



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

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In the matter of the request of )  
**643 TELEGRAPH, LLC** )  
643 Telegraph ) Request ID No. 486253  
Monroe, Michigan 48162 )  
Monroe County )  
\_\_\_\_\_ )

At the November 1, 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 September 22, 2008, Pinckney Petroleum, LLC (applicant) filed a request for a new SDM license with permission for motor vehicle fuel pumps under MCL 436.1541(1), to be located at the above-noted location.

At a meeting held on September 12, 2012, the Commission denied this request 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)(d) after considering the unfavorable recommendation submitted by the Monroe Police Department for this application when determining whether an applicant should be issued a license or permit.

Kelly Allen, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the November 1, 2012 hearing, at the Commission's Southfield 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 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 also finds that the applicant sufficiently demonstrated mitigating circumstances relating to the arrest and conviction of Mr. Simon.

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), 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.

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 is APPROVED, subject to the following:

1. The Step 1 transfer of the subject licenses from Convenience Depot, Inc., David M. Findling, Receiver, to Barrick Properties #40, L.L.C. shall be completed.
2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners" for Pinckney Petroleum, LLC.
3. 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 until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. Under MCL 436.1541(3), the licensee must 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.

C. Under administrative rule R 436.1003, the licensee shall comply with all state

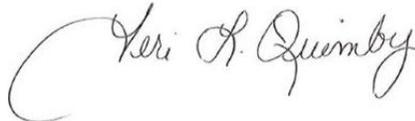
and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

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.



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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 )  
**MESSI, INC.** )  
3980 Crooks ) Request ID No's. 659108 & 659109  
Rochester Hills, Michigan 48309 )  
Oakland County )  
\_\_\_\_\_ )

At the November 1, 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 May 22, 2012, Messi, Inc. (applicant) filed a request for new SDM and SDD licenses with permission for motor vehicle fuel pumps under MCL 436.1541(1), with a new Sunday Sales Permit (A.M.) and new Sunday Sales Permit (P.M.), to be located at the above-noted location.

At a meeting held on September 19, 2012, the Commission denied both license requests under MCL 436.1541(1) after an inspection conducted by the Commission's Enforcement Division revealed the applicant's approved type inventory was far below \$250,000.00 that is required for permission for fuel pumps under the provisions of MCL 436.1541(1). The Commission also denied the SDD license request under administrative rule R 436.1133 because there are two (2) existing SDD licensees located within 2,640 feet of the proposed location (Rite Aid of Michigan, Inc. and Ye Olde Wine Shoppe, Inc.); the applicant qualifies for a waiver for Rite Aid of Michigan, Inc. but does not qualify for any

waivers relative to Ye Olde Wine Shoppe, Inc.

Attorney Joseph Shallal submitted a timely request for an appeal in this matter and represented the applicant at the November 1, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and Exhibit presented at the hearing, and discussion of the issue on the record, the Commission finds significant that Commission records indicate the SDD and SDM licenses held by Ye Olde Wine Shop, Inc. were placed in escrow on October 3, 2012 as the business closed. Further, testimony at the hearing provided by the applicant's legal counsel sufficiently demonstrated that the escrowed license located within 2,640 feet is not able to be reactivated at this address because that licensee no longer holds a lease for that address.

The Commission further finds that the Commission's investigation revealed that the proposed licensed location appears to qualify for permission for fuel pumps under the provisions of MCL 436.1541(1)(a)(ii) and MCL 436.1541(1)(b), as defined under administrative rule R 436.1129(4)(c), providing the applicant installs and 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 that point where motor vehicle fuel is dispensed.

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.

THEREFORE, IT IS ORDERED that:

A. The denial orders of September 19, 2012 issued in these matters are reversed and the applicant's requests are 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 form LCC-3010 "Report of Stockholders/Members/Partners" for Messi, Inc.
3. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
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 licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
5. 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.
6. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the completed establishment (1 interior and 1 exterior).

7. 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 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.

D. The licensee shall comply and 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 permission for fuel pumps under the provisions of MCL 436.1541(1)(a)(ii).

