our office on February 23, 2017. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, April 18, 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,

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

MR 2017 PM CS 5 1 R CLK (F B)

AFFIDAVIT OF POSTING

Date of Posting: _	02-27-17	Date of Posting Removal:	5-20	0-17
Applicant's Name	Tucson International Airport Hackett	John First		F.
Business Address:	7250 S. Tucson Boulevard		Tucson City	85706 Zip
License #: 0610	0221	·		
	at pursuant to A.R.S. 4-201, I posted notice pove applicant and said notice was poste			ed to be
JA	mまくしかけてが rint Name of City/County Official	PROERS(STAVER Title	<u> </u>	e Number
	Signature			<u>とシーピフ</u> te 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.



Melissa Manriquez Deputy Clerk

Pima County Clerk of the Board

Julie Castañeda

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TO:	Development Services, Zoning Division
FROM:	Ricci Romero Administrative Support Specialist Senior
DATE:	February 23, 2017
RE:	Zoning Report - Application for Liquor License
Attached is	the application of:
	on International Airport cson Boulevard
Arizona Liq Series <u>6, Br</u> New Licens Person Tra Location Tra	nsfer X
ZONING RI	EPORT DATE: B1417
Will current	zoning regulations permit the issuance of the license at this location?
Yes 🛛	No □
If No, pleas	e explain:
	Pima County Zoning Inspector

When complete, please return to cob mail@pima.gov

717 FEB 22 Lig. Lic. M1024



Arizona Department of Liquor Licenses and Control 800 W Washington 5th Floor

Phoenix, AZ 85007-2934 www.azilquor.gov (602) 542-5141



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)

	W service tee of 259 Mill be clidided for	dii disnonorea checks (A.K.J. 9 44-6852)	(,) ()	i i
	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 8) Club (Complete Section 8) Government (Complete Section 6) Trust (Complete Section 6) Tribe (Complete Section 6))	
	SECTION 3 Type of license 1. Type of License: Series G Bar	LICENSE #		
	SECTION 4 Applicants	lulo o	£	
	1. Individual Owner/Agent's Name: Hackett	John First	Middle	
	2. Owner Name: <u>Creative Food Givo</u>			
	3. Business Name: TUCSON Internation			
	(Exactly as it appears on the exterior of premises) 4. Business Location Address: 7250 S. TUCSON (Do not use PO Box) Sheet		Z 85706 (PIM	À
	5. Mailing Address: 525 Washington Blud.	Suite # 2440 Tersey C	HY NJ 07310	
	(All correspondence will be mailed to this address) Siree? 6. Business Phone: (201) 795 - 3410 Day	time Contact Phone 11 (520) 280	6-7546	
	7. Email Address: John@ Creative foodgroup		0885 Nefood avoup.co	r
	J ·	The state of the s)	
	8. Is the Business located within the incorporated limits of t9. Does the Business location address have a street address		/ pundaries	
	of another City, Town or Tribal Reservation? Yes No	ici d City Ci 104411 507 is defeduly in 1110 50	70 NGCINGS	
	If yes, what City, Town or Tribal Reservation is this Business	ocated in:		
	10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar o	r Series 9 Liquor Store (license only) \$	27,500	
	Fees: \$100.00 \$1.00 00 Departmen	nt Use Only \$ 44.00	. \$x44.00	
	Application Interim Fermit Site Inspec		Total of All Fees	
- 1	Is Arizona Statement of Citizenship & Alien Status for State B	1 22 12 KL	166 ON	
	Accepted by: Date:	$\frac{1}{1}$ License # $\frac{1}{1}$	1000	

