



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)
SILVIO'S ORGANIC PIZZERIA, INC.)
715 N. University)
Ann Arbor, Michigan 48104)
Washtenaw County)
_____)

Request ID No. 566332

At the November 29, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On July 15, 2010, Silvio's Organic Pizzeria, Inc. (applicant), holder of a Tavern license issued under MCL 436.1521a(1)(b) at the above-noted location, filed a request for a new SDM license with a new Specific Purpose Permit for the premises to be occupied from 11:00 A.M. until 12:00 Noon on Sundays for the service of Food; to add space to the physical structure of the licensed premises; and authorization for the outdoor sale, service and consumption of alcoholic liquor in two (2) areas: Area #1 is an area measuring up to 12' x 12' located approximately 100' from the licensed premises on the city sidewalk, to be enclosed by 3' tall stanchion poles with retractable belts. Area #2 is an area measuring up to 6' x 12' located immediately adjacent to the licensed premises in the lobby of the building containing the licensed premises, to be enclosed by 3' high poles with ropes, all to be held in conjunction with an existing. The applicant amended the request on July 21, 2011 to include a request for a new Dance Permit; and on September 22, 2011, the applicant cancelled the request to add space.

At a meeting held on December 29, 2011, the Commission approved the applicant's request for a new SDM license, new Dance Permit, and new Specific Purpose Permit

(Food). The Commission denied the applicant's request for two (2) new Outdoor Service Areas under administrative rule R 436.1419(1) after concerns that the licensee does not have control of the areas and intervening property because the areas are located within a common area of the building which houses the licensed premises, and located on the city sidewalk.

The SDM license, Dance Permit and Specific Purpose Permit (Food) were issued to the applicant on February 2, 2012.

Applicant stockholder, Silvio Medoro, submitted a timely request for an appeal in this matter and represented the applicant at the February 7, 2012 hearing, held at the Commission's Southfield office. After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission tabled this matter to its November 29, 2012 meeting agenda held at the Commission's Southfield office.

Attorney Steven Rich represented the applicant at the November 29, 2012 hearing and indicated that the applicant is amending the application by dropping the request for the outdoor service area located within the lobby of the building (Area #2). Attorney Rich also submitted an unexecuted Lease Addendum which sufficiently demonstrates the applicant's permission to utilize the lobby area for the purpose of traveling outside of the building and serving customers in the outdoor seating area. Attorney Rich also provided a valid Sidewalk Occupancy Permit from the City of Ann Arbor issued on May 4, 2012 and is valid until May 31, 2013, and indicated the permit will be renewed on an annual basis.

Subsequent to the hearing held on November 29, 2012, Attorney Rich provided an executed Lease Addendum dated November 29, 2012 as referenced to at the hearing.

After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record at the hearings held on February 7, 2012 and November 29, 2012, the Commission finds that the applicant sufficiently demonstrated through updated agreements that the previous questions concerning the application for Outdoor Service Area #1 has 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)(a), beer and wine may be sold for consumption on the premises. Under MCL 436.1537(1)(f), beer and wine may be sold for consumption off the premises.

The Commission finds sufficient reasons to amend its order issued in this matter and approve the applicant's request for authorization for the outdoor sale, service and consumption of alcoholic liquor in Area #1 for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The Licensing Approval Order of December 29, 2011 issued in this matter is AMENDED, and the applicant's request for authorization for the outdoor sale, service and consumption of alcoholic liquor in Area #1, which is an area measuring up to 12' x 12' located approximately 100' from the licensed premises on the city sidewalk, to be enclosed by 3' tall stanchion poles with retractable belts, 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 area has been completed as proposed and is well-defined and clearly marked; and to determine that the establishment meets all requirements of the Liquor Control Code and Administrative Rules.
2. The licensee shall maintain 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 outdoor service area shall remain well-defined and clearly marked; and the licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined areas only.

C. Under administrative rule R 436.1003, the licensee must 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.

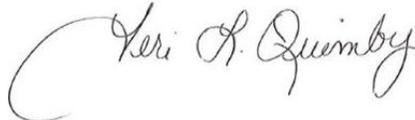
D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

E. The denial of the applicant's request for authorization for the outdoor sale, service and consumption of alcoholic liquor in Area #2, which is an area measuring up to 6' x 12' located immediately adjacent to the licensed premises in the lobby of the building containing the licensed premises and to be enclosed by 3' high poles with ropes, is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION



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

In the matter of)	
FALAH N. MUBAREZ)	
13290 Caldwell)	Business ID No. 153445
Detroit, Michigan 48212)	
)	
Wayne County)	
_____)	

At the November 29, 2012 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission is required to impose a suspension or revocation of the 2012 SDM license held by Falah N. Mubarez (licensee) at the above-noted address, as the licensee was found liable for four (4) violations of MCL 436.1801(2) on different occasions within a 24-month period. Those violations occurred on July 8, 2010, October 11, 2010, November 26, 2011 and April 14, 2012.

