



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

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| In the matter of) BRUCE A. PATULSKI) MIRIAM L. PATULSKI (Estate)) 2377 Water) Stronach, Michigan 49660)) Stronach Township Manistee County) <hr style="width: 100%; margin-top: 10px;"/> | Business ID No. 10132 |
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At the March 5, 2013 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 July 11, 1978, William J. Patulski and Miriam L. Patulski (licensee) were approved for a new SDM license with permission for motor vehicle fuel pumps under MCL 436.1541(3), to be held at the above-noted location. A request for an SDD license with permission for motor vehicle fuel pumps under MCL 436.1541(4) to be held in conjunction with the existing SDM license was approved on September 4, 1979.

On September 22, 1992, Bruce A. Patulski was added as a partner on the licenses with William J. Patulski and Miriam L. Patulski. William J. Patulski passed away in 2003 and was dropped as a partner on the licenses on April 27, 2005. A request to drop space of the licensed premises was submitted on July 18, 2008 and it was discovered the gas pumps were no longer installed at the licensed premises. On April 4, 2011, Bruce Patulski submitted a letter to the Commission requesting to retain the permission for motor vehicle fuel pumps held in conjunction with the licenses as he was attempting to secure a contract

with an oil company.

At a meeting held on August 9, 2012, the Commission ordered a Show Cause Hearing be scheduled under administrative rule R 436.1925(1) to determine why the permission for motor vehicle fuel pumps under MCL 436.1541(3) and MCL 436.1541(4), held in conjunction with the SDD and SDM licenses, should not be cancelled for failure to comply with the provisions of licensure under MCL 436.1541(3) and MCL 436.1541(4).

The Commission scheduled and held the Show Cause Hearing in this matter on October 30, 2012 at the Commission's Lansing office. Representing the licensee at the hearing was Attorney Josh Reece and Bruce Patulski. Also present at the hearing representing the estate of Miriam Patulski was Attorney Patrick Doherty. After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission tabled this matter to a future meeting agenda.

Subsequent to the show cause hearing held in this matter, Bruce Patulski submitted a request to cancel the permission for motor vehicle fuel pumps under MCL 436.1541(3) and MCL 436.1541(4), held in conjunction with the SDD and SDM licenses.

The Commission placed this matter on its March 5, 2013 hearing agenda held at the Commission's Lansing office. After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated that the business no longer utilizes motor vehicle fuel pumps and requested the permission for motor vehicle fuel pumps held in conjunction with the licenses be cancelled.

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) and (g), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption off the premises only.

THEREFORE, IT IS ORDERED that:

A. The permission for motor vehicle fuel pumps under MCL 436.1541(3) and MCL 436.1541(4), held in conjunction with the SDD and SDM licenses, is CANCELLED.

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: _____