



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

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In the matter of the request of)
DANIEL C. MILLER)
118 N. Cleveland) Request ID No. 623919
Galien, Galien Township)
Berrien County)
_____)

At the April 10, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Donald B. Weatherspoon, Commissioner

LICENSING APPEAL ORDER

On August 31, 2011, Daniel C. Miller (applicant) filed a request for a new Tavern license with a new Sunday Sales Permit (A.M.) to be held at the above-noted location. The request was later amended to delete the request for a new Sunday Sales Permit (A.M.).

At a meeting held on March 16, 2012, the Commission denied this request under MCL 436.1501 as the Galien Village Council submitted a Resolution dated November 14, 2011 not recommending issuance of the license as the Village of Galien does not have any available quota licenses.

Daniel C. Miller submitted a timely request for an appeal in this matter, and represented the applicant at the April 10, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated that the location of the proposed licensed business is in Galien Township as opposed to the Village of Galien, by providing a 2012 Notice of Assessment, Taxable Valuation, and Property Classification from the Galien Township Assessor and Winter Tax Notice for the Township of Galien for 2011 for the subject property address.

The Commission further finds significant the Resolution dated March 21, 2012 submitted by Galien Township recommending issuance of the license to the applicant.

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 March 16, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee must submit 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 until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
2. The licensee shall pay all license fees by April 30th each calendar year pursuant to administrative rule R 436.1107.

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, 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 of the issuance of the license 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.
4. Under administrative rule R 436.1003, the licensee must 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 this license by the Michigan Liquor Control Commission does not waive any of these requirements.

5. 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.
- B. The Commission reminds the licensee that the licensee shall retain exclusive control of the license and licensed premises.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of April 10, 2012.

Prepared by:
Terri Chase, Commission Aide