



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

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In the matter of the request of ) ) <b>BEARDSLEY &amp; GIBBS, LLC</b> ) 8374 S. Thirty Sixth ) Scotts, Michigan 49088 ) ) Pavilion Township Kalamazoo County ) _____ )	Request ID No. 772189
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At the March 24, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

**CONDITIONAL LICENSE APPEAL ORDER**

On November 17, 2014, Beardsley & Gibbs, LLC (applicant) filed a request for a Conditional License under MCL 436.1525(6) to be held at the above-noted location. The applicant has also submitted a request for a new Specially Designated Merchant license with Sunday Sales Permits (A.M.) at this location and that request is pending final consideration by the Commission.

At a meeting held on February 10, 2015, the Commission denied the applicant's conditional license request under the provisions of MCL 436.1525(6). The request was also denied under administrative rules R 436.1105(2)(b) and R 436.1105(2)(j) after considering the prior operating record of the applicant, 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.

Applicant member, Robert Beardsley, submitted a timely request for an appeal in this matter and Attorney John David Gardiner represented the applicant at the March 24, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and documents submitted, and discussion of the issue on the record, the Commission finds that the applicant adequately addressed the Commission's concerns in this matter.

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 licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) the licensee may beer and wine 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 conditional license request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of February 10, 2015 issued in this matter is reversed and the applicant's request for a conditional Specially Designated Merchant license under MCL 436.1525(6) is APPROVED, subject to the following:

1. The 2014 Specially Designated Merchant license held by Pedarma, Inc. at this location (Business ID No. 14273) shall be submitted to the Commission before or at the time of the issuance of the conditional license, and remain in escrow under administrative rule R 436.1107; and not be reactivated at this location.
2. The conditional license is non-transferable and non-renewable, and expires one year after the date the conditional license was issued unless one of the other expiration factors is reached earlier under MCL 436.1525(7).
3. The conditional licensee shall submit to the Commission form LCC-

3010 "Report of Stockholders/Members/Partners".

4. The conditional 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 license until the conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. Failure by the conditional licensee to comply with all laws and rules may result in the revocation of the approval contained in this order.

C. The approval of this conditional license does not guarantee approval by the Commission of the request for a new license. Any investments made by the conditional license applicant are done at the applicant's risk.

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

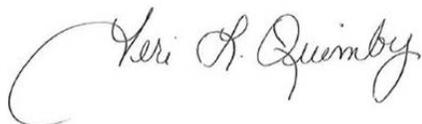
E. Failure to comply with all requirements of licensure in the State of Michigan will result in the conditional licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the conditional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

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

Date Mailed:

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