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 co	urrently at the location	on: <u>O(</u>	2100	221		•	
		n use? ☑ Yes ☐ No			it been out of use? _			
Attach a	copy of the licen	se currently issued a						
I, My comm	William Doug	Individual Owner/Agent) PLEEN BOURIKA Notary Rubit - State of Arteona PIMA COUNTY Mr Commission Probles February 25, 2020 Probley 25, 2020 Probley 35, 2020	declare that the stated at the state at	at I am the dicense and State of Day	CURRENT OWNER, AGE Clocation. A Z The foregoing instrume Cen Borr	County of	PTM) edged before	1 <i> </i>
Individue	<u>al</u>							
Last	First	Middle	7.0)wned	Mailing Address	Çity	State	Zip Code
If Yes, give	e name, current a	ove, going to share in ddress, and telephon Middle	e number d	of person(s	usiness? Yes). Use additional shee City State Zip Co		CITY. Phone	#
General-Um	itled Last	First h Rights of Survivorshi	Middle	%Owned	Malling Address	С#у	State	Zip Code
Last	First	Mid	dle	Mell	ing Address	City	State	Zip Code

SECTION 6 - continued

<u>TRUST</u> Name of Trus	it:						
Last	Fir	st	Middle	Mailing Address	City	3iate .	Zip Code
TRIBE Name of Trib	al Ownership:						
Last	Fire	1	Middle	Malling Address	City	State	Zip Code
EACH PERSON L CARD.		A COMPLETED QUI) ESTIONNAIRE, AN "APPLIC Ions 1, 2, 3, 4, 5, 6, ar		CARD AND \$22	PROCESSING	FEE FOR EACH
☑ L	LC. Co	mplete Questi	ons 1, 2, 3, 4, 5, 6, ar	nd 7	2		
			Hive Food				
2. Date Incor	porated/Organi	zed: 10 24	12016 state wh	ere Incorporated/C	organized:	471-601	7a 75/2016
	.C. Non Profit?		132510 2	die authorized to c	io business in .	AZ: <u>(O)</u>	Lik
	rs, Officers, Mem		ation/L.L.C:				9
Last	First `	Middle	Title	Mailing Address	City	State	Zip Code
Isani	Altaf	- y	Autoring Member	5 Kaczmar Ci	. Edison	N2 0 88	320

∠ Liet all Stoc	kholder / perce		Attach additional sheet if ne who own 10% or mo				
Last	First	-			64.	C1-4-	No Code
Isani	Altaf	Middle	100	Malling Address 5 KACZMAr (H. Edison	NJ 08	Zip Code 820
		<i>O</i>			-		
		. (Affach additional sheet if ne	cessary)			

