



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

* * * * *

In the matter of the request of)
)
FRONT PAGE, LLC) Request ID No. 774825
29161 E Jefferson)
Saint Clair Shores, Michigan 48081)
)
Macomb County)
_____)

At the March 26, 2015 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

CONDITIONAL LICENSE APPEAL ORDER

Front Page, LLC (applicant) has filed an application for a conditional license under MCL 436.1525(6), as well as a transfer of ownership of the 2014 Class C and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) from Macri, Inc., to be held at the above-noted address.

At a meeting held on February 20, 2015, the Commission denied this request under MCL 436.1525(6); and MCL 436.2003 because it appears that applicant member, Robert Tracey, provided false and fraudulent information on his application form and to the Commission's representative by failure to disclose a 1979 misdemeanor.

Further, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the violation record of Robert Tracey as a prior

licensee of the Commission 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.

Thomas McHugh, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the March 26, 2015 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 finds that based on statements made at the hearing and updated documents that were submitted, the applicant has adequately addressed the Commission's concerns with this application.

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 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 February 20, 2015 issued in this matter is reversed and the applicant's request for conditional Class C and Specially Designated Merchant licenses under MCL 436.1525(6) is APPROVED, subject to the following:

1. The existing licenses and permit shall be submitted to the Commission before or at the time of the issuance of the conditional license, and remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(8).
2. Receipt of form LCC-3014 (Request and Notice of License to Be Placed in Escrow).
3. 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(8).
4. 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 licenses and permit until the conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
5. The conditional 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 conditional license, as provided in administrative rule R 436.1060.

- a. The conditional 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 conditional 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 licenses and permit.

B. The applicant's request for a conditional 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 approval of this conditional license does not guarantee approval by the Commission of the request to transfer the existing license. Any investments made by the conditional license applicant are done at the applicant's risk.

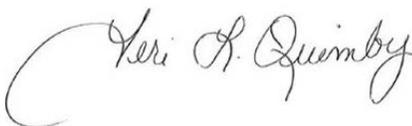
D. Under administrative rule R 436.1003, the conditional licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the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