



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

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In the matter of)
BRASS RAIL LLC)
18-24 W. Adams) Business ID No. 223065
Detroit, Michigan 48226)
Wayne County)

At the March 28, 2013, hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

SHOW CAUSE HEARING ORDER

Brass Rail LLC (licensee) currently holds 2012 Class C and SDM licenses with Sunday Sales Permit (P.M.), Sunday Sales Permit (A.M.) and Outdoor Service (1 area) at the above-noted address.

After discovering that many discrepancies existed within the licensing record for the licensee and having concerns whether or not the licensing qualifications were being met, at a meeting held on August 31, 2012 the Commission ordered a Show Cause Hearing be scheduled under administrative rule R 436.1925(1) to determine whether the licensee is in compliance with the MLCC Code and Administrative Rules for the Class C and SDM licenses and permits, and whether or not the Commission should revoke these licenses and any permits or permissions held in conjunction with these licenses, and any or all other issues related to the licenses, permits and permissions.

The Commission held the show cause hearing in this matter on September 13, 2012 at its Southfield office. Representing the licensee at the hearing was Attorney Michael Langnas.

After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record, the Commission tabled this matter to its March 28, 2013 meeting agenda held in Southfield.

After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record at both hearings held in this matter, the Commission finds that the applicant sufficiently addressed the concerns of the Commission that necessitated the scheduling of the hearing in this matter, and no further action should be taken to affect the status of the Class C and SDM licenses and permits issued to the licensee at this time.

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)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises. Under MCL 436.1537(1)(f), the licensee may sell beer and wine for consumption off the premises.

THEREFORE, IT IS ORDERED that:

A. No further action will be taken to affect the status of the Class C and SDM licenses and permits issued to the licensee at this time.

B. 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.

C. 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.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide
Date Mailed: _____