



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

Management of Information & Records Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

September 11, 2018

James William Boyd, Jr.
Ice Cream Bar
7345 E. Evans Road, No. 16
Scottsdale, AZ 85260

RE: Arizona Liquor License No.: 09100208/28028
d.b.a. Ice Cream Bar

Dear Mr. Boyd, Jr.:

Enclosed is a copy of the Affidavit of Posting relative to your Liquor License Application for a Series 9, Liquor Store, which was received in our office on August 7, 2018. The Hearing before the Pima County Board of Supervisors has been scheduled for Tuesday, October 2, 2018, 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 black ink, appearing to read "Castañeda", is written over a horizontal line.

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

AFFIDAVIT OF POSTING

Date of Posting: 8/13/18

Date of Posting Removal: 9/7/18

Applicant's Name: Ice Cream Bar
Boyd, Jr. James William
Last First Middle

Business Address: 1135 W. Hoover Street Ajo 85321
Street City Zip

License #: 09100208/28028

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.

[Signature] P. SMITH 6362 DEPUTY 387-8511
Print Name of City/County Official Title Phone Number

[Signature] 9/7/18
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 *AB*
Administrative Support Specialist Senior

DATE:

RE: Zoning Report - Application for Liquor License

Attached is the application of:

James William Boyd, Jr.
d.b.a. Ice Cream Bar
1135 W. Hoover Street
Ajo, AZ 85321

Arizona Liquor License No.
09100208/28028 Series 9, Liquor Store
New License
Person Transfer ☒
Location Transfer ☒

ZONING REPORT

DATE: 8/8/18

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

AUG 08 18 PM 01 03 POC CLK OF PD *MM*



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

*18 AUG 6 Lyr. Lic. PM 3:16
DLCC USE ONLY

License #	28028
Date Accepted:	8/10/18
CSR:	Jr

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 (series 6, 7 and 9)
☒ 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) _____

- SECTION 3 Type of Privilege ☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application)
A.R.S. § 4-206.01 (G), (H), (I) & (L)
☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies)
A.R.S. § 4-207(A) & (B)

1. Type of License (Series of license): LqrStor 09

2. LICENSE # 09100208 / 28028

SECTION 4 Applicants

1. Agent's Name: Boyd (Jr.) James William
Last First Middle

2. Individual/Owner Name: Southwest Financial Holdings, LLC
(Ownership name for type of ownership checked in section 2)

3. Business Name (Doing Business As-DBA): Ice Cream Bar

4. Business Location Address: 1135 W. Hoover St. Ajo AZ 85321 Pima
(Do not use PO Box) Street City State Zip Code County

5. Mailing Address: 7345 E. Evans Rd. #16 Scottsdale AZ 85260
(All correspondence will be mailed to this address) Street City State Zip Code

6. Business Phone: (602)531-7144 Daytime Contact Phone: (602)531-7144

7. Email Address: SWFinancial@cox.net

8. Is the Business located within the Incorporated limits of the above city or town? ☐ Yes ☒ No
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? Pima

9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$

Fees:	Application	Interim Permit	Site Inspection	Department Use Only	Current	Finger Prints	Total of All Fees
	\$ 200.00	-	-	-	Current	\$ 200.00	

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SECTION 5 Interim Permit

If you intend to operate business while the 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? _____

NOTARY

I (Print Full Name) _____ hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

Signature: _____ State of _____ County of _____
The foregoing instrument was acknowledged before me this

My Commission Expires on: _____ Day of _____ Month _____ Year _____

Signature of Notary

SECTION 6 Background Check

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

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

a) Date Incorporated/Organized: 6/27/2001 State where Incorporated/Organized: Arizona

b) AZ Corporation or AZ L.L.C. File No: L09940151 Date authorized to do business in AZ: 6/27/2001

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
Victor Lima Bravo Trust			Member	100	7345 E. Evans Rd #16,	Scottsdale,	AZ	85260
Trustee, James W. Boyd, Jr.								