E. 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

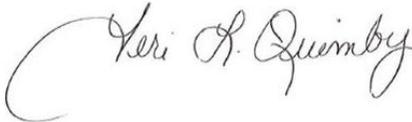
determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

F. 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	)	
<b>TRIO'S ENTERTAINMENT, INC.</b>	)	
11850 Livernois	)	Business ID No: 140732
Detroit, Michigan 48204	)	
	)	
Wayne County	)	
_____	)	

At the November 1, 2012 Show Cause Hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

**SHOW CAUSE HEARING ORDER**

On May 27, 2009, Trio's Entertainment, Inc. (applicant), holder of escrowed 2012 Class C and SDM licenses with Sunday Sales Permit (P.M.) and Dance Permit at the above-noted location, was found responsible for ten (10) violations involving the excessive service of alcohol to various individuals, one of whom died of alcohol poisoning. The licenses and permits were ordered revoked unless transferred to an entity approved by the Commission within 180 days of the order, in addition to a fine in the amount of \$3,000.00. The Commission has granted several extensions of that revocation date since the order was entered, and most recently the revocation date was extended to April 30, 2012. The licenses and permits were placed in escrow on February 2, 2009 and the Commission has granted several extensions of the escrow expiration date, most recently to April 30, 2012.

On September 17, 2009, a Stipulated Order of Dismissal and Order Reassigning Liquor License entered in Wayne County Circuit Court reassigned the subject licenses to

Ciras, Inc. or its successors or assigns, subject to MLCC approval.

On July 8, 2010, Trio's Entertainment, LLC filed a request to transfer ownership of the licenses and permits and that transfer has not yet been completed.

On April 20, 2012, the Commission received a request to extend the escrow expiration date of the licenses, and at a meeting held on June 4, 2012 the Commission ordered that a Show Cause Hearing be scheduled for both Trio's Entertainment, Inc. and Ciras, Inc. to demonstrate why the licenses and permits held by Trio's Entertainment, Inc. should not be revoked and/or cancelled pursuant to the Commission's orders dated July 21, 2011 and April 4, 2012; and for Trio's Entertainment, LLC to show cause why it has attempted to sign a renewal application on behalf of Trio's Entertainment, Inc., and why its application to transfer ownership of the subject licenses should not be cancelled because Trio's Entertainment, Inc. failed to comply with the Commission's orders dated July 21, 2011 and April 4, 2012.

A Show Cause Hearing was held on July 19, 2012 in the Southfield office of the Commission. Attorney David Draper represented Trio's Entertainment, LLC.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission tabled the matter on July 19, 2012 and placed it on its November 1, 2012 meeting agenda. Attorney David Draper represented Trio's Entertainment, LLC at the hearing held on November 1, 2012.

After further discussion of the issue at the hearing held on November 1, 2012, the Commission finds that the applicant sufficiently demonstrated through updated documents why the licenses and permits held by Trio's Entertainment, Inc. should not be revoked and/or cancelled pursuant to the Commission's orders dated July 21, 2011 and April 4, 2012. There is sufficient reason to allow the 2012 Class C and SDM licenses and permits held by Trio's Entertainment, Inc. to remain in escrow until such time that the licensee transfers ownership of the licenses and permits to a person approved by the MLCC, or the licenses and permits terminate while in escrow under the provisions of administrative rule R 436.1107.

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).

THEREFORE, IT IS ORDERED that:

A. The revocation date for the subject licenses and permits held in escrow by Trio's Entertainment, Inc. for Complaint No. 9-131859 is extended to April 30, 2013, with the licenses and permits to remain in escrow under the provisions of administrative rule R 436.1107.

B. The extension of time in which to renew the subject licenses and permits held by Trio's Entertainment, Inc. in escrow under administrative rule R 436.1107 is granted to April 30, 2013 (Request ID No. 492337).

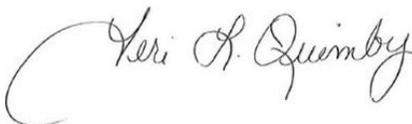
C. The file is to be returned to the Commission's Licensing Division to proceed in preparing the request to transfer ownership of the subject licenses to Trio's Entertainment, LLC (Request ID No. 565693) for Commission consideration.

MICHIGAN LIQUOR CONTROL COMMISSION



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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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