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 8 Club Applicants

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
		(Affach additional s	hast Fancaremy			
		(Amount cocumuna) s	neer a necessary)			
ECTION 9 Probate, Will A		rce Decree of an e	xisting Liquor License	•		
 Current Licensee's Na (Exactly as it appear on th 		ł	First Midd	le .		
. Assignee's Name:	·					
	Lasi		First Middl	•		
. License Type:		Li	cense Number:			
TACH TO THIS APPLICATE	ON A CERTIFIED COP	Y OF THE WILL, PROB	ATE DISTRIBUTION INSTR	UMENT, OR DIVOR	CE DECRE	E
	***** ********************************		- I E DIVINIDO I COM INTO IN	DIVIDITION ON DIVIDIT	ar araw	
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ECTION 10 Government. Government Entity:	UTES THE LIQUOR LICI	or counties only)			Contact Pho	ne #
ECTION 10 Government. Government Entity: Person/Designee:	utes the Liquor Lici	or counties only)	Middle	Day time		
ECTION 10 Government. Government Entity: Person/Designee:	utes the Liquor Lici	or counties only)		Day time		
ECTION 10 Government. Government Entity: Person/Designee: A SEPARATE LIC	of (for cities, towns,	or counties only) Last AINED FOR EACH PI	Middle REMISE FROM WHICH S	Day time SPIRITUOUS LIQUO	OR IS SERV	
ECTION 10 Government. Government Entity: Person/Designee: A SEPARATE LIC	of (for cities, towns,	or counties only) Last AINED FOR EACH PI	Middle REMISE FROM WHICH S	Day time SPIRITUOUS LIQUO	OR IS SERV	
ECTION 10 Government. Government Entity: A SEPARATE LICE ECTION 11 Location to	of (for cities, towns, First CENSE MUST BE OBTA Location Transfer:	Last AINED FOR EACH PI Series & Bar, Series	Middle REMISE FROM WHICH S 7 Beer & Wine Series	Day time SPIRITUOUS LIQUO s 9 Liquor Stores	only)	ED.
ECTION 10 Government. Government Entity: A SEPARATE LICE ECTION 11 Location to	of (for cities, towns, First CENSE MUST BE OBTA Location Transfer: 1	Last AINED FOR EACH PI Series & Bar, Series	Middle REMISE FROM WHICH : 7 Beer & Wine Serie:	Day time SPIRITUOUS LIQUO s 9 Liquor Stores	only)	ED.
ECTION 10 Government. Government Entity: . Person/Designee: A SEPARATE LICE ECTION 11 Location to	of (for cities, towns, First CENSE MUST BE OBTA Location Transfer: 1	Last AINED FOR EACH PI Series & Bar, Series	Middle REMISE FROM WHICH S 7 Beer & Wine Series	Day time SPIRITUOUS LIQUO s 9 Liquor Stores	only)	ED.
ECTION 10 Government. Government Entity: Person/Designee: A SEPARATE LICE ECTION 11 Location to . Current Business:	First CENSE MUST BE OBTA Location Transfer: : Address:	Last AINED FOR EACH PI Series & Bar, Series	Middle REMISE FROM WHICH S T Beer & Wine Series (Exactly as It appears	Day time SPIRITUOUS LIQUO s 9 Liquor Stores on license)	only)	ED.
SECTION 10 Government 1. Government Entity: 2. Person/Designee:	of (for cities, towns, First CENSE MUST BE OBTA Location Transfer:	Last AINED FOR EACH PI Series & Bar, Series	Middle REMISE FROM WHICH : : 7 Beer & Wine Serie:	Day time SPIRITUOUS LIQUO s 9 Liquor Stores	only)	ED.
SECTION 10 Government C. Person/Designee: A SEPARATE LICE SECTION 11 Location to	First CENSE MUST BE OBTA Location Transfer: Address: Name: Name:	last AINED FOR EACH PI	Middle REMISE FROM WHICH S 7 Beer & Wine Series (Exactly as It appears	Day time SPIRITUOUS LIQUO s 9 Liquor Stores on license)	only)	ED.
ECTION 10 Government . Government Entity: 2. Person/Designee: A SEPARATE LICE ECTION 11 Location to . Current Business:	First CENSE MUST BE OBTA Location Transfer: Address: Name: Name:	last AINED FOR EACH PI	Middle REMISE FROM WHICH S T Beer & Wine Series (Exactly as It appears	Day time SPIRITUOUS LIQUO s 9 Liquor Stores on license)	only)	ED.

<u>SECTION 12</u> 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: Benz William Douglas Entity: Agent
Mucie (Indiasada, Agen, sc.)
2. Ownership Name: OTG Management TUCSON LLC (Exactly as II appears on Ficense)
3. Business Name: TUCSON International Airport (Exactly as It appears on Ricense)
(Exactly as It appears on license) 4. Business Location Address: 7250 S. TUCSON BIVD # 224 TUCSON, A7 85706 Street City State Zip
5. License Type: SCHES 6 BOX License Number: 06/00221
6. Current Mailing Address: 335 W. Butler Ave #120 Chalfont PA 18914
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? Ves No
If yes, complete Section 5 (Interim Permit) of this application; attach fee, and current license to this application. 9. 1. (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.
A NOTARY
State of AZ County of PIMA (Signature of CURRENT Individual Owner/Agent) State of The foregoing Instrument was acknowledged before me this
wy commission expires on: Felo 25, 2020 13 of Felo 2017 Date Day Month Year HELEN BOURIKA Notary Public - State of Artzona PIMA COUNTY My Commission Expires February 25, 2020 Signature of NOTARY PUBLIC

<u>SECTION 13</u> Proximity to Church or School Questions to be completed by all in-state applicants.