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S. §4-204

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

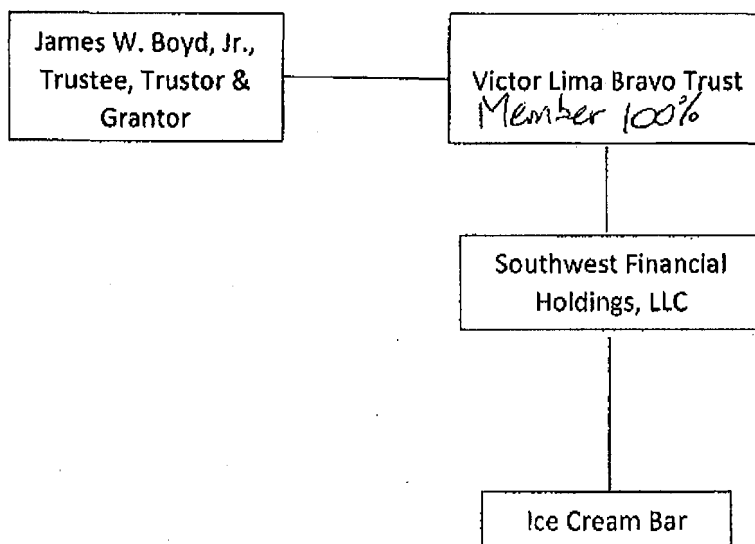
1. Current Licensee's Name: _____
(Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
Last First Middle

3. License Number: _____

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

Southwest Financial Holdings, LLC
Organization Chart



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

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

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

1. License #: 09100208
2. Individual Owner/Agent Name: Abbott Schn Fernald
Last First Middle
3. Ownership Name: Abit Corporation
(Exactly as it appears on the license)
4. Current Business Name: Rincon Market
(Exactly as it appears on the license)
5. Business Location Address: 2513 E. 6th St. Tucson AZ Pima 85716
Street City State County Zip
6. Current Daytime Phone: None Primary Email Address: None
7. Does current licensee intend to operate the business while this application is pending? ☐ Yes ☒ No
8. I, (Signature): _____ authorize the transfer of this license to the applicant.

NOTARY	
I (Print Full Name) <u>Please see attached Bill of Sale</u> hereby declare that I am the Individual Agent, Owner, Or Controlling Person on the stated license and location.	
Signature: _____	State of _____ County of _____ The foregoing instrument was acknowledged before me this
My Commission Expires on: _____ Date	_____ Day of _____ Day Month Year
_____ Signature of Notary	

**SECTION 10 Location Transfer- Current Licensee Information ARS§4-203(C), (D), (G)
(Bar and Liquor Stores only - Series 06, 07, and 09)**

1. Current Business: Name: Rincon Market
Address: 2513 E. 6th St., Tucson, AZ 85716
(exactly as it appears on license)
2. New Business: Name: Ice Cream Bar
Address: 1135 W. Hoover Street, Ajo, AZ 85321

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ASSIGNMENT AND BILL OF SALE

THIS ASSIGNMENT and Bill of Sale is between Walmart Inc., formerly known as Wal-Mart Stores, Inc., each a Delaware corporation as "Seller" and Southwest Financial Holdings, LLC, an Arizona limited liability company as "Buyer". This Assignment and Bill of Sale relates back to the original Purchase Contract mentioned below.

WITNESSETH THAT:

WHEREAS, Walmart Inc., as successor-in-interest to Wal-Mart Stores, Inc., (pursuant to 12/5/2017 filing with the Delaware Secretary of State and the 1/8/2018 filing with the Arizona Secretary of State, copies of which are attached hereto as Exhibit A and by this reference made a part hereof) and Buyer entered into that certain Purchase Contract dated April 24, 2018, wherein the Seller agreed to sell to Buyer and Buyer agreed to purchase from Seller Arizona Liquor License No. 09100208.

Pursuant to the terms and conditions of the Purchase Contract, Seller and each of them for the valuable consideration paid to it by Buyer, the receipt, adequacy and sufficiency of which are hereby acknowledged, do hereby sell, assign and transfer unto Buyer, its successors and assigns, the following described assets and property of the Sellers:

Arizona Liquor License No. 09100208

Seller reaffirms the warranties and representations, subject to the limitations thereto, in the Purchase Contract with respect to the above assets. This Assignment and Bill of Sale is made subject to all terms and conditions of the Purchase Contract and with the incident of ownership set forth in the first line of this Assignment and Bill of Sale. This Bill of Sale shall be effective for all purposes as of April __, 2018.

