

5 January 1946

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Chester E. Gillett
City Clerk
City of Glendale
Glendale, Arizona

Dear Sir:

We are in receipt of your letter of 31 December 1945, in which you raise a question involving an application for a transfer of location of a liquor license. Apparently from your letter the applicant has abided by all laws and regulations relating to liquor licenses in his present location. However, you state that the City Clerk has received numerous written protests from various organizations, individual taxpayers, and property owners adjoining this proposed location. The specific question involved is: "What authority does the City Council have in granting or denying this application in view of these numerous protests."

Arizona Code Annotated 1939, Sections 72-105 and following, govern the application for issuance and transfer of liquor licenses within this state. In part these sections provide that a transfer as to location of a liquor license within a city or town must be filed with the city council of the city or town. After notice has been posted, as provided, the city council shall hold a hearing and enter an order approving or disapproving the transfer of the license. Prior to the hearing any citizen or organization who so desires may file written objections with the clerk.

In our opinion the objections filed in this matter are to be considered by the city council prior to its determination of the question. The objections and the reasons therefor are merely additional facts placed before the council to aid it in reaching its decision. The coun-

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cil in its discretion may approve or disapprove the transfer of the license. The final determination of whether or not the license shall be transferred lies with the Superintendent of the State Department of Liquor Licenses and Control, and the order of the city council is one of the factors to be determined by him in reaching his decision, but it is not controlling.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

BURR SUTTER
Assistant Attorney
General

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