1. Distance to nearest School: 4.9 miles Name of School: Leading Edge Address: 1961 E. Flightline Dr. Tucson A Address: 1950 W. San Xavier Del R Address: 1950 W. San Xavier Rd. Tucson SECTION 14 Business Financials 1. I am the: 1 Lessee Sub-lessee Owner Purchaser Management Company 2. If the premise is leased give lessors: Name: Tucson Airport Authority Address: 7250 S. Tucson Blvd. Tucson AZ 857 3. Monthly Rent/ Lease Rate: \$ 83,333 4. What is the remaining length of the lease? Yrs. 10 Months 10 5. What is the penalty if the lease is not fulfilled? \$ none (Give details-attach additional sheet if necessary) 6. Total money borrowed for the Business not including lease? \$ none (Give details-attach additional sheet if necessary) Please List Lenders/People you owe money to for business.	ac Az 5746
2. Distance to nearest Church: 5.1 miles (If less fitan one (1) mile nate footage) **Name of Church: Mission San Xavier Del Ro Address: 1950 W. San Xavier Rd. Tucson **SECTION 14 Business Financials 1. Lam the: Lessee Sub-lessee Owner Purchaser Management Company 2. If the premise is leased give lessors: Name: Tucson Airport Authority Address: 7250 S. Tucson Bivd. Tucson AZ 857 3. Monthly Rent/ Lease Rate: \$ 83,333 4. What is the remaining length of the lease? Yrs. O Months O 5. What is the penalty if the lease is not fulfilled? \$ None Or Other: (Give details-attach additional sheet if necessary) 6. Total money borrowed for the Business not including lease? \$ None Please List Lenders/People you owe money to for business.	ac Az 5746
1. I am the: Lessee Sub-lessee Owner Purchaser Management Company 2. If the premise is leased give lessors: Name: TUCSON Airport Authority Address: 7250 5. TUCSON BIVD. TUCSON AZ 857 3. Monthly Rent/ Lease Rate: \$ 83,333 4. What is the remaining length of the lease? Yrs. 10 Months 10 5. What is the penalty if the lease is not fulfilled? \$ NONE Or Other: (Give details-attach additional sheet if necessary) 6. Total money borrowed for the Business not including lease? \$ NONE Please List Lenders/People you owe money to for business.	Ю6
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3. Monthly Rent/ Lease Rate: \$ 83,335 4. What is the remaining length of the lease? Yrs	
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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? \$ 10000 Please List Lenders/People you owe money to for business.	
land Flori	
(Attach additional sheet if necessary)	
7. What type of business will this license be used for (be specific)?	
Bars & Restaurants	
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 Who	
10. Is the premises currently license with a liquor license? Yes No	
If yes, give license number and licensee's name:	
License #: 06100221 Individual Owner/Agent Name: William Douglas Bent	