IN WITNESS WHEREOF, Sellers have executed this Assignment and Bill of Sale on the 8th day of May, 2018.

WALMART INC.

By: Andrea Lazenby, its Assistant Secretary

STATE OF ARKANSAS)
) ss.
COUNTY OF BENTON)

On May 8th, 2018, before me, Shawn J Woods, notary public, personally appeared Andrea Lazenby, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of Arkansas that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature

Shawn J Woods
Notary Public

SHAWN J. WOODS
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires 04/07/2024
Commission No. 12398143

'15 AUG 11 11:17, Lic. #943

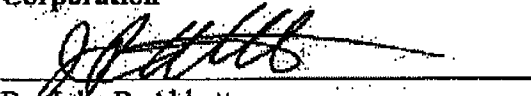
BILL OF SALE

FOR valuable consideration, receipt of which is hereby acknowledged, ABIT CORPORATION, an Arizona Corporation, hereby grants, bargains, sells and transfers title and interest in and to an Arizona Series 9 License #09100208 (the "License") to the Transferee, WAL-MART STORES, INC., a Delaware Corporation, the receipt and sufficiency of which are hereby acknowledged and confessed, free of all liens, claims and encumbrances, to have and to hold forever.

DATED this 16 day of July, 2015.


SELLER:

ABIT CORPORATION, an Arizona Corporation

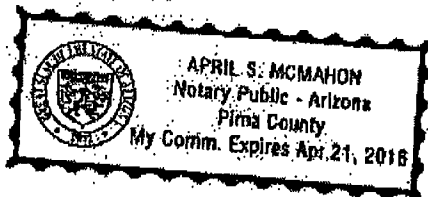

By John R. Abbott
Its: Vice President

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

SUBSCRIBED AND SWORN to before me, this 16 day of July, 2015
by John R. Abbott.


Notary Public

My Commission Expires:



SECTION 11 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 03
- d) Craft Distillery (A.R.S. §4-205.10) Series 18
- e) Government license (A.R.S. §4-205.03) Series 05
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 04
- h) Farm Winery Series 13
- i) Producer Series 01

1. Distance to nearest School: 2,161 ft. Name of School: St. Titus Institute
(If less than one (1) mile, note footage) Address: 1211 N. 2nd Ave., Ajo, AZ 85321

2. Distance to nearest Church: 1,238 ft. Name of Church: Ajo Calvary Baptist
(If less than one (1) mile, note footage) Address: 740 W. Rocalla Ave., Ajo, AZ 85321

SECTION 12 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: Mildred E. Pickering
Address: 810 N. Darmit St. Ajo AZ 85321
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ None 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

(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 manufacturer, wholesaler, or employee have an interest in your business?
☐ Yes ☒ No If yes, attach explanation.

SECTION 13 Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

☐ Patio: Contiguous

☐ Patio: 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? 10 / 1 / 2018

2. What type of business will this license be used for? (be Specific) Bar & Liquor Store

3. Please attach a diagram of the premises which clearly shows only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and kitchen.

DO NOT INCLUDE

Parking lots, living quarters or areas where business is not conducted under this liquor license. Please identify which orientation is North on the diagram.

4. 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.

ATTACH DIAGRAM

IMPORTANT NOTE: As stated in A.R.S. §4-207.01 (B), it is the licensee's 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.

