



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

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In the matter of the request of)) HOOVER PARTY STORE, INC.) 24005 Hoover) Warren, Michigan 48089)) Macomb County) _____)	Request ID No. 703054
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At the February 19, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On May 14, 2013, Hoover Party Store, Inc. (applicant) filed a request for to transfer ownership of an escrowed 2013 Specially Designated Distributor (SDD) license from Blue Sea Management, LLC; and requested to transfer location of the license from 21834 Schoenherr, Warren, Macomb County, to the above-noted location; to be held in conjunction with an existing Specially Designated Merchant license. The applicant also requested a new Sunday Sales Permit (P.M.) to be held in conjunction with the licenses.

At a meeting held on July 24, 2013, the Commission denied the subject request under administrative rule R 436.1133 because there are two (2) existing SDD licensees located within 2,640 feet of the proposed location (SNB Futures, LLC and Joseph’s Party Store, Inc.); and it appeared the applicant did not qualify for a waiver under administrative rule R 436.1133 relative to Joseph’s Party Store, Inc.

Frank Palazzolo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the August 22, 2013 hearing, held at the Commission’s Southfield office

After hearing arguments, reviewing the MLCC file and Exhibit presented, and discussion of the issue on the record, the Commission tabled this matter to the February

19, 2015 meeting agenda in Southfield.

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record at both hearings held in this matter, the Commission finds that the existing SDD location of Joseph's Party Store, Inc. is separated from the applicant's proposed location by a major thoroughfare at the intersection of Hoover and Stephens.

The Commission concludes that the applicant qualifies for a waiver of administrative rule R 436.1133 as permitted under (c) in regards to Joseph's Party Store, Inc. and SNB Futures, LLC.

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 July 24, 2013, issued in this matter is reversed and the applicant's request to transfer ownership of the escrowed Specially Designated Distributor license from Blue Sea Management, LLC is APPROVED, subject to the following:

B. The applicant's request to transfer location of the Specially Designated Distributor license from 21834 Schoenherr, Warren, Macomb County, to 24005 Hoover, Warren, Macomb County, is APPROVED.

C. The applicant's request for a new 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.

D. The licensee shall maintain proof of financial responsibility providing security for liability and failure to do so 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.

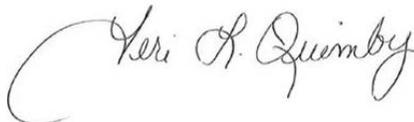
E. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and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

F. 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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

Date Mailed:

tlc