

*Partlett  
McGowan  
(Stubbs)*

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

February 20, 1954  
Opinion No. 54-28

TO: The Honorable Wesley Polley  
Cochise County Attorney  
Bisbee, Arizona

RE: Qualifications of spirituous  
liquor licenses.

QUESTION: "May a non-resident of the  
State of Arizona own, hold  
and operate a spirituous  
liquor license by leasing it  
to a resident of the state of  
Arizona?"

Section 72-106(a), A.C.A. 1939, as amended, provides in  
pertinent part as follows:

"72-106. Qualifications of licensee.  
(a) Every spirituous liquor licensee,  
other than a club licensee, shall be a  
citizen of the United States and a bona  
fide resident of the state of Arizona.  
If a partnership, each partner shall be  
a citizen of the United States and a  
bona fide resident of the state of  
Arizona."

From the unequivocal phraseology contained in the above  
quoted statute, it is the opinion of the department of law that  
a non-resident of the State of Arizona may not legally own, hold  
and operate a spirituous liquor license inasmuch as residency  
within the state is a prescribed condition of ownership.

It necessarily follows that if a non-resident may not directly  
own, hold and operate a spirituous liquor license, such a non-resi-  
dent could not do so by indirection, to-wit: a lease of a license

The Honorable Wesley Polley  
Cochise County Attorney

February 20, 1954  
Page Two

purportedly owned by him. To lawfully operate within this state, the lessee of a license must derive his rights from a lawfully licensed person - to be lawfully licensed requires the owner to be a resident of the state.

We must therefore answer your question in the negative.

ROSS F. JONES  
The Attorney General

JAMES P. BARTLETT  
Assistant to the  
Attorney General