



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

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In the matter of the request of)) CRIST INVESTMENT COMPANY INC.) 64883 M 66) Sturgis, Michigan 49091)) Sherman Township St. Joseph County) _____)	Request ID No. 772015
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At the January 27, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

CORRECTED ORDER

CONDITIONAL LICENSE APPEAL ORDER

On November 12, 2014, Crist Investment Company Inc. (applicant) filed a request for a conditional license under MCL 436.1525(5), as well as a request for a new Specially Designated Merchant license with permission for motor vehicle fuel pumps under MCL 436.1541(3), and Sunday Sales Permit (A.M.) to be held at the above-noted address.

At a meeting held on December 9, 2014, the Commission denied this request under MCL 436.1525(5); and under administrative rule R 436.1105(2)(a) and (c) after considering the applicant’s previous violation history as a licensee of the Commission at multiple locations that have been that was cited and found responsible for numerous violations of the Michigan Liquor Control Code and Administrative Rules.

The Commission also denied this request 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 January 27, 2015 hearing, held at the Commission's Lansing office.

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

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), 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 conditional license request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of December 9, 2014 issued in this matter is reversed and the applicant's request for a conditional license under MCL 436.1525(5) is APPROVED, subject to the following:

1. 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).
2. The conditional licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. 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 and permit until the conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request for conditional permission for motor vehicle fuel pumps on or adjacent to licensed premises under MCL 436.1541(3) is APPROVED, subject to the following:

1. The conditional licensee shall maintain the minimum required inventory of \$10,000 at all times pursuant to MCL 436.1541(3).

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

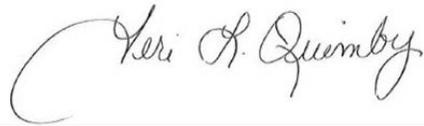
D. Under administrative rule R 436.1003, the conditional licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the 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



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

tlc