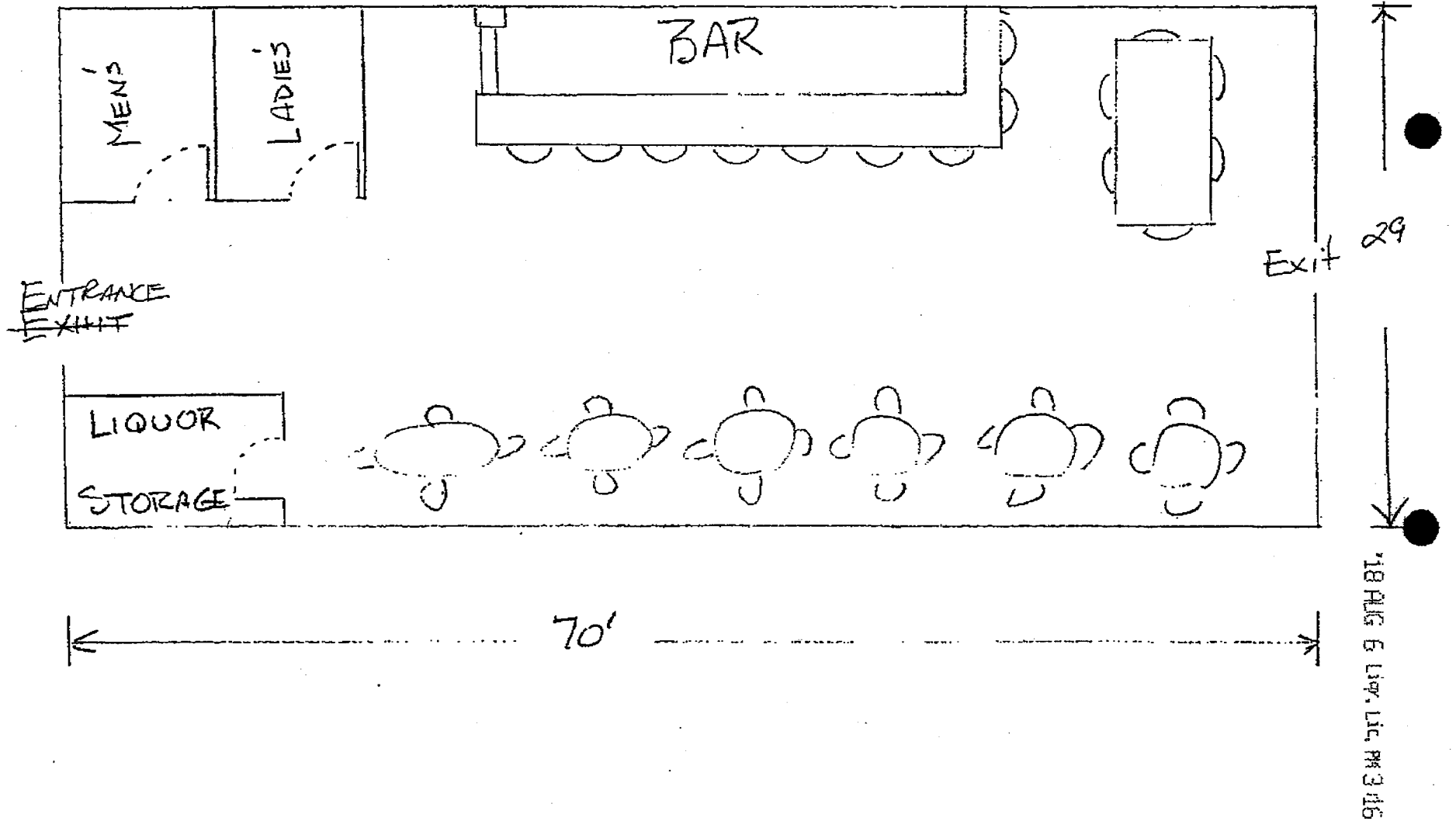
RESTAURANTS AND HOTELS/MOTELS ONLY

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

5a. 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)

5b. Provide a restaurant operation plan.

2,030 sq. ft.



SECTION 14 SIGNATURE BLOCK

NOTARY	
I (Print Full Name) <u>James William Boyd, Jr.</u> hereby declare that I am the Individual Agent, Owner, Or Controlling Person on the stated license and location.	
Signature: <u>[Signature]</u>	State of <u>Arizona</u> County of <u>Maricopa</u>
The foregoing instrument was acknowledged before me this	
My Commission Expires on: _____	<u>10</u> Day of <u>August</u> <u>2018</u>
Day OFFICIAL SEAL JENAKA LYNN WAGNER NOTARY PUBLIC - State of Arizona MARICOPA COUNTY My Comm. Expires February 21, 2021	
Signature of Notary <u>[Signature]</u>	

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.