



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

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In the matter of the request of)
GOLF SERVICES, INC.)
6958 W. Main) Request ID No. 618059
Kalamazoo, Michigan 49009)
)
Oshtemo Township Kalamazoo County)
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)
)

At the October 23, 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 June 27, 2011, Golf Services, Inc. (applicant) filed a request for a new Class C license with Sunday Sales Permit (P.M.) and new outdoor sale, service, and consumption of alcoholic beverages (1 Area) which is located directly adjacent to the building and includes a driving range area and excludes all parking areas and all vehicular traffic areas, to be located at the above-noted address.

At a meeting held on August 24, 2012, the Commission denied the applicant's request under administrative rule R 436.1105(2)(g) after considering the prior arrest and conviction record of applicant stockholder, Joel Pinkham. This request was also denied under administrative rule R 436.1419 as the proposed Outdoor Service area is not well-defined and clearly marked.

Applicant stockholder, Paul De Haan, submitted a timely request for an appeal in this matter and represented the applicant at the October 23, 2012 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and Exhibit presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to the past arrest and conviction record of Joel Pinkham. The Commission further finds that the applicant sufficiently demonstrated through testimony and photographs provided at the hearing that the previous questions concerning the proposed Outdoor Service area have been satisfactorily addressed.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

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 August 24, 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 Outdoor Service is well-defined and clearly marked, which is located directly adjacent to the building and includes a driving range area and excludes all parking areas and all vehicular traffic areas area; and to determine that the establishment meets all requirements of Michigan Liquor Control Code and Administrative Rules.

2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall provide 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.
4. 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 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 a new Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. The applicant's request for new outdoor sale, service, and consumption of alcoholic beverages which is located directly adjacent to the building and includes a driving range area and excludes all parking areas and all vehicular traffic areas, and is well-defined and clearly marked, is APPROVED subject to the following provisions:

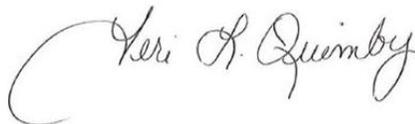
1. The outdoor service area shall remain well-defined and clearly marked.
2. The licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined areas only.

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 the license and permits by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

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 license and permits.



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

Terri Chase

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
NOR CAL FOODS, INC.)	
4252 W. Shelby)	Request ID No. 662202
Shelby, Michigan 49455)	
)	
Shelby Township Oceana County)	
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At the October 23, 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 June 19, 2012, Nor Cal Foods, Inc. (applicant) filed a request to transfer ownership of escrowed 2012 SDD and SDM licenses with permission for motor vehicle fuel pumps under MCL 436.1541(4) and MCL 436.1541(3) with Sunday Sales Permit (P.M.) from Shelby Amoco, Inc., to be held at the above noted address. The applicant also requested a new Sunday Sales Permit (A.M.).

At a meeting held on October 10, 2012, the Commission denied this request under administrative rule R 436.1105(2)(a) and (j) after considering the past operating record of the applicant as a current licensee of the Commission, and after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public.

Michael Brower, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the October 23, 2012 hearing held 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 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 the Commission's investigation revealed the proposed licensed location appears to qualify for SDD licensure with permission for motor vehicle fuel pumps under MCL 436.1541(4), providing the applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$12,500.00, at cost, of those goods and services customarily marketed by approved types of businesses.

Further, the Commission finds that the investigation revealed that the proposed licensed location appears to qualify for SDM licensure with permission for motor vehicle fuel pumps under MCL 436.1541(3), providing the applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$10,000.00, at cost, of those goods and services customarily marketed by approved types of businesses.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f)(g), the licensee may sell beer, wine, spirits, and mixed spirit drink for consumption off the premises only.

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 October 10, 2012 issued in this matter is reversed and the applicant's request to transfer ownership of escrowed 2012 SDD and SDM licenses

with permission for motor vehicle fuel pumps under MCL 436.1541(4) and MCL 436.1541(3) is APPROVED, subject to the following:

1. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
2. The licensee shall submit to the Commission verification that Nor Cal Foods, Inc. received a loan in the amount of \$29,000.00 from Gurcharn S. Multani.
3. The licensee shall submit to the Commission verification that Multani Foods, LLC received a loan in the amount of \$6,000.00 from Gurcharn S. Multani.
4. The licensee shall submit to the Commission an executed Land Contract between Multani Foods, LLC and John & Marsha Van Prooyen in the amount of \$94,800.00.
5. The licensee shall submit to the Commission an executed Promissory Note between Nor Cal Foods, Inc. and Shelby Amoco, Inc. in the amount of \$85,200.00.
6. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners" for Nor Cal Foods, Inc.
7. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners" for Multani Foods, LLC.
8. 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 applicant's request to transfer the existing Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. The licensee's application for a new Sunday Sales Permit (A.M.) 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 R 436.1925(1) to determine if the permit must be revoked.

D. Under MCL 436.1541(4)(b), 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.

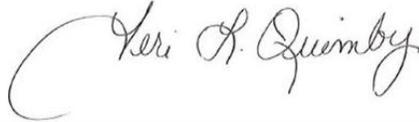
E. Under MCL 436.1541(3)(b), the licensee shall maintain at all times on the licensed premises, a minimum approved-type inventory of at least \$10,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel and non-approved inventories.

F. 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 serving or selling alcoholic liquor.

G. 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



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____