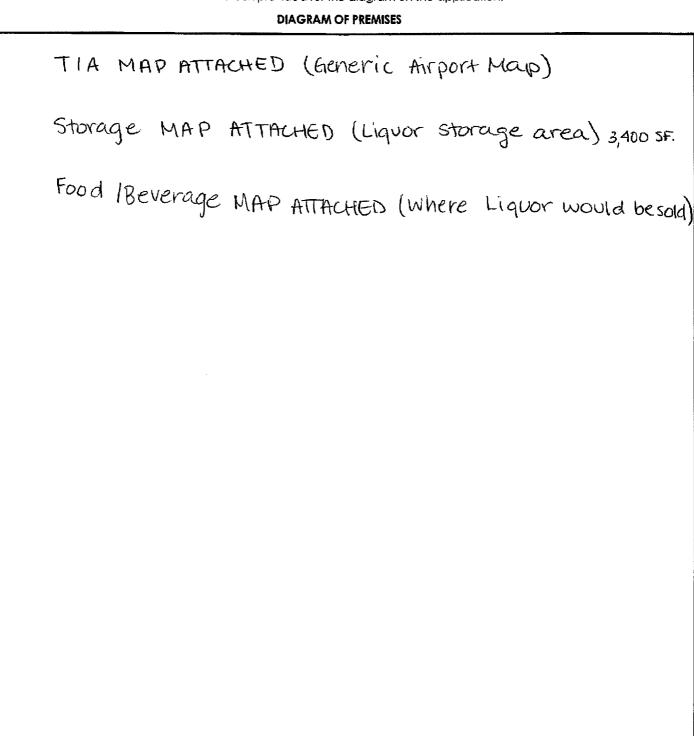
SECTION 15 Restaurant or hotel/motel license applican	nte
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1. ls th	nere an existing Restaurant o	r Hotel/Motel Liquor License at th	ne proposed loca	ıtion?□Yes□No		
2. If the pendi	the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is ling; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.					
3. All Depa	3. All Restaurant and Hotel/Motel applicants must complete a Restaurant Operation Plan form provided by the Department of Liquor Licenses and Control.					
gross the lic maint	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)		
inspec the lic for thi inspec	ction when all tables and cho censed premises. With the ex is inspection. Failure to sche	airs are on site, kitchen equipme xception of the patio barriers, th dule an inspection will delay iss or application, please request a	int, and, if applica nese items are no uance of the lice	nses and Control to schedule an able, patio barriers are in place on it required to be properly installed ense. If you are not ready for your riting; specify why the extension is		
			(Applicant)	(nffials)		
SECTION	ON 16 Diagram of Premises					
	ON 16 Diagram of Premises k ALL boxes that apply to you	ur business:				
	_	ur business: Liquor storage areas	Patio:	☐ Contiguous		
	k ALL boxes that apply to you		Palio:	☐ Contiguous ☐ Non Contiguous		
	Entrances/Exits Walk-up windows Is your licensed premises c	Liquor storage areas Drive-through windows urrently closed due to constructi		Non Configuous		
Chec	k ALL boxes that apply to you Entrances/Exits Walk-up windows	Liquor storage areas Drive-through windows urrently closed due to constructi d completion date?	on, renovation or	Non Configuous		
Chec	Entrances/Exits Walk-up windows Is your licensed premises c If yes, what is your estimated Restaurants and Hotel/Mote	Liquor storage areas Drive-through windows urrently closed due to constructi d completion date? Ma	on, renovation or htth/bay/Year aw a detailed floo	Non Configuous		
Check	Entrances/Exits Walk-up windows Is your licensed premises of the diagram (a detailed flood in the location number 6.	Liquor storage areas Drive-through windows urrently closed due to constructi d completion date? Mo el applicants are required to dro ns of all kitchen equipment and por plan) you provide is required to	on, renovation or with/bay/Year a detailed floodining furniture. P	Non Contiguous redesign? Yes No or plan of the kitchen and dining		
Check	Entrances/Exits Walk-up windows Is your licensed premises of the diagram (a detailed flot to be sold, served, consumabove).	Liquor storage areas Drive-through windows urrently closed due to construction described completion date? Mo el applicants are required to drowns of all kitchen equipment and por plan) you provide is required to decomplete, dispensed, possessed or storesteror outside dimensions of the licesteror outside dimensions outside dimensions outside dimensions of the licesteror outside dimensions outside	on, renovation or mith/bay/Year a detailed floodining furniture. Pro disclose only the don the premise	Non Contiguous redesign? Yes No or plan of the kitchen and dining lace for diagram is on section 16 e area(s) where spirituous liquor is		

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 \u03b1.

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.



Creative Food Group TUS LLC 525 Washington Blvd Suite #2440 Jersey City, NJ 07310

February 6, 2017

Director John Cocca Licensing Manager Arizona Department of Liquor Licensing & Control 800 W. Washington St. 5th Floor Phoenix, AZ 85007

Dear Mr. Cocca:

Please accept this letter as our request for approval to use an off-site location for alcoholic beverage storage. Creative Food Group TUS, LLC is in the process of purchasing the liquor license from OTG Management Tucson, LLC for the food and beverage facilities located in the Tucson International Airport. We will be submitting our application for the transfer and interim permit at the end of this month.

