



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

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In the matter of the request of)) HARI'S PARTY STORE NO. 2, INC.) R 6, 3005 Lawndale) Saginaw, Michigan 48603)) Saginaw Township Saginaw County) _____)	Request ID No: 768759
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At the January 22, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On September 12, 2014, Hari's Party Store No. 2, Inc. (applicant) filed a request to transfer ownership of the 2014 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) and Sunday Sales Permit (A.M.) from A.A. Wind Trade Global, L.L.C. at the above-noted location.

At a meeting held on November 19, 2014, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant stockholder, Arvinder Pal Singh, as a current licensee of the Commission cited and found responsible for two (2) violations of the sale of alcoholic liquor to a person under 21 years of age; contrary to MCL 436.1801(2).

The request was also 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.

Thomas Giachino, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 22, 2015 hearing, held at the Commission's Southfield 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 sufficiently 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 licensee 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 spirits, mixed spirit drink, 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 request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of November 19, 2014 issued in this matter is reversed and the applicant's request to transfer ownership of the 2014 Specially Designated Distributor and Specially Designated Merchant licenses is APPROVED, subject to the following:

1. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
2. The licensee shall submit to the Commission form LCC-3012 "Closing Form for License Sale".
3. The licensee shall submit to the Commission an acceptable and executed Lease Agreement between Hari's Party Store No. 2, Inc. and Harmandeep, L.L.C.

4. The licensee shall submit to the Commission an acceptable and executed Land Contract for Harmandeep, L.L.C.
5. The licensee shall submit to the Commission verification that Hari's Party Store No. 2, Inc. has received a loan in the amount of \$90,000 from Hari's Party Store, Inc.
6. The licensee shall submit to the Commission verification that Harmandeep, L.L.C. has received a loan in the amount of \$30,000 from Hari's Party Store, Inc.
7. The licensee shall provide 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 permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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 Sunday Sales Permit (A.M.) is APPROVED, subject to the following:

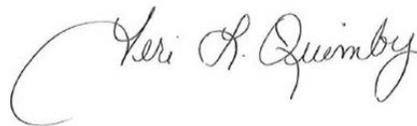
1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, or

township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

D. 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 licenses 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.

E. 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 licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

AL/TLC

Date Mailed: