



Building matter sparks heated moments in Tombstone streets

Business owner, two others arrested during incident this week; marshal defends his actions and says he was told to shut down outdoor area

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TOMBSTONE — Tourists visiting this historical town don't need OK Corral re-enactments for Wild West excitement.

Tombstone gave them a live, real-time version of western law enforcement in action last Monday.

It started when Tombstone Marshal Larry Talvy paid a visit to Six Gun City, a popular tourist destination with a bar, restaurant and entertainment complex, to shut down a new outdoor dining and bar area the establishment's owner, Mike Carrafa, had built.

Talvy said Tombstone Building Inspector Mike Trotter sent him to close down the new structure, citing Carrafa's failure to obtain a certificate of occupancy for that part of his business, serving him with a cease-and-desist notice on April 2.

Carrafa had until Monday to submit a report from a structural engineer outlining steps he would be taking to bring the new addition into compliance with "structural provisions of the International Building Code requirements."

"That document, dated April 3, was hand delivered by me to City Hall on Monday at 10 a.m.," said Carrafa, who claims he has made every attempt to do the things required by the city of Tombstone's building officials when it comes to the new addition. "When I delivered the report to City Hall, I asked the receptionist to have the building inspector call me, so I would know where I stood as far as the patio area is concerned. To this day (Friday) I have not heard back from him."

The marshal presents a different version of this story.

"He needed to present the city with a detailed statement showing what measures he

intends to take to bring the new structure into compliance,” Talvy said. “There also must be a letter stating that the building will not cause injury to patrons. We did not have any of those documents by the deadline on Monday.”

Marshal arrives at Six Gun City

When Talvy entered Six Gun City around 5 p.m. on Monday, the visit eventually escalated into a brouhaha between Talvy, Carrafa, tourists, patrons and employees, culminating with three arrests.

And the whole incident was captured on film.

Several people in the crowd were armed with cameras, taking photos and videos of the series of events as they unfolded.

“Mr. Carrafa knew we were going to shut the place down, so he decided to schedule one of his gun shows right at that time,” Talvy said. “So, I let him finish the show, and then asked the people to leave. I did this by myself, with no other officers. Michael Carrafa had some of his employees and friends in the crowd with cameras and videotapes, taping this whole incident.”

Among those filming was Frank Passingham, a professional cinematographer from the United Kingdom who happened to be in Tombstone to film a documentary to “show Tombstone as it is today and what it was like in the 1880s.”

Passingham gave a play-by-play account of what he witnessed during the confrontation between the town marshal, Carrafa and the crowd. He also has the incident on tape.

“I saw the marshal arrive and I was filming at the time,” he said. “The marshal was ordering people to move out of the ‘dangerous’ area, a covered patio where there are tables and a bar. There were several people sitting in the covered area, but they all complied and moved out.”

Once the patrons were out of the patio, Carrafa was told by Talvy to tape the area off with yellow caution tape, which the owner did.

“It should have ended right there,” Passingham said, as he recounted the events. “Everyone complied with what the marshal wanted and nothing else would have happened if he had stopped with that. But then the marshal insisted on closing the gate down that led from the street into the patio.”

Carrafa objected, citing fire safety reasons. When he refused to allow Talvy to close off the gate, the marshal handcuffed and arrested him, placing Carrafa in his patrol vehicle. Once Carrafa was in the truck, the marshal returned to the patio to close the gate.

“I was following orders from the building inspector,” Talvy said. “I was enforcing the

rules and was governed to do so. When I returned to the yard and tried to close the gates, a customer tried to defy my orders and attempted to go into the restricted area. So I grabbed his arm and said, 'Sir, I told you not to go in there.' He hit my left arm and shoved it away. I grabbed him and proceeded to place him under arrest, and there was a little bit of a struggle."

That's when the situation heated up.

"One member of the crowd, an elderly gentleman named Doc, was pushed against a truck and restrained by Talvy, who then called for backup on his radio," Passingham said.

Terry Doc-Najarian, who is known as "Doc," was Talvy's second arrest. A 10-year resident of Tombstone, Najarian said he was at Six Gun City with his wife and another couple, with plans of going to Sierra Vista for dinner.

"I was standing outside of the restricted area on the boardwalk when the marshal ordered me to leave. I guess I wasn't moving fast enough for him, because he turned and grabbed me," Najarian said. "I jerked away from him and said, 'Larry, don't put your hands on me. You have no right to put your hands on me.' That's when the whole thing got totally out of control. He then bull-rushed me into a truck that was parked on the street. This is the first time anything like this has ever happened to me."

Najarian was arrested for disorderly conduct and obstructing government operations. A deputy named JJ Norris responded to Talvy's call for backup. When the deputy arrived, he handcuffed the 63-year-old retiree and escorted him to his patrol vehicle.

"It was very humiliating to spend the night in jail and to be assaulted like that," Najarian said. "It was an uncalled-for assault, and he was completely out of line."