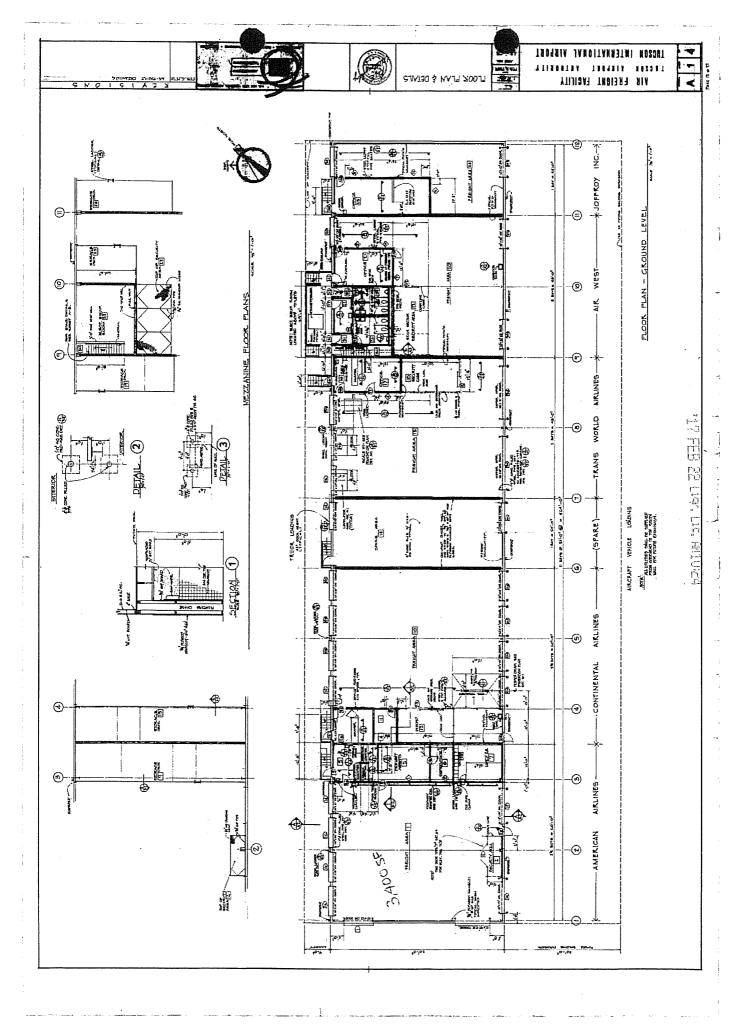
With the expansion of restaurants at Tucson International Airport, the need for additional storage space is required. Space within the Airport terminal is very limited. We were able to obtain additional storage space within a cargo building on airport property, as part of our lease. We would like to use this cargo space as a central storage area for all of our liquor, beer, and wine, as well as other food and beverage storage. All precautionary procedures related to storing alcohol will continue to be followed.

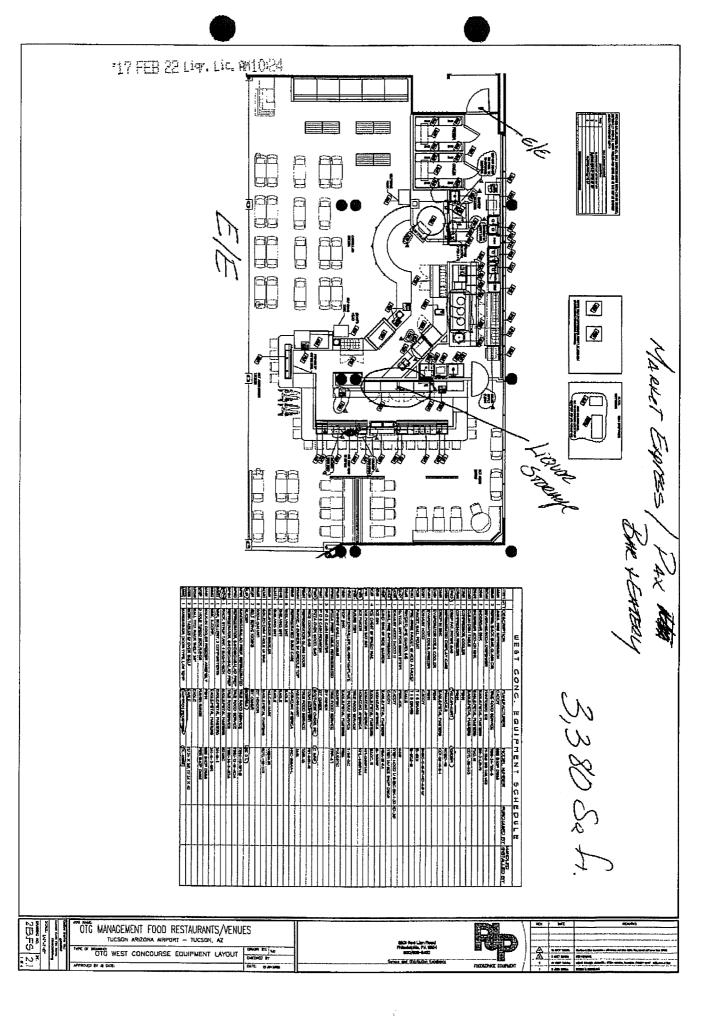
Attached to this letter, you will also find a diagram of the offsite storage area. We hope this would be acceptable to incorporate as part of the transfer of liquor license.

