



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

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In the matter of the request of)
RITE AID OF MICHIGAN, INC.)
15250 Twenty Four Mile) Request ID No. 555249
Macomb Township, Michigan 48042)
)
Macomb Township Macomb County)
_____)

At the June 12, 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 February 26, 2010, Rite Aid of Michigan, Inc. (applicant) filed a request for a new SDD license with new Sunday Sales Permit (P.M.), to be held in conjunction with an existing 2012 SDM license with Sunday Sales Permit (A.M.) at the above-noted location.

At a meeting held on April 25, 2012, the Commission denied the subject request under administrative rule R 436.1133 because there is one (1) existing SDD licensee located within 2,640 feet of the proposed location (Woodward Detroit CVS, LLC), and the applicant does not qualify for a waiver under administrative rule R 436.1133 relative to that licensed outlet.

Michael Brown, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the June 12, 2012 hearing, at the Commission's Lansing office

After hearing arguments, reviewing the exhibit presented, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the aerial

photographs presented by the applicant at the hearing sufficiently demonstrates that the applicant qualifies for a waiver under Commission Rule 436.1133. Based on the separation of two (2) major thoroughfares as defined under Commission Rule 436.1001(k), in this case being Hayes Road and 24 Mile Road, the applicant qualifies for a waiver under Commission Rule 436.1133(c).

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 25, 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. 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.

C. 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.

D. 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: June 13, 2012

Prepared by:
Terri Chase, Commission Aide