



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

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In the matter of the request of)) KJ LAND, INC.) 7907 Sprinkle) Portage, Michigan 49002)) Kalamazoo County) _____)	Request ID No. 806744
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At the October 20, 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 June 19, 2015, KJ Land, Inc. (applicant) filed a request to transfer ownership of a 2015 Specially Designated Distributor license, only, with Sunday Sales Permit (P.M.) from Forman Enterprises, Inc. The applicant also requested transfer location (governmental unit) under MCL 436.1531(18) from R5, 7525 E N, Kalamazoo, Comstock Township, Kalamazoo County, to the located at the above-noted address; to be held in conjunction with existing 2015 Specially Designated Merchant license with Sunday Sales Permit (A.M.).

At a meeting held on September 15, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of the applicant at the current licensed location, that was cited and found responsible for three (3) violations of the sale of alcoholic liquor to a person under 21 years of age, which is contrary to MCL 436.1801(2); and the most recent violation occurred on May 13, 2015.

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.

John David Gardiner, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the October 20, 2015 hearing, held at the Commission's Lansing 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.

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 applicant 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 beer, wine, mixed spirit drink and spirits 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 September 15, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the 2015 Specially Designated Distributor license, only, from Forman Enterprises, Inc. is APPROVED, subject to the following:

1. The existing Specially Designated Distributor license being transferred shall be submitted to the Commission for escrow purposes pursuant to MCL 436.1531(18) before transfer of the Specially Designated Distributor license to the applicant. The existing Specially Designated

Distributor license in escrow shall be subject to the provisions of administrative rule R 436.1107.

2. The licensee shall submit to the Commission the remaining Specially Designated Distributor license and/or permit fees in the amount of \$169.05, pursuant to MCL 436.1525(1)(k).
3. The licensee shall submit to the Commission documentary proof that KJ Land, Inc. received a loan in the amount of \$142,000.00 from Kulvir Singh.
4. The licensee shall submit to the Commission Form LC-3012 "Closing Form for License Sale".
5. The licensee shall provide 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 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 location (governmental unit) under MCL 436.1531(18) from R5, 7525 E N, Kalamazoo, Comstock Township, Kalamazoo County, to 7907 Sprinkle, Portage, Kalamazoo County is APPROVED.

C. 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.

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

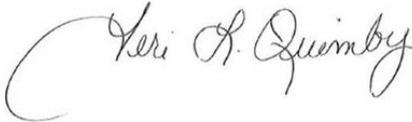
licensee. Approval of the licenses and permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

tlc