



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

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In the matter of the request of)
CLARK MILFORD, INC.)
110 S. Milford) Request ID No. 630701
Milford, Michigan 48381)
Oakland County)
_____)

At the June 21, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On December 27, 2011, Clark Milford, Inc. (applicant) filed a request for a new SDM license with permission for motor vehicle fuel pumps under MCL 436.1541(1), and a request to sell alcoholic liquor between 7:00 A.M. and 12:00 Noon on Sundays, to be located 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)(a) and (j) after considering the past operating record of applicant stockholder, Iven Sharrak, who has an extensive violation history as a licensee of the Commission at multiple locations, and the effects that 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.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the June 21, 2012 hearing, at the Commission's Southfield 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 that the proposed licensed location appears to qualify for licensure under the provisions of MCL 436.1541(1)(a)(ii) and MCL 436.1541(1)(b) as further defined under administrative rule R 436.1129(4)(c), providing the applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses; and that the site(s) of payment and selection of alcoholic liquor is not less than 50 feet from the point where motor vehicle fuel is dispensed.

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:

1. The licensee shall submit to a final inspection to be conducted by the Commission's Enforcement Division to review form LC-130 "Affidavit of Inventory Service" and determine that the applicant has purchased and installed an approved type inventory of at least \$250,000.00, at cost, as required under MCL 436.1541(1)(a)(ii); to determine that the site(s) of payment and selection of alcoholic liquor is not less than 50 feet from the point where motor vehicle fuel is dispensed, as required under MCL 436.1541(1)(b); and to determine that the establishment meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
2. The licensee shall submit to the Commission an acceptable and

executed Lease Agreement.

3. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
4. 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 permit 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 7:00 A.M. and 12:00 Noon on Sundays, as currently licensed by the Liquor Control Commission, 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.

C. The licensee shall cooperate with the Commission's Enforcement Division during an accounting that will be conducted 180 days from the date of licensure to determine that the applicant continues to maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

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 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.

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 permit.

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

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In the matter of the request of)
VENUS CORPORATION)
2450 W. Grand River) Request ID No. 375281
Howell, Michigan 48843)
Howell Township Livingston County)
_____)

At the June 21, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On March 29, 2011, Venus Corporation (applicant) filed a request for a new SDD license with new Sunday Sales Permit (P.M.) to be held in conjunction with an existing SDM license with Sunday Sales Permit (A.M.), permission to maintain three (3) Direct Connections between the licensed premises and an unlicensed portion of the premises, and permission for On-Premise Seating at the above-noted location. The applicant also requested to cancel the existing permission for On-Premise Seating.

At a meeting held on May 9, 2012, the Commission denied this request under administrative rule R 436.1105(2)(a) and (j) after considering the applicant's management experience in the alcoholic liquor business and the effects that 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.

Peter Abbo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the June 21, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and exhibits presented at the hearing, and discussion of the issue on the record, the Commission does not find error with the application of the MLCC Code or MLCC Administrative Rules. Specifically, the applicant's violation history since issuance of an SDM license on March 5, 2004 at the subject location includes eight (8) violations of the MLCC Code, and seven (7) violations are for selling or furnishing alcoholic liquor to a person less than 21 years of age. Furthermore, on May 4, 2012 the applicant location was cited for selling or furnishing alcoholic liquor to a person less than 21 years of age, and that violation is pending adjudication by the Commission at this time.

For the reasons stated on the record, the previous order is affirmed.

THEREFORE, IT IS ORDERED that the denial order of May 9, 2012, issued in this matter is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Prepared by:
Terri Chase, Commission Aide