



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

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In the matter of the request of)
)
JENNIFER M. WEBER) Request ID No. 768610
229 Second)
Ludington, MI 49431)
)
)
_____)

At the February 24, 2015 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

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

LICENSING APPEAL ORDER

On September 10, 2014, Jennifer M. Weber (applicant) filed a request for a new Specially Designated Merchant license with Sunday Sales Permit (A.M.) to be held at the above-noted location.

At a meeting held on December 10, 2014, the Commission denied this request under administrative rules R 436.1105(2)(g)(i) and R 436.1105(2)(j) after considering the prior arrest and conviction record of the applicant; and 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. The Commission also denied this request under MCL 436.2003 because the applicant failed to disclose her arrest and conviction record on the application form.

Jennifer Weber submitted a timely request for an appeal in this matter and represented herself at the February 24, 2015 hearing, held at the Commission’s Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on

the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to her past conviction record and disclosure of same during the application process; removing the previous questions concerning the applicant.

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 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 10, 2014 issued in this matter is reversed and the applicant's request for a new Specially Designated Merchant license is APPROVED.

1. The Licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that all renovations have been completed as proposed; to determine that sufficient inventory has been installed in order to verify the true nature of the business; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
2. 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 license and permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
3. The licensee shall submit to the Commission form LCC-3012 "Closing Form for License Sale".

B. The applicant'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 A.M. and 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 R 436.1925(1) to determine if the permit must be revoked.

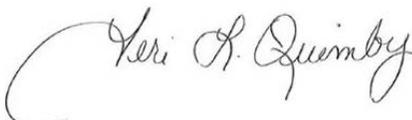
C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling 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, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of this license.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

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A handwritten signature in cursive script, appearing to read "Dennis Olshove".

Dennis Olshove, Commissioner

Date Mailed:
aml/tlc