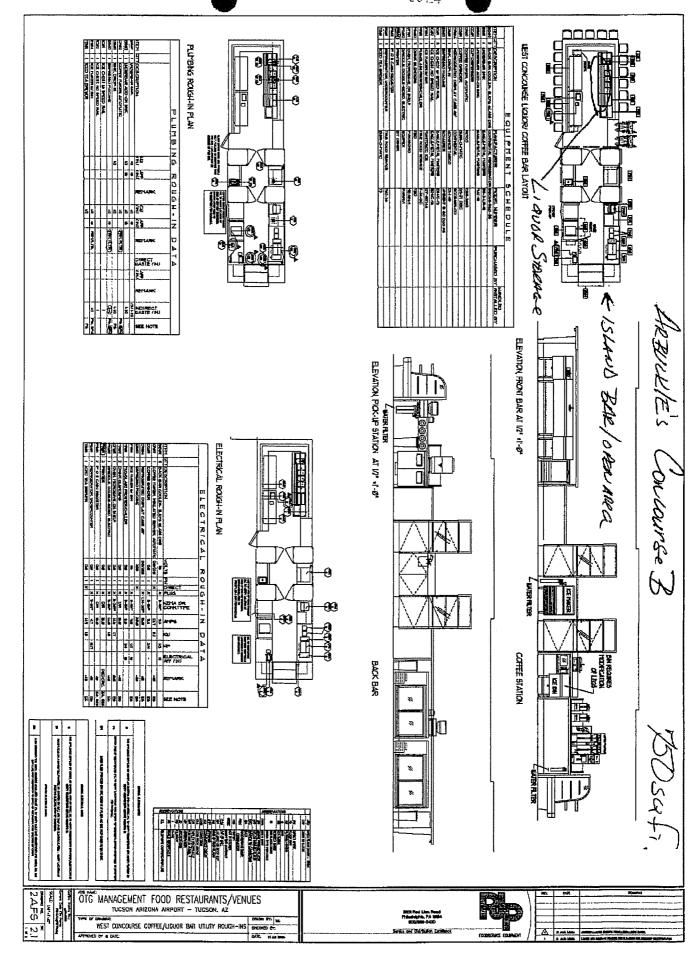
The offsite storage area will be located at: 2600 E. Reales Road, Bay 6 Tucson AZ, 85756.