The situation between the marshal and the crowd continued to deteriorate.

"The crowd got extremely rowdy," Passingham recalled. "They were shouting insults at the marshal, who was ordering everyone to evacuate the premises."

The tension builds

Videos taken at the scene show a flustered Talvy yelling at the crowd to "shut up!" He also slapped at two different video cameras while the incident was being taped. Passingham's camera was one that Talvy slapped aside.

Carrafa's son, Matt Carrafa, also was running a video camera. Passingham managed to capture Talvy as he pushed at Matt Carrafa's camera, causing it to hit him in the face.

"I'm actually happy I got to witness this and see the kind of politics going on in this town," Passingham said. "Things got completely out of control when the marshal insisted on closing the gate. It didn't need to go that far."

Talvy also arrested a woman named Colleen Williams, a Six Gun City employee whom he claims was screaming insults at him while he, for the third time, tried to block off the entrance from the street by closing the gate.

“When I attempted to close the gate, she (Williams) pushed against me as I was trying to shut it. I pushed back and everyone claimed I assaulted her,” the marshal said.

Like Najarian, Mike Carrafa and Williams were each arrested on charges of disorderly conduct and obstructing a government operation. They were taken to the Cochise County Jail in Sierra Vista, where they spent the night and were released the next morning.

“Everything I did was within the realm of my responsibilities and duties,” Talvy said.

“We have a situation in this town where it presents a safety hazard. The owner never got the certificate of occupancy that he needed, so he was in clear violation. We have to look out for the safety of the tourists and people in this town.

Temporary certificate

Carrafa said that when he decided to add the outdoor patio, he went to the city and got the necessary permits for the project. He claims it wasn't until construction was well under way that he was told he would need a structural engineer.

“I have four different building permits and drawings stamped by the town's building official,” Carrafa said. “I made copies and took them to City Hall for the building inspector.”

Before Carrafa knew the city was planning to close his patio, he had promised the Tombstone Chamber of Commerce it could use the area for a fundraiser event members were planning on April 3, the first day of the city's Founder Days celebration.

“I had been told that I would need to shut the patio area down, so I didn't know what to do about the chamber's event,” Carrafa said. “When the mayor found out that closing me down would create a problem with the chamber, he told the assistant building inspector to issue a temporary certificate of occupancy so we could use the patio for three more days, during Founder Days.”

Carrafa questions why city officials would allow temporary use of the structure if it truly were “as hazardous and potentially dangerous” as they seem to believe.

“This is nothing more than a political stand-off between me and the city,” Carrafa said. “All I want is to get this patio area completed so I can get on with my business.”

Carrafa is convinced the “political standoff” stems from when his employees were on Allen Street handing out menus advertising the business. Because Six Gun City is off the beaten path at Sixth and Toughnut streets, Carrafa said he wanted tourists to know about

the establishment, which is tucked away, one block behind Allen Street.

“Two businesses in town complained to City Council about the handbills, so that practice was stopped,” Carrafa said.

Carrafa’s relationship with city officials became more strained as time went on, escalating into Monday’s incident.

Talvy, who says that he loves living and working in Tombstone, said he “finds it disheartening when these kinds of things happen.”

The gate remains open

One of Carrafa’s regular customers, Justin Henderson, called Tombstone Fire Chief Jesse Grassman on Monday evening and questioned whether the gate leading from Fifth Street onto the Six Gun City property should remain open as a fire escape.

“I told him that as long as there are two other entrances and exits into and out of the property, then the gate does not have to be used,” Grassman said. “There are actually three other exits, so that gate could be closed without causing a problem, as far as a fire escape is concerned.”

However, if the gate is open and patrons can enter the property without accessing the structure in question, which is the covered patio, then the gate can remain open, Grassman added.

To date, the gate is open and patrons continue to use it.

Grassman said new, tougher building codes were recently adopted by the city. No other business has been required to follow those codes, as none, with the exception of Six Gun City, have undergone construction since the new codes went into effect.

“He’s having to go by the new building code rules, and I’m sure that’s part of the issue he’s having with the city,” Grassman said.

On Thursday afternoon, Carrafa was served with a lawsuit filed by the city of Tombstone.

“They want to close not only my patio, but my restaurant, as well,” he said. “I’m supposed to appear in Superior Court in Sierra Vista on Tuesday. My attorneys are looking at the complaint. My structural engineer was here today with sketches, showing what we still need to do to bring everything into compliance, so he can sign off on the addition.”

Carrafa expects to have the completed plans sometime next week. Those plans will be presented to the city of Tombstone by the middle of the week, with an application for a new building permit.

“I have no problem bringing this up to whatever they want me to do,” he said. “This has been a long, drawn out issue. All I want is to get this behind me so I can continue giving the tourists of Tombstone an entertainment complex for their enjoyment.”

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