



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

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In the matter of the request of)
ABC PUBLIC HOUSE, LLC)
17621 Oakwood) Request ID No. 559791
Dearborn, Michigan 48124)
Wayne County)
_____)

At the February 28, 2013 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On May 3, 2010, ABC Public House, LLC (applicant) filed a request to transfer ownership of a 2012 Class C license with Sunday Sales Permit (P.M.) and Dance-Entertainment Permit from C H K Inc., located at the above noted address.

At a meeting held on November 28, 2012, the Commission denied this request under administrative rule R 436.1105(2)(a) and (j) after considering the operating record of the applicant while operating under a management agreement at the subject location, and the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Frank Palazzolo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 24, 2013 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record, the Commission tabled this matter to its February 28, 2013 appeal hearing agenda, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and all exhibits presented, and discussion of the issue on the record at both hearings held in this matter, 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.

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)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

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 November 28, 2012 issued in this matter is REVERSED and the applicant's request to transfer ownership of the existing 2012 Class C license is APPROVED, subject to the following:

1. The licensee shall submit to the Commission verification that ABC Public House, LLC received a loan in the amount of \$8,000.00 from Buffy Gil.

2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days from the issuance of the license and permit shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license and permits.

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. The applicant's request to transfer the existing Dance-Entertainment Permit is APPROVED subject to the following:

1. The licensee must have a well-defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415.
2. The licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

D. With the proviso that Charles Shattelroe shall not be employed or involved in the operation or management of the licensed business on a paid or voluntary basis; not be a consultant to or involved in the promotion of the licensed business on a paid or voluntary basis; not operate any type of business or enterprise in conjunction with or in association with the operation of this licensed business and not hold an interest in the real estate, furniture, fixtures and/or equipment either through another person, corporation, partnership, or limited liability company.

E. 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 shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

F. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____