The penalty hearing was held on November 29, 2012 at the Commission's Southfield office. The licensee, Falah Mubarez, represented himself at the hearing.

After reviewing the record of the four (4) violations within a consecutive 24 month period which necessitated the penalty hearing, and hearing arguments from Mr. Mubarez, the Commission finds that the licensee has demonstrated reasons to order a further suspension. The licensee has a history which shows five (5) violations since being licensed on August 12, 2004. The same clerk at the store made two (2) of the last three (3) sales to very young patrons without demanding proper proof of identification and is still employed at the licensed business.

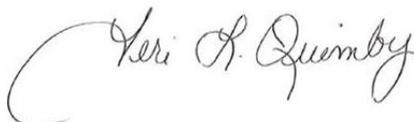
Under MCL 436.1903(1), the Commission must issue a penalty of suspension or revocation in this matter. The Commission believes that a twenty (20) day suspension is warranted for the reasons stated on the record, to be served on December 6, 2012, December 7, 2012, December 8, 2012, December 9, 2012, December 10, 2012, December 11, 2012, December 12, 2012, December 13, 2012, December 14, 2012, December 15, 2012, December 16, 2012, December 17, 2012, December 18, 2012, December 19, 2012, December 20, 2012, December 21, 2012, December 22, 2012, December 23, 2012, December 24, 2012 and December 25, 2012.

THEREFORE, IT IS ORDERED that:

- A. The 2012 SDM license is SUSPENDED for twenty (20) consecutive days, to be served on December 6, 2012, December 7, 2012, December 8, 2012, December 9, 2012, December 10, 2012, December 11, 2012, December 12, 2012, December 13, 2012, December 14, 2012, December 15, 2012, December 16, 2012, December 17, 2012, December 18, 2012, December 19, 2012, December 20, 2012, December 21, 2012, December 22, 2012, December 23, 2012, December 24, 2012 and December 25, 2012.
- B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.



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

In the matter of)	
NAJAT M. AL-HARRAQ)	
18744-18750 W. Warren)	Business ID No. 192653
Detroit, Michigan 48228)	
)	
Wayne County)	
_____)	

At the November 29, 2012 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission is required to impose a suspension or revocation of the 2012 SDD and SDM licenses with Sunday Sales Permit (P.M.) held by Najat M. Al-Harraq (licensee) at the above-noted address, as the licensee was found liable for three (3) violations of MCL 436.1801(2) on different occasions within a 24-month period. Those violations occurred on June 10, 2009, February 2, 2010 and March 12, 2011.

The penalty hearing was held on November 29, 2012 at the Commission's Southfield office. Representing the licensee at the hearing was Attorney Marshal Garmo and Najat M. Al-Harraq.

After reviewing the record of the three (3) violations within a consecutive 24 month period which necessitated the penalty hearing, and hearing arguments from Attorney Garmo, the Commission finds that the licensee has demonstrated reasons to order a further suspension. All three (3) sales at the store were made without demanding proper proof of identification, with no disciplinary action to the employees involved in the

transactions.

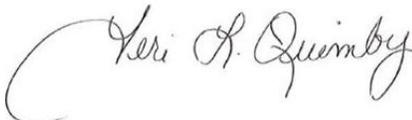
Under MCL 436.1903(1), the Commission must issue a penalty of suspension or revocation in this matter. The Commission believes that a ten (10) day suspension is warranted for the reasons stated on the record, to be served on December 6, 2012, December 7, 2012, December 8, 2012, December 9, 2012, December 10, 2012, December 11, 2012, December 12, 2012, December 13, 2012, December 14, 2012 and December 15, 2012.

THEREFORE, IT IS ORDERED that:

- A. The 2012 SDD and SDM licenses with Sunday Sales Permit (P.M.) are SUSPENDED for ten (10) consecutive days, to be served on December 6, 2012, December 7, 2012, December 8, 2012, December 9, 2012, December 10, 2012, December 11, 2012, December 12, 2012, December 13, 2012, December 14, 2012 and December 15, 2012.
- B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



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Terri Chase, Commission Aide

Date Mailed: _____