



At a meeting held on March 18, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering that the licensee's management experience and prior operating record as a current licensee that has been found responsible for numerous violations of the Michigan Liquor Control Code and Administrative Rules; including a violation pending final review by the Commission.

Licensee member, Casey Lim, submitted a timely request for an appeal in this matter and represented the licensee at the April 7, 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 licensee sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with 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.

The licensee 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 licensee's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 18, 2015 issued in this matter is reversed and the licensee's request for a Temporary Outdoor Service Permit in an area measuring up to 20'

x 40', located 10 feet from the licensed premises, is well-defined and clearly marked, for an event to held on April 26, 2015 is APPROVED, subject to the following:

1. The outdoor service area shall remain well-defined and clearly marked.
2. The licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined area only.
3. The licensee shall not accept, nor shall a licensed wholesaler or any other non-retail licensee provide brand logoed refrigeration trucks or any other merchandise of secondary use and value in connection with the event unless the wholesaler or non-retail licensee is in compliance with the Commission's order relative to on premise promotions under administrative rule R 436.1321.
4. The licensee shall provide service of alcoholic beverages in this area only by wait staff servicing the tables, unless the licensee uses an approved additional bar in this area where customers may obtain their alcoholic beverages from a bartender using a currently authorized additional bar or receiving approval by the Commission for a new additional bar permit.
5. The licensee shall obtain prior approval from the Commission for contests with prizes to be awarded totaling \$250.00 or more; the awarding of such prizes without approval is prohibited.

B. 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 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.

C. 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



---

Andrew J. Deloney, Chairman



---

Dennis Olshove, Commissioner

Date Mailed:

tlc