



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

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In the matter of the request of)
I-94 PARTY STORE, LLC)
6315 Ann Arbor) Request ID No. 671118
Jackson, Michigan 49201)
)
Leoni Township Jackson County)
_____)

At the February 28, 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 October 15, 2012, I-94 Party Store, LLC (applicant) filed a request for a new SDM license and new Sunday Sales Permit (A.M.) to be located at the above-noted address.

At a meeting held on December 12, 2012, the Commission denied this request under administrative rule R 436.1105(2)(d) and (j) after considering the unfavorable opinion submitted by the Jackson County Sheriff Department for this application, and after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public.

Attorney Frank Palazzolo submitted a timely request for an appeal in this matter and represented the applicant at the February 28, 2013 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 the applicant 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 Jackson County Sheriff Department 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 licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. 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 request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of December 12, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to a final inspection to be conducted by the Commission's Enforcement Division to determine that sufficient inventory has been installed to determine to verify the true nature of the business; and to determine that the establishment meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
2. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.

3. The licensee shall submit to the Commission verification that I-94 Party Store, LLC received a loan in the amount of \$7,000.00 from DM Petroleum 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 permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The licensee's request for a new permit to sell alcoholic liquor between 7 a.m. and Noon on Sundays is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7:00 A.M. and 12:00 Noon on Sundays. If notice and supporting documentation is received by the Commission, a show cause hearing will be scheduled before the Commission under Administrative Rule 436.1925(1) to determine if the permit must be revoked.

C. 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.

D. 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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____