



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

* * * * *

In the matter of the request of)
MADIGAN'S, LLC)
250 W. Chicago) Request ID No. 623637
Allen, Michigan 49227)
)
Hillsdale County)
_____)

At the June 19, 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 September 12, 2011, Madigan's, LLC (applicant) filed a request for a new Class C license with new Dance Permit and new authorization for the outdoor sale, service, and consumption of alcoholic liquor in an area measuring up to 18' x 20', located directly adjacent to the licensed premises, and which will be well-defined and clearly marked, to be located at the above-noted location.

At a meeting held on April 11, 2012, the Commission approved the applicant's request for a new Class C license with new Outdoor Service Area, and denied the applicant's request for a new Dance Permit under MCL 436.1916(1)(c) as the Hillsdale County Sheriff's Department did not recommend approval of the new Dance Permit. On May 9, 2012, the Commission amended its April 11, 2012 order as it incorrectly referenced Dearborn Heights Police Department as the local law enforcement agency, as opposed to the Hillsdale County Sheriff's Department.

Applicant member William Sours submitted a timely request for an appeal in this

matter, and represented the applicant at the June 19, 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 significant the letter dated June 5, 2012 submitted by Undersheriff William Whorley of the Hillsdale County Sheriff's Department, recommending approval of the requested Class C license with Dance Permit and Outdoor Service at the proposed location.

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- A. The Commission orders of April 11, 2012 and May 9, 2012 are RESCINDED.
- B. The applicant's request for a new Class C license is APPROVED, subject to the following:
 - 1. The licensee shall pay all license renewal fees by April 30th each year.
 - 2. The licensee shall submit to a Final inspection by the Commission's Enforcement Division to determine that adequate furniture, fixtures, and equipment have been installed; to determine that seating capacity has been established and posted; and to determine the establishment meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
 - 3. The licensee shall submit documentary proof to the Commission that Madigan's, LLC received a gift in the amount of \$2,800.00 from applicant member, William J. Sours.
 - 4. The licensee shall submit documentary proof to the Commission that Madigan's, LLC received a gift in the amount of \$2,800.00 from applicant member, Christopher A. Warren.

5. The licensee shall submit documentary proof to the Commission that real estate purchaser, Madsun Investments, LLC, received a gift in the amount of \$11,000.00 from member, William J. Sours.
6. The licensee shall submit form LCC 3010 (Report of Stockholders/Members/Partners) to the Commission.
7. The licensee shall 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 licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
8. 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 release from escrow and 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 of the issuance of the license and permits 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.

C. The applicant's request for the new Dance Permit is APPROVED, subject to the following:

1. Under administrative rule R 436.1415, the licensee shall not allow dancing on the licensed premises, except on a dance floor that is not less than 100 square feet.
2. The licensee shall ensure that the dance floor shall be well defined and clearly marked and shall be without tables, chairs, or other obstacles while customers are dancing.

D. The applicant's request for new authorization for the outdoor sale, service, and consumption of alcoholic liquor in an area measuring up to 18' x 20', located directly adjacent to the licensed premises, and which will be well-defined and clearly marked is APPROVED, subject to the following:

1. Under administrative rule R 436.1419(2), the licensee shall ensure that the outdoor service area is well-defined and clearly marked.
2. The licensee shall not sell, or allow the consumption of, alcoholic liquor outdoors, except in the defined area.

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 must obtain all other required state and local licenses, permits, and approvals before serving or selling 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.

G. Further, it is the order of the Commission that the 2011 SDD and SDM licenses with On-Premise Seating Entertainment held by JSCL, Inc. located at 250 W. Chicago, Allen, Hillsdale County, not be reactivated at this location.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Prepared by:
Terri Chase, Commission Aide



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

* * * * *

In the matter of the request of)
SIDNEY TAVERN, INC.)
3045 S. Derby) Request ID No. 625434
Sidney, Michigan 48885)
Sidney Township Montcalm County)
_____)

At the June 19, 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 September 29, 2011, Sidney Tavern, Inc. (applicant) filed a request to transfer stock wherein existing stockholder, George F. Adams, transfers 172 shares of stock to new stockholder, Timothy E. Lehner, in the 2012 Class C and SDM licenses with Sunday Sales Permit (P.M.) and Outdoor Service (1 area) held at the above-noted location.

At a meeting held on May 9, 2012, the Commission denied this request under administrative rule R 436.1105(2)(d) after considering the resolution adopted by the Sidney Township Board on February 6, 2012, which does not recommend this transfer of stock, and the unfavorable recommendation submitted by the Montcalm County Sheriff Department for this application.

Scott Millard, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the June 19, 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 sufficiently demonstrated mitigating circumstances relative to Mr. Lehner's arrest and conviction history, answering the previous questions raised concerning the applicant stockholder. Under administrative rule R 436.1105(2)(d), the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business. Opinions were received from the Sidney Township Board and the Montcalm County Sheriff's Department. These opinions were considered by the Commission.

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 May 9, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

B. The licensee shall maintain 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 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 and permit 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 serving or selling alcoholic liquor.

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

Prepared by:
Terri Chase, Commission Aide