



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

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In the matter of the request of)
ROCKET POCKET BILLIARDS, LLC)
4045 E. Apple) Request ID No. 634078
Muskegon, Michigan 49442)
Egelston Township Muskegon County)
_____)

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

PRESENT: Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On February 21, 2012, Rocket Pocket Billiards, LLC (applicant) filed a request to transfer ownership of an escrowed 2012 Class C license with Entertainment Permit and Specific Purpose Permit (Billiards) from Joel D. Wiard at the above-noted location. The applicant also requested to cancel the existing Entertainment Permit and requested a new Dance Permit.

At a meeting held on June 13, 2012, the Commission denied this request under administrative rule R 436.1105(2)(g)(i) and (j) after considering the felony conviction record of applicant member Arthur Homan, and the effects that the issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

James Stariha, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the July 10, 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 the arrest and conviction history of Mr. Homan, answering the previous questions raised concerning the applicant member.

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 June 13, 2012 issued in this matter is reversed and the applicant's request to transfer ownership of an escrowed 2012 Class C license with Entertainment Permit and Specific Purpose Permit (Billiards) from Joel D. Wiard at the above-noted location, and request to cancel the existing Entertainment Permit, is APPROVED, subject to the following:

1. 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 license and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
2. 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 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.

B. 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.

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 the license and permits 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 license and permits.

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

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Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____