



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)
11 WASHINGTON GAS, INC.)
110 N. Washington) Request ID No. 672725
Royal Oak, Michigan 48067)
)
Oakland County)
_____)

At the April 11, 2013 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On November 16, 2012, 11 Washington Gas, Inc. (applicant) filed a request to transfer stock held in the 2012 SDM license with Sunday Sales Permit (A.M.) and permission for motor vehicle fuel pumps under MCL 436.1541(1) held at the above-noted location, by dropping Hani Hakim as stockholder through transfer of 1,000 shares of stock to new stockholder, Nadeem Hakim, a/k/a/ Nadim Hakim.

At a meeting held on February 20, 2013, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering that applicant stockholder, Nadeem Hakim, a/k/a Nadim Hakim, is currently licensed by the Commission at two (2) locations and was previously licensed at two (2) other locations and has been found responsible for several violations of the Michigan Liquor Control Code and Administrative Rules.

Peter Abbo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the April 11, 2013 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and exhibit presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

The Commission further finds that the MLCC Commission's investigation revealed that the proposed licensed location appears to qualify for licensure under the provisions of MCL 436.1541(1)(a)(ii) and MCL 436.1541(1)(b) as defined under administrative rule R 436.1129(4)(c), providing the applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses; and that the site of payment and selection of alcoholic liquor is not less than 50 feet from that point where motor vehicle fuel is dispensed.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) the licensee may sell beer and wine for consumption off the premises only.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of February 20, 2013 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission form LCC-3010 "Report

of Stockholders/Members/Partners”.

2. The licensee shall maintain proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject license and permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The licensee's permit to sell alcoholic liquor between 7 a.m. and Noon on Sundays is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7:00 A.M. and 12:00 Noon on Sundays. If notice and supporting documentation is received by the Commission a show cause hearing will be scheduled before the Commission under administrative rule 436.1925(1) to determine if the permit must be revoked.

C. The licensee shall continue to maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

D. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

E. Failure to comply with all requirements of licensure in the State of Michigan

will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide
Date Mailed: _____