



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

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In the matter of the request of )  
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**BORCHARDTS MARKET LLC** ) Request ID No: 801538  
8901 Onsted )  
Onsted, Michigan 49265 )  
)  
Lenawee County )  
\_\_\_\_\_)

At the September 1, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

**LICENSING APPEAL ORDER**

On May 11, 2015, Borchardts Market LLC (applicant) filed a request for a new Specially Designated Merchant license with Sunday Sales Permit (A.M.), to be held at the above-noted location.

At a meeting held on July 29, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of the applicant as a current licensee of the Commission at multiple locations, who has been cited and found responsible for multiple violations of the Michigan Liquor Control Code and Administrative Rules, including six (6) violations of the sale of alcoholic liquor to a person under 21 years of age; which is contrary to MCL 436.1801(2).

The request was also denied under administrative rule R 436.1105(2)(j) after

considering 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.

Michael Brown, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the September 1, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with 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.

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 sell 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 request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of July 29, 2015 issued in this matter is reversed and the applicant's request for a new Specially Designated Merchant license 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 the renovations have been completed as proposed; to determine that sufficient inventory has been installed to determine and verify the true nature of the business; and to determine that the licensed premises meets all the requirements of the Michigan Liquor Control Code and Administrative Rules.
2. The licensee shall submit to the Commission a signed land contract, real estate mortgage, warranty deed or quit claim deed.
3. The licensee shall submit to the Commission and acceptable and executed Lease Agreement between Borchardts Market LLC and Blinamor Properties, LLC.
4. The licensee shall submit to the Commission verification that Borchardts Market LLC received a loan in the amount of \$200,000 from Capital Fund Services, Inc.
5. The licensee shall submit to the Commission verification that Blinamor Properties, LLC received a loan in the amount of \$362,800 from Blissfield State Bank.
6. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
7. The licensee shall provide 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 applicant's request for a new 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 A.M. and 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 pay all license fees by April 30<sup>th</sup> each year pursuant to administrative rule R 436.1107.

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

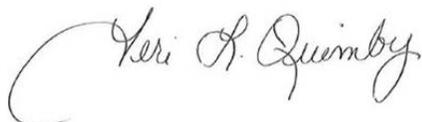
E. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permit.

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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