

Restaurant Services LLC, and any or all other issues related to the licenses, permits and permissions.

A Show Cause Hearing was held in this matter on August 7, 2012 in the Lansing office of the Commission. Representing the licensee at the hearing was Attorney Eric Egan and sole member, William Stewart.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that while the licensee ceased active operation of the business due to involuntary circumstances beyond the licensee's control, the licensee filed a police report, the licensee sought to immediately transfer the property within weeks of ceasing the active operation of the licensed premises to a new owner at the same location, the licensee continues to meet the qualifications of a vendor under MCL 436.1535, and the licensee received unclear communication from the Commission as to whether this license could be placed into escrow. The Commission finds that the licensee did not go out of business, but made good faith attempts to continue business operations through an immediate transfer of the business.

THEREFORE, IT IS ORDERED that:

- A. The licensee shall surrender the licenses and permits to the Commission to be placed in escrow under administrative rule R 436.1107 until the licensee reactivates the licenses or until the licensee transfers the licenses to a person approved by the Commission.
- B. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



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

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In the matter of the request of)
STADIUM LIQUORS, INC.)
5620 Stadium) Request ID No's. 633101 & 633102
Units 100, 200 & 300)
Kalamazoo, Michigan 49009)
)
Oshtemo Township Kalamazoo County)
_____)

At the August 7, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

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

LICENSING APPEAL ORDER

On February 3, 2012, Stadium Liquors, Inc. (applicant) filed a request for a new SDM license with Sunday Sales Permit (A.M.) and a new SDD license with Sunday Sales Permit (P.M.), to be located at the above-noted location.

At a meeting held on May 30, 2012, the Commission denied this request under administrative rule R 436.1105(1)(b) as the applicant did not provide evidence of the existence of adequate, legitimate and verifiable financial resources for this transaction. The request was also denied under administrative rule R 436.1105(2)(a) and (b) as the applicant stockholder, Maheshinder Sohi, and her spouse, Inderjit Sohi, were both previously licensed by the Commission and have extensive violation histories.

Attorney Michael Brower submitted a timely request for an appeal in this matter and represented the applicant at the August 7, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and document presented at the hearing, and discussion of the issue on the record, the Commission finds that based on

testimony at the hearing, the applicant sufficiently demonstrated that an acceptable money lender for this transaction will be immediate family of the sole applicant stockholder. The Commission also finds that the applicant has sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules. The Commission further finds that Maheshinder Sohi has taken and passed a server training program which was demonstrated through presentation of the applicant's TAM® Certification Card. The Commission further finds significant the testimony provided at the hearing indicated that Inderjit Sohi will have no involvement in the employment or operation of the business.

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, with certain provisions of licensure.

THEREFORE, IT IS ORDERED that:

A. The denial order of May 30, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that the establishment has been remodeled and renovated as proposed; to determine the total cost and method of financing; to determine that all furniture, fixtures, and equipment have been installed; and to determine that sufficient inventory has been installed to determine and verify the true nature of the business
2. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
3. The licensee shall submit to the Commission documentary proof that Stadium Liquors, Inc. received a loan in the amount of \$29,709.00 from Maheshinder Sohi.
4. The licensee shall submit to the Commission documentary proof that Maheshinder Sohi received a loan in the amount of \$5,000.00 from Midwest, Inc.
5. The licensee shall submit to the Commission documentary proof that Stadium Liquors, Inc. received a loan in the amount of \$5,000.00 from Maheshinder Sohi.

6. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners" for Stadium Liquors, Inc.
7. The licensee 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.
8. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the completed establishment (1 interior and 1 exterior).
9. 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.

B. The licensee's application for a permit to sell alcoholic liquor between 7 a.m. and Noon on Sundays is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7:00 A.M. and 12:00 Noon on Sundays. If notice and supporting documentation is received by the Commission a show cause hearing will be scheduled before the Commission under administrative rule 436.1925(1) to determine if the permit must be revoked.

C. The licensee shall prohibit Inderjit Sohi from having any involvement in the employment or operation of the licensed establishment.

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 these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.

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.

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____