



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

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In the matter of the request of)
)
DOYLE OPERATIONS, INC.) Request ID No. 756681
4945 S. Division)
Wyoming, Michigan 49548)
)
Kent County)
_____)

At the February 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

LICENSING APPEAL ORDER

On May 5, 2014, Doyle Operations, Inc. (applicant) filed a request to transfer ownership of a 2014 Class C license with Sunday Sales Permit (P.M.), Dance Permit and Catering Permit from Sizzlin 5, Inc. at the above-noted location. The applicant also requested a new Specific Purpose Permit for the premises to be occupied from 10 A.M. to Noon on Sundays for the service of food.

At a meeting held on January 14, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the prior operating record of applicant stockholder, Thomas Doyle, who is licensed at multiple locations that have been cited and found responsible for 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.

Christopher Baker, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the February 24, 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)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

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 January 14, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the 2014 Class C license is APPROVED, subject to the following:

1. The licensee shall submit to the Commission Exhibits A and B to the Inventory Bill of Sale.
2. The licensee shall submit to the Commission an acceptable and

executed Lease Agreement.

3. The licensee shall submit to the Commission a Real Estate Transfer Tax Valuation Affidavit attachment to the Warranty Deed.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The licensee shall submit to the Commission Form LC-3012 "Closing Form for License Sale".
6. Completion of transfer stock under Master Request ID No. 769422.
7. The licensee shall submit 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 permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
8. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result

in fines, suspension and/or revocation of the license and permits.

B. The applicant's request to transfer the existing permit to sell alcoholic liquor after Noon on Sundays is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. The applicant's request to transfer the existing Dance Permit is APPROVED, subject to the following:

1. The licensee must have a well-defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415.
2. The licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

D. The applicant's request to transfer the existing Catering Permit is APPROVED, subject to the following:

1. Receipt of a copy of the applicant's food service establishment license or retail food establishment license issued under the Food Law of 2000 (MCL 289.1101 to 289.8111).

E. The applicant's request for a new Specific Purpose Permit for the premises to be occupied from 10 A.M. to Noon on Sundays for the service of food is APPROVED, subject to the following:

1. Under administrative rule R 436.1437(2), the licensee shall not allow customers on the licensed premises during the time period provided by the Specific Purpose Permit unless the activity, and only that activity, allowed by the Specific Purpose Permit, is occurring.

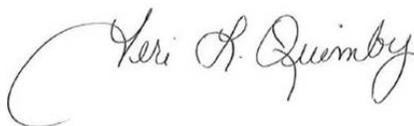
F. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and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

G. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

aml/tlc