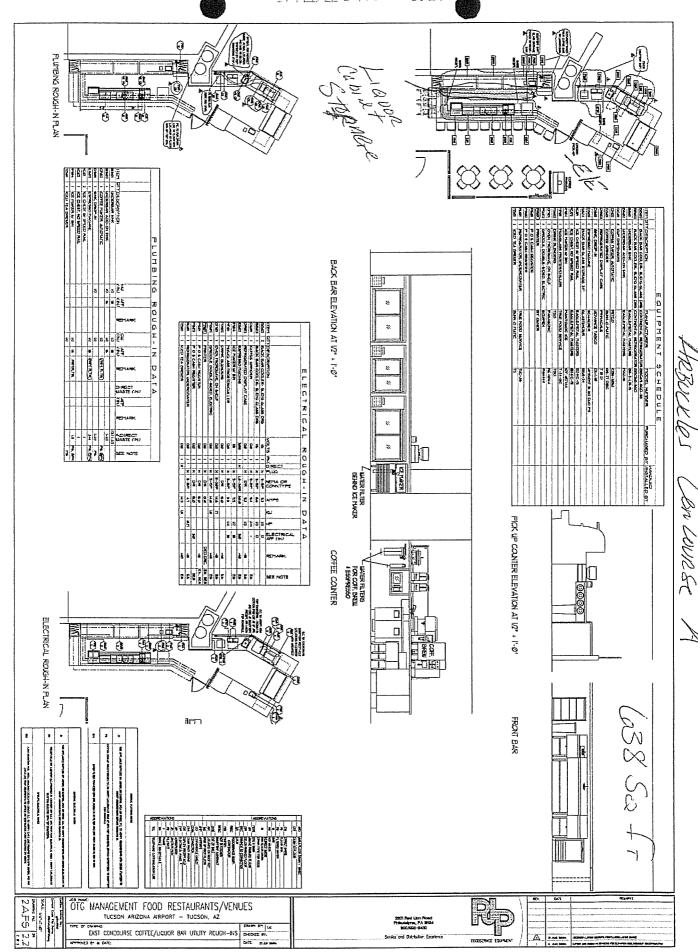
Sincerely,

Altaf Isani

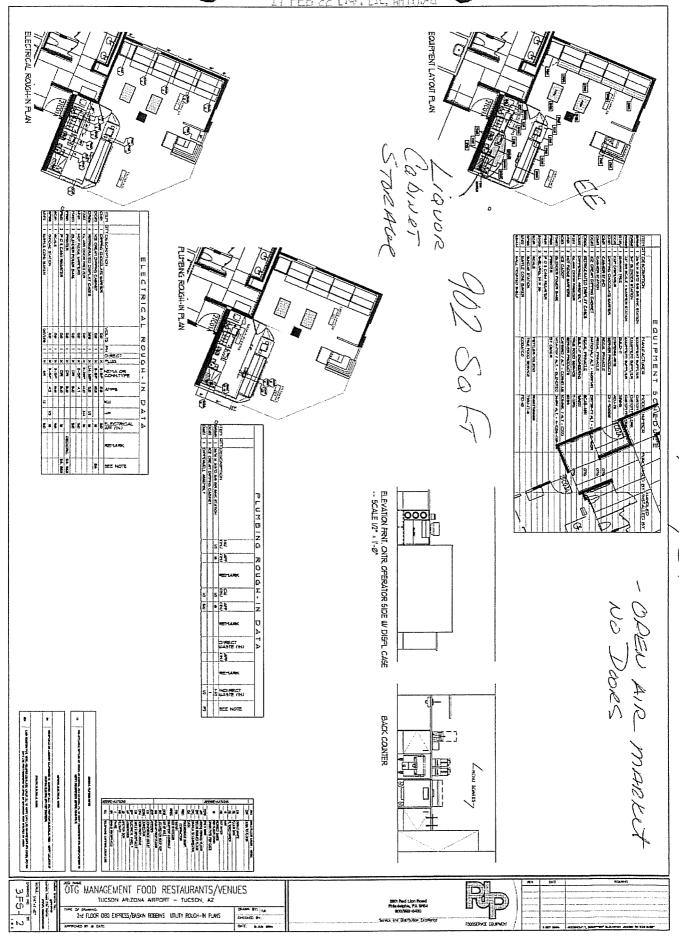












SECTION 17 SIGNATURE BLOCK

NOT	<u> </u>
I, (Print Full Name) Stated in Section 4 # 1. I have read this application and verify X (Signature of CURRENT Individual Owner/Agent) My commission expires on: Date OFFICIAL SEAL CYN1HIA M. ABRIGO Natary Fublic - Arizana Maricapa County My Commission Expires APRIL 20, 2020	ereby declare that I am the Owner/Agent filing this application as all statements to be true, correct and complete. State of Ah Flue County of Man Topan The foregoing instrument was acknowledged before me this And of Chromy Day North Year 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.