



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

\* \* \* \* \*

In the matter of the request of )  
**AUBURN MARATHON LLC** )  
991 W. Midland ) Request ID No. 631476  
Auburn, Michigan 48611 )  
Bay County )  
\_\_\_\_\_ )

At the May 29, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Lansing, Michigan.

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

**LICENSING APPEAL ORDER**

On January 9, 2012, Auburn Marathon LLC (applicant) filed a request for a new SDD license with motor vehicle fuel pumps issued under MCL 436.1533 and MCL 436.1541(4) with Sunday Sales Permit (P.M.), to be held in conjunction with an existing SDM license with motor vehicle fuel pumps issued under MCL 436.1541(3), to be held at the above-noted location.

At a meeting held on April 4, 2012, the Commission denied this request under administrative rule R 436.1105(2) (a) and (b) based on the violation record of the applicant as a licensee of the Commission at multiple locations. Applicant member Harold Miller submitted a timely request for an appeal in this matter and represented the applicant at the May 29, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant has sufficiently demonstrated that proactive measures have been implemented at all licensed establishments to aid in

preventing future illegal sales of alcohol.

The Commission finds that a SDD license issued under MCL 436.1533 may be located within 2,640 feet of a Resort SDD license issued under MCL 436.1531(5). The Commission finds that Auburn Food Stores, Inc. has held a Resort SDD license issued under MCL 436.1531(5) since August 20, 1993, and the applicant is located within 2,640 feet of this existing Resort SDD license. The Commission further finds that this applicant qualifies for an SDD license at this location under MCL 436.1533 since the existing license was issued as a Resort SDD license under MCL 436.1531(5).

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 April 4, 2012 issued in this matter is REVERSED and the applicant's request is APPROVED, subject to the following:

1. The applicant shall purchase an initial minimum order of \$5,000.00 of spirits, divided among not less than 50 brands as a condition precedent to receiving a new SDD license as required by administrative rule R 436.1139.

B. Under MCL 436.1541(4), the licensee shall maintain at all times on the licensed premises, a minimum approved-type inventory of at least \$12,500.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel and non-approved inventories.

C. The licensee shall maintain proof of financial responsibility providing security for liability and failure to do so will result in the immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

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 this license 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 opening the business for operation.

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 licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

---

Andrew J. Deloney, Chairman

---

Teri L. Quimby, Commissioner

Date: May 31, 2012

---

Prepared by:  
Terri Chase, Commission Aide