



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

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In the matter of the request of)	
FAMOUS DOOR II, INC.)	
1416-1422 Griswold)	Request ID No. 569777
Detroit, Michigan 48226)	
)	
Wayne County)	
_____)	

At the March 21, 2013 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On September 8, 2010, Famous Door II, Inc. (applicant) filed a request to transfer stock in the Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, Topless Activity Permit, Specific Purpose Permit (Food) and Three (3) Bars held at the above-noted location, wherein DK Investment Group, LLC transfers 4,500 shares of stock to new stockholder, Touchless Ent., LLC (Step 1), and by dropping DK Investment Group, LLC as a stockholder through transfer of 45,500 shares of stock to Touchless Ent., LLC (Step 2). Brian Hanna is the sole member in Touchless Ent., LLC.

At a meeting held on August 29, 2012, the Commission denied this request under administrative rule R 436.1105(2)(a) and (b) because Brian Hanna has been a licensed stockholder in Hanna Brothers Worldwide, Inc. at 902 W. Michigan, Ypsilanti, Washtenaw County since August 26, 2008, and that location has been found responsible for numerous violations of the Liquor Control Code and Administrative Rules. The Commission also

based the denial of this request under administrative rule R 436.1105(2)(d) because the Detroit City Council submitted a resolution from a meeting held on January 31, 2012 objecting to this request. Further, the request was 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.

Gus Abro, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the October 25, 2012 hearing, held at the Commission's Southfield office.

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. The matter was placed on the March 21, 2013 appeal hearing agenda at the Commission's Southfield office and Attorney Gus Abro and Attorney Bryant Schulman represented the applicant at the hearing.

After hearing arguments at both hearings held in this matter, reviewing the MLCC file, 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, and sufficiently answered the previous questions raised concerning the applicant member.

Under administrative rule R 436.1105(2)(d), the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business. The opinion received from the Detroit City Council was considered by the Commission.

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 August 29, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission the outstanding fine in the amount of \$10,000.00 associated with Complaint No. 0-142598 issued against Hanna Brothers Worldwide, Inc.
2. The licensee shall submit to the Commission documentary proof that Touchless Ent., LLC received a loan in the amount of \$93,000.00 from Tom Jajo.
3. The licensee shall submit to the Commission documentary proof that Touchless Ent., LLC received a loan in the amount of \$107,000.00 from Hanna Brothers Worldwide, Inc.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The 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

permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

6. 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 from the issuance of the license and permit 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. 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.

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 license 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: _____