

President on behalf of Salem Lutheran Church objecting to this application because the church, located at 2610 Martin Luther King, Jr., Flint, Genesee County, is located within 500 feet of the proposed transfer of location. This correspondence outlines the Church's opposition to this application due to a long history of ongoing incidents involving violent crime and unlawful activity occurring at the applicant's current licensed location, and a concern for the safety and health of the general public.

On February 26, 2015, a supplemental investigation was conducted by the Commission's Enforcement Division and it was determined that the church is located 470 feet from the proposed transfer of location; which is contrary to MCL 436.1503(1). The existence of a church within 500 feet was not noted until this time.

Commission records indicate that the licensee has held the licenses at 2407 Martin Luther King, Jr., Flint, Genesee County since June 17, 2009. On February 6, 2015, the licenses were placed in escrow due to a fire at that location.

At a meeting held on February 27, 2015, the Commission rescinded the November 25, 2014 approval order in this matter because the church submitted an objection from its council and the church is located within 500 feet of the proposed licensed location. Under MCL 436.1501, the Commission is required to conduct a church hearing before it can consider the merits of an application.

A Church Hearing under MCL 436.1503(1) and Mich Admin Code R 436.1955 was held in this matter at the Commission's Lansing office on March 31, 2015. Representing the applicant at the hearing was Attorney Roger Isaac. Representing Salem Lutheran Church was Attorney Thomas Meagher; and speaking on behalf of the church was Rev. Monica Villarreal and Wendy Johnson, Salem Council President. Also in attendance and speaking in support of the church was Police Officer Tanya Meeks and MSU grad student, Brandon Turchan, who spoke of crime statistics in the surrounding area of the applicant's proposed location.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record the Commission tabled this matter to the April 21,

2015 meeting agenda. Attorney Isaac and Attorney Meagher appeared at this hearing.

FINDINGS OF FACT

- Salem Lutheran Church is located at 2610 Martin Luther King, Jr., Flint, Genesee County.
- The applicant is currently licensed at 2407 Martin Luther King, Jr., Flint, Genesee County. The proposed transfer of location to 2513 Martin L. King, Jr., Flint, Genesee County is 140 feet closer to the church.
- The Commission conducted a measurement under MCL 436.1503(1) and determined that Salem Lutheran Church is 470 feet away from the applicant's proposed transfer of location.
- Under Mich Admin Code R 436.1955, Salem Lutheran Church submitted a written objection to the transfer of location of the license.
- The Commission held a hearing under MCL 436.1503(4) regarding the written objection of the church.
- Rev. Monica Villarreal testified that various outdoor activities and events occur on a regular basis throughout the week on the church premises. (See Church Exhibit A).
- Rev. Monica Villarreal testified that the church regularly hires police security to ensure the safety of their parishioners during various church activities and events that are held.
- Police Officer Tanya Meeks testified of crime activity around the applicant location and current licensed location. (See Church Exhibits D and E).
- Brandon Turchan testified of the concentration of crime surrounding the applicant location and other similarly licensed businesses within 2 miles of the applicant. Church Exhibits F and G contain graphs depicting a high occurrence of aggravated assault, robbery, and drug and weapon offenses around these areas.

CONCLUSIONS OF LAW

Under 436.1959(1), the Commission determines which party will have the burden of proceeding. The Commission determined that the applicant had the burden of proceeding. As the applicant had the burden of proceeding, the applicant was required to show by competent, material and substantial evidence that a waiver of MCL 436.1503(1) would not adversely affect the operation of the church.

Under Mich Admin Code R 436.1957, the hearing was conducted on the basis of the objections filed by the church. The basis of objection filed by the church is due to a long history of ongoing incidents involving violent crime and unlawful activity occurring at the applicant's current licensed location, and a concern for the safety and health of the general public.

After hearing arguments, reviewing the MLCC file with all documents and exhibits presented, and discussion of the issue on the record at both hearings held in this matter, the Commission finds compelling the church's testimony and demonstration of the existence of higher crime in the area, combined with the frequency of outdoor activities and events that occur on a regular basis on church grounds throughout the week involving children. This causes the Commission great concern.

The Commission, therefore, concludes the applicant failed to demonstrate by competent, material and substantial evidence that a waiver of MCL 436.1503(1), as permitted under Mich Admin Code R 436.1963, would not adversely affect the operation of the church.

The Commission finds sufficient reasons to uphold the objection of Salem Lutheran Church for the reasons stated on the record.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with 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.

THEREFORE, IT IS ORDERED that the objection of Salem Lutheran Church is sustained.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner

Date Mailed:

tlc