



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

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In the matter of the request of )  
**ANDARY ENTERPRISES, INC.** )  
14800 E. Seven Mile ) Request ID No. 417578  
Detroit, Michigan 48205 )  
Wayne County )  
\_\_\_\_\_ )

At the August 9, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

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

**LICENSING APPEAL ORDER**

On March 9, 2012, Andary Enterprises, Inc. (licensee) filed a request for an extension of time beyond five (5) licensing years in which to renew the Class C and SDM licenses with Sunday Sales Permit (P.M.) and Dance Permit under administrative rule R 436.1107, at the above-noted location.

On June 27, 2012, the Commission denied the licensee's request under administrative rule R 436.1107 because the licensee did not demonstrate good cause to grant an extension of time.

Attorney Raymond Andary, legal counsel on behalf of the licensee, submitted a timely request for an appeal in this matter and represented the licensee at the August 9, 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 licensee sufficiently demonstrated updated records removing the previous questions concerning the pending application filed with the MLCC to transfer the licenses and permits to another entity.

The licensee's request for an extension of time beyond five (5) licensing years under administrative rule R 436.1107 is granted for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of June 27, 2012 issued in this matter is reversed, and the licensee's request is APPROVED.

B. The escrow period is extended to December 31, 2012 under administrative rule R 436.1107.

C. The licensee shall submit an executed renewal form and payment of the statutory license fees for the Class C and SDM licenses with Sunday Sales Permit (P.M.) and Dance Permit for the 2012-2013 licensing year within 15 days from the mailing date of this order.

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 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 licenses and permits.

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Andrew J. Deloney, Chairman

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Teri L. Quimby, Commissioner

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Dennis Olshove, Commissioner

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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 )  
**M-15, LLC** )  
10081 Ortonville ) Request ID No. 630349  
Clarkston, Michigan 48348 )  
Independence Township Oakland County )  
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At the August 9, 2012 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

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

**LICENSING APPEAL ORDER**

On December 14, 2011, M-15, LLC (applicant) filed a request to transfer ownership of an escrowed 2011 Class C license with Sunday Sales Permit (P.M.), Outdoor Service (1 area) and Specific Purpose Permit (Food) from SAS Dining, Inc.; and requested to transfer location (governmental unit) of the license and permits under MCL 436.1531(1) from 57721 Grand River, New Hudson, Lyon Township, Oakland County, to the above-noted location. The Class C license with Sunday Sales Permit (P.M.) was renewed for the 2012-2013 licensing year on April 27, 2012 and the Sunday Sales Permit (P.M.) was subsequently cancelled. The applicant also requested to cancel the existing Outdoor Service (1 area), and requested new outdoor sale, service, and consumption of alcoholic beverages in an area measuring up to 9' x 56', located directly adjacent to the licensed premises, and which is well-defined and clearly marked. The applicant also requested a new SDM license and a new Sunday Sales Permit (P.M.).

At a meeting held on June 5, 2012, the Commission denied this request under administrative rule R 436.1103(2) as the applicant failed to provide all documentation

necessary for investigation and processing of the application.

Attorney Jonathan Walton, Jr. submitted a timely request for an appeal in this matter and represented the applicant at the August 9, 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 sufficiently demonstrated updated records removing the previous questions concerning this application.

THEREFORE, IT IS ORDERED that:

A. The denial order of June 5, 2012 issued in this matter is reversed and the applicant's request to transfer ownership of an escrowed 2012 Class C license with Outdoor Service (1 area) and Specific Purpose Permit (Food) from SAS Dining, Inc.; transfer location (governmental unit) of the license and permits under MCL 436.1531(1) from 57721 Grand River, New Hudson, Lyon Township, Oakland County, to 10081 Ortonville, Clarkston, Independence Township, Oakland County; request to cancel the existing Outdoor Service (1 area); a request for a new SDM license; and a request for a new Sunday Sales Permit (P.M.). is APPROVED, subject to the following:

1. The licensee shall submit to the Commission documentary proof that M-15, LLC received a loan in the amount of \$40,000.00 from Oxford Bank.
  2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
- B. Active operation of the license is approved subject to the following:
1. The licensee shall submit to a Final Inspection by the Commission's Enforcement division to determine that the establishment meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
  2. 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.

3. 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 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 release of the licenses 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 licenses and permits.

C. The applicant's request for new outdoor sale, service, and consumption of alcoholic beverages in an area measuring up to 9' x 56', located directly adjacent to the licensed premises, which is well-defined and clearly marked, is APPROVED subject to the following provisions:

1. The licensee shall submit to a Final Inspection by the Commission's Enforcement division to determine that the outdoor service area is constructed as proposed, 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 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.

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Andrew J. Deloney, Chairman

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Teri L. Quimby, Commissioner

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Dennis Olshove, Commissioner

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Prepared by:  
Terri Chase, Commission Aide

Date Mailed: \_\_\_\_\_



represented the applicant at the August 9, 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 sufficiently demonstrated updated records removing the previous questions concerning this application.

THEREFORE, IT IS ORDERED that:

A. The denial order of June 27, 2012 issued in this matter is reversed and the applicant's request 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 licenses 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 the issuance of the licenses 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 licenses 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 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. Under administrative rule R 436.1123(1), the licensed establishment shall be in compliance with all of the following provisions:

1. Be a full service restaurant that is open to the public and prepares food on the premises.
2. Have dining facilities to seat not less than 100 patrons unless exempted under section 531(3) of 1998 P.A. 58, MCL 436.1531(3).
3. Be open for food service not less than 5 hours per day, 5 days per week.
4. Not less than 50% of the gross receipts of the business are derived from the sale of food and beverages for consumption on the premises, not including the sale of alcoholic liquor.

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 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.

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Teri L. Quimby, Commissioner

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Dennis Olshove, Commissioner

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Prepared by:  
Terri Chase, Commission Aide

Date Mailed: \_\_\_\_\_